

## REQUEST FOR PROPOSALS (RFP)

<b>RFP REFERENCE NUMBER</b>	RFP 01-02-2023	
<b>DESCRIPTION OF GOODS, WORK OR SERVICES</b>	Appointment of a Service Provider for IT Security and Cybersecurity Strategy	
<b>COMPULSORY BRIEFING SESSION DETAILS</b>	<b>DATE</b>	<b>TIME</b>
	N/A	N/A
<b>RFP CLOSING DETAILS</b>	<p><b>Date:</b> 21 February 2023</p> <p><b>Time:</b> 11h00 a.m.</p> <p><b>Email:</b> <a href="mailto:Quotes@cbrta.co.za">Quotes@cbrta.co.za</a> (Bid responses received outside this email address will NOT be considered)</p>	
<b>RFP VALIDITY PERIOD</b>	30 Working days (Commencing from the official RFP closing date)	
<b>ENQUIRIES</b>	<a href="mailto:Elizabeth.Mohajane@cbrta.co.za">Elizabeth.Mohajane@cbrta.co.za</a>	

**PROSPECTIVE BIDDERS MUST REGISTER ON NATIONAL TREASURY'S CENTRAL SUPPLIER DATABASE PRIOR TO SUBMITTING BIDS.**

## SECTION A: SBD 1

### PART A: INVITATION TO BID

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
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No
<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>					
<i>ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No  [IF YES ENCLOSE PROOF]		<i>ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</i>		<input type="checkbox"/> Yes <input type="checkbox"/> No  [IF YES, ANSWER THE QUESTIONNAIRE BELOW ]
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?					<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE A BRANCH IN THE RSA?					<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?					<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?					<input type="checkbox"/> YES <input type="checkbox"/> NO
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?					<input type="checkbox"/> YES <input type="checkbox"/> NO

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

## PART B :TERMS AND CONDITIONS FOR BIDDING

<b>1. BID SUBMISSION:</b>
1.1. BIDS MUST BE SUBMITTED BY THE STIPULATED TIME TO THE CORRECT EMAIL 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, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
<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 <a href="http://WWW.SARS.GOV.ZA">WWW.SARS.GOV.ZA</a> .
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: .....

DATE: .....

## **SECTION B: TERMS OF REFERENCE**

### **1. Introduction to C-BRTA**

The Cross-Border Road Transport Agency (C-BRTA) is PFMA Schedule 3A Agency established through the Cross-Border Road Transport Act 4 of 1998 and provides advice, regulation, facilitation and law enforcement in respect of commercial cross border road transportation. The Act gives the C-BRTA mandate to licence commercial cross border road transport operators by issuing permits to operate. The provision of cross-border transport services in South Africa is subject to the provisions of the Cross-Border Road Transport Act. In terms of the Act, any person or organisation wishing to provide cross-border transport services must apply to the Cross-Border Road Transport Agency's Regulatory Committee for a Permit to conduct cross-border business.

The Cross-Border Road Transport Agency's (C-BRTA) thus exists, amongst others, to improve the flow of passengers and freight road transport in the region, introduce regulated competition in cross-border road transport, reduce operational constraints for the cross-border road transport industry, provide oversight and monitoring functions, and to improve the unimpeded transport flow by road of freight and passengers.

### **2. General rules and instructions**

- 2.1. Bidders or their agents shall not make any news releases concerning this RFP or the awarding of the same or any resulting agreement(s) without the consent of, and then only in co-ordination with, C-BRTA and its Client.
- 2.2. Should a bidder have reason to believe that the Functional Requirements are not open/fair and/or are written for a particular service provider or that the specification is based on a specific brand; the bidder must inform C-BRTA within five (5) days after publication of the RFP.
- 2.3. This RFP is subject to Government Procurement: General Contract Conditions – July 2011, Special Contract Conditions and any other contract conditions to be finalised during contracting.

### **3. Instructions for submitting bids**

- 3.1. Bidders should submit their bid responses strictly to [Quotes@cbrta.co.za](mailto:Quotes@cbrta.co.za). Bid responses received outside this email address will NOT be considered.
- 3.2. Bid responses will NOT be considered if submitted after the closing date and time.
- 3.3. All e-mailed proposal submissions are to be clearly **subject-referenced with the RFP number**. Proposals must consist of two parts, each of which must be sent in two separate emails with the following subject:

- PART 1: Technical Proposal with RFP Number.
- PART 2: Pricing Proposal with RFP Number.

#### **4. RFP Returnables**

4.1. Bidders shall submit response in accordance with the response format below. Failure to do so shall result in the rejection of the bidder's RFQ response.

##### **4.2. Schedule Index:**

- Schedule 1:** Completed and signed SBD 1
- Schedule 2:** Central Supplier Database (CSD) Registration Report
- Schedule 3:** Bidder's Tax Compliance System PIN and / or valid Tax Clearance Certificate (TCC)
- Schedule 4:** Sworn Affidavit or valid B-BBBEE Certificate
- Schedule 5:** Completed and signed SBD 4 – Bidder's Disclosure
- Schedule 6:** Completed and signed SBD 6.1 – Preference Points Claim
- Schedule 7:** Completed and signed SBD 6.2 – Local Content (If Applicable)
- Schedule 8:** Technical Proposal
- Schedule 9:** Pricing Proposal

#### **5. C-BRTA's Rights**

5.1. C-BRTA is entitled to verify any information, amend the RFP specification, extend the bid validity period or extend the bid closing date, all before the bid closing date. All bidders, to whom the RFP documents have been issued, will be advised in writing of such amendments in good time.

5.2. C-BRTA reserves the right to request all relevant information and other documents to verify information supplied in the bid proposal.

#### **6. Undertakings by the bidder**

6.1. By submitting a bid in response to the RFP, the bidder will be taken to offer to render all or any of the services described in the bid response submitted by it to the C-BRTA.

6.2. The bidder agrees that the offer contained in its bid shall remain binding upon him/her and receptive for acceptance by the C-BRTA during the bid validity period indicated in this RFP.

6.3. The bidder accepts that any mistakes regarding prices and calculations will be at their own risk.

## **SECTION C – FUNCTIONAL REQUIREMENTS SPECIFICATION**

### **1. INTRODUCTION**

The Cross-Border Road Transport Agency (C-BRTA) is initiating a Request for Proposal (RFP) process to solicit quotations from bidders interested in the development of the IT security and cybersecurity strategy and implementation roadmap/plan to the C-BRTA (over a period of 16 weeks).

### **2. BACKGROUND**

The Cross-Border Road Transport Agency (C-BRTA) is a Schedule 3A Agency established through the Cross-Border Road Transport Act 4 of 1998 and provides advice, regulation, facilitation and law enforcement in respect of commercial cross border road transport. The Act gives the C-BRTA mandate to licence commercial cross border road transport operators by issuing permits to operate

The C-BRTA has recently developed a Digital IT strategy which seeks to enable the C-BRTA to effectively respond to current and emerging issues affecting cross-border road transport and reposition the C-BRTA as a strategic resource of Government and assert the Agency's role with respect to championing innovation and development in the cross-border road transport sector. The Agency is now adopting the Digital IT strategy to respond to current and emerging issues affecting cross-border road transport. Furthermore, the IT strategy advocates a move to online services, which by their nature attract IT security and cyber security threats or risks.

It is against this background that the C-BRTA intends to appoint a service provider to review the current IT Security Strategy and develop a new IT Security and Cybersecurity Strategy ensuring alignment with newly current C-BRTA IT Infrastructure.

### **3. SCOPE OF WORK**

The successful service provider shall be responsible for the development of the IT security and cybersecurity strategy, as well as delivering on the following requirements:

- Review the IT architecture environment and recommend the security approach
- Develop an IT security and cybersecurity strategy
- Develop an IT & Cyber Security Programme
- Develop an IT and Cyber Security Roadmap
- Develop Cybersecurity awareness content and conduct training on cyber security for a period of 6 weeks to +-150 employees
- Assessment of CrossEasy web-based system Payment Gateway
- Other related documentation

Bidders are required to provide pricing as well as rate per hour as part of the proposal.

#### **4. EXPECTED OUTCOMES/DELIVERABLES**

Deliver a new IT security and cybersecurity strategy, implementation roadmap/plan and associated artefacts as per the scope of work.

#### **5. CONTRACT PERIOD**

The project must be completed within 16 weeks from the date of signing the contract with a successful service provider.

#### **6. PROPRIETARY RIGHTS**

The proprietary rights regarding copyrights, patents, the source code and any other similar rights that may result from the successful bidder carrying out the assignment shall belong to the CBRTA.

#### **7. TECHNICAL EVALUATION**

The proposal will be evaluated based on the 80/20 provisions of the Preferential Procurement Policy Framework Act (PPPFA) and the supply chain management regulations:

<b>EVALUATION CRITERIA - Development of IT security and cybersecurity strategy services (100 points)</b>
Preference Points 80/20
80 points = Price
20 points = BBBEE
100 points = Functionality
<b>Functionality (Take note: Bidders who fail to obtain a score of 70 points or more in the functionality phase shall not be considered for further evaluation on Price and BEE.</b>
<b>1. Past performance of the organization for IT security and cybersecurity strategy services (30 points)</b>



Bidders must demonstrate relevant experience in conducting IT security and cybersecurity strategy development services.

**(a) Bidder details, experience and track record:**

- Provide details of projects in IT security and cybersecurity strategy development successfully completed over the last 7 years.

The information required should include the following details:

- Client name
- Project scope
- Description and relevance of the rendered project
- Project cost
- Duration of project

0 Projects	1-2 Projects	3-4 Projects	5-7 Projects	More than 7 Projects
0 Points	5 Points	10 Points	20 Points	30 Points

The following table should be used to indicate the details for the past performance of the organisation:

Client Name	Project Scope	Project Description	Project Cost	Duration of the Project

## **2. Personnel Experience / Project Team (35 points)**

Bidders must indicate the **combined** (IT security and cybersecurity strategy) related experience for the personnel that will be part of the CBRTA IT security and cybersecurity strategy development team.

Less than 5 years	5 to 10 years	11 to 15 years	16 Years and more
0 Points	10 Points	15 Points	25 Points

The information required must include the following details of the personnel that will be part of the IT security and cybersecurity strategy development services implementation team (replacements must be professionals with the same expertise and experience):

- Personnel CVs including IT related qualifications.
- Description of experience related to IT security and cybersecurity strategy services.

### 3. Methodology and Approach (35 Points)

The bidder must include a detailed methodology demonstrating the plan to deliver on the task including timelines, task team and their task/ role, and payment milestones linked to each deliverable.

Bidders must provide the following in accordance with the scope of work:

Criteria			Points
Detailed proposed strategy review methodology			25 points
Scoring Rating	Methodology Description/Definition	Allocated points range	
Excellent	<ul style="list-style-type: none"><li>• Beyond meeting the “Good” rating, the bidder exceptionally demonstrated an understanding, ability, experience, skills, resource, and quality measures required to successful provide the services deliverables in an innovative and efficient way within the required timelines.</li><li>• The proposal details ways to improve the project outcomes/deliverables and the quality of the outputs.</li><li>• The sequencing and timing of the activities are very well defined, indicating that the bidder has optimized the use of resources and the work plan/project plan that permits flexibility to accommodate risks and contingencies planned for.</li><li>• Response identifies factors that will offer potential added value with supporting evidence relevant to the Terms of Reference or deliverables.</li></ul>	20 - 25 points	

	<b>Good</b>	<ul style="list-style-type: none"> <li>• Satisfies the requirement. The methodology is specifically tailored to address all terms or reference, project objective and requirements; and is sufficiently flexible to accommodate changes that may occur during execution.</li> <li>• Bidder demonstrated the ability, understanding, experience, skills, resource, and quality measures required to provide the goods and services within the required timelines.</li> <li>• There is a fair degree of detail that facilitates understanding of the proposed terms of reference.</li> </ul>	<b>10 - 15 points</b>	
	<b>Poor</b>	<ul style="list-style-type: none"> <li>• The proposed methodology is poor and unlikely to satisfy the project objectives or requirements. The bidder's approach to the project is mis aligned to some part of the requirements.</li> <li>• The bidder fails to address all important areas highlighted on the scope of work, and/or deliverables.</li> <li>• Methodology fails to address the requirements with little or no supporting evidence relating to the terms of reference.</li> </ul>	<b>1 - 4 points</b>	

	<b>Unacceptable/ non-responsive</b>	<ul style="list-style-type: none"><li>• <b>Bidder failed to:</b><ul style="list-style-type: none"><li>○ Provide methodology with the submission.</li><li>○ Provided irrelevant methodology which is not aligned to the scope of work with little or no supporting evidence.</li><li>○ Comply and/or provide insufficient information to demonstrate the understanding, ability, experience, skills, resource &amp; quality measures required to provide the services.</li></ul></li></ul>	<b>0 points</b>	
	Project schedule/work plan, allocation of proposed personnel and final report outline			
	Demonstrate ability to deliver within timelines			
			5 points	
			5 points	

## SECTION D: STANDARD BIDDING DOCUMENTS

### BIDDER'S DISCLOSURE

### SBD 4

#### 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 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.

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 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 **not exceed** R50 000 000 (all applicable taxes included) and therefore the 80/20 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	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE must not exceed	100

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;

## 3. POINTS AWARDED FOR PRICE

### 3.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

80/20	or	90/10
$P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$	or	$P_s = 90 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmin = Price of lowest acceptable bid

#### 4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

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

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

#### 5. BID DECLARATION

- 5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

#### 6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

- 6.1 B-BBEE Status Level of Contributor: . = .....(maximum of 10 or 20 points)  
(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

#### 7. SUB-CONTRACTING

- 7.1 Will any portion of the contract be sub-contracted?

(*Tick applicable box*)

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

- 7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....

- iv) Whether the sub-contractor is an EME or QSE  
(Tick applicable box)

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

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

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

#### 8. DECLARATION WITH REGARD TO COMPANY/FIRM

- 8.1 Name of company/firm:.....
- 8.2 VAT registration number:.....
- 8.3 Company registration number:.....

#### 8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

#### 8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....

8.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

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

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we 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 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
  - (a) disqualify the person from the bidding 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 bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
  - (e) forward the matter for criminal prosecution.

WITNESSES

1. ....

2. ....

.....

SIGNATURE(S) OF BIDDERS(S)

DATE: