



an agency of the  
Department of Arts and Culture

## INVITATION TO BID

**YOU ARE HEREBY INVITED TO BID FOR THE REQUIREMENT OF SOUTH AFRICAN STATE THEATRE**

|                                                                                                 |                                                                                                                                                                                                                            |
|-------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| RFQ NUMBER:                                                                                     | SAST/2021/ICT SERVER AND NETWORK SUPPORT AND MAINTENANCE                                                                                                                                                                   |
| DESCRIPTION:                                                                                    | Appointment of a suitably qualified service providers to submit proposals for the provision of Information Technology Support Services for the South African State Theatre (SAST), for a period of twenty four (24) months |
| PUBLISH DATE:                                                                                   | 08 June 2021                                                                                                                                                                                                               |
| CLOSING DATE:                                                                                   | 15 June 2021 @ 16:30 am                                                                                                                                                                                                    |
| SITE INSPECTION                                                                                 | By arrangement                                                                                                                                                                                                             |
| DELIVERY ADDRESS                                                                                | BID DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT:<br><br>320 Pretorius Street<br>PRETORIA<br>(at reception, on the lower ground)                                                                                  |
| ENQUIRIES:                                                                                      | Ms. Tsakani Mathebula<br>Email : <a href="mailto:tsakani@statetheatre.co.za">tsakani@statetheatre.co.za</a><br>Tel : 012 392 4000                                                                                          |
| NB: Bidders must ensure that they sign the register at the reception when delivering their bids |                                                                                                                                                                                                                            |

**BIDDER NAME:**

**THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATION, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITION OF CONTRACT.**

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## **SECTION 1**

### **INTRODUCTION**

THE RENAISSANCE THEATRE, trading as THE SOUTH AFRICAN STATE THEATRE, a cultural institution in terms of the provisions of section 3(1) of the Cultural Institutions Act, 1998, also a Schedule 3A Public entity under the Public Finance Management Act, 1999. SAST is a statutory agency tasked with the development, promotion, and mainstreaming of Arts, Culture and Heritage programmes to contribute to the sector's economic growth and foster social cohesion in Tshwane, greater Gauteng all the citizens of our Society.

#### **1.1 OBJECTIVE**

The purpose of this RFQ is to appoint a suitably qualified service provider to support and maintain SAST's Information Technology infrastructure, including the network infrastructure, and provide guidance on ICT strategy, best practices, and latest trends for 24 months. The support and maintenance must consider the business model SAST operates in, such as service requests that might be requested during public holidays and after hours.

#### **1.2 BACKGROUND**

SAST is located at 320 Pretorius Street, Pretoria, Gauteng, South Africa. The Information Technology server infrastructure comprises of 2 Physical Hyper V Host servers.

SAST has a total staff complement of 78 users situated in this building, however, due to the COVID-19 pandemic, there is a hybrid as some of the users are working remotely and rely on other connectivity methods such as fibre to home and modems provided by the SAST and connected to ICT services via VPN. The ISP offers the following services, Business uncapped 100MB internet connectivity, advanced threat protection, and mail archiving via Mimecast. Backups are performed daily to disk onsite through an ArcServe Backup solution.

The SAST is also in the process of implementing a cloud based HR ERP system.

A third party service provider manages office 365 Business Premium with an Online exchange for 110 licenses.

The perimeter firewall security is managed through a FortiGate firewall and Kaspersky Endpoint Security Cloud. The current Information Technology structure consists of the ICT Manager, a system ICT Support Technician, and an ICT intern.

The below applications are supported internally and by software vendors:

- Pastel Evolution
- VIP Payroll and ESS
- GAAP POS
- Firewall (Managed service)
- Cloud PABX Solution
- TurboTime Clocking System

The table below table illustrates the server configuration and Hyper V hosts on and the deployed virtual servers.

#### Host 1 Hyper V or Similar

| No# | Server (HOST3)       | OS                                     | HDD1 (TB)         | HDD2 (TB)                                     | Memory (GB) | No CPU Cores | SQL | Purpose                                                    |
|-----|----------------------|----------------------------------------|-------------------|-----------------------------------------------|-------------|--------------|-----|------------------------------------------------------------|
| 1   | Hyper V Host 1       | Microsoft Windows Server 2016 Standard | 2GB C: OS VHDX    | 22TB D: VHDX<br>7.30TB E: VHDX<br>4TB B: VHDX | 256 GB      | 32           |     | Hyper V Virtual Server Host Server                         |
| VM# | HOST 3 VM Servers    | OS                                     | HDD1 (GB)         | HDD2 (GB)                                     | Memory (GB) | No CPU Cores | SQL | Purpose                                                    |
| 1   | HR VIP SVR           | Microsoft Windows Server 2016 Standard | 1.9TB C: OS VHDX  | -                                             | 32 GB       | 0            | -   | HR Payroll Server, Print Server, and system and ESS system |
| 2   | File Server          | Microsoft Windows Server 2016 Standard | 2TB C: OS VHDX    | 5TB D: Files VHDX                             | 32 GB       | 8            | -   | Home folders and Shared folders Server                     |
| 3   | Domain Controller 01 | Microsoft Windows Server 2016 Standard | 500 GB C: OS VHDX | -                                             | 32 GB       | 8            | -   | Primary Domain Controller Active Directory, DHCP, and DNS  |

#### Host 2 Hyper V or Similar

| No# | Server (HOST2)               | OS                                     | HDD1 (GB)         | HDD2 (GB)                | Memory (GB) | No CPU Cores | SQL      | Purpose                                                     |
|-----|------------------------------|----------------------------------------|-------------------|--------------------------|-------------|--------------|----------|-------------------------------------------------------------|
| 1   | Hyper V Host 2               | Microsoft Windows Server 2016 Standard | 300 GB C: OS VHDX | 22TB VHDX                | 256 GB      | 32           |          | Hyper V Virtual Server Host Server                          |
| VM# | HOST 2 VM Servers            | OS                                     | HDD1 (GB)         | HDD2 (GB)                | Memory (GB) | No CPU Cores | SQL      | Purpose                                                     |
| 1   | Domain Controller 02         | Microsoft Windows Server 2016 Standard | 200 GB C: OS VHDX | -                        | 32 GB       | 8            | -        | Secondary Domain Controller Active Directory, DHCP, and DNS |
| 2   | Physical APP Intranet Server | Windows Server 2008 R2 STD             | 700GB NTFS C: OS  | 700GB NTFS SQL DB & LOGS | 32 GB       | 4            | -        | SharePoint Designer 2010 Intranet Server                    |
| 3   | Finance Paste ERP            | Microsoft Windows Server 2016 Standard | 500 GB C: OS VHDX | -                        | 32 GB       | 8            | SQL 2014 | Finance ERP and SQL 2014                                    |

|   |                       |                                        |                   |               |       |   |                      |                                 |
|---|-----------------------|----------------------------------------|-------------------|---------------|-------|---|----------------------|---------------------------------|
| 4 | Windows Update Server | Microsoft Windows Server 2016 Standard | 250 GB C: OS VHDX | E:4TB GB VHDX | 16 GB | 2 | SQL MNG Studio V18.6 | Windows Patch Management Server |
|---|-----------------------|----------------------------------------|-------------------|---------------|-------|---|----------------------|---------------------------------|

The table below table illustrates the SAST network component and deployed network infrastructure. Network management will include but not limited to the below peripherals:

| Service    | Brand         | Model Name           | Quantity             |
|------------|---------------|----------------------|----------------------|
| Wi-Fi      | UniFi Network | UniFi AP-AC-Mesh-Pro | X 2 Opera Theatre    |
| Wi-Fi      | UniFi Network | UniFi AP-AC-LR       | X 21 Corporate Wi-Fi |
| LAN Switch | NetGear       | GS728TPv2            | X 3 Network Switches |
| LAN Switch | NetGear       | GS724TPv2            | X 5 Network Switches |

### 1.3 SCOPE OF WORK AND DELIVERABLES

The appointed service provider will be required to provide the below products and services to the SAST.

- a) Resolve server issues remotely
- b) Resolve server issues onsite
- c) Full recovery of servers in the event of a disaster
- d) Install monitoring software to monitor hardware performance
- e) Remote monitoring of servers
- f) Remote monitoring of workstations
- g) Backup, Replication, and Recovery Management - Monitoring and reporting on backup status, act on alerts and errors, test restores
- h) Maintain Network (DNS, DHCP)
- i) Active Directory Maintenance
- j) Patch Management servers and workstations
- k) Antivirus Management servers
- l) Ensure 99% uptime of ICT Server and Network components services
- m) Monthly reporting (Event logs, CPU Utilization, Hard Drive Capacity, Memory)
- n) Operating system performance, backup selection, Patch Management)
- o) Monthly review meeting

- p) Provide training on monitor software
- q) Provide guidance on ICT strategy, best practices, and Latest trends.
- r) Implement ICT sever infrastructure uptime reporting tools.
- s) ICT Network configuration and design

### TECHNICAL MATRIX

The RFQ response must consider each of the following requirements. Where applicable, please include supporting material or comment on how the service offering will be achieved.

| No # | Requirement                                                                                                                                                                                | Implementation Method/<br>Product | Comments |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|----------|
| 1    | Server Support Onsite (20% of the time and only of projects implementation) and remotely(80% of the time for support and maintenance)                                                      |                                   |          |
| 2    | ICT Network and server Uptime monitoring and reporting                                                                                                                                     |                                   |          |
| 3    | Active Directory maintenance and AD policy implementation and maintenance.                                                                                                                 |                                   |          |
| 4    | Servers, Patch Management and Server Security                                                                                                                                              |                                   |          |
| 5    | Backup maintenance, in terms of data replication off-site, backup restores, and testing of backups using Arcserve (Service Provider to provide the cloud-based server replication service) |                                   |          |
| 6    | Full recovery of servers in the event of a disaster and Ransomware attack.                                                                                                                 |                                   |          |
| 7    | Monthly reports and meetings                                                                                                                                                               |                                   |          |
| 8    | Recommendation on IT Road map (Based on current environment technology)                                                                                                                    |                                   |          |
| 9    | Network support and maintenance on the core switch.                                                                                                                                        |                                   |          |

|           |                                                                                                       |  |  |
|-----------|-------------------------------------------------------------------------------------------------------|--|--|
| <b>10</b> | Network design and diagram development.                                                               |  |  |
| <b>11</b> | Drafted SLA, which includes a service catalogue for the rendered services and their itemized billing. |  |  |

#### 1.4 Pricing Schedule

| Pricing Requirements                               |                                                              |                 |        |        |
|----------------------------------------------------|--------------------------------------------------------------|-----------------|--------|--------|
| No #                                               | Task Description                                             | Monthly Pricing | Year 1 | Year 2 |
| <b>1.</b>                                          | <b>Sever Infrastructure Support and Maintenance Services</b> |                 |        |        |
| 1.1.                                               | Server Support and Maintenance                               | R               | R      | R      |
| <b>2.</b>                                          | <b>Backup Services</b>                                       |                 |        |        |
| 2.2.                                               | On-site Data Backup and Off-site Server Backup Replication   | R               | R      | R      |
| <b>3.</b>                                          | <b>Network Support and Maintenance</b>                       |                 |        |        |
| 3.1                                                | Core Switch Support and Maintenance                          | R               | R      | R      |
| <b>SUB-TOTAL (Monthly, Year 1 &amp; 2) VATincl</b> |                                                              | R               | R      | R      |
| <b>Total Contract Value Over 2 Years VAT incl</b>  |                                                              | R               |        |        |

## 2. INSTRUCTIONS TO BIDDERS

### 2.1 General

Bidders must familiarize themselves with and comply with the mandatory requirements and ensure their availability for site visits and presentations, as required, on the appropriate dates.

### 2.2 Bidder Information

The successful bidder shall demonstrate to SAST that adequate pre-employment screening, including security screening was performed on the employees/sub-contractors (staff).

**2.2.1** The pre-employment screening shall as a minimum be:

2.2.1.1 Authenticate that staff are who they claim to be;

**2.2.1.2** Confirm that staff have a right to work in the RSA;

**2.2.1.3** Obtain written declaration from staff of any criminal record; and

**2.2.1.4** Confirm that staff possesses the relevant qualifications to undertake the duties effectively and safety.

**2.2.2** The successful bidder shall deploy competent staff, supervision and labour who are:

**2.2.2.1** Appropriately experienced and trained for the work they are to undertake.

2.2.3 SAST and its representatives may seek formal assurance to this effect (including a formal (audit) at any time during the contract period.

### 2.3 Consortium

2.3.1 Bidders forming part of a Consortium must submit with their bid a copy of their Consortium agreement in a separate attachment. This must clearly indicate:

2.3.1.1 The form of agreement;

2.3.1.2 The respective roles and responsibilities of the members;

2.3.1.3 The identity of the lead company which will have overall responsibility;

2.3.1.4 The name and address of the officer acting as a single point of contact for

2.3.1.5 Communications between SAST and the tenderers. He shall be fully empowered to act on behalf of all members; and

2.3.1.6 The member's agreement to be jointly and severally liable to SAST for the performance of the contract.

## 2.4 Sub-contracting

- 2.4.1 Bidders must detail any work to be sub-contracted, the proposed sub-contractor(s) to be used,
- 2.4.2 SAST reserves the right to reject the use of any of the bidder's proposed subcontractors and any subcontractor proposed during the contract term.
- 2.4.3 Bidders are advised that SAST will not respond any direct approach from potential sub-contractors for details in respect of any particular item in this bid.

## 2.5 SAST Bidding rights

2.5.1 SAST reserves the right to:

- 2.5.1.1 extend the closing date;
- 2.5.1.2 verify any information contained in a proposal;
- 2.5.1.3 Request documentary proof regarding any bid issue;
- 2.5.1.4 Give preference to locally manufactured goods or locally sourced services;
- 2.5.1.5 Issue follow-up or supplementary questions during the response period or after receipt of tenders;
- 2.5.1.6 Make known to all bidders any questions submitted by a bidder including commercial and technical clarifications, together with answers given to any individual bidder, if it is considered to be relevant to the tender; and
- 2.5.1.7 Cancel or withdraw this request for tender as a whole or in part.

### **2.5.2 Evaluating Authorities' (BEC) of the evaluation process SAST may require bidders to arrange and/or participate in one or more of the following:**

- 2.5.2.1 Interviews with, or written references from nominated references;
- 2.5.2.2 Reference site visits to the location(s) of nominated reference;
- 2.5.2.3 Interviews with bidder personnel who would be involved in the contract execution (day-to-day operations of the site);
- 2.5.3 Negotiations with the bidders.
- 2.5.4 Appoint one bidder or more than one bidder where necessary.

## 2.6 Bidding process

### **2.6.1 Bidders must familiarize themselves with and comply with the procurement time table and ensure their availability for the site visit and presentations, as required, on the appropriate dates.**

2.6.2 Bidders are required to:

- 2.6.2.1 respond in the English language;
- 2.6.2.2 A cover letter on the bidders company letterhead with clear reference to the bid of interest should accompany both the technical and pricing proposals;
- 2.6.2.3 All copies of the tender response must be signed on each page.;**
- 2.6.2.4 Ensure that all document attachments are clearly marked and bound in a clear, logical and well-marked format with a table on context ensuring ease of finding individual documents or sections; and
- 2.6.2.5 The original document must be signed in black ink by an authorized person, agent or representative and each and every page of the bidding documents shall contain the initials of the same signatory.
- 2.6.3 All costing and information must be typed and signed by the bidder, no hand written costing/pricing will be accepted.

## **2.7 Bid submission requirements**

### **2.7.1 Bidders must submit their responses and all supporting documents in properly labelled and sealed envelopes**

Bidders must submit one (1) pack of original proposals including a Pricing schedule, marked in a sealed envelope. Bidder must also submit an ***ELECTRONIC SUBMISSION of their bid document (USB) in the same envelop.***

Bids must be submitted in sealed envelopes clearly labelled to reflect the RFQ number and description, submission date and closing time.

Bids must be bound, indexed and set out in a tabulated format. Unbound or loose papers will be rejected.

## **2.8 EVALUATION PROCESS**

### **2.8.1 Evaluation criteria**

Bids that meet compliance requirements will be evaluated in two stages, which includes functionality (Stage 1) and Pricing and B-BBEE Status (Stage 2).

### **2.8.2 Compliance with minimum requirements**

All bids duly lodged will be examined to determine compliance with bidding requirements and conditions (completion and attachment of compulsory documents).

### 2.8.3 Elimination of proposals on grounds of functionality

Bids that score less than 75 points for functionality will be eliminated from further participation in the Bid Evaluation process (Stage 2).

#### Stage 1

All proposals will be evaluated on the following criteria indicated below:

| No | FUNCTIONALY                                                                                                                                                                                                                                                                                                                                           | CRITERIA/GUIDE<br>(Points allocation)                                                        | WEIGHT<br>(Maximum points) |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|----------------------------|
| 1  | <p><b><u>Company information and relevant experience</u></b></p> <p>Years of experience in providing ICT server and network support services.</p> <p>Service providers with more than 5 years and more of experience = (20)</p> <p>Service providers (4) years of experience = (15)</p> <p>Service providers with less 4 years of experience = 10</p> |                                                                                              | 20                         |
| 2  | <p><b>Methodology and project plan</b></p> <p>How the service provider proposes to approach the specified assignment, and also demonstrate their capacity to deliver taking into consideration the <b>time frames</b>, <b>cost effectiveness</b>, and <b>availability</b>: Both addressing all: 3 aspects = (20)</p>                                  | <p>Both addressing all:</p> <p>3 aspects = 20</p> <p>2 aspects = 15</p> <p>1 aspect = 10</p> | 20                         |
| 3  | <p><b>Compliance to the Technical Matrix (Section 6)</b></p>                                                                                                                                                                                                                                                                                          |                                                                                              | 20                         |

|   |                                                                                                                                                                                                                                                                                                           |                                                                                                    |            |
|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|------------|
|   | Clearly addresses the Technical Matrix = 20<br>Fairly addresses the Technical Matrix = 15<br>Poorly addresses the Technical Matrix = 5                                                                                                                                                                    |                                                                                                    |            |
| 4 | <b>KEY EXPERTISE REQUIRED</b><br><br>The service provider must prove that it has the experience, expertise, qualifications required/expected to ensure proper/quality execution of the assignment: Assessment of the Curricula Vitae of Personnel involved (Network Engineer and Server Support Engineer) | Points for years of experience<br><br>8 and above = 25<br>Between 5 and 8 = 15<br>Less than 5 = 10 | <b>25</b>  |
| 4 | <b>References</b><br><br>Evidence of track record for provision of similar services in the public sector: Bidders are required to provide at least five sites with valid contactable references on reference letters.                                                                                     | 5 or more references = 15<br>3 or more references = 10<br>Less than 3 references = 5               | <b>15</b>  |
|   | <b>TOTAL</b>                                                                                                                                                                                                                                                                                              |                                                                                                    | <b>100</b> |

Bidders who score less than 75 out of 100 points will be disqualified and will not be further evaluated.

## SECTION 3

### 2 RETURNABLE DOCUMENTS CHECKLIST

Please indicate that all mandatory documents are included in this bid by ticking the boxes in the checklist below. Responses received without all required documents will be considered invalid.

Please also indicate where additional documents have been submitted to the main tender response.

#### 2.1 Mandatory Documents

|       |                                                                                                                                   | Yes | No |
|-------|-----------------------------------------------------------------------------------------------------------------------------------|-----|----|
| 2.1.1 | Bidder's information.                                                                                                             |     |    |
| 2.1.2 | Tax Pin issued by SARS                                                                                                            |     |    |
| 2.1.3 | Joint venture or Sub-contractor, valid tax Pin for each member                                                                    |     |    |
| 2.1.4 | CSD (Central Supplier Database) report                                                                                            |     |    |
| 2.1.5 | Company registration documents. Certified ID copies of all directors and members listed on the Company reg. document.             |     |    |
| 2.1.6 | Valid B-BBEE Certificate (Sworn affidavit for SMEs and QSEs) SANAS approved. Share Certificate, Company Registration certificate. |     |    |
| 2.1.7 | Letter of Good standing from the Department of Labour                                                                             |     |    |
| 2.1.8 | Letter from relevant Law society confirming Good standing and a Certified copy of the Fidelity Fund Certificate                   |     |    |
| 2.1.9 | Public Liability insurance                                                                                                        |     |    |

### 3. Returnable Mandatory Compliance Documents

Please **indicate** that all mandatory documents are included in this bid by ticking the boxes in the checklist below. Responses received without all required documents will be considered invalid.

Please also indicate where additional documents have been submitted to the main tender response.

|     |                         | Yes | No |
|-----|-------------------------|-----|----|
| 3.1 | SBD 1 Invitation to Bid |     |    |

|     |                                                                                                                                      |  |  |
|-----|--------------------------------------------------------------------------------------------------------------------------------------|--|--|
| 3.2 | SBD 3.1 Professional Services                                                                                                        |  |  |
| 3.3 | SBD 4 Declaration of Interest                                                                                                        |  |  |
| 3.4 | SBD 6.1 Preference points claim form i.e. PPR 2017                                                                                   |  |  |
| 3.5 | SBD 8 Declaration of Bidder's Past Supply Chain Management Practices                                                                 |  |  |
| 3.6 | SBD 9 Certificate of Independent Bid Determination                                                                                   |  |  |
| 3.7 | <b>General conditions of contract [fully signed on the last page and initial each page] Obtainable for National Treasury website</b> |  |  |

## 1. BIDDER INFORMATION

The following particulars must be furnished (failure to do so shall result in your bid being disqualified)

Indicate the type of Bidding structure by marking with an 'X':

|                      |  |
|----------------------|--|
| Individual bidder    |  |
| Joint venture        |  |
| Consortium           |  |
| Using Subcontractors |  |
| Other                |  |

**If individual bidder, indicate the following:**

|                         |  |
|-------------------------|--|
| Name of bidder          |  |
| Registration number     |  |
| VAT registration number |  |
| Contact person          |  |
| Telephone number        |  |
| Fax number              |  |
| E-mail address          |  |
| Postal address          |  |
| Physical address        |  |

**If Joint Venture or Consortium, indicate the following:**

|                          |  |
|--------------------------|--|
| Name of prime contractor |  |
| Registration number      |  |

|                         |  |
|-------------------------|--|
| VAT registration number |  |
| Contact person          |  |
| Telephone number        |  |
| Fax number              |  |
| E-mail address          |  |
| Postal address          |  |
| Physical address        |  |

|                                                                                                                        |  |
|------------------------------------------------------------------------------------------------------------------------|--|
| <b>If Joint Venture or Consortium, indicate the following:</b> <i>(To be completed for each JV/ Consortium member)</i> |  |
| Name of Joint Venture/ Consortium member                                                                               |  |
| Registration number                                                                                                    |  |
| VAT registration number                                                                                                |  |
| Contact person                                                                                                         |  |
| Telephone number                                                                                                       |  |
| Fax number                                                                                                             |  |
| E-mail address                                                                                                         |  |
| Postal address                                                                                                         |  |
| Physical address                                                                                                       |  |

|                                                                                                       |  |
|-------------------------------------------------------------------------------------------------------|--|
| <b>If using subcontractors, indicate the following:</b> <i>(To be completed for each subcontract)</i> |  |
| Name of subcontractor                                                                                 |  |
| Registration number                                                                                   |  |
| VAT registration number                                                                               |  |
| Contact person                                                                                        |  |
| Telephone number                                                                                      |  |
| Fax number                                                                                            |  |
| E-mail address                                                                                        |  |
| Postal address                                                                                        |  |
| Physical address                                                                                      |  |

## 2. ANNEXURES: STANDARD BIDDING DOCUMENTS

### PART A INVITATION TO BID

|                                                                                                                                                                       |                                                                                      |  |  |                                                                          |                               |                                                                                                       |               |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|--|--|--------------------------------------------------------------------------|-------------------------------|-------------------------------------------------------------------------------------------------------|---------------|--|
| <b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>                                                                      |                                                                                      |  |  |                                                                          |                               |                                                                                                       |               |  |
| BID NUMBER:                                                                                                                                                           |                                                                                      |  |  | CLOSING DATE:                                                            |                               |                                                                                                       | CLOSING TIME: |  |
| DESCRIPTION                                                                                                                                                           |                                                                                      |  |  |                                                                          |                               |                                                                                                       |               |  |
| <b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>                                                                            |                                                                                      |  |  |                                                                          |                               |                                                                                                       |               |  |
|                                                                                                                                                                       |                                                                                      |  |  |                                                                          |                               |                                                                                                       |               |  |
|                                                                                                                                                                       |                                                                                      |  |  |                                                                          |                               |                                                                                                       |               |  |
|                                                                                                                                                                       |                                                                                      |  |  |                                                                          |                               |                                                                                                       |               |  |
| <b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>                                                                                                                 |                                                                                      |  |  | <b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>                           |                               |                                                                                                       |               |  |
| CONTACT PERSON                                                                                                                                                        |                                                                                      |  |  | CONTACT PERSON                                                           |                               |                                                                                                       |               |  |
| TELEPHONE NUMBER                                                                                                                                                      |                                                                                      |  |  | TELEPHONE NUMBER                                                         |                               |                                                                                                       |               |  |
| FACSIMILE NUMBER                                                                                                                                                      |                                                                                      |  |  | FACSIMILE NUMBER                                                         |                               |                                                                                                       |               |  |
| E-MAIL ADDRESS                                                                                                                                                        |                                                                                      |  |  | E-MAIL ADDRESS                                                           |                               |                                                                                                       |               |  |
| <b>SUPPLIER INFORMATION</b>                                                                                                                                           |                                                                                      |  |  |                                                                          |                               |                                                                                                       |               |  |
| NAME OF BIDDER                                                                                                                                                        |                                                                                      |  |  |                                                                          |                               |                                                                                                       |               |  |
| POSTAL ADDRESS                                                                                                                                                        |                                                                                      |  |  |                                                                          |                               |                                                                                                       |               |  |
| STREET ADDRESS                                                                                                                                                        |                                                                                      |  |  |                                                                          |                               |                                                                                                       |               |  |
| TELEPHONE NUMBER                                                                                                                                                      | CODE                                                                                 |  |  | NUMBER                                                                   |                               |                                                                                                       |               |  |
| CELLPHONE NUMBER                                                                                                                                                      |                                                                                      |  |  |                                                                          |                               |                                                                                                       |               |  |
| FACSIMILE NUMBER                                                                                                                                                      | CODE                                                                                 |  |  | NUMBER                                                                   |                               |                                                                                                       |               |  |
| E-MAIL ADDRESS                                                                                                                                                        |                                                                                      |  |  |                                                                          |                               |                                                                                                       |               |  |
| VAT REGISTRATION NUMBER                                                                                                                                               |                                                                                      |  |  |                                                                          |                               |                                                                                                       |               |  |
| SUPPLIER COMPLIANCE STATUS                                                                                                                                            | TAX COMPLIANCE SYSTEM PIN:                                                           |  |  | OR                                                                       | CENTRAL SUPPLIER DATABASE No: | MAAA                                                                                                  |               |  |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE                                                                                                                          | TICK APPLICABLE BOX]<br><br><input type="checkbox"/> Yes <input type="checkbox"/> No |  |  | B-BBEE STATUS LEVEL SWORN AFFIDAVIT                                      |                               | TICK APPLICABLE BOX]<br><br><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> |                                                                                      |  |  |                                                                          |                               |                                                                                                       |               |  |
| ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?                                                                         | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES ENCLOSE PROOF]   |  |  | ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? |                               | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES, ANSWER THE QUESTIONNAIRE BELOW ] |               |  |
| <b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>                                                                                                                     |                                                                                      |  |  |                                                                          |                               |                                                                                                       |               |  |

|                                                                 |                                                          |
|-----------------------------------------------------------------|----------------------------------------------------------|
| 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 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, 2017, 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: .....

SBD 3.1

**PRICING SCHEDULE – FIRM PRICES  
(PURCHASES)**

**NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED**

**IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT**

|                     |                   |
|---------------------|-------------------|
| Name of bidder..... | Bid number.....   |
| Closing Time 11:00  | Closing date..... |

OFFER TO BE VALID FOR.....DAYS FROM THE CLOSING DATE OF BID.

| ITEM NO. | QUANTITY | DESCRIPTION<br>** (ALL APPLICABLE TAXES INCLUDED) | BID PRICE IN RSA CURRENCY |
|----------|----------|---------------------------------------------------|---------------------------|
|----------|----------|---------------------------------------------------|---------------------------|

- Required by: .....

- At: .....  
.....

- Brand and model .....

- Country of origin .....

- Does the offer comply with the specification(s)? \*YES/NO

- If not to specification, indicate deviation(s) .....

- Period required for delivery .....  
\*Delivery: Firm/not firm

- Delivery basis .....

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination.

\*\* "all applicable taxes" includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

\*Delete if not applicable

## DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state<sup>1</sup>, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

2.1 Full Name of bidder or his or her representative: .....

2.2 Identity Number:.....

2.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>): .....

2.4 Company Registration Number: .....

2.5 Tax Reference Number: .....

2.6 VAT Registration Number:.....

- 2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

<sup>1</sup>"State" means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

<sup>2</sup>"Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

2.7 Are you or any person connected with the bidder

**YES / NO**

presently employed by the state?

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member: .....

Name of state institution at which you or the person  
connected to the bidder is employed : .....

Position occupied in the state institution: .....

Any other particulars:

.....

.....

.....

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

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

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

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

.....

.....

.....

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

2.8.1 If so, furnish particulars:

.....

.....

.....

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

2.9.1 If so, furnish particulars.

.....

.....

.....

2.10 Are you, or any person connected with the bidder, **YES/NO**  
aware of any relationship (family, friend, other) between

any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid?

2.10.1 If so, furnish particulars.

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

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

2.11.1 If so, furnish particulars:

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

**3 Full details of directors / trustees / members / shareholders.**

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

#### 4 DECLARATION

I, THE UNDERSIGNED (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.  
I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF  
PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION  
PROVE TO BE FALSE.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of bidder

May 2011

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

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

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

### 1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

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

1.2

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

1.3 Points for this bid shall be awarded for:

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

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

|                                                   | POINTS |
|---------------------------------------------------|--------|
| PRICE                                             |        |
| B-BBEE STATUS LEVEL OF CONTRIBUTOR                |        |
| 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) level certificate issued by an authorized body or person; B-BBEE Status
  - 2) prescribed by the B-BBEE Codes of Good Practice; A sworn affidavit as
  - 3) requirement prescribed in terms of the B-BBEE Act; Any other
- (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**

$$P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

$P_s$  = Points scored for price of bid under consideration

$P_t$  = 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 | <input type="checkbox"/> | NO | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|

- 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<br>√ | QSE<br>√ |
|-------------------------------------------------------------------|----------|----------|
| Black people                                                      |          |          |
| Black people who are youth                                        |          |          |
| Black people who are women                                        |          |          |
| Black people with disabilities                                    |          |          |
| Black people living in rural or underdeveloped areas or townships |          |          |
| Cooperative owned by black people                                 |          |          |
| Black people who are military veterans                            |          |          |
| <b>OR</b>                                                         |          |          |
| Any EME                                                           |          |          |
| Any QSE                                                           |          |          |

## 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: .....

ADDRESS .....

.....

.....

## DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

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



**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

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

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

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

### CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

---

(Bid Number and Description)

in response to the invitation for the bid made by:

---

(Name of Institution)

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

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

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - (a) has been requested to submit a bid in response to this bid invitation;
  - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

<sup>3</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....  
Signature

.....  
Date

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| Position | Name of Bidder |
|----------|----------------|
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