



National
Research
Foundation

Invitation to Quote

The NRF invites you to quote for the requirements listed in this document

QUOTE NUMBER	NRF/RFQ/CORP/05/2023-24
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SHORT DESCRIPTION OF REQUIREMENTS

The Provision of Minute-taking services as and when required

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INVITATION TO QUOTE (SBD 1)

Quote Number	NRF/RFQ/CORP/05/2023-25		
Closing date and time	10 August 2023 at 11:00		
The NRF recognises the date and time as recorded on its systems for closure purposes. Completion of the documents labelled as "SBD" is mandatory.			
Responses to Request for Offers are to be emailed to the address below:			
Email Address:	c.mfana@nrf.ac.za		
Number of ORIGINAL quote documents for contract signing			1
Bidders must submit the original request for quote documents including their offer to the request in secured pdf to the NRF. This serves as the original master for the legal contract between the parties. The original master set remains at the NRF and has precedence over any other copies in the case of any discrepancies within the other sets of documents. The bidders attach the copies of any certificates stipulated in this document to the original set of documents.			
Number of EVALUATION copies			1
TWO ENVELOPE SYSTEM		No	
PRICE VALIDITY PERIOD FROM DATE OF CLOSURE		60 days	
Bidding procedure enquiries are directed in writing to:		Technical information queries are directed in writing to:	
Section	Supply Chain Management	Section	Company Secretariat
Contact person	Vuyelwa Vabaza	Contact person	Cassandra Mfana
E-mail address	VL.Vabaza@nrf.ac.za	E-mail address	C.Mfana@nrf.ac.za

SUPPLIER INFORMATION

Name of Bidder

Postal Address

Street Address

Telephone Number

Code

Number

Cell Phone Number

Code

Number

Facsimile Number

Code

Number

E-Mail Address

VAT Registration Number

Tax Compliance Status

Tax Compliance System PIN

Central Supplier Database No.

MAAA

B-BBEE Status Level Verification Certificate

Tick Applicable Box.
☐ Yes ☐ No

B-BBEE Status Level Sworn Affidavit

Tick Applicable Box.
☐ Yes ☐ No

[A B-BBEE status level verification certificate/ sworn affidavit (for EMEs & QSEs) must be submitted in order to qualify for preference points for B-BBEE – also refer to the SBD 6.1]

Are you the accredited representative in South Africa for the goods /services/works offered?

☐ Yes ☐ No
[If yes enclose proof]

Are you a foreign-based supplier for the goods/services/ works offered?

☐ Yes ☐ No
[If yes, answer the questionnaire below]

SUPPLIER INFORMATION

Is the entity a resident of the Republic of South Africa (RSA)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Does the entity have a branch in the RSA?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Does the entity have a permanent establishment in the RSA?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Does the entity have any source of income in the RSA?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is the entity liable in the RSA for any form of taxation?	<input type="checkbox"/> Yes <input type="checkbox"/> No

If the answer is "No" to all of the above, then it is not a requirement to register for a tax compliance status system pin code from the South African Revenue Service (SARS) and if not register as per 2.3 below.

BID SUBMISSION

1.1	Bids must be delivered by the stipulated time to the correct address. Late bids will not be accepted for consideration.
1.2	All bids must be submitted on the official forms provided– (not to be re-typed) or in the manner prescribed in the bid document. Bid pages are bound to minimise risk of lost pages.
1.3	This bid is subject to the specifications and special conditions of contract pertaining to this bid, the Preferential Procurement Policy Framework Act, 2000 and the Preferential Procurement Regulations, 2017, the General Conditions of Contract (GCC), and any other legislative requirements if applicable to this bid.
1.4	The successful bidder will be required to fill in and sign a written contract form (SBD7).

TAX COMPLIANCE REQUIREMENTS

2.1	Bidders must ensure compliance with their tax obligations.
2.2	Bidders are required to submit their unique personal identification number (PIN) issued by SARS to enable the organ of state to verify the taxpayer's profile and tax status.
2.3	Application for tax compliance status (TCS) pin may be made via e-Filing through the SARS website www.sars.gov.za .
2.4	Bidders may also submit a printed TCS certificate together with the bid.
2.5	In bids where consortia / joint ventures / sub-contractors are involved; each party must submit a separate TCS certificate / PIN / CSD number.
2.6	Where no TCS 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.

ACKNOWLEDGEMENT OF READING EACH PAGE

The bidder warrants by signature in this document that the bidder has read and accepts each page in this document including any annexures attached to this document.
CENTRAL SUPPLIER DATABASE REGISTRATION (CSD)
The NRF requests bidders to register on the Central Supplier Database to enable the NRF to contract with them including the issue of purchase orders.
CLARIFICATION
If the respondent wishes to clarify aspects of this request or the acquisition process, they write to the contact officials given. The NRF distributes the response to a clarification request to all respondents that have communicated their intention to quote (i.e., briefing session attendance register) within 2 working days of receipt of the query. The NRF does not provide the origin of the request to any party.
RESPONSE PREPARATION COSTS
The NRF is not liable for any preparation costs incurred in responding to this Request Invitation.
TWO ENVELOPE SYSTEM
The NRF, in the interests of transparent procurement, utilises the two-envelope system to separate the price details (the second envelope) to minimise any form of price bias in the technical selection phase (the first envelope).
COLLUSION, FRAUD AND CORRUPTION
Any effort by Bidder to influence evaluation, comparisons, or award decisions in any manner will result in the rejection and disqualification of the bidder concerned.
FRONTING
The NRF, as part of the evaluation process and subsequent contract management process, conduct enquiries to determine that there is no fronting. The NRF does not, where it detects fronting at the evaluation process, award to parties conducting fronting. The NRF cancels the contract where it detects fronting is occurring after entering into such contracts.
DISCLAIMERS
The NRF has produced this document in good faith. The NRF, its agents, and its employees and associates do not warrant its accuracy or completeness nor make any representation, warranty, assurance, guarantee or endorsements to any party concerning the document, whether regarding its accuracy, completeness or otherwise and the NRF shall have no liability towards the responding parties in connection therewith
GENERAL DEFINITIONS
“B-BBEE” means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

“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;

“Bid” means a written offer in a prescribed or stipulated form in response to an invitation by the National Research Foundation for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;

“Broad-Based Black Economic Empowerment Act” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

“Contract” means the entire bid document inclusive of scope of work, specification, price conditions, price quote table, service delivery conditions, performance conditions with their key performance indicators, and general conditions when attached to the Standard Bidding Document 7 (SBD 7) which has been signed by the awarded bidder and the National Research Foundations;

“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;

“Market Price” means tests to verify the offered prices are market related to the NRF in allowing the bidder to complete the work without risk of performance failure to the NRF and that the price provides the sustainability to the bidder.

“Functionality” means the ability of a bidder to provide goods or services in accordance with specifications including quality that deliver the set levels of performance functionality as set out in the bid documents.

“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.

“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.

THE QUOTATION SELECTION PROCESS

Stage 1 – Compliance to submission requirements

Respondents warrant that their proposal document has, as a minimum; the specified documents required for evaluating their proposals as set out in the Returnable Document List and conform to all the terms, conditions, and specifications as set out in this document. The NRF may allow clarification requests of certifications and documents stemming from legislative bodies for purposes of demonstrating legal compliance not used for the purposes of technical evaluation scoring and price ranking. The NRF must already have these documents in their possession prior to contracting with the respondents.

Stage 2 – Evaluation of Quotes against Technical Specifications

Bidders achieving the minimum threshold or meets the exact specified requirements enter the Price/Preference scoring stage. The technical evaluation consists of the following steps:

Stage 2A – Evaluation of Quotes against Specifications including Quality (Desk top Review)

The NRF evaluates each bidder’s written response to the specifications issued in accordance to published evaluation criteria set out in this document.

Stage 2B – Technical Qualification (Engineering), Proof of Concept (ICT), or Live Presentations

<p>Where circumstances justifies it, the NRF conducts in addition to Stage 2A one of the following:</p> <ol style="list-style-type: none"> Engineering qualification either at site or on NRF premises having the bidder qualify their solution meets the engineering specifications in front of the selected NRF engineer panel. The ICT bidder demonstrates their equipment, firmware, and software solution on-site within the NRF ICT environment will deliver if acquired and placed in that environment. The evaluation team requires the short-listed bidders to do live presentations where the evaluation team has concerns over risks not addressed in the submitted documents. <p><u>Stage 2C – Due Diligence Research</u></p> <p>The evaluation team conducts research of the recommended bidder(s)'s submission(s) including the reference letters with external referees prior to making their recommendation.</p>
<p><u>Stage 3 – Verification of the Offered Prices</u></p> <p>The NRF evaluates each respondent's offered pricing at the costing level taking into account costed lines to verify coverage of the requested requirements and the offered prices are within the market range.</p>
<p><u>Stage 4 – Price/Preference Ranking</u></p> <p>The NRF compares the offered pricing of each qualifying bidder on an equal comparison basis equitable to all bidders. The NRF ranks the qualifying bids on price with lowest priced Bid receiving the maximum points (either 80 or 90) and the remainder ranked in relation to the lowest priced bid. The NRF adds the bidders' claimed preference points as verified to the submitted preference claim form (SBD 6.1) to provide the final ranking for the award decision.</p>
<p><u>Stage 5 – Checking Tax Compliance</u></p> <p>The NRF verifies tax status as set out in the SBD 1 through the CSD and, for non-resident respondents, obtains the Confirmation of Tax Obligations letter from the South Africa Revenue Services after submitting their SBD 1 tax questionnaire to South Africa Revenue Services.</p>
<p><u>Stage 6 – Award and Contract Signing</u></p> <p>The NRF nominates the bidder with the highest combined score for the contract award subject to the bidder having supplied the relevant administrative documentation.</p>
<p><u>Cancellation prior to Award</u></p> <p>The NRF has the right to cancel this document prior to making an award and signing the contract.</p>
<p style="text-align: center;">SBD 1 SIGNATURE</p>
<p>SIGNATURE OF BIDDER:</p>
<p>CAPACITY UNDER WHICH THIS BID IS SIGNED</p>
<p>DATE:</p>

CONTRACT

INTRODUCTION TO THE NRF

The National Research Foundation Act, Act 23 of 1998 as amended, establishes the National Research Foundation ("NRF") as the juristic person that will contract with the awarded party.

CONTEXT OF THIS PROCUREMENT

The NRF currently seeks to appoint a suitably qualified and competent supplier for Cosec Unit to provide minute-taking services as and when required.

The appointed service provider must demonstrate an understanding that meeting minutes are more than a general accounting of Board discussions; but that they serve as an official and legal record of the meeting.

Further, the service provider must demonstrate an understanding that in a legal arena, meeting minutes are presumed to be correct and can be used as legal evidence of the facts they report. The provider must, therefore, have at least 5 years' experience in documenting board, board committee and executive management discussions to accurately reflect the actions and intentions of the forum by keeping information basic, language simple and must avoid any legal complications that may place the organization at a disadvantage in any legal proceedings.

In addition to the above requirements, the service provider must:

1. Be absolutely accurate in presenting the facts of a meeting;
2. Demonstrate the ability to accurately record Board/Committee/Executive Management discussions, motions, decisions and resolutions;
3. The service provider must provide the NRF with a Practising Attorney/ Advocate / Chartered Secretary, with the relevant practical and demonstrable experience in minute-taking for large entities, with complex matters.
4. Demonstrate proven experience in differentiating between statements that are facts and those that are opinions.
5. The appointed service provider must have the relevant skills, experience and tools of trade to carry out the service by submitting relevant CVs & Profile that shows:
 - Practising Attorney/ Advocate / Chartered Secretary, with the practical and demonstrable experience in minute-taking.
 - Must submit proof of above registrations.
 - Must have at least two (2) resources allocated to NRF.
 - Experience of the resource: Must have at least five (5) years' experience in Board, Board Committee and Executive meeting minute-taking in the public sector environment or large entities with complex matters.
 - Three (3) written references (List or reference letters) with contact details for those customers for whom the bidder has completed work within the last **thirty-six months**.

CONTRACT PERIOD

The minute-taking services are expected to be offered for a period of one (financial) year, as and when required for the meetings listed below.

DETAILED SPECIFICATION

Recording of Board, Board Committee and Corporate Executive meeting minutes for the following forums and meeting frequency, as and when required

- NRF Board (quarterly)
- Audit and Risk Committee (quarterly)
- Remuneration and HR Committee (quarterly)
- Board Procurement Committee (every alternate month)
- Research development Committee (quarterly)
- Corporate Executive and any related forum meetings (twice per month)
- Strategic Planning Session (annually)

The appointed service provider will be expected upon receiving the recordings of Board, Board committees and Executive meetings to:

- Dedicate a resource that will produce accurate minutes of the meetings;
- Circulating draft minutes of meetings as duly directed to the appointed official for review, within the maximum specified period of 7 days.
- Review notes to be processed after receipt and submit Final draft within 24 hours.
- Uphold the necessary confidentiality when dealing with the minutes and proof of deletion of recording will be required, following approval of the minutes.

RETURNABLE DOCUMENTS CHECKLIST

Legislative/Technical Documents (M – Mandatory); (O – Optional)		Compliance		
	Submitted	Bid Section Reference	Reference to Bidder's document	
Bidder Eligibility				
1. Signed and completed Invitation to Bid (SBD 1)	M	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page 5	
2. Signed and completed Bidder's Disclosure (SBD 4)	M	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page 15	
3. Signed and completed Preference Points Claimed (SBD 6.1) completed and/or a valid B-BBEE certificate or a sworn affidavit.	M	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page 17	
4. CSD Report reflecting legal details, registration numbers, details of directors, and tax status	M	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page 5	
EVALUATION CRITERIA				
Specification Eligibility				
Must submit CV & Profile:				
5. Practising Attorney or Advocate or Chartered Secretary, with the practical and demonstrable experience in minute-taking.	M	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page 9-10	
6. Must submit proof of above registration/s	M	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page 9-10	
7. Must have at least two (2) resources allocated to NRF.	M	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page 9-10	
8. Experience of the resource: Must have at least five (5) years' experience in Board, Board Committee and Executive meeting minute-taking in the public sector environment or large entities with complex matters.	M	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page 9-10	
9. Three (3) written references with contact details for those customers for whom the bidder has completed work within the last thirty-six months that meets the minimum threshold of "Meets requirements" based on the scope of work. (NRF will conduct due diligence on the references.)	M	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page 9-10	
Reference 1: From:				
Reference 2: From:				
Reference 3: From:				
Pricing Documents		Compliance		
Pricing (SBD 3.2) in this document completed.	M	<input type="checkbox"/> Yes <input type="checkbox"/> No	Page	

ELIGIBILITY CRITERIA

<u>EVALUATION OF SUBMITTED DOCUMENTS</u>		Meet Specification Minimum	Go/No Go
Bidder Eligibility Evaluation			
1.	Signed and completed Procurement Invitation (SBD 1)		
2.	Signed and completed Bidder's Disclosure (SBD 4)		
3.	Signed and completed Preference Points Claimed (SBD 6.1) completed with a valid B-BBEE certificate or a sworn affidavit.		
4.	CSD Report reflecting legal details, registration numbers, details of directors, and tax status		
Specification Eligibility Evaluation			
5.	Must submit CV & Profile: Practising Attorney or Advocate or Chartered Secretary, with the practical and demonstrable experience in minute-taking.		
6.	Must submit proof of above registrations		
7.	Must have at least two (2) resources		
8.	Experience of the resource: Must have at least five (5) years' experience in Board, Board Committee and Executive meeting minute-taking in the public sector environment or large entities with complex matters.		
9.	Three (3) written references with contact details for those customers for whom the bidder has completed work within the last thirty-six months that meets the minimum threshold of "Meets requirements."		

PRICING CONDITIONS AND DETAIL

1	Pricing Schedule: In terms of General Conditions of contract clause 17.1, the price schedule remains unchanged for the duration of the contract with the NRF accepting no changes, extensions, or additional ad hoc costs to the pricing conditions of the contract.
2	Price Adjustments: Price adjustments and their corresponding rules for the managing price risks on the basis of the NRF and the contracted bidder sharing the risk equally.
3	Ceiling Price Calculation: The NRF provides bidding estimates of quantities to allow for the calculation of a bidding price for the contract that allows an equal comparison basis equitable to all bidders for award selection.
4	Commitment to Contracted Service Provider: The NRF, through the signed contract, guarantees its procurement of the specified goods and/or services is from the contracted party only.
5	Commitment of funding to Purchase Orders issued in terms of the Contract: The NRF, when issuing the written purchase order stipulating quantity, description, delivery date, and the unit price as set out in this contract, guarantees that the funding is available for the value of that purchase order.

6	Price Delivery Points are:				
	National Research Foundation				
7	Application of Preference Points: Pricing is subject to the addition of Preference Points as stipulated below - Standard Bidding Document 6.1 Preference claim form.				
SBD 3.2 PRICING SCHEDULE					
	QTY	DESCRIPTION/ (Reference to specific specification)	UOM	UNIT PRICE	TOTAL LINE PRICE (including VAT)
Note: Quantities are estimated for pricing purposes only. Resources must be able to accept and execute more than one set of minutes depending on the schedule of meetings.					
1	8	Hourly rate for drafting of recorded minutes	Hour		
2	1	Rate per set of minutes	Set		
Total Cost is determined by multiplying quantity by unit price for all line items					
TOTAL CONTRACT VALUE OF ABOVE (CEILING PRICE)					R

EXECUTION/DELIVERY CONDITIONS	
1	
OHS	<p>Occupational Health and Safety when working on NRF sites: All personnel performing work on NRF site/s as part of this contract are responsible to obtain safety induction.</p> <p>Over and above the obligations provided by the Occupational Health and Safety Act (OHS Act No 85 of 1993 and its Regulations, known as 'the Act'), the contracted party meets with all relevant health and safety instructions as given to them by site safety personnel, where relevant. Personal protection equipment including closed safety shoes, hard hats, height safety equipment, and high visibility vests are worn at all times while on the work site. All personnel are to obey the relevant instructions, including signage, related to restricted access and speed limits on all sites.</p> <p>The contracted party, once signing the contract (SBD 7), is responsible for itself, its employees, and those people affected by its operations in terms of the Act the regulations promulgated in terms thereof. The contracted party performs all work and uses equipment on site complying with the provisions of the Act. To this end, the contracted party shall make available to the NRF on the valid Letter of Good Standing in terms of the COID Act and ensures its validity does not expire while executing this bid, where applicable. The contracted party furnishes its registration number with the office of the Compensation Commissioner. The contracted party enters into a Section 37.2 agreement in terms of Occupational Health and Safety Act (OHS Act No 85 of 1993 and its Regulations) that the NRF drafts.</p> <p>The contracted party maintains a health and safety plan complying with the requirements of The Act at the work site during the period that contracted work takes place on the site.</p> <p>The NRF manages the contracted party in his capacity for the execution of this contract to meet the provisions of the said Act and the regulations promulgated in terms thereof. The contracted party accepts liability for any contraventions to the Act. Each member of the contracted party's team (including sub-contracted personnel), submit a signed indemnity form prior to entering the work site and kept in the contracted party's health and safety file.</p>

EXECUTION/DELIVERY CONDITIONS		
PERFORMANCE/SERVICE LEVEL CONDITIONS		
1.	The NRF measures the contracted bidder's performance against these in the execution of the contract. The contracted bidder recognises that its failure to meet the performance levels has material adverse impact on the operations of NRF and that the damage from the contracted bidder's failure to meet any performance level is not susceptible to precise determination. The NRF excuses the contracted bidder from failing to comply with the performance levels to the extent that non-performance or delayed performance is solely and directly attributable to an act or omission of the NRF or its staff or circumstances of force majeure as referred to in this Agreement.	
2.	If the contracted bidder fails to meet any performance level: <div><div>a. The contracted bidder shall investigate and report on the root causes of the performance level failure;</div><div>b. Promptly correct the failure and begin meeting the set performance levels;</div><div>c. Advise the NRF as and to the extent requested by the NRF of the status of remedial efforts being undertaken with respect to such performance level failure; and</div><div>d. Take appropriate preventive measures to prevent the recurrence of the performance level failure.</div></div>	
STATEMENT OF PERFORMANCE LEVELS FOR SERVICES/GOODS		
PERFORMANCE BEING MEASURED	MEASUREMENT METHODOLOGY	PENALTY AND LEVEL APPLICABLE FROM
Drafting and delivery of minutes within 7 days. Minutes to be of a high quality in terms of language use and coherence	Emailed set of minutes received timeously, Accuracy 95 % or low error rate following internal review	None
Minutes to be an accurate reflection of the proceedings	Accuracy below 95 % or high error rate following internal review	5% of invoice to be deducted

GENERAL CONDITIONS
<p>In this document words in the singular also mean in the plural and vice versa, words in the masculine mean feminine and neuter, word "department" means organs of state inclusive of public entities and vice versa, and words "will/should" mean "must".</p> <p>The NRF cannot amend the National Treasury's General Conditions of Contract (GCC). The NRF lists the GCC on its website www.nrf.ac.za and forms part of this document. The NRF sets Special Conditions (SCC) to the GCC in this document, cross-referencing the applicable GCC clause on its website.</p>

SBD 4 – 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.

SBD 4 – BIDDER'S DISCLOSURE

2. Bidder's declaration

- 2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state? **YES/NO**
- 2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

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

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

SBD 4 – BIDDER'S 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 ² 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.
3.5	The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
3.6	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.
3.7	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.
<p>I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.</p> <p>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.</p>	
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>.....</p> <p style="text-align: center;">Signature</p> <p>.....</p> <p style="text-align: center;">Position</p> </div> <div style="width: 45%;"> <p>.....</p> <p style="text-align: center;">Date</p> <p>.....</p> <p style="text-align: center;">Name of bidder</p> </div> </div>	

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

SBD 6.1 - PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

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

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

1. GENERAL CONDITIONS

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

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

1.2 **To be completed by the organ of state**

- a) 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 **To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

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

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

2. DEFINITIONS

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

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

1.

3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

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

Where

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

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

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

80/20

or

90/10

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

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents,

stipulate in the case of—

- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
- (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

(Note to organs of state: NRF will use a B-BBEE certificate to allocate points for specific goals.

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

The specific goals allocated points in terms of this tender (B-BBEE Status Level of Contributor)	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
1	-	20	-	
2	-	18	-	
3	-	14	-	
4	-	12	-	
5	-	8	-	
6	-	6	-	
7	-	4	-	
8	-	2	-	
Non-compliant contributor	0	0	-	

Broad Based Black Economic Empowerment (B-BBEE) certificate or sworn affidavit must be submitted to substantiate the points claimed on the above table

DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety

- ☐ Close corporation
- ☐ Public Company
- ☐ Personal Liability Company
- ☐ (Pty) Limited
- ☐ Non-Profit Company
- ☐ State Owned Company

[TICK APPLICABLE BOX]

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

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

.....
SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

.....

BID SIGNATURE (SBD 1)

I hereby undertake to supply all or any of the goods, works, and services described in this procurement invitation to the NRF in accordance with the requirements and specifications stipulated in this Bid Invitation document at the price/s quoted. I confirm that I have satisfied myself as to the correctness and validity of my offer/bid in response to this Invitation, cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk. My offer remains binding upon me and open for acceptance by the NRF during the validity period indicated and calculated from the closing time of Bid Invitation. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me in terms of this Bid Invitation as the principal liable for the due fulfilment of the subsequent contract if awarded to me.

I declare that during the bidding period did not have access to any NRF proprietary information or any other matter that may have unfairly placed our bid in a preferential position in relation to any of the other bidder(s).

The following documents are deemed to form and be read and construed as part of this offer / bid even where integrated in this document:

- a) Part A
- b) Part B – Price Schedule
- c) Part C including annexures in support of the bid

I confirm that I am duly authorised to sign this offer/ bid response.

NAME (PRINT)	
CAPACITY	
SIGNATURE	
DATE	