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**TERMS OF REFERENCE FOR THE APPOINTMENT OF THE RECRUITMENT AGENCIES TO ASSIST WITH THE RECRUITMENT OF SUITABLE AND SKILLED TEMPORARY/ PERMANENT STAFF AS WELL AS HEADHUNTING SCARCE AND CRITICAL SKILLS REQUIRED WITHIN GOVERNMENT TECHNICAL ADVISORY CENTRE FOR THREE (3) YEARS**

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**Project Identification**

<b>Name of Client</b>	Human Capital Management
<b>Name of Project</b>	Recruitment Panel
<b>Contracting Authority</b>	Government Technical Advisory Centre (GTAC)
<b>Accountable Officer</b>	Head: Human Capital Management
<b>Budget Manager</b>	Markus Rautenbach
<b>Project Purpose</b>	To appoint a panel of recruitment agencies to assist the GTAC for three (3) years in recruiting suitable and skilled temporary/ permanent staff and headhunting scarce and critical skills required.

## **1. BACKGROUND**

The Government Technical Advisory Centre (GTAC) was promulgated through a Legal Notice (35194) published in the Government Gazette on 30 March 2012. The head office is located within the National Treasury at 240 Madiba Street, Pretoria. GTAC's objective is to assist Organs of State in building their capacity for efficient, effective, and transparent financial management. The functions of GTAC are:

- To render technical consulting services to the Centre of Government Departments and Organs of State;
- To provide specialised procurement support for high-impact government initiatives;
- To render advice on the feasibility of infrastructure projects;
- To provide knowledge management for projects undertaken; and
- Anything ancillary to the functions listed in this subparagraph.

The Government Technical Advisory Centre (GTAC) seeks to procure recruitment services from reputable service providers to assist in human capital skills resourcing as and when business units require. The greater percentage of human capital skills required largely emanate from areas such as Finance, Accounting, Economics, Supply Chain, Project Finance and Corporate Finance, Policy Formulation, and Research, Project Management, Monitoring & Evaluation, Legal, and other related business areas. The bidder should have a good track record in providing temporary, permanent and headhunting staffing solutions in the market.

## **2. PURPOSE**

Appoint a panel of service providers to assist the GTAC in recruiting suitably qualified and skilled temporary and permanent staff and headhunting scarce and critical skills required. The service provider should indicate a fixed rate that includes VAT for the service across all salary (employment) levels as per the Department of Public and Administration (DPSA) guidelines.

## **3. DURATION OF PANEL**

The successful Bidders will be appointed to the Panel for thirty-six (36) months from the date of appointment. There will be an option to extend periodically, at GTAC's discretion.

## **4. APPOINTMENT TERMS**

The GTAC does not guarantee that successful Bidders will receive work during the appointment terms. The service providers will be used on an ad hoc basis as and when services are required by the GTAC.

In the case of permanent and fixed-term contract appointment, the service provider will be required to reimburse the GTAC should the candidate appointed leave the GTAC prematurely, and the below reimbursement fee structure will be applicable:

- 50% if the candidate leaves the GTAC between 0-3 months after appointment.
- 25% if the candidate leaves the GTAC between 4-6 months after appointment.
- 5% if the candidate leaves the GTAC between 7-9 months after appointment.

## 5. SCOPE OF WORK:

- 5.1 Receive requests and obtain an understanding of the vacant position;
- 5.2 Source Curricula Vitae for suitably qualified applicants in line with the job description provided;
- 5.3 Screen all candidates through preliminary interviews;
- 5.4 Provide the GTAC with a proposed shortlist per position maximum of 6 (six) suitable Curricula Vitae per position, additional CVs may be provided whenever a need arises;
- 5.5 Provide the GTAC with a certified copy of the South African identity document (ID) and qualifications of the short-listed candidates;
- 5.6 The bidder is required to conduct background checks in respect of potential candidates including: -
  - 5.6.1 Qualification verification and evaluation checks;
  - 5.6.2 Verification of South African citizenship;
  - 5.6.3 References check from at least 2 (two) referees;
  - 5.6.4 Credit record checks;
  - 5.6.5 Criminal record check;
- 5.7 The agency will be responsible for all external correspondence relating to each recruitment process with the bidders' candidates.

## 6. MANDATORY REQUIREMENTS

**Bidders should ensure that the following submission requirements are included in their bids, failure to adhere to any of these requirements will result in a disqualification:**

- 6.1 The bidder must have a minimum of 5 (five) years operating experience in providing temporary, permanent, and headhunting recruitment services; (the company profile must be provided as evidence)
- 6.2 The bidder must provide a recruitment strategy and a proven track record in operational efficiency (management processes for timesheets, paying temporary staff on time, etc.);
- 6.3 The bidder must be able to provide at least a full client list with specific references to government and private clients with contact names, email addresses, and direct contact numbers;

- 6.4 The bidder must be registered with the Department of Employment and Labour, a valid certificate of registration must be provided as evidence;
- 6.5 The bidder must be able to conduct credit and qualification verification as well as reference checks through systems such as MIE or Lexis Nexis and etc, a letter confirming registration and conducting verification checks must be provided;
- 6.6 Bidders must be registered on the Central Supplier Database (CSD) on the closing date and time of the bid;
- 6.7 Any bidder representative (Director/Shareholder/Proposed Resource) who is employed by the state will not be considered. i.e., in the event that a bidder representative is in the employ of the state, such a bid proposal will not be considered;
- 6.8 Submission of a price proposal is required as per SBD 3.3.

## 7. EVALUATION CRITERIA

GTAC has set minimum standards that bidders must meet to be selected as successful bidder.

Stage	Description
One	Administrative compliance and mandatory compliance
Two	<p><b>Technical Evaluation</b></p> <p>Bidders must submit information according to the bid submission requirements. The submitted technical proposal must respond to the Technical Evaluation criteria cited in the Terms of Reference.</p> <p>The bid proposals will be assessed based on the criteria below under paragraph 8 Bidders must meet the minimum threshold of 70% to be evaluated for the next stage: Price and Specific Goals</p>
Three	<p><b>Price and Specific Goals</b></p> <p>Preference points in the 80/20 formula will be used to evaluate this bid. Points are awarded to bidders for attaining a score for elements as indicated in the table under section 1 Bidders must provide the required information for evaluation purposes.</p>

## 8. TECHNICAL EVALUATION CRITERIA

The technical evaluation of the bid will be based on an assessment of the proposed approach, references of the bidder, Department of Employment and Labour registration, relevant work experience, and specific relevant assignments completed) as well as the company profile.

The bid must attain a minimum score of **70%** to be considered for Price and Specific Goals evaluation in terms of the Preferential Procurement Regulation (PPR) 2022.

The maximum possible score for each criterion is shown in the table below:

## 9. EVALUATION CRITERIA

No	CRITERIA	SCORING	WEIGHT
Company/ Firm			
List the criteria that will be evaluated for this recruitment agency.			
1.	<p>Company Experience:</p> <p>The bidder must have operating experience in providing temporary, permanent, and headhunting recruitment services</p>	<p>5 = more than 11 years 4 = 10 - 11 years 3 = 8 – 9 years 2 = 6 - 7 years 1 = 5 years</p>	40
2.	<p>Reference Letters with a list of assignments showing the company's track record:</p> <p>providing the number of relevant appointment letters with a list of assignments to show recruitment done for clients (This will be evaluated based on submitting dated and signed reference letters with a list of assignments from different clients attesting to the completion of projects that are relevant to this bid, and with contactable references)</p>	<p>5 = Five (5) or more signed reference letters with assignments from different clients on completion of a minimum of 10 positions placed relevant to this bid 4 = Four (4) signed reference letters/ assignments from different clients on completion of a minimum of 10 positions placed relevant to this bid 3 = Three (3) signed reference letters with assignments from different clients on completion of a minimum of 10 positions relevant to this bid 2 = Two (2) signed reference letters with assignments from different clients on completion of a minimum of 10 position placed relevant to this bid 1 = One (1) signed reference letter with assignments from a client on completion of a minimum of 10 positions placed relevant to this bid</p>	30
3.	<p>Provide a recruitment strategy in line with recruitment best practices used in the recruitment of both permanent and temporary resources. The strategy should entail the following evidence:</p> <ul style="list-style-type: none"> <li>• Recruitment best practices</li> <li>• Established structures</li> <li>• Processes and methodologies</li> <li>• Turn-around times</li> </ul>	<p>5 = The recruitment strategy is fully completed with evidence more than clearly illustrating process and recruitment best practices, turn-around times, and risk management plan.</p> <p>4 = The recruitment strategy is fully completed with evidence clearly illustrating the process, recruitment best practices, and turn-around times.</p>	30

No	CRITERIA	SCORING	WEIGHT
	<ul style="list-style-type: none"> <li>Risk Management plan</li> </ul>	<p>3= The recruitment strategy is fully completed with evidence clearly stating processes, methodologies, and recruitment best practices.</p> <p>2 = The recruitment strategy is average with evidence not clearly stating processes, methodologies, and recruitment best practices.</p> <p>1 = Poorly constructed recruitment strategy with no evidence provided.</p>	
TOTAL TECHNICAL POINTS			100 %
MINIMUM THRESHOLD			<b>70 %</b>

#### 9.1 Preferential Procurement Evaluation (80/20 Principle)

The applicable formula (80/20) will be utilised to evaluate the bid, of which eighty (80) points are allocated for the price as allocated in the enclosed form SBD 6.1. which must be completed. The remaining twenty (20) points are allocated for the specific goals as indicated in the table below:

**Table 1: Specific Goals**

Number of points allocated (80/20 system)	
Price	<b>80</b>
<b>The specific goal in terms of this tender is listed below:</b>	
Above 30% ownership for Historically Disadvantaged Individuals who had no franchise in national elections before the 1983 or 1993 Constitutions	20
Total	<b>100</b>

Terminology	Definition
<b>Black People</b>	As per the Broad-Based Black Economic Empowerment Act 53 of 2003 as Amended by Act No 46 of 2013 "Black People" is a generic term which means Africans, Coloureds and Indians – (a) who are citizens of the Republic of South Africa by birth or descent; or (b) who became citizens of the Republic of South Africa by naturalisation before 27 April 1994; or II. on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalization prior to that date.
<b>"Specific Goals"</b>	means specific goals as contemplated in section 2(1)(d) of the Act which may include contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination on the basis of race, gender, and disability including the implementation of programmes of the Reconstruction and Development Programme as published in <i>Government Gazette</i> No. 16085 dated 23 November 1994;

<b>Historically Disadvantaged Individual (HDI)</b>	<p>means a South African citizen:</p> <ol style="list-style-type: none"> <li>1. who, due to the apartheid policy that had been in place, had no franchise in national elections before the introduction of the Constitution of the Republic of South Africa, 1983 (Act No 110 of 1983) or the Constitution of the Republic of South Africa, 1993, (Act No 200 of 1993) (“the interim Constitution); and/or</li> <li>2. who is a female; and/or</li> <li>3. who has a disability.</li> </ol> <p>provided that a person who obtained South African citizenship on or after the coming to effect of the Interim Constitution, is deemed not to be an HDI;</p>
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## 10. BID SUBMISSION REQUIREMENTS

A two-stage bidding process will be followed, requiring 2 envelopes:

The 1<sup>st</sup> envelope must contain the technical proposal and the 2<sup>nd</sup> envelope must contain the financial proposal (SBD 3.3).

### 10.1 Administrative Requirements

Bidders must submit all Standard Bidding Documents (SBD), as outlined below. SBD forms must be completed in full and duly signed where required.

- a) Duly completed and signed Standard Bidding Documents (SBD 1, 3.3, 4 and 6.1).
- b) During this phase, bid documents will be reviewed to determine compliance with tax matters and the Central Supplier Database (CSD) number/ report for verification at the closing date and time of bid.
- c) All bid proposals will also be assessed for compliance with the administrative requirements of the bid:

Document to be submitted	Requirement
Hard copy proposal delivered to GTAC tender box before the closing date and time of the bid	Delivery of a hard copy proposal before the closing date and time.
SBD 1 - Invitation to bid	Complete and sign the supplied pro forma document.
Central Supplier Database (CSD) Registration Report or CSD Registration number or SARS Pin	Bidders <b>must</b> be registered on the Central Database System at the closing date and time of the bid.
SBD 3.3 - Pricing Schedule	Complete and sign the supplied pro forma document.
SBD 4 – Bidder’s Disclosure	Complete and sign the supplied pro forma document.
<p><b>Note:</b>  <i>Bidder’s must submit the attached SBD 4 document. A bid may be disqualified if this disclosure is found not to be true and complete in every respect. The following definitions should be considered when completing the form:</i></p> <ul style="list-style-type: none"> <li>- “Person” means a bidder or supplier or shareholder, director, trustee, partner, or member of a bidder or supplier having the controlling interest in the bidder or supplier.</li> <li>- “State” means a national or provincial department, a national or provincial public entity or constitutional institution, a municipality or municipal entity, a provincial legislature or parliament.</li> </ul>	
SBD 6.1 – Preferential Claim Form in terms of Preferential Procurement Regulation (PPR) 2022	Complete and sign the supplied pro forma document.

## **10.2 Tax Clearance Status**

A valid tax pin must be provided to verify that the bidder's tax matters are in order and must be submitted at the closing date and time. Where consortium/joint ventures/subcontractors are involved, each party to the association must submit a separate validation of Tax status, i.e., a Registration number from the Central Supplier Database (CSD) must be provided with this bid.

Bidders' tax matters must be compliant at the time of award. If they are non-compliant, they will be given a maximum of seven (7) working days to remedy the tax matters. Failure to remedy this will invalidate the bid.

## **10.3 Technical Evaluation Requirements**

### **10.3.1 Reference letters/ list of assignments**

- 10.3.1.1 The Bidder must provide signed reference letters/ list of assignments of relating to recruitment services conducted in other institutions or organisations.
- 10.3.1.2 The reference letters/ assignment list must be dated and include (1) the name of the client; (2) the period of the project (start and end date); and (3) the scope of the work/ project.
- 10.3.1.3 The reference letters must be on the client's letterhead, with contactable referees.
- 10.3.1.4 The assignment list must contain full details of the clients, names, dates, contactable references.
- 10.3.1.5 A reference letter/ assignment list that does not meet the above requirements, will be disregarded and a bidder shall be disqualified.

### **10.3.2 Price proposal**

- 10.3.2.1 Submission of a price proposal required in the proforma format. (SBD 3.3).
- 10.3.2.2 If the bidder provides a fee range (in % terms), an average will be used for pricing comparison.
- 10.3.2.3 Proof of compliance with specific goals must be submitted as part of the Price Proposal. CSD report/ number must be provided as evidence for verification.
- 10.3.2.4 Bidders to claim points for specific goals on the SBD 6.1. If there is non-submission or no claim, a bidder will obtain a score of zero for specific goals.

### **10.3.3 Bid Conditions**

- 10.3.3.1 This is a competitive bidding process, and the most competitive bidders will be considered for the appointment to this panel. Bids must not exceed a rate of 40% (inclusive of statutory fees) for the placement of temporary staff, 20% (of

annual salary) for permanent/fixed-term contract placements, and 20% (of annual salary) for headhunting.

10.3.3.2 GTAC reserves the right to negotiate with bidders on fees to be charged.

10.3.3.3 The salary notches stated in the table above represent the current remuneration structure and is subject to change pending cost of living adjustments.

**Failure by a bidder to comply with the above minimum requirements may result in such Bidder's proposal not being evaluated further or affect the technical evaluation score that is awarded.**

The GTAC reserves the right not to appoint any of the tender proposals submitted.

#### **11. BID VALIDITY PERIOD**

The bid will be valid for a period of 90 (ninety) days from the closing date of the bid.

#### **12. NON-COMPULSORY BRIEFING SESSION**

A non-compulsory briefing session will be held at a specified date and time as indicated in the cover/ invitation letter of this bid.

#### **APPROVAL**



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Mr N GOBOZI

CD: PROFESSIONAL SERVICES PROCUREMENT

ACTING DIRECTOR: HUMAN CAPITAL MANAGEMENT

Date:

## PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE GOVERNMENT TECHNICAL ADVISORY CENTRE (GTAC)					
BID NUMBER:	GTAC 001-2024-25	CLOSING DATE:	07 JUNE 2024	CLOSING TIME:	11:00AM
DESCRIPTION	THE APPOINTMENT OF THE RECRUITMENT AGENCIES TO ASSIST WITH THE RECRUITMENT OF SUITABLE AND SKILLED TEMPORARY/ PERMANENT STAFF AS WELL AS HEADHUNTING SCARCE AND CRITICAL SKILLS REQUIRED WITHIN GOVERNMENT TECHNICAL ADVISORY CENTRE FOR THREE (3) YEARS.				
NON-COMPULSORY BRIEFING SESSION					
DATE: 24 MAY 2024      TIME: 10:00					
JOINING LINK:					
<a href="https://teams.microsoft.com/join/19%3ameeting_YjZmN2QzNDgtMWE0OS00ZWVjLWlwNGQtNTI4MmRiNzlyYTU4%40thread.v2/0?context=%7b%22id%22%3a%221a45348f-02b4-4f9a-a7a8-7786f6dd3245%22%2c%22oid%22%3a%2279b9bb92-15c0-4d3f-a3cf-20dc91c131a0%22%7d">https://teams.microsoft.com/join/19%3ameeting_YjZmN2QzNDgtMWE0OS00ZWVjLWlwNGQtNTI4MmRiNzlyYTU4%40thread.v2/0?context=%7b%22id%22%3a%221a45348f-02b4-4f9a-a7a8-7786f6dd3245%22%2c%22oid%22%3a%2279b9bb92-15c0-4d3f-a3cf-20dc91c131a0%22%7d</a>					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
GTAC TENDER BOX 240 MADIBA STREET (CORNER THABO SEHUME STREET AND MADIBA STREET), PRETORIA NATIONAL TREASURY BUILDING: GOVERNMENT TECHNICAL ADVISORY CENTRE (GTAC) GROUND FLOOR, RECEPTION AREA, GTAC TENDER BOX					
<b>NB: ANY BID PROPOSAL THAT WILL BE DEPOSITED IN THE NATIONAL TREASURY TENDER INFORMATION CENTRE BOX WILL NOT BE CONSIDERED IF NOT DEPOSITED IN THE GTAC TENDER BOX BY THE CLOSING TIME.</b>					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Lebakang Mogale		CONTACT PERSON	Lebakang Mogale	
TELEPHONE NUMBER	012 315 5280		TELEPHONE NUMBER	012 315 5280	
FACSIMILE NUMBER	-		FACSIMILE NUMBER	-	
E-MAIL ADDRESS	psp@gtac.gov.za		E-MAIL ADDRESS	psp@gtac.gov.za	
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		<b>OR</b>	CENTRAL SUPPLIER DATABASE No:	MAAA
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?		<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A BRANCH IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?

YES  NO

**IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.**

**PART B  
TERMS AND CONDITIONS FOR BIDDING**

<b>1. BID SUBMISSION:</b>	
1.1.	BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2.	<b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED (NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.</b>
1.3.	THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4.	<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b>
<b>2. TAX COMPLIANCE REQUIREMENTS</b>	
2.1	BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2	BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3	APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
2.4	BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6	WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7	NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

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

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....  
(Proof of authority must be submitted e.g. company resolution)

DATE: .....

## BIDDER'S DISCLOSURE

### 1. PURPOSE OF THE FORM

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

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

### 2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> in the enterprise, employed by the state? **YES/NO**

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

Full Name	Identity Number	Name of State institution

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

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

2.2.1 If so, furnish particulars:

.....  
.....

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

2.3.1 If so, furnish particulars:

.....  
.....

**3 DECLARATION**

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

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>2</sup> will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
  
- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.  
I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....	.....
Signature	Date
.....	.....
Position	Name of bidder

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

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

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

### 1. GENERAL CONDITIONS

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

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

1.2 The applicable preference point system for this tender is the **80/20** preference point system.

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

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

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

	POINTS
<b>Price</b>	80
<b>Specific Goals</b>	20
<b>Total points for Price and Specific Goals</b>	<b>100</b>

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

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

### 2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;

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

### 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

#### 3.1. POINTS AWARDED FOR PRICE

##### 3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

#### 80/20

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

Where

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

### 4. POINTS AWARDED FOR SPECIFIC GOALS

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

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

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

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

**Failure to complete this table and submission will result in a score of zero for specific goals.**

<b>Maximum Scoring Weighting Points evaluation for Specific Goals</b>	<b>Maximum score</b>
Above 30% ownership for Historically Disadvantaged Individuals who had no franchise in national elections before the 1983 or 1993 Constitutions	20
<b>Total</b>	<b>20</b>

#### **DECLARATION WITH REGARD TO COMPANY/FIRM**

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

4.4. Company registration number: .....

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

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

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary

proof to the satisfaction of the organ of state that the claims are correct;

iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –

- (a) disqualify the person from the tendering process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution, if deemed necessary.

.....	
<b>SIGNATURE(S) OF TENDERER(S)</b>	
<b>SURNAME AND NAME:</b>	.....
<b>DATE:</b>	.....
<b>ADDRESS:</b>	.....
	.....
	.....
	.....