

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE DEPARTMENT OF HOME AFFAIRS					
BID NUMBER:	DHA09-2026	CLOSING DATE:	10 JULY 2026	CLOSING TIME:	11H00
DESCRIPTION	THE APPOINTMENT OF A PANEL OF APPROPRIATELY QUALIFIED SERVICE PROVIDER/S WITH SUITABLE EXPERIENCE TO RENDER INVESTIGATIVE AND REPRESENTATION SERVICES AND PERFORM LABOUR RELATIONS FUNCTIONS ON BEHALF OF THE DEPARTMENT ON AN "AS-AND-WHEN REQUIRED" BASIS, OVER A PERIOD OF THREE (3) YEARS WITH AN OPTION TO RENEW FOR FURTHER TWO (2) YEARS SUBJECT TO SATISFACTORY PERFORMANCE AND AVAILABILITY OF BUDGET.				
BID RESPONSE DOCUMENTS MUST BE SUBMITTED ONLINE ON THE ETENDER PORTAL.					
THE ONLINE E-TENDER PUBLICATION PORTAL LINK: https://www.etenders.gov.za/ TUTORIAL LINK: https://youtu.be/B7pNseNJYHM					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Lettie Makhudu Nqobile Chonco		CONTACT PERSON	Tina Roos	
TELEPHONE NUMBER	(012) 406 2750 (012) 406 2789		TELEPHONE NUMBER	(012) 406 2975	
E-MAIL ADDRESS	Lettie.Makhudu@dha.gov.za Nqobile.Chonco@dha.gov.za		E-MAIL ADDRESS	Tina.Roos@dha.gov.za	
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]	
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?					<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE A BRANCH IN THE RSA?					<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?					<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?					<input type="checkbox"/> YES <input type="checkbox"/> NO
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?					<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**

1. BID SUBMISSION:
1.1. BIDS MUST BE SUBMITTED ON TIME. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED (NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.
1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).
2. TAX COMPLIANCE REQUIREMENTS
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6 WHERE NO TCS 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:

INSTRUCTIONS TO BIDDERS

1. THE TENDER DOCUMENTS

Rules for Bidding

- 1.1. The Department is not bound to accept any of the proposals submitted and reserves the right to call for presentations from short-listed bidders before final selection.
- 1.2. The Department reserves the right to terminate this appointment or temporarily defer the work, or any part thereof, at any stage of completion should the Department decide not to proceed with the tender.
- 1.3. The Department also reserves the right to appoint any other person to undertake any part of the tasks.
- 1.4. The service provider must be a single legal entity with all other necessary expertise secured via sub-contract, or under a joint venture or a consortium arrangement. The Department will enter into a single contract with a single entity for the delivery of the work set out in these tender documents.
- 1.5. The bidding entity shall be the same entity that will execute the bid. Any bid found to be fronting for another entity or entities shall be disqualified immediately.
- 1.6. All South African firms submitting bids as part of a consortium or joint venture must submit valid original tax clearance certificates.
- 1.7. All bidders submitting bids as part of joint venture, consortium, **must** submit the following:
 - i. A Joint Venture, Consortium or Trust agreement signed by all companies forming a Joint Venture, Consortium or Trust.
 - ii. A valid tax clearance certificate and/ or pin issued by South African Revenue Services (SARS) for all companies that form part of a Joint Venture, Consortium or Trust.
 - iii. A Central Supplier Database (CSD) Report for all companies that form part of a Joint Venture, Consortium or Trust.
 - iv. A consolidated SANAS B-BBEE certificate or a consolidated B-BBEE certificate issued by the Companies and Intellectual Property Commission (CIPC).
 - v. SBD 1, SBD 3, SBD 4, & SBD 6 forms must be completed using the Joint Venture, Consortium or Trust information or the lead partner as indicated on the Joint Venture, Consortium or Trust agreement.
- 1.8. Foreign firms providing proposals must become familiar with local conditions and laws and take them into account in preparing their proposals.
- 1.9. The service provider and its affiliates are disqualified from providing goods, works, and services to any private party to this Agreement, or any eventual project that may result, directly or indirectly from these services.
- 1.10. Firms may ask for clarification on these tender documents or any part thereof up to close of business 1 week before the deadline for the submission of the bids.
- 1.11. The Department reserves the right to return late bid submissions unopened.

- 1.12. Firms may not contact the Department on any matter pertaining to their bid from the time when the bids are submitted to the time the contract is awarded. Any effort by a bidder to influence bid evaluation, bid comparisons, or bid award decisions in any manner, may result in rejection of the bid concerned.
- 1.13. Should the contract between the Department and the service provider be terminated by either party due to reasons not attributable to the service provider, the service provider will be remunerated for the appropriate portion of work completed up to a maximum amount of not more than the total fee bid by the service provider for the appropriate phase of the project during which the appointment was terminated.

Conditions of the Tender

- 1.14. The General Conditions of contract will apply.
- 1.15. The Department will become the owner of all information, documents, programmes, advice, and reports collected and compiled by the service provider in the execution of this tender.
- 1.16. The copyright of all documents, programmes, and reports compiled by the service provider will vest in the Department and may not be reproduced or distributed, or made available in any other way without the written consent of the Department.
- 1.17. All information, documents, programmes, and reports must be regarded as confidential and may not be made available to any unauthorised person or institution without the written consent of the Department.
- 1.18. Bidders shall undertake to limit the number of copies of this document and destroy them in the event of their failure to secure the contract.
- 1.19. The service provider is entitled to general knowledge acquired in the execution of this agreement and may use it, provided that it shall not be to the detriment of the Department.

Processing of the Bidder's Personal Information

- 1.20. All personal information of the Bidder, its employees, representatives, associates, and sub-contractors ("Bidder Personal Information") required under this bid is collected and processed to assess the strength and competitiveness of the proposal. The evaluation and award of the contract shall be conducted following applicable legislation, policies, and standards. The Bidder is advised that Bidder Personal Information may be passed on to third parties to whom DHA is compelled by law to provide such information. For example, where appropriate, DHA is compelled to submit information to the National Treasury's Database of Restricted Suppliers.
- 1.21. All Personal Information collected will be processed under Protection of Personal Information Act (POPIA).
- 1.22. The following persons will have access to the Personal Information that has been collected:
 - a) DHA personnel participating in procurement/award procedures; and
 - b) Members of the public: when the bid is awarded, some of the following information will have to be made available on the National Treasury's e-Tender portal and DHA website:
 - Contract description and bid number

- Names of the successful bidder(s) and preference points claimed
- The contract price(s) (if possible)
- Contract period
- Names of directors; and
- Date of completion/award

1.23. In signing the bid document, the Bidder consents to the use of its Personal Information for the purposes as specified in the paragraphs above

Cost of Bidding

1.24. The Bidder shall bear all costs associated with the preparation and submission of its bid and the Department, will in no case be held responsible or liable for these costs, regardless of the conduct or outcome of the tender process.

Content of Tender Documents

1.25. The services required, tender procedures and contract terms are prescribed in the tender documents, which include:

- i. Instruction to Bidders;
- ii. Technical Bid;
- iii. Terms of Reference;
- iv. Evaluation Criterion;
- v. Financial Bid;

1.26. The Bidder is expected to examine all instructions, forms, terms, and specifications in the tender documents. Failure to furnish all information required by the tender documents or submission of a bid not responsive to the tender documents in every respect will be at the Bidder's risk and may result in the rejection of the bid.

Clarification of Tender Documents

1.27. The Department will respond in email to any request for clarification of the tender documents which it receives no later than 1 week prior to the deadline for submission of bids prescribed by the Department.

1.28. **Briefing session.**

Bidders are invited to a non-compulsory virtual (Microsoft Teams) briefing session that will be held as follows:

Date and time: Friday, 26 June 2026 at 10h00 to 11h00.

<https://teams.microsoft.com/meet/362965045568657?p=mBxLGlo4JZeE5GpWvt>

Amendment of Tender Documents

1.29. At any time prior to the deadline for submission of bids, the Department may, for any reason, whether at its own initiative or in response to a clarification requested by a prospective bidder, modify the tender document by amendment.

- 1.30. All prospective bidders who have received the tender document will be notified of the amendment in writing or by fax, and same will be binding on them.
- 1.31. In order to allow prospective bidders reasonable time in which to take the amendment into account in preparing their bids, the Department, at their discretion, may extend the deadline for the submission of bids.

2. PREPARATION OF BIDS

Language of Bid

- 2.1. The bid prepared by the Bidder, as well as all correspondence and documents relating to the bid exchanged by the Bidder and the Department shall be written in English.

Documents Constituting the Bid

- 2.2. The bid prepared by the Bidder shall comprise the following components:

a) Completed Technical Bid, including:

- i. Invitation to Bid (SBD 1)
- ii. **Letter of Authority**
 - The title, name, surname, and position of an authorised person to sign the bidding documents and communicate with the department on behalf of the bidding company.
 - The contact details of the authorised person including the telephone number or work cell number and the email address.
- iii. Bidder's Disclosure (SBD 4)
- iv. General Conditions of contract
- v. CSD report
- vi. Company's profile

b) Financial Bid and Preferential points specific goals:

- i. Pricing Schedule (SBD 3)
- ii. Pricing Schedule Annexure/ Fee Structure as required on the TOR document.
- iii. Preferential Points Claim Forms (SBD 6.1)
- iv. SANAS B-BBEE Certificate/ Sworn Affidavit/ DTIC B-BBEE

Bid Prices

- 2.3 Prices indicated on the Price Schedule shall be the total price of services including, where applicable:

- All duties and other taxes;
- The price of transportation, insurance, and other costs incidental to the delivery of the services to their final destination;

- The price of any other incidental services required in terms of the tender deliverables;
- 2.4 Prices quoted by the Bidder shall be fixed during the Bidder's performance of the Contract and not subject to variation on any account.
- 2.5 A bid submitted with a variable price quotation will be treated as non-responsive and rejected.
- 2.6 Prices shall be quoted in South African Rands.
- 2.7 The Department has limited resources and bids must be competitive, with market-related pricing, as this will be one of the deciding factors in the final award of the contract.

Period of Validity of Bids

- 2.8 Bids shall remain valid for 90 days after the closing date of the bid prescribed by the Department. A bid valid for a shorter period shall be rejected by the Department as non-responsive.
- 2.9 In exceptional circumstances, the Department may solicit the Bidder's consent to an extension of the period of validity. The request and the response thereto shall be made in writing. A Bidder may refuse the request. A Bidder granting the request will not be required nor permitted to modify its bid.

Format and Signing of Bid

- 2.10 The Bidder shall prepare one copy of the Technical Bid and Financial Bid separately, clearly marking each "Original Technical Bid" and "Original Financial Bid", as appropriate.
- 2.11 The original bid shall be typed or written in indelible ink and shall be signed by the Bidder or a person or persons duly authorized to bind the Bidder to the Contract. All pages of the bid, except for un-amended printed literature, shall be initialed by the person or persons signing the bid.
- 2.12 Any interlineations, erasures, or overwriting shall be valid only if they are initialed by the person or persons signing the bid.
- 2.13 Faxed or emailed or hardcopy bids will not be accepted. **Bid response documents must be submitted online on the eTender portal.**
- 2.14 Non-compliance with online bid submission WILL invalidate the bidder's response.

Closing Date of Bids

- 2.15 Bids (Technical and Financial) must be received through e-submission as specified under clause 2.13 above.
- 2.16 The Department may, at its discretion, extend this deadline for submission of bids by amending the bid documents in which case all rights and obligations of the Department and Bidders previously subject to the deadline will thereafter be subject to the deadline as extended.

Late Bids

2.17 No bids will be received after the deadline for submission of bids.

Modification of Bids

2.18 No bid may be modified subsequent to the deadline for submission of bids.

3. EVALUATION OF BIDS

Clarification of Bids

3.1. During evaluation of bids, the Department may, at its discretion, ask the Bidder for a clarification of its bid. The request for clarification and the response shall be in writing.

Preliminary Examination

3.2. The Department will examine the bids to determine whether they are complete, whether they meet all the conditions of the Contract and Technical Specifications and whether any computational errors have been made, whether the documents have been properly signed, and whether the bids are generally in order.

3.3. Arithmetical errors will be rectified on the following basis. If there is a discrepancy between the unit price and the total price that is obtained by multiplying the unit price and quantity, the unit price shall prevail and the total price shall be corrected. If there is a discrepancy between words and figures, the amount in words shall prevail. If the supplier does not accept the correction of errors, its bid may be rejected.

3.4. If a bid is not responsive and not fulfilling all the conditions of the Contract and not meeting Technical Specifications, it will be rejected by the Department and may not subsequently be made responsive by the Bidder by correction of the non-conformity.

Evaluation and Comparison of Bids

3.5. The Department will evaluate and compare the financial bids only of those Bidders whose Technical Bid has been accepted by the Department.

3.6. The Department's evaluation of a financial bid will take into account information to be provided on the SBD 3 and/ or pricing schedule/ fee structure where applicable.

Contacting the Department

3.7. Subject to clause 3.1 above, no Bidder shall contact the Department on any matter relating to its bid, from the time of the bid opening to the time the Contract is awarded. If the bidder wishes to bring additional information to the notice of the Department, it should do so in writing.

- 3.8. Any effort by a Bidder to influence the Department in its decisions on bid evaluation, bid comparison or contract award may result in rejection of the Bidder's bid.

4. **AWARD OF CONTRACT**

Post qualification

- 4.1. The Department will determine to its satisfaction whether the Bidder that is selected as having submitted the highest evaluated responsive bid meets the criteria specified in these documents, and is qualified to perform the contract satisfactorily.
- 4.2. The determination will take into account the Bidder's financial, technical and production capabilities. It will be based upon an examination of the documentary evidence of the Bidder's qualifications submitted by the bidder, as well as such other information as the Department deems necessary and appropriate.
- 4.3. An affirmative determination will be a prerequisite for award of the Contract to the Bidder. A negative determination will result in rejection of the Bidder's bid, in which event the Department will proceed to the next highest evaluated bid to make a similar determination of that Bidder's capabilities to perform the contract satisfactorily.

Department's right to vary Quantities at Time of Award

- 4.4. The Department reserves the right at the time of Contract award to increase or decrease the quantity of the services originally specified in the Terms of Reference without any change in unit price or other terms and conditions.

Department's right to accept or reject any or all Bids

- 4.5. The Department reserves the right to:
- Accept or reject all or individual items of this bid;
 - Accept one or more bids submissions reject individual items;
 - Request clarification or further information regarding any item in the Proposal;
 - Request further information from any bidder after the closing date;
 - Accept a bid that may not reflect the lowest pricing;
 - Consider any bid that may not conform to any aspect of this bid;
 - Annul the tender process and reject all bids at any time prior to contract award;
 - Consider such alternate services, terms or conditions that may be offered, whether such offer is contained in a Proposal or otherwise;
 - Award the contract or any part thereof to one or more bidders; without thereby incurring any liability to the affected Bidder or bidders.

Notification of Award

- 4.6. Prior to the expiration of the period of bid validity, the Department will notify the successful bidder in writing that its bid has been accepted.
- 4.7. The notification of award will constitute the formation of the Contract.

Signing of Contract

- 4.8. At the same time as the Department notifies the successful bidder that its bid has been accepted, the Department will send the bidder the Contract Form provided in the tender documents, incorporating all agreements between the parties.
- 4.9. Within 2 days of receipt of the Contract Form, the successful bidder shall sign and date the Contract Form and return it to the Department.

Termination of Service

- 4.10. In case of any failure to comply with any of the conditions of the contract or unsatisfactory rendering of service, the stipulation of the General Conditions of Contract and the Special Conditions of Contract, shall be applicable.
- 4.11. Should the Department, after a reasonable period of notice, of not less than seven days, in writing, depending upon the circumstances, call upon the service provider to comply with any of the conditions and should he/she fail to do so, the Department shall, without prejudice to any of its rights be entitled to cancel the contract, and to claim from the service provider any damage or loss that might have been suffered, including any additional expense incurred by it having either to invite fresh bids or to accept any less favourable bid.

Unsatisfactory Performance

- 4.12. Failure to comply with the conditions of the contract, the Department shall be entitled, without prejudice to its other rights, to cancel the contract in terms of the General Conditions of Contract. Delays beyond time limits and timeframes agreed upon between the parties. Failure to meet the performance standards indicated in the contract

Assignment

- 4.13. The contractor shall not, without prior written authority of the Department, cede, assign or transfer its rights or obligations in respect of this contract or any part thereof or any share of interests herein, directly or indirectly, to any person, firm or organization whatsoever.



home affairs

Department:
Home Affairs
REPUBLIC OF SOUTH AFRICA

TERMS OF REFERENCE

DHA09-2026

THE APPOINTMENT OF A PANEL OF APPROPRIATELY QUALIFIED SERVICE PROVIDER/S WITH SUITABLE EXPERIENCE TO RENDER INVESTIGATIVE AND REPRESENTATION SERVICES AND PERFORM LABOUR RELATIONS FUNCTIONS ON BEHALF OF THE DEPARTMENT ON AN “AS-AND-WHEN REQUIRED” BASIS, OVER A PERIOD OF THREE (3) YEARS WITH AN OPTION TO RENEW FOR FURTHER TWO (2) YEARS SUBJECT TO SATISFACTORY PERFORMANCE AND AVAILABILITY OF BUDGET.

CLOSING DATE AND TIME OF BID:

10 July 2026 at 11h00

Bidders are invited to a non-compulsory virtual (Microsoft Teams) briefing session that will be held as follows:

Date and time: Friday, 26 June 2026 at 10h00 to 11h00

Link to the virtual meeting

<https://teams.microsoft.com/meet/362965045568657?p=mBxLGlo4JZeE5GpWvt>

DISCLAIMER

The Department of Home Affairs (DHA)'s bid documents and tender processes are free of charge. DHA will not call or send any official to demand payment for tender services.

Be advised that all tender notices, bids received, and awards are published on www.dha.gov.za & www.etenders.gov.za

The Department requests all suppliers and the business communities out there to be vigilant around matters of procurement and if in doubt, do not hesitate to contact the contact persons on the relevant procurement document or the department.

BID VALIDITY PERIOD: 90 DAYS

Department of Home Affairs

Supply Chain Management

TERMS OF REFERENCE

OBJECTIVES

1. The objectives (aim) of this tender are:
 - To invite bids for a panel of firms consisting of attorneys and non-referral advocates as contemplated in terms of section 34 (2)(b) of the Legal Practice Act, no 28 of 2014, who are appropriately qualified service provider/s with extensive experience in the field of labour relations to render investigative, (mediation and grievance proceedings); representation in disciplinary hearings, disputes, (Arbitration, Labour Court and Labour Appeals Court; as well as any other Court with inherent jurisdiction, proceedings) as well as the provision of any other related labour relations matters that may arise, (provision of legal opinions, interpretation of legislative prescripts) on behalf of the Department on an “as-and-when required” basis, over a period of three (3) years and with an option to renew for further two (2) years subject to satisfactory performance and availability of budget.

BACKGROUND

2. The Department of Home Affairs (DHA) has a functional Labour Relations unit; however, it requires additional capacity on an “*as-and-when required*” basis. Such capacity needs include to render investigative, (mediation and grievance proceedings); representation in disciplinary hearings, disputes, (Arbitration, Labour Court and Labour Appeals Court; as well as any other Court with inherent jurisdiction, proceedings) as well as the provision of any other related labour relations matters that may arise, (provision of legal opinions, interpretation of legislative prescripts) on behalf of the Department. To address this need, the Department intends to appoint panel of firms consisting of attorneys r who are appropriately qualified service provider/s with extensive experience in the field of labour relations to render such services on an ‘as-and-when’ required basis.

SCOPE AND EXTENT OF THE TENDER

3. The successful bidder(s) will be expected to execute and conduct the following tasks for/ provide the following services/items to the Department:

Area 1:

To conduct investigations in the DHA environment (to be specified per case) to determine whether there has been any misconduct or similar acts or omissions which have negatively impacted the interest of the Department. The investigation will include, but not limited to the following activities:

- Investigation of irregularities that could be presented in the disciplinary hearing.
- Gathering evidence in support of the allegations and interviewing witnesses.
- Testifying regarding the investigation.

Area 2:

- Investigation assignments to be performed using the successful bidder's investigative strategies/methodologies, which should be in line with the Code of Conduct for Public Servants; the professional standards set by the Association of Certified Fraud Examiners (ACFE)/ Institute of Commercial Forensic Practitioners (ICFP), and other related legislation, regulations and best practice applicable to forensic/fraud investigations.
- Drafting of charge sheets.
- Testify and/or lead evidence during the disciplinary hearing; and
- Act as an initiator if any disciplinary, incapacity and or incompatibility proceedings are to be instituted as a result of the investigation.
- The above includes compiling investigation reports as per the allegations made.
- The investigation scope should, amongst others, cover the following:
 - Determine whether irregularities occurred regarding the allegations reported.
 - Recommend appropriate action to be instituted by the Department where irregularities have been confirmed.
 - Utilise the latest available technology or specialised systems to image relevant computers, interrogate DHA systems, download, and analyse the relevant electronic data.
 - Quantify any possible/actual losses and recommend actions against parties responsible for the irregularities.
- Assist with the investigation emanating from on-going transactional data analytics with suspicions of fraud.

Area 3

- Capacity building: Conducting workshops and training for Departmental officials on labour relations best practices.

Area 4

- Facilitate the mediation and grievance processes; and make recommendations to the Department on the remedial actions

Area 5

- Attend disputes at Arbitration, Labour Court and Labour Appeals Court, as well as any other Court with inherent jurisdiction, proceedings on behalf of the Department
- Provision of any other related labour relations matters that may arise, e.g. provision of legal opinions, interpretation of legislative prescripts on behalf of the Department.

SPECIAL CONDITIONS OF CONTRACT

4. To achieve the above the successful bidder will be required to meet the following requirements:
 - The service provider(s) may not recruit or shall not attempt to recruit an employee of the Department of Home Affairs for purposes of preparation of the bid or for the duration of the execution of this contract or any part thereof.

- To be able to continue with the person with the same skills and experience, the service provider must inform the Department of Home Affairs when there is a change in the project team.
- The service providers will be subjected to a vetting process which includes security clearance and verification of qualifications as well as membership with the relevant bodies
- The service provider must demonstrate their current technical and logistical capacity to undertake such projects.
- Copyright and Intellectual Property rights to all documentation, reports etc. that emanate from this assignment will vest in the Department
- The Department is not obliged to allocate a minimum amount of work but will select service providers from the panel as needed. The panel will be used on a rotational basis.
- The General Conditions of Contract (GCC's) will form part of this bid.

4.1. UTILISATION OF ATTORNEYS

- Utilisation of the approved list will be on a case-by-case basis as and when there is a requirement for services.
- There might be instances where all service provider(s) will be required to perform services at the same time which will be dependent on volumes received.
- Generally, work that arises is of an urgent nature and requires specific skills. Work will be allocated to the service provider that has the required level of skills and experience in the relevant field as and when the need arises. In respect to urgent matters, the choice of allocating work to a service provider will depend on the locality, availability, skills set, expertise, and capacity of the service provider.
- Service providers will be required to perform services in line with the timelines and standard for conducting proceedings as provided for in the Disciplinary Code of the Public Service, Resolution 1 of 2003, Grievance Rules for Public Service, Resolution 14 of 2002 as well as the SMS Handbook.

4.2. CONFIDENTIALITY, NON-DISCLOSURE AGREEMENT AND PROFESSIONAL ETHICS

- Service providers should always maintain confidentiality of all work and act in compliance with the Protection of Personal Information Act (POPIA) and Promotion of Access to Information Act (PAIA).
- The panel should always act in a professional and ethical manner. Service providers should manage and ensure that they maintain their independence in fact and in appearance. Any breach of professional standard shall be reported to the relevant professional body in addition to any other action taken by the Department regarding the breach.

4.3. THE DEPARTMENT'S OBLIGATIONS

- The Chief Director: Employee Relations, Health and Wellness will be the Departmental Project Manager and the Director: Labour Relations will be the Project Leader who will supervise all projects pertaining to this panel.
- The Departmental Project Leader will serve as the contact person on all matters relating to the project.

- The Departmental Project Leader will review, evaluate and recommend the services provided by the service providers against the terms of reference on an on-going basis. The approval of the service will be solely granted by the Accounting Officer
- The Department will supply all reasonable, relevant, available data and information required by the terms of reference for the proper execution of the services, and such assistance as shall reasonably be required in carrying out their duties under this contract.
- The Department undertakes to ensure that security measures are in place which may include, amongst other things, the control, safeguarding of and dealing with sensitive information (whether such information is in possession and control, on computers etc.), vetting of the people dealing with the project and close monitoring of communication and information.

4.4. THE SUCCESSFUL PANEL OF SERVICE PROVIDERS OBLIGATIONS SHALL

- Undertake to act as an independent contractor in respect of the work and should be one and shall bear full responsibility for any sub-contractors.
- Attend meetings with the Department whenever required to do so for the purposes of obtaining information or advice regarding the work and assignments or any matters arising from or in connection thereof.
- Be responsible for its own computers and its own technical literature to adequately perform its functions.
- Exercise all reasonable skill, care and diligence in the execution of the work and shall carry out its obligations in accordance with the relevant professional standards. The service provider shall in all professional matters act as a faithful advisor to the Department as well as respect the laws and customs of the country and provinces in which any business in relation to the project is conducted.
- Be deemed to have satisfied itself as to the correctness and sufficiency of the rates and prices set out in the contract for the work to be rendered. Where applicable the standards rate as prescribed by Automobile Association of South Africa (AA) for travelling, Legal Practice Council (LPC) and Department of Public Service Administration (DPSA) consultancy fees for technical work, will apply.
- Plan and provide for all possible risks that may affect the delivery of the project on time and indicate what mechanisms are in place to manage such risks.
- Engage meaningfully with the Departmental staff throughout the project. · Be ready to assume work immediately after receiving an official appointment letter.
- Perform the services and carry out their obligations under the terms of reference with all due diligence, efficiency and economy, in accordance with generally accepted techniques and practices and shall observe sound management practices.
- Be under a duty of care and always act in good faith/respect of any matter relating to these terms of reference and shall always support and safeguard the Department's legitimate and proper interests in any dealings with personnel or third parties.

- Disclose any propriety or confidential information relating to the project, the services in these terms of reference or the business or operations without the prior written consent of the Department, unless such disclosure is required by applicable law or legislation, during the term of agreement.
- Sign a non-disclosure agreement which apply beyond the validity of the contract.
- Not utilise or share, in any form, information accessed during the term of the contract and beyond the validity of the contract.
- May utilise the advocate under certain circumstances, however prior approval should be sought.
- Provide the details of the Project Leader who will oversee all operational matters pertaining to this project.

TENDER DELIVERABLES / OUTPUTS AND TIMEFRAMES

5. The primary deliverables to be achieved:
 - To undertake investigative, (mediation and grievance proceedings);
 - To represent the Department in disciplinary hearings, disputes, (Arbitration, Labour Court and Labour Appeals Court; as well as any other Court with inherent jurisdiction, proceedings);
 - To provide any other related labour relations matters that may arise, (legal opinions, interpretation of legislative prescripts);
 - To provide reports covering matters allocated accordingly.

LOGISTICS AND TIMING

6. Project location, commencement date, duration, submission of bids and fee structure.
 - 6.1. **Project location(s):**
 - Anchored at DHA Head Office – Hallmark Building
 - 6.2. **Expected commencement date:**
 - The contract will commence following the awarding of the tender, upon receipt of the signed acceptance letter and the completed SBD 7.2 form from the appointed service provider(s).
 - 6.3. **Project period:**
 - The contract will be for the period of three (3) years with an option to renew for further two (2) years subject to satisfactory performance and availability of budget.
 - 6.4. **Bid proposal**
 - The service provider must provide a properly referenced bid proposal in response to this TOR document with clear headings and information required to evaluate the bid against the requirements stipulated in this TOR document. The bid proposal response must indicate the following:

- The bidding company's profile, including proof of compliance with all the requirements as per the TOR document.
- The pricing information. Bid price must include VAT and should be fully inclusive to deliver all goods / services indicated in the terms of reference.
- Where substantiations are required, a copy of certification or proof is required to be attached to the bid response.
- Bid documents **must** be submitted online on the National Treasury's E-tender portal. Bidders must ensure that their bids are uploaded timeously to the correct portal. The department will not take any responsibility for late uploaded bids. The e-tender portal is open from the day the tender is advertised until the closing date and time. Bidders are required to ensure that their status reflects "**Submitted**" before the closing time as they will not have access once the tender is closed.
- The online e-Tender publication portal can be accessed on the following link: <https://www.etenders.gov.za/>
- Manual or hardcopy bids will not be accepted.
- Bidders to adhere to all the rules for the online bid submission.
- Bidders' attention is drawn to the sequential submission format as per the checklist.
- Non-compliance with online bid submission WILL invalidate the bidder's response.

6.5. Fee structure

Professional Fees

- Service provider(s) should quote rates commensurate with their experience in practice in accordance with the LPC guidelines. These rates are the maximum rates that will apply during the contract duration. Lower rates can be negotiated on a case-by-case basis.

Disbursements

- The rate for the incidental costs (e.g. telephone, emails and traveling) should be indicated in the pricing schedule, even though this will be an estimate only.
- The actual payment will be based on the actual calls, copies made, and some items may need to be supported by vouchers.

NOTE:

As per paragraph 4.3 of National Treasury Instruction on Cost Containment Measures, the following costs for travel and subsistence will be applicable:

- Where there is more than one person traveling for the same matter, not more than one vehicle should be used.
- Meetings/hearings scheduled for more than one day and get to be postponed, the service provider shall not bill the Department for days where there was no sitting.

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- Should the department discover an erroneous payment of the invoice, such will be corrected, (adjusted accordingly).
- Hotel Accommodation may not exceed the capped Government rates per person per night.
- Travel by Air must only be limited to economy class.
- Claims for kilometers may not exceed the rates approved by the AA of South Africa.
- Proof of disbursement costs must be attached to all claims.

Attorneys and professional fees	Quantity/hour	Rates in Rands (in accordance with the applicable LPC rates)
Consultation and interviews	1	
Perusal of documents	1	
Drafting of letters, emails and formal notices	1	
Analysis of evidence	1	
Research / preparation and presentation of report	1	
Sub-total 1	5	

Summary (Sub-totals 1)	Fees in Rands
Attorney professional fees (sub-total 1)	
Total (to be indicated in the SBD 3.3)	

EVALUATION STAGES

7. The following evaluation process will be followed to evaluate the bids received:

Stage	Description	Applicable for this bid
Stage 1A	Briefing session	Yes
Stage 1B	Initial screening process / compliance with bid requirements	Yes
Stage 2	Pre-qualification criteria evaluation	Yes
Stage 3	Mandatory requirements evaluation	Yes
Stage 4	Functionality requirements evaluation	Yes
Stage 5	Price and Specific Goals evaluation	Yes

Stage 1A: Briefing session

- Non-compulsory briefing session will be held virtually.

Stage 1B: Initial screening process/compliance with bid requirements

- Verification of bidder’s compliance with bid requirements.

No.	Compliance Checklist	Yes / No
1.	The bidder is registered on the National Treasury Central Suppliers Database (CSD).	
2.	The bidder is in business (as indicated on CSD).	
3.	The bidder is not a restricted supplier/ or does not have a restricted director(s) (as indicated on CSD).	
4.	The bidder is Tax Compliant as indicated on CSD.	
5.	The bidder is not a government employee (as indicated on CSD).	
6.	The bidder completed SBD 1 Form in full together with the letter of authority.	
7.	The bidder completed SBD 4 Form in full and did not reveal any information or past practices that prohibits the supplier from conducting business with the state.	

Stage 2: Pre-qualification criteria evaluation.

- Compliance with pre-qualification requirements. Bidders who fail to meet the pre-qualification requirements will be disqualified.
- Bidders must indicate their compliance with the following prequalification criteria as required by the DHA.
- Only bidders who have complied with prequalification criteria will be evaluated for mandatory stage.

Pre-Qualification Requirement	Comply	Do not comply
Bidders must confirm the capacity and ability to perform the required scope of work by providing a complete list of at least five (5) attorneys/non-referral advocates with requisite and extensive competencies in handling labour matters; as well as a Project Leader, who will be assigned to this project. The project lead should not be one of the five (5) listed attorneys/non-referral advocates referred to under par 1.1 above.		
EVIDENCE: Fully complete the names and surnames, sign and date the table below:		

Capacity - Professional	Names	Surnames	Qualifications
Project Leader			

Capacity - Professional	Names	Surnames	Qualifications
Attorney 1/Non-referral advocate (Labour law competent)			
Attorney 2/Non-referral advocate (Labour law competent)			
Attorney 3/Non-referral advocate (Labour law competent)			
Attorney 4/Non-referral advocate (Labour law competent)			
Attorney 5/Non-referral advocate (Labour law competent)			

Pre-qualification requirement – Evidence

This serves to confirm that I have the capacity and ability to perform the required scope of work.

Name:

Signature:

Date:

Stage 3: Mandatory requirements evaluation.

- Compliance with the mandatory requirements. Bidders who fail to meet the mandatory requirements will be disqualified.
- Bidders must indicate their compliance with the following mandatory requirement(s) as required by the DHA.
- Only bidders who have complied with mandatory requirements will be evaluated for functionality stage.

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Mandatory requirement 1	Comply	Do not comply
Be an Attorney or non-referral advocate as contemplated in terms of section 24 or 34 (2)(b) of the Legal Practice Act, 2014 (Act No. 28 of 2014 (“Legal Practice Act”))		
EVIDENCE: Certificate of admission as an Attorney or non-referral Advocate		

Mandatory requirement 2	Comply	Do not comply
Must be enrolled and in good standing with the Legal Practice Council.		
EVIDENCE: Valid certificate of good standing from the Legal Practice Council not older than three (3) months.		

Stage 4 – Functionality requirements evaluation

- Bids will be evaluated strictly according to the bid evaluation criteria stipulated in the terms of reference.
- The technical proposal will be evaluated out of **100 points** with a **minimum threshold of 70 points**. Bidders that score less than the **minimum of 70 points** will be disqualified.
- Bidders must, as part of their bid documents, submit supportive documentation for all technical requirements as indicated hereunder. The panel (Bid Evaluation Committee (BEC)) responsible for scoring the respective bids will evaluate and score all bids based on their submissions and the information provided. Bidders are required to ensure that all information is supplied as required.

Evaluation Criteria				
No.	Category	Evidence and scoring	Weight	Score
1.	Bidders must demonstrate experience in labour relations matters.	<p>Contactable, signed and dated reference letter/s not older than three (3) years, indicating an acceptable level of performance and professional conduct on previous experience where the firm has investigated, successfully completed cases within the presided timeline over labour related cases.</p> <ul style="list-style-type: none"> • No reference letter = (No points) • 1 Reference letter = (10 points) • 2 Reference letters = (20 points) • 3 Reference letters = (30 points) • 4 Reference letters = (40 points) • 5 or more Reference letters = (50 points) 	50	
2.	Bidders must demonstrate experience of the	Bidders must submit, as part of their bid response, CV(s) capturing the name(s) of the project leader indicating experience	50	

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Evaluation Criteria				
No.	Category	Evidence and scoring	Weight	Score
	project leader in their current employment who are competent in labour relations matters.	/competence, case numbers of successfully completed cases within the prescribed timelines relevant to labour relations matters. <ul style="list-style-type: none"> • No case completed = 0 points • 10 to 20 cases completed = 10 points • 21 to 30 cases completed = 30 points • 31 to 40 cases completed = 40 points • 41 and more cases completed d = 50 points 		
	TOTAL POINTS		100	

Stage 5– Price and Specific Goals evaluation

- Bids will be evaluated in accordance with the prescripts of the Preferential Procurement Policy Framework Act (PPPFA) and the associated Preferential Procurement Regulations of 2022, which stipulate a 90/10 points split for requirements with a Rand value above R 50 000 000, inclusive of all applicable taxes.
- A valid SANAS B-BBEE Status Level Verification certificate or a B-BBEE certificate issued by the Companies and Intellectual Property Commission, with the exception of EME's (Exempt Micro Enterprises) and QSE's (Qualifying Small Entity) who are required to submit sworn affidavit in terms of Code of Good Practice. The sworn affidavit must be signed by the EME representative and attested by a commissioner of oath.
- As bids are only invited for requirements with a Rand value above R 50 000 000 inclusive of all applicable taxes, the 90/10 system shall be applicable and will be calculated as follows.

SN	COMPONENT	POINTS
1.	Price:	90
2.	Preferential points: Specific goals	10
TOTAL:		100

Specific goals

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

Specific goals allocated points in terms of this tender	Allocated Preference points	Evidence
The company owned / director/s / shareholders by people who are Women.	4	Proof of claim as declared on SBD 6.1 in verifying the tenderer's status.

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Specific goals allocated points in terms of this tender	Allocated Preference points	Evidence
<ul style="list-style-type: none"> • 100% company owned by people who are Women = 4 points • ≥51% and <100% company owned by people who are Women = 3 points • >0% and <51% company owned by people who are Women = 1 point • 0% company owned by people who are Women = 0 points 		<p>The following must be submitted as proof of claim as declared on SBD 6.1 for the specific goals:</p> <ul style="list-style-type: none"> • Company Registration Certification as issued by the Companies and Intellectual Property Commission (CIPC). • Sworn Affidavit or valid B-BBEE Certificate or Consolidated B-BBEE certificate for Consortium, Joint Venture, or Trust.
<p>The company owned / director/s / shareholders by people who are Black.</p> <ul style="list-style-type: none"> • 100% company owned by people who are Black = 3 points • ≥51% and <100% company owned by people who are Black = 2 points • >0% and <51% company owned by people who are Black = 1 point • 0% company owned by people who are Black = 0 points 	3	<p>Proof of claim as declared on SBD 6.1 in verifying the tenderer's status.</p> <p>The following must be submitted as proof of claim as declared on SBD 6.1 for the specific goals:</p> <ul style="list-style-type: none"> • Company Registration Certification as issued by the Companies and Intellectual Property Commission (CIPC). • Sworn Affidavit or valid B-BBEE Certificate or Consolidated B-BBEE certificate for Consortium, Joint Venture, or Trust.
<p>The company owned / director/s / shareholders by people who are Disabled.</p> <ul style="list-style-type: none"> • 100% company owned by people who are Disabled = 3 points • ≥51% and <100% company owned by people who are Disabled = 2 points • >0% and <51% company owned by people who are Disabled = 1 point • 0% company owned by people who are Disabled = 0 points 	3	<p>Proof of claim as declared on SBD 6.1 in verifying the tenderer's status.</p> <p>The following must be submitted as proof of claim as declared on SBD 6.1 for the specific goals:</p> <ul style="list-style-type: none"> • Company Registration Certification as issued by the Companies and Intellectual Property Commission (CIPC). • Sworn Affidavit or valid B-BBEE Certificate or Consolidated B-BBEE certificate for Consortium, Joint Venture, or Trust.

***NB: Points will be allocated based on % ownership to the Company (main tendering entity). Please attach proof/ required documents.**

PRICING SCHEDULE
(Professional Services)

NAME OF BIDDER:	BID NO: DHA09-2026
CLOSING TIME 11:00	CLOSING DATE: 10 JULY 2026

OFFER TO BE VALID FOR 90 DAYS FROM THE CLOSING DATE OF BID.

ITEM NO	DESCRIPTION ** (ALL APPLICABLE TAXES INCLUDED)	BID PRICE IN RSA CURRENCY
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1. The accompanying information must be used for the formulation of proposals.

2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project. R.....

3. Period required for commencement with project after acceptance of bid

4. Estimated man-days for completion of project

5. Are the rates quoted firm for the full period of contract? **Only firm prices will be accepted.**

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

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

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

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state? **YES/NO**

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

Full Name	Identity Number	Name of State institution

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

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 consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted

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

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from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....

Signature

.....

Date

.....

Position

.....

Name of bidder

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

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

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

1. GENERAL CONDITIONS

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

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

1.2 To be completed by the organ of state

- a) The applicable preference point system for this tender is the **90/10** preference point system.
- b) The **90/10 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

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

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

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	90
SPECIFIC GOALS	10
Total points for Price and SPECIFIC GOALS	100

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \\
 \mathbf{Ps} = \mathbf{80} \left(\mathbf{1} - \frac{\mathbf{Pt} - \mathbf{Pmin}}{\mathbf{Pmin}} \right) & \mathbf{or} & \mathbf{Ps} = \mathbf{90} \left(\mathbf{1} - \frac{\mathbf{Pt} - \mathbf{Pmin}}{\mathbf{Pmin}} \right)
 \end{array}$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

3.2.1. POINTS AWARDED FOR PRICE

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \\
 \mathbf{Ps} = \mathbf{80} \left(\mathbf{1} + \frac{\mathbf{Pt} - \mathbf{Pmax}}{\mathbf{Pmax}} \right) & \mathbf{or} & \mathbf{Ps} = \mathbf{90} \left(\mathbf{1} + \frac{\mathbf{Pt} - \mathbf{Pmax}}{\mathbf{Pmax}} \right)
 \end{array}$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

4.1 In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

4.2 In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

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

(b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system, then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

90/10 preference point system is applicable, corresponding points must also be indicated as such.

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

The specific goals allocated points in terms of this tender	Number of points Allocated (90/10 system) (To be completed by the organ of state)	Evidence	Number of points claimed (90/10 system) (To be completed by the tenderer)
<p>The company owned / director/s / shareholders by people who are Women.</p> <ul style="list-style-type: none"> • 100% company owned by people who are Women = 4 points • ≥51% and <100% company owned by people who are Women = 3 points • >0% and <51% company owned by people who are Women = 1 point • 0% company owned by people who are Women = 0 points 	<p>4</p>	<p>proof of claim as declared on SBD 6.1 in verifying the tenderer's status</p> <p>The following must be submitted as proof of claim as declared on SBD 6.1 for the specific goals:</p> <ul style="list-style-type: none"> • Company Registration Certification as issued by the Companies and Intellectual Property Commission (CIPC). • Sworn Affidavit or valid B-BBEE Certificate or Consolidated B-BBEE certificate for Consortium, Joint Venture, or Trust. 	
<p>The company owned / director/s / shareholders by people who are Black.</p> <ul style="list-style-type: none"> • 100% company owned by people who are Black = 3 points • ≥51% and <100% company owned by people who are Black = 2 points • >0% and <51% company owned by people who are Black = 1 point 	<p>3</p>	<p>Proof of claim as declared on SBD 6.1 in verifying the tenderer's status</p> <p>The following must be submitted as proof of claim as declared on SBD 6.1 for the specific goals:</p> <ul style="list-style-type: none"> • Company Registration Certification as issued by the Companies and Intellectual Property Commission (CIPC). 	

The specific goals allocated points in terms of this tender	Number of points Allocated (90/10 system) (To be completed by the organ of state)	Evidence	Number of points claimed (90/10 system) (To be completed by the tenderer)
<ul style="list-style-type: none"> 0% company owned by people who are Black = 0 points 		<ul style="list-style-type: none"> Sworn Affidavit or valid B-BBEE Certificate or Consolidated B-BBEE certificate for Consortium, Joint Venture, or Trust. 	
<p>The company owned / director/s / shareholders by people who are Disabled.</p> <ul style="list-style-type: none"> 100% company owned by people who are Disabled = 3 points ≥51% and <100% company owned by people who are Disabled = 2 points >0% and <51% company owned by people who are Disabled = 1 point 0% company owned by people who are Disabled = 0 points 	3	<p>proof of claim as declared on SBD 6.1 in verifying the tenderer's status</p> <p>The following must be submitted as proof of claim as declared on SBD 6.1 for the specific goals:</p> <ul style="list-style-type: none"> Company Registration Certification as issued by the Companies and Intellectual Property Commission (CIPC). Sworn Affidavit or valid B-BBEE Certificate or Consolidated B-BBEE certificate for Consortium, Joint Venture, or Trust. 	

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3 Name of company/firm.....

4.4 Company registration number:

4.5 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One-person business/sole propriety
- Close corporation
- Public Company
- Personal Liability Company

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- (Pty) Limited
 - Non-Profit Company
 - State Owned Company
- [TICK APPLICABLE BOX]

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

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

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

SURNAME AND NAME:

DATE:

ADDRESS:

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