REQUEST FOR TENDER 363818 ISSUE 1

YOU ARE HEREBY INVITED TO SUBMIT A TENDER FOR THE REQUIREMENTS OF PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD

TENDER NUMBER:	**363818**
CLOSING DATE: **Submission of the tender**	11 TH August 2023
CLOSING TIME:	12:00 Noon
COMPULSORY BRIEFING:	None
CLOSING DATE FOR ENQUIRIES:	4th August 2023
PERIOD FOR WHICH TENDERS ARE REQUIRED TO REMAIN OPEN FOR ACCEPTANCE:	60 Days
DESCRIPTION OF TENDER:	Denel PMP (Church Street) is inviting via a competitive bidding process, suitably, qualified, reliable, experienced service providers with proven capabilities to appoint a panel of suppliers to provide the organization with: • Chemicals as per list but not limited to this list and Scope and statement of work clause 42
TENDER DOCUMENTS DELIVERY ADDRESS:	1 Ruth First Street Lotus Gardens Pretoria West
TENDER EMAIL ADDRESS:	**tenders@pmp.co.za**

CONTENTS

Page

PART A: INVITATION TO TENDER 3
PART B: CHECKLIST OF COMPULSORY RETURNABLE SCHEDULES AND DOCUMENTS 6
PART C: SPECIFICATIONS, CONDITIONS OF TENDER AND UNDERTAKINGS BY TENDERER ... 8
1. DEFINITIONS 8
2. TENDER OFFICE 10
3. TENDER TIMETABLE 10
4. SUBMISSION OF TENDERS 11
5. RULES GOVERNING THIS RFT AND THE TENDERING PROCESS 11
6. STATUS OF REQUEST FOR TENDER 12
7. ACCURACY OF THE RFT 12
8. ADDITIONS AND AMENDMENTS TO THE RFT 12
9. REPRESENTATIONS 12
10. CONFIDENTIALITY 13
11. UNAUTHORISED COMMUNICATIONS 13
12. IMPROPER ASSISTANCE, FRAUD AND CORRUPTION 13
13. ANTI-COMPETITIVE CONDUCT 13
14. COMPLAINTS ABOUT THE TENDERING PROCESS 14
15. CONFLICT OF INTEREST 14
16. LATE TENDERS 15
17. TENDERER'S RESPONSIBILITIES 15
18. PREPARATION OF TENDERS 16
19. ILLEGIBLE CONTENT, ALTERATION AND ERASURES 16
20. OBLIGATION TO NOTIFY ERRORS 16
21. RESPONSIBILITY FOR TENDERING COSTS 17
22. DISCLOSURE OF TENDER CONTENTS AND TENDER INFORMATION 17
23. USE OF TENDERS 17
24. TENDER ACCEPTANCE 17
25. CHANGES TO PRICE PROPOSALS 18
26. PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC PROCUREMENT PHILOSOPHY 18
27. BROAD-BASED BLACK ECONOMIC EMPOWERMENT AND SOCIO-ECONOMIC OBLIGATIONS19
28. B-BBEE JOINT VENTURES OR CONSORTIUMS 19
29. NATIONAL TREASURY'S CENTRAL SUPPLIER DATABASE 20
30. TAX COMPLIANCE 20
31. NEW TAX COMPLIANCE STATUS (TCS) SYSTEM 20
32. EVALUATION CRITERIA 21
32.1 MANDATORY EVALUATION CRITERIA 21
32.2 FIRST STAGE – FUNCTIONAL EVALUATION 21
33. STATUS OF TENDER 27
34. CLARIFICATION OF TENDERS 28
35. DISCUSSION WITH TENDERERS 28
36. SUCCESSFUL TENDERS 28
37. NO OBLIGATION TO ENTER INTO CONTRACT 28
38. TENDERER WARRANTIES 29
39. PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC'S RIGHTS 29

40. GOVERNING LAWS 30
PART D: STATEMENT OF WORK 30
41. PURPOSE 30
42. APPLICABLE STANDARDS 30
43. SCOPE OF WORK 30
44. APPENDICES (IF APPLICABLE) 30

ANNEXURES

ANNEXURE A : PRICE PROPOSAL 31
ANNEXURE B : EXECUTIVE SUMMARY 33

PART A: INVITATION TO TENDER

THE PURPOSE OF THIS RFT 363818 is to identify service provider who will serve on a panel for the supply of chemicals to the scope and functionality requirements.

PART A: INVITATION TO TENDER

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 (07:30 to 15:30) Monday to Thursday and 07:30 to 12:00 on Fridays.

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

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).

INVITATION TO BID SBD1

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (*NAME OF DEPARTMENT/ PUBLIC ENTITY*)					
BID NUMBER:	363818	CLOSING DATE:	11 August 2023	CLOSING TIME:	12: Noon SA Time
DESCRIPTION	Supply of Chemicals as per attached list.				

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT *(STREET ADDRESS)*

Denel PMP Main Admin Reception

1 Ruth First Street Lotus Gardens

Pretoria West

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO		**TECHNICAL ENQUIRIES MAY BE DIRECTED TO:**	
CONTACT PERSON	**Philip Nel**	CONTACT PERSON	**Annelise Nel**
TELEPHONE NUMBER	**+27 12 3181064**	TELEPHONE NUMBER	**+27 12 3181016**
FACSIMILE NUMBER	**+27 12 3181000**	FACSIMILE NUMBER	
E-MAIL ADDRESS	**Phillip.nel@pmp.co.za**	E-MAIL ADDRESS	**annelisen@pmp.co.za**

SUPPLIER INFORMATION

NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		**OR**	CENTRAL SUPPLIER DATABASE No:	MAAA

B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] ☐ Yes ☐ No	B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] ☐ Yes ☐ No

[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐Yes ☐No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR **THE GOODS /SERVICES /WORKS OFFERED?**	☐Yes ☐No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	☐ YES ☐ NO
DOES THE ENTITY HAVE A BRANCH IN THE RSA?	☐ YES ☐ NO
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	☐ YES ☐ NO
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	☐ YES ☐ NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? ☐ YES ☐ NO
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.

PART B
TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:

1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.

1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**

1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

1.4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**

2. TAX COMPLIANCE REQUIREMENTS

2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.

2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.

2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.

2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.

2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.

2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:……

CAPACITY UNDER WHICH THIS BID IS SIGNED:……
(Proof of authority must be submitted e.g. company resolution)

DATE:

PART B: CHECKLIST OF COMPULSORY RETURNABLE SCHEDULES AND DOCUMENTS

Please adhere to the following instructions:

1. Tick in the relevant block below
2. Ensure that the following documents are completed and signed where applicable:
3. 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	
☐	☐	One (1) original (three (3) hard copies) and one (1) electronic copy on a CD/USB for Qualifying and Functionality Evaluations - (clearly marked as original and copies).
☐	☐	One (1) original (three (3) hard copies) and one (1) electronic copy on a CD/USB for Price and Preferential points. **Each submission must be divided and enclosed into two separate envelopes, one (1) envelope for Qualifying and Functional Evaluations and the other one for Price and Preferential Points (Annexure "A").**
☐	☐	**Part A:** Invitation to Tender (with a signature of an authorised representative of the Tenderer)
☐	☐	**Part C:** Specifications, Conditions of tender and Undertakings by Tenderer (with a signature of an authorised representative of the Tenderer)
☐	☐	**Annexure A:** Schedule of Rates/Price Proposal **(If applicable)**
☐	☐	**Annexure B**: Executive Summary
☐	☐	**Annexure C:** SBD2 - Tax Clearance Certificate Requirement
☐	☐	**Annexure D:** Declaration of Interest
☐	☐	**Annexure E:** SBD6.1 and B-BBEE status level certificate
☐	☐	**Annexure F:** SBD8: Declaration of Tenderer's Past Supply Chain Practices
☐	☐	**Annexure G:** SBD9: Certificate of Independent Tender Determination
☐	☐	**Annexure H:** Certified copies of your CIPC company registration documents listing all members with percentages, in case of a close corporation
☐	☐	**Annexure I:** Certified copies of latest share certificates, in case of a company.
☐	☐	**Annexure J (if applicable):** A breakdown of how fees and work will be spread between members of the Tendering consortium.
☐	☐	**Annexure K:** Supporting documents in response to Mandatory Criteria /Requirements

☐	☐	**Annexure L:** General Conditions of Contract
☐	☐	**Annexure M:** Supporting documents - CSD Registration Summary Report
☐	☐	**Annexure N**: Recent references and transactions the Tenderer has handled as specified in this document **(If applicable)**
☐	☐	**Annexure O**: EE report or detailed employee profile report and Transformation Plan (**if applicable)**
☐	☐	**Annexure P**: Proposed Human Resources and Organogram
☐	☐	**Annexure Q**: Details of Experience in partnering with companies owned and managed by Black People **(If applicable)**

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

1. 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, 2017;

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 Part B;

1.9 **Closing date and time** means the Date and time, specified as such under the Clause 3 (Tender Timetable) in this Part C, by which Tenders must be received;

1.10 **Pretoria Metal Pressings a Division of Denel SOC** means Pretoria Metal Pressings a Division of 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 32 (Evaluation Process) of this Part C, which includes the Mandatory Criteria, Functional Criteria (Stage1) and Price and Preferential Points (Stage 2) Assessment;

1.12 **Functional Criteria** means the criteria set out in clause 32.2 referring to the qualify specification of the in accordance with the relevant standards. Refer to Part C of 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 2017, published in terms of the PPPFA;

1.19 **Price and Preferential Points Assessment** means the process described in Clause 32.3 of this document in Part C, 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 (comprising each of the parts identified under Part A, Part B, Part C and Part D) including all annexures and any other documents so designated by Pretoria Metal Pressings a Division of Denel SOC;

1.22 **SARS** means the South African Revenue Service;

1.23 **Services** means the services required by Pretoria Metal Pressings a Division of Denel SOC, as specified in this RFT Part D;

1.24 **SLA** means Service Level Agreement that will be concluded between Pretoria Metal Pressings a Division of Denel SOC and successful Tenderer;

1.25 **SOC** means State Owned Company, as defined by the Companies' Act;

1.26 **Specification** means specification or description of Pretoria Metal Pressings a Division of Denel SOC'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 Pretoria Metal Pressings a Division of Denel SOC of the selection of a successful Tenderer(s) or upon the earlier termination of the process;

1.29 **Website** means a website administered by Pretoria Metal Pressings a Division of Denel SOC under its name with web address www.Pretoria Metal Pressings a Division of Denel SOC.co.za;

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

2. TENDER OFFICE

PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC – Procurement

For any enquiries, kindly forward your queries to the email.
No questions will be answered telephonically.

Kindly note that it is the sole responsibility of the Tenderer, to ensure they attend the Compulsory Briefing**. The briefing will be used to clarify any issues in this tender document. (If applicable)**

Pretoria Metal Pressings a Division of Denel SOC will not be held liable/responsible in the event that Tenderers do not view **responses to questions/queries/comments which were posted on the e-Tender portal.**

No canvassing of any Pretoria Metal Pressings a Division of Denel SOC employee will be tolerated and that will result in an immediate disqualification of the Tenderer.

3. TENDER TIMETABLE

This timetable is provided as an indication of the timing of the tender process. Tenderers are to submit Tenders that will allow achievement of the intended commencement date.

Activity	Date
Advertisement of tender	
RFT document available	On www.etender.gov.za www.denel.co.za
Closing date and time	2023/08/11 12:00 Noon SA time
Intended completion of evaluation of tenders	10Th September 2023
Intended formal notification of successful Tenderer(s)	17th September 2021
Signing of Service Level Agreement	Order placement as and when required
Effective date	

4. SUBMISSION OF TENDERS

4.1 Hardcopies and electronic copies of Tenders are to be submitted to:

Physical Address of Tender Box	1 Ruth First Street Lotus Gardens Main Admin Building Reception
Hours of access to Tender Box	Monday to Thursdays 07:30 to 15:30 and 07:30 to 12:30 on Fridays
Information to be marked on package containing Tender Envelope System Indicate whether each envelope pertains to **Envelope 1:** 'Qualifying and Functional Evaluation' and **Envelope 2:** 'price and preference points'	Tender Number Closing Date

Note: Return address must be reflected at the back of the package containing the tender.

Kindly ensure all submissions are duly authorised. If the Tenderers are submitting more than one (1) Tender regarding the functions explained in the cover page and Part D of this RFT, then these should be submitted as separate submissions and indicated on the cover page of the Tender.

4.2 Tenderers are requested to initial each page of the tender document on the bottom right hand corner.

5. RULES GOVERNING THIS RFT AND THE TENDERING PROCESS

5.1 Participation in the tender process is subject to compliance with the rules, terms and conditions contained in Part C of this RFT.

5.2 All persons (irrespective of whether they are participants in this tender process) who obtained or received this RFT may only use it, and the information contained herein, in compliance with the rules, terms and conditions contained in this RFT.

5.3 All Tenderers are deemed to accept the rules, terms and conditions contained in Part C of this RFT.

5.4 The rules, terms and conditions contained in this RFT apply to:

5.4.1 The RFT and any other information given, received, or made available about this RFT, and any revisions or annexures;

5.4.2 The Tendering Process; and

5.4.3 Any communications (including any briefings, presentations, meetings, and negotiations) relating to the RFT or the Tendering Process.

6. STATUS OF REQUEST FOR TENDER

This RFT is an invitation for person(s) to submit a Tender(s) for the provision of the services as set out in the Specification contained in Part D of this RFT. Accordingly, this RFT must not be construed, interpreted, or relied upon, whether expressly or implicitly, as an offer capable of acceptance by any person(s), or as creating any form of contractual, promissory, or other rights. No binding contract or other understanding for the supply of products/services will exist between Pretoria Metal Pressings a Division of Denel SOC and any Tenderer unless and until Pretoria Metal Pressings a Division of Denel SOC has executed a formal written contract with the successful Tenderer.

7. ACCURACY OF THE RFT

7.1 Whilst all due care has been taken in connection with the preparation of this RFT, Pretoria Metal Pressings a Division of Denel SOC makes no representations or warranties that the content in this RFT or any information communicated to or provided to Tenderers during the Tendering Process is, or will be, accurate, current or complete. Pretoria Metal Pressings a Division of Denel SOC, and its officers, employees and advisors will not be liable with respect to any information communicated which is not accurate, current or complete.

7.2 If a Tenderer finds or reasonably believes it has found any discrepancy, ambiguity, error or inconsistency in this RFT or any other information provided by Pretoria Metal Pressings a Division of Denel SOC (other than minor clerical matters), the Tenderer must promptly notify Pretoria Metal Pressings a Division of Denel SOC in writing of such discrepancy, ambiguity, error or inconsistency in order to afford Pretoria Metal Pressings a Division of Denel SOC an opportunity to consider what corrective action is necessary (if any).

7.3 Any actual discrepancy, ambiguity, error or inconsistency in this RFT or any other information provided by Pretoria Metal Pressings a Division of Denel SOC will, if possible, be corrected and provided to all Tenderers without attribution to the Tenderer who provided the written notice

8. ADDITIONS AND AMENDMENTS TO THE RFT

8.1 Pretoria Metal Pressings a Division of Denel SOC reserves the right to change any information in, or to issue any addendum to this RFT before the Closing Date and Time. Pretoria Metal Pressings a Division of Denel SOC and its officers, employees and advisors will not be liable in connection with either the exercise of, or failure to exercise this right.

8.2 If Pretoria Metal Pressings a Division of Denel SOC exercises its right to change information in terms of Clause 8.1, it may seek amended Tenders from all Tenderers.

9. REPRESENTATIONS

No representations made by or on behalf of Pretoria Metal Pressings a Division of Denel SOC in relation to this RFT will be binding on Pretoria Metal Pressings a Division of Denel SOC unless that representation is expressly incorporated into the contract ultimately entered into between Pretoria Metal Pressings a Division of Denel SOC and the successful Tenderer.

10. CONFIDENTIALITY

All persons (including all Tenderers) obtaining or receiving this RFT and any other information about this RFT or the Tendering Process must keep the contents of the RFT and other such information confidential, and not disclose or use the information except as required for the purpose of developing a Tender in response to this RFT.

11. UNAUTHORISED COMMUNICATIONS

11.1 Communication (including promotional or advertising activities) with staff of Pretoria Metal Pressings a Division of Denel SOC or their Pretoria Metal Pressings a Division of Denel SOC assisting with the Tendering Process is not permitted during the Tendering Process. Nothing in this Clause 11 is intended to prevent communications with staff of, or advisors to, Pretoria Metal Pressings a Division of Denel SOC to the extent that such communication is not related to this RFTor the Tendering Process.

11.2 Tenderers must not otherwise engage in any activities that may be perceived as, or that may have the effect of, influencing the outcomes of the Tendering Process in any way.

12. IMPROPER ASSISTANCE, FRAUD AND CORRUPTION

12.1 Tenderers may not seek or obtain the assistance of employees of Pretoria Metal Pressings a Division of Denel SOC in the preparation of their tender responses.

12.2 Pretoria Metal Pressings a Division of Denel SOC may in its absolute discretion, immediately disqualify a Tenderer that it believes has sought or obtained such improper assistance.

12.3 Tenderers are to be familiar with the implications of contravening the Prevention and Combating of Corrupt Activities Act, 2004 and any other relevant legislation.

12.4 Any improper communication, canvassing, or engagement with any Pretoria Metal Pressings a Division of Denel SOC people/person/representative will result in immediate disqualification from the RFT process

13. ANTI-COMPETITIVE CONDUCT

13.1 Tenderers and their respective officers, employees, agents, and advisors must not engage in any collusion, anti-competitive conduct or any other similar conduct with any other Tenderer or any other person(s) in respect of this Tendering Process, including during the:

a. Preparation or lodgement of their tender;

b. Evaluation and clarification of their tender; and

c. Negotiations with Pretoria Metal Pressings a Division of Denel SOC.

13.2 For the purposes of this Clause 13, collusion, anti-competitive conduct or any other similar conduct may include disclosure, exchange, and clarification of information whether or not such information is confidential to Pretoria Metal Pressings a Division of Denel SOC or any other Tenderer or any other person or organisation.

13.3 In addition to any other remedies available to it under law or contract, Pretoria Metal Pressings a Division of Denel SOC may, in its absolute discretion, immediately disqualify a Tenderer that it believes has engaged in any collusive, anti-competitive conduct or any other similar conduct during or before the Tendering Process.

14. COMPLAINTS ABOUT THE TENDERING PROCESS

14.1 Any complaint about the RFT or the Tendering Process must be submitted to the Tender Office via the Tender Response email address, by email only, immediately upon the cause of the complaint arising or becoming known to the Tenderer.

14.2 The written complaint must set out:

14.2.1 the basis for the complaint, specifying the issues involved;

14.2.2 how the subject of the complaint affects the organisation or person making the complaint;

14.2.3 any relevant background information; and

14.2.4 the outcome desired by the person or organisation making the complaint.

14.3 If the matter relates to the conduct of an employee of Pretoria Metal Pressings a Division of Denel SOC, the complaint should be addressed in writing marked for the attention of the Chief Executive Officer of Pretoria Metal Pressings a Division of Denel SOC, and delivered to the physical address of Pretoria Metal Pressings a Division of Denel SOC, as notified.

15. CONFLICT OF INTEREST

15.1 A Tenderer must ensure that its officers, employees, agents and advisors do not place themselves in a position that may give rise to actual, potential or perceived conflict of interest between the interests of Pretoria Metal Pressings a Division of Denel SOC and the Tenderer’s interests during the Tender Process.

15.2 The Tenderer is required to provide details of any interests, relationships or clients which may or do give rise to a conflict of interest in relation to the supply of the products/services under any contract that may result from this RFT. If the Tenderer submits its Tender and a subsequent conflict of interest arises, or is likely to arise, which was not disclosed in the Tender, the Tenderer must notify Pretoria Metal Pressings a Division of Denel SOC immediately in writing of that conflict.

15.3 Pretoria Metal Pressings a Division of Denel SOC may immediately disqualify a Tenderer from the Tendering Process if the Tenderer fails to notify Pretoria Metal Pressings a Division of Denel SOC of the conflict of interest as required.

16. LATE TENDERS

16.1 Tenders must be delivered by the Closing Date and Time. The Closing date and time may be extended by Pretoria Metal Pressings a Division of Denel SOC in its absolute discretion by providing written notice to Tenderers.

16.2 Tenders delivered after the Closing date and Time or lodged at a location or in a manner that is contrary to that specified in this RFT will be disqualified from the Tendering Process and will be ineligible for consideration. **No Late Tenders will be accepted.**

16.3 The determination by Pretoria Metal Pressings a Division of Denel SOC as to the actual date and time that a Tender is submitted is final.

17. TENDERER'S RESPONSIBILITIES

17.1 Tenderers are responsible for:

17.1.1 Examining this RFT and any documents referenced or attached to this RFT and any other information made or to be made available by Pretoria Metal Pressings a Division of Denel SOC to Tenderers in connection with this RFT;

17.1.2 fully informing themselves in relation to all matters arising from this RFT, including all matters regarding Pretoria Metal Pressings a Division of Denel SOC's requirements for the provision of the Services;

17.1.3 ensuring that their Tenders are accurate and complete;

17.1.4 making their own enquiries and assessing all risks regarding this RFT, and fully considering and incorporating the impact of any known and unknown risks into their Tender;

17.1.5 ensuring that they comply with all applicable laws with regards to the Tendering Process particularly as specified by National Treasury Regulations, Guidelines, Instruction Notes and Practice Notes and other relevant legislation as published from time to time in the Government Gazette; and

17.1.6 submitting all Compulsory Documents.

17.2 Tenderers with annual total revenue of R10 million or less qualify as Exempted Micro Enterprises (EMEs) in terms of the B-BBEE Act and must submit a certificate issued by a registered, independent auditor (who is not the Tenderer or a partner to the Tenderer) or an accredited verification agency.

17.3 Tenderers other than Exempted Micro-Enterprises (EMEs) must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE status. The submission of such certificates must comply with the requirements of instructions and guidelines issued by National Treasury and must be in accordance with the applicable notices published by the Department of Trade and Industry in the Government Gazette.

18. PREPARATION OF TENDERS

18.1 Tenderers must ensure that:

18.1.1 Their Tender is submitted in the required format as stipulated in this RFT; and

18.1.2 All the required information fields in the Tender are completed in full and contain the information requested by Pretoria Metal Pressings a Division of Denel SOC.

18.2 Pretoria Metal Pressings a Division of Denel SOC may in its absolute discretion reject a Tender that does not include the information requested or is not in the format required.

18.3 Unnecessarily elaborate responses or other representations beyond that which is sufficient to present a complete and effective Tender is not desired or required. Elaborate and expensive visual and other presentation aids are not necessary.

18.4 Where the Tenderer is unwilling to accept a specified condition, the non-acceptance must be clearly and expressly stated. Prominence must be given to the statement detailing the non-acceptance. It is not sufficient that the statement appears only as part of an attachment to the Tender or be included in the general statement of the Tenderer's usual operating conditions.

18.5 An incomplete Tender may be disqualified or assessed solely on the information completed or received with the Tender.

19. ILLEGIBLE CONTENT, ALTERATION AND ERASURES

19.1 Pretoria Metal Pressings a Division of Denel SOC may disregard any content in a Tender that is illegible and will be under no obligation whatsoever to seek clarification from the Tenderer.

19.2 Pretoria Metal Pressings a Division of Denel SOC may permit a Tenderer to correct an unintentional error in its Tender where that error becomes known or apparent after the closing time, but in no event, will any correction be permitted if Pretoria Metal Pressings a Division of Denel SOC reasonably considers that correction would materially alter the substance of the Tender or affect the fairness of the tendering process.

20. OBLIGATION TO NOTIFY ERRORS

If, after a Tenderer's Response has been submitted, the Tenderer becomes aware of an error in its Response (including an error in pricing but excluding clerical errors which would have no bearing on the evaluation of the Tender), the Tenderer must promptly notify Pretoria Metal Pressings a Division of Denel SOC of such error before closing date and time of the tender.

21. RESPONSIBILITY FOR TENDERING COSTS

21.1 The Tenderers participation or involvement in any stage of the Tendering Process is at the Tenderers sole risk, cost and expense. Pretoria Metal Pressings a Division of Denel SOC will not be held responsible for, or pay for, any expense or loss that may be incurred by Tenderers in relation to the preparation or lodgement of their Tender.

21.2 Pretoria Metal Pressings a Division of Denel SOC is not liable to the Tenderer for any costs on the basis of any contractual, promissory or restitution grounds whatsoever as a consequence of any matter relating to the Tenderer's participation in the Tendering Process, including without limitation, instances where:

21.2.1 the Tenderer is not engaged to perform under any contract; or

21.2.2 Pretoria Metal Pressings a Division of Denel SOC exercises any right under this RFT or at law.

22. DISCLOSURE OF TENDER CONTENTS AND TENDER INFORMATION

22.1 All Tenders received by Pretoria Metal Pressings a Division of Denel SOC will be treated as confidential. Pretoria Metal Pressings a Division of Denel SOC will not disclose contents of any Tender and Tender information, except:

22.1.1 as required by law;

22.1.2 for the purpose of investigations by other government authorities having relevant jurisdiction;

22.1.3 to external consultants and advisors of Pretoria Metal Pressings a Division of Denel SOC engaged to assist with the Tendering Process; or for the general information of Tenderers required to be disclosed as per National Treasury Regulations, Guidelines, Instruction Notes or Practice Notes.

23. USE OF TENDERS

23.1 Upon submission in accordance with the requirements relating to the submission of Tenders, all Tenders submitted become the property of Pretoria Metal Pressings a Division of Denel SOC. Tenderers will retain all ownership rights in any intellectual property contained in the Tenders.

23.2 Each Tenderer, by submission of their Tender, is deemed to have licensed Pretoria Metal Pressings a Division of Denel SOC to reproduce the whole, or any portion, of their Tender for the sole purposes of enabling Pretoria Metal Pressings a Division of Denel SOC to evaluate the Tender.

24. TENDER ACCEPTANCE

All Tenders received must remain open for acceptance for a minimum period of 180 (One hundred and eighty) days from the Closing Time. This period may be extended by written mutual agreement between Pretoria Metal Pressings a Division of Denel SOC and the Tenderer.

25. CHANGES TO PRICE PROPOSALS

Changes by the Tenderers to submitted Tenders will not be considered after the closing date and time.

26. PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC PROCUREMENT PHILOSOPHY

It is the policy of Pretoria Metal Pressings a Division of Denel SOC, when purchasing products, services and works, to follow a course of optimum value and efficiency by adopting best purchasing practices in Supply Chain Management, ensuring where possible that open and fair competition has prevailed, with due regard to the importance of:

26.1 The PFMA and the PPPFA;

26.2 Preferential Procurement Regulations 2017;

26.3 Relevant Legislation; and

26.4 In its quest to advance Black-owned companies and individuals, Pretoria Metal Pressings a Division of Denel SOC will actively support and give preference to companies with one or a combination of the following transformation profiles:

a. At least 51% Black owned;

b. At least 51% Black Youth owned;

c. At least 51% Black Women owned;

d. At least 51% Black People With Disabilities owned;

e. At least 51% owned by Black People Living in Rural or Underdeveloped areas or Townships;

f. At least 51% owned by Black People who are Military Veterans as defined in the B-BBEE Act.

Note: 1. As a SOC and mandated to give preference to B-BBEE compliant and transformed companies. Bidders that do not meet the above-mentioned transformation levels must submit a Transformation Plan outlining steps to address shortcomings in their current status.

2. The transformation plan must be submitted as part of the original bid submission. Failure to do so will lead to the disqualification of the bid.

27. BROAD-BASED BLACK ECONOMIC EMPOWERMENT AND SOCIO-ECONOMIC OBLIGATIONS (ONLY APPLICABLE TO SOUTH AFRICAN BASED COMPANIES)

27.1 As explained in more detail in the BBBEE Preference Points Claim Form and as prescribed in terms of the Preferential Procurement Policy Framework Act, 2000 (PPPFA), (Act No 5 of 2000) and its Regulations, Tenderers are to note that Pretoria Metal Pressings a Division of Denel SOC will award preference points to companies who provide valid proof of their B-BBEE status using either the latest version of the generic Codes of Good Practice or Sector Specific Codes (if applicable).

27.2 Pretoria Metal Pressings a Division of Denel SOC shall use the lowest acceptable Tender to determine the applicable preference point system that is either 90/10 or 80/20-point system as per the PPPFA Regulations.

27.3 Tenderers are required to complete the B-BBEE Preference Point Claim Form and submit it together with valid proof of their B-BBEE Status as stipulated in the Claim Form in order to obtain preference points for their B-BBEE status.

27.4 Tenderers are required at all times to comply with the latest B-BBEE legislation and/or instruction notes as issued from time to time by the Department of Trade and Industry.

Note: Failure to submit a valid and original or a certified copy of the Tenderer's B-BBEE certificate as stipulated in this document (the B-BBEE Preference Points Claim Form) at the Closing Date and Time of this RFT, will result in a score of zero being allocated for B-BBEE.

28. B-BBEE JOINT VENTURES OR CONSORTIUMS

28.1 Tenderers who wish to respond to this RFT as a Joint Venture [JV] or consortium with other entities, must state their intention to do so in their RFT submission.

28.2 Such Tenderers must also submit a signed JV or consortium agreement between the parties clearly stating the percentage [%] split of business and the associated responsibilities of each party. If such a JV or consortium agreement is unavailable, the partners must submit confirmation in writing of their intention to enter into a JV or consortium agreement should they be awarded business by Pretoria Metal Pressings a Division of Denel SOC through this RFT process.

28.3 This written confirmation must clearly indicate the percentage [%] split of business and the responsibilities of each party. In such cases, award of business will only take place once a signed copy of a JV or consortium agreement is submitted to Pretoria Metal Pressings a Division of Denel SOC.

28.4 Tenderers are to note the requirements for B-BBEE compliance of JVs or consortiums as required in the B-BBEE Preference Point Claim Form and submit it together with proof of their B-BBEE Status as stipulated in the Claim Form in order to obtain preference points for their B-BBEE status.

Note: Failure to submit a valid and original B-BBEE certificate for the JV or a certified copy thereof at the Closing Date and Time of this RFT, will result in a score of zero being allocated for B-BBEE.

29. NATIONAL TREASURY'S CENTRAL SUPPLIER DATABASE (ONLY APPLICABLE TO SOUTH AFRICAN COMPANIES)

Tenderers are required to self-register on National Treasury's Central Supplier Database (CSD) which has been established to centrally administer supplier information for all organs of state and facilitate the verification of certain key supplier information. Pretoria Metal Pressings a Division of Denel SOC is required to ensure that price proposals are invited and accepted from prospective Tenderers listed on the CSD. A Tender may not be awarded to a Tenderer who has failed to register on the CSD. Only foreign suppliers with no local registered entity need not register on the CSD. The CSD can be accessed at https://secure.csd.gov.za/. Respondents are required to provide the following to Pretoria Metal Pressings a Division of Denel SOC in order to enable it to verify information on the CSD:

Supplier Number: unique registration reference number:

30. TAX COMPLIANCE (ONLY APPLICABLE TO SOUTH AFRICAN COMPANIES)

30.1 A Tenderer must be compliant when submitting a proposal to Pretoria Metal Pressings a Division of Denel SOC 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).

30.2 It is a condition of this RFT that the tax matters of the successful Tenderer are in order, or that satisfactory arrangements have been made with the South African Revenue Service (SARS) to meet the Tenderer's tax obligations.

30.3 Tenderers are required to be registered on the Central Supplier Database and the National Treasury shall verify the Tenderer's tax compliance status through the Central Supplier Database.

30.4 It is a requirement that a Tenderer grant a written confirmation when submitting a Tender that SARS may on an on-going basis during the tenure of the contract disclose the Tenderer's tax compliance status and by submitting this Tender such confirmation is deemed to have been granted.

30.5 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

31. NEW TAX COMPLIANCE STATUS (TCS) SYSTEM

31.1 SARS has implemented a new Tax Compliance Status (TCS) system in terms of which a taxpayer is now able to authorize any 3rd party to verify its compliance status in one of two ways: either through the use of an electronic access PIN or through the use of a Tax Clearance Certificate obtained from the new TCS system.

31.2 Tenderers are required to provide the following to Pretoria Metal Pressings a Division of Denel SOC in order to enable it to verify their tax compliance status:

Tax reference number:

Tax Clearance Certificate & TCC Number: and PIN: .

32. EVALUATION CRITERIA

The Tenders will be evaluated and adjudicated as follows:

32.1 MANDATORY EVALUATION CRITERIA

32.1.1 Only those Tenderers which satisfy all of the Mandatory Criteria will be eligible to participate further in the Tendering Process.

32.1.2 Tenderers are required to complete the table below by indicating whether they comply with the requirement or not, by marking the appropriate column with an 'X'. Tenderers are required to submit as Annexure K to their Tenders supporting documentation to confirm their compliance with each requirement, where applicable.

REQUIREMENT	COMPLIANT	NON-COMPLIANT	N/A
1. Tenderer is a South African-owned company **(Submit Certified ID Copies of the Shareholders and Directors)**			
2. The Tenderer must have the necessary infrastructure and capacity to meet Pretoria Metal Pressings a Division of Denel SOC requirements.			
3. Valid Tax Clearance Certificate or an access Pin to SARS e-Filing.			
4. Valid BBBEE Certificate (but won't result in disqualification, instead a Tenderer will be scored zero)			
5. Central Supplier database proof of registration (submit supporting documentation).			
6. Certified copy of the Company Registration with CIPC			
7. Current Banking Details on letter from the Bank issued on a bank letterhead with stamp.			
8. Certified copies of all share holder certificates **(Detailed breakdown of shareholding)**			
9. A copy of the shareholder agreement **(if there is more than one shareholder)**			
10. Applicable Regulatory Body certificates **(if applicable)**			
Note: Failure to meet the above requirements will result in automatic disqualification			

32.2 FIRST STAGE – FUNCTIONAL EVALUATION

32.2.1 Tenderers are evaluated based on the functional criteria set out in this RFT. Only those Tenderers which score **seventy (70)** points or higher **(out of a possible 100)** during the functional evaluation will be evaluated during the second stage of the Tender.

32.2.2 The Functional Evaluation that will be used to assess the capability and capacity of the tenderers will be as follows:

WEIGHTING %	EVALUATION CRITERIA	LEGEND
		• E.g. rating scale may be 1 to 10. • Each rating level must be clearly defined
60%	1. Capability and Experience a. Bidder must have expertise and experience in trading in Chemicals.	Show capability and lists of previous work done = 10 Points
20%	1. Submit certificates of Registration as service provider and/or distributor, appointed agent.	• Certificates submitted = 5 Points • No certificates submitted = 0 Points
20%	2. Submit 3 reference letters from customers. The letters should include: ➢ A contact person, title and contact numbers. ➢ Must not be more than Two (2) years old.	3 Letters – Fully compliant = 5 Points 2 Letters – Compliant = 3.5 Points 1 Letter – Partially compliant = 1 Point No letters Non-compliant = 0 Points
Total 100%		
MINIMUM SCORE	70% SUBJECT TO CHANGE BASED ON REQUIREMENTS.	

32.3 SECOND STAGE – PRICE AND PREFERENTIAL POINTS ASSESSMENT

SBD 6.1

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

32.3.1.1

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

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

1. GENERAL CONDITIONS

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

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

1.2

a) The value of this bid is estimated to exceed/not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable; or

1.3 Points for this bid shall be awarded for:

(a) Price; and

(b) B-BBEE Status Level of Contributor.

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

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

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

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

2. DEFINITIONS

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

(b) "**B-BBEE status level of contributor"** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

(c) **"bid"** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;

(d) **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

(e) **"EME"** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;

(f) **"functionality"** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.

(g) **"prices"** includes all applicable taxes less all unconditional discounts;

(h) **"proof of B-BBEE status level of contributor"** means:

1) B-BBEE Status level certificate issued by an authorized body or person;

2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;

3) Any other requirement prescribed in terms of the B-BBEE Act;

(i) **"QSE"** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;

(j) **"rand value"** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

3.1 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**

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

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmin = Price of lowest acceptable bid

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

4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5. BID DECLARATION

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

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

6.1 B-BBEE Status Level of Contributor:. = …… (maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

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

(***Tick applicable box***)

YES		NO	

7.1.1 If yes, indicate:

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

YES		NO	

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

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

8. **DECLARATION WITH REGARD TO COMPANY/FIRM**

8.1 Name of company/firm…….

8.2 VAT registration number……

8.3 Company registration number…….

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

……
……
……
……..

8.6 COMPANY CLASSIFICATION

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

[*TICK APPLICABLE BOX*]

8.7 Total number of years the company/firm has been in business:……

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

i) The information furnished is true and correct;

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

iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;

iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

(a) disqualify the person from the bidding process;

(b) recover costs, losses or damages it has incurred or suffered as a result of that

person's conduct;

(c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;

(d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and

(e) forward the matter for criminal prosecution.

WITNESSES 1. …….. 2. …….	…… SIGNATURE(S) OF BIDDER(S) DATE:…….. ADDRESS…….. …….. ……..

33. STATUS OF TENDER

33.1 Each Tender constitutes an irrevocable offer by the Tenderer to Pretoria Metal Pressings a Division of Denel SOC to provide the Products/Services required and otherwise to satisfy the requirements of the Specification as set out in this RFT.

33.2 A Tender must not be conditional on:

a. the Board approval of the Tender or any related governing body of the Tenderer being obtained;

b. the Tenderer conducting due diligence or any other form of enquiry or investigation on Pretoria Metal Pressings a Division of Denel SOC;

c. the Tenderer (or any other party) obtaining any regulatory approval or consent;

d. the Tenderer obtaining the consent or approval of any third party; or

e. The Tenderer stating that it wishes to discuss or negotiate any commercial terms of the contract.

33.3 Pretoria Metal Pressings a Division of Denel SOC may, in its absolute discretion, disregard any tender that is, or is stated to be, subject to any one or more of the conditions detailed above (or any other relevant conditions).

Pretoria Metal Pressings a Division of Denel SOC reserves the right to accept a Tender in part or in whole or to negotiate with a Tenderer in accordance with the provisions of this RFT and the applicable laws and regulations.

34. CLARIFICATION OF TENDERS

34.1 Pretoria Metal Pressings a Division of Denel SOC may seek clarification from and enter into discussions with any or all of the Tenderers in relation to their Tender. Pretoria Metal Pressings a Division of Denel SOC may use the information obtained when clarification is sought, or discussions are held in interpreting the Tender and evaluating the cost and risk of accepting the Tender. Failure to supply clarification to the satisfaction of Pretoria Metal Pressings a Division of Denel SOC may render the Tender liable to disqualification.

34.2 Pretoria Metal Pressings a Division of Denel SOC is under no obligation to seek clarification of anything in a Tender and reserves the right to disregard any clarification that Pretoria Metal Pressings a Division of Denel SOC considers to be unsolicited or otherwise impermissible or irrelevant in accordance with the rules set out in this RFT.

35. DISCUSSION WITH TENDERERS

Pretoria Metal Pressings a Division of Denel SOC is under no obligation to discuss the outcome of the tender process with any of the Tenderers.

36. SUCCESSFUL TENDERS

36.1 Selection as a successful Tenderer does not give rise to a contract (express or implied) between the successful Tenderer and Pretoria Metal Pressings a Division of Denel SOC for the supply of Products / Services until such time that Pretoria Metal Pressings a Division of Denel SOC and the successful Tenderer conclude the SLA.

36.2 The Tenderer is bound by its Proposal and all other documents forming part of its Response, and Pretoria Metal Pressings a Division of Denel SOC will not entertain any material deviation from the original offer.

37. NO OBLIGATION TO ENTER INTO CONTRACT

Pretoria Metal Pressings a Division of Denel SOC is under no obligation to appoint a successful Tenderer(s) (as the case may be), or to enter into a contract and/or SLA with a successful Tenderer or any other person, if it is unable to identify a Tender that complies in all relevant respects with the requirements of Pretoria Metal Pressings a Division of Denel SOC, or if due to changed circumstances, there is no longer a need for the Services requested, or if funds are no longer available to cover the total envisaged expenditure. For the avoidance of any doubt, in these circumstances Pretoria Metal Pressings a Division of Denel SOC will be free to proceed via any alternative process.

38. TENDERER WARRANTIES

38.1 By submitting a Tender, a Tenderer warrants that:

38.1.1 It did not rely on any express or implied statement, warranty or representation, whether oral, written, or otherwise made by or on behalf of Pretoria Metal Pressings a Division of Denel SOC, its officers, employees, or advisers other than any statement, warranty or representation expressly contained in the RFT;

38.1.2 it did not use the improper assistance of Pretoria Metal Pressings a Division of Denel SOC's employees or information unlawfully obtained from them in compiling its Tender;

38.1.3 it is responsible for all costs and expenses related to the preparation and submission of its Tender, and any future process connected with or relating to the Tendering Process;

38.1.4 it accepts and will comply with the terms set out in this RFT; and

38.1.5 It will provide additional information in a timely manner as requested by Pretoria Metal Pressings a Division of Denel SOC to clarify any matters contained in the Tender.

39. PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC's RIGHTS

39.1 Notwithstanding anything else in this RFT, and without limiting its rights at law or otherwise, Pretoria Metal Pressings a Division of Denel SOC reserves the right, in its absolute discretion at any time, to:

39.1.1 Cease to proceed with, or suspend the Tendering Process prior to the execution of a formal written contract and/or SLA;

39.1.2 Alter the structure and/or the timing of this RFT or the Tendering Process;

39.1.3 Amend any tender condition, tender validity period, RFT specifications or extend the tender closing date, all before the tender closing date:

39.1.4 Terminate the participation of any Tenderer or any other person in the Tendering Process;

39.1.5 Request additional relevant information, agreements and other documents to verify information provided in the tender response or request clarification from any Tenderer or any other person;

39.1.6 Provide additional information or clarification;

39.1.7 Negotiate with any one or more Tenderer's;

39.1.8 Call for new Tenders;

39.1.9 Reject any Tender that does not comply with the requirements of this RFT.

39.1.10 Disregard the lowest priced tender or any tender in part or in whole

39.1.11 Categorise the tenders into different areas of expertise

39.1.12 Conduct site visits at the Tenderers Offices or at Client's Site or office if so required

Consider the guidelines and prescribed hourly remuneration rates for consultants as provided for in the National Treasury Instruction 01 of 2013\2014: Cost Containment Measures, where relevant.

40. GOVERNING LAWS

40.1 This RFT and the Tendering Process are governed by the laws of the Republic of South Africa.

40.2 All Tenders must be completed using the English language and

40.3 All costing must be in South African Rand.

PART D: INTENT OF THE REQUEST FOR PROPOSAL

41. PURPOSE

Denel PMP (church street) is inviting via a competitive bidding process, suitably, qualified, reliable, experienced service providers with proven capabilities to provide the organization with suppliers who will serve on a panel to deliver chemicals to specifications provided.

42. SCOPE OF WORK

42.1 Tender to deliver chemicals as per typical list of items attached but not limited to this list.

42.2 Based on the outcome of this tender suppliers could be added to the supplier panel for these types of products.

42.3 No sub-contracting will be allowed without prior approval.

42.4 Only suppliers that adhere to the required functional specifications will be considered for this evaluation and can qualify to be added to the panel register.

	Item Code	Description	UM	QTY	Price	Type
1	10000000303	Amino guanidine bicarbonate	KG	60		Organic substances
2	10000300702	Gum- Arabic	KG	25		
3	10000300800	Tragacanth gum	KG	25		
4	10000100200	Barium Nitrate	KG	350		Pure inorganic chemical substances
5	10000500202	Sulphuric Acid	KG	1000		
7	10000500104	Nitric Acid (AECI CP Grade)	KG	1000		

ANNEXURE A: PRICE PROPOSAL

Tenderers must complete the table for the Schedule of Rates below and submitted as a pricing proposal. Failure to submit this document will result in the Tenderer's submission being disqualified.

A.1 CURRENCY

All prices must be quoted in South African Rand on a fixed price basis, with all applicable taxes included.

A.2 PRICES SUBJECT TO CONFIRMATION

Prices quoted which are subject to confirmation will not be considered.

A.3 BINDING OFFER

Any tender furnished pursuant to this RFT shall be deemed to be an offer. Any exceptions to this statement must be clearly and specifically indicated.

A.4 DISCLAIMERS

Tenderers are hereby advised that Pretoria Metal Pressings a Division of Denel SOC is not committed to any course of action because of its issuance of this RFT and/or its receipt of Tenders. Please note that Pretoria Metal Pressings a Division of Denel SOC reserves the right to:

A.4.1 Modify the RFT's requirements and request Tenderers to re- tender on any changes;

A.4.2 Reject any Tender which does not conform to instructions and specifications which are detailed herein;

A.4.3 Not necessarily accept the lowest priced Proposal or an alternative Tender;

A.4.4 Reject all Tenders/Proposals, if it so decides;

A.4.5 Award only a portion of the proposed product(s)/service(s) which are reflected in the scope of this RFT;

A.4.6 Split the award between more than one enterprise/organisation should it at Pretoria Metal Pressings a Division of Denel SOC's discretion be more advantageous in terms of, amongst others, cost or developmental considerations; or make no award at all;

A.4.7 Validate any information submitted by Tenderers in response to this Tender. This would include, but is not limited to, requesting the Tenderers to provide supporting evidence. By submitting a tender, Tenderers hereby irrevocably grant the necessary consent to Pretoria Metal Pressings a Division of Denel SOC to do so;

A.4.8 Request audited financial statements or other documentation for the purposes of a due diligence exercise;

A.4.9 Award the Tender to the next highest ranked Tenderer, should the preferred Tenderer fail to sign or commence with the contract within a reasonable period after being requested to do so, provided that the preferred Tenderer is still prepared to provide the required goods at the quoted price. Under such circumstances, the validity of the tenders of the next ranked Tenderer(s) will be deemed to remain valid, irrespective of whether the next ranked Tenderer(s) were issued with a Letter of Regret. Tenderers may therefore be requested to advise whether they would still be prepared to provide the required goods at their quoted price, even after they have been issued with a Letter of Regret;

A.4.10 Cancel the contract and/or place the Tenderer on Pretoria Metal Pressings a Division of Denel SOC's list of Restricted Suppliers, should a contract be awarded on the strength of information furnished by the Tenderer, which after award of the contract, is proven to have been incorrect;

A.4.11 Award Tender to the highest scoring Tenderer(s) unless objective criteria justify the award to another Tenderer.

Note: Pretoria Metal Pressings a Division of Denel SOC will not reimburse any tenderer for any preparatory costs or other work performed in connection with its Proposal, whether or not the Tenderer is awarded a contract.

A.5 PAYMENT TERMS

The service provider shall note and accept Pretoria Metal Pressings a Division of Denel SOC's payment terms as stipulated in the SLA and/or contract.

Payment will only be made after acceptance at PMP.

A.6 SCHEDULE OF RATES/PRICE

The following must be completed.

Price ……	**Unit of measure** ……	
Price subject to escalation Yes / No **If Yes, complete the following in full** **applicable formula……..** **Indicate which category class……..** **%Labour…….. Material…….** **Fixed period** Yes / No		**DELIVERY BASIS** **Delivered** Yes **CIF** Yes **FOB** Yes **DDU** Yes **Ex Works** Yes
Rate of exchange R1-00 =		**Transport cost included** Yes / No

Note:This Annexure must be put in the Envelope for 'Price and Preference' as prescribed in Clause 4.1 above.

ANNEXURE: SUMMARY

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

Tenderers are required to include, as Annexure K to their Tenders, supporting documents to their responses. These include:

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

Annexure N – References and Transactions

Recent references and transactions the Tenderer has handled as specified in the evaluation criteria. **(If applicable)**

Annexure O – Transformation Plan /Status

Tenderers that do not meet Pretoria Metal Pressings a Division of Denel SOC's transformation requirements must submit a Transformation Plan outlining steps to address shortcomings in their current status.

The transformation plan must be submitted as part of the original bid submission. Failure to do so will lead to the disqualification of the bid.

43. TAX CLEARANCE CERTIFICATE REQUIREMENTS

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

1 In order to meet this requirement bidders are required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.

2 SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.

3 The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.

4 In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate 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.

6 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.

44. DECLARATION OF INTEREST SBD4

1. Any legal person, including persons employed by the state[1], or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

   - the bidder is employed by the state; and/or

   - the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

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

2.1 Full Name of bidder or his or her representative: ……

2.2 Identity Number: ……

2.3 Position occupied in the Company (director, trustee, shareholder[2]): ……..

2.4 Company Registration Number: ……..…….

2.5 Tax Reference Number: ……..…..

2.6 VAT Registration Number: ……...

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

[1] "State" means –
(a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
(b) any municipality or municipal entity;
(c) provincial legislature;
(d) national Assembly or the national Council of provinces; or
(e) Parliament.

[2]" Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

2.7 Are you or any person connected with the bidder presently employed by the state? **YES / NO**

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member: ……...……
Name of state institution at which you or the person connected to the bidder is employed: ……
Position occupied in the state institution: ……

Any other particulars:
……

……

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

2.7.2.1 If yes, did you attach proof of such authority to the bid document? **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:

……
……

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:
……..
……..

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

2.9.1 If so, furnish particulars.
……...
……..….

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid? **YES/NO**

2.10.1 If so, furnish particulars**.**
……
……

2.11Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract? **YES/NO**

2.11.1If so, furnish particulars:
……..
……..

3 FULL DETAILS OF DIRECTORS / TRUSTEES / MEMBERS / SHAREHOLDERS.

Full Name	Identity Number	Personal Tax Reference Number	State Employee Number / Persal Number

DECLARATION

I, THE UNDERSIGNED (NAME)……

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.
I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

…….. ……
Signature Date

…….. ……
Position Name of bidder

45. DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES SBD8

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

2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.

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

a. abused the institution's supply chain management system;
b. committed fraud or any other improper conduct in relation to such system; or
c. failed to perform on any previous contract.

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

Item	Question	Yes	No
4.1	**Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?** (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the *audi alteram partem* rule was applied). **The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.**	Yes ☐	No ☐
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? **The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.**	Yes ☐	No ☐
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes ☐	No ☐
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes ☐	No ☐
4.4.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME)……

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.

I ACCEPT THAT, IN addition TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

……...	**……..**
Signature	**Date**
……	**……..**
Position	**Name of Bidder**

46. CERTIFICATE OF INDEPENDENT BID DETERMINATION SBD9

1 This Standard Bidding Document (SBD) must form part of all bids[1] invited.

2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).[2] Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.

3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:

a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.

b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.

4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.

5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

[1] Includes price quotations, advertised competitive bids, limited bids and proposals.

[2] Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

_____

(Bid Number and Description)

in response to the invitation for the bid made by:

_____

(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of:_____that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;

3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:

    (a) has been requested to submit a bid in response to this bid invitation;
    (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
    (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

6. 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[3] will not be construed as collusive bidding.
7. Without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:

    (a)prices;
    (b) geographical area where product or service will be rendered (market allocation)
    (c) methods, factors or formulas used to calculate prices;
    (d) the intention or decision to submit or not to submit, a bid;
    (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
    (f) bidding with the intention not to win the bid.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. 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] 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.

10. 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.

……

SignatureDate

……

Position Name of Bidder