



## South African Human Rights Commission

<b>RFP NUMBER</b>	<b>RFP-HO-03-2025 - Sage Support and Maintenance</b>
<b>DESCRIPTION</b>	Appointment of a service provider for the provision of SAGE applications support and maintenance services at the South African Human Rights Commission (SAHRC) for a period of 36 months.
<b>RFP BRIEFING</b>	<p>DATE: 02 September 2025</p> <p>TIME: 11H00 (GMT +2)</p> <p>This will be a <b>non-compulsory</b> briefing and below is the link for registration and attendance.</p> <p><a href="https://events.teams.microsoft.com/event/15571ee4-4f14-4d6f-bb82-d5692b6a1788@0159c87f-d04f-40b5-8866-46fb77a8d382">https://events.teams.microsoft.com/event/15571ee4-4f14-4d6f-bb82-d5692b6a1788@0159c87f-d04f-40b5-8866-46fb77a8d382</a></p> <p>Enquiries can be made <b>in writing</b> as follows:</p> <p>Administration/ Supply Chain Management: Kganki Kekana <a href="mailto:tenders@sahrc.org.za">tenders@sahrc.org.za</a></p> <p>Technical : <a href="mailto:rkhuvutlu@sahrc.org.za">rkhuvutlu@sahrc.org.za</a></p>
<b>CLOSING DATE</b>	<p>DATE: 08 September 2025</p> <p>TIME: 11H00 (GMT +2)</p> <p>Email: <a href="mailto:HOpurchase@sahrc.org.za">HOpurchase@sahrc.org.za</a></p>

## 1. BACKGROUND

1.1 The South African Human Rights Commission (SAHRC) is a Constitutional body established in terms of the Constitution of South Africa, 1996 as well as the South African Human Rights Commission Act, 40 of 2014. The SAHRC is under the strategic leadership of Commissioners. The administration of SAHRC is overseen by a Chief Executive Officer (CEO).

1.2 The SAHRC uses Sage Evolution 2000 for Accounting and Fixed Asset, Sage 300 people for Human Resource (HR) and Payroll, and Sage CRM for Complaints handling business transactions processing.

## 2. OBJECTIVE

2.1 The objective of this ToR is to appoint a suitable SAGE accredited service provider who will assist SAHRC with end-to-end Sage (Pastel Evolution 2000, Sage 300 People and CRM) Systems Support and Maintenance services for a period of thirty-six (36) months

## 3. SCOPE OF SERVICE

3.1. The role of the appointed service provider is to assist the SAHRC with all its SAGE applications support and maintenance services through various channels i.e., remotely, on-site, email,

3.2. The appointed service provider must ensure that the following key areas are fulfilled:

### 3.2.1. System Support

- Assist with system data integrity issues i.e., accuracy, consistency, completeness, and reliability.
- Escalation of system related issues and problems to SAHRC ICT unit.
- Ensure efficient resolution of all calls logged
- Application administration, customisations, version upgrades or changes
- Server crashes reinstallations
- Assist with designing custom system reports and dashboards as per request
- Every support call to be accompanied by timesheet of work done
- Facilitate and or provide user training for the SAHRC including refresher trainings as per request i.e., end-user, super user, and administrators.
- Twenty (40) hours per month must be allocated to the SAHRC for system support and maintenance services.

### 3.2.2. System Maintenance

- Commit to Quarterly systems maintenance meeting to discuss reports e.g., SLA
- Management and implementation of advance applications systems enhancements and add-ons as per request by the SAHRC e.g., system customisation, automation, and integrations.
- Identify and report applications systems risks and propose mitigation controls for the SAHRC.
- Provide applications systems documentations e.g., change management, user/system manuals, technical documents for custom system settings or configurations, etc. All system modifications must be documented, and the documents provided to the SAHRC for audit purposes.

### 3.1.1 Licences Renewals

- Facilitate and ensure that the SAHRC is up to date in terms of all the Sage software license

## 4. Ad-hoc Services

All service requests requirements (outside the scope of work) will be classified as Ad-Hoc Services, except for the Change Requests that result from Incident Management, Problem Management and Maintenance processes, which will be part of the baseline services.

## 4. DELIVERABLES

- 4.1. Application Maintenance and Technical Support

## 5. PRICING

- 5.1. A detailed price breakdown outlined on table 2 below must be completed and a service provider must include other items, if required.
- 5.2. **Refer to Annexure A for Pricing Structure**

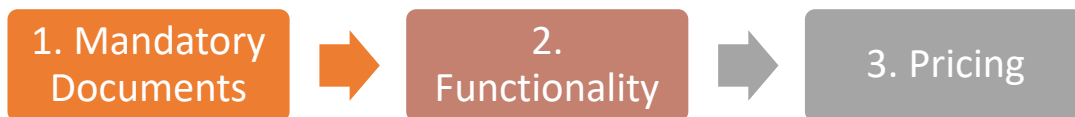
## 6. PROJECT TIMELINES

To be determined with the service provider based on the scope of work.

## 7. EVALUATION CRITERIA

Bids will be evaluated on 80/20-point system as outlined in the PPR of 2022.

The proposals will be evaluated in three phases:



### 8.1 Phase 1: Mandatory Documents

- 8.1.1 Bid proposal (Supplier submission with Annexure A: Price Quotation)
- 8.1.2 Central Supplier Database Summary Report.
- 8.1.3 SBD1, 4 & 6.1. (Standard Bidding Documents) forms must be completed fully and dully signed.
- 8.1.4 Bidders must provide Proof of SAGE Partnership, please attach a valid SAGE Business Partner certificate.

**Note: Bidders who fail to comply with the mandatory requirements will be disqualified.**

All compliant proposals received will be evaluated based on the following criteria: functionality criteria will be further evaluated on applicable values as outlined below:

**Evaluation on functionality, as in Table 1 below:**

- i. Bidders will be evaluated out of 100 points and are required to achieve minimum threshold of 70 points.
- ii. The overall score must be equal or above 70 points to proceed to for Price and Specific Goals evaluations.
- iii. Bidders who fail to meet minimum threshold will be regarded as submitting a non-responsive bid and will not be considered for further evaluation on price and preference points. The minimum threshold for qualification by functionality is 70, assessed as per criteria listed in Table 1 below:

## Phase 2: Functionality evaluation

	Criteria	Percentage weighting
1.	<b>Company Experience</b> <p>The bidder must have relevant experience and must submit a company profile indicating the core activities and number of years the bidder has been providing similar services. The company profile must include the company organogram which will clear resource names, responsibilities, and years of experience.</p> <ul style="list-style-type: none"> <li>○ 5 to 6 years of company experience = 30 points</li> <li>○ 3 - 4 years of company experience = 20 points</li> <li>○ 2 years of company experience = 10 points</li> <li>○ Less than two years of company experience = 0 points</li> </ul>	30
2.	<b>Reference Letters</b> <p>References included for executing a project of similar magnitude in the last 5 years, signed, dated and on the letterhead of the company where similar work was delivered. Failure to submit reference letters adhering to the above will invalidate a letter for consideration.</p> <ul style="list-style-type: none"> <li>○ 0 points = no relevant reference letter submitted.</li> <li>○ 10 points = 2 relevant reference letters submitted.</li> <li>○ 20 points = 3 to 4 relevant reference letters submitted.</li> <li>○ 30 points= 5 or more relevant reference letters submitted.</li> </ul>	30
3.	<b>Project Methodology</b> <p>Bidder's proposed project methodology and plan outlining how SAHRCs requirements will be implemented.</p> <ul style="list-style-type: none"> <li>○ 0 points= No project plan</li> <li>○ 5 points= Project plan with no milestones</li> <li>○ 10 points= Project plan with milestones</li> <li>○ 20 points= Project plan with milestones &amp; timelines</li> </ul>	20

4.	<p><b>Capacity and Ability to Implement</b></p> <p>Skills, competencies and qualifications of the Project Team that will be assigned on the project based on their CVs.</p> <p>Proposals should clearly indicate whether bid participants have the internal capacity to meet the requirements of the TOR.</p> <p><u>4.1. Sage Technical Team Lead/ Manager</u></p> <ul style="list-style-type: none"> <li>○ 0 points = CV with no NQF 7/ Degree in Information Technology or equivalent qualification(s) and zero years of experience.</li> <li>○ 5 points= CV with NQF 7/ Degree in Information Technology or equivalent qualification(s) and less than 1 year of relevant experience.</li> <li>○ 10 points= CV with NQF 7/ Degree in Information Technology or equivalent qualification(s) and between 2 to 3 years of relevant experience.</li> <li>○ 15= CV with NQF 7/ Degree in Information Technology or equivalent qualification(s) and between 4 to 5 years of relevant experience.</li> <li>○ 20 points= CV with NQF 7/ Degree in Information Technology or equivalent qualification(s) and more than 5 years of relevant experience.</li> </ul>	20
	<b>Total</b>	<b>100</b>

## 8.2. Phase 3: Price and Specific Goals evaluation

Only Bidders that have met the 70 points thresholds will be considered for price and specific goals. Price and specific goals will be evaluated as follows:

In terms of regulation 6 of the Preferential Procurement Regulations pertaining to the Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000), responsive bids will be evaluated on the 80/20-preference point system in terms of which points are awarded to bidders based on:

- The bid price (maximum 80 points)
- Specific Goals (maximum 20 points)

### i. Stage 1 – Price Evaluation (80 Points) ii.

**Criteria**

**Points**

<b>Price Evaluation</b>  $Ps = 80 \times \frac{Pt - P_{min}}{P_{min}}$	80
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The following formula will be used to calculate the points for price:

Where:

- Ps = Points scored for comparative price of bid or offer under consideration.
- Pt = Comparative price of bid or offer under consideration.
- P min = Comparative price of lowest acceptable bid or offer
- Points must be awarded to a bidder for attaining the specific status level of contribution in accordance with the table below **a**.

### Specific goals allocation

A maximum of 20 points may be allocated to a bidder for attaining their specific goals points in accordance with the table below:

SPECIFIC GOALS	POINTS
Suppliers with ownership of 51% or more by person/s who are black person/s	10
Suppliers with ownership of 51% or more by person/s who are women	5
Suppliers with ownership of 51% or more by person/s who are youth	3
Suppliers with ownership of 51% or more by person/s with disability	2

Specific goal points may be allocated to bidders on submission of the following documentation or evidence

- A duly completed Preference Point Claim Form: Standard Bidding Document (SBD 6.1) and supporting evidence i.e. a valid BBEE Certificate/ Affidavit.

## 9. Confidentiality, independence and objectivity

The service provider will hold all material and information exchanged in the course of the implementation of this project in the strictest confidence and will take all steps necessary to prevent dissemination of this information to any third party, without the prior written agreement of the SAHRC as the SAHRC asserts its moral authority and copyright over the report. The service provider must ensure that its staff maintains their objectivity by remaining independent of the activities they execute.

## **9.1 THE TOTAL COST WILL BE USED TO CALCULATE POINTS FOR PRICE CLARIFICATION**

- 9.1.1** The SAHRC may request clarity of further information regarding any aspect of the bid. The service provider should supply the requested information within forty-eight (48) hours after the request has been made.
- 9.1.2** The SAHRC reserves the right to conduct a security background check or screening of the service provider.
- 9.1.3** The SAHRC reserves the right to conduct mandatory site inspection to the offices of the service provider.

## **10. CONDITIONS OF TENDER**

- 10.1** The SAHRC reserve the right not to award the tender.
- 10.2** Any conditions imposed by the service provider that is restrictive or contrary to any part of these Terms of Reference will automatically disqualify the service provider.
- 10.3** The service provider will be held liable for any damage or loss suffered by the entity, because of the service provider's own or his/her employees' negligence or intent, which originated at the site. The service provider will have to pay damages or replace any stolen item damaged or stolen due to the negligence or intent of the service provider's own employees.
- 10.4** The service provider must, at his/her own expenses, take out sufficient insurance against any claims, cost, loss and/or damage ensuing from his/her obligations and shall ensure that such insurance remains operative for the duration of this agreement.
- 10.5** A copy of such insurance contract must be handed to the SAHRC Representative on commencement of the service. Evidence that such insurance premiums have indeed been paid or is being sought must be furnished on request.
- 10.6** SAHRC does not bind itself to accept the lowest quote.
- 10.7** The SAHRC reserves the right to invite bidders for presentation at bidders own cost and perform site visits on short listed bidders before the award of the bid, as part of evaluation process.
- 10.8** SAHRC does not bind itself to make any selection from the proposals, or quotations received.
- 10.9** SAHRC reserves the right, at its sole discretion, to cancel this request for proposals and/or not to make any selection of the service provider/s at all.
- 10.10** SAHRC reserves the right, at its sole discretion, to cancel this request for proposals and/or not to make any selection of the service provider/s at all.
- 10.11** All prices quoted must be VAT inclusive.
- 10.12** SAHRC will not make any upfront payments before the rendering of services.
- 10.13** The successful bidder shall provide the service required based on the set timelines and as per the schedule to be provided by SAHRC.
- 10.14** A pricing schedule with one of the specified elements omitted from the costing may be considered non-responsive.
- 10.15** The price proposal must be valid for 120 days.

## 11. CONTRACT PERFORMANCE

- 11.1 The performance of the Service Provider shall be reviewed quarterly during the period of the signed Service Level Agreement.
- 11.2 If it is found that information provided is false including the breach of the General Condition of Contract, The SAHRC reserves the right to terminate this contract with immediate effect.

## 12. FORMAT AND SUBMISSION OF THE PROPOSAL

- 12.1 All the official forms (SBD) must be completed and signed in all respects by bidders. Failure to comply will invalidate a bid.
- 12.2 Bidders are required to make submissions via email to : [HOProcurement@sahrc.org.za](mailto:HOProcurement@sahrc.org.za) and reference the RFP number in the subject field.
- 12.3 For ease of reference, bids should be packaged and filed in the following format:
- Annexure A - Signed Tender Document.
  - Annexure B - Mandatory Documents
  - Annexure C - Functionality Response
  - Annexure D - Company Profile
  - Annexure E – Price Proposal/ Quotation.

## 13. BRIEFING / INFORMATION SESSION & ENQUIRIES – NON-COMPULSARY

- 13.1 DATE: 02- SEPTEMBER- 2025 TIME: 11H00 (GMT +2)
- The session will be via Teams using the link : <https://events.teams.microsoft.com/event/15571ee4-4f14-4d6f-bb82-d5692b6a1788@0159c87f-d04f-40b5-8866-46fb77a8d382>
- 13.2 Inquiries must be made in writing to the following

Supply Chain Management	Technical
Mr. Kganki Kekana <a href="mailto:tenders@sahrc.org.za">tenders@sahrc.org.za</a>	Mr. Rulani Khuvutlu <a href="mailto:RKhuvutlu@sahrc.org.za">RKhuvutlu@sahrc.org.za</a>

Enquires must be submitted by the 19-August-2025 deadline. Responses would be made by the 21-AUGUST-2025.

## 14. CLOSING DATE

- 14.1 Proposals must be submitted on or before 08-SEPTEMBER- 2025 at 11h00. Proposals must be submitted at [HOProcurement@sahrc.org.za](mailto:HOProcurement@sahrc.org.za)



## Annexure A

### PRICE PROPOSAL FOR SAGE MAINTANANCE & SUPPORT SERVICES

No	Scope area	Year 1	Year 2	Year 3	Total
1.1	<b>License Renewals for 3 years</b>				
	○ Pastel Evolution 2000 (40 users)				
	○ Sage 300 People (250 users)				
	○ CRM (70 users) plus 1 for server.				
1.2	<b>System Maintenance</b>				
1.3	<b>Support Services</b>				
	○ Call out rate per hour: Senior Technical/ Professional				
	○ Call out rate per hour: Junior/ Intermediary Technical				
1.4	Other (Please specify) if applicable				
	<b>Total Price Estimate (Inc VAT)</b>				

**NB: THIS PRICE PROPOSAL NEEDS TO BE SUBMITTED SEPARATELY.**



SBD1

## PART A INVITATION TO

BID

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION</b>				
<b>BID NUMBER:</b>	<b>RFP-HO-03-2025 - SAGE SUPPORT AND MAINTENANCE</b>		<b>CLOSING TIME:</b>	<b>11:00am</b>
<b>DESCRIPTION</b>	Appointment of a service provider for the provision of SAGE applications support and maintenance services at the South African Human Rights Commission (SAHRC) for a period of 36 months.			
<b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT</b>				
<a href="mailto:HOProcurement@sahrc.org.za">HOProcurement@sahrc.org.za</a>				
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>		<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>		
CONTACT PERSON	<b>Mr. Kganki Kekana</b>	CONTACT PERSON	<b>Mr. Rulani Khuvutlu</b>	
TELEPHONE NUMBER	<b>011 877 3600</b>	TELEPHONE NUMBER	<b>011 877 3600</b>	
FACSIMILE NUMBER		FACSIMILE NUMBER		
E-MAIL ADDRESS	<a href="mailto:HOProcurement@sahrc.org.za">HOProcurement@sahrc.org.za</a>	E-MAIL ADDRESS	<a href="mailto:rkhuvutlu@sahrc.org.za">rkhuvutlu@sahrc.org.za</a>	
<b>SUPPLIER INFORMATION</b>				
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:	O R	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>				

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED ?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> 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.

#### 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 STATE." 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

**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 .....

## **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 interest<sup>1</sup> 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.

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<sup>1</sup> 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.

Full Name	Identity Number	Name of State institution

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 consortium<sup>2</sup> 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, 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.

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<sup>2</sup> 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.

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



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

This preference form must form part of all the 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**

*(delete whichever is not applicable for this tender).*

- a) The applicable preference point system for this tender is the **90/10** preference point system.
- b) The applicable preference point system for this tender is the **80/20** preference point system.
- c) Either the **90/10 or 80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

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
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

- 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:

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

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:

$$\begin{array}{ccc} 80/20 & \text{or} & 90/10 \\ P_s = 80 \left( 1 + \frac{P_t - P_{max}}{P_{max}} \right) & \text{or} & P_s = 90 \left( 1 + \frac{P_t - P_{max}}{P_{max}} \right) \end{array}$$

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 organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.***

***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 (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Suppliers with ownership of 51% or more by person/s who are black person/s		10		
Suppliers with ownership of 51% or more by person/s who are women		5		
Suppliers with ownership of 51% or more by person/s who are youth		3		
Suppliers with ownership of 51% or more by person/s with disability		2		

#### **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.

.....

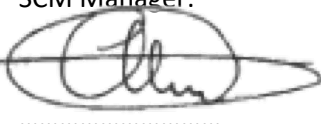
**SIGNATURE(S) OF TENDERER(S)**

**SURNAME AND NAME:** .....

**DATE:** .....

**ADDRESS:** .....

.....

SCM Manager:  .....	ICT Manager  <i>Rulani Khuvutlu</i> .....
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