

REQUEST FOR QUOTATION

PROCUREMENT OF TRAINING FOR OCCUPATIONAL HEALTH AND SAFETY

RFQ NUMBER:	RFQ NHC/171/2022/23
RFQ ISSUE DATE:	31 March 2023
CLOSING DATE AND TIME:	11 April 2023 @ 11:00am
COMPULSORY BRIEFING SESSION	

SUPPLIERS ARE REQUESTED TO PLEASE SUBMIT A QUOTATION ON THE COMPANY LETTERHEAD FOR THE FOLLOWING:

<u>No</u>	<u>Item Description</u>	<u>Quantity</u>	<u>Unit of Measure</u>
4.1.	As terms of reference attached		

ITEM DESCRIPTION	DETAILED INFORMATION
RFQ VALIDITY PERIOD	30 days (COMMENCING FROM THE RFQ CLOSING DATE)
COMPULSORY REQUIREMENT	- Valid current Tax compliance status pin code for verification of tax compliance status with SARS. - Only suppliers registered on the Central Supplier Database (CSD) will be considered. Suppliers must include with their quotation / proposal their Master Registration number as proof of registration on CSD - Only bidders that submit a valid current certified copy of the B-BBEE Certificate or original BBEE certificate issued by the verification agency accredited by SANAS or Sworn Affidavit signed by the EME representative and attested by a Commissioner of Oaths i.r.o (EMEs), will be

ITEM DESCRIPTION	DETAILED INFORMATION
	considered for scoring on the 20 points as per the 80/20 principle - Completed and signed Standard Bidding Documents (SBD) forms included with the bid document / RFQ.
OTHER COMPULSORY REQUIREMENTS / INFORMATION	- Construction Industry Development Board Act (CIDB) grading of 1 GB or higher - Compliance with the Occupational Health and Safety Act, Act 82 of 1993
SUBMISSION OF QUOTES	e-mail to: procurement@nhc.org.za
CONTACT PERSON FOR ENQUIRIES	Tshepo Moeng t.moeng@nhc.org.za , cc to procurement@nhc.org.za

INTRODUCTION

1. PURPOSE OF THE REQUEST

NHC seeks to invite quotations for the procurement of goods and/or services as stated above.

2. NHC's TERMS AND CONDITIONS OF REQUEST FOR QUOTATION (RFQ)

- 2.1. NHC's conditions of purchase shall apply.
- 2.2. The validity period of the quotations must be clearly stated on the quotation.
- 2.3. Prices quoted shall be in South African Rand and inclusive of VAT and costs such as delivery, insurance, taxes, etc.
- 2.4. No price adjustments or amendments of the delivery particulars contained in this document will be considered by the NHC.
- 2.5. The supplier accepts full responsibility for the proper execution and fulfilment of the goods or services quoted for.
- 2.6. NHC reserves the right to accept or reject any special terms and conditions that may qualify the goods or services to be provided.
- 2.7. The NHC reserves the right to accept or reject a proposal in whole or in part.
- 2.8. Quotations shall be submitted on an official letterhead and duly signed.
- 2.9. Goods or services shall be supplied / rendered upon receipt of an official purchase order from the NHC.
- 2.10. The General Conditions of Contract issued by National Treasury are applicable.
- 2.11. Only quotations from suppliers that complies with the specifications and indicate the date of delivery, shall be evaluated and considered.
- 2.12. Your quotation must indicate the expected delivery date / period.
- 2.13. The NHC reserve the right to do due diligence on the quotations.
- 2.14. The NHC reserves the right to benchmark prices quoted.

- 2.15. No services must be rendered or goods delivered before an official NHC Purchase Order form has been received and the service level agreement is signed (if applicable).
- 2.16. Late and incomplete submissions will not be accepted.
- 2.17. NHC shall pay within 30 days after receipt of an invoice.
- 2.18. All invoices must be submitted to SCM via the email to procurement@nhc.org.za.

3. EVALUATION CRITERIA

All quotations will be evaluated based on compliance with compulsory requirements, compliance with specifications / Terms of Reference and the 80/20 preference point system prescribed by the Preferential Procurement Policy Framework Act 5 of 2000 and its Regulations. The lowest acceptable price will score 80 points; the 20 BBBEE points will be allocated as follows:

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

Your assistance and co-operation is appreciated.

Kind Regards

Mr. Siphelele Skenjana
Supply Chain Management Officer
National Heritage Council of South Africa
353 Festival Street
Hatfield
0028
Tel: 012 748-3949
Email: procurement@nhc.org.za



nhc

National Heritage Council
SOUTH AFRICA

an agency of the
Department of Sport, Arts and Culture

NATIONAL HERITAGE COUNCIL OF SOUTH AFRICA

TERMS OF REFERENCE
TENDER / REQUEST FOR QUOTATION NO: **RFQ NHC/171/2022/23**

PROCUREMENT OF TRAINING FOR OCCUPATIONAL HEALTH AND SAFETY

Bidder Name: _____

CSD Ref No: _____

THIS DOCUMENT ARE CONFIDENTIAL AND FOR CONSIDERATION AND RESPONSE BY THE RECORDED
RECIPIENTS ONLY

TERMS OF REFERENCE

NHC seeks to invite quotations for the appointment of a service provider to provide the occupational health and safety training to its employees.

INTRODUCTION

National Heritage Council of South Africa (NHC) is a Schedule 3(A) Public Entity that is responsible for the preservation of the country's heritage. The important areas that the NHC focuses on is policy development for the sector to meet its transformation goals, public awareness and education, knowledge production in heritage subjects that were previously neglected, and making funding available to projects that place heritage as a socio-economic resource. The NHC came into existence through an amendment of the Cultural Laws Second Amendment Act 69 of 2001, and was officially constituted through the National Heritage Act of 1999.

PROGRAMME: OCCUPATIONAL HEALTH & SAFETY

1. BACKGROUND

The workplace has a significant impact on people's health and safety. Poor management of workplace health and safety can lead to work-related ill health, injuries and deaths.

The National Heritage Council recognise the value of employees and is committed to the provision of safe and healthy working conditions to contribute to the health, safety and general well-being of each employee, and relevant stakeholders.

This training intervention will provide the employee/OHS Committee with the theoretical knowledge and practical skills they need to address and be able to promote good standards of occupational health and safety within the organization.

2. TARGET GROUP

Eight (8) employees have requested the training.

3. GOALS AND CONTENT OF THE TRAINING:

To acquire them with knowledge, skills, and judgement to function as an entry-level practitioner in occupational health and safety and be able to contribute to the development and maintenance of a healthy and safe in the working environment.

3.1 The content should cover but not limited the following aspects:

3.1.1 INTRODUCTION TO OCCUPATION HEALTH AND SAFETY

Content Topics

- Definition of key terms
- Building a safety culture
- Safety policies and programs
- Fundamentals and benefits of accident prevention

3.1.2 OCCUPATIONAL HEALTH AND SAFETY LEGISLATION

Content Topics

- Occupational Health and Safety Act and Regulations
- Concepts of “internal responsibility” and “due diligence”
- Different legislated duties for different positions
- Early and safe return to work for injured workers

3.1.3 OCCUPATIONAL HEALTH AND SAFETY COMMITTEES

Content Topics

- Structure of OHS
- Purpose and duties of committee members
- Procedural rules for effective meetings
- Process of making, communicating and following up on recommendations
- Records and minute keeping
- Reporting

3.1.4 HAZARD, RECOGNITION, EVALUATION AND CONTROL

Content Topics

- Types of, and contributing factors to hazards
- Methods of recognizing, evaluating and controlling hazards
- Accidents/incident investigation outcomes

3.1.5 WORKPLACE INSPECTIONS

Content Topics

- The need for inspections statutory
- Planning, conducting and reporting of inspections
- Monitoring corrective actions

4. DURATION

This training has to be done and completed within a stipulated time as per the course outline and must be within the 13 to 30 April 2023.

5. METHODOLOGY

- 5.1 The course should be engaging and interactive.
- 5.2 The use of constructive feedback and tips for improvement should be given to the participants.
- 5.3 This training programme should be delivered at a specified National Qualification Framework (NQF) and Unit standard aligned
- 5.4 The service provider must ensure that the competency assessment is done to the participants and there is submission of POEs.
- 5.5 The participants shall be given training materials by the service provider.
- 5.6 To provide an Assessment Plan and assessment process during and after the training
- 5.7 A detailed close-out report for the work done should be submitted one (1) week after completion of the training.
- 5.8 Competency certificates for participants be submitted to the HRD Manager within one (1) months after completion of training.
- 5.9. **NB: The service provider should provide 2 training venue options on their quotation**
 - i. Training to be conducted in the NHC premises and arrangements related logistics shall be done within the NHC.
 - ii. Training to be conducted in the Service Provider premises and arrangements related logistics shall be done within their premises.

6. LEARNING OUTCOMES

After this training the expected learning outcomes are that the participants will able to know:

1. How health and safety is structured.
2. How health and safety representatives should be empowered and what this actually mean.
3. How management should approach the health and safety representative's aspect
4. How to conduct an inspection on a daily basis?

5. Legal requirements in respect of health and safety representatives
6. The practical value added by health and safety representatives;
7. The role and function of health and safety representatives at health and safety committee meetings;
8. The role and function of health and safety representatives during incident investigations;
9. What management expects from health and safety representatives;
10. Where health and safety representatives fit into a safety management structure or system.

7. PROPOSAL/ SUBMISSION REQUIREMENTS

7.1 List of Contents

All proposals must cover the following aspects of importance:

7.1.1 A Detailed Company Profile

Including brief history, field of expertise, staff resources, a proven tracking record of conducting trainings, where the main office is based as well as any other offices and a list of recently completed projects, similar to the one required in this document.

7.1.2 Proposed Methodology

Service provider should come up with a sound and workable methods for the development of the above. The course outline with NQF levels for the course proposed should be provided.

7.1.3 Accreditation

7.1.3.1 Training provider must be accredited by the relevant Sector Education and Training Authority (SETA)

7.1.3.2 A copy of accreditation certificate, specifically a letter from the SETA specifying the areas of accreditation must be attached to the proposal.

7.1.3.3 Training provider must provide proof of previous training similar to the one stated in these terms of reference and references.

7.1.3.4 Training provider should provide a certificate of achievement to the attendees

7.1.4 Proposed Cost Structure

Detailed Breakdown of Proposed Fee Structure should be clearly stated and whether it's inclusive of VAT or not.

7.2 Expertise Required:

It is the responsibility of the appointed service provider to make a submission of the certificates of the learners at within 1 months after completion of training.

7.3 Compulsory Terms and Conditions

A proposal will not be considered unless the service provider furnishes the NHC with the duly completed documents mentioned from 7.1.1 to 7.1.4 above. In the event that a proposal is submitted by a consortium/joint venture, each party, consultant and or sub-contractor of such consortium/joint venture must complete each of the documents mentioned below:-

- a) Proof Ownership/Agreement
- b) Declaration of Interests
- c) Tax Certificate

7.4 The consortium submitting the proposal must declare any conflict of interests that it may have.

7.5 The NHC reserve the rights, not to accept any proposals in part or in whole

7.6 The NHC reserves the rights to suggest partnerships or joint venture to be formed between bidders, or that the assignment must be awarded to an exclusive BEE firm.

7.7 The NHC reserve the rights to amend any conditions, validity period, etc. in the event of material changes to the procedures, all parties will be duly notified and be dealt with transparently and equitable.

7.8 Successful bidder will need to be prepared to commence work within 3 working days of being informed of the awarding of the tender.

7.9 Failure to comply with these conditions will result in the invalidation of the proposal and subsequent expulsion/termination from the process.

7.10 Successful bidder will be required to submit a detailed close-out report.

7.11 Bidder's quote must include the following:

Training Required	Number of Days	Number of Participants	
H&S Representatives		8	
H&S Incident Investigation		8	
H&S Risk Assessment		8	
H&S OHS Act		8	
H&S 16.2 Workshop		8	
H&S Supervisor		8	
H&S Officer		8	

7.12 Bidders shall include a course outline for each training offered.

8. WHERE TO SUBMIT:

8.1 All submissions must be emailed to procurement@nhc.org.za

8.3 **Due date for the submission of proposal is 11 April 2023 at 11H00.
NO LATE SUBMISSIONS WILL BE CONSIDERED**

9. INFORMATION AND ENQUIRIES

9.1 TECHNICAL ENQUIRIES

To the attention of Mr. T Moeng -Human Resources Manager and Ms C. van Huyssteen –
Acting Supply Chain Manager

Phone : 012 748 3949

Email : procurement@nhc.org.za.

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

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.

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.

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

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

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

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

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

1. GENERAL CONDITIONS

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

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

1.2

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

1.3 Points for this bid shall be awarded for:

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

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

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

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

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

2. DEFINITIONS

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

- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“price”** 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. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

4. POINTS AWARDED FOR PRICE

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

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

80/20

or

90/10

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

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

P_{min} = Price of lowest acceptable bid

4.2 FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME-GENERATING PROCUREMENT

4.3 POINTS AWARDED FOR PRICE

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

80/20

or

90/10

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

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmax = Price of highest acceptable bid

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

- 5.1 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

6. BID DECLARATION

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

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

- 7.1 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.

8. SUB-CONTRACTING

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

(Tick applicable box)

YES	☐	NO	☐
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- 8.1.1 If yes, indicate:

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

(Tick applicable box)

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

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

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

9. DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of company/firm:.....

9.2 VAT registration number:.....

9.3 Company registration number:.....

9.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....

9.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

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

9.8 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-BBEE 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

.....

.....