



DEVIATION REQUEST

To : Dr Val Munsami (CEO)

CC : Chief Financial Officer
: Daliwonga Bongoza

DATE :22 April 2021

FROM : Raoul Hodges
: Managing Director Space Operations

SUBJECT : Deviation from **SCM processes (prescribed procurement process)**

Name of Supplier	Diesel Electric Services (PTY) Ltd
Description of Services	Procurement of an engine
Contract Period	3 Weeks
Contract Amount	Total contract amount is R3 645 337.49 Estimated.

PURPOSE OF THE REPORT

Request for deviation from prescribed procurement process in the event of an emergency and catastrophic failure of critical equipment lending itself to a life and death situation. The procurement in question refers to the emergency procurement of a new Diesel engine as a emergency back-up This is in line with Treasury Regulation 16A.6.4 and Practice Note 3 of 2016/2017, where is it impractical to invite competitive bids for the above procurement. It is impractical to invite competitive bids as this is a case of a request to use a single source supplier. As required by Treasury Regulations stipulated above. The reasons for single provider are stipulated below.

BACKGROUND

The SANSA Space Operations unit at Hartebeeshoek is an internationally recognized ground station and supplier of highly technical solutions relating to ground station infrastructure for managing satellites and downloading data for multiple users. SANSA has 73 antennas for which it serves a Multiple international and astronomy clients and stakeholders as well as human space flights.

MOTIVATION

SANSA Space Operations site experienced a major and unforeseen failure to its Euro-Diesel generator in the early hours of Wednesday, April 21. The generator incurred irreparable harm to its engine, and it was purchased 9years ago and presently prime back-up and SLAs are signed and agreed with stakeholders on 99.9% uptime.

The generator provides autonomous and uninterrupted back-up electricity to the Hartebeesthoek facilities and this failure is considered a major risk to our Operations.

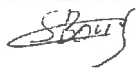
The SANSA have therefore mobilized a specialised team to expeditiously mitigate the immediate risk, whilst working to fully restore the back-up electricity capability and capacity. We have since sourced a new engine for the generator and will start with the installation asap.

We endeavour to have the first intervention in place within the next 24 hours to cater for the period that the generator will undergo repairs and testing. This involves the installation of a backup generator that will provide a full back-up. The new engine installation take place asap and will take week to dismantle and reassemble with the new engine.



APPROVAL REQUIRED

We therefore request for deviation of the expenditure which does not exceed the value of R3 645 337.49 including Vat.

Requested By:			
NAME	DESIGNATION	SIGNATURE	DATE
Raoul Hodges	Managing Director Space Operations		22/04/2022
Approved By:			
NAME	DESIGNATION	SIGNATURE	DATE
Daliwonga Bongoza	Chief Financial Officer		22/04/2022
Dr Val Munsami	Chief Executive Officer		22/04/2022

Action Taken:(For irregular expenditure)			
OFFENCE	DESCRIPTION OF THE OUTCOME	SIGNATURE	DATE



Diesel Electric Services (Pty) Ltd
27/29 Mewett Street
Ophirton
Johannesburg
South Africa

Your contact: Pierre van der Westhuizen
Our reference: KINOLT/EURO-DIESEL Rev 1
Telephone: 011 570 4900
Fax No: 011 570 4949
Email: pierre.vanderwesthuizen@ps.rolls-royce.com
Date: 22 April 2021

To whom it may concern

Rolls-Royce Power Systems (RRPS) has strengthened their business in power supply for safety-critical systems with the completion of the acquisition of Kinolt S.A., a Belgian-based specialist in dynamic uninterruptible power supply. Kinolt is based in the town of Grace-Hollogne in the Belgian province of Liège and was known as Euro-Diesel until mid-2019. The transaction was completed on 1 July 2020 following the approval of antitrust authorities. As part of the integration of KINOLT into RRPS the name of the business unit has changed to Rolls-Royce Solutions Liege.

Before this acquisition, Diesel Electric Services (DES) was the exclusive distributor for the South African region. Since MTU South Africa is the wholly owned subsidiary of Rolls-Royce Power Systems, the exclusive ability of selling and supporting KINOLT systems, transfers from DES to MTU Africa officially from 1 May 2021.

DES has however been a local System Integrator of MTU South Africa for many years and the plan is to continue working together with DES to support the installed base of KINOLT equipment as well as future installations of the product. DES will continue to support those end customers which they have supported for many years, now only under the agreement between MTU South Africa and DES and not through the original direct KINOLT agreement.

Since MTU South Africa does not currently have trained or certified personnel to maintain and support the KINOLT products, Diesel Electric Services is the sole supplier in Southern Africa with the capability and KINOLT certification to carry out the required engine changeout at SANSA.

Key people of their technical staff have received a specific factory training on the maintenance and troubleshooting of these machines. These people are thus qualified to maintain (excluding the 10- year overhaul program) or to repair the Rolls-Royce DRUPS systems installed in South Africa.

Should you require any further details, please do not hesitate to contact the writers.

Yours faithfully,


Cobus van Schalkwyk
Managing Director
MTU South Africa (Pty) Ltd

MTU South Africa (Pty) Ltd, Head Office Cape Town
Corner 3rd & Marconi Street
Montague Gardens, 7441, Cape Town, South Africa
P.O. Box 215, Milnerton 7435, South Africa
Phone +27 (0)21 529 5760
Fax +27 (0)21 551 1970

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38 Loper Street, Airport Industrial
Isando, Johannesburg, South Africa
P.O. Box 72, Isando 1600, South Africa
Phone +27 (0)11 570 4900
Fax +27 (0)11 570 4949

Directors:
Cobus van Schalkwyk*
Raoul Abrahamse
Eugenia Valente**
(* Managing)
(**Italian Citizenship)

FNB - Cape Town Corporate
Branch Code: 204709
A/C No. 62023648902
SWIFT: FIRNZAJJ
VAT Reg No. 4210101053
Registration No. 1952/001250/07



STANDARDIZED BIDDING DOCUMENTS (SBD) FORMS

1. TAX CLEARANCE CERTIFICATE (SBD 2)

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

- a) In order to meet this requirement bidders are required to complete in full TCC 001 form (Application for a Tax Clearance Certificate) and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders/individuals who wish to submit bids.
- b) SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1(one) year from date of approval.
- c) The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
- d) In bids where Consortia/Joint Ventures/Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
- e) Copies of the TCC 001 (Application for a Tax Clearance Certificate) form are available from any SARS branch office nationally or on the website www.sars.gov.za.

2. DECLARATION OF INTEREST (SBD 4)

Any legal person, including persons employed by the state¹, SANSA Board members 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;
- SANSA Board member; 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

¹"State" means –

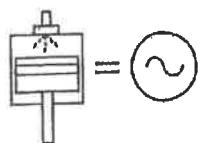
- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;

- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament

Are you or any person connected with the bidder presently employed by the state? 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:.....	YES / ☒ NO
If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? If yes, did you attach proof of such authority to the bid document? (Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid) If no, furnish reasons for non-submission of such proof:.....	YES / NO YES / NO
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? If so, furnish particulars:.....	YES / ☒ NO
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? If so, furnish particulars:.....	YES / ☒ NO
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? If so, furnish particulars:.....	YES / ☒ NO
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? If so, furnish particulars:.....	☒ YES / NO <i>Refer attached letter</i>

Full details of directors / trustees / members / shareholders.

[illegible]

DIESEL ELECTRIC**SERVICES****DIESEL ELECTRIC SERVICES (PTY) LTD**Company Reg. No.:1993/001265/07
V.A.T Reg. No: 419013670727/29 MEWETT STREET
OPHIRTON
2091
TEL: 086 110 6633
email: dieselelec@icon.co.zaP.O. BOX 38112
BOOYSENS
2016
FAX: (011) 493-0282**Directors & Share Holders**

Name	ID Number	Tax Ref	Employee No.
Kevin John Donaldson	6104015001088	N/A	N/A
DES Employee NPC	N/A	N/A	N/A

Interest in other related companies

Company Name	CSD Reg Number
DCI	MAAA0444123
MSD	MAAA0172953
MTW	MAAA0444123
KIRLOSKAR	MAAA0101580
MSD	MAAA0260702
HCM CONTRACTORS	MAAA0538803

DIRECTOR: K.J. DONALDSON

DECLARATION

I, the undersigned (NAME) Joy Abrahams certify that the information furnished above is correct.

I accept that SANSA 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 22/04/2021 Date

Admin Supervisor Diesel Electric Services (PTY) LTD.
Position Name of bidder

3. PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011 (SBD 6.1)

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, 2011.

3. GENERAL CONDITIONS

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

- the 80/20 system for requirements with a Rand value of up to R1 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R1 000 000 (all applicable taxes included).

3.2 The value of this bid is estimated to not exceed R1 000 000 (all applicable taxes included) and therefore the.....80.....system shall be applicable.

3.3 The evaluation of the bids will be conducted in the following two stages:

- Firstly, the assessment of quality will be done in terms of the evaluation criteria (Table 1) and the minimum threshold of 70 points. A bid will be disqualified if it fails to meet the minimum(70 points) threshold for functionality as per the bid invitation
- Thereafter, only the qualifying bids are evaluated in terms of the 90/10 preference points systems, where the 90 points will be used for price only and the 10 points will be awarded to a bidder for attaining the B-BBEE status level of contributor in accordance with the Table below in 5.1

3.4 Preference points for this bid shall be awarded for:

- (a) Price; and

(b) B-BBEE Status Level of Contribution.

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

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

Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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.

3.5 DEFINITIONS

- 3.5.1 "all applicable taxes" includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- 3.5.2 "B-BBEE" means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 3.5.3 "B-BBEE status level of contributor" means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 3.5.4 "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 services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 3.5.5 "Broad-Based Black Economic Empowerment Act" means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 3.5.6 "comparative price" means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 3.5.7 "consortium or joint venture" 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;
- 3.5.8 "contract" means the agreement that results from the acceptance of a bid by an organ of state;
- 3.5.9 "EME" means any enterprise with an annual total revenue of R5 million or less .
- 6.5.10 "Firm price" means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 3.5.11 "functionality" means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 3.5.12 "non-firm prices" means all prices other than "firm" prices;
- 3.5.13 "person" includes a juristic person;
- 3.5.14 "rand value" means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;

- 3.5.15 "sub-contract" means the primary contractor's assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 3.5.16 "total revenue" bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- 3.5.17 "trust" means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 3.5.18 "trustee" means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3.6. ADJUDICATION USING A POINT SYSTEM

- 3.6.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.6.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;
- 3.6.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.6.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.6.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

3.7. POINTS AWARDED FOR PRICE

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

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

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

Where

- P_s = Points scored for comparative price of bid under consideration
- P_t = Comparative price of bid under consideration
- $P_{\min}$ = Comparative price of lowest acceptable bid

3.8 Points awarded for B-BBEE Status Level of Contribution

- 3.8.1 In terms of Regulation 5 (2) and 6 (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	8	16
4	5	12
5	4	8

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

- 3.8.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.
- 3.8.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 3.8.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 3.8.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 3.8.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 3.8.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 3.8.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

3.9 BID DECLARATION

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

3.9.2. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 3.8.1

B-BBEE Status Level of Contribution: 5 = 8 (maximum of 10 or 20 points)

(Points claimed must be in accordance with the table reflected in paragraph 6.8.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

3.10 SUB-CONTRACTING

- 3.10.1 Will any portion of the contract be sub-contracted? ~~YES~~ / NO (delete which is not applicable)

3.10.1 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? YES / NO (delete which is not applicable)

3.11 DECLARATION WITH REGARD TO COMPANY/FIRM

Name of company/firm	Diesel Electric Services (PTY) LTD
VAT registration number	4190136707
Company registration number	1993/001265/07

3.11.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
☐ One person business/sole propriety
☐ Close corporation
☐ Company
☒ (Pty) Limited
 [TICK APPLICABLE BOX]

3.11.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

Design, manufacture, delivery, installation, commissioning and maintenance of generator sets, distribution boards, UPS' and associated products

3.11.6 COMPANY CLASSIFICATION

- ☒ Manufacturer
☐ Supplier
☐ Professional service provider
☐ Other service providers, e.g. transporter, etc.
 [TICK APPLICABLE BOX]

3.11.7 Total number of years the company/firm has been in business? 28

3.11.8 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 contribution indicated in paragraph 7 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 paragraph 7, 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 contribution 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) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, 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 bidder(s)
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4. Declaration of Bidder's past supply chain management practices (SBD 8)

4.1 This Standard Bidding Document must form part of all bids invited.

4.2 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

4.3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-

4.3.1 Abused the institution's supply chain management system

4.3.2 Committed fraud or any other improper conduct in relation to such system; or

4.3.3 Failed to perform on any previous contract.

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

Item	Question	Yes	No
4.4.1	Is the bidder or any of its directors listed on the National Treasury's database 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 National Treasury after the <i>audi alteram partem</i> rule was applied).	Yes ☐	No ☒
4.4.1.1	If so, furnish particulars:		
4.4.2	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)? To access this Register enter the National Treasury's website, www.treasury.gov.za , click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445.	Yes ☐	No ☒
4.4.2.1	If so, furnish particulars:		
4.4.3	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 ☒
4.4.3.1	If so, furnish particulars:		
4.4.4	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 ☒
4.4.4.1	If so, furnish particulars:		

CERTIFICATION

I, the undersigned (Full Name) Jay Abrahams 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 the Declaration prove to be false.

Abrahams
Signature

22/04/2021
Date

Admin Supervisor
Position

Diesel Electric Services (PTY) LTD
Name of Bidder

5. Certificate of Independent Bid Determination (SBD 9)

- 5.1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.
- 5.2 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.
- 5.3 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.
- 5.4 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.
- 5.5 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.

Certificate of Independent Bid Determination

I, the undersigned, in submitting the accompanying bid:

Rental of 1x1000KVA generator set
(Bid Number and Description)

in response to the invitation for the bid made by:

SANSA.
(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: Diesel Electric Services (PTY) LTD that:

(Name of Bidder)

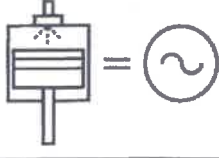
- A. I have read and I understand the contents of this Certificate;
- B. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
- C. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
- D. 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;
- E. 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:
- Has been requested to submit a bid in response to this bid invitation;
 - Could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - Provides the same goods and services as the bidder and/or is in the same line of business as the bidder
- F. 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^a will not be construed as collusive bidding.
- G. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
- prices;
 - geographical area where product or service will be rendered (market allocation)
 - methods, factors or formulas used to calculate prices;
 - the intention or decision to submit or not to submit, a bid;
 - the submission of a bid which does not meet the specifications and conditions of the bid; or
 - bidding with the intention not to win the bid.
- H. 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.
- I. 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.
- ^a 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.
- J. 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

22/04/2021
Date

Admin Supervisor
Position

Diesel Electric Services (PTY) LTD
Name of Bidder

DIESEL ELECTRIC  SERVICES	DIESEL ELECTRIC SERVICES (PTY) LTD 27/29 MEWETT STREET OPHIRTON 2091 TEL: (011) 493-7079 e-mail: dieselectic@icon.co.za Company Reg. No.: 1993/001265/07 V.A.T Reg. No.: 4190136707 P.O. BOX 38112 BOOYSENS 2016 FAX: (011) 493-0282
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EMAIL MESSAGE

To:	SANSA	Att:	Frikkie Meyer
Email:	fmeyer@sansa.org.za	Date:	21 April 2021
Phone:		Pages:	1 of 2
Ref:	SGQ120041RH	From:	Rudolf Holzhausen
Client Ref:	Replacement of EuroDiesel engine		

Dear Sir,

We thank you for this valued enquiry for pricing for the subject equipment and have pleasure in submitting our quotation for your consideration. Our offer is based on Diesel Electric Services standard specification, and is further clarified below.

Diesel Electric Services (Pty) Ltd

Please request a full Company Profile for details of our company if required. We would, however, like to highlight the following:

Staff Compliment: We currently employ approx **520 full-time staff**, separated into many teams, and managed by competent supervisors/managers, i.e. Sales, Service, Technical Support, Installations, Contracting, Manufacturing, etc. This ensures a first-class, quick and suitable response to *any* possible client request or need.

Since 1993 the company has grown from strength to strength and is undoubtedly the largest genset packager in Southern Africa.

Premises: We currently occupy in excess of 25,000 square meters of working space.

SABS Certification: IEC 60439-1 for LV Distribution Boards – We can confirm that Diesel Electric Services Distribution Board design (from Form 1 to Form 4) has been approved by NETFA as **fully type tested to IEC 60439-1**, and furthermore specially type tested to a **70kA fault rating** on both the *main* busbars and *distribution* busbars.

CIDB: We are proud to confirm that Diesel Electric Services has been accredited with both an **8EB** and **8EP** CIDB rating, proving our excellent abilities to perform in our industry.

DIRECTOR: K.J. DONALDSON

**PRICING**

Item	Description	Price excluding VAT
1	Supply, Deliver and Commission of 1x Mitsubishi Engine Complete with removal of existing faulty unit	R 3,169,858.69

EXCLUSION / CLARIFICATIONS:

- Removal of faulty engine
- Supply and installation of new engine.

AVAILABILITY

Delivery period is ex stock, from date of order at present, excluding *public holidays/Christmas shutdown period, subject to prior sale and stock levels*

Stock availability is subject to confirmation upon order.

VALIDITY

This quote is only valid for 30 days.

TERMS & CONDITIONS

Payment terms are 30 days nett subject to the necessary credit approvals. Diesel Electric Services standard terms and conditions of sale apply.

Please do not hesitate to contact the undersigned should you require any further information.

Yours faithfully,

RUDOLF HOLZHAUSEN

Sales Engineer

Tel: 011 493 7079

Fax: 011 493 0282

Email: rudolf@dieselectricservices.co.za

e & oe



national treasury

Department:

National Treasury

REPUBLIC OF SOUTH AFRICA

Private Bag X115, Pretoria, 0001 - Tel: (+27 12) 315 5111

Enquiries: Siphesihle Nyandeni Tel: (012) 406 9018 Fax: (012) 315 5343 Email: Siphesihle.Nyandeni@treasury.gov.za

Dr. Munsami
Chief Executive Officer
South African National Space Agency (SANSA)
PO Box 484
SILVERTON
0127

Email: anodali@sansa.org.za/tmothoa@sansa.org.za

Dear Dr. Munsami

REPORTING: DEVIATION FROM THE COMPETITIVE BIDDING PROCESS: APPOINTMENT OF DIESEL ELECTRIC SERVICES (PTY) LTD

1. National Treasury acknowledges receipt of your letter dated 29 April 2021.
2. South African National Space Agency (SANSA) is reporting a deviation from the competitive bidding process for the appointment of Diesel Electric Services (Pty) Ltd for the Euro diesel engine replacement for a period of three (3) weeks at the total contract amount of R3 645 337.49.
3. The deviation was approved by the Chief Executive Officer on 22 April 2021.
4. The reason provided for the deviation is that it is an emergency procurement due to the catastrophic failure of the euro diesel generator in the early hours of Wednesday, 21 April 2021. The euro diesel generator provides autonomous and uninterrupted back-up electricity to the Hartebeesthoek facilities and this failure is considered a major risk to SANSA Operations. The letter confirming that Diesel Electric Services is the sole supplier in Southern Africa with the capability and KINOLT certification to carry out the required engine change out at SANSA.
5. National Treasury notes the reporting of the deviation.
6. The report was submitted within the prescribed ten (10) working days.

**REPORTING: DEVIATION FROM THE COMPETITIVE BIDDING PROCESS: APPOINTMENT OF
DIESEL ELECTRIC SERVICES (PTY) LTD**

7. SANSA has an obligation to ensure that any contract for goods and services is in accordance with a system which is fair, equitable, transparent, competitive and cost-effective.
8. The award must be published on the e-tender portal/tender bulletin.

Kind regards,

Signed by:URSULA BASANI Duiker
Signed at:2021-05-24 14:20:21 +02:00
Reason:Witnessing URSULA BASANI Du



BASANI DUIKER
CHIEF DIRECTOR: GOVERNANCE, MONITORING AND COMPLIANCE
DATE:



TAX COMPLIANCE STATUS PIN Issued

DIESEL ELECTRIC SERVICES PTY LTD
PO BOX 38112
BOOYSENS
2016

Enquiries should be addressed to SARS:

Contact Detail

SARS
Alberton
1528

Contact Centre Tel: 0800 00 SARS (7277)
SARS online: www.sars.gov.za

Details

Taxpayer Reference Number: 9165354847

Always quote this reference
number when contacting SARS

Issue Date: 2020/05/04

Dear Taxpayer

TAX COMPLIANCE STATUS PIN ISSUED

The South African Revenue Service (SARS) has issued your tax compliance status (TCS) PIN as indicated below:

TCS Details:	
Taxpayer Name	Diesel Electric Services Pty Ltd
Trading Name	DIESEL ELECTRIC SERVICES
Tax Reference Number(s)	IT - 9165354847 Vat - 4190136707 PAYE - 7810718652
Purpose of Request	Good Standing
Request Reference Number	0007368390GS0405200813071
PIN	C976B87927
PIN Expiry Date	04/05/2021

You may authorise a third party to view your TCS by providing them the PIN. The PIN only allows the third party access to your TCS. All other tax information remains secure.

Your TCS displayed is based on your compliance as at the date and time the PIN is used.

You may cancel this PIN at any time before the expiry date reflected above. Once cancelled, a third party will not be able to verify your TCS.

SARS reserves the right to cancel this PIN in the event that it was fraudulently issued or obtained.

Should you have any other queries please call the SARS Contact Centre on 0800 00 SARS (7277). Remember to have your taxpayer reference number at hand when you call to enable us to assist you promptly.

Sincerely

ISSUED ON BEHALF OF THE SOUTH AFRICAN REVENUE SERVICE



BROAD-BASED BLACK ECONOMIC EMPOWERMENT CERTIFICATE OF COMPLIANCE

This serves to certify that:

Enterprise Name	DIESEL ELECTRIC SERVICES (PTY) LTD
Physical Address	27/29 MEWETT STREET
	OPHIRTON
	2091
Registration Number	1993/001265/07
VAT number	4190136707

Has been rated as per the Department of Trade and Industry's Codes of Good Practice gazetted in October 2013. In obtaining the B-BEE Status, Generic Scorecard Principles of Statement 000 of Code 000 paragraph 8 were used based on information provided to 4th Dimension Consultants and is an independent opinion based on verification, validation and audit analysis performed.

The following is the applicable scorecard

	Element Weighting	Score
Ownership:	25	25.00
Management Control:	19	3.89
Skills Development:	20	0.39
Enterprise and Supplier Development:	42	46.00
Socio – Economic Development	5	5.00
	111	80.28

More than 50% Black Owned	25.93% Black Owned
More than 30% Black Female Owned	11.93% Black Women Owned

B-BBEE Status Level	Level 5
B-BBEE Procurement Recognition level	80%
Empowering Supplier	YES
Discounting Factor	YES

M. C. Haffjee
4th Dimension Consultants
Durban

Date issued: 30 March 2020
Expiry date: 29 March 2021



BVA093

Certificate Number: 2020/03/22
This certificate is valid for a period of twelve months



PURCHASE REQUEST

PRQ2104SO00104

Space Operations

Farm No 502JQ
Hartebeesthoek
District Krugersdorp
South Africa

Requester:	Rudi Kamstra	Approver:	
Ordered:	Yes	Signed:	Completed
Requisition Date:	2021-04-21	Date Approved:	
PO Date:			
Requisition Created:	2021-04-21		

Product	Description	Quantity	Cur	Net Price	Amount ex-tax	Supplier	Requ.Date
30002963	Euro diesel engine replacement incl. s	1,00 EA	ZAR	3645337.49	3645337.49	Diesel Electric Services	2021-04-21
				3 645 337,49	3 645 337,49		

