



# TSHWANE AUTOMOTIVE SPECIAL ECONOMIC ZONE

AFRICA'S FIRST AUTOMOTIVE CITY

<b>REQUEST FOR PROPOSALS</b>	
<b>RFP Description:</b>	<b>Appointment of a panel of accredited training service providers for a period of 36 months</b>
<b>RFP Number:</b>	TASEZ RFP007-2023/24
<b>Closing Date:</b>	08 March 2024
<b>Closing Time:</b>	12h00
<b>RFP Validity Period:</b>	120 Working Days
<b>Compulsory Briefing:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>N/A</b>
<b>TASEZ Enquiry Details:</b>	
<b>Name:</b>	SCM
<b>Contact Numbers:</b>	012 564 3174
<b>Email Address:</b>	<a href="mailto:hlamulos@tasez.co.za">hlamulos@tasez.co.za</a> / <a href="mailto:rfqs-rfps@tasez.co.za">rfqs-rfps@tasez.co.za</a>
<b>Delivery Address:</b>	The Procurement Officer Tshwane Automotive Special Economic Zone Automotive Supplier Park 30 Helium Road Rosslyn Ext 2
<b>Special Note for Bidder:</b>	

<b>Bidders Name:</b>	
<b>Total Bid Price (All Inclusive)</b>	<b>R</b>

#### Controlled Disclosure

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## **1. INTRODUCTION and BACKGROUND**

- 1.1. The TASEZ PTY(LTD) was established in May 2020 as a special purpose vehicle and appointed as the custodian of the Tshwane Special Economic Zone project. The purpose is to facilitate the creation of an industrial complex, to lead the national and regional economic advantage for targeted investments in the automotive manufacturing sector by attracting foreign and domestic direct investments, promote regional economic development, promote skills and technology transfer, generate new and innovative economic activities, and create decent work and other economic and social benefits.
- 1.2. TASEZ is anchored by the automotive manufacturing sector as the primary development driver and is positioned as a key catalyst for government's stride in terms of mobilising both public and private sector to invest within the northern development corridor located within our nation's Capital City, the City of Tshwane.
- 1.3. The entity is focused on growing the South Africa's automotive manufacturing sector by acting as a key player in the creation of employment, transformation of the automotive sector, boosting the country's economic growth and enabling socio-economic development. Aligned with the TASEZ mandate, operational plans have been developed and approved to ensure realisation of the set mandate and strategic objectives. This includes, but not limited to the creation of decent work, broadening of economic participation by promoting Small, Micro and Medium Enterprises (SMMEs), and promote skills and technology transfer to communities from TASEZ's operational target areas. i.e., Area 1 (Silverton, Nellmapius, Eersterus, Mamelodi), Area 2 (Greater Tshwane Region) and Area 3 (Greater Gauteng Province).
- 1.4. Underpinning the TASEZ's mandate; the entity seeks to appoint a panel of training service providers comprised on reputable and qualified service providers for the provision of various skills development programmes to drive the achievement of TASEZ's strategic and operational objectives.
- 1.5. Key Project Deliverables  
The panel of service providers must comply with the TASEZ operating model, legislation, and procedures in the execution of assigned tasks in order to meet the key project deliverables:

- 1.5.1. Service providers will be expected to provide quotations as and when required for the required services within the stipulated time frames.
- 1.5.2. The scope of work for the service providers on the panel may include material development and facilitation of the modules / programmes they are accredited for.
- 1.5.3. Service providers may be required to partner with TASEZ to secure funding during the term of contract, should the need arise.
- 1.5.4. Service providers may be required to partner with TASEZ to implement projects and/or programs.
- 1.5.5. Service provider must provide comprehensive report for all assignment undertaken. The report must include attendance registers, gender, race, ID number of training participants.
- 1.5.6. Service provider will assume full responsibility and accountability for the implementation and success of this learning intervention.

**Appointment of a panel of accredited training service providers for a period of 36 months**

Document No: TAS-FSC-RFP02

Revision No: 01

Effective Date: May 2022

**2. SBD 1 Form – Invitation to Bid**

**2.1. Invitation to Bid**

<b>You are Hereby Invited to Bid for Requirements of the (Name of Department/ Bidder Entity)</b>					
<b>Bid Number:</b>	TASEZ/RFP 007 2023/24	<b>Closing Date:</b>	08 March 2024	<b>Closing Time:</b>	12h00
<b>Description:</b>	Appointment of a panel of accredited training service providers for a period of 36 months				
<b>The Successful Bidder will be Required to Fill in and Sign a Written Contract Form (SBD7).</b>					

Bid Response Documents May Be Deposited in the Bid Box Situated at (Street Address):

<b>Tshwane Automotive Special Economic Zone (Main Gate)</b>					
<b>Automotive Supplier Park</b>					
<b>30 Helium Road, Rosslyn Ext 2</b>					
<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					
		TCS PIN:		OR	CSD No:
B-BBEE Status Level Verification Certificate [Tick Applicable Box]	<input type="checkbox"/> Yes <input type="checkbox"/> No	B-BBEE Status Level Sworn Affidavit		<input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, who was the Certificate Issued by?					
An accounting officer as contemplated in the Close Corporation Act (CCA) and name the applicable in the tick box	<input type="checkbox"/>	An Accounting Officer as Contemplated in the Close Corporation Act (CCA)			
	<input type="checkbox"/>	A Verification Agency Accredited by the South African Accreditation System (SANAS)			
	<input type="checkbox"/>	A Registered Auditor Name:			
<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 Part B:3 Below]	
<b>Signature of Bidder</b>	.....	<b>Date</b>		.....	
Capacity under which this Bid is Signed. (Attach Proof of Authority to Sign this Bid, e.g., Resolution of Directors, etc.)					
Total Number of Items Offered		Total Bid Price (All Inclusive)		R	
<b>Bidding Procedure Enquiries may be Directed to:</b>		<b>Technical Information may be Directed to:</b>			
Department/ Bidder Entity	SCM TASEZ	Contact Person	Lucia / Hlamulo		
Telephone Number	012 564 3174	Facsimile Number	012 564 3174		
Facsimile Number	N/A	E-Mail Address	<a href="mailto:rfas-rfps@tasez.co.za">rfas-rfps@tasez.co.za</a>		
E-Mail Address	<a href="mailto:rfas-rfps@tasez.co.za">rfas-rfps@tasez.co.za</a>				

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## **2.2. Terms and Conditions for Bidding**

### **2.2.1. Proprietary Information**

2.2.1.1. TASEZ considers this tender and all related information, either written or verbal, which is provided to the respondent, to be proprietary to TASEZ. It shall be kept confidential by the respondent and its officers, employees, agents and representatives. The respondent shall not disclose, publish, or advertise this specification or related information to any third party without the prior written consent of TASEZ.

### **2.2.2. Enquiries and Communication**

2.2.2.1. All communication and attempts to solicit information of any kind relative to this tender should be in writing and directed to: Email address: [rfqs-rfps@tasez.co.za](mailto:rfqs-rfps@tasez.co.za).

2.2.2.2. Clarification questions from Bidder will be closed **Five (5) Days** before the date of closure of the RFP. Note that the last date for request for information pertaining to this tender will be on the **01<sup>st</sup> March 2024**.

2.2.2.3. Bidders may not contact any other TASEZ employee besides contact person mentioned on Paragraph 2.2.2.1 above on any matter pertaining to the bid from the time when bid is advertised to the time the bid is awarded. Any effort by a bidder to influence bid evaluation, bid comparisons or bid award decisions in any manner, may result in rejection of the bid concerned.

2.2.2.4. All the documentation submitted in response to this tender must be in English.

2.2.2.5. The Bidder should check the numbers of the pages to satisfy themselves that none are missing or duplicated. No liability will be accepted by TASEZ in regard to anything arising from the fact that pages are missing or duplicated.

2.2.2.6. If the Bidder finds or reasonably believes it has found any discrepancy, ambiguity, error, or inconsistency in this RFP or any other information provided by TASEZ (other than minor clerical matters), the Bidder must promptly notify TASEZ in writing of such discrepancy, ambiguity, error or inconsistency in order to afford TASEZ an opportunity to consider what corrective action is necessary (if any).

2.2.2.7. Any actual discrepancy, ambiguity, error, or inconsistency in the RFP or any other information provided by TASEZ will, if possible, be corrected and provided to all Bidders without attribution to the Bidder who provided the written notice.

2.2.2.8. All persons (including Bidders) obtaining or receiving the RFP and any other information in connection with the RFP must keep the contents of the RFP and other such information confidential, and not disclose or use the information except as required for the purpose of developing a response to the RFP.

2.2.3. Validity Period

2.2.3.1. Responses to this tender received from suppliers will be valid for a period of 120 working days counted from the closing date of the tender.

2.2.4. Submission of Tenders

2.2.4.1. All submissions must be marked: "For attention: Supply Chain Management" with the RFP Number included and hand delivered. The Tender Box is situated at the **Main Gate**. The address is: -

**The Procurement Officer**

**Tshwane Automotive Special Economic Zone**

**Automotive Supplier Park**

**30 Helium Road**

**Rosslyn Ext 2**

2.2.4.2. Bid documents shall only be considered when received on or before the closing date and time which is **08<sup>th</sup> March 2024** at **12h00**. Late proposals will not be considered. RFP documents will not be opened in Bidder; however, the results will be published on the TASEZ website.

2.2.4.3. Tenders should be submitted bound in a sealed envelope and Bidders are required to submit as follows:

**2.2.4.3.1. One (1) Original**

2.2.4.3.1.1. One original of the completed RFP document shall be placed in a sealed envelope marked: "**TASEZ/RFP 007/2023-2024 panel of accredited training service providers for a period of 36 months.**"



2.2.4.3.1.2. If a **Courier Service Company** is being used for delivery of the bid document, the bid description must be endorsed on the **Delivery Note / Courier Packaging** to ensure that documents are delivered into the tender box.

#### **2.2.4.3.2. Flash Disk**

2.2.4.3.2.1. A copy of the tender shall be scanned and saved in a flash disk that will resemble the original signed hardcopy. The flash disk must be secured in the file.

#### **2.2.4.3.3. Electronically Submission**

2.2.4.3.3.1. Electronic submissions are **not allowed** for this tender.

2.2.4.4. The bids must be in the tender box by no later than **12h00** on the **08<sup>th</sup> of March 2024**.

2.2.4.5. No bid received by telegram, telex, email, facsimile or similar medium will be considered. Where a tender document is not in the tender box at the time of the bid closing, such a bid document will be regarded as a late bid. Late bids will not be considered.

2.2.4.6. Amended bids may be sent, together with the original bid, in an envelope marked "Amendment to bid" and should be placed in the bid box before the closing date and time. Submission of amendment bids without also submitting an original bid document as requested will not be considered.

2.2.4.7. The bidder is responsible for all the cost that they shall incur related to the preparation and submission of the bid document.

2.2.4.8. **Bidders are required to initial each page of the RFP document on the right-hand side at the bottom of each page.**

2.2.4.9. Bidders to note that TASEZ is entitled to amend any bid conditions, validity period, specifications, or extend the closing date of bids before the closing date. All bidders, to whom the bid documents

have been issued, will be advised in writing of such amendments in good time.

2.2.4.10.TASEZ reserves that right not to accept the lowest bid of any tender in part or in whole. It normally awards the contract to the bidder who proves to be fully capable of handling the contract and also financially advantageous to TASEZ.

2.2.4.11.TASEZ also reserves the right to award this bid to a purely empowerment company or may award this bid on conditions that a joint venture with an empowerment company is formed. This may be added as a request to be agreed when contracting.

2.2.4.12.TASEZ also reserves the right to award this bid as a whole or in part without furnishing reasons.

2.2.4.13.TASEZ reserves the right to, among other things, conduct unscheduled or scheduled site visit/s to satisfy itself, as to the validity of the information provided on this bid documents.

2.2.4.14.An incomplete price list shall render the bid non-responsive.

2.2.4.15.TASEZ reserves the right to review the pricing/financial proposal submitted by the bidder and make an assessment if their proposed costing is market related or not and reserves the right to negotiate or not to negotiate the with the preferred bidder or any bidder as per recommendation of the BAC. The process for negotiation will be governed by the TASEZ internal SCM processes as approved and in line with Preferential Procurement Regulation of 2017.

2.2.4.16.All Conditions in the Joint Building Contracts Committee (JBCC) will apply, however Special Conditions of Contract (SCC) as outlined herein will supersede other conditions. **N/A to this bid.**

2.2.4.17.All reference to TASEZ on this bid document includes its subsidiaries who are affected by the deliverable of this bid document

2.2.4.18.The General Condition of Contract is part of this tender document and will be incorporated as an annexure and those will be bidding to the bidder whether they are returned and submitted with the bid response or not and will remain bidding to the bidder whether initialled or not.

2.2.4.19. This bid is subject to the preferential procurement policy framework act 2000 and the preferential procurement regulations, 2017, the general conditions of contract (SLA) and, if applicable, any other legislation or special conditions of contract.

2.2.4.20. None of this bid conditions are to be changed by the bidder unless agreed in writing and approved by TASEZ.

2.2.4.21. Bidder must register on the central supplier database (CSD) to upload mandatory information namely: (Business Registration / Directorship / Membership / Identity Numbers; Tax Compliance Status; Banking Information for verification purposes). B-BBEE Certificate or Sworn Affidavit for B-BBEE must be submitted to bidding institution.

2.2.5. Late Submission

2.2.5.1. Late responses to the RFP will not be accepted.

2.2.5.2. All dates and times in this RFP are in accordance with the South African standard calendar and time.

2.2.5.3. Any time or date in this RFP is subject to change at TASEZ's discretion. The establishment of a time or date in this RFP does not create an obligation on the part of TASEZ to take any action or create any right in any way for any Bidder to demand that any action be taken on the date established.

2.2.5.4. The Bidder accepts that, if TASEZ extends the deadline for the RFP submission (the closing date) for any reason, the requirements of this RFP otherwise apply equally to the extended deadline.

**2.3. SBD 2 - Tax Compliance Requirements**

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

**Tax Compliance Requirements**

- 2.3.1. Bidders must ensure compliance with their Tax obligations.
- 2.3.2. Bidders are required to submit their Unique Personal Identification Number (Pin) issued by SARS to enable TASEZ to verify the taxpayer's profile and tax status.
- 2.3.3. Application for Tax Compliance Status (TCS) Pin may be made via e-filing through the SARS website [www.sars.gov.za](http://www.sars.gov.za)
- 2.3.4. Bidders must submit a printed TCS Certificate together with the bid.
- 2.3.5. In Bids where Consortia / Joint Ventures / Sub-Contractors are involved, each party must submit a separate TCS Certificate / Pin / CSD Report.
- 2.3.6. Where no TCS Pin is available, but the Bidder is registered on the Central Supplier Database (CSD), a CSD Report must be provided.
- 2.3.7. 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."

**2.4. Questionnaire to the Bidding Foreign Suppliers**

Is The Bidder a Resident of the Bidder of South Africa (RSA)? ☐ Yes ☐ No

Does the Bidder have a Branch in the RSA? ☐ Yes ☐ No

Does the Bidder have a Permanent Establishment in the RSA? ☐ Yes ☐ No

Does the Bidder have any Source of Income in the RSA? ☐ Yes ☐ No

If the answer is "no" to all of the above, then, it is not a requirement to obtain a Tax Compliance Status / Tax Compliance system pin code from the South African Revenue Service (SARS) and if not register as per 2.3 above.

**NB: FAILURE TO PROVIDE 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: \_\_\_\_\_

## 2.5. Compulsory Enterprise Questionnaire

The following particulars must be furnished. In the case of a joint venture, separate enterprise questionnaires in respect of each partner must be completed and submitted.

**Section 1: Name of Enterprise:** \_\_\_\_\_

**Section 2: VAT Registration Number, if any:** \_\_\_\_\_

**Section 3: CIDB Registration Number, if any:** \_\_\_\_\_

**Section 4: Particulars of Sole Proprietors and Partners in Partnerships**

Name*	Identity number*	Personal Income Tax Number*

*\* Complete only if sole proprietor or partnership and attach separate page if more than 3 partners*

**Section 5: Particulars of Companies and Close Corporations**

Company Registration Number: \_\_\_\_\_

Close Corporation Number: \_\_\_\_\_ Tax

Reference Number: \_\_\_\_\_

**Section 6: The attached SBD 4 must be completed for each tender and be attached as a tender requirement.**

**Section 7: The attached SBD 6.1 must be completed for each tender and be attached as a requirement.**

**Section 8: The attached SBD 8 must be completed for each tender and be attached as a requirement.**

**Section 9: The attached SBD 9 must be completed for each tender and be attached as a requirement.**

The undersigned, who warrants that he / she is duly authorized to do so on behalf of the enterprise:

- i) authorizes the Employer to obtain a tax clearance certificate from the South African Revenue Services that my / our tax matters are in order.
- ii) Confirms that the neither the name of the enterprise or the name of any partner, manager, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears on the Register of Tender Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act of 2004.
- iii) Confirms that no partner, member, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears, has within the last five years been convicted of fraud or corruption.
- iv) Confirms that I / we are not associated, linked or involved with any other tendering entities submitting tender offers and have no other relationship with any of the Bidder or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest; and
- v) Confirms that the contents of this questionnaire are within my personal knowledge and are to the best of my belief both true and correct.

Signed

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Date

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Name

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Position

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### **3. Scope of Work**

The appointed panel of training service providers will be expected to provide TASEZ's immediate, short, and long -term skills development plans and program to targeted participants from the TASEZ's operational areas. The required services will be based on the approved plans, timelines and as and when required for a period of 36 months. This may include ad-hoc skills development plans for execution.

Members of the panel of training service providers should be accredited with any relevant Sector Education and Training Authority (SETA) as defined and listed by the South African National Department of Higher Learning but not limited to:

- 3.1. ServiceSETA
- 3.2. Agri SETA
- 3.3. Banking SETA
- 3.4. MerSETA
- 3.5. TETA
- 3.6. ETDPA
- 3.7. CETA
- 3.8. FASSET
- 3.9. EWSETA
- 3.10. FP&M SETA
- 3.11. LGSETA
- 3.12. SASSETA
- 3.13. MICT SETA



#### **4. Instruction to Bidder**

##### **4.1. Price Declaration Form**

4.1.1. Please indicate your Final Total RFP Price including VAT here:  
R\_\_\_\_\_ **(compulsory).**

4.1.2. It is mandatory to indicate the total RFP price as requested above. This price must be the same as the total RFP price in the pricing schedule. Should the total RFP prices differ, the one indicated above shall be considered the correct price.

4.1.3. The following must be noted:

4.1.3.1. All prices must be VAT inclusive and must be quoted in South African Rand (ZAR).

4.1.3.2. All prices must be firm and fixed from the RFP closing date and for the duration of the contract.

4.1.3.3. All Bidder must cost according to the costing template provided or this will lead to disqualification.

4.1.3.4. The cost of delivery, labour etc. must be included in the proposal.

4.1.3.5. Preference will be given to respondents who comply with the TASEZ's Procurement Policy & Procedures. Bidder Finance Management Act (PFMA) shall apply.

4.1.3.6. The Bidder must have a minimum B-BBEE status level of contributor 3 or higher.

4.1.3.7. As per amended construction codes, companies with less than 51% black shareholding (QSEs & Generics) are to submit a valid SANAS Accredited B-BBEE Verification Certificate (with the full applicable B-BBEE elements). QSE with at least 51% or 100% black shareholding and EMEs with an annual turnover of above R3 Million are required to submit a B-BBEE verification certificate from a SANAS accredited verification agency as they have to comply with the 40% sub-minimum requirement on the QSE Skills Scorecard to avoid being discounted a level. EMEs with a turnover of less than R3 Million are exempt from complying with the subminimum requirement and may submit an affidavit or a certificate issued by CIPC, confirming their ownership and annual turnover.

- 4.1.3.8. The empowerment and development objectives (30% SMME Involvement) will be controlled by implementing the procedure listed in 4.1.7 above, where the bidder in terms of the Amended B-BBEE Codes is a Generic Entity (Turnover of over R50 mil).
- 4.1.3.9. The appointed service provider shall sub-contract practitioners from previously disadvantaged groups (black, female, youth and people with disability) and/or local (within NMBM) black-owned companies (with a turnover of less than R50 mil), where scope and credentials permit.
- 4.1.3.10. Proof of registration with Treasury's Centralised Supplier Database (CSD) not older than **three (3) months** old.
- 4.1.3.11. TASEZ will only award the tender to a bidder who is tax compliant. The tax compliance status of the Bidder will be verified through CSD and SARS website via the provided pin. The prospective Bidder must ensure that they are Tax Compliant throughout the validity period of the bid in review.
- 4.1.3.12. Bidder will be evaluated on functionality and are expected to meet the minimum of **70%** threshold in order to be evaluated further. The evaluation criteria for measuring functionality and weight of each criterion are provided in the tables below.
- 4.1.3.13. Bidder's servants are prohibited from doing any form of business with organs of state, whether in their own capacity as individuals or through companies in which they are directors. Verification will be done, and Bidder will be disqualified should they be found to be in contravention with the regulations. If the bidder has been granted permission by Treasury, the letter must be provided with the bid document.

#### **4.2. Tender Returnables Requirements**

Bidder shall submit all tender returnables documents as indicated in the **Table 1** below for evaluation purposes. Failure to submit these documents by the Bidder shall be regarded as non-responsive / mandatory non-performance / non-compliance and the Bidder's submission shall be disqualified.

#### 4.2.1. Tender Returnables Requirements

Table 1: Tender Returnables Requirements to be submitted.

Document that must be Submitted	Returnables for the RFP
Company Registration Documents	The Bidder to submit their proof of registration with CIPC
Tax Pin	The Bidder must submit a valid Tax Pin
B-BBEE Certificate or Certified Copy <b>EME – Sworn Affidavit QSE – SANAS Accredited</b>	The Bidder must submit valid B-BBEE Certificates or Sworn Affidavits. <b>Trusts, Consortiums or Joint Ventures (including unincorporated consortia and joint ventures) must submit as follows.</b> - <b>Individual B-BBEE Certificate</b> <b>Consolidated B-BBEE Certificate for the Trust, Consortium, Joint Venture indicating the B-BBEE level for the Organisation.</b>
<b>SBD 1 – Invitation to Bid</b>	Fully completed and signed SBD 1 form. In case of a Joint Venture / Consortium, a separate SBD 1 form in respect of each party to the JV must be completed and submitted.
Letter of Intent to enter into Joint Venture / Consortium	A letter of Intent to enter into Joint Venture / Consortium must be signed by all parties in the JV.
Letter of Authority for JV / Consortium	The Letter of Authority to sign JV / Consortium documents must be signed by all parties in the JV.
<b>SBD 4 – Declaration of Interests</b>	Complete & sign the supplied document. In case of a Joint Venture / Consortium, a separate declaration of interest form in respect of each party to the JV must be completed and submitted.
<b>SBD 6.1 – Preference Points Claim Form</b>	Preference Points Claim Form – Complete and sign the supplied document.
<b>SBD 6.2 – Local Content Declaration</b>	Bidder to submit their proposed local content declaration on SBD 6.2 as attached in the Annexures of this document.

Document that must be Submitted	Returnables for the RFP
Pricing Schedule	Completed, priced and signed pricing schedule for the solution to be implemented / Pricing Schedule clearly legible with permanent ink
Valid PSIRA letter of good standing showing that the company is the accredited installer	Bidder must submit the proof of Valid PSIRA letter of good standing showing that the company is the accredited installer

Failure to submit all the requirements as above (completed and signed including attachments), may result in submissions being deemed null and void and may be considered "non-responsive" and therefore not considered further.

Name of Bidder: \_\_\_\_\_.

Signature of Bibber: \_\_\_\_\_ Date: \_\_\_\_\_.

## 5. Evaluation of Bids

The bid evaluation process will consist of the following **three (3) Stages**:

### 5.1. Responsiveness Assessment

The following criteria will be used in assessing the responsiveness of bids:

#### 5.1.1. Stage 1 – Administrative Requirements Criteria

This is the assessment of compliance with the minimum Administrative Requirements as detailed in **Table 2** below. No points or score will be allocated in criteria. **Non-compliance with any of these Administrative Requirements will result in disqualification.**

Table 2: Administrative Requirements

Description	Compliant	Non-Compliant
1) CIPC Registration Documents		
2) <u>Valid</u> Tax Clearance Certificate / Tax Pin		
3) <u>Valid</u> CSD report (Not older than three (3) months)		
4) <u>Valid</u> Letter of Good Standing issued by the Department of Labour or RMA.		
5) <u>Valid</u> B-BBEE Certificate <ul style="list-style-type: none"><li>- <b>Sworn Affidavit for EME</b></li><li>- <b>SANAS Accredited for QSE (TASEZ to verify with SANAS)</b></li></ul>		
6) <b><u>Completed</u></b> and <b><u>Fully Signed</u></b> SBD 1		
7) <b><u>Completed</u></b> and <b><u>Fully Signed</u></b> SBD 4		
8) <b><u>Completed</u></b> and <b><u>Fully Signed</u></b> SBD 6.1		

#### 5.1.2. Mandatory Returnables

The Bidder shall take note of the required returnable schedules that must be fully complied with and submitted with their tender submission. It is the responsibility of the Bidder to ensure that the information submitted is sufficient to evaluate their tender and design for the system.

**Failure to submit all mandatory requirements** will result in submissions being **deemed null and void** and shall be considered **“non-responsive”** and therefore not considered further.

Table 3: Mandatory Requirements

Description	Compliant	Non-Compliant
1. SBD 4 – Declaration of Interests		
2. Service providers should be accredited with any relevant Sector Education and Training Authority (SETA) as defined and listed by the South African National Department of Higher Learning		

**5.1.3. Stage 2 – Technical / Functionality Evaluation**

Only bids that comply with the indicated Mandatory Administrative Requirements will be considered for the Technical/Functional Evaluation Stage.

The Technical/Functional Evaluation criteria for this bid is indicated in tables below including the scoring system and weight allocation that will be used for the evaluation of the bids. Bidder are required to achieve a minimum of **70 points** out of **100 points** to proceed to **Stage 3** (Price and B- BBEE).

Table 4: Company References

References Letters	No. of Letters	Points Claimed
Reference letters issued by the Bidders'/individuals previous clients on similar projects completed. Letter must be on the client`s official letterhead.  Must be with reference to provision of training and development programs	3 Letters	30
	2 Letters	15
	1 Letters	5
	No Letter	0
<b>Total Points to be Claimed</b>		<b>30</b>

Table 5: Key Resources Qualifications

Key Resources Qualifications	Qualifications	Points Claimed
Project Lead - <b>Please Specify the Name of the Project Lead and provide a copy of his/her Qualifications.</b> Name: _____	Master's degree (or higher) (NQF 9 or 10)	<b>9</b>
	Bachelor's Degree / B-Tech (NQF 7)	5
Project Support / Skills Development Specialist <b>Please Specify the Name of the Project Support and provide a Copy of his/her Qualifications.</b> Name: _____	Master's degree (or higher) (NQF 9 or 10)	<b>7</b>
	Bachelor's Degree /B-Tech (NQF 7)	4
	National Diploma (NQF 6)	3
1) Project Support / Skills Development Officer <b>Please Specify the Name of the Project Support and provide a Copy of his/her Qualifications.</b> Name: _____	Master's degree (or higher) (NQF 9 or 10)	7
	Bachelor's Degree / B-Tech (NQF 7)	4
	National Diploma (NQF 6)	3
2) Project Support /Administrator <b>Please Specify the Name of the Project Support and provide a Copy of his/her Qualifications.</b> Name: _____	Bachelor's Degree / B – Tech (NQF 7)	7
	National Diploma (NQF 6)	4
	Certificate (NQF 5)	3
<b>Total Points to be Claimed</b>		<b>30</b>

The Project Lead and Project Support roles may not be filled by the same individuals. Bidders to allocate different resources for each role.

Table 6: Experience of Key Resources

Key Resources Experience	Years of Experience	Points Claimed
1) Project Lead - <b>Please provide a detailed curriculum Vitae (CV).</b> Name: _____	10 years and above	<b>10</b>
	More than 5 years	4
	Less than 5 years	2
	10 years and above	<b>10</b>

2) Project Support / Specialist –Skills Development Specialist <b>Please provide a detailed curriculum Vitae (CV).</b> Name: _____	More than 5 years	4
	Less than 5 years	2
3) Project Support / Skills Development Officer <b>Please provide a detailed curriculum Vitae (CV).</b> Name: _____	10 years and above	<b>10</b>
	More than 5 years	4
	Less than 5 years	2
4). Project Support / Administrator <b>Please Specify the Name of the Project Support and provide a Copy of his/her Qualifications.</b> Name: _____	10 years and above	10
	More than 5 years	4
	Less than 5 years	2
<b>Total Points to be Claimed</b>		<b>40</b>

The minimum threshold points for functionality are 70 points out of 100 points and any bidder scoring less than 70 points will not be considered for further evaluation. Bidder to address and respond to all areas of the evaluation criteria. Any bid scoring less than the Minimum required in any one or more of the above-mentioned evaluation criteria will not be evaluated further.

Any bid not covering all of the above will not be evaluated. For purpose of comparison and in order to ensure a meaningful evaluation, Service Providers are requested to furnish detailed information in substantiation of compliance to the evaluation criteria mentioned above.

#### 5.1.4. **Stage 3 – Price and B-BBEE**

Bidder must fully complete the Pricing Schedule in **Table 8** below. The bid will be evaluated on the 80/20 principle. Risk assessment will be conducted on the top **three (3)** Bidder using the Bidder' audited financial statement. Bidder to submit 3 years audited financial statements.



6. Duration of the Contract

The contract shall be for a period of **36 months** with an option to renew. However, any consideration for renewal will be based on the performance and quality of service provided by the agency.

7. Pricing Schedule A

N/A

8. Form of Offer and Acceptance

Project Title	Appointment of a panel of accredited training service providers for a period of 36 months
RFP Number	TASEZ/RFP 007/2023-24

1. OFFER

The employer, identified in the acceptance signature block, has solicited offers to enter into a contract for the procurement of:

.....

.....

.....

.....

.....

The Bidder, identified in the offer signature block, has examined the documents listed in the tender data and addenda thereto as listed in the returnable schedules, and by submitting this offer has accepted the conditions of tender.

By the representative of the Bidder, deemed to be duly authorized, signing this part of this form of offer and acceptance, the Bidder offers to perform all of the obligations and liabilities of the FMSP under the contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the conditions of contract identified in the contract data.

**THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF VALUE ADDED TAX IS**

.....

.....

.....

..... **Rand (in words).**

**R**..... (in figures)  
(or other suitable wording).

This offer may be accepted by the employer by signing the acceptance part of this form of offer and acceptance and returning one copy of this document to the Bidder before the end of the period of validity stated in the tender data, whereupon the Bidder

becomes the party named as the FMSP in the conditions of contract identified in the contract data.

Signature .....

Name .....

Capacity .....

for the

Bidder .....

.....

.....

(Name and Address of Organisation)

Name and Signature

of Witness ..... Date .....

2. ACCEPTANCE

By signing this part of this form of offer and acceptance, the employer identified below accepts the Bidder's offer. In consideration thereof, the employer shall pay the FMSP the amount due in accordance with the conditions of contract identified in the contract data. Acceptance of the Bidder's offer shall form an agreement between the employer and the Bidder upon the terms and conditions contained in this agreement and in the contract that is the subject of this agreement.

The terms of the contract, are contained in:

- i. Part 3 – Scope of work.

Deviations from and amendments to the documents listed in the tender data and any addenda thereto as listed in the returnable schedules as well as any changes to the terms of the offer agreed by the Bidder and the employer during this process of offer and acceptance, are contained in the schedule of deviations attached to and forming part of this form of offer and acceptance. No amendments to or deviations from said documents are valid unless contained in this schedule.

The Bidder shall within 3 weeks after receiving a completed copy of this agreement, including the schedule of deviations (if any), contact the employer's agent (whose details are given in the contract data) to arrange the delivery of any securities,

bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the conditions of contract identified in the contract data. Failure to fulfil any of these obligations in accordance with those terms shall constitute a repudiation of this agreement.

Notwithstanding anything contained herein, this agreement comes into effect on the date when the Bidder receives one fully completed original copy of this document, including the schedule of deviations (if any). Unless the Bidder (now FMSP) within five working days of the date of such receipt notifies the employer in writing of any reason why he cannot accept the contents of this agreement, this agreement shall constitute a binding contract between the parties.<sup>1</sup>

Signature.....  
Name .....  
Capacity .....

**for the**  
**Employer** .....  
.....  
.....  
(Name and address of organisation)

Name and Signature  
of Witness ..... Date .....

3. SCHEDULE OF DEVIATIONS

Subject: .....  
Details: .....  
.....

Subject: .....  
Details: .....  
.....

Subject: .....  
Details: .....  
.....

Subject: .....  
Details: .....  
.....

By the duly authorised representatives signing this agreement, the employer and the Bidder agree to and accept the foregoing schedule of deviations as the only deviations from and amendments to the documents listed in the tender data and addenda thereto as listed in the tender schedules, as well as any confirmation, clarification or changes to the terms of the offer agreed by the Bidder and the employer during this process of offer and acceptance.

It is expressly agreed that no other matter whether in writing, oral communication or implied during the period between the issue of the tender/ quotation documents and the receipt by the Bidder of a completed signed copy of this Agreement shall have any meaning or effect in the contract between the parties arising from this agreement.

<sup>1</sup> As an alternative, the following wording may be used:

Notwithstanding anything contained herein, this agreement comes into effect two working days after the submission by the employer of one fully completed original copy of this document including the schedule of deviations (if any), to a courier-to-counter delivery / counter-to-counter delivery / door-to-counter delivery /door-to-door delivery /courier service (delete that which is not applicable), provided that the employer notifies the Bidder of the tracking number within 24 hours of such submission. Unless the Bidder (now FMSP) within seven working days of the date of such submission notifies the employer in writing of any reason why he cannot accept the contents of this agreement, this agreement shall constitute a binding contract between the parties

**9. Record of Addendum to the Bid Documents**

<b>Project Title</b>	<b>Appointment of a panel of accredited training service providers for a period of 36 months</b>		
<b>RFP Number</b>	<b>TASEZ/RFP007/2023-24</b>		
I / We confirm that the following communications received from the TASEZ before the submission of this tender offer, amending the tender documents, have been taken into account in this bid offer: (Attach additional pages if more space is required)			
<b>Item</b>	<b>Date</b>	<b>Title or Details</b>	<b>No. of Pages</b>
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

Attach additional pages if more space is required.

Signed: .....

Date: .....

Name: .....

Position: .....

Bidder: .....

## 10. Proposed Amendments and Qualifications

The Tenderer should record any deviations or qualifications he may wish to make to the tender documents in this Returnable Schedule. Alternatively, a tenderer may state such deviations and qualifications in a covering letter to his tender and reference such letter in this schedule.

The Tenderer's attention is drawn to clause 5.8 of SANS 10845-3 regarding the employer's handling of material deviations and qualifications.

<b>Project Title</b>	<b>Appointment of a panel of accredited training service providers for a period of 36 months</b>
<b>RFP Number</b>	<b>TASEZ/RFP007/2023-24</b>

<b>Page</b>	<b>Clause /Item</b>	<b>Proposal</b>

**The undersigned, who warrants that she/ he is duly authorised to do so on behalf of the enterprise, confirms that the content of this schedule that presented by the tenderer are within my personal knowledge and are to the best of my knowledge both true and correct**

Attach additional pages if more space is required.

Signed: .....

Date: .....

Name: .....

Position: .....

Bidder: .....

## **11. Resolution for Signatory**

### **CERTIFICATE OF AUTHORITY FOR SIGNATORY**

Signatory for companies shall confirm their authority hereto by attaching a duly signed and dated copy of therelevant resolution of the board of directors to this form or on company letter head.

An example is given below:

"By resolution of the board of directors passed at a meeting held on \_\_\_\_\_.  
Mr/Ms \_\_\_\_\_, whose signature appears below, has  
been duly authorised to sign all documents in connection with the tender for Contract  
No. \_\_\_\_\_.

and any Contract which may arise there from on behalf of (Block Capitals)

Signed on behalf of the company: \_\_\_\_\_

In his/her capacity as: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of signatory: \_\_\_\_\_

### **WITNESSES:**

<b>Director (Names)</b>		Signature	
<b>Director (Names)</b>		Signature	
<b>Director (Names)</b>		Signature	
<b>Director (Names)</b>		Signature	
<b>Director (Names)</b>		Signature	
<b>Director (Names)</b>		Signature	

If you cannot complete this form, attach a separate sheet (in a company letter head, project specific and signed by all directors):



## 12. Certificate of Authority for Joint Ventures

This Returnable Schedule is to be completed by joint ventures.

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise

Mr / Ms. ...., authorised  
signatory of the company

.....,

acting in the capacity of leadpartner, to sign all documents in connection with the tender  
offer and any contract resulting from it on our behalf.

<b>Project Title</b>	<b>Appointment of a panel of accredited training service providers for a period of 36 months</b>	
<b>RFP Number</b>	<b>TASEZ/RFP007/2023-24</b>	
<b>Name of Firm</b>	<b>Address</b>	<b>Duly Authorised Signatory</b>
<b>Lead Partner:</b>		Signature: ..... Name: ..... Designation: .....
Partner:		Signature: ..... Name: ..... Designation: .....
Partner:		Signature: ..... Name: ..... Designation: .....
Partner:		Signature: ..... Name: ..... Designation: .....

Attach additional pages if more space is required.

Signed: ..... Date: .....

Name: ..... Position: .....

Bidder: .....

### 13. Schedule of Proposed Sub-Contractors

<b>Project Title</b>	<b>Appointment of a panel of accredited training service providers for a period of 36 months</b>
<b>RFP Number</b>	<b>TASEZ/RFP024/2022</b>

We notify you that it is our intention to employ the following Sub-Contractors for work in this contract. The Sub-Contractors will all be CIDB registered and their CIDB Registration number shall be submitted below. This should also be declared on **SBD 6.1 form**.

If we are awarded a contract we agree that this notification does not change the requirement for us to submit the names of proposed Sub-Contractors in accordance with requirements in the contract for such appointments. If there are no such requirements in the contract, then your written acceptance of this list shall be binding between us.

We confirm that all Sub-Contractors who are or to be contracted are registered on Central Supplier Database (CSD).

<b>No.</b>	<b>Name and Address of the Proposed Sub-Contractor</b>	<b>Nature and Extent of Work</b>	<b>Value</b>	<b>Contact details</b>
1				
2				
3				
4				

**The undersigned, who warrants that she/ he is duly authorised to do so on behalf of the enterprise, confirms that the content of this schedule that presented by the tenderer are within my personal knowledge and are to the best of my knowledge both true and correct**

#### **14. SBD 4 Form**

##### **DECLARATION OF INTEREST**

1. Any legal person, including persons employed by the state<sup>1</sup>, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-
  - the bidder is employed by the state; and/or
  - the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.
2. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.
  - 2.1. Full Name of bidder or his or her representative: .....
  - 2.2. Identity Number: .....
  - 2.3. Position occupied in the Company (director, trustee, shareholder<sup>2</sup>): .....
  - 2.4. Company Registration Number: .....
  - 2.5. Tax Reference Number: .....
  - 2.6. VAT Registration Number: .....
    - 2.6.1. The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.
    - 2.6.2. <sup>1</sup>"State" means –
      - a) any national or provincial department, national or provincial Bidder entity or constitutional institution within the meaning of the Bidder Finance Management Act, 1999 (Act No. 1 of 1999)
      - b) any municipality or municipal entity
      - c) provincial legislature
      - d) national Assembly or the national Council of provinces; or

e) Parliament.

2.6.3. "Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

2.7. Are you or any person connected with the bidder presently employed by the state? **YES / NO**

2.8. If so, furnish the following particulars:  
Name of person / director / trustee / shareholder/ member: .....  
Name of state institution at which you or the person: .....  
connected to the bidder is employed: .....  
Position occupied in the state institution: .....  
Any other particulars:  
.....  
.....

2.9. If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the Bidder sector? **YES / NO**

2.9.1. If yes, did you attached proof of such authority to the bid document? **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.9.2. If no, furnish reasons for non-submission of such proof:  
.....  
.....  
.....

2.10. Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.10.1. If so, furnish particulars:  
.....  
.....  
.....

2.11. Do you, or any person connected with the bidder, have **YES / NO**  
any relationship (family, friend, other) with a person  
employed by the state and who may be involved with  
the evaluation and or adjudication of this bid?

2.11.1.If so, furnish particulars.  
.....  
.....  
.....

2.12. Are you, or any person connected with the bidder, **YES / NO**  
aware of any relationship (family, friend, other) between  
any other bidder and any person employed by the state  
who may be involved with the evaluation and or adjudication  
of this bid?

2.12.1.If so, furnish particulars.  
.....  
.....  
.....

2.13. Do you or any of the directors / trustees / shareholders / members **YES / NO**  
of the company have any interest in any other related companies  
whether or not they are bidding for this contract?

2.13.1.If so, furnish particulars:  
.....  
.....  
.....

Table 7: Full details of Directors / Trustees / Members / Shareholders.

Full Name	Identity Number	Personal Tax Reference Number	State Employee Number / Persal Number

3. Declaration

I, the undersigned (Name) .....  
Certify that the information furnished in paragraphs 2 and 3 above is correct.

I accept that the state may reject the bid or act against me in terms of paragraph  
23 of the general conditions of contract should this declaration prove to be false.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

## 15. SBD 6.1 Form

### **PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017**

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

**NB: BEFORE COMPLETING THIS FORM, BIDDER MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B- BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.**

#### **1. General Conditions**

- 1.1. The following preference point systems are applicable to all bids:
  - 1.1.1. the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
  - 1.1.2. the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).
- 1.2. Price and B-BBEE Points
  - 1.2.1. If the value of this bid does not exceed **R50 000 000.00** (all applicable taxes included), the **80/20** preference point system shall be applicable;  
or
  - 1.2.2. If the value of this bid exceeds **R50 000 000.00** (all applicable taxes included), the **90/10** preference point system will be applicable.
- 1.3. Points for this bid shall be awarded for:
  - 1.3.1. Price; and
  - 1.3.2. B-BBEE Status Level of Contributor.
- 1.4. The maximum points for this bid are allocated as follows:

Table 8: Price and B-BBEE Points Allocations

Description	Points
Price	
B-BBEE Status Level of Contributor	
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

- 1.5. Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
- 1.6. The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

## **2. Definitions**

- 2.1. "B-BBEE" means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 2.2. "B-BBEE status level of contributor" means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.3. "Bid" means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- 2.4. "Broad-Based Black Economic Empowerment Act" means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.5. "EME" means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad- Based Black Economic Empowerment Act;
- 2.6. "functionality" means the ability of a Bidder to provide goods or services in accordance with specifications as set out in the tender documents.
- 2.7. "Prices" includes all applicable taxes less all unconditional discounts;
- 2.8. "Proof of B-BBEE status level of contributor" means:
  - 2.8.1. B-BBEE Status level certificate issued by an authorized body or person;
  - 2.8.2. A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 2.8.3. Any other requirement prescribed in terms of the B-BBEE Act;
- 2.9. "QSE" means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;



2.10. "Rand value" means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

### 3. Points Awarded for Price

#### 3.1. The 80/20 or 90/10 Preference Point Systems

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

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

Where

$P_s$  = Points scored for price of bid under consideration  
 $P_t$  = Price of bid under consideration  
 $P_{\min}$  = Price of lowest acceptable bid

#### 4. Points Awarded for B-BBEE Status Level of Contributor

In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
<b>Non-Compliant Contributor</b>	<b>0</b>	<b>0</b>

In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

## 5. Bid Declaration

- 5.1. Bidder who claims points in respect of B-BBEE Status Level of Contribution must complete the following:

### B-BBEE Status Level of Contributor Claimed in Terms of Paragraphs 5.

- 5.2. B-BBEE Status Level of Contributor: \_\_\_\_ . \_\_\_\_ = \_\_\_\_ (maximum of 10 or 20 points)
- 5.3. (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4 and must be substantiated by relevant proof of B-BBEE status level of contributor.

## 6. Sub-Contracting

- 6.1. Will any portion of the contract be sub-contracted? (Tick applicable box)

YES		NO	
-----	--	----	--

- 6.1.1. If yes, indicate:

6.1.1.1. What percentage of the contract will be sub-contracted **30** %

6.1.1.2. The name of the sub-contractor .....

6.1.1.3. The B-BBEE status level of the sub-contractor .....

6.1.1.4. Whether the sub-contractor is an EME or QSE

(Tick applicable box)

YES		NO	
-----	--	----	--

- 6.1.2. Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations, 2017:

Designated Group: An EME or QSE which is at least 51% owned by:	EME	QSE
	√	√
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		

Black people who are military veterans		
<b>OR</b>		
Any EME		
Any QSE		

**7. Declaration with Regard to Company / Firm**

7.1. Name of Company / Firm: .....

7.2. VAT Registration Number: .....

7.3. Company Registration Number: .....

7.4. Type of Company / Firm

- ☐ Partnership / Joint Venture / Consortium
- ☐ One person business / sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

**[TICK APPLICABLE BOX]**

7.5. Describe Principal Business Activities

.....  
.....

7.6. Company Classification

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g., transporter, etc.

**[TICK APPLICABLE BOX]**

7.7. Total number of years the company/firm has been in business: .....

7.8. I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs

7.9. 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

7.9.1. The information furnished is true and correct;

- 7.9.2. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- 7.9.3. In the event of a contract being awarded as a result of points claimed as shown in paragraphs
- 7.9.4. 1.4 and 6.1, the FMSP may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- 7.9.5. If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have
  - 
  - 7.9.5.1. disqualify the person from the bidding process;
  - 7.9.5.2. recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
  - 7.9.5.3. 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;
  - 7.9.5.4. recommend that the bidder or FMSP, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury 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
  - 7.9.5.5. forward the matter for criminal prosecution.
  - 7.9.5.6.

Witnesses

1.	Signature
2.	Date:
	Address:

## **16. SBD 6.2 Form**

### **DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS**

This Standard Bidding Document (SBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, Bidder must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2011, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

#### **1. General Conditions**

- 1.1. Preferential Procurement Regulations, 2011 (Regulation 9) makes provision for the promotion of local production and content.
- 1.2. Regulation 9. (1) prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for bids referred to in paragraph 1.2 above, a two-stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.

- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = [1 - x / y] * 100$$

Where

x is the imported content in Rand.

y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as indicated in paragraph 4.1 below.

**The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial\\_development/ip.jsp](http://www.thedti.gov.za/industrial_development/ip.jsp) at no cost.**

- 1.6. A bid may be disqualified if –
- 1.6.1. this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation; and
  - 1.6.2. the bidder fails to declare that the Local Content Declaration Templates (Annex C, D and E) have been audited and certified as correct.

## **2. Definitions**

- 2.1. "bid" includes written price quotations, advertised competitive bids or proposals;
- 2.2. "bid price" price offered by the bidder, excluding value added tax (VAT);
- 2.3. "contract" means the agreement that results from the acceptance of a bid by an organ of state;
- 2.4. "designated sector" means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;

- 2.5. "duly sign" means a Declaration Certificate for Local Content that has been signed by the Chief Financial Officer or other legally responsible person nominated in writing by the Chief Executive, or senior member / person with management responsibility (close corporation, partnership or individual).
- 2.6. "imported content" means that portion of the bid price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its Sub-Contractors) and which costs are inclusive of the costs abroad (this includes labour or intellectual property costs), plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;
- 2.7. "local content" means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;
- 2.8. "stipulated minimum threshold" means that portion of local production and content as determined by the Department of Trade and Industry; and
- 2.9. "sub-contract" means the primary Bidder's assigning, leasing, making out work to, or employing another person to support such primary Bidder in the execution of part of a project in terms of the contract.

**3. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is / are as follows:**

No.	Description of Service / Works / Goods	Unit (e.g., m <sup>2</sup> , m <sup>3</sup> , ton, etc.)	Qty	Stipulated Minimum Threshold
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				

**4. Does any portion of the services, works or goods offered have any imported content?**

(Tick applicable box)

YES		NO	
-----	--	----	--

4.1. If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.

4.2. The relevant rates of exchange information is accessible on [www.reservebank.co.za](http://www.reservebank.co.za).

4.3. Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

**NB: Bidder must submit proof of the SARB rate (s) of exchange used.**

**5. Were the Local Content Declaration Templates (Annex C, D and E) audited and certified as correct?**

(Tick applicable box)

YES		NO	
-----	--	----	--

5.1. If yes, provide the following particulars:

5.1.1. Full name of auditor:.....

5.1.2. Practice number: .....

5.1.3. Telephone and cell number: .....

5.1.4. Email address: .....

(Documentary proof regarding the declaration will, when required, be submitted to the satisfaction of the Accounting Officer / Accounting Authority)



6. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the DTIC must be informed accordingly in order for the DTIC to verify and in consultation with the AO/AA provide directives in this regard.

**Local Content Declaration**

**(Refer To Annex B of SATS 1286:2011)**

**Local content declaration by Chief Financial Officer or other legally responsible person nominated in writing by the Chief Executive or Senior Member/Person with management responsibility (close corporation, partnership, or individual)**

In respect of bid no. ....

Issued BY: (Procurement Authority / Name of Institution): .....

**NB**

- 1) The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.
- 2) Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on [http://www.thedti.gov.za/industrial\\_development/ip.jsp](http://www.thedti.gov.za/industrial_development/ip.jsp). Bidder should first complete Declaration D. After completing Declaration D, Bidder should complete Declaration E and then consolidate the information on Declaration C. Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below. Declarations D and E should be kept by the Bidder for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, .....  
(full names), do hereby declare, in my capacity as .....of  
.....  
(name of bidder entity), the following:

- a) The facts contained herein are within my own personal knowledge.
- b) I have satisfied myself that:

the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and the declaration templates have been audited and certified to be correct.

- c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

Bid price, excluding VAT (y)	R
Imported content (x), as calculated in terms of SATS 1286:2011	R
Stipulated minimum threshold for local content (paragraph 3 above)	
Local content %, as calculated in terms of SATS 1286:2011	

If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above. The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.

- d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2011 promulgated under the Preferential Policy Framework Act (PPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

WITNESS No. 1 \_\_\_\_\_

DATE: \_\_\_\_\_

WITNESS No. 2 \_\_\_\_\_

DATE: \_\_\_\_\_

## **7. Process When Requesting Exemption Letters**

- 7.1. For exemption requests on designated products and the minimum threshold for local content cannot be met for various reasons, Bidder must apply for exemption per tender. After checking with the industry, the dti will decide whether to grant an exemption or not.
- 7.2. In the official request (signed letter), the following information should be included:
- 7.2.1. Procuring entity/government department/state owned company.
  - 7.2.2. Tender/bid number.
  - 7.2.3. Closing date.
  - 7.2.4. Item(s) for which the exemption is being requested for.
  - 7.2.5. Description of the goods, services or works for which the requested exemption item will be used for and the local content that can be met.
  - 7.2.6. Reason(s) for the request.
  - 7.2.7. Supporting letters from local manufacturers and suppliers.
- NB – Exemption letters are tender specific and applications are not transferrable.**
- 7.3. The turnaround time in response to exemption letters for all designated products is five working days with the exception of rail and boats/vessels which is seven working days.
- 7.4. Request for exemption letters are to be directed to:

**Dr Tebogo Makube**

**Chief Director:** Industrial Procurement

**Tel:** 012 394 3927

**E-mail:** [tmakube@thedti.gov.za](mailto:tmakube@thedti.gov.za)

- 7.5. The turnaround time in response to textile, clothing, leather and footwear exemption letters request is two working days and requests are to be directed to:

**Patricia Khumalo Tel: 012 394 1390**

**E-mail:** [khumaloP@thedti.gov.za](mailto:khumaloP@thedti.gov.za)

## 17. SBD 8 Form

### Declaration of Bidder's Past Supply Chain Management Practices

1. This Standard Bidding Document must form part of all bids invited.
2. It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
3. The bid of any bidder may be disregarded if that bidder, or any of its directors have –
  - 3.1. abused the institution's supply chain management system;
  - 3.2. committed fraud or any other improper conduct in relation to such system; or
  - 3.3. failed to perform on any previous contract.
4. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the Bidder sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).  The Database of Restricted Suppliers now resides on the National Treasury's website( <a href="http://www.treasury.gov.za">www.treasury.gov.za</a> ) and can be accessed by clicking on its link at the bottom of the home page.	Yes	No
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website ( <a href="http://www.treasury.gov.za">www.treasury.gov.za</a> ) by clicking on its link at the bottom of the home page.	Yes	No
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Bidder of South Africa) for fraud or corruption during the past five years?	Yes	No
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes	No
4.4.1	If so, furnish particulars:		

**Certification**

I, the undersigned (full name) .....  
Certify that the information furnished on this declaration form is true and correct.

I accept that, in addition to cancellation of a contract, action may be taken against  
me should this declaration prove to be false.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

**18. SBD 9 Form**

**Certificate of Independent Bid Determination**

1. This Standard Bidding Document (SBD) must form part of all bids<sup>1</sup> invited.
2. Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
3. Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
  - 3.1. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
  - 3.2. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
4. This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
5. In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

**Certificate of Independent Bid Determination**

I, the undersigned, in submitting the accompanying bid:  
in response to the invitation for the bid made by:

**Tshwane Automotive Special Economic Zone (TASEZ)**

**(Name of Institution)**

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: \_\_\_\_\_ that:

**(Name of Bidder)**

1. I have read and I understand the contents of this Certificate
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - 5.1. has been requested to submit a bid in response to this bid invitation
  - 5.2. could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - 5.3. provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. 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>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - 7.1. prices
  - 7.2. geographical area where product or service will be rendered (market allocation)

- 7.3. methods, factors or formulas used to calculate prices
- 7.4. the intention or decision to submit or not to submit, a bid
- 7.5. the submission of a bid which does not meet the specifications and conditions of the bid; or
- 7.6. bidding with the intention not to win the bid.
- 8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 9. 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.
- 10. 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 Bidder 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.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

<sup>3</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.



## **19. Service Level Agreement**

1. Upon award TASEZ and the successful Bidder will conclude a Service Level Agreement (SLA) regulating the specific terms and conditions applicable to the services being procured by TASEZ.
2. TASEZ reserves the right to accept or reject any or all amendments or additions proposed by a Bidder if such amendments or additions are unacceptable to TASEZ or pose a risk to the organisation.

## **20. Special Conditions of this RFP**

1. Bidder to take note that the award of the RFP may be subject to price negotiation with the preferred bidder and that this bid is subject to the PP Regulations of 1 April 2017.
2. Additionally, Regulation 13 (c) of the Bidder Service Regulations 2016 determines that an employee shall not conduct business with an organ of state or be a director of a Bidder or private company conducting business with an organ of state unless such employee is in an official capacity a director of a company listed in schedule 2 and 3 of the Bidder Finance Management Act.
3. As this regulation prohibits Bidder service employees from conducting business with an organ of state; either in a personal capacity or as a director of a private or Bidder company, non-compliance with this regulation will lead to automatic disqualification of a bid.
4. The TASEZ will not pay commission to the successful bidder regardless of the subcontracting conditions.
5. The TASEZ reserves the right – without prejudice and limitations to its any other rights and privileges in law:
  - 5.1. Not to appoint a Bidder and is also not obliged to provide reasons for the rejections of any proposal;
  - 5.2. To request further information from any Bidder after the closing date, for clarity purposes;
  - 5.3. To carry out site inspections, product evaluations or explanatory meetings to verify the nature and quality of the services offered by the Bidder, whether before or after adjudication of the responses received;
  - 5.4. To correct any mistakes at any stage of the RFP process that may have been in the RFP documents or occurred at any stage of the RFP process;

- 5.5. To award this RFP to a bidder that did not score the highest total number of points, only in accordance with section 2(1)(f) of the PPPFA (Act 5 of 2000);
- 5.6. To negotiate with one or more preferred bidder(s) identified in the evaluation process, regarding any terms and conditions, including price without offering the same opportunity to any other bidder(s) who has not been awarded the status of the preferred bidder(s);
- 5.7. To accept part of a RFP rather than the whole RFP;
- 5.8. To correct any mistakes at any stage of the RFP that may have been in the RFP documents or occurred at any stage of the RFP process;
- 5.9. To cancel and/or terminate the RFP process at any stage, including after the Closing Date and/or after quotations have been evaluated and/or after the preferred bidder(s) have been notified of their status as such; and
- 5.10. Award to multiple Bidder based justifiable reasons including but not limited to the bidder's expertise, the complexity of the scope per bidder, any on the bidder's size and TASEZ's geographic consideration.

## **21. Misrepresentation During the Lifecycle of the Contract**

1. The Bidder should note that the terms of its proposal will be incorporated in the proposed contract by reference and that TASEZ relies upon the Bidder's response as a material representation in making an award to a successful Bidder and in concluding an agreement with the Bidder.
2. It follows therefore that misrepresentations in the proposal may give rise to service termination and a claim by TASEZ against the Bidder notwithstanding the conclusion of the Service Level Agreement (SLA) between TASEZ and the Bidder for the provision of the service in question.
3. In the event of a conflict between the Bidder's proposal and the SLA concluded between the parties, the SLA will prevail.

## **22. Preparation Costs**

1. The Bidder will bear all its costs in preparing, submitting, and presenting any response to this RFP and all other costs incurred by it throughout the RFP process.
2. Furthermore, no statement in this RFP will be construed as placing TASEZ or its employees under any obligation whatsoever, including in respect of costs, expenses or losses incurred by the Bidder in the preparation of their response to this RFP.

### **23. Indemnity**

If a Bidder breaches the conditions of this RFP and, as a result of that breach, TASEZ incurs costs or damages (including, without limitation, the cost of any investigations, procedural impairment, repetition of all or part of the RFP process and/or enforcement of intellectual property rights or confidentiality obligations), then the Bidder indemnifies and holds TASEZ harmless from any and all such costs which TASEZ may incur and for any damages or losses TASEZ may suffer.

### **24. Precedence**

This document will prevail over any information provided whether oral or written, unless such written information provided, expressly amends this document by reference.

### **25. Limitation Of Liability**

A Bidder participates in this RFP process entirely at its own risk and cost. TASEZ shall not be liable to compensate a Bidder on any grounds whatsoever for any costs incurred or any damages suffered because of the Bidder' participation in this RFP process.

### **26. Tax Compliance**

1. It is essential to ensure that persons conducting business with the State are tax compliant at the time of awarding of price proposals or competitive bids. No price quotations or competitive bids shall be awarded to businesses or persons who are not tax compliant.
2. The successful Bidder will be notified of their non-compliance statutes in writing and will have seven (7) working days to submit written proof from SARS of their tax compliance status or proof that they have made an arrangement to meet their outstanding tax obligations. The Bidder should thereafter provide the procurement officer with proof of their tax compliance status which will be verified by the procurement office via the CSD.
3. TASEZ reserves the right to withdraw an award made, or cancel a contract concluded with a successful Bidder if it is established that such Bidder has submitted a fraudulent Tax Clearance Certificate to TASEZ, or whose verification against the Central Supplier Database (CSD) proves non-compliant.
4. TASEZ further reserves the right to cancel a contract with a successful Bidder if such Bidder do not remain tax compliant for the full term of the contract.

## **27. RFP Defaulters and Restricted Suppliers**

1. No contract shall be awarded to a Bidder whose name (or any of its members, directors, partners or trustees) appear on the Register of RFP Defaulters kept by National Treasury, or who have been placed on National Treasury's List of Restricted Suppliers.
2. TASEZ reserves the right to withdraw an award, or cancel a contract concluded with a Bidder should it be established, at any time, that a Bidder has been blacklisted with National Treasury by another government institution.

## **28. Governing Law**

South African law governs this RFP and the RFP response process. The Bidder agrees to submit to the exclusive jurisdiction of the South African courts in any dispute of any kind that may arise out of or in connection with the subject matter of this RFP, the RFP itself and all processes associated with the RFP.

## **29. Confidentiality**

1. Except as may be required by operation of law, by a court or by a regulatory authority having appropriate jurisdiction, no information contained in or relating to this RFP will be disclosed by any Bidder or other person not officially involved with TASEZ's examination and evaluation.
2. No part of the RFP may be distributed, reproduced, stored, or transmitted, in any form or by any means, electronic, photocopying, recording or otherwise, in whole or in part except for the purpose of preparing a response. This RFP and any other documents supplied by TASEZ remain proprietary to TASEZ and must be promptly returned to TASEZ upon request together with all copies, electronic versions, excerpts, or summaries thereof or work derived there from.
3. Throughout this RFP process and thereafter, Bidder must secure TASEZ's written approval prior to the release of any information that pertains to the
4. potential work or activities to which this RFP relates; or
5. the process which follows this RFP.
6. Failure to adhere to this requirement may result in disqualification from the RFP process and civil action.

### **30. Legislative Frameworks of the RFP**

1. As TASEZ is established within the laws associated with all other SEZ's under the dtic's SEZ Programme, its development, management and operations have (as a minimum) to comply with the requisite and relevant provisions of the SA Constitution (41(1)h & 288), the PFMA (49(3)), Treasury Regulations (16A6.5 & 16A6.6), the FIDPM Note 3 of 2019/2020 and the IDMS. Additionally, TASEZ must comply with the following:

#### **1.1. Tax Legislation**

- 1.1.1. It is a condition of this RFP that the tax matters of the successful Bidder are in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the Bidder' tax obligations.
- 1.1.2. The tax compliance status requirements are also applicable to foreign Bidder/ individuals who respond to the RFP.
- 1.1.3. It is a requirement that Bidder grant written confirmation when submitting their response that SARS may on an ongoing basis during the tenure of the contract disclose the Bidder' tax compliance status and by submitting a response to this RFP such confirmation is deemed to have been granted.
- 1.1.4. Bidder are required to be registered on the Central Supplier Database and TASEZ shall verify the Bidder' tax compliance status through the Central Supplier Database.

#### **1.2. Procurement Legislation**

- 1.2.1. TASEZ has a detailed evaluation methodology premised on Treasury Regulation 16A3 promulgated under Section 76 of the Bidder Finance Management Act, 1999 (Act, No. 1 of 1999), the Preferential Procurement Policy Framework Act 2000 (Act, No.5 of 2000) and the Broad-Based Black Economic Empowerment Act, 2003 (Act, No. 53 of 2003).

### **31. Supplier Due Diligence**

TASEZ reserves the right to conduct supplier due diligence prior to final award or at any time during the contract period. This may include site visits and requests for additional information.

### **32. Requirements After Award**

The following process will be followed **Two Weeks (14 Days)** after contract award: -

1. Kick Off Meeting
2. Submission of the following Documents before commencement of the works
  - 2.1. SHE File as per the attached TASEZ SHE Specification
  - 2.2. Quality File
  - 2.3. Qualification of Key Personnel if changed from the bid submission.
  - 2.4. Implementation Plan

## SATs 1286.2011

## Annex C

## Local Content Declaration - Summary Schedule

(C1)	Tender No.
(C2)	Tender description:
(C3)	Designated product(s)
(C4)	Tender Authority:
(C5)	Tendering Entity name:
(C6)	Tender Exchange Rate:
(C7)	Specified local content %

**Note:** VAT to be excluded from all calculations

Pula
  EU
  GBP

[illegible]

**Signature of tenderer from Annex B**

Date:

## SATS 1286.2011

**Imported Content Declaration - Supporting Schedule to Annex C**

[illegible]

A. Exempted imported content				Calculation of imported content						Summary	
Tender item no's	Description of imported content	Local supplier	Overseas Supplier	Forign currency value as per Commercial Invoice	Tender Exchange Rate	Local value of imports	Freight costs to port of entry	All locally incurred landing costs & duties	Total landed cost excl VAT	Tender Qty	Exempted imported value
(D7)	(D8)	(D9)	(D10)	(D11)	(D12)	(D13)	(D14)	(D15)	(D16)	(D17)	(D18)
(D19) Total exempt imported value											R

(D19) Total exempt imported value	R 0
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This total must correspond with  
Annex C - C 21

### Calculation of imported content

[illegible]

(D32) Total imported value by tenderer	R 0
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### Calculation of imported content

[illegible]

(D45) Total imported value by 3rd party	R 0
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### Calculation of foreign currency payments

Type of payment	Local supplier making the payment	Overseas beneficiary	Foreign currency value paid	Tender Rate of Exchange
(D46)	(D47)	(D48)	(D49)	(D50)

(D52) Total of foreign currency payments declared by tenderer and/or 3rd party

**Signature of tenderer from Annex B**

(D53) Total of imported content & foreign currency payments - (D32), (D45) & (D52) above	R O
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Date: \_\_\_\_\_

**This total must correspond with  
Annex C - C 23**

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**SATS 1286.2011**

## Local Content Declaration - Supporting Schedule to Annex C

(E1)	<b>Tender No.</b>	
(E2)	<b>Tender description:</b>	
(E3)	<b>Designated products:</b>	
(E4)	<b>Tender Authority:</b>	
(E5)	<b>Tendering Entity name:</b>	

Local Products (Goods, Services and Works)	Description of items purchased	Local suppliers	Value
	(E6)	(E7)	(E8)
	(E9) Total local products (Goods, Services and Works)		

(E12)	<b>Administration overheads and mark-up</b>	(Marketing, insurance, financing, interest etc.)	R 0
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**This total must correspond with Annex C - C24**

Date: \_\_\_\_\_

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