

REQUEST FOR QUOTATION (RFQ)

| | | | |
|-------------------------------|--|---------------|------------------|
| Request for Quotation: | Provision of Outsourced Cyber Security Services | | |
| RFQ Number: | RFQ/ICT/CYBER/2024/01 | | |
| Opening Date: | 08 February 2024 | | |
| Closing Date: | 22 February 2024 | Time: | 16h00 |
| Contact Person: | Sango Jikani | Email: | SangoJ@ppecb.com |
| Bid Validity Period | 60 Days | | |

1. PROJECT PURPOSE

The provision of Outsourced Cyber Security Services to the PPECB.

2. SPECIFICATION

The PPECB is a Schedule 3A entity in terms of the Public Finance Management Act 1 of 1999. The PPECB is established in terms of Section 2 of the Perishable Products Export Control Act 9 of 1983. The main purpose of the PPECB is to promote the orderly, efficient, and sustainable export of perishable products from South Africa. The PPECB manages and monitors the cold chain for the export of perishable products from South Africa. The PPECB operates under two mandates, namely the Agricultural Products Standards Act and the Perishable Products Standards Act 9 of 1983.

The objectives of the services include:

2.1 Scope of Service

- Conduct comprehensive vulnerability assessments and penetration testing.
- Provide continuous monitoring of systems and networks for detecting any suspicious activity.
- Offer incident response and management services round the clock to ensure that all incidents are managed effectively and in a timely manner.
- Provide security assessment and consulting services.
- Offer recommendations and implement solutions for improving security controls.
- Provide training and awareness programs for employees.

2.2 SLA

- Define the service level agreement (SLA) to ensure that all services are delivered according to the agreed-upon standards.
- Include the response times for incident responses and management services.
- Define the frequency of vulnerability assessments and penetration testing.
- Define the frequency of reporting and reviewing security posture.

2.3 Staffing

- Provide qualified and experienced cyber security personnel. Personnel must have more than 5 years' experience in operational cyber security with current/up to date good standing with CISSP/CISM.
- Define the roles and responsibility of outsourced and in-house security team members.
- Describe the communication channels of the in-house team with the outsourced company.



2.4 Security Tools

- Provide and maintain necessary cybersecurity tools, software, and equipment.
- Implement and maintain endpoint security solutions, firewalls, intrusion detection systems, VPNs, and other necessary security technologies.

2.5 Reporting & Compliance

- Timely and comprehensive reporting with actionable recommendations.
- In compliance with all necessary legal, regulatory, and industry standards such as POPIA, GDPR, NIST and ISO standards etc.
- Support completion of compliance audits, assessments, and certifications.

2.6 Pricing

- Clearly define the pricing model and billing.
- Offer competitive pricing that is benchmarked with industry standards.
- Ensure that all costs and charges are transparent and well defined.

2.1 Duration

The project is envisioned to run for a period from commencement date (March 2024) until 31 October 2024.

3. TERMS AND CONDITIONS OF BID

3.1 Bid Submission

All quotations must be submitted to the address and instruction as stipulated in the SBD1 or in the following method:

Via email to: SangoJ@ppecb.com

Or

submitted electronically via Microsoft One Drive and shared with this email address

SangoJ@ppecb.com This submission must contain all information and documentation relating to the **RFQ/ICT/ CYBER/2024/01**

3.2 Closing Date.

3.2.1 Bids must be delivered by the stipulated date and time to the correct address. Late bids will not be accepted for consideration.

3.2.2 PPECB reserves the right to extend the closing date. Bidders invited to bid, will be informed should the closing date change.

3.3 Revisions to Request for Quotation.

If it becomes necessary to revise any part of this Request for Quotation, an addendum setting out such revisions will be provided to all Service Providers by an email.

3.4 Bid Validity Period

The quotation must be valid for the duration specified on page 1 (Bid Validity Period).

3.5 CSD Registration

3.5.1 Only bid responses from bidders that are registered on the Central Supplier Database (CSD) will be considered.



- 3.5.2 Bidders are required to register on the CSD and to include in the SBD1 the Master Registration Number in order to enable the PPECB to verify the supplier's status on the CSD.
- 3.5.3 Responses from bidders not registered on the CSD at bid closing time or bidders that is prohibited from doing business with the state will be disqualified.

3.6 Acknowledgement and Acceptance

The bidder warrants by signature in this document that the bidder has read and accepts each page of the RFQ, including the terms and conditions of this bid.

3.7 Insurance.

- 3.7.1 The successful Service Provider will be responsible for its work and every part thereof, and for all materials, tools, equipment, appliances, and property of all descriptions issued in connection with this Request for Proposal.

3.8 Response Preparation Cost and Ongoing Engagement

The PPECB is not liable for any costs incurred by a bidder in the process of responding to this Bid Invitation, including on-site presentations.

3.9 Reservations

- 3.9.1 PPECB's decision/s regarding the acceptance or non-acceptance of a quotation shall be final and PPECB is not obliged to furnish any reason for such decision.
- 3.9.2 Proposals shall be considered and evaluated against a pre-determined evaluation value structure determined by PPECB. All Suppliers shall provide all information requested in this RFQ to facilitate the evaluation process. Suppliers shall strictly adhere to the instructions stated in this RFQ.
- 3.9.3 PPECB may, during and after the evaluation of the Proposals and in its sole and absolute discretion, decide to:
- Accept a Quotation other than the lowest priced quotation.
 - Refuse to consider any Quotation not conforming with the requirements of this RFQ.
 - Ask any Service Provider to supply further information after the closing date.
 - Cancel this RFQ or any part thereof at any time.
 - Award the contract pursuant to this RFQ or any part thereof to any one or more Suppliers,
 - Not to award the quotation at all.

4. Data Protection

- 4.1 Any personal information and Confidential Information of the PPECB which may be provided during the bidding process may only be processed by the bidder for the purposes of this bid.

5. News and press releases

- 5.1 Bidders or their agents shall not make any news releases concerning this RFP or the awarding of the same or any resulting agreement(s) without the consent of, and then only in co-ordination with PPECB.



6. Disclaimer

- 6.1 This RFQ is a request for quotation only and not an offer document; answers to it must not be construed as acceptance of an offer or imply the existence of a contract between the parties.
- 6.2 By submission of its proposal, bidders shall be deemed to have satisfied themselves with and to have accepted all Terms & Conditions of this RFQ.
- 6.3 The PPECB makes no representation, warranty, assurance, guarantee or endorsements to bidder concerning the RFQ, whether with regard to its accuracy, completeness or otherwise and the PPECB shall have no liability towards the bidder or any other party in connection therewith.

7. General Terms and Conditions

The attached terms and conditions must be signed and send back with the RFQ response.

8. COMPLIANCE DOCUMENTS

The following documents are required for the proposal to be considered for evaluation process.

1. SBD1 – Invitation to bid.
2. SBD4 - Bidder's Disclosure.
3. Valid Tax Clearance Certificate or Pin.
4. Valid B-BBEE Certificate or EME/QSE Affidavit.
5. SBD6.1 – Preference Point Claim Form.
6. Central Supplier Database Registration (CSD) Report – Proof of CSD registration.

9. RFQ EVALUATION PROCESS AND CRITERIA

All quotations or bids will be evaluated according to the following stages. Should a bidder fail any of the previous stages, they will be disqualified and not be considered for the next evaluation stage.

9.1 Stage 1 – Compliance Evaluation

Bidders must comply with all the terms and conditions of the RFQ and must submit all returnable documents as listed in **Section 8**. Bidders must ensure that they complete and sign returnable documents.

| No. | Compliance Documents | Comply | Comments X-Ref in Proposal |
|-----|----------------------|--|-------------------------------|
| 1. | Section 8 documents | <input type="checkbox"/> YES <input type="checkbox"/> No | / |



Stage 2 - Functional/Technical Evaluation

A technical evaluation will be conducted to determine the preferred supplier.

Weighted Functional Criteria

Bidders will be evaluated based on the following Weighted Functional Evaluation Criteria.

| No. | Evaluation Criterion | Minimum Points | Maximum points |
|-----|---|----------------|----------------|
| 1. | <p>Methodology and Industry knowledge The bidder must include a detailed methodology and demonstrate understanding of the objectives under section 2.</p> <p>1.1. Scope of Service (5) 1.2. SLA (5) 1.3. Staffing (5) 1.4. Security Tools (5) 1.5. Reporting & Compliance (5) 1.6. Pricing (5)</p> <p>The bidder must provide a detailed risk assessment report with a mitigation plan on how the managed security operations centre (SOC) is protected against internal and external security threats. (this must be in the form of the report from the last risk assessment that was conducted). (10)</p> | | 40 |
| 2. | <p>Bidders should provide a company profile that includes:</p> <p>1. An organogram; (5)</p> <p>2. Years of experience in the industry.</p> <p>2.1 More than 5 years (10) 2.2 3-4 years (5) 2.3 Less than 3 years (0)</p> | | 15 |
| 3. | <p>Reference Letters: Provide dated and signed letters of reference on client's letterhead, including the scope of the project, contact person and contact details from the entity from which services were rendered. Reference must be in relation to this type of service provided in the last 3 years.</p> <p>1.1 5 letters (15) 1.2 3-4 letters (10) 1.3 2 letters (5) 1.3 less than 2 letters (0)</p> <p>Please note that PPECB reserves the right to contact the clients for a reference check. It is therefore important to ensure that the clients listed on the schedule are contactable.</p> | | 15 |
| 4. | <p>Bidder to indicate the ability to support the proposed infrastructure (certification to be provided) – (30 points).</p> <ul style="list-style-type: none"> • Certified Information Security Manager (CISM/CISSP) - (5) • Certified Ethical Hacker (CEH) - (5) • Certified SOC Analyst (CSA) - (5) • Most recent ISO 27001 Certification – (5) • Most recent ISO 27032 Certification – (5) • Most recent ISO 9001 Certification – (5) | | 30 |



| | |
|---------------------|------------|
| Total Points | 100 |
|---------------------|------------|

Functional Threshold

The minimum functional threshold is [85]. Points. Bidders who score less than this threshold will be disqualified and not considered for any further evaluation.

Bidders that passed the previous evaluation stage(s) will be evaluated on one of the following two options:

9.2 POINTS AWARDED FOR SPECIFIC GOALS

9.1 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:

9.2 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 the 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.)


| No | Specific Goal | Supporting Evidence | Preference Points | Number of points claimed (80/20 system) (To be completed by the bidder) |
|-----------------------------|--|---|---|---|
| 3 | Small business including EMEs or QSEs; | Proof of B-BBEE status level of contributor, specifically in line with the respective Sector Codes which the company operates - SANAS Approved certificate or Commissioned affidavit or Annual Financial Statements | Total Points: 20 EME = 20 QSE = 20 Enterprises with turnover above R50m = 5 | |
| Total Specific Goals | | | 20 | |

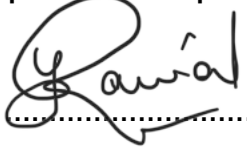


10. Stage 4 - Objective Criteria

In terms of Preferential Procurement Regulation 11 and section 2(1)(f) of the Preferential Procurement Policy Framework Act, the PPECB may consider the following objective criteria in the bid award:

- I. The risk of fruitless and wasteful expenditure to the PPECB;
- II. The risk of an abnormally low bid;
- III. The risk of a material irregularity;
- IV. The PPECB reserve the right not to consider bids from Bidders who are currently in litigation with the PPECB; and
- V. The PPECB further reserve the right not to award this tender to any Bidder based on the proven poor record of accomplishment of the Bidder in previous projects within the PPECB and the referee submitted by the Bidder.

ICT Specification Expert:  Date: 8/2/2024

CIO:  Date: 8/2/2024



11. DECLARATION BY THE BIDDER

Only bidders who have completed the declaration below will be considered for evaluation.
RFQ No: **RFQ/ICT/CYBER/2024/01 for Provision of Outsourced Cyber Security Services**

I hereby undertake to render services described in the attached RFQ documents to PPECB in accordance with the requirements and task directives / proposal specifications stipulated in RFQ mentioned above at the price/s quoted. My offer/s remains binding upon me and open for acceptance by the PPECB during the validity period indicated and calculated from the closing date of the proposal.

I confirm that I am satisfied with the correctness and validity of my proposal; that the price(s) and rate(s) quoted cover all the services specified in the proposal documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.

I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this proposal as the principal liable for the due fulfilment of this proposal.

I declare that I have not participation in any collusive practices with any bidder or any other person regarding this or any other proposal.

I accept that the PPECB may take appropriate action should there be a conflict of interest or if this declaration proves to be false.

I confirm that I have read and accepts each page of this RFQ.

I confirm that I am duly authorised to sign this proposal.

NAME (PRINT) Signature

WITNESSES:

1

2



PART A INVITATION TO BID

| | | | | | |
|---|--|-----------------------------|--|---|-----------------------------|
| YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY) | | | | | |
| BID NUMBER: | RFQ/ICT/CYBER/2024/01 | CLOSING DATE: | 22 February 2024 | CLOSING TIME: | 16h00 |
| DESCRIPTION | Provision of Outsourced Cyber Security Services | | | | |
| BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS) | | | | | |
| Email to: SangoJ@ppecb.com | | | | | |
| | | | | | |
| | | | | | |
| BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO | | | TECHNICAL ENQUIRIES MAY BE DIRECTED TO: | | |
| CONTACT PERSON | | | CONTACT PERSON | | |
| TELEPHONE NUMBER | | | TELEPHONE NUMBER | | |
| FACSIMILE NUMBER | | | FACSIMILE NUMBER | | |
| E-MAIL ADDRESS | | | 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] | | B-BBEE STATUS LEVEL SWORN AFFIDAVIT | [TICK APPLICABLE BOX] | |
| | <input type="checkbox"/> Yes | <input type="checkbox"/> No | | <input type="checkbox"/> Yes | <input type="checkbox"/> 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? | <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] | |
| QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS | | | | | |
| IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? | | | <input type="checkbox"/> YES <input type="checkbox"/> NO | | |
| DOES THE ENTITY HAVE A BRANCH IN THE RSA? | | | <input type="checkbox"/> YES <input type="checkbox"/> NO | | |
| DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? | | | <input type="checkbox"/> YES <input type="checkbox"/> NO | | |
| DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? | | | <input type="checkbox"/> YES <input type="checkbox"/> NO | | |
| IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? | | | <input type="checkbox"/> YES <input type="checkbox"/> 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:

PRICING SCHEDULE
(Provision of Outsourced Cyber Security Services)

| | |
|--------------------------|---|
| Name of Bidder..... | Bid number RFQ/ICT/CYBER/2024/01 |
| Closing Time 16:00 | Closing date.....22 February 2024..... |

OFFER TO BE VALID FOR...60.....DAYS FROM THE CLOSING DATE OF BID.

| ITEM | DESCRIPTION | QTY | COST PER UNIT | Total Price of Service (ZAR) |
|----------|--|-----|---|------------------------------|
| 1 | Provision of Outsourced Cyber Security Services | 1 | - | |
| | | | TOTAL | |
| | | | VALUE ADDED TAX | |
| | | | TOTAL INCLUSIVE OF VALUE ADDED TAX | |

(NB!!! Suppliers must submit a price schedule in which they set out the total cost breakdown of the prices they have quoted in their Responses)

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 |
|-----------|-----------------|---------------------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

2.2 Do you, or any person connected with the bidder, have a relationship

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.

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, 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

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.

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

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

(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 |
| 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:

$$Ps = 80 \left(1 - \frac{Pt - Pmin}{Pmin} \right) \text{ or } Ps = 90 \left(1 - \frac{Pt - Pmin}{Pmin} \right)$$

Where

- Ps = Points scored for price of tender under consideration
Pt = Price of tender under consideration
Pmin = 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:

$$Ps = 80 \left(1 + \frac{Pt - Pmax}{Pmax} \right) \text{ or } Ps = 90 \left(1 + \frac{Pt - Pmax}{Pmax} \right)$$

Where

- Ps = Points scored for price of tender under consideration
Pt = Price of tender under consideration
Pmax = 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 (80/20 system) (To be completed by the organ of state) | Number of points claimed (80/20 system) (To be completed by the tenderer) | |
|---|--|---|---|--|
| 1 | Small business including EMEs or QSEs; | Proof of B-BBEE status level of contributor, specifically in line with the respective Sector Codes which the company operates - SANAS Approved certificate or Commissioned affidavit or Annual Financial Statements | Total Points: 20 EME = 20 QSE = 20 Enterprises with turnover above R50m = 5 | |
| Total Specific Goals | | | 20 | |

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.

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SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

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