



South African Human Rights Commission

TENDER NUMBER	SAHRC/RFQ 05/2024- DEVELOP, CONFIGURE, TEST, AND PILOT A DIGITAL COMPLAINTS MOBILE APPLICATION
DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER TO DEVELOP, CONFIGURE, TEST, AND PILOT A DIGITAL COMPLAINTS MOBILE APPLICATION FOR THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION (SAHRC).
TENDER BRIEFING	25 September 2024 Time 10H00 TIME: 11H00 (GMT +2) ADDRESS: Sentinel House, Sunnyside Office Park, 32 Princess of Wales Terrace, Parktown, Johannesburg, 2193 Enquiries can be made in writing as follows: Administration/ Supply Chain Management: Kganki Kekana tender@sahrc.org.za Technical: Rulani Kuvutlu rkuvutlu@sahrc.org.za
CLOSING DATE	DATE: 01 October 2024 TIME: 11H00 (GMT +2) ADDRESS: South African Human Rights Commission Supply Chain Management Sentinel House, Sunnyside Office Park, 32 Princess of Wales Terrace, Parktown Submissions to be done via email to: HOprocurement@sahrc.org.za

1. BACKGROUND

The South African Human Rights Commission (SAHRC) is a Constitutional body established in terms of the Constitution of South Africa, 1996 as well as the South African Human Rights Commission Act, 40 of 2014. The SAHRC is under the strategic leadership of Commissioners. The administration of SAHRC is overseen by the Chief Executive Officer (CEO).

2. OBJECTIVE

The primary purpose of this request is to appoint a service provider to develop, configure, test, and pilot a digital complaints management mobile application at the SAHRC.

3. SCOPE OF SERVICES

- Successful bidder to review the current approved URS and FDS for digital complaints mobile Application.
- Successful bidder to develop and test digital complaints management mobile Application.
- Successful service provider to configure a mobile application for digital complaints and deploy it to Google and Apple devices for testing.
- Successful service provider to conduct User Acceptance Testing with the end users and obtain sign-off.
- Successful service provider to compile as build documents for developing digital mobile Application.
- Successful service provider to train back-end users to operate and manage requests logged via the mobile application.
- Successful service provider to hand over source code to SAHRC and other digital application build artifacts.
- Successful service to configure mobile devices and deploy them to the selected SAHRC Provincial Offices.

4. DELIVERABLES

- Development, configuration, testing, and piloting of the digital complaints management application.
- Registration to AppStore and Google Play.
- Training of SAHRC officials.
- Handing over source code and building artifacts.
- Digital complaints management mobile application as build document.

5. PROJECT TIMELINES

5.1 Digital complaints management mobile application to be piloted by February 2025.

6. PRICING

- All pricing must be shown inclusive of any applicable VAT.

7. REQUIRED EXPERTISE, TECHNICAL SKILLS, AND COMPETENCY

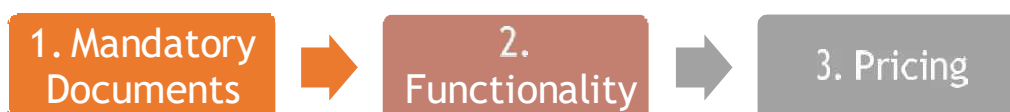
7.1 The Commission requires the services of a service provider with five years or more of experience in developing mobile applications.

8. EVALUATION CRITERIA

Bids will be evaluated on 80/20 point system as outlined in the PPR of 2022.

The proposals will be evaluated in three phases:

Phase 1: Mandatory Documents



8.1 Bid proposal.

8.2 Central Supplier Database Report.

8.3 Valid Tax Clearance Certificate or Tax Compliance Status (with SARS PIN CODE).

8.4 The service provider must provide supporting documents used to claim points under 4.2 of SBD 6.1 *(failure to submit will result in the service provider forfeiting points on the last stage of evaluation)*

8.5 All SBD (Standard Bidding Documents) forms must be completed fully and dully signed.

8.6 A comprehensive company profile

Note: Bidders who fail to comply with the mandatory requirements will be regarded as submitting a non-responsive bid, disqualified and not considered for further evaluation.

Phase 2: Functionality

ALL compliant quotes received will be evaluated based on the following criteria: functionality criteria will be further evaluated on applicable values as outlined below:

0 = Unacceptable, 1 = Serious Reservations, 2 = Minor Reservations, 3 = Acceptable, 4 = Good, and 5 = excellent valuation on functionality, as in Table 1 below:

- I. Bidders will be evaluated out of 100 points and are required to achieve minimum threshold of 70.***
- ii. The overall score must be equal or above 70 to proceed to for Price and Specific Goals evaluations.***
- iii. Bidders who fail to meet minimum threshold will be regarded as submitting a non-responsive bid and will not be considered for further evaluation on price and preference points. The minimum threshold for qualification by functionality is 70, assessed as per criteria listed in Table 1 below:***

Table 1: Functionality evaluation

Bidders must obtain a minimum threshold of 70 points on Functionality to proceed to the next stages of the evaluation process.

Bidders receive scores less than 70 points will not proceed to the next phase.

Criterion	Description	Weight (%)												
1	The Project Manager/ Team Lead have relevant ICT or System development qualifications. (Proof of qualification and CV to be provided) <table><tr><th>Classification</th><th>Score</th></tr><tr><td>Master degree or higher</td><td>30</td></tr><tr><td>Honours degree</td><td>25</td></tr><tr><td>Degree or post-graduate diploma</td><td>20</td></tr><tr><td>Diploma</td><td>10</td></tr><tr><td>Less than diploma OR no proof of qualification provided</td><td>0</td></tr></table>	Classification	Score	Master degree or higher	30	Honours degree	25	Degree or post-graduate diploma	20	Diploma	10	Less than diploma OR no proof of qualification provided	0	30
Classification	Score													
Master degree or higher	30													
Honours degree	25													
Degree or post-graduate diploma	20													
Diploma	10													
Less than diploma OR no proof of qualification provided	0													
2	The bidder to provide previous proven experience in the development of mobile applications (at least 3 references of clients for whom similar work was previously done). Contactable references to be attached. <table><tr><th>Classification</th><th>Score</th></tr><tr><td>10 years or more</td><td>35</td></tr><tr><td>7-9 years</td><td>25</td></tr></table>	Classification	Score	10 years or more	35	7-9 years	25	35						
Classification	Score													
10 years or more	35													
7-9 years	25													

	5-6 years	15	
	3-4 years	5	
	Less than 3 years	0	
3	The service provider to provide a detailed project plan detailing how they will develop, configure, test, deployment to AppStore and Google Play and piloting of the digital complaints management mobile application covering: a. How the overall development to piloting of the digital mobile application will be delivered within the time frames. b. Timelines, Cost breakdown, activities, and resources for implementation. c. Communication and engagement strategy (ensuring full participation). d. Detailed CV/s of individual/s identified to perform the assignment. e. Number of human resources to be involved.		35
	Classification	Score	
	A project plan that covers all the above topics	35	
	A project plan that covers 4 of the above topics	25	
	A project plan that covers 3 of the above topics	15	
	Project plan that covers 2 of the above topics	10	
	A project plan that covers 1 of the above topics	5	
	A project plan that covers none of the above topics	0	

Phase 3: Price and Specific Goals evaluation

Price evaluation based on the 80/20 preferential point system.

The contract would be awarded to the service provider scoring the highest score.

The points scored in respect of Specific Goals will be added to the points scored for price.

Only Bidders that have met the 70 point threshold to be considered for price and specific goals. Price and specific goals will be evaluated as follows:

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

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

i. **Stage 1 – Price Evaluation (80 Points)**

ii.

Criteria	Points
Price Evaluation $Ps = 80 - 1 \frac{Pt - P \min}{P \min}$	80

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

Where

- Ps = Points scored for comparative price of bid or offer under consideration.
- Pt = Comparative price of bid or offer under consideration.
- P min = Comparative price of lowest acceptable bid or offer
- Points must be awarded to a bidder for attaining the specific status level of contribution in accordance with the table below

a. **Specific goals allocation**

A maximum of 20 points may be allocated to a bidder for attaining their specific goals status level of contributor in accordance with the table below:

SPECIFIC GOALS	POINTS
Suppliers with ownership of 51% or more by person/s who are black person/s	10
Suppliers with ownership of 51% or more by person/s who are women	5
Suppliers with ownership of 51% or more by person/s who are youth	3
Suppliers with ownership of 51% or more by person/s with disability	2

Specific goal points may be allocated to bidders on submission of the following documentation or evidence

- A duly completed Preference Point Claim Form: Standard Bidding Document (SBD 6.1); and

9. CONFIDENTIALITY, INDEPENDENCE AND OBJECTIVITY

The service provider will hold all material and information exchanged in the course of the implementation of this project in the strictest confidence and will take all steps necessary to prevent dissemination of this information to any third party, without the prior written agreement of the SAHRC as the SAHRC asserts its moral authority and copyright over the report. The service provider must ensure that its staff maintains their objectives by remaining independent of the activities they execute.

9.1 THE TOTAL COST WILL BE USED TO CALCULATE POINTS FOR PRICE CLARIFICATION

The SAHRC may request clarity of further information regarding any aspect of the bid. The service provider should supply the requested information within forty-eight (48) hours after the request has been made.

The SAHRC reserves the right to conduct a security background check or screening of the service provider.

The SAHRC reserves the right to conduct reference checks on the list of references provided by the service provider where similar work was conducted.

10. CONDITIONS OF TENDER

10.1 The SAHRC reserves the right not to award the tender.

10.2 Any conditions imposed by the service provider that is restrictive or contrary to any part of these Terms of Reference will automatically disqualify the service provider.

10.3 The service provider will be held liable for any damage or loss suffered by the entity, because of the provider's own or his/her employees' negligence or intent, which originated at the site.

10.4 The service provider will have to pay damages or replace any stolen item damaged or stolen due to the negligence or intent of the service provider's employees.

10.5 The service provider must, at his/her own expenses, take out sufficient insurance against any claims, cost, loss and/or damage ensuing from his/her obligations and shall ensure that such insurance remains operative for the duration of this agreement.

10.6 SAHRC does not bind itself to accept the lowest quote.

10.7 SAHRC does not bind itself to make any selection from the proposals, or quotations received.

10.8 SAHRC reserves the right, at its sole discretion, to cancel this request for proposals and/or not to make any selection of the service provider/s at all.

10.9 All prices quoted must be VAT inclusive.

10.10 SAHRC will not make any upfront payments before the rendering of services.

10.11 The successful bidder shall provide the service required based on the set timelines and as per the schedule to be provided by SAHRC.

10.12 A pricing schedule with one of the specified elements omitted from the costing may be considered non-responsive.

10.13 The price proposal must be valid for 120 days.

11 CONTRACT PERFORMANCE

- 11.1 If it is found that the information provided is false including the breach of the General Condition of Contract, The SAHRC reserves the right to terminate this contract with immediate effect.
- 11.2 The performance of the Service Provider shall be reviewed quarterly during the period of the signed Service Level Agreement

12 FORMAT AND SUBMISSION OF THE PROPOSAL

All the official forms (SBD) must be completed and signed in all respects by bidders. Failure to comply will invalidate a bid.

For ease of reference, bids should be packaged in the following format:

- Annexure A - Signed Tender Document and Completed SBD Forms
- Annexure B - Mandatory Documents
- Annexure C - Functionality Response
- Annexure D - Company Profile
- Annexure E - Any other supporting document

13 BRIEFING/INFORMATION SESSION AND ENQUIRIES

Date: 25 September 2024 11H00

ADDRESS: Sentinel House, Sunnyside Office Park, 32 Princess of Wales Terrace, Parktown, Johannesburg, 2193

13.1 ENQUIRIES

All enquiries must be made in writing to the following

Mr. Kganki Kekana tenders@sahrc.org.za	Mr Rulani kuvutlu rkuvutlu@sahrc.org.za
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Enquires must be submitted by the 25 September 2024 deadline. Responses would be made by the 25 September 2024.

14 CLOSING DATE

14.1 Proposals must be submitted on or before **01 October 2024 at 11h00**

14.2 All documentation must be emailed to: HOpurchasement@sahrc.org.za

14.3 Submissions should be made using the RFQ number for ease of reference



SBD1

PART A
INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION					
BID NUMBER:	SAHRC/RFQ 05/2024			CLOSING TIME:	11:00
DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER TO DEVELOP, CONFIGURE, TEST, AND PILOT A DIGITAL COMPLAINTS MOBILE APPLICATION FOR THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION (SAHRC).				
BID RESPONSE DOCUMENTS MAY BE SUBMITTED AT					
HOprocurement@dahrc.org.za					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Tender office		CONTACT PERSON	Mr Rulani Khuvutlu	
TELEPHONE NUMBER	011 877 3600		TELEPHONE NUMBER	011 877 3600	
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	tenderoffice@sahrc.org.za		E-MAIL ADDRESS	rkhuvutlu@sahrc.org.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:		O R	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]
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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
IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN 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 STATE 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

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)

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SBD 3.1

PRICING SCHEDULE –

FIRM PRICES (PURCHASES)

NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED

IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of bidder.....	Bid number.....
Closing Time 11:00	Closing date.....

OFFER TO BE VALID FOR.....DAYS FROM THE CLOSING DATE OF BID.

ITEM NO.	QUANTITY	DESCRIPTION	BID PRICE IN RSA CURRENCY ** (ALL APPLICABLE TAXES INCLUDED)
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Required by:

At

Brand and model

.....

.....
Country of origin

- Does the offer comply with the specification(s)? *YES/NO

- If not to specification, indicate deviation(s)

Period required for delivery

.....
....

*Delivery: Firm/not firm

Delivery basis

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination.

** "all applicable taxes" includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

*Delete if not applicable



SBD4

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

- 2.1 Is the bidder, or any of its directors / trustees / shareholders / members / Partners or any person having a controlling interest¹ in the enterprise, employed by the state?

YES/NO

- 2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

¹ the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

Full Name	Identity Number	Name of State institution

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

2.2.1 If so, furnish particulars:

.....

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

2.3.1 If so, furnish particulars:

.....

3 DECLARATION

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

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

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

- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME
IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22
ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN
MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE
FALSE.

.....

Signature

Date

.....

Position

Name of bidder

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

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

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

1. GENERAL CONDITIONS

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

- 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**

(delete whichever is not applicable for this tender)..

- a) The applicable preference point system for this tender is the 80/20 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	80
SPECIFIC GOALS	20
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:

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \mathbf{PPPP} = \frac{8888}{\text{mmmmmm}} \diamond 11 - \frac{PPPP - PP}{PP \text{ mmmmm}} \diamond ? & \text{or} & \mathbf{PPPP} = \frac{9988}{\text{mmmmmm}} \diamond 11 - \frac{PPPP - PP \text{ mmmmm}}{PP \text{ mmmmm}} \diamond ? \end{array}$$

Where $PP \text{ mmmmm}$

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

3.2.1. POINTS AWARDED FOR PRICE

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

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \mathbf{PPPP} = \frac{8888}{\text{mmmmmm}} \diamond 11 + \frac{PPPP - PP}{PP \text{ mmmmm}} \diamond ? & & \mathbf{PPPP} = \frac{9988}{\text{mmmmmm}} \diamond 11 + \frac{PPPP - PP \text{ mmmmm}}{PP \text{ mmmmm}} \diamond ? \end{array}$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of__
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
- then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Suppliers with ownership of 51% or more by person/s who are black person/s		10		
Suppliers with ownership of 51% or more by person/s who are women		5		
Suppliers with ownership of 51% or more by person/s who are youth		3		
Suppliers with ownership of 51% or more by person/s with disability		2		

DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company registration number:
.....

4.5. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint
Venture / Consortium ☐
One-person

- business/sole propriety
- ☐ Close corporation ☐ Public Company
- ☐ Personal Liability Company ☐ (Pty) Limited
- ☐ No
- ☐ n-
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- y
- Sta
- te
- Ow
- ne
- d
- Co
- mp
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- y
- [TICK APPLICABLE BOX]

- 4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:
- i) The information furnished is true and correct;
 - ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
 - iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
 - iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –

- (a) disqualify the person from the tendering process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution, if deemed necessary.

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