4th Floor
Riverwalk Office Park
Block A, 41 Matroosberg Road
Ashlea Gardens
PRETORIA
SOUTH AFRICA
0081

P.O. Box 580, **MENLYN,** 0063
Tel: 012 346 1738, **Fax:** 086 693 7472
E-Mail: tenders@pfa.org.za
Website: www.pfa.org.za

BID DESCRIPTION: OFF-SITE STORAGE SERVICES

BID NUMBER: OPFA/OFF/022021

CLOSING DATE: 24 MARCH 2021

CLOSING TIME: 11:00

Bidder name:

Company registration number:

CSD number:

4th Floor
Riverwalk Office Park
Block A, 41 Matroosberg Road
Ashlea Gardens
PRETORIA
SOUTH AFRICA
0081

P.O. Box 580, **MENLYN,** 0063
Tel: 012 346 1738, **Fax:** 086 693 7472
E-Mail: tenders@pfa.org.za
Website: www.pfa.org.za

1. INTRODUCTION

1.1. The Office of the Pension Funds Adjudicator (OPFA) was established in terms of section 30B of the Pension Funds Act No.24 of 1956 ("Act") with effect from 1 January 1998 to investigate and determine complaints lodged in terms of the Act.

1.2. The OPFA is funded in terms of section 30R of the Act and is a schedule 3A public entity in terms of the Public Finance Management Act (PFMA).

1.3. In terms of section 30D of the Act, the main object of the Adjudicator is to dispose of complaints lodged in terms of section 30A(3) of this Act, and complaints for which the Adjudicator is designated in terms of section 211 of the Financial Sector Regulation Act.

2. OBJECTIVE AND SCOPE OF SERVICES REQUIRED

2.1. In order to ensure sound effective record keeping the OPFA must establish and implement records management strategy to ensure records are retained for the mandatory period, protected and secured.

2.2. The OPFA seeks to appoint a suitable service provider for a period of sixty (60) months to offer an off-site storage management services

2.3. The scope of the required services will include inter alia:

2.3.1. Physical records (paper documents) storage

2.3.1.1. Relocation of the existing records and files from the current off-site storage to the new off-site facility (successful bidder's place

2.3.1.2. Secure storage of the existing and new records to be collected during the duration of the contract

2.3.1.3. Secure collection, and storage of physical records

2.3.1.4. Secure off-site storage

2.3.1.5. Retrieval of the stored records and delivery to OPFA as and when required

2.3.1.6. Supply and delivery of storage boxes for physical records and tracking labels for the records to be transferred to the offsite facility

2.3.1.7. Provide an electronic/online system for the capturing of the stored records for easy retrieval

2.3.1.8. Handover of the records to the new service provider at the end of the contract

2.3.1.9. The estimated quantities for the services required are as follows:

No.	**Required Services**	**Estimated Quantities For the duration of contract**
1	The current number of boxes to be relocated The records are indexed per box.	+/- 5 000 boxes
2	Scheduled collection of records (twice a month)	120
3	Unscheduled collection of records (as and when required)	60
4	Unscheduled retrieval of records and delivery to the OPFA	100
5	Number of boxes required	1 200 800 D1 sizes 400 D0 sizes

2.3.2. Destruction services

2.3.2.1. Destruction of stored records, the OPFA would determine which records to be disposed in line with the retention policy

2.3.3. IT Backup Tapes

2.3.3.1. Collecting all the Backup tapes (approximately 1600) from the current service provider and relocating them to the winning bidder's storage facility (once off).

2.3.3.2. Collecting the tapes (approximately 26 tapes) once a week (on Fridays) from the OPFA offices to the bidder's premises.

2.3.3.3. Securing, storing, and managing the tapes in the bidder's premises following best practice

2.3.3.4. Retrieve specific tapes and deliver the tapes to the OPFA's office a maximum of 60 times throughout the duration of the contract.

2.3.3.5. Supply steel canisters and labels for the tapes. The OPFA uses LT05 and LT07 tapes.

2.3.3.6. Seamlessly handing over the tapes to the OPFA or its appointed service provider at the end of the contract.

2.4. LOCATIONS OF THE REQUIRED SERVICES

2.4.1. The location of the services for collection of records will be 41 Matroosberg Road, Riverwalk Office Park, Ashlea Gardens

2.4.2. The location for relocation of the existing records, current offsite storage is situated at 85 Morkels Close, Halfway House, Midrand, Johannesburg, where existing records will be collected.

3. MANDATORY REQUIREMENT

The bidder must indicate whether they comply with the mandatory requirement below and provide proof of compliance documents to substantiate compliance. The OPFA reserves the right to verify any information in the response with the bidder or any other sources. If the bidder does not comply fully with any mandatory requirement it shall be regarded as mandatory non-compliance and their bid SHALL be disqualified from further evaluation.

3.1	**LEGISLATIVE REQUIREMENTS**	**COMPLY**	**DO NOT COMPLY**
3.1.1	The bidder confirms that it is fully compliant with the provision of Protection of Personal Information Act, 2013 (Act No 4 of 2013) *The bidder must submit substantive evidence to support their compliance.*		
3.1.2	The bidder confirms that it is fully compliant with the provision National Archives and Record Service Act (Act No 43 of 1996) *The bidder must submit substantive evidence to support their compliance.*		
3.2	**RESOURCES REQUIREMENT**	**COMPLY**	**DO NOT COMPLY**
3.2.1	The building where records will be stored must fully comply with Occupational Health and Safety (OHS) Act regulations as well as National Archives Act regulations which provides for fire detection and prevention, heating, ventilation, and **air conditioning (**HVAC) shelving and well as proper security requirements The bidder must submit substantive evidence to support their compliance.		

3.3	**METHODOLOGY**	**COMPLY**	**DO NOT COMPLY**
3.3.1	The bidder must submit executive summary of not more than 5 pages outlining the capability of the bidder to provide the required services, including Business continuity plans and disaster recovery plan *Only the first 5 pages of the submission will be considered.*		
3.4	**EXPERIENCE**	**COMPLY**	**DO NOT COMPLY**
3.4.1	The bidder confirms that they provided similar services to three clients in the past five years. *The bidder must provide three and at most five signed reference letters.*		

4. COSTING MODEL

ITEM	DESCRIPTION	COST				
		Year 1	Year 2	Year 3	Year 4	Year 5
Physical (paper) storage						
1.	Once off collection (Scope 2.3.1.1)					
2.	Monthly services (Scope 2.3.1.2-2.3.1.7)					
IT Backup Tapes						
3.	Once off collection (Scope 2.3.3.1)					
4.	Monthly Data Tapes services (Scope 2.3.3.2-2.3.3.5)					
TOTAL (EXCL VAT)						
VAT						
TOTAL (INCL VAT)						

.

5. **BID EVALUTION**

The bids will be evaluated as follows.

5.1. Evaluation Stage One: Compliance with Mandatory requirements

Compliance with administrative and mandatory requirements stated in the standard bidding documents. Bidders that fail to provide or comply with the required information and documentation will be disqualified from further evaluation.

5.2. Evaluation Stage Two: Preference Point System

The 80/20 preference point system shall be applicable to this bid, where 80 points represent maximum obtainable points for the lowest acceptable price, and 20 points represents the B-BBEE level status. Points will 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
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

5.3 Evaluation Stage Three: Site Inspection

At the OPFA's discretion, a site inspection or presentation may be conducted at this stage. The OPFA may visit the selected service providers' premises with the objective of verifying facts of the bidders as contained in their respective bid documents. Should it be discovered during a site inspection or presentation that the information submitted by the service provider is inconsistent with what is on their current premises of business, such bidders will be disqualified.

6. **SPECIAL CONDITIONS**

The following are the special conditions applicable to this request for proposals:

6.1. The OPFA will not accept the bid, if the OPFA is satisfied that any person (including an employee, partner, director or shareholder of the tenderer or a person acting on behalf of or with the knowledge of the tenderer), firm or company:

6.1.1. Is executing a contract with the OPFA unsatisfactorily;

6.1.2. Is restricted from doing business with the state or employed by the state

6.1.3. Has in any manner been involved in a corrupt act in relation or other gift or remuneration to any officer or employee of the OPFA in connection with obtaining or executing a contract;

6.1.4. Has acted in bad faith, in a fraudulent manner or committed an offence in obtaining or executing a contract;

6.1.5. Has in any manner influenced or attempted to influence the awarding of OPFA's bid;

6.1.6. Has, when advised that their tender has been accepted, given notice of his inability to execute or sign the contract;

6.1.7. Has engaged in any anti-competitive behaviour, including having entered into any agreement or arrangement, whether legally binding or not, with any other person, firm or company to refrain from tendering for this contract, or relating to the tender price to be submitted by either party.

6.1.8. Has disclosed to any other person, any information relating to this bid, except where disclosure, in confidence, was necessary to obtain quotations required for the preparation of the tender or required by law;

6.1.9. The OPFA may, in addition to any other legal recourse which it may have, cancel the contract between the OPFA and such a person and/or resolve that no tender from such a person will be considered for a specified period.

6.1.10. The award of this tender may be subjected to price negotiation with the highest point scorer in terms of the preferential

procurement regulation if the price offered is considered not to be market related.

6.2. The OPFA is entitled to amend any bid conditions, bid validity period, tender specifications, or extend the bid's closing date, all before the bid closing date. All bidders, to whom the tender documents have been issued and where the OPFA have record of such bidders, may be advised in writing of such amendments in good time and any such changes will also be posted on the OPFA's website under the relevant tender information. All prospective bidders must, therefore, ensure that they visit the website regularly and before they submit their bid response to ensure that they are kept updated on any amendments in this regard.

6.3. The OPFA reserves the right not to accept the lowest priced bid or any bid in part or in whole.

6.4. The OPFA reserves the right to award this bid as a whole or in part.

6.5. The OPFA reserves the right to conduct site visits at bidder's corporate offices and/or at client sites if so required.

6.6. The OPFA reserves the right to request all relevant information, agreements and other documents to verify information supplied in the bid response. The bidder hereby gives consent to the OPFA to conduct background checks on the bidding entity and any of its directors/trustees/shareholders/members.

7. UNDERTAKING BY THE BIDDER

7.1. By submitting a bid in response to this tender, the bidder will be taken to have offered to render all or any of the services described in the bid response submitted by it to the OPFA on the terms and conditions and in accordance with the specifications stipulated in this tender document.

7.2. The bidder agrees that the offer contained in its bid shall remain binding and receptive for acceptance by the OPFA during the bid validity period indicated in the tender and calculated from the bid closing date and its acceptance shall be subject to the terms and conditions contained in this tender document read with the bid.

7.3. The bidder furthermore confirms that he has satisfied himself as to the correctness and validity of his bid response; that the price(s) and rate(s) quoted cover all the work/item(s) specified in the bid response documents;

and that the price(s) and rate(s) cover all his obligations under a resulting contract for the services contemplated in this tender; and that he accepts that any mistakes regarding price(s) and calculations will be at their own risk.

7.4. The successful bidder accepts full responsibility for the proper execution and fulfilment of all obligations and conditions devolving under the supply agreement and Service Level Agreement (SLA) to be concluded with OPFA, as the principal(s) liable for the due fulfilment of such contract.

7.5. The bidder accepts that all costs incurred in the preparation, presentation and demonstration of the solution offered shall be for the account of the bidder. All supporting documentation and manuals submitted with the bid will become OPFA property unless otherwise stated by the bidder/s at the time of submission.

8. QUERIES REGARDING TENDER

8.1. Any questions regarding this tender shall be submitted in writing to the official mentioned in the Tender Notice, enquiries must be sent to tenders@pfa.org.za

9. TENDER BRIEFING

9.1. There will be no tender briefing on this project; for any enquiries/clarity bidders must send enquiries to the designated mail by not later than 17 March 2021 to allow the OPFA opportunity to respond to enquiries. Enquiries received after this date will not be entertained.

10. TENDER SUBMISSIONS

10.1. Completed documents with supporting annexures shall be packaged, sealed, clearly marked and submitted on or before the closing date and time.

Closing date: 24 March 2021
Time: 11H00
Tender No: OPFA/OFF/022021

Bids must be hand delivered to the OPFA's address as follows

41 Matroosberg Road
Riverwalk Office Park
Block A, Fourth Floor
Ashlea Gardens, Pretoria

10.2. Late submissions and bids submitted by means of e-mail, telegram, telex facsimile, electronic or similar means shall not be considered.

11. TENDER SUBMISSION FORMAT

11.1. The OPFA requires one original copy of the bid completed bid document and supporting documents **(hard copy)** and one soft copy in a memory stick or compact disc. All submission must be made as per paragraph 10 above.

12. REGISTRATION WITH CENTRAL SUPPLIER DATABASE

12.1. The OPFA will not award any bid to a supplier who is not registered as a prospective supplier on the Central Supplier Database (CSD) as required in terms of National Treasury National Treasury SCM Instruction Note 4A of 2016/2017.

13. BID VALIDITY PERIOD

13.1. Bid validity period will be ninety days from closing of the tender.

14. ADDITIONAL INFORMATION REQUIRED

The following additional information is required:

A sworn declaration and/or proof that a bidder:

- Is not participating and contributing to any retirement fund for its employees
- Is participating and contributing to a pension or provident fund and contributions are not in arrears. As proof, a confirmation of their contribution status from their retirement fund administrator must be submitted together with the declaration.

15. PROTECTION OF PERSONAL INFORMATION

15.1. **"Personal Information**" means personal information as defined in the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). All information collected and submitted by the bidders will be used by the OPFA for the evaluation and adjudication of this bid to determine the bidders' suitability and compliance to deliver the goods/services required. . By submitting this bid the bidder gives consent for the OPFA to process the personal information provided by the bidder accordingly.

PART A: INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE OFFICE OF THE PENSION FUNDS ADJUDICATOR					
BID NUMBER:	**OPFA/OFF /022021**	CLOSING DATE:	**24 MARCH 2021**	CLOSING TIME:	**11: 00**
DESCRIPTION	OFF-SITE STORAGE SERVICES				

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT *(STREET ADDRESS)*
41 MATROOSBERG ROAD
RIVERWALK OFFICE PARK , BLOCK A, 4TH FLOOR
ASHLEA GARDENS; PRETORIA

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO		**TECHNICAL ENQUIRIES MAY BE DIRECTED TO:**	
CONTACT PERSON	**Magadi Tshitannye**	CONTACT PERSON	**Magadi Tshitannye**
TELEPHONE NUMBER	**012 748 4048**	TELEPHONE NUMBER	**012 748 4048**
FACSIMILE NUMBER		FACSIMILE NUMBER	
E-MAIL ADDRESS	tenders@pfa.org.za	E-MAIL ADDRESS	tenders@pfa.org.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
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] ☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] ☐ Yes ☐ No	

[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐Yes ☐No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR **THE GOODS /SERVICES /WORKS OFFERED?**	☐Yes ☐No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	☐ YES ☐ NO
DOES THE ENTITY HAVE A BRANCH IN THE RSA?	☐ YES ☐ NO
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	☐ YES ☐ NO
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	☐ YES ☐ NO
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	☐ YES ☐ NO

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

PART B

TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
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. **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."

2.8 The general conditions of Contract are available here and must be submitted as part of the submission

http://www.treasury.gov.za/divisions/ocpo/sc/GeneralConditions/General%20Conditions%20of%20Contract-%20Inclusion%20of%20par%2034%20CIBD.pdf

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 4

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state[1], 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[2]): ……..

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.

[1]"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.

[2]"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 presently employed by the state? **YES / NO**

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 the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

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

(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 / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:
……..
……..
……...

2.9 Do you, or any person connected with the bidder, have 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? **YES / NO**

2.9.1If so, furnish particulars.
……...
……..….
……

2.10 2.10. Are you, or any person connected with the bidder, 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? **YES/NO**

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 Tax Reference Number	State Employee Number / 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

SBD 8

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? **(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 *audi alteram partem* rule was applied).** The Database of Restricted Suppliers now resides on the National Treasury's website(**www.treasury.gov.za**) and can be accessed by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
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)? **The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.**	Yes ☐	No ☐
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 ☐	No ☐
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes ☐	No ☐
4.4.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME)……

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

……..... ……..

Signature Date

…… ……..

Position Name of Bidder

SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

1 This Standard Bidding Document (SBD) must form part of all bids[1] 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).[2] 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:

[1] Includes price quotations, advertised competitive bids, limited bids and proposals.

[2] 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.

SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid: **OPFA/OFF/022021**

_____

(Bid Number and Description) **OFF-SITE STORAGE SERVICES**

in response to the invitation for the bid made by: **Office of the Pension Funds Adjudicator**

_____

(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[3] 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.

[3] 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

…….. ……

Position Name of Bidder

SBD 6.1

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

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

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

---

1. GENERAL CONDITIONS

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

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

1.2

a) The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the ……80/20…….. preference point system shall be applicable; or

b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

(a) Price; and

(b) B-BBEE Status Level of Contributor.

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

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE must not exceed	**100**

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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

2. DEFINITIONS

(a) **"B-BBEE"** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

(b) "**B-BBEE status level of contributor"** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section

9(1) of the Broad-Based Black Economic Empowerment Act;

(c) **"bid"** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;

(d) **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

(e) "EME" means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;

(f) **"functionality"** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.

(g) **"prices"** includes all applicable taxes less all unconditional discounts;

(h) **"proof of B-BBEE status level of contributor"** means:

1) B-BBEE Status level certificate issued by an authorized body or person;

2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;

3) Any other requirement prescribed in terms of the B-BBEE Act;

(i) **"QSE"** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;

(j) **"rand value"** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

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

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

80/20 **or** **90/10**

$$Ps = 80\left(1 - \frac{Pt - P\min}{P\min}\right) \quad \text{or} \quad Ps = 90\left(1 - \frac{Pt - P\min}{P\min}\right)$$

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmin = Price of lowest acceptable bid

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

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

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

5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5. BID DECLARATION

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

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

6.1 B-BBEE Status Level of Contributor: . = ……(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

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

(***Tick applicable box***)

YES		NO	

7.1.1 If yes, indicate:

i) What percentage of the contract will be subcontracted.....……%
ii) The name of the sub-contractor……..
iii) The B-BBEE status level of the sub-contractor.....……..
iv) Whether the sub-contractor is an EME or QSE
(Tick applicable box)

YES		NO	

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

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

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

8.1 Name of company/firm:…….

8.2 VAT registration number:……

8.3 Company registration number:…….……..

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

……
……
……
……..

8.6 COMPANY CLASSIFICATION

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

[*TICK APPLICABLE BOX*]

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

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

i) The information furnished is true and correct;

ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;

iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;

iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

(a) disqualify the person from the bidding process;

(b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;

(c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;

(d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and

(e) forward the matter for criminal prosecution.

WITNESSES 1. …….. 2. ……	…….. SIGNATURE(S) OF BIDDERS(S) DATE: …….. ADDRESS …….. …….. ……..