



REQUEST FOR QUOTATION

YOU ARE REQUESTED TO SUBMIT A QUOTATION FOR THE PROVISION OF BOARD EVALUATION

RFQ NUMBER:	ECIC121Q-2022/23
CLOSING DATE AND TIME:	24 February 2023 11H00 (South African Standard Time)
RFQ VALIDITY PERIOD	60 days (Commencing from the RFQ closing date)
DESCRIPTION	Board evaluation
EMAIL FOR SUBMISSION OF QUOTES	procurement@ecic.co.za
ENQUIRY	Mehnaaz Omar Tel: 012 471 3870 procurement@ecic.co.za
This bid is subject to the Preferential Procurement Policy Framework Act No. 5 of 2000 and the Preferential Procurement Regulations, 2022, the General Conditions of Contract (GCC) and, if applicable, any other special conditions of contract. Where, however, the special conditions of contract conflict with the general conditions of contract, the special conditions of contract prevail.	

Contents

A. INTRODUCTION TO THE REQUEST FOR QUOTATION.....	3
1. Introduction	3
2. Purpose	3
3. Document(s) required to substantiate claims for Specific Goal	3
4. Submission of the proposals	4
B. TERMS OF REFERENCE.....	5
5. Scope of work.....	5
C. ANNEXURES.....	8
Annexure 1: Terms and conditions of request for quotation.....	8
Annexure 2: Protection of Personal Information	11
D. APPLICABLE STANDARD BIDDING DOCUMENTS	13
SBD 1	13
SBD 4	16
SBD 6.1	20

A. INTRODUCTION TO THE REQUEST FOR QUOTATION

1. Introduction

1.1 The Export Credit Insurance Corporation of South Africa (SOC) Ltd (ECIC or the Corporation)¹ is a self-sustained state-owned entity listed under Schedule 3B of the Public Finance Management Act 1 of 1999 (as amended) and established in terms of the Export Credit and Foreign Investments Insurance Act 78 of 1957 (as amended).

1.1 The mandate of the ECIC is to facilitate and encourage South African export trade, by underwriting export credit loans and investments outside the country, to enable South African contractors to win capital goods and services contracts in countries outside South Africa. The ECIC is a registered short-term insurer and is regulated by the Financial Sector Conduct Authority and Prudential Authority. Currently exempted in terms of FAIS Notice 78 of 2019.

1.2 ECIC operates from offices at Block C7 Eco Origins Office Park, 349 Witch Hazel Avenue, Highveld Ext 79, Centurion, 0157, South Africa.

2. Purpose

2.1 ECIC requires the services of an external service provider for the independent performance evaluation of its Board of Directors.

3. Document(s) required to substantiate claims for Specific Goal

3.1 For this bid, bidders are requested to provide the following documents in substantiation for their claim of Specific Goals in line with the 2022 Preferential Procurement Regulations:

Table 1

Specific Goals	Document required to substantiate the Specific Goals claim
B-BBEE Procurement Recognition Level	Copy of a valid B-BBEE Certificate or Copy of valid Sworn Affidavit

3.2 Any bid received from a bidder who did not provide the document requested in this paragraph 3 shall be awarded zero points for Specific Goals.

3.3 Points for Specific Goals will be allocated as indicated in paragraph 6.1.1.2 of this RFQ and in the SBD 6.1 Form. Bidders are required to indicate how they claim points for each preference points on the SBD6.1 Form, in the table on page 23 (paragraph 4.1). In the event that a bidder does not indicate the preference points they are claiming, the bidder will be awarded zero (0) points for Specific Goals.

¹ Further information on the ECIC can be found at www.ecic.co.za

4. Submission of the proposals

4.1 Bid documents must be clearly marked for ease of reference.

4.2 Bid documents must be submitted on PDF format to the following email address:

procurement@ecic.co.za

B. TERMS OF REFERENCE

5. Scope of work

5.1 The appointed bidder will be required to provide the following:

5.1.1 Board and Committee Evaluations

5.1.1.1 Evaluate the performance of the Board of Directors, Chairperson of the Board, Board Committees and Chairpersons of the Board Committees in 2021/2022 and 2022/2023 financial years.

5.1.2 Number of members to be evaluated (9 persons)

5.1.2.1 6 independent non-executive directors,

5.1.2.2 1 executive director (CEO), and

5.1.2.3 2 non-executive directors.

5.1.3 Board and Committees to be evaluated

5.1.3.1 Board,

5.1.3.2 Social and Ethics Committee,

5.1.3.3 Finance, Investment and Insurance Committee,

5.1.3.4 Human Resources and Remuneration Committee,

5.1.3.5 Audit Committee, and

5.1.3.6 Risk Committee.

5.1.4 Process of evaluation

5.1.4.1 Individual interviews with all parties.

5.1.4.2 Detailed analysis report from each interview.

5.1.4.3 Consolidated Board report of the findings and recommendations.

5.1.4.4 Individual Committee reports of the findings and recommendations.

5.1.4.5 Report to include an analysis on the individual director personalities and commentary on member(s) compatibility from such analysis.

5.1.4.6 Presentation of the final report(s) to the Board.

6. Bid evaluation

6.1 The proposals will be evaluated as follows:

6.1.1 Evaluation Phase One: Preference point system

6.1.1.1 This bid will be evaluated using the preference points system. The formula below will be used to calculate the preference procurement points for price:

$$Ps = 80 \left(1 - \frac{Pt - Pmin}{Pmin} \right)$$

Where

Ps = Points scored for comparative price of bid under consideration

Pt = Comparative price of bid or offer under consideration

Pmin = Comparative price of lowest acceptable bid

6.1.1.2 ECIC will add the following points for Specific Goals in evaluating for preference points:

Table 2

Specific Goals	Number of points (80/20 system)
B-BBEE Procurement Recognition Level of 135%	20
B-BBEE Procurement Recognition Level of 125%	10
B-BBEE Procurement Recognition Level of 110%	5
Any other B-BBEE Procurement Recognition Level	0

6.1.2 Phase Two: Objective criteria

6.1.2.1 In this evaluation stage, ECIC will check if the bidder has a person who meet the following criteria in awarding the bid:

6.1.2.1.1 The bidder has a significant shareholder or owner (or equivalent) (directly or indirectly) who is classified or can be classified as a Prominent Influential Person (PIP) in accordance with Financial Intelligence Centre Act, 38 of 2001 (FICA).

6.1.2.1.2 The bidder has a shareholder or member or owner (or equivalent) who has questionable integrity status.

- 6.1.2.1.3 The bidder has a director or equivalent who is classified or can be classified as a PIP in accordance with FICA.
- 6.1.2.2 Should it be found during this evaluation stage, that the bidder who has attained the highest points under Evaluation Stage Two (Preference Point System) has persons listed in paragraphs 6.1.2.1.1 to 6.1.2.1.3, ECIC reserves the right to conduct further due diligence on the person(s). Should the outcome of a further due diligence not be satisfactory to ECIC or such a person(s) poses an unacceptable high risk reputation and/or integrity of the person(s) be questionable, ECIC reserves the right not to award the bid to that bidder. This process may be repeated to the next bidder if so required.

C. ANNEXURES

Annexure 1: Terms and conditions of request for quotation

1. The potential bidders are required to provide the goods/services as indicated on the scope of work or specifications of good/services required by the corporation. ECIC standard conditions of purchase shall apply.
2. ECIC reserves the right not to procure the goods and/or services.
3. Late and incomplete submissions will not be accepted.
4. Bidders are required to attach the latest Central Supplier Database (CSD) report from the National Treasury or register their company onto the CSD website address: www.csd.gov.za.
5. Bidders are required to submit B-BBEE Certificates/ sworn affidavits from the dtic website for QSE and EME suppliers with their quotations.
6. All quotations must be in South African Rand. In the event that the quotation is not in South African Rand, ECIC will convert the currency used to quote into South African Rand as at the closing date of the bid.
7. No services must be rendered, or goods delivered before an official ECIC Purchase Order has been sent to the supplier.
8. Bidders are required to complete and return the attached Standard Bidding Documents.
9. Bidders are required to attach the company profile to their submissions, where applicable.
10. ECIC reserves the right to conduct site visits to the selected bidders.
11. ECIC reserves the right to conduct business with ethical suppliers.
12. ECIC reserves the right to disqualify any bidder, based on any one or more of the following, and such disqualification may take place without prior notice to the non-compliant bidder.
 - 12.1. bidders who submitted incomplete information and documentation essential for the adjudication of the requirements of this RFQ;
 - 12.2. bidders who submitted information that is fraudulent, factually untrue or inaccurate, for example memberships that do not exist, experience, etc;
 - 12.3. bidders who received information not available to other vendors through fraudulent means; and/or
 - 12.4. bidders who do not comply with mandatory requirements as stipulated in this RFQ.

REQUEST FOR QUOTATION: PROVISION OF BOARD EVALUATION

Terms of Reference

13. All bidders to note that payments are processed within 30 days after receipt of the invoice.
14. This terms and conditions govern the contract for procurement of goods/services for the ECIC.
15. ECIC reserves the right to request for demonstration of products or items as and when required through presentation.
16. ECIC preferred bidders should obtain a Purchase Order prior to rendering of services or providing goods to the corporation. Should there be additional services/goods which were not part of the initial purchase order, ECIC will not be responsible for payment of such without a purchase order.
17. **Awarding a bid**
 - 17.1. ECIC will not award a bid to a bidder:
 - 17.1.1. Who is or the bidder's director(s), trustee(s), shareholder(s), member(s), partners(s) or any person(s) having controlling interest in the bidder are restricted to conduct business with the State.
 - 17.1.2. Who is in the employ of the State or has a director(s), trustee(s), shareholder(s), member(s), partners(s) or any person(s) having controlling interest in the bidder who is in the employ of the State as contemplated in the Public Administration Management Act, 11 of 2014 and is prohibited from conducting business with the State in terms of section of PAMA.
 - 17.1.3. Who is in the service of the State or has a director(s), trustee(s), shareholder(s), member(s), partners(s) or any person(s) having controlling interest in the bidder and has not declared their business interest as required in the applicable SBD4 form.
 - 17.1.4. Has been found to have transgressed Prevention and Combating of Corrupt Activities Act, 12 of 2004 (as amended).
 - 17.1.5. Has been found to have transgressed or is transgressing the Competition Act, 89 of 1998 (as amended).
 - 17.2. ECIC shall not award a bid or contract or order to a bidder whose tax affairs are not compliant, except to foreign bidders with no tax obligations in South Africa.
 - 17.3. For a bidder or the bidder's director(s), trustee(s), shareholder(s), member(s), partners(s) or any person(s) having controlling interest in the bidder who have declared their business interest as required in the applicable SBD4 form, ECIC will not award a bid to a bidder who has declared their interest and:
 - 17.3.1. Is prohibited from conducting business with the State; or

- 17.3.2. Does not have permission to conduct remunerative work outside their employment.
- 17.4. ECIC will verify with the relevant Organ of State to determine if paragraphs 17.3.1 and 17.3.2 are not applicable.
- 17.5. ECIC will assume that, the person contemplated in paragraph 17.3 is prohibited from conducting business with the State or the person does not have permission to conduct remunerative work outside their employment if it does not receive any response within 21 days from such verification request to an Organ of State.
- 17.6. ECIC will then recommend to award the bid to the bidder who achieved the second highest preference points, and should it be established that, the bidder who achieved the second highest preference points have a person contemplated in paragraph 17.3, ECIC will conduct verification as contemplated in paragraphs 17.4 and 17.5. This step can be performed to up to the bidder who achieved the third highest preference points.

Annexure 2: Protection of Personal Information

PROTECTION OF PERSONAL INFORMATION

1. ECIC recognises that when the Bidder submit its proposal in response to this Request for Quotations, it will provide personal information, which ECIC will process for the sole purpose of evaluating the Bidder's proposal. By submitting its proposal in responding to this Request for Quotations, the Bidder hereby provide its consent to the processing of its Personal Information by ECIC.
2. The following terms shall have the meaning ascribed to them:
 - 2.1. **"Personal Information"** shall bear the same meaning as ascribed to it under POPI;
 - 2.2. **"POPI"** means Protection of Personal Information Act, No. 4 of 2013;
 - 2.3. **"Responsible Party"** shall bear the same meaning as ascribed to it under POPI; and
 - 2.4. **"RFQ"** means this Request for Quotations.
3. ECIC as the Responsible Party undertakes to:
 - 3.1. comply with the provisions of POPI as well as all applicable legislation as amended or substituted from time to time;
 - 3.2. treat all Personal Information strictly as defined within the parameters of POPI;
 - 3.3. process Personal Information only in accordance with the consent it was obtained for, for the purpose agreed, as permitted by law;
 - 3.4. secure the integrity and confidentiality of any Personal Information in its possession or under its control by taking appropriate, reasonable technical and organisational measures to prevent loss, damage, unauthorised destruction, access, use, disclosure or any other unlawful processing of Personal Information;
 - 3.5. not transfer any Personal Information to any third party in a foreign country unless such transfer complies with the relevant provisions of POPI regarding transborder information flows; and
 - 3.6. not retain any Personal Information for longer than is necessary for achieving the purpose in terms of RFQ or in fulfilment of any other lawful requirement.
4. ECIC will ensure that all reasonable measures are taken to:
 - 4.1. identify reasonably foreseeable internal and external risks to the Personal Information in its possession or under its control;

REQUEST FOR QUOTATION: PROVISION OF BOARD EVALUATION

Terms of Reference

- 4.2. establish and maintain appropriate security safeguards against the identified risks;
 - 4.3. regularly verify that the security safeguards are effectively implemented;
 - 4.4. ensure that the security safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards;
 - 4.5. provide immediate notification to the Bidder if a breach in information security or any other applicable security safeguard occurs; provide immediate notification to the Bidder where there are reasonable grounds to believe that the Personal Information has been accessed or acquired by any unauthorised person;
 - 4.6. remedy any breach of a security safeguard in the shortest reasonable time and provide the Bidder with the details of the breach and, if applicable, the reasonable measures implemented to address the security safeguard breach;
 - 4.7. provide immediate notification to the Bidder where the Bidder has, or reasonably suspects that, Personal Information has been processed outside of the purpose agreed to or consented to;
 - 4.8. provide the Bidder, upon request, with all information of any nature whatsoever relating to the processing of the Personal Information for the purpose of the RFQ and any applicable law; and
 - 4.9. notify the Bidder, if lawful, of receipt of any request for access to Personal Information, in its possession and relating to the Bidder.
5. The Bidder has the right to inspect the Personal Information processing operations, as well as the technical and organisational information security measures employed by the ECIC to ensure compliance with the provisions of this Annexure.

REQUEST FOR QUOTATION: PROVISION OF BOARD EVALUATION

Terms of Reference

D. APPLICABLE STANDARD BIDDING DOCUMENTS

SBD 1

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE EXPORT CREDIT INSURANCE CORPORATION OF SOUTH AFRICA (SOC) LIMITED					
BID NUMBER:	ECIC121Q-2022/23	CLOSING DATE:	24 February 2023	CLOSING TIME:	11H00
DESCRIPTION	PROVISION OF BOARD EVALUATION				
BID RESPONSE DOCUMENTS MUST BE SENT TO THE FOLLOWING EMAIL ADDRESS:					
procurement@ecic.co.za					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Mehnaaz Omar		CONTACT PERSON	Mehnaaz Omar	
E-MAIL ADDRESS	procurement@ecic.co.za		E-MAIL ADDRESS	procurement@ecic.co.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]

REQUEST FOR QUOTATION: PROVISION OF BOARD EVALUATION

Terms of Reference

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, 2022 ~~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."

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:

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

- 1.1. 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.
- 1.2. 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 interest² in the enterprise, **YES/NO** employed by the state?
- 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

² 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.

REQUEST FOR QUOTATION: PROVISION OF BOARD EVALUATION

Terms of Reference

- 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:

Full Name (Name of person employed by Export Credit Corporation of South Africa (SOC) Ltd, the procuring institution)	Relationship

- 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:

Name of Related Enterprise	Registration (ID) Number

3. DECLARATION

I, the undersigned, 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 consortium³ will not be construed as collusive bidding.
- 3.4. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.5. 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.
- 3.6. There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.7. 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.

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.

REQUEST FOR QUOTATION: PROVISION OF BOARD EVALUATION

Terms of Reference

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.

Name of declarer			
Position/Title of declarer			
Name of bidder			
Signature of declarer		Date of signature	

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

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

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

1. GENERAL CONDITIONS

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

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

1.1.2 the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 **To be completed by the organ of state**
(delete whichever is not applicable for this tender).

~~1.2.1 The applicable preference point system for this tender is the 90/10 preference point system.~~

1.2.2 The applicable preference point system for this tender is the 80/20 preference point system.

~~1.2.3 Either the 90/10 or 80/20 preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.~~

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

1.3.1 Price; and

1.3.2 Specific Goals.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80.00
SPECIFIC GOALS	20.00
TOTAL POINTS FOR PRICE AND SPECIFIC GOALS	100.00

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

2. DEFINITIONS

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

3.1 POINTS AWARDED FOR PRICE

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

or

90/10

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

P_{min} = Price of lowest acceptable tender

~~3.2.1 POINTS AWARDED FOR PRICE~~

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

~~or~~

~~90/10~~

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

~~Where~~

~~Ps = Points scored for price of tender under consideration~~

~~P_t = Price of tender under consideration~~

~~P_{max} = Price of highest acceptable tender~~

4. POINTS AWARDED FOR SPECIFIC GOALS

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

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

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.

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

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
B-BBEE Procurement Recognition Level of 135%	N/A	20	N/A	
B-BBEE Procurement Recognition Level of 125%	N/A	10	N/A	
B-BBEE Procurement Recognition Level of 110%	N/A	5	N/A	
Any other B-BBEE Procurement Recognition Level	N/A	0	N/A	

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

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

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

REQUEST FOR QUOTATION: PROVISION OF BOARD EVALUATION

Terms of Reference

DECLARATION WITH REGARD TO COMPANY/FIRM

NAME OF COMPANY/FIRM			
COMPANY REGISTRATION NUMBER (ID NUMBER)			
TYPE OF COMPANY/ FIRM [TICK APPLICABLE BOX]			
Partnership/Joint Venture / Consortium	☐	Personal Liability Company	☐
One-person business/sole propriety	☐	(Pty) Limited	☐
Close corporation	☐	Non-Profit Company	☐
Public Company	☐	State Owned Company	☐

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

4.3.1 The information furnished is true and correct;

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

4.3.3 In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;

4.3.4 If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –

4.3.4.1 disqualify the person from the tendering process;

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

4.3.4.3 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;

4.3.4.4 recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ

of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and

4.3.4.5 forward the matter for criminal prosecution, if deemed necessary.

SIGNATURE(S) OF TENDERER(S)	
NAME AND SURNAME (AUTHORISED SIGNATORY)	
SIGNATURE	
ADDRESS	
DATE OF SIGNATURE	