

AFRIKAANSE TAALMUSEUM EN -MONUMENT

REQUEST FOR PROPOSAL (ATM006-2021/2022)

**REQUEST FOR SERVICE PROVIDER TO LEASE PREMISES, AND MANAGE A COFFEE SHOP AT THE
AFRIKAANSE TAALMUSEUM EN -MONUMENT, PAARL FROM 1 NOVEMBER 2021**

Issued by:

Die Afrikaanse Taalmuseum en –monument: Supply Chain Department

11 Pastorie Avenue
Paarl
7646

Ms Juanita Carstens (Financial Assistant)
Tel: 021 872 3441

Full name of quoting entity / person:

(referred to further herein interchangeable as “quoting entity” or “bidder”).

Contact person:

Contact number:

Total contract value (incl. VAT):

Turnover Rental 2% (Two Percent)

Advert date: 23 August 2021

Compulsory briefing session: 7 September 2021 @ 11:00

Closing date and time: 21 September 2021 @ 13:00

Address where **proposal** must be lodged: Afrikaanse Taalmuseum, 11 Pastorie Avenue,
Paarl

Date, time and place for opening of **proposal**: 21 September 2021 at 14h00, Historium
Conference Centre, 11 Pastorie Avenue, Paarl

Quoting entity / bidder:

Quoting entity / bidder: Authorised signatory:

DIE AFRIKAANSE TAALMUSEUM EN -MONUMENT

REQUEST FOR PROPOSAL (ATM006-2021/2022)

**REQUEST FOR SERVICE PROVIDER TO LEASE PREMISES AND MANAGE A COFFEE SHOP TO THE
GENERAL PUBLIC, VISITORS AND STAFF OF THE ATM**

AT THE AFRIKAANSE TAALMONUMENT

IN GABBEMA DOORDRIFT, PAARL MOUNTAIN FROM 1 NOVEMBER 2021

1. BACKGROUND TO THE ATM

Die Afrikaanse Taalmuseum en -monument (ATM) is a Schedule 3A public entity and is subject to the requirements of the Public Finance Management Act (PFMA), No. 1 of 1999, Treasury Regulations and other relevant legislation. Please visit the ATM website on www.taalmuseum.co.za for more information on the ATM.

2. OBJECTIVES AND BID DESCRIPTION

The ATM seeks to appoint a service provider for the supply and management of a coffee shop, ("the business") at the iconic and popular Afrikaanse Taalmonument on Paarl Mountain for a fixed period of three years with the option to renew, subject to a process of evaluation.

The premises made available for the business is an area of approximately 230m² that consists of a small semi commercial kitchen, pizza oven, underroof serving area and a paved outside seating area (referred to further herein as "the premises").

The ATM will make the premises available to the service provider to whom this contract is awarded ("the nominated service provider") against payment of the agreed upon rental, and all charges relating to the usage of gas, fumigation of the premises, and the removal of refuse in respect of the premises will be for the appointed provider's account.

Yearly the ATM has up to 70 000 visitors and users in the building, which houses the premises ("the building"), and they are potential customers of the business. Besides the Monument and Museum, the ATM caters for special days/events, workshops, conference, private functions, etc. and the surrounding general public are also potential customers of the business.

The ATM considers it important to provide its patrons, staff and the general public access to a reasonable catering service during visits to the Taalmonument, hence the need for a facility of the kind the proposal are now invited for.

As the Afrikaanse Taalmonument has a specific task to showcase a modern, creative Afrikaans to mother-tongue and non-mother-tongue speakers, including foreign tourists, it will be expected of the nominated service provider to understand and support the ATM's vision, mission and values. In practice, this would include a multilingual, professional and friendly staff reflecting the demographics of the Afrikaans community, a multilingual menu that takes the multicultural Afrikaans/African food heritage into account, stylish décor, and creative Afrikaans/African music. These aspects also need to be reflected in any promotional material (including social media) utilised by the nominated service provider.

3. INVITATION TO SERVICE PROVIDERS

- 3.1 Suitably qualified service providers are hereby invited to submit proposals for a coffee shop for the premises, including the related furniture and equipment, and the operation therefrom of the kind described in paragraph 2 above, i.e. the business. Service providers who submit a proposal in response to this invitation are referred to further herein as “quoting entities” or “bidders”.
- 3.2 Apart from serving the general public, visitors to the ATM, ATM staff functions, production crews, performers and patrons during the ATM's normal business hours, the nominated service provider may be requested by ATM, at the latter's sole discretion, to provide competitive quotes for the following:
 - 3.2.1 auxiliary catering services for producers of events who require pre-production or after production catering;
 - 3.2.2 Catering services for performers of arts;
 - 3.2.3 Catering for future commercial business meetings and third-party events,and in respect of each such request the ATM shall be entitled to award the contract to another service provider.
- 3.3 Quoting entities must, when preparing their proposals, have regard to *inter alia* the following:
 - 3.3.1 The business must be open and operating, as a minimum, during the operating and/or opening hours of the ATM, which hours shall be communicated by ATM to the nominated service provider from time to time, and which are at present from 08h00 to 16h45 during winter (April to October) and from 08h00 to 20h00 during summer (November to March). Special opening hours will be negotiated between the ATM and the nominated service provider. Subjected to Covid regulations.
 - 3.3.2 The nominated service provider will be expected to provide pre-ordered picnics at market-related prices for a maximum of 6 stargazing and 6 full moon picnics that are held

during the summer season. During these events the business must be open and operating to cater for guests to enhance their visitor experience.

- 3.3.3 As the ATM offers various other events, including music concerts and workshops, during the financial year, it would be expected that the service provider should be open for business during these special events.
- 3.3.4 The nominated service provider must adhere to all laws applicable to the business, including but not limited to Health and Safety, Liquor laws, Employment laws, etc.
- 3.3.5 If the nominated service provider is an entity other than the former tenant of the premises, it must offer the staff members presently employed by the former tenant a 6-month contract with the same or better working conditions and remuneration, after which the working relationship/performance may be assessed and renegotiated.
- 3.3.6 The nominated service provider whose bid is successful will have to prepare and submit to the ATM for the latter's approval an environmental management plan, which shall introduce measures to reduce the carbon footprint of the business. These measures, which the nominated service provider will be obliged to implement, will include, but not be limited to minimising electricity-, gas- and water usage, minimising plastic usage, minimising pollution, reducing any wastage (also of food), actively recycling, using seasonal and locally grown ingredients, and selling locally-produced drinks as far as possible.
- 3.3.7 The nominated service provider will provide 6-monthly written reports to the ATM regarding its financial status, successes, challenges, and employer-employee relationships in order to facilitate better communication and planning for all involved.
- 3.3.8 The ATM expects a monthly turnover rental of 2% of every Rand by which the monthly gross sales of the business exceeds the amount of **R150 000**.
- 3.3.9 The nominated service provider shall provide ATM with 6th-monthly financial statements compiled by accountant at registered accounting body (at the nominated service provider's cost), which verify the turnover for the current and past 6 months, in order for the ATM to verify the sales turnover and the sales turnover profit.
- 3.3.10 If the nominated service provider is not a natural person, the ATM will require a director, trustee or member or member of the managing board of the nominated service provider to guarantee in his / her personal capacity that the nominated service provider will comply with all its obligations arising from the awarding of this contract.
- 3.3.11 The ATM and the nominated service provider will conclude an agreement that will govern the contractual relationship between them, substantially in accordance with the draft agreement that is Annexure A to this invitation for quotations, provided that any terms

and/or conditions contemplated in this invitation for quotations that are not contained in the draft agreement may be included in the final agreement.

4. BID / PROPOSAL DOCUMENTS CHECK LIST:

A completed and signed Proposal document must be submitted to Juanita Carstens, Afrikaanse Taalmuseum, 11 Pastorie Avenue, Paarl, in a sealed envelope. The Proposal document must be punched and placed into a file with dividers between each schedule, and the schedules must be formatted and numbered according to the numbering system stated below:

Schedules	Description	Submitted – Indicate YES or NO
Schedule 1	Supplier registration number	
Schedule 2	Monthly Rent Offer	
Schedule 3	SBD 1; 4; 6.1; 8 and 9	
Schedule 4	Original valid tax clearance certificate	
Schedule 5	Proof of registration if the quoting entity is a juristic person.	
Schedule 6	B-BBEE verification certificate issued by an accredited BEE verification agency/ sworn affidavit confirming the quoting entity's status as an exempted micro enterprise (EME) or qualifying small enterprise (QSE).	
Schedule 7	Company profile	
Schedule 8	Minimum of 5 written testimonials from clients for whom the quoting entity produces or has produced food or does or has done catering.	
Schedule 9	Bank Statements for the quoting entity for the past three years or if it has not been in existence for 12 months, for the period that it has been in existence.	
Schedule 10	Abridged Business Plan for the business, focusing on the following: Proposed, original menu that includes different food preferences (Halal, vegetarian, vegan, etc.) and takes Afrikaans/African food heritage into account;	

	• A logistical system for sourcing food and beverages, and maintaining adequate stock levels; • Initiatives/plans that would be implemented to make the operations more profitable; • Cash-flow projections for the first 12 months of operation.	
Schedule 11	Proof of operating a coffee shop or similar business with specific reference to the successes achieved.	
Schedule 12	Submit financial statements for the quoting entity for the past three years or if it has not been in existence for three years, for the period that it has been in existence.	
Schedule 13	Registration with accreditation bodies in the hospitality and tourism industry.	
Schedule 14	Proof of licenses / authorisations required to operate the business. (including liquor licence)	
Schedule 15	Proof of registration with the Department of Labour (Unemployment Insurance Fund, Workers Compensation Fund, etc.	

5. COMPULSORY SITE MEETING

A site meeting, attendance of which will be compulsory for all bidders, will be held at the **Afrikaanse Taalmonument, Gabbema Doordrift, Paarl Mountain on 07 September 2021, at 11h00.**

6. CLOSING DATE FOR QUOTATIONS

The Proposal document in its sealed envelope must be submitted in a quotation box that will be made available for this purpose at Afrikaanse Taalmuseum from 08 September 2021 to 21 September 2021 from Mondays to Fridays (public holidays excluded). Proposal documents must be placed in the said quotation box by no later than 13h00 on 21 September 2021, after which no quotations will be accepted.

7. REVIEW: LIST OF RESTRICTED SUPPLIERS AND REGISTER FOR TENDER DEFAULTERS

Prior to awarding of this contract, the ATM will verify with National Treasury database whether the quoting entity is listed on the List of Restricted Suppliers and Register for Tender Defaulters, and all quoting entities so listed will be disqualified from further consideration.

8. EVALUATION OF BIDDER RESPONSE

The evaluation of proposals and the awarding of the contract will be undertaken in accordance with the following phased evaluation process, as well as the ATM's policy on Supply Chain Management of which a copy may be obtained by contacting Tania Laing at finbestuur@taalmuseum.co.za:

1. Gate 0 – Assess whether the proposal contains a complete submission of the Standard Bid Documents (SBDs)
2. Gate 1 – Assess whether the mandatory conditions of the bid have been complied with.
3. Gate 2 – Assess whether the minimum points for functionality have been met (failure to meet that threshold will result in disqualification)
4. Gate 3 – Assessment of the qualifying bids in accordance with the 80/20 preference points system as specified in the Preferential Procurement Regulations of 2017

Gate 0 – Submission of Standard Quotation Documents (SBD's)

Quotations will only be considered if they are accompanied by the standard quotation documents, duly completed and signed, listed in Schedules 1 to 6 of the table under paragraph 4 above.

Gate 1 – Compliance with mandatory conditions for quotations

Non-compliance with the following shall lead to disqualification:

- Failure to return all pages of the quote document.
- Failure to sign/initial all applicable pages of the quote document.
- Any changes/alterations to pricing that are not signed/initialled.
- Any changes to the quote specifications (unless formally agreed to by the ATM and recorded as such before the closure of the quote request).
- The use of correctional fluid/tape or any similar product anywhere in the quote document.
- Failure to complete and sign all affidavits, certificates, declarations and annexures contained in the quote.
- Contractors must submit a Compensation Commissioner number and Safety Plan.
- Failure to sign/initial any other alterations and/or corrections to the information submitted by the quoting that the ATM may consider to be material.
- Rates and Prices – schedules not completed as required.
Failure to submit obligatory written proposals/explanations/samples/prototypes/
certificates or similar requirements.

Gate 2 – Evaluation Criteria (Secondary criteria)

Evaluation Criteria item:

		Weight / Maximum points achievable
Functional (Gate 2)		100
1 Approach to the Scope of Work and Capability of Bidder	Bidder must show how the Bidder intends to perform the service requested and to provide specific experience and expertise in providing required services	20
2 Past Experience	The Bidder must provide details of successful related business ventures and include names, contact numbers and email addresses of at least five (5) references	20
3 Qualifications	Bidder must provide background and history that make Bidder uniquely qualified	20
4 Financial Statements	The Bidder must provide specific information on Past and Current Documents	30
5 Menu	Bidder must provide a sample menu offering and price range	10
Minimum qualification of 70% on functionality		

Bidders who score less than 70% of the total points for functionality will be disqualified, and will not be evaluated further. The bids that would have achieved 70% or more from the Functionality Evaluation will be further evaluated on gate 3.

Gate 3 - Preference Points

All remaining compliant proposals/quotations will be evaluated according to 80/20 preference point system, as prescribed in the Preferential Procurement Regulations of 2017, where 80 points will be scored for price and the remainder 20 points for the suppliers broad-based black economics empowerment status level. No points will be awarded for a proposed rental amount.

Preference Point System	POINTS
Proposal	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE must not exceed	100

SBD 1**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO QUOTE FOR REQUIREMENTS OF DIE AFRIKAANSE TAALMUSEUM EN -MONUMENT					
BID NUMBER:	ATM006/2021/2022	CLOSING DATE:	21/09/2021	CLOSING TIME:	13:00
DESCRIPTION	Koffiewinkel vir ATM				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE QUOTATION BOX SITUATED AT (STREET ADDRESS)					
11 Pastorie Avenue					
Paarl					
7646					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Juanita Carstens		CONTACT PERSON	Tania Laing	
TELEPHONE NUMBER	021 872 3441		TELEPHONE NUMBER	021 872 3441	
FACSIMILE NUMBER	021 872 3642		FACSIMILE NUMBER	021 872 3642	
E-MAIL ADDRESS	scm@taalmuseum.co.za		E-MAIL ADDRESS	finansies@taalmuseum.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]
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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
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 FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS). IF NOT, REGISTER AS PER 2.3 BELOW.	

SBD 1

**PART B
TERMS AND CONDITIONS FOR BIDDING**

1. BID SUBMISSION:
1.1. QUOTATIONS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE QUOTATIONS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. ALL QUOTATIONS 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 QUOTATION 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 ENTER INTO A RENTAL CONTRACT (SEE ANNEXURE A).
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 QUOTATION INVALID.

SIGNATURE OF QUOTING ENTITY:

CAPACITY IN WHICH THIS QUOTATION IS SIGNED:
(Proof of authority must be submitted, e.g. company resolution)

DATE:

SBD 4

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, 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 quote (includes an advertised competitive bid, a limited bid, a proposal or written price quotation). 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, shareholder², member):
.....
 - 2.4 Registration number of company, enterprise, close corporation, partnership agreement or trust:
.....
 - 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:

.....

.....

2.11 Do 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**

2.11.1 If so, furnish particulars:

.....

.....

3. **Full details of directors / trustees / members / shareholders.**

FULL NAME	IDENTITY NUMBER	PERSONAL INCOME REFERENCE NUMBER	TAX STATE EMPLOYEE NUMBER / PERSAL NUMBER

4. **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 quotation or act against me should this declaration prove to be false.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

SBD 6.1

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

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 quotation is estimated to ~~exceed~~/not exceed R50 000 000 (all applicable taxes included) and therefore the _____ preference point system shall be applicable; or

b) Either the 80/20 or 90/10 preference point system will be applicable to this contract *(delete whichever is not applicable for this tender)*.

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
PROPOSAL	
B-BBEE STATUS LEVEL OF CONTRIBUTOR	
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 quotation 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 quotation 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:

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \\
 P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) & \text{or} & P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)
 \end{array}$$

Where

P_s = Points scored for price of quotation under consideration

Pt = Price of quotation 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 least 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 BIDDERS(S)

DATE:

ADDRESS

.....

.....

SBD 8**DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

- 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 <i>audi alteram partem</i> 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

Js365bW

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ 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; and
 - 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.

SBD 9

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 (Name of Bidder):

.....that:

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 authorised 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 consortium³ will not be construed as collusive bidding.

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.

7. In particular, 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.
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.

.....
SIGNATURE

.....
DATE

.....
POSITION

.....
NAME OF BIDDER