

Reference: N.001-156-2020-2R

Date: 01 December 2023

Email: procurementER6@sanral.co.za

Fax Number: +27 (0) 33 392 8133

Direct Line: +27 (0) 33 386 3365

Website: www.nra.co.za



Dear Tenderers

CONTRACT NUMBER: N.001-156-2020/2R: FOR THE SPECIAL MAINTENANCE ON NATIONAL ROUTE 1, SECTION 16, FROM KM 12.84 TO KM 32.2

ADDENDUM NO. 1

This Addendum is issued in terms of Clause C.3.2 of the Tender Data and must be read in conjunction with and shall be deemed to form part of the Tender Document.

Kindly acknowledge receipt of this addendum by completing the ACKNOWLEDGEMENT OF ADDENDUM below. Failure to acknowledge this addendum may invalidate the Tender.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Linda', is written over a horizontal dotted line.

PROCUREMENT OFFICER

CONTRACT NUMBER: N.001-156-2020/2R: FOR THE SPECIAL MAINTENANCE ON NATIONAL ROUTE 1, SECTION 16, FROM KM 12.84 TO KM 32.2

THIS ADDENDUM CONTAINS THE FOLLOWING TO TENDER DOCUMENT NUMBER N.001-156-2020/2:

- **PART A: AMENDMENTS TO THE TENDER DOCUMENT**
- **PART B: QUESTIONS & ANSWERS FROM THE PREVIOUS DOCUMENT**

PART A: AMENDMENTS TO THE TENDER DOCUMENT

1. AMENDMENTS TO VOLUME 3 PROJECT DOCUMENT

(PLEASE NOTE RED IS TO INDICATE THE CHANGES)

DELETE ANY REFERENCE TO PROJECT NUMBER N001-156-2020/2

REPLACE WITH N.001-156-2020/2R

AMEND T1.1 AS FOLLOWS:

T1.1 TENDER NOTICE AND INVITATION TO TENDER (Incorporating SBD1)

The South African National Roads Agency SOC Limited (SANRAL) invites tenders for the Special Maintenance on National Route 1, Section 16, from Km 12.84 to Km 32.2. This project is in the province of the Free State in the district municipality of Lejweleputswa and local municipality of Masilonyana. The approximate duration is 21 months including 3 Months for the Mobilisation Period.

CIDB Regulation 25(1B) will not be applicable to this contract.

Only tenderers who are registered on the National Treasury Central Supplier Database as stated in the Tender Data C.2.1.1, are eligible to tender.

It is estimated that tenderers should have a CIDB contractor grading designation of 9CE, however tenderers attention is drawn to clause C.2.1.1 of the Tender Data when submitting their tender.

Tenders from tenderers registered as potentially emerging enterprises but with a CIDB contractor grading designation lower than a contractor grading designation determined in accordance with the sum tendered, or a value determined in accordance with Regulation 25(7A) of the Construction Industry Development Regulations, will not be accepted.

DELETE THE FOLLOWING:

It is a requirement of this project that the successful tenderer subcontract a minimum of 40 percent (40 %) or higher as tendered of the work by the end of the contract to Targeted Enterprise(s) as defined in the Contract Data.

REPLACE WITH THE FOLLOWING:

It is a requirement of this project that the successful tenderer subcontract a minimum of 30 percent (30 %) or higher as tendered of the work by the end of the contract to Targeted Enterprise(s) as defined in the Contract Data.

TENDER DOCUMENTS

Tender documents are available from at no cost in electronic format downloaded from the SANRAL's website by the following link: https://www.nra.co.za/sanral-tenders/status?region_id=national

Tenderers must have access to MS Office ©2013 and Acrobat Adobe ©9.0, or similar compatible software.

Tenderers must submit, via email, the duly completed Form A1.1 Certificate of Intention to Submit a Tender prior to **05 December 2023**. Failure to submit this certificate would result in the tenderer not receiving addenda or additional issued information and may result in the tenderer being non-responsive.

TENDERER'S MEETING

A non-compulsory clarification briefing meeting will be held via a virtual platform on **12 December 2023 at 10:00** where the project will be presented. A link to join the clarification meeting: [Click here to join the meeting](#).

COMPLETION AND DELIVERY OF TENDERS

The closing time for receipt of tenders is 11h00 on **15 January 2024**.

Telegraphic, telephonic, telex, email, facsimile and late tenders will not be accepted.

Tenders may only be submitted in the format as stated in the Tender Data.

Requirements for sealing, addressing, delivery, opening and assessment of tenders are stated in the Tender Data.

Queries relating to issues arising from these documents may be addressed to:

E-mail: procurement6@sanral.co.za

The following amendments and additions to the Project Document shall apply:

PAGE	CLAUSE / ITEM	AMENDMENT / ADDITION
PART T1: TENDERING PROCEDURES		
Book1	Tender Notice	COMPLETION AND DELIVERY OF TENDERS Amend the closing time for receipt of tenders to “11h00 on 15 January 2024 ”.
Book 1	C.2.7	Clarification meeting Non-compulsory clarification meeting A non-compulsory clarification briefing meeting will be held via a virtual platform on 12 December 2023 at 10h00 , where the project will be presented. A link to the clarification briefing meeting: https://teams.microsoft.com/l/meetup-join/19%3ameeting_YThmOGM1M2ItY2VkOS00NzNhLWJjMGQtNWRhMTBkMjUyZTNk%40thread.v2/0?context=%7b%22id%22%3a%2224236235-bb51-454e-8f47-206699c7e33b%22%2c%22Oid%22%3a%22b1dfe925-2359-4685-a09c-9745ec1e9160%22%7d
Book 1	C2.8	Seek clarification Delete the following: Request clarifications at least 12 (twelve) working days before the closing date. Replace with the following: Request clarifications at least 7 (seven) working days before the closing date.
Book 1	C2.15	Amend the closing time for receipt of tenders to “11h00 on 15 January 2024 ”.
Book 1	C3.1.1	Delete the following: The Employer shall respond clarifications received up to 12 (twelve) working days before tender closing date. Replace with the following: The Employer shall respond clarifications received up to 7 (seven) working days before tender closing date. The Employer shall respond to any clarifications from the tenderers emanating from the addenda until 3 (three) working days before tender closing date.
Book 1	C3.4.1	Amend the opening time of the tender offer via live streaming to “11h00 on 15 January 2024 ”.

T-16	C3.9.4	<i>Add the following:</i> Where there is an omission of a line item, no correction is possible, and the offer may be declared non-responsive. <i>Should the original price not be retained after balancing, the tenderer will be rendered non responsive.</i> Declare as non-responsive and reject any offer from a tenderer who elects not to accept the proposed correction of the; errors, omissions or imbalanced rates. <i>During testing of tender responsiveness, clause C.3.8 of CIDB tender conditions will be applicable.</i> <i>Delete the following:</i> Declare as non-responsive and reject any offer from a tenderer who elects not to accept the proposed correction of the; errors, omissions or imbalanced rates, and subject the tenderer to the sanction under C.2. <i>Replace with the following:</i> <i>Declare as non-responsive and reject any offer from a tenderer who elects not to accept the proposed correction of the; errors, omissions or imbalanced rates.</i>
------	--------	---

Book 1

C3.11

Delete and replace with:

Evaluating price and preference

i. 80/20 preference point system for acquisition of goods and services for Rand value equal to or above R2 000 and up to R50 million

The following formula will be used to calculate the points out of 80 for price:

$$P_s = 80(1 - (P_t - P_m) / P_m)$$

Where:

P_s is the points scored for price of tender under consideration.

P_t is the price of the tender under consideration; and

P_m is the price of the lowest acceptable tender.

ii. 90/10 preference point system for acquisition of goods and services for Rand value above R50 million

The following formula will be used to calculate the points out of 90 for price:

$$P_s = 90(1 - (P_t - P_m) / P_m)$$

Where:

P_s is the points scored for price of tender under consideration.

P_t is the price of the tender under consideration; and

P_m is the price of the lowest acceptable tender.

In the event that the calculated value is negative, the allocated score shall be 0 (zero).

Scoring preference (Specific Goals):

Points for specific goals will be awarded according to the table below:

Specific goals	Criteria	10 points		20 points	
		Point allocation	Maximum points	Point allocation	Maximum points
B-BBEE Level	Level 1	10.00	10.00	20.00	20.00
	Level 2	9.00		18.00	
	Level 3	6.00		14.00	
	Level 4	5.00		12.00	
	Level 5	4.00		8.00	
	Level 6	3.00		6.00	
	Level 7	2.00		4.00	
	Level 8	1.00		2.00	
	Non-compliant contributor	0.00		0.00	

		A valid B-BBEE verification certificate or A valid Sworn Affidavit must be submitted. <i>Delete the following:</i> 2. Black ownership i) The bidder must complete Form C1.3: Black ownership declaration. ii) *Verification of ownership will be based on share certificate. SANRAL reserves the right to engage with the shareholders. 3. Sub-contracting i) Tenderers must complete Form C1.4: Sub-contracting declaration.
--	--	---

Book 1	C3.13	In the first paragraph replace “C.3.13(g) to (k)” with “C.3.13(g) to (l)” Add the following after k): l) Price negotiations. 1. If the price offered by a tenderer scoring the highest points is not market related, the Organ of state may not award the tender to that tenderer. 2. The Organs of state may – i. Negotiate a market related price with the tenderer scoring the highest points or cancel the tender; ii. If the tenderer does not agree to a market related price, negotiate a market related price with the tenderer scoring the second highest points or cancel the tender; iii. If the tenderer scoring the second highest points does not agree to a market related price, negotiate a market related price with the tenderer scoring the third highest points or cancel the tender; 3. If a market related price is not agreed as envisaged in paragraph 2(iii), the organ of state must cancel the tender.
PART T2.1: RETURNABLE SCHEDULES		
Book 1	Form C1.3	Delete the following form: Form C1.3: Black ownership declaration
	Form C1.4	Delete the following form: Form C1.4: Sub-contracting declaration
PART T2.2: RETURNABLE SCHEDULES		
Book 1	Table Of Content	Delete the following forms to the Table of Content: FORM C1.3: BLACK OWNERSHIP DECLARATION FORM C1.4: SUB-CONTRACTING DECLARATION

	Form A1.1	Replace the Notes to Tenderer in Form A1.1 with the following: Notes to Tenderer: 1. The duly completed certificate of intention to submit a tender <u>must</u> be submitted by whoever intends to tender for this particular tender prior to 05 December 2023. <u>Failure to submit the certificate of intention to tender within the required period may render the tenderer non-responsive and SANRAL does not accept responsibility for any communication not received by the tenderer timeously.</u> 2. Failure to submit this certificate would result in the tenderer not receiving addenda or additional issued information and may result in the tenderer being non-responsive if “any material amendment/s” contained in the addenda or additional information is not included in the tender offer/submission. 3. Late notification of intention to tender by a prospective tenderer <u>will not</u> necessarily result in the tender closing date being extended. 4. Should you intend to submit a tender for this particular tender please sign the certificate, scan and email the completed document to the email address indicated in T1.1 of this tender document. 5. The Employer shall send all correspondences, including Addenda, only to the Tenderer’s email address as provided herein; in addition, the Employer shall upload all correspondences on SANRAL website and National Treasury eTender Portal.
	Form A8	Replace Form A8 with attached Appendix A
	Form A13	Replace Form A13 with attached Appendix B
	Form A14	Add Form A14 by utilizing attached Appendix C
	Form C1.2	Replace Form C1.2 with attached Appendix D
BOOK 2		
Book 2	C1.2.1	Delete the word “or” at the end of sub-paragraph (g) and add the word “or” at the end of sub-paragraph (h) Add the following after sub-paragraph (h) (i) In the event that its director/s are found guilty by a Court of Law on the counts of fraud charges against them, SANRAL reserves the right to terminate the contract and to assert all legal recourse available to it.

Book 2	C1.2.2	Replace the data for Clause A4.4, with the following: The percentage of the contract value that may be sublet is dependent on the Minimum Targeted Enterprise subletting targets and shall not exceed the Maximum Subcontracting allowed % as per the following table: <table><tr><th>Minimum Targeted Enterprise (TE) subletting (%)</th><th>Maximum Subcontracting allowed (%)</th></tr><tr><td>≤30</td><td>50</td></tr><tr><td>>30 to ≤40</td><td>60</td></tr><tr><td>>40 to <45</td><td>65</td></tr><tr><td>≥45 to <50</td><td>70</td></tr><tr><td>≥50</td><td>80</td></tr></table>	Minimum Targeted Enterprise (TE) subletting (%)	Maximum Subcontracting allowed (%)	≤30	50	>30 to ≤40	60	>40 to <45	65	≥45 to <50	70	≥50	80
Minimum Targeted Enterprise (TE) subletting (%)	Maximum Subcontracting allowed (%)													
≤30	50													
>30 to ≤40	60													
>40 to <45	65													
≥45 to <50	70													
≥50	80													
BOOK 3														
Book 3	Part C3	Delete the Specification Data for CPG for Targeted Enterprise (but keep the minimum contribution by target groups unchanged) and replace with: Minimum of 30% of the Final Contract Value by the end of the contract to Targeted Enterprises. The Final Contract Value for purposes of this clause, is defined in clause D1003.04.												

PART B: QUESTIONS & ANSWERS FORM THE PREVIOUS DOCUMENT

ADDENDUM 1

SECTION B: QUESTIONS AND ANSWERS DURING THE CLARIFICATION MEETING

Only questions raised at the clarification meeting or submitted in writing will be formally answered and become part of the Tender Documents. The questions received at the clarification meeting or in writing from tenderers up to 12 October 2023, as well as the answers to the questions, are listed in the table below.

1	Q	1. The tenderer failed to submit A1.1 Form before the specified date. Can they still tender?
	A	Yes, fortunately there has been no addendums issued before the briefing meeting. However, it's crucial to submit the A1.1 Form in order to receive addenda. Addenda is also published on the SANRAL website.
2	Q	2. Is this tender structured as one project with two alternative phases?
	A	No, the tender briefing covered two distinct projects. Each project comes with its own set of unique requirements and specifications. The two projects are also treated as two separate tenders.
3	Q	3. Will a single Tenderer be eligible to submit tenders for both projects and potentially secure contracts for both?
	A	Yes, each Tenderer has the opportunity to submit tenders for both projects.

The South African National Roads Agency SOC Limited
P.O. Box 415
Pretoria
0001

CONTRACT NUMBER: N.001-156-2020/2R

ACKNOWLEDGEMENT OF ADDENDUM NO. 01

I _____

Representing Messrs _____

Hereby acknowledge that I have received the above Addendum and that I am conversant with the contents thereof.

SIGNATURE: _____

DATE: _____

This Addendum is to be read in conjunction with and shall be deemed to form part of the Contract Documents.

You must therefore acknowledge receipt of this addendum by emailing this form to the South African National Roads Agency SOC Limited at ProcurementER6@sanral.co.za and the original must be attached to the Returnable Schedules.

Failure to acknowledge receipt of this addendum may invalidate the Tender.

Appendix A

FORM A8: TENDERER'S REGISTERED FINANCIAL SERVICE PROVIDER LETTER AND BANK DETAILS

CONTRACT SANRAL N.001-156-2020/2R

THE SPECIAL MAINTENANCE ON NATIONAL ROUTE 1, SECTION 15 AND 16, FROM GLEN LYON (KM 62.30) TO ZANDKRAAL (KM 12.84)

Notes to tenderer:

1. The tenderer shall attach to this form:
 - 1.1 a letter (dated less than 3 months prior to the tender closing date) from a registered Financial Service Provider (registered with the FSB) which :
 - 1.1.1 Provides banking details and declares how the entity conducts its account; and
 - 1.1.2 confirms that the Tenderer has the financial means net of current commitments (independent of any contractual advance payment) available to meet the construction cash flow requirements estimated for the subject contract, or a written confirmation from any registered financial institution; or
 - 1.2 a letter (dated less than 3 months prior to the tender closing date) from the tenderer's independent registered accountant confirming that the Tenderer has the financial means net of current commitments (independent of any contractual advance payment) to meet the construction workflow requirements estimated for the subject contract. The confirmation by an independent registered accountant must indicate that the review, to be conducted in terms of ISRS4400, was done in terms of the Section 30 and Regulation 29 of the Companies Act No. 71 of 2008 ; or
 - 1.3 a letter (dated less than 3 months prior to the tender closing date) from the tenderer's financial sponsorship confirming that the Tenderer has the financial means net of current commitments (independent of any contractual advance payment) to meet the construction workflow requirements estimated for the subject contract
2. If the Tenderer does not have financial means, the tender may be declared non-responsive in terms of clause C.3.13(b) of the Tender Data.
3. The Tenderer (and in the event of a joint venture, the joint venture member's combined) shall have available capital in excess of R 13 245 004
4. In the event that the tenderer is a joint venture enterprise, details of all the members of the joint venture shall be similarly provided and attached to this form.

Option 1 - Letter to be on the tenderer's registered Financial Service Provider's letter head

RE: ACCOUNT CONDUCT AND/OR CASHFLOW CONFIRMATION

To Whom It May Concern:

We hereby confirm that *(Insert Tenderer's Name)* has been banking with **xxxx** Bank for a period of **xxx years** and the account has been conducted in a satisfactory manner.

The *(Insert Tenderer's Name)* has the financial means, net of current commitments, available to meet the construction cash flow requirements to the value of R..... for contract..... *(insert contract number). (Note to tenderer; if cashflow confirmation is provided by another institution, delete this paragraph).*

- i) Name of Account Holder:
- ii) Account number:
- iii) Bank name:
- iv) Branch number:
- v) Bank and branch contact details:

Option 2 - Letter to be on the tenderer's independent registered accountant letter head

RE: CASHFLOW CONFIRMATION (independent registered accountant)

To Whom It May Concern:

The *(Insert Tenderer's Name)* has the financial means, net of current commitments, available to meet the construction cash flow requirements to the value of R..... for contract..... *(insert contract number).*

Appendix B

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	N.001-156-2020/2R	CLOSING DATE:	15 JANUARY 2024	CLOSING TIME:	11:00
DESCRIPTION	FOR THE SPECIAL MAINTENANCE ON NATIONAL ROUTE 1, SECTION 16, FROM KM 12.84 TO KM 32.2				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
58 Van Eck Place					
Mkondeni					
Pietermaritzburg					
3201					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Procurement Office		CONTACT PERSON	Procurement Office	
TELEPHONE NUMBER	N/A		TELEPHONE NUMBER	N/A	
FACSIMILE NUMBER	N/A		FACSIMILE NUMBER	NO CHANGE REQUIRED	
E-MAIL ADDRESS	ProcurementER6@sanral.co.za		E-MAIL ADDRESS	ProcurementER6@sanral.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
1.1.1.1 ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]		1.1.1.2 ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES 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

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- 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, 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:

.....

Appendix C

FORM A 14: DECLARATION OF TENDERER'S FINANCIAL SUBMISSION

CONTRACT SANRAL N.001-156-2020/2R

FOR THE SPECIAL MAINTENANCE ON NATIONAL ROUTE 1, SECTION 16, FROM KM 12.84 TO KM 32.2

Notes to tenderer:

1. The signatory for the tenderer shall complete and sign this form declaring his/her understanding of the declaration form taking note of the points extracted below as contained in the tender document.

2. I, the undersigned, declare that:

I have submitted a balanced tender and have not tendered any negative rates, besides of Combined Site Laboratory contribution . I accept the risk of doing any work at our own tendered rates. However, I will rebalance my unit rates on request from the Employer where any unduly low or high rates are pointed out. I realise that by balancing my unit rates my tender amount will remain unchanged as prescribed in clause C.3.9 of the tender document.

The above information is to the best of my knowledge true and accurate.

SIGNATURE:

Signed and sworn before me at on the day of
20...

The deponent having:

- (i) acknowledged that he/she knows and understands the contents hereof;
- (ii) confirmed that he/she has no objection to the taking of the prescribed oath;
- (iii) that he/she considered the prescribed oath as biding upon his/her conscience; and

COMMISSIONER OF OATHS

Appendix D

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022 (SBD 6.1)

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

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

1. GENERAL CONDITIONS

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

- 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 **To be completed by the organ of state**

- a) The applicable preference point system for this tender is the **90/10** preference point system.

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	90
SPECIFIC GOALS	10
Total points for Price and Specific Goals	100

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

Where

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

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.

The specific goals allocated points in terms of this tender	Criteria	Number of points allocated (90/10 system)	Number of points claimed (90/10 system) (To be completed by the tenderer)
B-BBEE level scorecard of the tendering entity.	B-BBEE Level 1	10.00	
	B-BBEE Level 2	9.00	
	B-BBEE Level 3	6.00	
	B-BBEE Level 4	5.00	
	B-BBEE Level 5	4.00	
	B-BBEE Level 6	3.00	
	B-BBEE Level 7	2.00	
	B-BBEE Level 8	1.00	
	Non-compliant contributor	0.00	

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

5. DECLARATION WITH REGARD TO COMPANY/FIRM

5.1. Name of company/firm.....

5.2. Company registration number:

5.3. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety
- ☐ Close corporation
- ☐ Public Company
- ☐ Personal Liability Company
- ☐ (Pty) Limited
- ☐ Non-Profit Company
- ☐ State Owned Company

[TICK APPLICABLE BOX]

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

- 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:	
	
	
	