

	NTCSA Panels Request for Quotation (RFQ)	Document Identifier	559-1521022609	Rev	1
		Effective Date	01 July 2024		
		Review Date	July 2027		

NATIONAL TRANSMISSION COMPANY SOUTH AFRICA SOC LTD

REQUEST FOR QUOTATION

FOR

PROVISION OF OWNER'S : PAULPUTS 2nd 500MVA 400/132kV TRANSFORMER

RFQ number	OLT2120088
Issue date	17 September 2024
Closing date and time	10 October 2024 at 10h00 (SAST)
RFQ validity period	Twelve (12) weeks after closing
Clarification meeting	A non-compulsory clarification meeting will be held on: Date: 01 October 2024 Time: 10h00 (SAST) Venue: Microsoft Teams (Virtual) Tenderers can participate in the virtual clarification meeting by clicking on the link below. Link: Join the meeting now Note: Tenderers to do a regular check on their emails dedicated for this panel for any addendums, as all clarification pertaining to this RFQ will be sent from the NTCSA email to their dedicated email addresses. It is the responsibility of the Tenderer to check their dedicated emails for this panel for updates and to ensure their response to the RFQ provides for information communicated also through the NTCSA email.
Tenders are to be sent via email to the following email address on the stipulated closing date and time:	Email address: Informaltendering@eskom.co.za

Dear Sir/Madam

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LETTER OF INVITATION

National Transmission Company South Africa Limited SOC Ltd ("NTCSA") invites you to submit a quotation for the Provision of Owner's Engineer (OE) (Overarching scope of work for the Owner's Engineer: PAULPUTS 2nd 500MVA 400/132Kv Transformer. In responding to this Request for Quotation (RFQ), please indicate the RFQ number **OLT2120088** and task description you are tendering for.

NTCSA has delegated the responsibility for this Request for Quotation to the NTCSA Representative for whose name and contact details are set out in the Tender Data. Queries relating to these Invitation documents may be addressed to the NTCSA Representative.

The Tenderer shall submit its response to the RFQ in compliance with the RFQ requirements stated below and by the stipulated deadline. Due to the OLT system email size limit of 10MB, the Tenderer may submit more than one e-mail with attachments.

If you do not wish to respond to this invitation for whatever reason, kindly respond accordingly with reasons, quoting the relevant RFQ number.

Yours faithfully



Lungile Gcwensa
Procurement Manager
NTCSA SOC Ltd

Date: 17.09.2024

1.1 The following documents listed hereunder are attached to this enquiry.

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Number	Description	Annexure/to be downloaded and attached	Attached (Y/N/ N/A)
1.1.1	*Authorisation Form	Annexure A	Y
1.1.2	*Integrity Declaration Form (refer to www.NTCSA.co.za for the Supplier Integrity Pact that suppliers are required to download and read)	Annexure B	Y
1.1.3	*SBD 6.1 - Preference Points Claim Form in terms of PPPFA 2022 regulations	Annexure C	Y
1.1.4	*SBD 4 – Bidders Disclosure	Annexure D	Y
1.1.5	*CPA Requirements for Local Goods/Services	Annexure E	Y
1.1.6	Supplier Performance Review	Annexure F	Y
1.1.7	CIDB Contract Skills Development Goals (CSDG) The contractor shall achieve in the performance of the contract the CSDG established in the CIDB Standard for Developing Skills through Infrastructure contracts published in GN 1779, Government Gazette No. 48481 of 28 April 2023].	[To be downloaded from CIDB (Form A1 List of Recognised Skills Development Agencies, Form A2 Baseline Training Plan, Form A3 Project Interim Report, Form A4 Supervisor Agreement, Form A5 Project Completion Report)]	N
1.1.8	Scope of Work	Attached	Y
1.1.9	Task Order Template	Attached	Y
1.1.10	Bill of Quantities (BOQ)	Attached	Y

1.2 Tender Data

Number	Tender Data
1.2.1 Parties	The Employer is NTCSA SOC Ltd The NTCSA Representative is: Name: Thomas Manaka Tel: 011 800 5471 E-mail: Manakamt@ntcsa.co.za

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	1st tier Escalations can be directed to: Name: Lungile Gcwensa Tel: 011 800 8869 E-mail: GcwensLG@ntcsa.co.za 2nd tier Escalations can be directed to: Name: Frans Poee Tel: +27 11 800 5661 E-mail: PoeeF@ntcsa.co.za
1.2.2 NTCSA's rights to accept or reject any tender	The tender shall be for the whole of the contract.
1.2.3 Flagging of suppliers	FLAGGING OF SUPPLIERS: Flagging of supplier is a process where a “flag” is placed on a supplier in respect of the following: - Those suppliers implicated in serious misconduct by the Zondo Report or the SIU pending the finalization of supplier disciplinary measures against these suppliers; and - Other suppliers implicated in serious misconduct and a breach of the NTCSA Supplier Integrity Pact by a forensic report or other source of credible information, such as the SAPS, the NPA, the SIU or other related source. - The implications of this “flag” are as follows: No new contracts or extension of existing contracts may be awarded to the supplier pending finalization of supplier disciplinary processes against the supplier. As such, the supplier’s bid should be removed from any tender evaluation at the “eligibility” or “compliance” assessment stage of the evaluation. - Checking of supplier’s status prior to submission of quotes: Panel suppliers are required to check their status with Vendor management prior to submission of quotations. A supplier is contractually obliged to notify NTCSA of any official changes to its legal name, changes to its legal persona, ownership and management, and any cessions of rights and delegation of obligations in terms of contracts with NTCSA. Where a supplier undergoes a name change without changes to its legal persona, ownership and / or management, then such a name change must be duly notified to NTCSA within 30 days thereof.

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	All appropriate documentation confirming the name change, together with all updated documentation containing the supplier's new name must be submitted to NTCSA. The supplier's registration number will not be changed in this instance. Where a registered supplier undergoes a merger /acquisition between various entities and / or a change in ownership and / or management, then such a supplier is obliged to notify NTCSA of the change, within 30 days thereof. Failure to notify NTCSA of such a change may result in the supplier not being paid due to the new name and new banking details. Where a supplier duly notifies NTCSA of such change, such notification must be accompanied by a new application to register as a supplier on the NTCSA Supplier Database. The supplier, in its new form, must re-apply to be registered on the NTCSA Supplier Database, against appropriate supporting documentation. The supplier will receive a new supplier number. Changed banking details, company registration documents and certified letters from suppliers will be required in order to re-register. The record on the system will be changed to reflect the new details. In the case of changes to the legal persona of the supplier of an existing contract, a due diligence needs to be conducted. This entails Transmission identifying possible risks due to the change to the supplier's legal persona and requesting documents to their satisfaction from the supplier. The following due diligence checks must be completed: 1. The Legal Department must determine any risk in terms of possible changed liabilities and indemnities; 2. The SHEQ department must ensure that the changed entity can still fulfil the requirements as set out in the contract document; 3. Technical must ensure that the changed entity still has the capabilities and capacity to execute the contract; 4. The Procurement Practitioner must ensure that all applicable certificates are valid and in the name of the changed entity; 5. SDL&I will determine if the changed entity has the same or a better level of B-BBEE as at contract award stage. If not the same or better, then conditions may be stated in the modification (which will be part of the contract) to meet the same level or better within a certain period;
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	6. The Finance Department must ensure that there is no financial risk to NTCSA. Where due diligence is required in terms of the requirements above and a supplier has responded to the RFQ with the potential of being the successful tenderer for the RFQ, The Employer may elect to consider the second highest ranked tenderer from the evaluation process for award of the task order. The contact person for Vendor Management services is: Name: Hlekani Motjiyeng Tel: +27 11 621 3076 Email: MotjiyHB@ntcsa.co.za Supplier Performance Review Tenderers to note that the successful supplier may be subjected to supplier performance review during project execution (Appendix 1 - TPD Contractor Evaluation Tool Rev 16_excel)
1.2.4 Tender Closing	The deadline for Quotation submission is: Date: 10 October 2024 Time: 10h00 (SAST) All enquiry returnables/documentation must be submitted using the OLT System by emailing the response to Informaltendering@eskom.co.za. <u>Please note the following rules with respect to the OLT system (Informal Tendering)</u> a) Please ensure that the email subject line only contains the OLT2120088 Enquiry number as per heading and no other information. Do not add any text to the subject line. Do not add any space in between the prefix and the enquiry number. b) Ensure that the enquiry number is stipulated in the subject line on all e-mails if multiple emails are sent. c) Ensure that you receive a confirmation email after submitting your documentation. Please follow up immediately via the email address of the respective buyer if you did not receive this. d) Maximum attachment size per email is 10MB. It is the supplier's obligation to ensure that the attachments per email do not exceed this limit. e) Please note closing date and time on the RFQ. Your submission will not be evaluated if it is received after the closing date and time of the RFQ.

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	f) All tender returnables/documentation must be submitted to <u>Informaltendering@eskom.co.za</u> only. g) E-mails to any other address (except for clarifications) will not be accepted. h) Failure to comply with these rules, will result in your tender being disqualified. i) Requests for Clarifications must be sent in writing to the respective buyer at <u>ManakaMT@ntcsa.co.za</u>												
1.2.5 Clarification on enquiry documents	The tenderer will notify the Employer of any clarifications required before the closing time for clarification queries, which is five (05) working days before the deadline for tender submission.												
1.2.6 Evaluation of Price	Prices will be evaluated as follows: 1. Inclusive of VAT; 2. Corrected for arithmetical errors; 3. Excluding contingencies in any bill of quantities or activity schedule' 4. Adjusted for any other acceptable variations, deviations, or alternative tenders submitted; and 5. Making a comparison of the Net Present Value of each adjusted tender based on the tendered programme (if provided) and prices, on the estimated effect of Price Adjustment Factors and rate of exchange fluctuations (if applicable) and on other evaluation parameters relating to uncertainty and risk, where applicable. 6. Unconditional discounts will be taken into account for evaluation purposes. 7. Conditional discounts will not be taken into account for evaluation purposes but will be implemented when payment is effected. Prices will be scored out of 80 or 90 points.												
1.2.7 Evaluation of Specific Goals	Specific goals/preference points will be scored out of 10 or 20 points in accordance with Eskom Procurement and Supply Chain Management Procedure. The following specific goals score card applies: <table><tr><th>B-BBEE Status Level of Contributor</th><th>Number of points allocated (90/10 system)</th><th>Number of points allocated (80/20 system)</th></tr><tr><td>1</td><td>20</td><td>10</td></tr><tr><td>2</td><td>18</td><td>9</td></tr><tr><td>3</td><td>14</td><td>6</td></tr></table>	B-BBEE Status Level of Contributor	Number of points allocated (90/10 system)	Number of points allocated (80/20 system)	1	20	10	2	18	9	3	14	6
B-BBEE Status Level of Contributor	Number of points allocated (90/10 system)	Number of points allocated (80/20 system)											
1	20	10											
2	18	9											
3	14	6											

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	4	12	5
	5	8	4
	6	6	3
	7	4	2
	8	2	1
	Non-compliant contributor	0	0
	To claim preference points as specific goals/preference points, a tenderer must submit the following documentation: - Valid B-BBEE certificate issued by a B-BBEE verification professional/ an affidavit/ CIPC affidavit. - Proof of ownership/ shareholding (preferably CIPC documentation) inclusive of shareholding breakdown, - Certified ID copies of shareholder(s) - Proof of Disability (where applicable). A tenderer failing to provide documentation for the allocation of preference points will not be disqualified, but- a) may only score points out of 80 or 90 for price b) scores 0 points out of 10 or 20 for specific goals. NOTE: Failure on the part of a supplier to submit “proof of B-BBEE status level of contributor” for purposes of evaluation and scoring by the tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects). The tenderer will, however, be scored zero on B-BBEE for purposes of PPPFA scoring and ranking.		
1.2.8 Ranking of tenders	Suppliers will be ranked by applying the preferential point scoring for the 90/10 or 80/20 system. NTCSA will add the score from Pricing and Specific Goals together and rank the suppliers from the highest to the lowest. Either 80/20 or 90/10 will apply should there be a degree of uncertainty on which system will apply. The lowest acceptable tender will be used to determine the applicable preference system. Please note: -		

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	NTCSA reserves the right to award to a tenderer who may not be the highest scoring/highest ranked tenderer, in line with Section (2) (1) (f) of the PPPFA.						
1.2.9 Objective Criteria	Objective criteria are applicable. Please note that NTCSA may award the contract to a tenderer other than the highest scoring if objective criteria justify the award. The following objective criteria apply to the enquiry: Skills Development Targets The Construction Skills Development Goal % (CSDG) 0.25%. <table border="1"> <thead> <tr> <th>Criteria</th><th>Eskom Target</th></tr> </thead> <tbody> <tr> <td>CSDG Percentage</td><td>0.25%</td></tr> <tr> <td>Description</td><td>Professional Services</td></tr> </tbody> </table> Note: Failure by the Contractor/Service Provider/Supplier to meet the CIDB CSDG mandatory 0.25% will render their tender non-responsive. Job Creation Tenderers are required to submit proposals for the type and number of jobs that will be created and retained in South Africa as a direct result of being awarded a contract. As security for the fulfilment of all SDL&I obligations, NTCSA will apply a penalty of 2.5% of every invoice amount (excluding VAT) for failure to submit SDL&I performance reports every quarter; or failure to meet the SDL&I obligations in a contract. Please note:- NTCSA reserves the right to award to a tenderer who may not be the highest scoring/highest ranked tenderer, in line with Section (2) (1) (f) of the PPPFA.	Criteria	Eskom Target	CSDG Percentage	0.25%	Description	Professional Services
Criteria	Eskom Target						
CSDG Percentage	0.25%						
Description	Professional Services						
1.2.10 Contractual Requirements	Contractual Requirements include the following: SHEQ requirements Panel members are pre-qualified, and the recommended supplier will be evaluated for SHEQ for site readiness. Financial viability (submission of financial statements)						

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	Audited Financial Statements of the tenderer for the previous 18 months must be submitted. A financial analysis of the recommended supplier will be conducted to ensure financial viability of the supplier.
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Please note:

Tenderers are requested to bear in mind NTCSA's standard payment terms as stipulated hereunder when submitting tenders and concluding contracts with NTCSA:

NTCSA reserves the right to negotiate with preferred bidders after a competitive bidding process or price quotations; should the tendered prices not be deemed market related.

Main contractors/ suppliers are discouraged from subcontracting with their subsidiary companies as this may be interpreted as subcontracting with themselves and / or using their subsidiaries for fronting. Where a main contractor subcontracts with a subsidiary this must be declared in tender documents.

“proof of B-BBEE status level of contributor” means-

- (a) the B-BBEE status level certificate issued by an authorised body or person; or
- (b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or
- (c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act

1.3 **TENDER RETURNABLES**

The tenderer must submit the returnable set out hereunder as part of its tender at the stipulated deadline.

NOTE:

*** Returnable required at Tender closing (disqualifiable) - These returnable are required to be fully completed, signed (if required on the returnable) and submitted with the tender at Tender closing date and time. If not fully completed, signed (if required on the returnable) and/or submitted by tender closing the tender must be disqualified.**

**** Returnable required at Tender closing. (Non-disqualifiable) – These returnable are also required to be fully completed, signed (if required on the returnable) and submitted with Tender at Tender closing date and time, however, if not submitted by Tender closing, the Procurement Practitioners must request in writing the outstanding returnable to be submitted within 5 working days. If the requested returnable are not fully completed, signed (if required on the returnable) and/or received by the Procurement Practitioner within 5working days of the request; the tender must be disqualified. The 5 working days requirement does not apply to CIDB proof of grading. (Refer to the returnable table under CIDB reference for prescribed period)**

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These returnable are mandatory for evaluation and therefore required at tender closing time and date. These will not be requested by the Procurement Practitioner, however the tenderer will not be disqualified but score zero.

Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
Annexure A	Authorisation Form		✓	
Annexure B	Integrity Pact Declaration form		✓	
Annexure C	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations		✓	
Annexure D	SBD 4 – Bidders Disclosure		✓	
Annexure E	CPA for local goods/services (if applicable)		✓	
Annexure F	Supplier Performance Review			✓
Supplier Development Localization & Industrialization (SDL&I)	Attached SDL&I Strategy / undertaking will apply.			✓
# Specific Goals (B-BBEE Certificate)	A tenderer's failure to submit proof that it meets the specific goals will not result in its disqualification. The tenderer will, however, be scored zero for Specific Goals for purposes of PPPFA scoring and ranking.		✓	
Tax Clearance Certificates	A certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by NTCSA and/or their CSD profile / CSD number). Foreign suppliers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required.			✓
Tax Evaluation Questionnaire (if services contract)	Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE		✓	

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and was included as annexure)				
Compliance with Employment Equity Act	To the extent that the tenderer falls within the definition of a “designated Employer” as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only)			✓
Task Order Template and BOQ	Completed pricing (Task order and Bill of Quantities)	✓		
Due Diligence / financial analysis	Audited Financial Statements of the tenderer for the previous 18 months, or to the extent that such statements are not available, for the last year. In the case of a joint venture or special purpose vehicle (SPV) specially formed for this tender, audited financial statements for each participant in the JV / SPV must be submitted. Start-up enterprises formed within the last 12 months are not required to submit audited financial statements, but if successful in this enquiry; will be required to furnish statements for the first year once available.			✓
Project Schedule	The successful tenderer will be required to submit programme in accordance with NEC Core clause 31.2 Contractor’s schedule integrity requirements practice notice 240-53207174 and NEC Works information clause 2.6.			✓

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ANNEXURE A

AUTHORISATION FORM

Indicate the status of the *tenderer* by ticking the appropriate box below.

A COMPANY	B CLOSE CORPORATION	C PARTNERSHIP	D JOINT VENTURE	E SOLE PROPRIETOR

The *tenderer* must complete the appropriate certificate set out below for its category of organisation. If the *tenderer* is a company, close corporation or joint venture, the *tenderer* must attach a certified copy the document that is proof of the contents of the certificate (resolution of the board of directors of a company, members' resolution of a close corporation, or power of attorney in the case of a joint venture).

Note further that the authorised representative of the *tenderer* will in addition be required to sign the form at the end in addition to the relevant certificate for category of organisation.

A. Certificate for company

I, _____, in my capacity as _____ of the board of directors of _____, hereby confirm that by resolution of the board taken on _____ (date), Mr/Ms _____, acting in his/her capacity of _____, is authorised to submit this tender on behalf of the company, and to sign all documents in connection with this tender and any contract that may result from it on behalf of the company. The resolution of the board is annexed to this Form.

Signed:	Date:
Name:	Position:

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B. Certificate for close corporation

I, _____, in my capacity as member of _____, hereby confirm that by majority vote of the members taken on _____ (date), Mr/Ms _____, acting in his/her capacity of _____, is authorised to submit this tender on behalf of the close corporation, and to sign all documents in connection with this tender and any contract that may result from it on behalf of the close corporation. The members' resolution is annexed to this Form.

Signed:	Date:
Name:	Position: (Member)

C. Certificate for partnership

We, the undersigned, being the **key partners** in the business trading as _____ hereby authorise Mr/Ms _____, acting in his/her capacity of _____, to submit this tender on our behalf, and to sign all documents in connection with the tender and any contract that may result from it on our behalf.

Name	Address	Signature	Date

NOTE: This certificate is required to be completed and signed by the full number of Partners necessary to commit the Partnership. Attach additional pages if more space is required.

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D. Certificate for Joint Venture

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise Mr/Ms _____, an authorised signatory of the company _____, being the lead member in the Joint Venture, to sign all documents in connection with the tender and any contract that may result from it on behalf of all the members in the Joint Venture.

This authorisation is evidenced by the attached power of attorney signed by the legally authorised signatories of all the members in the Joint Venture.

Furthermore we attach to this Form a copy of the Joint Venture Agreement which incorporates a statement that all members in the Joint Venture are liable jointly and severally for the execution of the contract, a term that indicates the member that will be the lead member, and terms that indicate the ratios according to which work and payment will be divided amongst the members.

Name of JV member	Address	Authorised signature, name and capacity
Lead partner		

E. Certificate for sole proprietor

I, _____, hereby confirm that I am the sole proprietor of the business trading as _____

Signed:	Date:
Name:	Position: (Sole Proprietor)

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NOTE: The table hereunder to also be fully completed by all *tenderers* irrespective of the category of organisation selected and completed above.

Name of tenderer:	
Full names of authorised signatory:	
Designation and capacity:	
Signature of authorised signatory	
Date of signature:	

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ANNEXURE B

INTEGRITY DECLARATION FORM

DECLARATION OF INTEREST

I/We understand that any natural/legal person, including employees of the State and/or those related to an NTCSA employee/director (as per the definition of “related” set out hereunder), may tender to NTCSA. However, in view of possible allegations of favouritism (the practice of showing favour to, or giving preference to some person/group, to the detriment of, or at the expense of another that is entitled to equal treatment or an equal opportunity), should the resulting tender, or part thereof, be awarded to such natural/legal person, as described herein, it is required that the *tenderer/s* declare such interest/relationship where:-

2. the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors in the state or a state owned entity.
3. the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors of NTCSA
4. the *tenderer/s* employees/directors are also employees/contractors/consultants or directors in another entity together with NTCSA employees/consultants/contractors/ directors
5. the *legal person/s (including its employees/contractors/directors/members/ shareholders)* on whose behalf the tender documents are signed, is in some other way “related” to an NTCSA employee/contractor/consultant/director involved in the tender evaluation/tender adjudication/tender negotiation. “Related” meaning that:-
 1. an individual is related to another individual if they are married, or live together in a relationship similar to marriage;
 2. or are separated by no more than two degrees of natural or adopted consanguinity or affinity;
 3. an individual is related to a juristic person if the individual directly or indirectly controls the juristic person, as determined in accordance with the definition of “control” (as per Companies Act section 2(1)) ; and

1.a juristic person is “related” to another juristic person if:-

1. either of them directly/indirectly controls the other, or the business of the other, as determined in accordance with the definition of “control” (as per Companies Act section 2(1));
2. either is a subsidiary of the other; or
3. a person directly/indirectly controls each of them, or the business of each of them, as determined in accordance with the definition of “control”
6. the *tenderer/s* and one or more of the *tenderers* in this tendering/RFP process have a controlling partner in common, or a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another tenderer or influence the decisions of NTCSA regarding this bidding process.

To give effect to the provisions above, please complete the table hereunder with all required information.

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Full Name & Capacity/ Position within tenderer (e.g. employee/Director/member/ owner/shareholder)	Identity Number	Confirm and provide details (including employee number) if you are a State/State owned entity employee/contractor/ director.	Full Names & Capacity/Position of NTCSA employee/ director/ consultant and details of the relationship or interest (marital/ familial/personal/ financial etc.)	To your knowledge is this person involved in the evaluation/ adjudication/ negotiation of tenders

1. If any employee/director/member/shareholder/owner of tenderer/s is also currently employed by NTCSA, state whether this has been declared and whether there is authorisation(Y/N) to undertake remunerative work outside public sector employment and attach proof to this declaration.

Do the tenderer/s and other tenderer in this tendering/RFP process share a controlling partner or have any relationship with each other, directly or through common third parties? (Y/N) If Yes, attach proof to this declaration.

2. DECLARATION OF FAIR TENDERING PRACTICES

This serves as a declaration that when goods/services are being procured, all reasonable steps have been taken to address and/or prevent the exploitation of the procurement process and the use of any unfair tendering practices.

A **tender** will be disqualified if the *tenderer/s*, or any of its directors have:

1. abused the institution's procurement process (e.g. bid rigging/collusion)
2. committed fraud or any other improper conduct in relation to such system.

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Please complete the declaration with an 'X' under YES or NO

Item	Question	Yes	No
1.1	Is the <i>tenderer/s (or any of its directors/members/shareholders)</i> listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector <i>[Note: Companies/persons who are listed on the Database were informed in writing of this restriction by the Authority/Accounting Officer of the institution that imposed the restriction after the audi alteram partem rule was applied].</i> The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za).		
1.2	Is the <i>tenderer/s (or any of its directors / members / shareholders)?</i> listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004) The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za).		
1.3	Was the <i>tenderer/s (or any of its directors/members/shareholders)</i> convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years?		
1.3.1	Provide details.		
1.4	Was the <i>tenderer/s(or any of its directors/members/shareholders)</i> prohibited from doing business with any International Financial Development/funding Agency or Lending Institution		
1.5	Is there any history/record of the <i>tenderer/s (or any of its directors/members/shareholders)</i> failing to meet their contractual obligation with any SOC?		

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3. DECLARATION OF SHAREHOLDING INFORMATION

I, the undersigned _____ [Position] _____ hereby declare that I am the duly authorised representative of _____ [Name of Tenderer].

I further declare that the following individuals and/or entities listed hereunder are Shareholders in _____ [Name of Tenderer]:

Note that this information in the tables hereunder must be fully completed for each tenderer (including incorporated JVs). In event that the tenderer is an unincorporated JV, this must be completed for each JV member. Please add additional rows if required.

Individuals:

Full Name	Identity Number	Shareholding Percentage

Other Entities*:

Full Legal / Trading Name	Registration Number/Trust Number	Shareholding Percentage	Full name and surname of the directors/beneficiaries/shareholders of the shareholding entity	Identification Numbers of the shareholders/directors/beneficiaries of the shareholding entity

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I, the undersigned, _____ (full names) hereby confirm that I am duly authorised to sign all documents in connection with this tender and any contract resulting from it on behalf of _____ (insert the full legal name of tenderer).

I declare that I have read and understood the provisions of the Supplier Integrity Pact, that all information furnished herein is correct, that it is understood that the tenderer's tender/proposal may be rejected, and that NTCSA will act against the tenderer should any aspect of this this declaration prove to be false, and

I give my consent for this information to be used for the purpose as described in this Integrity Declaration Form and/or in relation to the Supplier Integrity Pact, and

I further consent that information provided in terms of this Integrity Declaration Form may be processed for verification of conflicts of interest and other ancillary purposes by NTCSA. Such processing may include the sharing of the information with third parties.

Signature:	
Designation and capacity in which signing	
Date:	

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Joint Ventures

I, the undersigned, _____(full names) hereby confirm that acting in the capacity of lead partner, I am duly authorised to sign all documents in connection with the tender and any contract resulting from it on behalf of _____ (insert the full legal name of the JV); and

I declare that I have read and understood the provisions of the Supplier Integrity Pact, that all information furnished herein is correct, that it is understood that the JV's tender/proposal may be rejected, and that NTCSA will act against the JV should any aspect of this declaration prove to be false; and

I give my consent for this information to be used for the purpose as described in this Integrity Declaration Form and/or in relation to the Supplier Integrity Pact, and

I further consent that information provided in terms of this Integrity Declaration Form may be processed for verification of conflicts of interest and other ancillary purposes by NTCSA. Such processing may include the sharing of the information with third parties.

Signature:	
Designation and capacity in which signing	
Date:	

(A copy of the joint venture agreement which incorporates a statement that all partners are liable jointly and severally for the execution of the contract and that the lead partner is authorised to incur liabilities, receive instructions and payments and be responsible for the entire execution of the contract for and on behalf of any and all the partners is attached to the invitation to tender/Request for proposal).

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ANNEXURE C

SBD 6.1

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. The following preference point systems are applicable to invitations to tender:
 1. the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
 2. the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1. To be completed by the organ of state

(delete whichever is not applicable for this tender).

1. The applicable preference point system for this tender is the 90/10 preference point system.
2. The applicable preference point system for this tender is the 80/20 preference point system.
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. Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:
 1. Price; and
 2. Specific Goals.

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1. To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

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

2. 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.
3. 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.

3. DEFINITIONS

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. **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
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;
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
5. **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

6. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

1. POINTS AWARDED FOR PRICE

3.1.1 THE 90/10 PREFERENCE POINT SYSTEMS

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

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90/10

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

Where

- Ps = Points scored for price of tender under consideration
Pt = Price of tender under consideration
Pmin = Price of lowest acceptable tender

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

1. 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 tender under consideration
Pt = Price of tender under consideration
Pmax = Price of highest acceptable tender

7. POINTS AWARDED FOR SPECIFIC GOALS

- 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:
- 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—

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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
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.

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)

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DECLARATION WITH REGARD TO COMPANY/FIRM

1. Name of company/firm.....
2. Company registration number:
3. TYPE OF COMPANY/ FIRM
 - ☐ Partnership/Joint Venture / Consortium
 - ☐ One-person business/sole propriety
 - ☐ Close corporation
 - ☐ Public Company
 - ☐ Personal Liability Company
 - ☐ (Pty) Limited
 - ☐ Non-Profit Company
 - ☐ State Owned Company
[TICK APPLICABLE BOX]
4. 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:
 1. The information furnished is true and correct;
 2. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
 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. 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 –
 1. disqualify the person from the tendering process;
 2. recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 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. 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*

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- alteram partem* (hear the other side) rule has been applied; and
5. forward the matter for criminal prosecution, if deemed necessary.

.....	
SIGNATURE(S) OF TENDERER(S)	
SURNAME AND NAME:	
DATE:	
ADDRESS:	

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Annexure D

SBD 4

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.

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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**

1. If so, furnish particulars:

.....
.....

3. DECLARATION

I, the undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

3.1 I have read and I understand the contents of this disclosure;

3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;

3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.

3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.

3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

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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.

1. 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

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ANNEXURE E

CONTRACT PRICE ADJUSTMENT (CPA) REQUIREMENTS FOR LOCAL GOODS AND SERVICES.

The application of contract price adjustment (CPA) to tender submissions

Note: This Section will not be applicable to Professional services contracts (See relevant section hereunder for guidelines on this).

1. Application of CPA

- CPA conditions may apply if the contractual duration is to be longer than 12 months.
- If the contractual duration will be less than or equal to 12 months, a fixed priced offer must be submitted.
- For contracts with a duration more than twelve (12) months, CPA will not be applicable for the first year. CPA will then only be applied from year two (2) onwards.
- Failure to propose contract price adjustment, or submit a CPA formula with the tender submission, will result in the pricing being considered fixed.
- NTCSA will not accept Rate of Exchange adjustment to be included in any CPA formula.
- Local indices may not be used for CPA purposes for any imported component.
- There must be separate CPA formulae for local and foreign CPA. Local and foreign escalation may not be combined into one formula.

2. Tender Submissions

NTCSA Proposed CPA breakdown for Local Goods and Service

Formula A						
<i>Index Reference</i>	<i>Proposed portions/Weightings of each index</i>	<i>Description of Index</i>	<i>Full Title of Index published as</i>	<i>Source Publisher of Index</i>	<i>Base Month</i>	<i>Base Price/Base Index Figure</i>
A1						
A2						
A3						
	15%	Fixed portion not subject to CPA				
Total	100%					

Note: Tenderers to take note that, if the NTCSA proposed CPA breakdown is not populated, they are required to refer to the Pricing Schedule in the NEC or other Contract or standalone Pricing Schedule for NTCSA's proposed CPA breakdown.

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NTCSA CPA Conditions/Requirements

- Tenderers are required to submit CPA that is aligned to NTCSA's proposed CPA breakdown in this Tender; or Tenderers may submit an alternative CPA proposal from NTCSA's CPA proposal, and this will be considered if deemed acceptable to NTCSA;
- Note that for contracts exceeding a duration of 12 months if there is no CPA catered for by the tenderer; then prices will be deemed to be fixed and firm.
- A minimum of 15% of the total agreement value is to be fixed when a CPA formula is applied,
- Each CPA formula must add up to a final total of 100.
- Only official published CPA indices that are in the public domain must be used.
- No in-house indices may be used for CPA.
- There may be more than 1 CPA formula (Formula A, B, C etc) or a combination of all the cost components into 1 Formula (depending on how the pricing is to be submitted.
- If there are specific line items for Labour and Transport, individual Formulae might be used.

Note: NTCSA reserves the right to negotiate CPA terms and conditions during negotiations held with tenderers.

3. BASE DATE AND BASE PRICE

- In instances of indices or other references published monthly, the Base Date is to be the month before the month in which the Enquiry closes.
- In instances where the reference figures, e.g. market prices, are published daily or at intervals more than once a month; then the average for the month before the month in which the Enquiry closes should be used as the Base Price.

4. CPA FOR PROFESSIONAL SERVICES

- The preferred index to be used for adjusting these agreements is the country specific CPI Headline index.
- The price adjustment factor will be effective from each contractual anniversary of the contract date. This must be the average of the country specific CPI Headline index figures published for the last twelve-month period (cycle) ending before the contract anniversary date.

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Closing date of tender:	
Name of tenderer:	
Full names of authorised signatory:	
Signature:	
Date of signature:	

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ANNEXURE F

SUPPLIER PERFORMANCE REVIEW

When entering into a contract with NTCSA, contractor/ supplier performance management will be done to realize the contemplated outcomes. NTCSA will monitor the performance of the contractor/supplier for the duration of the contract, as part of the contractor performance review process. The contractor/supplier agrees to participate in the performance evaluation that NTCSA has adopted. NTCSA will use a performance evaluation tool attached as **Appendix 1 - TPD Contractor Evaluation Tool Rev 16_excel** as the basis for assessing whether the contractor/supplier has met the performance expectations applicable to the awarded contract. NTCSA will periodically review the performance of the contractor/supplier as and when required at any stage while the contract remains in force.

The performance tool (Appendix 1 - TPD Contractor Evaluation Tool Rev 16_excel) sets out:

- *The performance objectives and targets that must be met by the contractor/supplier in accordance with the weighting allocated to each objective.*

NTCSA will inform the contractor/supplier about the specific performance indicators that will be included in the performance management system as applicable to the contractor/supplier.

The performance schedule or agreeing to participate in the performance management system shall not diminish the obligations, duties or accountabilities of the contractor/supplier in terms of the contract or other rights of the Employer.”

Appendix 1 - TPD Contractor Evaluation Tool Rev 16_excel identifies the minimum threshold that must be achieved and maintained. Failure to achieve and maintain a minimum score as stipulated in the tool, NTCSA reserves its rights to refer the contractor/supplier to place an embargo/moratorium on the contractor/supplier to receive further contracts with NTCSA.

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