



# 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 Law Firms to Provide Legal Services to the Tshwane Automotive Hub Special Economic Zone (TASEZ) for a Period of Three Years</b>
<b>RFP Number:</b>	<b>TASEZ/RFP 008/2021</b>
<b>Closing Date:</b>	<b>10/01/2022</b>
<b>Closing Time:</b>	<b>12:00 PM</b>
<b>RFP validity period:</b>	<b>90 Days</b>
<b>Compulsory Briefing:</b>  Yes <input type="checkbox"/>  No <input type="checkbox"/>	<b>Compulsory Briefing Session Details:</b>  Date:  Time:  Venue:  GPS Map:
<b>TASEZ Enquiry Details:</b>	<b>Enquires to be sent on or before 07/01/2022 to <a href="mailto:hlamulos@TASEZ.co.za">hlamulos@TASEZ.co.za</a></b>
<b>Name:</b>	<b>Hlamulo Shirinda</b>
<b>Contact Numbers:</b>	<b>012 564</b>
<b>Email Address:</b>	<b><a href="mailto:hlamulos@TASEZ.co.za">hlamulos@TASEZ.co.za</a></b>
<b>Delivery Address:</b>	<b>The Procurement Officer</b> <b>Tshwane Automotive Special Economic Zone</b> <b>Automotive Supplier Park</b> <b>30 Helium Road</b> <b>Rosslyn Ext 2</b>

Error! Unknown document property name.

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system.

**Table of Contents**

1. INTRODUCTION.....4

2. INVITATION TO SUBMIT A QUOTATION .....4

3. SCOPE OF WORK.....4

4. SUBMISSION OF RESPONSES.....6

5. CONTACT AND COMMUNICATION.....7

6. LATE SUBMISSION .....8

7. INSTRUCTION TO BIDDERS.....8

8. INSTRUCTION TO BIDDERS.....**ERROR! BOOKMARK NOT DEFINED.**

9. SUBMISSION OF RESPONSES.....**ERROR! BOOKMARK NOT DEFINED.**

10. CONTACT AND COMMUNICATION.....**ERROR! BOOKMARK NOT DEFINED.**

11. LATE SUBMISSION .....**ERROR! BOOKMARK NOT DEFINED.**

12. EVALUATION OF BIDS.....11

13. VALIDITY PERIOD OF THE RFP .....13

14. DURATION OF THE CONTRACT.....13

15. PRICING SHCHEDULE .....13

16. SBD 1 FORM .....14

17. SBD 4 FORM .....16

18. SBD 6.1 FORM .....20

19. SBD 6.2 FORM .....23

20. SBD 8 FORM .....29

21. SBD 9 FORM .....31

22. GENERAL CONDITIONS OF CONTRACT .....34

23. SERVICE LEVEL AGREEMENT .....34

24. SPECIAL CONDITIONS OF THIS RFP.....34

--

---

25. MISREPRESENTATION DURING THE LIFECYCLE OF THE CONTRACT .....	35
26. PREPARATION COSTS .....	35
27. INDEMNITY .....	36
28. PRECEDENCE .....	36
29. LIMITATION OF LIABILITY .....	36
30. TAX COMPLIANCE .....	36
31. RFP DEFAULTERS AND RESTRICTED SUPPLIERS.....	37
32. GOVERNING LAW .....	37
33. CONFIDENTIALITY .....	37
34. LEGISLATIVE FRAMEWORKS OF THE RFP .....	38

**List of Tables**

Table 1: Scope of Work.....	5
<b>Table 1: Tender Returnables Requirements to be submitted.....</b>	<b>10</b>
Table 2: Administration Requirements to be submitted for Evaluation.....	<b>Error! Bookmark not defined.</b>
<b>Table 3: Mandatory Requirements- to be submitted for Evaluation.....</b>	<b>11</b>
Table 4: Key personnel qualification .....	12
Table 5: Key Personnel Experience Evaluation Criteria .....	12
Table 6: Full details of Directors / Trustees / Members / Shareholders.....	19

--

## 1. INTRODUCTION

The Tshwane Automotive Special Economic Zone (TASEZ) is co-owned by the Department of Trade, Industry and Competition (the DTIC), the Gauteng Provincial Government (GPG) and the Tshwane Metropolitan Council represented by the Tshwane Economic Development Agency (TEDA).

TASEZ is registered in terms of the Companies Act No 71 of 2008 and it is the Operator of the Tshwane Automotive Special Economic Zone in terms of the Special Economic Zones Act 16 of 2014. TASEZ is situated in the east of Pretoria City in Silverton. It aims to offer a diversity of appropriate land uses and other economic activities.

## 2. INVITATION TO SUBMIT A QUOTATION

TASEZ hereby invites quotations from suitably qualified Bidders for the **Appointment of a Panel of Law Firms to Provide Legal Services to the Tshwane Automotive Hub Special Economic Zone (TASEZ) for a Period of Three Years.**

The Scope of Work is detailed **bullet 3.**

## 3. SCOPE OF WORK

### 3.1. General Requirements

Bidders to provide quotations for the **Appointment of a Panel of Law Firms to Provide Legal Services to the Tshwane Automotive Hub Special Economic Zone (TASEZ) for a Period of Three Years.** The purpose of any contract resulting from this request for proposals will be:

3.1.1. To balance and augment the capacity of the TASEZ's Legal Services Unit

3.1.2. To develop strategic responses to challenges facing the TASEZ

3.1.3. To take initiatives and implement programmes which will give effect to those responses

3.1.4. To undertake specific legal tasks, either as part of strategies to be developed or as ad hoc responses to particular problems which may arise

3.1.5. The panel members are not guaranteed work and will be utilized based on their specialty of the legal frameworks being required.

3.2. Legal assistance must be professional, ethical and of the highest standard.

3.3. Successful bidders must be in a position to commence work as and when required. Particular projects will be initiated by means of written instructions to the successful bidder(s) on a random basis, backed by verbal briefings, when required.

3.4. Generally, timeframes cannot be set before entering into a formal agreement. As such, the duration of any given assignment will depend mainly on the nature and scope of the work to be done. Appointed service providers must be available at all stages to provide assistance within the set time

frames as requested which might sometime be within 24 hours. When deadlines are set, service providers will be expected to deliver the required services within the set timeframe, failing which the TASEZ reserves its rights to de-list the service provider from the Legal Panel.

- 3.5. A service provider that will be appointed to render services to the TASEZ will have to enter into a service level agreement with the TASEZ.
- 3.6. Proposed fees with detail cost breakdown must be quoted for the different levels of proposed resources to be utilized at any given time.
- 3.7. In all cases, it is important that the staff of the TASEZ is empowered in the process of carrying out the assignment. The staff must develop appropriate skills and experience in their interaction with the relevant consultants/legal advisor which will decrease the necessity in the need for future assignments of this nature. The successful bidder will be required to provide professional legal services as and when instructed by TASEZ CEO and/or his/her delegated official on but not limited to:

**Table 1: Scope of Work**

Item	Scope of Work (Field of Expertise)	Yes	No
1.	Law of Contracts		
2.	Labour law		
3.	Finance agreements		
4.	Performance and other guarantees		
5.	General commercial law- Leases, service level agreements, general law contracts		
6.	Litigation & Debt collection		
7.	Legal opinions		
8.	Construction law		
9.	Constitutional & Administrative law		
10.	Multilateral agreements		
11.	International Arbitration		
12.	Corporate Governance		
13.	Environmental laws		
14.	Import & Export laws		
15.	Intellectual Property laws		
16.	Health & Safety Laws		
17.	Legislative & Regulatory requirements		
18.	Government procurement laws		

#### **4. SUBMISSION OF RESPONSES**

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**

4.2. Bid documents shall only be considered when received on or before the closing date and time which is **10 January 2022** at **12h00**. **The closing date and time include electronically submitted documents.** Late proposals will not be considered. RFP documents will not be opened in Bidder; however, the results will be published on the TASEZ website.

4.3. The bidder(s) are required to submit as follows: -

##### **4.3.1. Option 1: Hand-Delivered**

**One (1) Copy and a Flash Disc will be submitted as follows: -**

###### **4.3.1.1. One (1) Original**

One original of the completed RFP document shall be placed in a sealed envelope marked: "**TASEZ/RFP008/2021 – Appointment of a Panel of Law Firms to Provide Legal Services to the Tshwane Automotive Hub Special Economic Zone (TASEZ) for a Period of Three Years..**

###### **4.3.1.2. Flash Disk**

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.

###### **4.3.1.3. Electronically Submission**

4.3.1.3.1. Bidders may submit their bids electronically via email to TASEZ.

4.3.1.3.2. Bids must be completed and signed in **black ink**. **No electronic document completion is allowed.**

4.3.1.3.3. Folders in the electronically submitted files must be correctly indexed and signed as applicable

4.3.1.3.4. Bids must be emailed to [hlamulos@tasez.co.za](mailto:hlamulos@tasez.co.za) as per the closing date and time requirements. No late submissions shall be allowed.

Bidders to ensure that their emails have been transmitted before the closing time. No cloud-based submissions shall be allowed.

- 4.4. The submission must be marked correctly and sealed for ease of reference during the evaluation process.
- 4.5. **Bidders are requested to initial each page of the RFP document on the right-hand side at the bottom of each page.**
- 4.6. This RFP is subject to the Preferential Procurement Policy Framework Act, 2000 and the Preferential Procurement Regulations, 2017, the General Conditions of Contract (GCC), and, if applicable, any other Special Conditions of Contract.
- 4.7. No responses 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.

## **5. CONTACT AND COMMUNICATION**

- 5.1. All communication and inquiries shall be in writing (via email), to the following email address, [hlamulos@tasez.co.za](mailto:hlamulos@tasez.co.za). TASEZ will communicate with all Bidders where clarity regarding this RFP is sought.
- 5.2. Clarification questions from bidders will be closed **Five (5) DAYS** before the date of closure of the RFP.
- 5.3. Any communication to an official in respect of the RFP between the closing date and the award of the contract by the Bidders is prohibited.
- 5.4. If a Bidders 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 Bidders 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).
- 5.5. 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 Bidders who provided the written notice.
- 5.6. 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.

## 6. LATE SUBMISSION

- 6.1. Late responses to the RFP will not be accepted.
- 6.2. All dates and times in this RFP are in accordance with the South African standard calendar and time.
- 6.3. 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 Bidders to demand that any action be taken on the date established.
- 6.4. The Bidders 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.

## 7. INSTRUCTION TO BIDDERS

### 7.1. Price Declaration Form

7.1.1. Please indicate your total RFP price including VAT here: R\_\_\_\_\_

**(compulsory).**

7.1.2. 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.

7.1.3. The following must be noted:

- 7.1.3.1. All prices must be VAT inclusive and must be quoted in South African Rand (ZAR).
- 7.1.3.2. All prices must be firm and fixed from the RFP closing date and for the duration of the contract.
- 7.1.3.3. All bidders must cost according to the costing template provided or this will lead to disqualification.
- 7.1.3.4. The cost of delivery, labour etc. must be included in the proposal.
- 7.1.3.5. Preference will be given to respondents who comply with the TASEZ's Procurement Policy & Procedures. Bidder Finance Management Act (PFMA) shall apply.
- 7.1.3.6. The bidders must have a minimum B-BBEE status level of contributor 3 or higher.
- 7.1.3.7. 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.

- 7.1.3.8. 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).
- 7.1.3.9. 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.
- 7.1.3.10. Proof of registration with Treasury's Centralised Supplier Database (CSD) not older than three (3) months old.
- 7.1.3.11. TASEZ will only award the tender to a bidder who is tax compliant. The tax compliance status of the bidders will be verified through CSD and SARS website via the provided pin. The prospective bidders must ensure that they are Tax Compliant throughout the validity period of the bid in review.
- 7.1.3.12. Bidders 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.
- 7.1.3.13. Bidder 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 bidders 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.

## 7.2. Tender Returnables Requirements

Bidders shall submit all tender returnables documents as indicated in the **Table 2** 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.

### 7.2.1. Tender Returnables Requirements

**Table 2: Tender Returnables Requirements to be submitted.**

Document that must be Submitted	Returnables for the RFP	Description of the Requirements
CIPC Documents	Yes	CIPC Registration Documents
Certified Copies of the Directors IDs	Yes	Bidders to submit certified ID copies of company directors as per the company registration documents.
Tax Pin	Yes	The Bidder must submit a Valid Tax Pin
B-BBEE Certificate or Certified Copy	Yes	The Bidder must submit valid original or certified copy of the B-BBEEE certificate
<b>SBD 1</b> – Invitation to Bid	Yes	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	Yes	Signed Letter of Intent to enter into Joint Venture / Consortium. To be signed by all parties in the JV (where applicable).
Letter of Good Standing (COIDA)	Yes	Valid Letter of Good Standing issued by the Department of Labour or RMA.
Letter of Authority for JV / Consortium	Yes	Authority of Lead Partner to sign JV / Consortium documents. To be signed by all parties in the JV (where applicable).
<b>SBD 4</b> – Declaration of Interests	Yes	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</b> – Preference Points Claim Form	Yes	Preference Points Claim Form – Complete and sign the supplied document.
<b>SBD 6.2</b> – Local Content Declaration	Yes	Bidders to submit their proposed local content declaration on SBD 6.2 as attached in the Annexures of this document.
<b>SBD 8</b> – Declaration of Bidder's Past Supply Chain Management Practices	Yes	Complete & sign the supplied document. In case of a Joint Venture / Consortium, a separate SBD 8 in respect of each party to the JV must be completed and submitted.
<b>SBD 9</b> – Certificate of Independent	Yes	Complete & sign the supplied document

Document that must be Submitted	Returnables for the RFP	Description of the Requirements
Bid Determination		
Price Schedule	Yes	Completed, priced and signed Price Schedule for the solution to be implemented / Pricing Schedule clearly legible with permanent ink

Failure to submit all mandatory requirements as above (completed and signed including attachments), will result in submissions being deemed null and void and shall be considered “non-responsive” and therefore not considered further.

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

Signature of Bidder: \_\_\_\_\_ Date: \_\_\_\_\_.

## 8. EVALUATION OF BIDS

Bids will be evaluated in three (3) stages, namely:

### 8.1. Stage 1 – Mandatory Administrative Requirements Criteria

Bidders shall submit all mandatory documents as indicated in the Table 3 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.

**Table 3: Mandatory Requirements – to be Submitted for Evaluation Purposes**

Document that must be Submitted	Mandatory to the RFP	Non-Submission will Result in Disqualification
<b>Valid Certificate of Law Society</b>	Yes	Bidders to submit a valid and certified registration certificate with law Society.
<b>Valid Fidelity Fund Certificate</b>	Yes	Bidders to submit a valid Fidelity Fund Certificate.
<b>Director’s Letter of good standing</b>	Yes	Submit a valid and certified the company’s and each director’s letter of good standing issued by the law society.

### 8.2. Stage 2 - Technical / Functionality Evaluation

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

8.2.2. The Technical / Functional Evaluation criteria for this bid is indicated in **Table 4** including the scoring system and weight allocation that will be used for the evaluation of the bids.

Bidders are required to achieve a minimum of **70 points** out of **100 points** to proceed to Stage 3 (Price and B- BBEE).

8.2.3. Bidders must ensure that their proposals contain all information required in **Table 4** to assess the highlighted criteria.

**Table 4: Key Personnel Qualification**

References (Provide detailed CV for each personnel including copies of all qualifications)	Qualification	Points Claimed
<b>Director</b>	Admission as an Attorney only	10
	Admission as attorney plus post graduate qualification (LLB or Honours)	15
<b>Associate</b>	Admission of attorney only	10
	Admission of Attorney plus Post graduate qualification (LLB or Honours)	15
<b>Total Points Claimed</b>		<b>40</b>

**Table 5: Key Personnel Experience Evaluation Criteria**

Resources	Experience	Points Claimed
<b>Director</b>	5 – 10 Years' Experience	15
	1 – 5 Years' Experience	5
<b>Associate</b>	3 – 5 Years' Experience	10
	1 - 2 Years' Experience	5
<b>Professional Assistant</b>	1 + year experience	5
<b>Total Points Claimed</b>		<b>30</b>

**Table 6: Company Experience Evaluation Criteria**

Resources	Number of letters	Points Claimed
Provide written and traceable references letters issued by previous client's letterhead reflecting similar work done including client training and reports relating to the scope being responded to.	5 Letters	30
	3 – 4 Letters	20
	1 – 2 letters	10
<b>Total Points Claimed</b>		<b>30</b>

**8.3. Stage 3 – Financial Evaluation**

8.3.1. Bidders must fully complete the Pricing Schedule in **Table 5** below. The bid will be evaluated on the 80/20 principle.

--

## 9. VALIDITY PERIOD OF THE RFP

9.1. The validity period of this RFP shall be **90 days** from the closing date.

## 10. DURATION OF THE CONTRACT

10.1. The delivery period or implementation time of the contract shall be **one (1) month**. Bidders to indicate their duration in the proposal.

## 11. PRICING SHCHEDULE

Item	Description	Hourly Rate	Year 1	Year 2	Year 3
1.	Directors	R	R		
2.	Associate				
3.	Professional Assistants				
<b>Sub-Total</b>			R	R	R
<b>Add 15% VAT</b>			R	R	R
<b>Total Bid Price</b>			R	R	R

The pricing above should be for the period of three years.

**Appointment of a Panel of Law Firms to Provide Legal Services to the Tshwane Automotive Hub Special Economic Zone (TASEZ) for a Period of Three Years.**

Document No: TAS-SCM-RFP01  
 Revision No: 01  
 Effective Date: June 2021

**12. SBD 1 FORM**

**PART A: INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	RFP 008/2021	CLOSING DATE:	10/01/2022	CLOSING TIME:	12:00 PM
DESCRIPTION:	Legal Services Panel for a period of three years.				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).					

**BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS):**

<p><b>Tshwane Automotive Special Economic Zone (Main Gate)</b>  <b>Automotive Supplier Park</b>  <b>30 Helium Road. Rosslyn Ext 2</b></p> <p><b>THE BID BOX IS AVAILABLE BETWEEN:</b></p>					
<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		B-BBEE STATUSLEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes	
	<input type="checkbox"/> No			<input type="checkbox"/> No	
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAMETHE 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 /WORKSOFFERED?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS / SERVICES / WORKS OFFERED?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	[IF YES ENCLOSE PROOF]			[IF YES ANSWER PART B:3BELOW]	
SIGNATURE OF BIDDER	.....		DATE		
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)		
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>			<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>		
DEPARTMENT/ PUBLIC ENTITY	TASEZ		CONTACT PERSON	Hlamulo Shirinda	

--

**Appointment of a Panel of Law Firms to Provide Legal Services to the Tshwane Automotive Hub Special Economic Zone (TASEZ) for a Period of Three Years.**

Document No: TAS-SCM-RFP01  
 Revision No: 01  
 Effective Date: June 2021

TELEPHONE NUMBER		FACSIMILE NUMBER	
FACSIMILE NUMBER	N/A	E-MAIL ADDRESS	
	<a href="mailto:hlamulos@TASEZ.co.za">hlamulos@TASEZ.co.za</a>		

**PART B: TERMS AND CONDITIONS FOR BIDDING**

<b>1. BID SUBMISSION:</b>	
<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED– (NOT TO BE RE-TYPED) OR ONLINE</p> <p>1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.</p> <p>1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.</p> <p>1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.</p>	
<b>2. TAX COMPLIANCE REQUIREMENTS</b>	
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER’S PROFILE AND TAX STATUS.</p> <p>2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.</p> <p>2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.</p> <p>2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.</p> <p>2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p>	
<b>3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>	
3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
<p>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.</p>	

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

--

**13. 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.

<sup>1</sup>“State” means –

- a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public 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"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 public 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 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? **YES / NO**

2.11.1 If so, furnish particulars.

.....  
.....  
.....

2.12 Are you, or any person connected with the bidder, 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? **YES/NO**

2.12.1 If so, furnish particulars.

.....  
.....  
.....

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

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 / Pearsal 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

--

**14. 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, BIDDERS 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:

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

1.2

- a) The value of this bid is estimated to **exceed/not exceed** R50 000 000 (all applicable taxes included) and therefore the **.....** preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender *(delete whichever is not applicable for this tender).*

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

1.4 The maximum points for this bid are allocated as follows:

	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

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“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;
- (c) **“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;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“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;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
- 1) B-BBEE Status level certificate issued by an authorized body or person;
  - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“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;

- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

## 15. 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, bidders 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%20development/ip.jsp) at no cost.**

1.6. A bid may be disqualified if –

- (a) this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation; and
- (b) 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 subcontractors) 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 contractor’s assigning, leasing, making out work to, or employing another person to support such primary contractor 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:**

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
_____	_____ %
_____	_____ %
_____	_____ %

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.

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

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

<b>Currency</b>	<b>Rates of exchange</b>
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

**NB: Bidders 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:

- (a) Full name of auditor: .....
- (b) Practice number: .....
- (c) Telephone and cell number: .....
- (d) 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 DTI must be informed accordingly in order for the DTI 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)**

<b>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)</b>				
<b>IN</b>	<b>RESPECT</b>	<b>OF</b>	<b>BID</b>	<b>NO.</b>
	.....			
	.....			
<b>ISSUED</b>	<b>BY:</b>	(Procurement Authority /	Name of	Institution):
.....				
.....				
<b>NB</b>				
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.thdti.gov.za/industrial\\_development/ip.jsp](http://www.thdti.gov.za/industrial_development/ip.jsp). Bidders should first complete Declaration D. After completing Declaration D, bidders 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 bidders 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:
  - (i) 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
  - (ii) 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:

<b>Bid price, excluding VAT (y)</b>	<b>R</b>
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:** \_\_\_\_\_

--

**16. 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-
  - a) abused the institution's supply chain management system;
  - b) committed fraud or any other improper conduct in relation to such system; or
  - c) 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 public sector? <b>(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).</b>  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)? <b>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.</b>	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 Republic 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

--

**17. 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:
  - a. 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.
  - b. 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:

\_\_\_\_\_  
**(Bid Number and Description)**

in response to the invitation for the bid made by:

\_\_\_\_\_  
**(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:
  - (a) has been requested to submit a bid in response to this bid invitation;
  - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) 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:
  - a) prices;
  - b) geographical area where product or service will be rendered (market allocation)
  - c) methods, factors or formulas used to calculate prices;
  - d) the intention or decision to submit or not to submit, a bid;
  - e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - f) 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 public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....  
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.

--

## **18. GENERAL CONDITIONS OF CONTRACT**

The General Conditions of Contract (GCC) shall apply.

## **19. SERVICE LEVEL AGREEMENT**

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

## **20. SPECIAL CONDITIONS OF THIS RFP**

- 20.1. Bidders 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.
- 20.2. Additionally, Regulation 13 (c) of the Public Service Regulations 2016 determines that an employee shall not conduct business with an organ of state or be a director of a public 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 Public Finance Management Act.
- 20.3. As this regulation prohibits public service employees from conducting business with an organ of state; either in a personal capacity or as a director of a private or public company, non-compliance with this regulation will lead to automatic disqualification of a bid.
- 20.4. The TASEZ will not pay commission to the successful bidder regardless of the subcontracting conditions.
- 20.5. The TASEZ reserves the right – without prejudice and limitations to its any other rights and privileges in law:
- a) Not to appoint a Bidders and is also not obliged to provide reasons for the rejections of any proposal;
  - b) To request further information from any Bidders after the closing date, for clarity purposes;
  - c) To carry out site inspections, product evaluations or explanatory meetings to verify the nature and quality of the services offered by the Bidders, whether before or after adjudication of the responses received;
  - d) 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;

- e) 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);
- f) 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);
- g) To accept part of a RFP rather than the whole RFP;
- h) 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;
- i) 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
- j) Award to multiple bidders 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**

21.1. The Bidders should note that the terms of its proposal will be incorporated in the proposed contract by reference and that TASEZ relies upon the Bidders's response as a material representation in making an award to a successful Bidders and in concluding an agreement with the Bidders.

21.2. It follows therefore that misrepresentations in the proposal may give rise to service termination and a claim by TASEZ against the Bidders notwithstanding the conclusion of the Service Level Agreement (SLA) between TASEZ and the Bidders for the provision of the service in question.

21.3. In the event of a conflict between the Bidders's proposal and the SLA concluded between the parties, the SLA will prevail.

## **22. PREPARATION COSTS**

22.1. The Bidders 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.

22.2. 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 Bidders in the preparation of their response to this RFP.

### **23. INDEMNITY**

23.1. If a Bidders 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 Bidders 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**

24.1. 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**

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

### **26. TAX COMPLIANCE**

26.1. It is essential to ensure that persons conducting business with the State are tax compliant at the time of awarding of price quotations or competitive bids. No price quotations or competitive bids shall be awarded to businesses or persons who are not tax compliant.

26.2. The successful Bidders will be notified of their non-compliance status 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 Bidders should thereafter provide the procurment officer with proof of their tax compliance status which will be verified by the procurement office via the CSD.

26.3. TASEZ reserves the right to withdraw an award made, or cancel a contract concluded with a successful Bidders if it is established that such Bidders has submitted a fraudulent Tax Clearance Certificate to TASEZ, or whose verification against the Central Supplier Database (CSD) proves non-compliant.

26.4. TASEZ further reserves the right to cancel a contract with a successful Bidders if such Bidders does not remain tax compliant for the full term of the contract.

## **27. RFP DEFAULTERS AND RESTRICTED SUPPLIERS**

- 27.1. No contract shall be awarded to a Bidders 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.
- 27.2. TASEZ reserves the right to withdraw an award, or cancel a contract concluded with a Bidders should it be established, at any time, that a Bidders has been blacklisted with National Treasury by another government institution.

## **28. GOVERNING LAW**

- 28.1. South African law governs this RFP and the RFP response process. The Bidders 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**

- 29.1. 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 Bidders or other person not officially involved with TASEZ's examination and evaluation.
- 29.2. 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.
- 29.3. Throughout this RFP process and thereafter, Bidders must secure TASEZ's written approval prior to the release of any information that pertains to the
- 29.4. potential work or activities to which this RFP relates; or
- 29.5. the process which follows this RFP.
- 29.6. Failure to adhere to this requirement may result in disqualification from the RFP process and civil action.

### 30. LEGISLATIVE FRAMEWORKS OF THE RFP

The list of the legal framework is not exhaustive. Service Provider shall also, in particular, comply with legislations and case jurisprudence that bind the TASEZ, including but not limited to:

- The South African Constitution
- The Special Economic Zones Act 16 of 2014
- Companies Act, 2008 (No. 71 of 2008),
- Public Finance Management Act 1 of 1999;
- Inter-governmental Relations Framework Act 13 of 2005;
- Promotion of Access to Information Act 2 of 2000;
- Promotion of Administrative Justice Act 3 of 2000;
- Protection of Personal Information Act 4 Of 2013
- Labour Relations Act 66 of 1995;
- Basic Conditions of Employment Act 55 of 1998;
- Skills Development Act 97 of 1998;
- National Small Enterprise Act 1996 (No.102 of 1996),
- Prevention and Combating of Corrupt Activities Act, 2004.
- Skills Development Act, 1998
- National Environmental Management: Protected Areas Act, 2003
- Sales and Services Matters Amendment Act, 1995
- Municipal Systems Act, 2000
- Township Planning and Township Ordinance, 1986
- Development Facilitation Act, 1995
- Municipal Finance Management Act, 1999
- South African Qualifications Authority Act, 1995
- Promotion of Trade and Investment Bill ?
- Preferential Procurement Policy Framework Act, 2000;
- Occupational Health and Safety Act, 1995.

**a) Procurement Legislation**

TASEZ has a detailed evaluation methodology premised on Treasury Regulation 16A3 promulgated under Section 76 of the Public Finance Management Act, 1999 (Act, No. 1 of

**Appointment of a Panel of Law Firms to Provide Legal Services to the Tshwane Automotive Hub Special Economic Zone (TASEZ) for a Period of Three Years.**

Document No: TAS-SCM-RFP01  
Revision No: 01  
Effective Date: June 2021

---

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).