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# **Request for Proposal for Job Grading and Evaluation for the Denel Group for a period of three (3) years**

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**REF: DG495/04/29/2025**

**Date Issued: 2<sup>nd</sup> May 2025**

**Closing date and time: 12<sup>th</sup> May 2025**

**Bid Validity Period: 180 days**

**TENDER BOX ADDRESS:**

DENEL SOC LTD

CORPORATE OFFICE RECEPTION

NELLMAPIUS DRIVE

IRENE

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PART A: INVITATION TO TENDER

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THE PURPOSE OF THIS RFP :

- Denel is looking to appoint a suitable, competent and qualified service for Job Grading and Evaluation.
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**Tenderers should ensure that Tenders are delivered timeously and to the correct address (reflected on the cover page of this document). If the Tender is late, it will not be considered for evaluation.**

**The Tender box is open during the following hours (09:00 to 15:00) Monday to Friday.**

**ALL TENDERS MUST BE SUBMITTED ON THIS DOCUMENT – (NOT TO BE RE-TYPED)**

**No Tenders received by facsimile, email or any other similar medium will be considered.**

THIS TENDER IS SUBJECT TO THE GENERAL CONDITIONS OF CONTRACT (*Refer to Annexure L*) AND SPECIAL CONDITIONS SPECIFIED IN THIS RFT, WHICH ARE SET OUT IN PART C OF THIS DOCUMENT.

|                                                                                                              |
|--------------------------------------------------------------------------------------------------------------|
| THE FOLLOWING PARTICULARS MUST BE FURNISHED (FAILURE TO DO SO MAY RESULT IN YOUR TENDER BEING DISQUALIFIED). |
|--------------------------------------------------------------------------------------------------------------|

|                                                                                        |  |
|----------------------------------------------------------------------------------------|--|
| NAME OF TENDERER                                                                       |  |
| POSTAL ADDRESS:                                                                        |  |
| STREET ADDRESS:                                                                        |  |
| CONTACT PERSON (FULL NAME):                                                            |  |
| EMAIL ADDRESS:                                                                         |  |
| TELEPHONE NUMBER:                                                                      |  |
| FAX NUMBER:                                                                            |  |
| TENDERER REGISTRATION NUMBER OR<br>REGISTRATION NUMBER OF EACH ENTITY IN<br>CONSORTIUM |  |

|                                                                                                 |     |                          |    |                          |
|-------------------------------------------------------------------------------------------------|-----|--------------------------|----|--------------------------|
| <b>TENDERER VAT REGISTRATION NUMBER OR VAT REGISTRATION NUMBER OF EACH ENTITY IN CONSORTIUM</b> |     |                          |    |                          |
| <b>TAX CLEARANCE CERTIFICATE SUBMITTED OR PIN?</b>                                              | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
| <b>B - BBEE CERTIFICATE SUBMITTED?</b>                                                          | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
| <b>REGISTERED WITH THE NATIONAL TREASURY CENTRAL SUPPLIER DATABASE (CSD)</b>                    | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
| <b>FULL NAME OF AUTHORISED REPRESENTATIVE:</b>                                                  |     |                          |    |                          |
| <b>CAPACITY IN WHICH AUTHORISED REPRESENTATIVE SIGNS:</b>                                       |     |                          |    |                          |
| <b>SIGNATURE OF AUTHORISED REPRESENTATIVE:</b>                                                  |     |                          |    |                          |
| <b>DATE OF SIGNATURE</b>                                                                        |     |                          |    |                          |

## PART B: CHECKLIST OF COMPULSORY RETURNABLE SCHEDULES AND DOCUMENTS

### Please adhere to the following instructions:

Tick in the relevant block below

Ensure that the following documents are completed and signed where applicable:

Use the prescribed sequence in attaching the annexures that complete the Tender Document

**NB: Should all of these documents not be included; the Tenderer may be disqualified on the basis of non-compliance.**

**YES      NO**

- |                          |                          |                                                                                                                                                      |
|--------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | One (1) original and one (1) electronic copy on a CD/USB for Qualifying and Functionality Evaluations                                                |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>Part A:</b> Invitation to Tender (with a signature of an authorised representative of the Tenderer)                                               |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>Part C:</b> Specifications, Conditions of tender and Undertakings by Tenderer (with a signature of an authorised representative of the Tenderer)  |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>Annexure A:</b> Schedule of Rates/Price Proposal                                                                                                  |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>Annexure B:</b> Executive Summary                                                                                                                 |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>Annexure C:</b> SBD2 - Tax Clearance Certificate Requirement                                                                                      |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>Annexure D:</b> Declaration of Interest                                                                                                           |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>Annexure E:</b> SBD6.1 Preference point System                                                                                                    |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>Annexure H:</b> Certified copies of your CIPC company registration documents listing all members with percentages, in case of a close corporation |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>Annexure I:</b> Certified copies of latest share certificates, in case of a company.                                                              |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>Annexure K:</b> Supporting documents in response to Mandatory Criteria /Requirements                                                              |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>Annexure L:</b> General Conditions of Contract                                                                                                    |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>Annexure M:</b> Supporting documents - CSD Registration Summary Report                                                                            |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>Annexure N:</b> Recent references and transactions the Tenderer has handled as specified in this document                                         |

☐☐

**Annexure O:** Proposed Human Resources and Organogram

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**Annexure P:** EE report or detailed employee profile report and Transformation Plan **(if applicable)**

## **PART C: SPECIFICATIONS, CONDITIONS OF TENDER AND UNDERTAKINGS BY TENDERER**

### **DEFINITIONS**

In this Request for Proposals, unless a contrary intention is apparent:

- 1.1 B-BBEE means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act, 2003 (Act No 53 of 2003);
- 1.2 **B-BBEE Act** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No 53 of 2003);
- 1.3 **B-BBEE status level** means the B-BBEE status received by a measured entity based on its overall performance used to claim points in terms of Regulation 6 and 7 of the Preferential Procurement Regulations, 2022;
- 1.4 **Business Day** means a day which is not a Saturday, Sunday or public holiday;
- 1.5 **Tender** means a written offer in the prescribed or stipulated form lodged by a Tenderer in response to an invitation in this Request for Tender("RFT"), containing an offer to provide goods, works or services in accordance with the Specification as provided in this RFT;
- 1.6 **Tenderer** means a person or legal entity, or an unincorporated group of persons or legal entities that submit a Tender;
- 1.7 **Companies Act** means the Companies Act, 2008 (Act No 71 of 2008);
- 1.8 **Compulsory Documents** means the list of compulsory schedules and documents set out in table1 of this document;
- 1.9 **Closing date and time** means the Date and time, specified as such under the Clause 4 (Tender Timetable) in this document, by which Tenders must be received;
- 1.10 **Denel** means **Denel** SOC Ltd, a state-owned company with registration number: 1992/001337/30) or any of its Divisions and Subsidiaries;
- 1.11 **Evaluation Criteria** means the criteria set out under the Clause 22 (Evaluation Process) of this document, which includes the Mandatory Criteria, Functional Criteria (gate 1) and Price and Preferential Points (gate 2) Assessment;
- 1.12 **Functional/Technical Criteria** means the criteria set out in clause 22.2 referring to the qualify specification of supply and delivery of heavy fuel oil in accordance with the relevant standards. Refer this document;
- 1.13 **Includes or including** means includes or including without limitation;

- 1.14 **Intellectual Property Rights** means all rights, title and interests in and to any creation of the mind that is capable of being protected by statute or through common law including, but not limited to, Copyright, Designs, Know-how, Patents and Trademarks and any other ensuing Intellectual Property Rights and interests of a similar nature whether registerable or not;
- 1.15 **NKP** means an area declared as a National Key Point area in terms of the National Key Point Act, 1980 (Act No 102 of 1980) as amended;
- 1.16 **PFMA** means the Public Finance Management Act, 1999 (Act No 1 of 1999), as amended;
- 1.17 **PPPFA** means the Preferential Procurement Policy Framework Act, 2000 (Act No 5 of 2000) as amended;
- 1.18 **PPPFA Regulations** means the Preferential Procurement Regulations 2022, published in terms of the PPPFA;
- 1.19 **Price and Preferential Points Assessment** means the process described in Clause 22.3 of this document, as prescribed by the PPPFA.
- 1.20 **Rand or R** is a reference to the lawful currency of the Republic of South Africa;
- 1.21 **Request for Tender** or **RFT** means this document including all annexures and any other documents so designated by Denel;
- 1.22 **SARS** means the South African Revenue Service;
- 1.23 **Services** means the services required by Denel, as specified in this RFT/P;
- 1.24 **SLA** means Service Level Agreement that will be concluded between Denel and successful Tenderer;
- 1.25 **SOC** means State Owned Company, as defined by the Companies' Act;
- 1.26 **Specification** means specification or description of Denel's requirements contained in this RFT;
- 1.27 **State** means the Republic of South Africa;
- 1.28 **Tendering Process** means the process commenced by the issuing of this Request for Tenders and concluding upon formal announcement by Denel of the selection of a successful Tenderer(s) or upon the earlier termination of the process;
- 1.29 **Website** means a website administered by Denel under its name with web address [www.denel.co.za](http://www.denel.co.za);

**Note:** The term SLA and Contract are used interchangeably in this document.

## **INTRODUCTION**

Denel (SOC) Ltd is the largest manufacturer of defence equipment in South Africa and operates in the military aerospace and landward defence environment. Incorporated as a private company in 1992 in terms of the South African Companies Act (No 62 of 1973)

Denel's sole shareholder is the South African Government and the following are Divisions / Units that constitute Denel:

- Denel Corporate
- Denel Land Systems
- Denel Aeronautics
- Denel PMP
- Denel Vehicles Systems
- Denel Industrial Properties
- Denel Dynamics
- Denel Overberg Test Range
- Denel ISS

## **PURPOSE OF THIS REQUEST FOR PROPOSAL (RFP)**

The purpose of this RFP is to obtain proposals from suitably qualified and experienced XXXXXX

## **LEGISLATIVE FRAMEWORK OF THE BID**

### **Tax Legislation**

- 1.1.1 Bidder(s) must be compliant when submitting a proposal to Denel SOC Ltd and remain compliant for the entire contract term with all applicable tax legislation, including but not limited to the Income Tax Act, 1962 (Act No. 58 of 1962) and Value Added Tax Act, 1991 (Act No. 89 of 1991).
- 1.1.2 It is a condition of this bid that the tax matters of the successful bidder be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.
- 1.1.3 The Tax Compliance status requirements are also applicable to foreign bidders / individuals who wish to submit bids.
- 1.1.4 It is a requirement that bidders grant a written confirmation when submitting this bid that SARS may on an ongoing basis during the tenure of the contract disclose the bidder's tax compliance status and by submitting this bid such confirmation is deemed to have been granted.

- 1.1.5 Bidders are required to be registered on the Central Supplier Database and the National Treasury shall verify the bidder's tax compliance status through the Central Supplier Database.
- 1.1.6 Where Consortia / Joint Ventures / Sub-contractors are involved, each party must be registered on the Central Supplier Database and their tax compliance status will be verified through the Central Supplier Database.

### **Procurement Legislation**

Denel SOC Ltd has a detailed evaluation methodology premised on Treasury Regulation 16A3 promulgated under Section 76 of the Public Finance Management Act, 1999 (Act, No. 1 of 1999), the Preferential Procurement Policy Framework Act 2000 (Act, No.5 of 2000) and the Broad-Based Black Economic Empowerment Act, 2003 (Act, No. 53 of 2003).

### **Technical Legislation and/or Standards**

Bidder(s) should be cognisant of the legislation and/or standards specifically applicable to the services.

### **BRIEFING SESSION**

The will not be site briefing

### **TIMELINE OF THE BID PROCESS**

The period of validity of tender and the withdrawal of offers, after the closing date and time is 180 days. The project timeframes of this bid are set out below:

| <b>Activity</b>                                           | <b>Due Date</b>    |
|-----------------------------------------------------------|--------------------|
| <b>Advertisement of bid on Government e-tender portal</b> | <b>02 May 2025</b> |
| <b>Questions relating to bid from bidder(s) Q&amp;A</b>   |                    |
| <b>Round 1 – 06/05/2025 – 08/05/2025</b>                  | 09 May 2025        |
| <b>Round 2 –</b>                                          |                    |
| <b>Bid closing date</b>                                   | 12 May 2025        |

**All dates and times in this bid are South African standard time.**

Any time or date in this bid is subject to change at Denel SOC Ltd discretion. The establishment of a time or date in this bid does not create an obligation on the part of Denel SOC Ltd to take any action, or create any right in any way for any bidder to demand that any action be taken on the date established. The bidder accepts that, if Denel SOC Ltd extends the deadline for bid submission (the Closing Date) for any reason, the requirements of this bid otherwise apply equally to the extended deadline.

### **CONTACT AND COMMUNICATION**

- 1.2 A nominated official of the bidder(s) can make enquiries in writing, to the tender committee via email address [TenderResponse@denel.co.za](mailto:TenderResponse@denel.co.za). Bidder(s) must reduce all telephonic enquiries to writing and send to the above email address.
- 1.3 The delegated office of Denel SOC Ltd may communicate with Bidder(s) where clarity is sought in the bid proposal.
- 1.4 Any communication to an official or a person acting in an advisory capacity for Denel SOC Ltd in respect of the bid between the closing date and the award of the bid by the Bidder(s) is discouraged.
- 1.5 All communication between the Bidder(s) and Denel SOC Ltd must be done in writing.
- 1.6 Whilst all due care has been taken in connection with the preparation of this bid, Denel SOC Ltd makes no representations or warranties that the content of the bid or any information communicated to or provided to Bidder(s) during the bidding process is, or will be, accurate, current or complete. Denel SOC Ltd, and its employees and advisors will not be liable with respect to any information communicated which may not accurate, current or complete.
- 1.7 If Bidder(s) finds or reasonably believes it has found any discrepancy, ambiguity, error or inconsistency in this bid or any other information provided by Denel SOC Ltd (other than minor clerical matters), the Bidder(s) must promptly notify Denel SOC Ltd in writing of such discrepancy, ambiguity, error or inconsistency in order to afford Denel SOC Ltd an opportunity to consider what corrective action is necessary (if any).
- 1.8 Any actual discrepancy, ambiguity, error or inconsistency in the bid or any other information provided by Denel SOC Ltd will, if possible, be corrected and provided to all Bidder(s) without attribution to the Bidder(s) who provided the written notice.
- 1.9 All persons (including Bidder(s)) obtaining or receiving the bid and any other information in connection with the Bid or the Tendering process must keep the contents of the Bid and

other such information confidential, and not disclose or use the information except as required for the purpose of developing a proposal in response to this Bid.

#### **LATE BIDS**

- 1.10 Bids received after the closing date and time, at the address indicated in the bid documents, will not be accepted for consideration and where practicable, be returned unopened to the Bidder(s).

#### **COUNTER CONDITIONS**

- 1.11 Bidders' attention is drawn to the fact that amendments to any of the Bid Conditions or setting of counter conditions by Bidders or qualifying any Bid Conditions will result in the invalidation of such bids.

#### **FRONTING**

- 1.12 Government supports the spirit of broad based black economic empowerment and recognizes that real empowerment can only be achieved through individuals and businesses conducting themselves in accordance with the Constitution and in an honest, fair, equitable, transparent and legally compliant manner. Against this background the Government condemn any form of fronting.
- 1.13 The Government, in ensuring that Bidders conduct themselves in an honest manner will, as part of the bid evaluation processes, conduct or initiate the necessary enquiries/investigations to determine the accuracy of the representation made in bid documents. Should any of the fronting indicators as contained in the Guidelines on Complex Structures and Transactions and Fronting, issued by the Department of Trade and Industry, be established during such enquiry / investigation, the onus will be on the Bidder / contractor to prove that fronting does not exist. Failure to do so within a period of 14 days from date of notification may invalidate the bid / contract and may also result in the restriction of the Bidder /contractor to conduct business with the public sector for a period not exceeding ten years, in addition to any other remedies Denel SOC Ltd may have against the Bidder / contractor concerned.

#### **SUPPLIER DUE DILIGENCE**

- 1.14 Denel SOC Ltd reserves the right to conduct supplier due diligence prior to final award or at any time during the contract period. This may include site visits and requests for additional information.

## **SUBMISSION OF PROPOSALS**

- 1.15 Bid documents shall only be placed in the tender box OR couriered to the aforesaid address (Denel SOC Ltd, Nellmapius Drive, Irene) on or before the closing date and time.
- 1.16 The bidder(s) are required to submit (one (1) original and one (1) CD-ROM or (1) Memory Stick with content of each file by the 12 May 2025 at 12:00. Each file and CD-ROM must be marked correctly and sealed separately for ease of reference during the evaluation process. Furthermore, the file and information in the CD-ROM or Memory Stick must be labelled and submitted in the following format
- 1.17 Bidders are requested to initial each page of the tender document on the top right hand corner.

## **PRESENTATION / DEMONSTRATION**

- 1.18 Denel SOC Ltd reserves the right to request presentations/demonstrations from the short-listed Bidders as part of the bid evaluation process.

## **DURATION OF THE CONTRACT**

- 1.19 Once of Contract

## **GENERAL CONDITIONS OF SPECIFICATION**

- 1.20 All intellectual proprietary rights emanating from this project will reside with Denel.
- 1.21 All reports and working paper files shall become the property of Denel.
- 1.22 The prospective service providers must submit an all-inclusive price and detailed cost breakdown schedule (the price must be VAT inclusive).
- 1.23 Travelling costs and time spent or incurred between the service provider offices and Denel or home and office the staff shall not be for the account of Denel
- 1.24 Payment will be strictly based on completed and approved deliverables and time spent and not only based on time spent at Denel.
- 1.25 The successful bidder will be expected to conduct themselves in a manner that will be seen as part of Denel.

## **PART D**

### **SCOPE OF WORK**

#### **1. Purpose/Introduction**

- 1.1 Denel has an approved Organisational Structure aligned to the Strategy. Denel has four Divisions within the Group and there is a need to profile and grade all positions of the entire Group Denel structure including the divisions. The purpose of this project is to conduct job profiling and grading a key to ensuring fairness and consistency within and amongst jobs on the organisational structure.

#### **2. OBJECTIVES OF THE REQUIRED SERVICES**

- 2.1 This process of profiling of all positions will be centralised at Denel Corporate Office, to ensure alignment and consistency across all the positions within the Group.
- 2.2 There is a need to review all positions on the Organisational structure to ensure we determine the worth and value of each position on the structure. The job profiling and grading (evaluation) will establish remuneration differentiation between different positions and establish internal hierarchy of positions. The grading system to be used is the Paterson Grading System.
- 2.3 The second phase of this Job Profiling and Grading will be conducting benchmarking of Denel salary bands with our competitors in the industry and similar entities.

### **3. Project Specification**

- 3.1 Job Profiling of approximately 845 positions- Interviews to be held with respective job holders and their Line Managers. All Job Profiles to be signed off by incumbents, Line Managers and respective HR.
- 3.2 Job Grading (Evaluation) of 845 positions using Paterson Grading system.
- 3.3 Benchmarking the salary bands with the market and also provide the data from Reward-on-line, benchmarking software.
- 3.4 Annual subscription to the Reward-on-line data.
- 3.5 Training of identified Job Evaluation committees and/or HR representatives.

## EVALUATION AND SELECTION CRITERIA

Denel SOC Ltd has set minimum standards (Gates) that a bidder needs to meet in order to be evaluated and selected as a successful bidder. The minimum standards consist of the following:

| Pre-qualification Criteria (Gate 0)                                                                                                                          | Technical Evaluation Criteria (Gate 1)                                                                                  | Price and B-BBEE Evaluation (Gate 2)                                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| Bidders must submit all documents as outlined in paragraph 21.1 (Table 1) below.<br>Only bidders that comply with ALL these criteria will proceed to Gate 1. | Bidder(s) are required to achieve a minimum of <b>80</b> points out of 100 points to proceed to Gate 2 (Price and BEE). | Bidder(s) will be evaluated out of 100 points and Gate 2 will only apply to bidder(s) who have met and exceeded the threshold of 80 points. |

### 1.26 Gate 0: Pre-qualification Criteria

1.26.1 Without limiting the generality of Denel SOC Ltd's other critical requirements for this Bid, bidder(s) must submit the documents listed in **Table 1** below. All documents must be completed and signed by the duly authorised representative of the prospective bidder(s). During this phase Bidders' responses will be evaluated based on compliance with the listed administration and mandatory bid requirements. The bidder(s) proposal may be disqualified for non-submission of any of the documents.

**Table 1: Documents that must be submitted for Pre-qualification**

| Document that must be submitted                         | Non-submission may result in disqualification? |                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------------------------------|------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Invitation to Bid – SBD 1</b>                        | YES                                            | Complete and sign the supplied pro forma document                                                                                                                                                                                                                                                                                                                                                      |
| <b>Tax Status<br/>Tax Clearance Certificate – SBD 2</b> | YES                                            | Written confirmation that SARS may on an ongoing basis during the tenure of the contract disclose the bidder's tax compliance status. (Refer Section 4.1.4)<br>Proof of Registration on the Central Supplier Database (Refer Section 4.1.5)<br>Vendor number<br>In the event where the Bidder submits a hard copy of the Tax Clearance Certificate, the CSD verification outcome will take precedence. |
| <b>Declaration of Interest – SBD 4</b>                  | YES                                            | Complete and sign the supplied pro forma document                                                                                                                                                                                                                                                                                                                                                      |

|                                                                                                                                                                                     |     |                                                                                                                                                                                                                                                                                                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Company Registration with CIPC</b>                                                                                                                                               | YES | Certified Copy of the Firm's Company Registration with the Companies and Intellectual Property Commission (CIPC)                                                                                                                                                                                                                                       |
| <b>Banking Details and Trust Account</b>                                                                                                                                            | YES | Original letter from the bank on official letterhead, with stamp, confirming Current Banking Details.                                                                                                                                                                                                                                                  |
| <b>The bidder to submit proof of registration with the Commissioner for Compensation for Injuries and Diseases Act (COIDA) (Certificate to be Valid during awarding of tender).</b> | YES | Submit proof                                                                                                                                                                                                                                                                                                                                           |
| <b>Registration on Central Supplier Database (CSD)</b>                                                                                                                              | NO  | The bidder must be registered as a service provider on the Central Supplier Database (CSD). If you are not registered proceed to complete the registration of your company prior to submitting your proposal. Visit <a href="https://secure.csd.gov.za/">https://secure.csd.gov.za/</a> to obtain your vendor number.<br>Submit proof of registration. |
| <b>Membership Accreditation</b>                                                                                                                                                     | YES | South African Reward Association                                                                                                                                                                                                                                                                                                                       |
| <b>Pricing Schedule</b>                                                                                                                                                             | YES | Submit full details of the pricing proposal as per Annexure A in a separate envelope                                                                                                                                                                                                                                                                   |
| <b>Proof of Registration</b>                                                                                                                                                        | YES | Registration with Provident Fund/ NBC                                                                                                                                                                                                                                                                                                                  |
| <b>B-BBEE Certificate</b>                                                                                                                                                           | YES | Bidder must be EME or QSE B-BBEE level 1 with 51% Black Ownership; and 30% Black Women Ownership (BWO); and/ or 30% Black Youth Ownership (BYO); and/ or 30% Black Persons Living with Disabilities (BPLD).                                                                                                                                            |
| <b>For JV's, a copy of the joint venture agreement or consortia which submit joint Tenders.</b>                                                                                     |     | Submit proof                                                                                                                                                                                                                                                                                                                                           |
| <b>Bidders must present a list of all envisaged Sub-contractors (First tier Service Providers)</b>                                                                                  |     | Submit Proof                                                                                                                                                                                                                                                                                                                                           |
| <b>Copy of the organization's shareholder agreement (If applicable), and certified copies of all shareholder certificates and ID copies</b>                                         |     | Submit proof                                                                                                                                                                                                                                                                                                                                           |

#### 1.27 Gate 1: Technical Evaluation Criteria = 100 points

All bidders are required to respond to the technical evaluation criteria scorecard and compliance checklist. This involves the number of years competing in similar work, monetary size of contract / agreements, references. Refer below for detailed information.

| CRITERIA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | WEIGHTING | SCORE                                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The Team Leader should possess a relevant (Organisational Development/Design qualification with a minimum of eight (8) experience within the Job Profiling and Grading (Job Evaluation process).                                                                                                                                                                                                                                                                                                                                                                                                                                        | 30        | <p>Eight (8) years and above experience and qualification in OD and JE=<b>30 points</b></p> <p>Eight Year (8) experience and qualification Human Resources Management <b>10 points</b></p> <p>Less than eight years of experience and no relevant qualifications = <b>0 point</b></p> |
| Each Team Member should have at least five (5) years benchmarking or Job evaluation Experience within the industry or similar (Public Sector).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 20        | <p>Five years and above in Public Sector =<b>20 points</b></p> <p>Less than 5 years or 5 years and above in any other industry= <b>10 points</b></p> <p>No Experience = <b>0 Point</b></p>                                                                                            |
| <b>Company Experience</b><br><br>Number of years in the industry: A minimum of five (5) years' total experience in the business in the provision of Job Profiling and Evaluation services is to be indicated.                                                                                                                                                                                                                                                                                                                                                                                                                           | 20        | <p>Above five (5) =<b>20 points</b></p> <p>Five years =<b>10 points</b></p> <p>Less than five (5) years= <b>0</b></p>                                                                                                                                                                 |
| <b>Reference Letters</b><br><br>Bidders must provide references from the Five (5) clients on COMPLETED PROJECTS where the Bidder has been providing or has provided similar services within the last five (5) years.<br><br><b>Each letter must be on a client letterhead and include:</b> <ul style="list-style-type: none"> <li>A brief description of services including the duration and the period the services were completed.</li> <li>Contact details includes: (Name and Surname, Position, Landline Phone number and e-mail address)</li> <li>Value of the Project/Contract</li> </ul> <b>(No contract or Purchase Order)</b> | 30        | <p>More than five reference letters =<b>30 points</b></p> <p>Five Reference Letters =<b>10 points</b></p> <p>Two reference letters =<b>5 points</b></p> <p>Less than two reference letters= <b>0 points</b></p>                                                                       |

|  |  |  |
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|--|--|--|

NB\* Bidder need to score a minimum of **80 points** to qualify next stage of evaluation (Pricing)

## 1.28 Gate 2: Price and Specific Goals (80+20) = 100 points

1.28.1 Only Bidders that have met the **80 points** thresholds in Gate 1 will be evaluated in Gate 2 for price and Specific Goals. Price and Specific Goals will be evaluated as follows:

1.28.2 In terms of regulation 6 of the Preferential Procurement Regulations pertaining to the Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000), responsive bids will be adjudicated on the 80/20-preference point system in terms of which points are awarded to bidders on the basis of:

- The bid price (maximum 80 points)
- Specific goal (maximum 20 points)

### 1) Stage 1 – Price Evaluation (80 Points)

| Criteria                                                  | Points |
|-----------------------------------------------------------|--------|
| Price Evaluation                                          |        |
| $Ps = 80 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right)$ | 80     |

The following formula will be used to calculate the points for price:

Where

- Ps = Points scored for comparative price of bid under consideration
- Pt = Comparative price of bid under consideration
- Pmin = Comparative price of lowest acceptable bid

## 2) Stage 2 – Specific Points allocation

| The specific goals allocated points in terms of RFX/tender     | Number of points allocated (80/20 system) | Number of points allocated (90/10 system) |
|----------------------------------------------------------------|-------------------------------------------|-------------------------------------------|
| Black-owned enterprises,51% owned by Black people              | 10                                        | 5                                         |
| Black-owned enterprises,30% owned by Black women               | 5                                         | 3                                         |
| Black-owned enterprises,51% owned by Black youth               | 3                                         | 2                                         |
| Black-owned enterprises,51% owned by persons with disabilities | 2                                         | 1                                         |

## 3) Joint Ventures, Consortiums and Trusts

- i) 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.
- ii) 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.
- iii) Bidders must submit concrete proof of the existence of joint ventures and/or consortium arrangements. Denel SOC Ltd will accept signed agreements as acceptable proof of the existence of a joint venture and/or consortium arrangement.
- iv) The joint venture and/or consortium agreements must clearly set out the roles and responsibilities of the Lead Partner and the joint venture and/or consortium party. The agreement must also clearly identify the Lead Partner, who shall be given the power of attorney to bind the other party/parties in respect of matters pertaining to the joint venture and/or consortium arrangement.

## 4) Sub-contracting

Bidders/ tenderers who want to claim Preference points will have to comply fully with regulations 11(8) and 11(9) of the PPPFA Act with regard to sub-contracting.

The following is an extract from the PPPFA Act:

11(8) “A person must not be awarded points for B-BBEE status level if it is indicated in the tender documents that such a tenderer 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 tenderer qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.”

11(9) “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.”

5) Stage 3 (80 + 20 = 100 points)

The Price and Specific goal points will be consolidated.

## **GENERAL CONDITIONS OF CONTRACT**

**1.29 Any award made to a bidder(s) under this bid is conditional, amongst others, upon**

–

- a. The bidder(s) accepting the terms and conditions contained in the General Conditions of Contract as the minimum terms and conditions upon which Denel SOC Ltd is prepared to enter into a contract with the successful Bidder(s).
- b. The bidder submitting the General Conditions of Contract to Denel SOC Ltd together with its bid, duly signed by an authorised representative of the bidder.

## **CONTRACT PRICE ADJUSTMENT**

1.30 Contract price adjustments will be done annually on the anniversary of the contract start date. The price adjustment will be based on the Consumer Price Index Headline Inflation

## **SERVICE LEVEL AGREEMENT**

1.31 Upon award Denel SOC Ltd and the successful bidder will conclude a Service Level Agreement regulating the specific terms and conditions applicable to the services being procured by Denel SOC Ltd.

1.32 Denel SOC Ltd reserves the right to vary the proposed draft Service Level Indicators during the course of negotiations with a bidder by amending or adding thereto.

1.33 Bidder(s) are requested to:

- a. Comment on draft Service Level Indicators and where necessary, make proposals to the indicators;
- b. Explain each comment and/or amendment; and

- c. Use an easily identifiable colour font or “track changes” for all changes and/or amendments to the Service Level Indicators for ease of reference.
- 1.34 Denel SOC Ltd reserves the right to accept or reject any or all amendments or additions proposed by a bidder if such amendments or additions are unacceptable to Denel SOC Ltd or pose a risk to the organisation.

### **SPECIAL CONDITIONS OF THIS BID**

- 1.35 Denel **SOC Ltd reserves the right:**
- 1.36 To award this tender to a bidder that did not score the highest total number of points, only in accordance with section 2(1)(f) of the PPPFA (Act 5 of 2000)
- 1.37 To negotiate with one or more preferred bidder(s) identified in the evaluation process, regarding any terms and conditions, including price without offering the same opportunity to any other bidder(s) who has not been awarded the status of the preferred bidder(s).
- 1.38 To accept part of a tender rather than the whole tender.
- 1.39 To carry out site inspections, product evaluations or explanatory meetings in order to verify the nature and quality of the services offered by the bidder(s), whether before or after adjudication of the Bid.
- 1.40 To correct any mistakes at any stage of the tender that may have been in the Bid documents or occurred at any stage of the tender process.
- 1.41 To cancel and/or terminate the tender process at any stage, including after the Closing Date and/or after presentations have been made, and/or after tenders have been evaluated and/or after the preferred bidder(s) have been notified of their status as such.
- 1.42 Award to multiple bidders based either on size or geographic considerations.

### **DENEL SOC LTD REQUIRES BIDDER(S) TO DECLARE**

In the Bidder's Technical response, bidder(s) are required to declare the following:

- 1.43 Confirm that the bidder(s) is to: –
- a. Act honestly, fairly, and with due skill, care and diligence, in the interests of Denel SOC Ltd;
  - b. Have and employ effectively the resources, procedures and appropriate technological systems for the proper performance of the services;
  - c. Act with circumspection and treat Denel SOC Ltd fairly in a situation of conflicting interests;
  - d. Comply with all applicable statutory or common law requirements applicable to the conduct of business;

- e. Make adequate disclosures of relevant material information including disclosures of actual or potential own interests, in relation to dealings with Denel SOC Ltd;
- f. Avoidance of fraudulent and misleading advertising, canvassing and marketing;
- g. To conduct their business activities with transparency and consistently uphold the interests and needs of Denel SOC Ltd as a client before any other consideration; and
- h. To ensure that any information acquired by the bidder(s) from Denel SOC Ltd will not be used or disclosed unless the written consent of the client has been obtained to do so.

## **CONFLICT OF INTEREST, CORRUPTION AND FRAUD**

1.44 Denel SOC Ltd reserves its right to disqualify any bidder who either itself or any of whose members (save for such members who hold a minority interest in the bidder through shares listed on any recognised stock exchange), indirect members (being any person or entity who indirectly holds at least a 15% interest in the bidder other than in the context of shares listed on a recognised stock exchange), directors or members of senior management, whether in respect of [Institution name] or any other government organ or entity and whether from the Republic of South Africa or otherwise ("Government Entity")

- a. engages in any collusive tendering, anti-competitive conduct, or any other similar conduct, including but not limited to any collusion with any other bidder in respect of the subject matter of this bid;
- b. seeks any assistance, other than assistance officially provided by a Government Entity, from any employee, advisor or other representative of a Government Entity in order to obtain any unlawful advantage in relation to procurement or services provided or to be provided to a Government Entity;
- c. makes or offers any gift, gratuity, anything of value or other inducement, whether lawful or unlawful, to any of Denel SOC Ltd's officers, directors, employees, advisors or other representatives;
- d. makes or offers any gift, gratuity, anything of any value or other inducement, to any Government Entity's officers, directors, employees, advisors or other representatives in order to obtain any unlawful advantage in relation to procurement or services provided or to be provided to a Government Entity;
- e. accepts anything of value or an inducement that would or may provide financial gain, advantage or benefit in relation to procurement or services provided or to be provided to a Government Entity;
- f. pays or agrees to pay to any person any fee, commission, percentage, brokerage fee, gift or any other consideration, that is contingent upon or results from, the award of any

tender, contract, right or entitlement which is in any way related to procurement or the rendering of any services to a Government Entity;

- g. has in the past engaged in any matter referred to above; or
- h. has been found guilty in a court of law on charges of fraud and/or forgery, regardless of whether or not a prison term was imposed and despite such bidder, member or director's name not specifically appearing on the List of Tender Defaulters kept at National Treasury.

## **MISREPRESENTATION DURING THE LIFECYCLE OF THE CONTRACT**

- 1.45 The bidder should note that the terms of its Tender will be incorporated in the proposed contract by reference and that Denel SOC Ltd relies upon the bidder's Tender as a material representation in making an award to a successful bidder and in concluding an agreement with the bidder.
- 1.46 It follows therefore that misrepresentations in a Tender may give rise to service termination and a claim by Denel SOC Ltd against the bidder notwithstanding the conclusion of the Service Level Agreement between Denel SOC Ltd and the bidder for the provision of the Service in question. In the event of a conflict between the bidder's proposal and the Service Level Agreement concluded between the parties, the Service Level Agreement will prevail.

## **PREPARATION COSTS**

- 1.47 The Bidder will bear all its costs in preparing, submitting and presenting any response or Tender to this bid and all other costs incurred by it throughout the bid process. Furthermore, no statement in this bid will be construed as placing Denel SOC Ltd, its employees or agents under any obligation whatsoever, including in respect of costs, expenses or losses incurred by the bidder(s) in the preparation of their response to this bid.

## **INDEMNITY**

- 1.48 If a bidder breaches the conditions of this bid and, as a result of that breach, Denel SOC Ltd incurs costs or damages (including, without limitation, the cost of any investigations, procedural impairment, repetition of all or part of the bid process and/or enforcement of intellectual property rights or confidentiality obligations), then the bidder indemnifies and holds Denel SOC Ltd harmless from any and all such costs which Denel SOC Ltd may incur and for any damages or losses Denel SOC Ltd may suffer.

## **PRECEDENCE**

- 1.49 This document will prevail over any information provided during any briefing session whether oral or written, unless such written information provided, expressly amends this document by reference.

## **LIMITATION OF LIABILITY**

- 1.50 A bidder participates in this bid process entirely at its own risk and cost. Denel SOC Ltd shall not be liable to compensate a bidder on any grounds whatsoever for any costs incurred or any damages suffered as a result of the Bidder's participation in this Bid process.

## **TAX COMPLIANCE**

- 1.51 No tender shall be awarded to a bidder who is not tax compliant. Denel SOC Ltd reserves the right to withdraw an award made, or cancel a contract concluded with a successful bidder in the event that it is established that such bidder was in fact not tax compliant at the time of the award, or has submitted a fraudulent Tax Clearance Certificate to Denel SOC Ltd, or whose verification against the Central Supplier Database (CSD) proves non-compliant. Denel SOC Ltd further reserves the right to cancel a contract with a successful bidder in the event that such bidder does not remain tax compliant for the full term of the contract.

## **TENDER DEFAULTERS AND RESTRICTED SUPPLIERS**

- 1.52 No tender shall be awarded to a bidder whose name (or any of its members, directors, partners or trustees) appear on the Register of Tender Defaulters kept by National Treasury, or who have been placed on National Treasury's List of Restricted Suppliers. Denel SOC Ltd reserves the right to withdraw an award, or cancel a contract concluded with a Bidder should it be established, at any time, that a bidder has been blacklisted with National Treasury by another government institution.

## **GOVERNING LAW**

- 1.53 South African law governs this bid and the bid response process. The bidder agrees to submit to the exclusive jurisdiction of the South African courts in any dispute of any kind that may arise out of or in connection with the subject matter of this bid, the bid itself and all processes associated with the bid.

#### **RESPONSIBILITY FOR SUB-CONTRACTORS AND BIDDER'S PERSONNEL**

- 1.54 A bidder is responsible for ensuring that its personnel (including agents, officers, directors, employees, advisors and other representatives), its sub-contractors (if any) and personnel of its sub-contractors comply with all terms and conditions of this bid. In the event that Denel SOC Ltd allows a bidder to make use of sub-contractors, such sub-contractors will at all times remain the responsibility of the bidder and Denel SOC Ltd will not under any circumstances be liable for any losses or damages incurred by or caused by such sub-contractors.

#### **CONFIDENTIALITY**

- 1.55 Except as may be required by operation of law, by a court or by a regulatory authority having appropriate jurisdiction, no information contained in or relating to this bid or a bidder's tender(s) will be disclosed by any bidder or other person not officially involved with Denel SOC Ltd's examination and evaluation of a Tender.
- 1.56 No part of the bid may be distributed, reproduced, stored or transmitted, in any form or by any means, electronic, photocopying, recording or otherwise, in whole or in part except for the purpose of preparing a Tender. This bid and any other documents supplied by Denel SOC Ltd remain proprietary to Denel SOC Ltd and must be promptly returned to Denel SOC Ltd upon request together with all copies, electronic versions, excerpts or summaries thereof or work derived there from.
- 1.57 Throughout this bid process and thereafter, bidder(s) must secure Denel SOC Ltd.'s written approval prior to the release of any information that pertains to (i) the potential work or activities to which this bid relates; or (ii) the process which follows this bid. Failure to adhere to this requirement may result in disqualification from the bid process and civil action.

#### **DENEL SOC LTD PROPRIETARY INFORMATION**

1.58 Bidder will on their bid cover letter make declaration that they did not have access to any Denel SOC Ltd proprietary information or any other matter that may have unfairly placed that bidder in a preferential position in relation to any of the other bidder(s).

#### **AVAILABILITY OF FUNDS**

1.59 Should funds no longer be available to pay for the execution of the responsibilities of this bid DG495/29/04/2025 the Denel SOC Ltd may terminate the Agreement at its own discretion or temporarily suspend all or part of the services by notice to the successful bidder who shall immediately make arrangements to stop the performance of the services and minimize further expenditure: Provided that the successful bidder shall thereupon be entitled to payment in full for the services delivered, up to the date of cancellation or suspension.

#### **ANNEXURE A**

For this Annexure, refer to separate attachment

ANNEXURE B: EXECUTIVE SUMMARY/COMPANY PROFILE

#### **ANNEXURE C: SBD 2**

#### **TAX CLEARANCE CERTIFICATE REQUIREMENTS**

**It is a condition of Tender that the taxes of the successful Tenderer must be in order, or that**

**Satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the Tenderer's tax obligations.**

- 1) In order to meet this requirement TENDERERS are required to complete in full the attached form TCC 001
- 2) "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally.
- 3) The Tax Clearance Certificate Requirements are also applicable to foreign TENDERERS / individuals who wish to submit Tenders.
- 4) SARS will then furnish the Tenderer with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
- 5) The original Tax Clearance Certificate must be submitted together with the Tender. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the Tender. Certified copies of the Tax Clearance Certificate will not be acceptable.
- 6) In Tenders where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate

- 7) Tax Clearance Certificate 5 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](http://www.sars.gov.za).
- 8) Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website [www.sars.gov.za](http://www.sars.gov.za).

**Note: Valid Original Tax Clearance Certificate is mandatory (TENDERERS may also provide Tax Compliance Pin)**

## **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 interest<sup>1</sup> 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.

2.2

| Full Name | Identity Number | Name of State institution |
|-----------|-----------------|---------------------------|
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |

<sup>1</sup> 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.

Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....  
.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract?  
**YES/NO**

2.3.1 If so, furnish particulars:

.....  
.....

### 3 DECLARATION

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

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>2</sup> 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.
- 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.
- 3.6 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.

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<sup>2</sup> 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.

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

#### **ANNEXURE E: 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**

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#### **1. GENERAL CONDITIONS**

- 1.1 The following preference point systems are applicable to invitations to tender:
- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- 1.2 **To be completed by the organ of state**  
*(delete whichever is not applicable for this tender).*
- a) The applicable preference point system for this tender is the **80/20** preference point system.
  - b) The **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:
- (a) Price; and
  - (b) 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         |
| SPECIFIC GOALS                                   | 20         |
| <b>Total points for Price and SPECIFIC GOALS</b> | <b>100</b> |

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**

- (a) **“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;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“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
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

### 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

#### 3.1. POINTS AWARDED FOR PRICE

##### 3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

**80/20      or      90/10**

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

Where

$P_s$  = Points scored for price of tender under consideration

$P_t$  = Price of tender under consideration

$P_{\min}$  = Price of lowest acceptable tender

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

##### 3.2.1. POINTS AWARDED FOR PRICE

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

**80/20                      or                      90/10**

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

Where

$P_s$  = 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:
- 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—
- (a) 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
  - (b) 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)<br>(To be completed by the organ of state) | Number of points allocated (80/20 system)<br>(To be completed by the organ of state) | Number of points claimed (90/10 system)<br>(To be completed by the tenderer) | Number of points claimed (80/20 system)<br>(To be completed by the tenderer) |
|-------------------------------------------------------------|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|------------------------------------------------------------------------------|------------------------------------------------------------------------------|
|                                                             |                                                                                      |                                                                                      |                                                                              |                                                                              |
|                                                             |                                                                                      |                                                                                      |                                                                              |                                                                              |
|                                                             |                                                                                      |                                                                                      |                                                                              |                                                                              |
|                                                             |                                                                                      |                                                                                      |                                                                              |                                                                              |
|                                                             |                                                                                      |                                                                                      |                                                                              |                                                                              |

#### **DECLARATION WITH REGARD TO COMPANY/FIRM**

4.3. Name of company/firm.....

4.4. Company registration number: .....

4.5. 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]

4.6. 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:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) 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 –
  - (a) disqualify the person from the tendering process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) recommend that the 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
  - (e) forward the matter for criminal prosecution, if deemed necessary.

.....  
**SIGNATURE(S) OF TENDERER(S)**

**SURNAME AND NAME:** .....

**DATE:** .....

**ADDRESS:** .....  
.....  
.....  
.....

#### **Annexure H – CIPC Registration Documents**

Tenderers are required to include, as Annexure H to their Tenders, certified copies of all relevant CIPC registration documents listing all members with percentages, in the case of a close corporation.

#### **Annexure I – Latest Shareholder Agreements**

Tenderers are required, as Annexure “I” to their Tenders, to submit certified copies of their latest Shareholder Agreements.

#### **Annexure J – Joint Venture, Consortium Documents**

Tenderers which submit Tenders as an unincorporated joint venture, consortium or other association of persons are required to submit, as Annexure J, a breakdown of how the fees and work will be split between the various people or entities which constitute the Tenderer.

#### **Annexure K – Mandatory Evaluation Criteria (Table 1)**

Tenderers are required to include, as Annexure K to their Tenders, supporting documents to their responses. These include but not limited to:

- a. Valid BBBEE Certificate
- b. Proof of registration with the Central Supplier database
- c. Certified copy of the Company Registration with CIPC

- d. Original letter from the Bank issued on a bank letterhead with stamp
- e. Certified copies of all shareholder certificates and their ID copies
- f. Certified copies of shareholder agreements **(if applicable)**

#### **Annexure L – General Conditions of Contract**

General Conditions of Contract can be accessed on the National Treasury website.

#### **Annexure M – CSD Registration**

CSD Registration Summary Report