

INVITATION TO SUBMIT PROPOSAL

YOU ARE HEREBY INVITED TO BID FOR THE REQUIREMENT OF SOUTH AFRICAN STATE THEATRE

RFP NUMBER:	SAST/2021/SHORT-TERM INSURANCE
DESCRIPTION:	THE APPOINTMENT OF A SUITABLY QUALIFIED AND REGISTERED SHORT TERM INSURANCE BROKER/COMPANY TO PROVIDE A COMPREHENSIVE SHORT TERM INSURANCE COVER FOR ASSETS AND RELATED PERILS TO THE SOUTH AFRICAN STATE THEATRE FOR A PERIOD OF THIRTY SIX (36) MONTHS
PUBLISH DATE:	20 August 2021
COMPULSORY SITE INSPECTION	31 August 2021 AT 10:00
CLOSING DATE & TIME	13 September 2021 @ 11:00
BID VALIDITY PERIOD	90 days from the closing date
DELIVERY ADDRESS	QUOTATION MAY BE DEPOSITED IN THE BID BOX SITUATED AT: 320 Pretorius Street PRETORIA (at reception, on the lower ground)
ENQUIRIES:	Ms. Lerato Mmatloa Email : scm@statetheatre.co.za Tel : 012 392 4000

NB: Bidders must ensure that they sign the register at the reception when delivering their bids

BIDDER NAME:

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

SECTION 1

GENERAL CONDITIONS OF THE REQUEST FOR PROPOSAL (RFP)

BIDDERS ARE REQUIRED TO FAMILIARISE THEMSELVES WITH THE BIDDING CONDITIONS AND PROCEDURES AS DOCUMENTED BELOW.

1. For the purpose of this document, the words 'bidder' and 'tendered', and 'RFQ' and 'tender' shall bear the same meaning.
2. 'SAST', where referred to in this document means South African State Theatre.
3. No bid shall be considered unless submitted on this RFP document.
4. The whole original RFQ document as issued by SAST must be submitted. A bid will be considered INVALID AND WILL NOT BE ACCEPTED, IF ANY PART OF THIS DOCUMENT IS NOT SUBMITTED.
5. Bidders must submit one bid offer only, either as a single tendering entity or as a member of a Joint Venture.
6. Any portion of the bid document not completed will be interpreted as 'not applicable'. Notwithstanding the afore-going, failure to complete any compulsory portion of the bid document will result in the bid submission being declared non-responsive.
7. **SAST reserves the right to accept:**
 - 7.1 the whole quotation or part of a quotation or any item or part of any item, or accept more than one quotation (in the event of a number of items being offered), and SAST is not obliged to accept the lowest or any quotation;
 - 7.2 a quotation which is not substantially or materially different from the specifications.
 - 7.3 To withdraw or cancel the bid.
8. SAST shall not consider quotations that are received after the closing date, as specified in the RFQ advertisement.
9. SAST will not be held responsible for any expenses incurred by bidders in preparing and submitting quotations
10. SAST may, after the RFQ closing date, request additional information or clarification of submitted quotations, in writing.
11. A quotation may be rejected as non-responsive if the bidder fails to provide any clarification requested by SAST within the time for submissions stated in the written request for such clarification.

12. A bidder may request in writing, after the closing date, that its quotation be withdrawn. Such withdrawal will be permitted or refused at the sole discretion of SAST after consideration of the reasons for the withdrawal, which shall be fully set out by the bidder in such written request for withdrawal.
13. The RFQ document must be signed by a person duly authorized to do so.
14. Quotations submitted by joint ventures, consortia, partnerships shall be accompanied by relevant agreements, in which it is defined precisely the conditions under which the joint venture, consortium or partnership will function, its period of duration, the persons authorized to represent and obligate it, participation of the several firms of which it is formed, and any other information necessary to permit a full appraisal of its functioning
15. **Once the quotation is awarded all purchases will be made through an official SAST Purchase Order. Therefore no goods must be delivered or services rendered before an official Purchase Order has been forwarded to the successful bidder. The successful bidder must then deliver or render service upon receiving an official signed Purchase Order from SAST.**

(a) The bid will be declared non-responsive in the event that the bidder's tax matters, as verified on the government Central Supplier Database, are shown not to be in order, and the bidder fails to ensure that its tax matters are in order within such timeframe as may be required by SAST in writing.

16. Clarification of quotation after submission

The bidder must provide clarification of its submission in response to a request to do so from SAST during the evaluation process. This may include providing breakdown of rates or prices and correction of arithmetical errors by the adjustment of certain rates or item prices (or both). No change in the competitive position of bidders or substance of the submission may be sought, offered or permitted.

17. Provide other material

The bidder shall provide, on request by SAST, any other material that has a bearing on the RFQ submission, the tenderer's commercial position (including notarized joint venture agreements), or samples of materials, considered necessary by SAST for the purpose of a full and unfair risk assessment. Should the bidder not provide the material, or a satisfactory reason as to why it cannot be provided, by the time for submission stated in SAST's request, SAST may regard the RFQ submission as non-responsive.

18. Inspections, tests and analysis

The bidder shall, at the request of SAST, provide access during working hours to its business premises for any inspections, tests and analyses as required for the RFQ.

19. Tax Compliance status

19.1 No award shall be made to a person whose tax matters have not been declared to be in order by the South African Revenue Service (SARS).

19.2 Each party to a consortium, joint venture or partnership must comply with the above.

20. Declaration and authorization

SBD documents will be sent to a successful service provider.

21. Alterations to tender document

Bidders may not make any alterations or additions to the RFQ document, except to comply with instructions issued by SAST, or as are necessary to correct errors made by the bidder. All signatories to the RFQ submission shall initial such alterations. Erasures and the use of marking fluid are prohibited.

1. INTRODUCTION

THE RENAISSANCE THEATRE, trading as THE SOUTH AFRICAN STATE THEATRE, a cultural institution in terms of the provisions of section 3(1) of the Cultural Institutions Act, 1998, also a Schedule 3A Public entity under the Public Finance Management Act, 1999 (the "SAST"), is a statutory agency tasked with the development, promotion and mainstreaming of Arts, Culture and Heritage programmes to contribute to the economic development of the sector and to foster social cohesion in Tshwane, greater Gauteng and all the citizens of our Society.

2. OBJECTIVE

The objective of this RFP is to appoint a suitable qualified and registered Short-term insurance broker/company to provide comprehensive short-term insurance cover for assets and related perils to the South African State Theatre (SAST) for a period of thirty (36) months.

3. SCOPE OF WORK

The South African State Theatre is inviting suitably qualified and registered Short-term insurance broker/company to provide comprehensive short-term insurance cover for assets and related perils to the South African State Theatre (SAST) for a period of thirty (36) months

The successful bidder must be able to provide the following general insurance services in terms of placement, maintenance and administration of the insurance portfolio:

Proposed policy to include, inter-alia, cover for the following:

Insurance Cover for all SAST insurable Assets

3.1 Provide comprehensive insurance cover for losses which may be incurred due to:

Sasria
Loss of revenue
Copyright/IP theft
Asset all risk
Fidelity
Public Liability
Directors & officers liability
Personal accident
Plant all risk
Motor fleet

Detailed procedure on claim submission and administration

Provide a clear and user friendly claim procedure with reasonable turnaround time in replacement of losses /damages

3.2 Facilitate insurance for SAST for all asset portfolios as indicated on the scope, including new assets portfolio

Ensure that all SAST claims are attended to accordingly

3.3 Manage insurance claims and other insurance related queries

3.4 handle ad-hoc adjustments on sums insured and declarations to insurers/re-insurers

3.5 monitor premium payments and refunds in accordance with accounts and statements

3.6 provide quarterly reports on claims (claims paid out and finalized/closed/rejected, claim in progress)

The following are the portfolios to be insured:

POLICY ITEM
ASSETS
Building - Theatre and Office Complex
Building - Investment Property (Kilnerton)
Art Work
Office Contents (Furniture and Equipment)

Leased Office Equipment
Wardrobe Equipment
Plant and Equipment, including sound and lighting equipment
Computer Equipment
Computer Software
Motor Vehicles
Inventory (FoH Stock, Materials/WIP)
Money (onsite cash floats and in-transit)
Goods in Transit
Accounts Receivable
LIABILITY
Public Liability
Event Liability
Fidelity / Commercial Crime
Cyber Crime
Business Interruption
Copyright / IP theft
(*) Employee Liability (Stated Benefits): Death: 2 x annual earnings. Temporary Total Disability: 100% of current weekly earnings per week not exceeding 52 weeks. Excess 7 days, each and every claim.

4. Claims History

The claims schedule will be available on request.

5. EVALUATION CRITERIA AND PROCESS

Bidders will be evaluated in three stages;

- Mandatory requirements;
- Technical functional requirements
- Price and B-BBEE

5.1 **Mandatory requirements**

All bids duly lodged will be examined to determine compliance with bidding requirements and conditions (completion and attachment of compulsory documents). Bidder who meets all the mandatory requirements as listed below, will be evaluated on Technical/functional requirement. Bidder who fails to meet all mandatory requirement will be disqualified.

5.2 Technical functional requirement

Bidders will be evaluated according on technical functional evaluation criteria, shown below and bidders who score less than 80 points out 100 will be disqualified. Bidders who score more than 80 points will be evaluated on Price and B-BBEE.

5.3 Price and B-BBEE

This bid will be evaluated based on an 80/20 principle in terms of PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATION, 2017

Bidders who score more than 80 points out of 100 on technical functional evaluation criteria will be evaluated on Price and B-BBEE

5.1.1 MANDATORY REQUIREMENTS

Bidders must meet the following criteria to be considered for evaluation on technical functional requirements and failure to meet all these requirements will lead to disqualification.

COMPLIANCE CRITERIA

No.	Criteria	YES	NO
1	Bidders must have a minimum of 5 years of experience in rendering insurance services.		
2	The bidder's primary business must be to provide short-term insurance services. Bidders must be registered as a Financial Services Provider (FSP), submit registered FSP name and FSP Number.		
3	Bidder must provide Professional indemnity insurance, certified copy of certificate required. Provide full details of the bidder's professional indemnity insurance, including; underwriter, limits of any one occurrence and deductible as well as maturity dates.		
4	Fidelity guarantee insurance, certified copy of certificate required. Provide full details of the bidder's fidelity guarantee insurance arrangements, including; underwriter, limits of any one occurrence		

	and deductible as well as maturity dates.		
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Bidders must state whether they comply with the requirement by ticking on the space provided

Bidder who fail to comply with the above requirements will be disqualified from the evaluation process.

5.2.1 TECHNICAL FUNCTIONAL REQUIREMENT

CRITERIA	SUB-CRITERIA	ALLOCATION OF POINTS	TOTAL POINTS
Approach and methodology	Provide a detailed claim process(flow chart) to be adopted and implemented by the State Theatre Demonstrate effectiveness and efficiency with a minimum of 5 working days turnaround time in processing claims submission and notify SAST of the allocated claim number	10 10	20
Organizational capacity, capabilities and experience to undertake short term insurance	Service provider must demonstrate their experience in carrying out similar assignments and must illustrate their understanding of the service required (Submit proposals). Provide organizational organogram, office locations and identifying the office that will be responsible for managing and administering of the contract(Provide lease agreement)	20 10	30
Capacity and experience of the team	Service provider must provide experience, qualifications and capabilities. The proposed team must have at least three(3) years' experience relevant to the Scope of work (attach CVs and profiles) The Account Manager must have a minimum of 5 years' experience in the	Years of experience Less than 3 = 0 3 and more = 10 Less than 5 = 0 5 and more = 15	10 15

	short-term insurance industry (attach CV's and profiles)		
Reference Letters	Bidders must provide five (5) references letters as proof that they provided short term insurance to their respective clients. Reference letters must be on the client's letterhead, have website address, telephone number and contact person's details.	Number of ref letters No submission = 0 1-2 = 10 3-4 = 15 5 or more = 25	25
	OVERALL TOTAL POINTS		100

6.PRICE SCHEDULE

IT IS COMPULSORY TO COMPLETE THESE SECTIONS (ALL AMOUNTS MUST INCLUDE VAT)

POLICY ITEM	INSURED AMOUNT [FAR 20210609 (Asset Values at 31 March 2021)]	Notes	COVER AMOUNT	PREMIUM	SASRIA PREMIUM	TOTAL PREMIUM	EXCESS PAYMENTS	SUPPLIER DOCUMENT REFERENCE (if enclosed)	Comments
ASSETS									
Building - Theatre and Office Complex	67,855,077.03	320 Pretorius Street, Pretoria CBD.							
Building - Investment Property (Kilnerton)	24,500,000.00	Heritage Site. Includes Land and Buildings. Weavind Park, Pretoria. Value per valuation, 19 April 2021.							
Art Work	35,467,300.00	Heritage Assets, specific comprehensive cover required.							
Office Contents (Furniture and Equipment)	1,851,783.37								
Leased Office Equipment	146,445.49	Computer Equipment							
Wardrobe Equipment	135,137.36	Musical Instruments, Photographic Equipment, Sound and Lighting Décor, Material, Costumes and the likes							
Plant and Equipment, including sound and lighting equipment	8,251,803.31								
Computer Equipment	1,267,173.52								
Computer Software	151,156.00								
Motor Vehicles	74,158.66								

Inventory (FoH Stock, Materials/WIP)	500,000.00	This amount may be varied through the term of the policy subject to changing business requirements. Premium must be adjusted accordingly when required.							
Money (onsite cash floats and in-transit)	100,000.00								
Goods in Transit	500,000.00								
Accounts Receivable	1,500,000.00								

LIABILITIES

Public Liability	10,000,000	Per claim, per person.							
Event Liability	10,000,000	Per claim, per person. Must include Employers Liability *							
Fidelity / Commercial Crime	10,000,000	Per claim. <u>36 month discovery extended period.</u>							
Cyber Crime	10,000,000	Per claim							
Business Interruption	10,000,000	Loss of revenue; Ticket sales, Parking, Rentals, Bar Sales.							
Copyright / IP theft	10,000,000								

(*) Employee Liability (Stated Benefits): Death: 2 x annual earnings. Temporary Total Disability: 100% of current weekly earnings per week not exceeding 52 weeks. Excess 7 days, each and every claim.		Per employee +/- 100 employees (Personal Accident)							
SAST may elect to accept part or all of the quote.	TOTAL								

7. RETURNABLE DOCUMENTS CHECKLIST

Please indicate that all mandatory documents are included in this bid by ticking the boxes in the checklist below. **Responses received without all required documents will be considered NON-RESPONSIVE and therefore will be disqualified.** Please also indicate whether additional documents have been submitted to the main tender response.

7.1 Mandatory Documents

		Yes	No
7.1.1	Valid Tax Pin issued by SARS		
7.1.2	CSD (Central Supplier Database) report (Not summary)		
7.1.3	Certified Company registration documents. Certified ID copies of all directors and members listed on the Company reg. document.		
7.1.4	Valid Letter of Good standing from the Department of Labour		
7.1.5	Must be registered as a Financial Services Provider (FSP), submit registered FSP name and FSP Number.		
7.1.6	Fully completed SBD (SBD 1; 4; 6.1; 8 and SBD 9)		

OTHER RETRUNABLE DOCUMENTS

		Yes	No
a)	Company profile		
b)	Audited/Reviewed three years(3) financial statements		

8. BIDDER INFORMATION

The following particulars must be furnished (failure to do so shall result in your bid being disqualified)

Indicate the type of Bidding structure by marking with an 'X':	
Individual bidder	
Joint venture	
Consortium	
Using Subcontractors	
Other	

If individual bidder, indicate the following:	
Name of bidder	
Registration number	
VAT registration number	
Contact person	
Telephone number	
Fax number	
E-mail address	
Postal address	
Physical address	

If Joint Venture or Consortium, indicate the following:	
Name of prime contractor	
If Joint Venture or Consortium, indicate the following: (To be completed for each JV/ Consortium member)	
Name of Joint Venture/ Consortium member	
Registration number	
VAT registration number	
Contact person	
Telephone number	
Fax number	
E-mail address	
Postal address	

Physical address	
If using subcontractors, indicate the following: <i>(To be completed for each subcontract)</i>	
Name of subcontractor	
Registration number	
VAT registration number	
Contact person	
Telephone number	
Fax number	
E-mail address	
Postal address	
Physical address	

9. SBD DOCUMENTS

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON			CONTACT PERSON		
TELEPHONE NUMBER			TELEPHONE NUMBER		
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS			E-MAIL ADDRESS		
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] ☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		TICK APPLICABLE BOX] ☐ Yes ☐ No
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?		☐ Yes ☐ No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?					☐ YES ☐ NO

DOES THE ENTITY HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? ☐ YES ☐ NO

IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.

PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.
1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).
2. TAX COMPLIANCE REQUIREMENTS
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

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

SIGNATURE OF BIDDER:

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

DATE:

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 bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

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

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

2.1 Full Name of bidder or his or her representative:

2.2 Identity Number:.....

2.3 Position occupied in the Company (director, trustee, shareholder²):

2.4 Company Registration Number:

2.5 Tax Reference Number:

2.6 VAT Registration Number:.....

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

¹"State" means –

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

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

2.7 Are you or any person connected with the bidder

YES / NO

presently employed by the state?

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 **YES / NO**
the appropriate authority to undertake remunerative
work outside employment in the public sector?

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

(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 / **YES / NO**
trustees / shareholders / members or their spouses conduct
business with the state in the previous twelve months?

2.8.1 If so, furnish particulars:

.....

.....

.....

2.9 Do you, or any person connected with the bidder, have **YES / NO**
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?

2.9.1 If so, furnish particulars.

.....

.....

.....

2.10 Are you, or any person connected with the bidder, **YES/NO**

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?

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 Reference Number	Tax	State Number	Employee / 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 BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
 Signature

.....
 Date

.....
 Position

.....
 Name of bidder

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 bid 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 tender (*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
PRICE	
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 tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:

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

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

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

- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

3.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

80/20

or

90/10

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

Pmin = Price of lowest acceptable bid

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

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

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

5. BID DECLARATION

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

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

- 6.1 B-BBEE Status Level of Contributor: . =(maximum of 10 or 20 points)
(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

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

(Tick applicable box)

YES	☐	NO	☐
-----	--------------------------	----	--------------------------

- 7.1.1 If yes, indicate:

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

(Tick applicable box)

YES	☐	NO	☐
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- v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of

Preferential Procurement Regulations,2017:

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

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
 - ☐ One person business/sole propriety
 - ☐ Close corporation
 - ☐ Company
 - ☐ (Pty) Limited
- [TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

8.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
 - ☐ Supplier
 - ☐ Professional service provider
 - ☐ Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]

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

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

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

WITNESSES 1. 2.

..... SIGNATURE(S) OF BIDDERS(S)
DATE: ADDRESS

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 ☐

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.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

SBD 9

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.
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.

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....	
Signature	Date
.....	
Position	Name of Bidder

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