

REQUEST FOR QUOTATION FOR GOODS AND SERVICES FOR AIR TRAFFIC AND NAVIGATION SERVICES

RFQ REFERENCE NUMBER:	ATNS/FAGG/RFQ145/21/04/2023/2024_Fire Detection & Suppression Systems Maintenance
ISSUE DATE:	25 July 2023
CLOSING DATE:	08 August 2023
CLOSING TIME:	13h00, CAT
COMPULSORY BRIEFING SESSION AND SITE INSPECTION:	Date: 03 August 2023 Time: 11h00 CAT Venue: ATNS George Airport Control Tower George, 6530 NB: The supplier who will be attending the briefing session must confirm and express their interest to Thokop@atns.co.za Refer to page 5 for details
QUOTATION VALIDITY PERIOD:	60 Days
DESCRIPTION:	APPOINTMENT OF A SERVICE PROVIDER PROVIDE FIRE & SUPPRESSION SYSTEM SERVICES FUNCTION AND ASSIST ATNS TO ACCOMPLISH ITS RISK MANAGEMENT OBJECTIVES BY INSURING THE EFFECTIVENESS OF ITS FIRE & SUPPRESSION SYSTEM SERVICE WITHIN ATNS FAGG AND LOCAL SITES FOR A PERIOD OF FIVE (5) YEARS.

RFQ DOCUMENTS MAY BE ADDRESSED TO:	Procurement Officer: Thoko Phukubye Email address: RFQs@atns.co.za NB: Please note our emails can only receive documents that are less 40MB, if documents are more, please send them in separate emails. NB: All responses must be submitted on the above dedicated mailbox. No hand delivery submissions will be considered.
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REQUIRED DOCUMENTS:	RETURNABLE - Central Supplier Database (CSD) Report - Duly completed and signed SBD Forms (SBD1, SBD 4, SBD 6.1) - General conditions of contracts (GCCs) -Initialled and signed. - ATNS Completed pricing schedule
REQUIRED ADMINISTRATIVE DOCUMENTS:	- Valid Tax Pin Status - Valid B-BBEE Certificate or Sworn Affidavit – Certified - Banking Details with a Bank Stamp - Quotation on the Company Letterhead - CIPC registration Documents

MANDATORY DOCUMENTS: <i>NB: FAILURE TO SUBMIT ALL OF THESE DOCUMENTS WILL RESULT ON YOUR QUOTATION BEING DISQUALIFIED.</i>	• Provide proof of Previous Relevant experience on Fire Detection and Suppression Systems Service & Maintenance. References must be in a form of a signed reference letter/s on a client's business letterhead stating the scope and description of the services rendered, contract duration, with contact name, Contact number and position of the referee. Reference letters must not be older than 5 years by closing date of this RFQ. • Proof of membership to Fire Fighting Equipment Traders Association (FFETA) or equivalent.
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<u>PLEASE NOTE:</u>	
ATNS RESERVES THE RIGHT TO APPOINT MORE THAN ONE SERVICE PROVIDERS	
PROCUREMENT OFFICER:	Thoko Phukubye
TELEPHONE:	011 607 1000
E-MAIL:	<u>RFQs@atns.co.za</u>

The ATNS requests your quotations on the services listed hereunder and/or on the available RFQ forms. Please furnish all information as requested and return your proposal on the date stipulated. Late submissions will not be considered. Incomplete / missing documentations will invalidate the proposal submitted. ATNS is not obliged to accept the lowest or any submission received. ATNS reserves the rights to accept the whole or any portion of a quotation.

This RFQ will be evaluated on the basis of the 80:20 preference point system as stipulated in the ATNS' Procurement Policies and Procedures.

BIDDING STRUCTURE

Indicate the type of Bidding/Tendering Structure by marking with an 'X'	
Individual Bidder	
Joint Venture	
Consortium	

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With Sub-Contractors	
Other	
If Individual:	
Name of Bidder	
Registration Number	
VAT Registration Number	
Contact Person	
Telephone Number	
Fax Number	
Cell Number(s)	
E-mail Address	
Postal Address	
Physical Address	
If Joint Venture or Consortium, indicate the name/s of the partners:	
Company Name	
Registration Number	
VAT Registration Number	
Contact Person	
Telephone Number	
E-mail Address	
Fax Number	
Postal Address	
Physical Address	

ANNEXURE A - SPECIFICATIONS

1. SCOPE OF WORK

Appointment of a service provider is to provide Fire & Suppression system services function and assist ATNS to accomplish its risk management objectives by insuring the effectiveness of its Fire & Suppression system service within ATNS FAGG and local sites for a period of five (5) years.

1.1 ROLE AND OBJECTIVES

The objective of this bid is to appoint a suitable Fire Detection and Suppression system service provider that can provide assurance to ATNS Management in discharging its responsibilities regarding Fire Detection and Suppression systems at all sites. The bidder must demonstrate the capability to perform effective service & maintenance of Fire Detection and suppression system at our sites in accordance with all legal and statutory requirements.

1.1.1 The proposals should be for the following:

- Development of the risk based three year rolling plan for Service & Maintenance of Fire Detection and Suppression units at the following sites: all dual units have automatic change over controls.
- 6 Monthly Service and Maintenance of all Fire detection and suppression systems in George Airport Tower Complex, George SSR TOWER, Blesberg SSR • Yearly maintenance of all Fire extinguishers bottles

2. FORMAL BRIEFING

- A compulsory pre-quotation site meeting and/or RFQ briefing will be conducted at the ATNS Offices George Airport (FAGG), on the 3rd of August 2023, at 11h00 for a period of $\pm$ 2 hours.
 - The briefing session will begin on time, and information will not be repeated for the advantage of bidders who arrive late.
 - Failure to attend the to attend the compulsory RFQ briefing will result in disqualification.
 - Bidders are encouraged to bring a copy of the RFQ to the site meeting and/or RFQ briefing.

ANNEXURE B

PRICING SCHEDULE

ATNS Equipment

<u>George Airport Tower Complex</u>		
Distance in Km		
<u>Equipment</u>	<u>Quantity</u>	<u>Price Maintenance</u>
GE Fire detection panel	1	
Smoke detectors	3	
Fire Extinguisher bottles (Handheld)	10	
<u>George SSR Tower</u>		
Distance in Km from main complex	4Km	
<u>Equipment</u>	<u>Quantity</u>	<u>Price Maintenance</u>
Ziton ZP3 master Fire detection panel	1	
Ziton ZP3 slave Fire detection panel	4	
Smoke detectors (Wesda Laser Focus 250)	1	
Smoke detectors (Normal)	6	
FM200 Extinguisher bottles (89Kg)	2	
FM200 Extinguisher bottles (21,5Kg)	1	
CO2 Extinguishing system	1	

<u>Blesberg SSR</u>		
Distance in Km from main complex (4X4 Vehicle required)	170Km	
<u>Equipment</u>	<u>Quantity</u>	<u>Price Maintenance</u>
Fire detection panel	1	
Smoke detectors	4	
CO2 Extinguishing system	1	
Caddx – channel alarm panel		

- Fire Detection System:
 - Check Fire Control Panel for correct operation. ○ Check Fire Control Panel for System and Installation Requirements.
 - Check Fire Detection System for correct operation. (SANS 10139, 1450, 322, 369) ○ Check Fire Detection System for System and Installation Requirements. (SANS 10139, 1450, 322, 369) ○ Check Fire Detection System Cabling for damage and proper connections.
 - Check Fire Detection System Audible and visual warning devices.
 - Check output of Fire Detection System to Fire Extinguishing system Actuators for correct operation.
 - Check output of Fire Detection System to Electronic release points for correct operation.
- Fire Extinguishing System:
 - Check Fire Extinguishing System for correct operation and installation requirements. (SANS 10139, 1450, 322, 369) ○ Check Extinguishing storage area for functional system and installation requirements.
 - Check Cylinders for pressure test validity. ○ Check Cylinders volumes to be correct. ○ Check Distribution piping for functionality and installation requirements. ○ Check Discharge Nozzles for functionality and installation requirements

- Room Integrity:
 - Check physical Integrity of enclosure.
 - Check Room Integrity.
- Signage:
 - Check signage for correctness. Position, type and colouring).

ADHOC Services

- All ADHOC services, unit replacement and new installations at any ATNS site as required (To be quoted separately).

The Scope of Work includes:

- Installation and maintenance of Fire Detection and suppression systems, equipment and services.
- Project Management (frequent site/equipment inspections) Inspections successful completion of project objectives)
- Attendance and reporting to the ATNS FAGG Management on an annual basis any significant findings identified.
- The performance of any other ADHOC requirement requested by management on quotation basis.
- All Fire Detection and Suppression service reports and working papers shall remain the property of ATNS.

NAME OF THE COMPANY.....

DESIGNATION.....

SIGNATURE.....

CSD NUMBER.....

PREFERENTIAL PROCUREMENT REFORM:

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The Preferential Procurement Regulations, 2022 pertaining to the Preferential Procurement Policy Framework Act, Act No 5 of 2000.

ATNS Preferential Procurement (PP) requirements as per the ATNS Supply Chain Management Policy, states that ATNS shall deal with suppliers in accordance with the ATNS specific goals. The application of the specific goals will be per request, per tender up to the maximum points as per the applicable pricing formula, the 80/20 system.

Suppliers not meeting the requirements of the Preferential Procurement are required to clearly identify any possible teaming arrangement which could be established with South African BBBEE compliant enterprises Any workable plan to train and promote black businesses or individuals through meaningful participation in this project will be considered favourably by the Company during the Tender evaluation process.

Partnership must be in the form of Joint Venture Agreement or Consortium Agreement between compliant B-BBEE and non-B-BBEE Organisation/or foreign supplier in order to meet the policy requirements.

All responsive tender offers shall be evaluated in terms of Price and ATNS specific goals. The 80/20 Preference Point System shall be applicable in accordance with the Preferential Procurement Framework Act (No.5) of 2000.

THE EVALUATION OF THE RFQ:

STAGE 1	ADMINISTRATIVE REQUIREMENTS
STAGE 2	MANDATORY REQUIREMENTS
STAGE 3	PRICE AND ATNS SPECIFIC GOALS

The bidder must qualify for each stage to be eligible to proceed to the next stage of the evaluation.

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STAGE 1: ADMINISTRATIVE REQUIREMENTS

The bidder must comply with **ALL** of the bid administrative requirements in order for the bid to be accepted for evaluation.

If the Bidder failed to comply with any of the administrative requirements, or if ATNS is unable to verify whether the administrative requirements are met, then ATNS reserves the right to-

- (a) Reject the bid and not evaluate it, or
- (b) Accept the bid for evaluation, on condition that the Bidder must submit within 7 (seven) days any supplementary information to achieve full compliance, provided that the supplementary information is administrative and not substantive in nature.

STAGE 2: MANDATORY REQUIREMENTS

FAILURE TO SUBMIT ALL OF THE BELOW REQUIREMENTS WILL RESULTS ON YOUR QUOTATION BEING DISQUALIFIED

Mandatory Criteria	Proof Required
Provide proof of Previous Relevant experience on Fire Detection and Suppression Systems Service & Maintenance. References must be in a form of a signed reference letter/s on a client's business letterhead stating the scope and description of the services rendered, contract duration, with contact name, Contact number and position of the referee. Reference letters must not be older than 5 years by closing date of this RFQ.	3 Letters
Proof of membership to Fire Fighting Equipment Traders Association (FFETA) or equivalent	Proof of membership

STAGE 3: PRICE AND ATNS SPECIFIC GOALS:

Evaluation for Price and ATNS specific goals

Quotations will be evaluated in terms of the ATNS' Procurement Policies and Procedures using the 80:20-point system. 80 points will be awarded for price and 20 points for ATNS specific goals claimed.

PRICE	80
ATNS SPECIFIC GOALS	20

B-BBEE rating certificates are applicable, and points will be allocated in terms of the ATNS specific goals as indicated in the table below. Bidders must submit valid B-BBEE Certificates, requested declarations, utility statements and any other supporting information that may be required to claim ATNS specific goals.

Financial proposals will be compared on the basis of their total amount inclusive of VAT and all other related costs. Bidders are required to submit pricing schedule as per the table below on a company.

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Note to tenderers: The tenderer must indicate how they claim points for each preference point system in the provided SBD 6.1 attached.

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system)
51% Black Owned Suppliers (Section 2(1)(d)(i) of the PPPFA)	10	(To be completed by the tenderer in SBD 6.1 attached)
30% Black Woman Owned Suppliers. (Section 2(1)(d)(i) of the PPPFA)	10	(To be completed by the tenderer in SBD 6.1 attached)

This RFQ will be evaluated according to the above on ATNS specific goals. Failure to submit supporting documents may result to a bidder being allocated zero (0) points. Bidders are required to claim ATNS specific goals in the provided **SBD 6.1** attached.

CONTRACT TERMS

Whilst ATNS have taken every reasonable step to ensure the accuracy of this brief, the Company accepts no liability in relation to the accuracy of any representations made. Tenderer should accept that their tender response is on the basis and reliance of its own judgment and information. ATNS reserves the right to vary the scope and terms as described in this document. If any variation does take place tenderer will be advised as soon as possible in writing.

The successful tenderer will be engaged subject to acceptance of a contract containing the standard Terms and Conditions as given. The contract contains standard clauses including a retention clause for non-satisfactory completion, breach of contract and confidentiality clauses and a requirement for the tenderer to have adequate professional indemnity insurance. All



Tenderers must bear in mind that if circumstances dictate, ATNS reserves its right to withdraw from any commitments that will be entered into within this statement of work.

All designs and documentation submitted by the tenderer will be treated as confidential.

ATNS reserves the right to reject, withdraw or cancel any or all Proposals/Tenders, to undertake discussions with one or more Tenderers and to accept that tender or modified tender which in its sole judgment, will be most advantageous to the Company, price and other evaluation factors having been considered.

SBD1

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	ATNS/FAGG/RFQ145/21/04/2023/2024_Fire Detection & Suppression Systems Maintenance	CLOSING DATE:	08 August 2023	CLOSING TIME:	13h00
DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER PROVIDE FIRE & SUPPRESSION SYSTEM SERVICES FUNCTION AND ASSIST ATNS TO ACCOMPLISH ITS RISK MANAGEMENT OBJECTIVES BY INSURING THE EFFECTIVENESS OF ITS FIRE & SUPPRESSION SYSTEM SERVICE WITHIN ATNS FAGG AND LOCAL SITES FOR A PERIOD OF FIVE (5) YEARS.				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
Email address: RFQs@atns.co.za					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Thoko Phukubye	CONTACT PERSON			
TELEPHONE NUMBER	011 607 1000	TELEPHONE NUMBER			
FACSIMILE NUMBER		FACSIMILE NUMBER			
E-MAIL ADDRESS	thokop@atns.co.za	E-MAIL ADDRESS			
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					

SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] ☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX] ☐ Yes ☐ No
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
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QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS			
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?		YES	NO
		☐	☐
DOES THE ENTITY HAVE A BRANCH IN THE RSA?		YES	NO
		☐	☐
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?		YES	NO
		☐	☐
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?		YES	NO
		☐	☐
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?		YES	NO IF THE
ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.			

PART B

TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
- 1.4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**

2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
- 2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:

.....



(Proof of authority must be submitted e.g. company resolution)

DATE:

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Maintenance

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**Air Traffic and Navigation
Services Company SOC Limited**

Company Reg. No. 1993/004150/30
ISO 9001 certified

Eastgate Office Park, Block C,
South Boulevard Road, Bruma
Private Bag X15, Kempton Park 1620
Tel +27 11 607 1000 | Fax +27 11 607 1570
www.atns.com

Directors: Zola Majavu CD [SA] (Chairman)
Nozipho Mdawe [Chief Executive Officer]
Matome Moholola [Chief Financial Officer] Ameen Amod CD [SA], Chris R Burger,
Malindi Neluheni, Khulile Boqwana, Nhlanhla Ngema, Nomathemba C S Kubheka,
Precious Sibiya CA [SA], Princess Mangoma, Siyabonga Kudumela

Company Secretary (Acting): Milicent Fatlane

SBD 4

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state? **YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

¹ the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....
.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

2.3.1 If so, furnish particulars:

.....
.....

3. DECLARATION

I, _____ the _____ undersigned,
(name)..... in
submitting the accompanying bid, do hereby make the following statements that
I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications,

² Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

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- prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

SBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 To be completed by the organ of state

- a) The applicable preference point system for this tender is the **80/20** preference point system.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

$$P_s = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right) \text{ or } P_s = 90 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$$

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{min} = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

A maximum of 80 or 90 points is allocated for price on the following basis:

$$P_s = 80 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right) \text{ or } P_s = 90 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right)$$

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{max} = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
- then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
51% Black Owned Suppliers (Section 2(1)(d)(i) of the PPPFA)	10	
30% Black Woman Owned Suppliers. (Section 2(1)(d)(i) of the PPPFA)	10	

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety
- ☐ Close corporation
- ☐ Public Company
- ☐ Personal Liability Company
- ☐ (Pty) Limited
- ☐ Non-Profit Company
- ☐ State Owned Company

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

.....
SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

.....

.....

1 PROTECTION OF PERSONAL INFORMATION

- 1.1 The Service Provider shall ensure that its employees, representatives and officers, comply with the provisions of the Protection of Personal Information Act, 2013 (“**POPIA**”) and all other applicable data protection laws and, without limitation to the foregoing, shall ensure the security and confidentiality of all Personal Information processed by that Party is in accordance with POPIA and all other applicable data protection laws.
- 1.2 The Service Provider must only process personal information of the Company and third parties on behalf of the Company, with the Company’s knowledge or authorisation, treat such information which comes to their knowledge as confidential and must not disclose it unless required by law or in the course of the proper performance of the Service Provider’s duties. The Service Provider must comply with the responsible party’s obligations in clause section 19 of POPIA.
- 1.3 Where the Service Provider, its agents, subcontractors, officers, directors, shareholders, representatives, or employees has/have access to any Personal Information held by the Company for any reason in connection with this Agreement or is/are supplied with or otherwise provided with Personal Information by the Company or on behalf of the Company for any purpose, or are supplied with or otherwise provided with Personal Information relating to the Services, the Service Provider shall:
- 1.3.1 process such Personal Information only for purposes of performing its/their obligations under this Agreement and shall not otherwise modify, amend or alter the contents of such Personal Information or disclose or permit the disclosure of such Personal Information to any third party, unless specifically authorised to do so by the Company or as required by law or any regulatory authority, and shall take all such steps as may be necessary to protect and safeguard such Personal Information.

1.3.2 without prejudice to the generality of the foregoing, ensure that appropriate, reasonable technical and organisational measures shall be taken by it/them to prevent –

1.3.2.1 the unauthorised or unlawful processing of such Personal Information;
and

1.3.2.2 the accidental loss or destruction of, or damage to, such Personal Information; and

1.3.2.3 promptly notify the Company when it becomes aware of any unauthorised, unlawful or dishonest conduct or activities, or any breach of the terms of this Agreement relating to Personal Information.

1.4 The Service Provider shall be liable for all claims, demands, actions, costs, expenses (including but not limited to reasonable legal costs and disbursements), fines, losses and damages arising from or incurred by reason of any wrongful processing of any Personal Information by the Service Provider (including its agents, subcontractors, officers, representatives or employees) for any breach of its obligations or warranties in terms of clause.

1.5 Both Parties will comply with their obligations under POPIA in relation to personal information for which they are the responsible party.

1.6 The Service Provider must notify the Company immediately where there are reasonable grounds to believe that personal information has been accessed or acquired by any unauthorised person (Data Breach) and must assist the Company, at its own cost: a) with any investigation or notice to the Regulator or data subjects that the Company may make in relation to a Data Breach; and b) in responding to any directions by the Regulator to publicise the Data Breach, including assisting the Company to make public announcements if required.

- 1.7 The Service Provider indemnifies the Company against any civil or criminal action or administrative fine or other penalty or loss as a result of the Service Provider's breach of this clause.

1. POPIA CONSENT

- 1.1 The Service Provider, by submitting its proposal/ quotation, consents to the use of his/her personal information contained therein and confirms that:

- 1.1.1 The information is voluntarily supplied, without undue influence from any party; and
1.1.2 The information is necessary for the purposes of the engagement with ATNS.

- 1.2 The tenderer acknowledges that he /she is aware of his/her right to:

- 1.2.1 Access the information at any reasonable time for the purposes of rectification thereof.
1.2.2 Object to the processing of the information.
1.2.3 Lodge a complaint with the Information Regulator.