



Economic Development & Tourism

Department:
Economic Development & Tourism
NORTHERN CAPE PROVINCE
REPUBLIC OF SOUTH AFRICA

REQUEST FOR BID: GARDENING

**APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE GARDENING SERVICE TO THE DEPARTMENT
OF ECONOMIC DEVELOPMENT AND TOURISM.**

TENDER NO. DEDaT 0004/2021

TERMS OF REFERENCE

ELIGIBILITY:	Competent Service Providers to provide quality gardening service to the Department.
DUTY STATION:	Kimberley – Project Management Office, 13 th Floor, MetLife Building, Stead Street.
CONTRACT PERIOD:	3 years
REPORTING TO:	Supply Chain Management
APPOINTED BY:	Department of Economic Development and Tourism, Northern Cape.

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1 BACKGROUND

The Department of Economic Development and Tourism (DEDaT) in the Northern Cape is seeking to appoint a Service Provider with suitable experience to render gardening services for a period of 36 months.

The sites and services are;

1.1 GARDENING

1.1.1 KIM Diamond and KIDJA

1.1.2 Tourism Flagship Information Centre

2 PROJECT OBJECTIVE/PURPOSE

The objective of the bid is to appoint a service provider to render gardening services to the Department of Economic Development and Tourism for a period of three (3) years. The department therefore undertakes to appoint Service Providers for the need as identified.

3 COLLABORATIVE PARTNERSHIPS AND RELATIONSHIPS

The project working relationships that are key to the project are the following:

1. The Department of Economic Development and Tourism.

4 POLICY REGULATORY AND LEGISLATIVE FRAMEWORK

All regulations, policies, acts, frameworks, procedures and any tort of law applicable must be adhered to and in full compliance. They are listed below:

- Public Financial Management Act (Act 1 of 1999)
- Preferential Procurement Policy Framework Act (PPPFA) 2000 (Act 5 of 2000): and Preferential Procurement Regulations, 2017
- National Environmental Management Act (NEMA) 1998 (Act 107 of 1998);
- National Industrial Participation Programme (Local Content);
- Prevention and Combating of Corrupt Activities Act (PCCAA) 2004 (Act 12 of 2004);
- Supply Chain Management Practice Notes and Circulars;
- Broad-Based Black Economic Empowerment Act (BBBEEA) 2003 (Act 53 of 2003);
- Competition Act (CA) 1998 (Act 89 of 1998);
- Foreign Corrupt Practices Act, 2004

5 REQUEST FOR BID TERMS AND CONDITIONS

The following guidelines are provided to assist a Bidder in completing a response:

- 5.1. The bid should be written in simple tense English for easy understanding and perusal.
- 5.2. Over and above all conditions stipulated by the Provincial Supply Chain Management, Bidders are advised to familiarize themselves with the following policy document:
 - 5.2.1. PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000, (ACT NO.5 OF 2000) and the PREFERENTIAL PROCUREMENT REGULATIONS, 2017. (PPPFA, 2017)
- 5.3. The terms and conditions specified in this bid must be read in conjunction with the PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000, (ACT NO.5 OF 2000) and the PREFERENTIAL

PROCUREMENT REGULATIONS, 2017 obtainable at <http://www.parliament.gov.za> and which forms an integral part of this bid. Prospective service providers will be well advised to also familiarize themselves with the contents of the Act.

- 5.4. All costs incurred in the preparation and submission of the bid shall be wholly absorbed by the Bidder.
- 5.5. All information, supporting materials and other documentation submitted with the bid will become the property of the Northern Cape Department of Economic Development and Tourism (NC-DEDaT).
- 5.6. NC-DEDaT shall not be liable for any costs incurred by the Bidder in the preparation of response to this Request For Bid. The preparation of response will be made without obligation to acquire any of the items included in the Bidder's proposal or to select any proposal, or to discuss the reasons why such Bidder's or any other proposal was accepted or rejected.
- 5.7. All invoices shall only become payable within 30 days upon receipt of an invoice by NC-DEDaT.
- 5.8. No interest shall be payable in the event of a dispute, nor accrue on any payments due during a period of dispute.
- 5.9. Responses received after the specified due date and time will not be accepted under any circumstances. No late bid will be accepted.
- 5.10. The lowest or only bid would not necessarily have to be accepted by the NC-DEDaT and as such, the NC-DEDaT reserves the right to accept any or no bid at all.
- 5.11. The NC-DEDaT reserves the right to enter into negotiations with Bidders (who have been short-listed) under the conventions embodied in the principles of "Best And Final Offer" (BAFO).
- 5.12. Instructions to the Bidder on what needs to be included in the bid and indicating the failure to which non-compliance will be dealt with as well as how any dispute or grievances are to be dealt with are indicated in the bid documents. The terms of the general condition of contract (GCC) forms the general basis of the contract which will be further espoused in the special condition of contract (SCC) in the form of a service level agreement (SLA). The GCC is attached.
- 5.13. The Department will become the owner of all information, documents, programmes, advice and reports collected and compiled by the service provider in the execution of this tender
- 5.14. The copyright of all documents, programmes and report must be regarded as confidential and may not be made available to any unauthorized person or institution without the written consent of the Department.
- 5.15. The Department reserves the right to terminate this appointment or temporarily defer the work, or any part thereof, at any stage of completion should the Department decide not to proceed any further at no cost to the Department.
- 5.16. The service provider must be a single legal entity with all other necessary expertise and will be dealt with as such if its a joint venture arrangement. The Department will enter into a single contract with a single entity for the delivery of the work set out in this tender.
- 5.17. The bidding entity shall be the same entity that will execute the bid. Any bid found to be fronting for another entity or entities shall be disqualified immediately.
- 5.18. Bidders may ask for clarification on these tender documents or any part thereof up to close of business on or before **13 December 2021** before the deadline for the submission of the bids.
- 5.19. Bidders may not contact the Department on any matter pertaining to their bid from the time when the bids are submitted to the time the contract is awarded. Any effort by the bidder to influence bid evaluation, bid comparison or bid award decisions in any manner, may result in rejection of the bid concerned.

- 5.20. After the closure of the bid the Supply Chain Management Unit (SCM) will open the proposal and draft a long list of all responsive service providers. Thereafter service providers who are non-responsive and do not meet the stipulated prequalification evaluation criteria per the terms of this bid will be disqualified.
- 5.21. At any time prior to the deadline for submission of bids, the department may for any reason whether at its own initiative or in response to a clarification requested by a service provider, modify the tender document. The Department may, at its discretion extend the deadline for submission of bids by amending the bid documents.
- 5.22. No bid may be withdrawn in the interval between the deadline for submission of bids and the expiration of the validity period.

6 REQUEST FOR BID REQUIREMENTS

Companies responding to this bid are required to submit the following information:

- 6.1. The following will be the minimum requirements that must be disclosed in the bid/proposal.
 - 6.1.1. General background.
 - 6.1.2. The name and contact details (telephone and/or mobile, fax, email, and postal address) of the project leader (on the front cover of the proposal).
 - 6.1.3. Particulars of project team members who will be involved in the project on an on-going basis (including qualifications and experience -CV's to be included) and a breakdown of race, gender and disability.
 - 6.1.4. The name of company, business addresses and contact details.
 - 6.1.5. Overview of the organisation's capabilities and experience, i.e. Credentials
 - 6.1.6. How long have you been in business?
 - 6.1.7. What is your company's core business, and how long has this been your core business?
 - 6.1.8. What is the total complement of your staff, and what is the statistical breakdown in terms of gender and previously disadvantaged individuals?
 - 6.1.9. What is the complement of your management and technical staff, and what is the numerical breakdown in terms of gender and previously disadvantaged individuals?
 - 6.1.10. Provide details of clients who make use of products and services similar to the ones you offer in this bid, including names, contact persons and the nature of the services.
 - 6.1.11. Any other additional information to strengthen your bid/proposal will be considered
- 6.2. The taxes of the successful Bidder must be in order, or satisfactory arrangements must have been made with the Receiver of Revenue to meet his/her tax obligations. This information must be clearly updated on the CSD. This include bids that are of a joint venture.
- 6.3. In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must have a separate Tax Clearance Certificate, SBD 4, 8 and 9 upon submission. International companies are to make arrangements with South African Revenue Services for a Tax Clearance certificate. Need not to submit the tax clearance it will be verified at SARS.
- 6.4. In the event of a consortium, details of roles and responsibilities of each party are to be provided and the overall management structure of the consortium and business model thereof.
- 6.5. The Standard bidding documents to be completed 1, 2, 3.1, 4, 6.1, 8 and 9 must be completed in full and the signed declaration forms must be attached to the bid.

SBD 1	Invitation to bid/Request for proposal
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SBD 2	Tax Clearance certificate must reflect on CSD. Need not submit
SBD 3.1	Pricing schedule – firm prices
SBD 4	Declaration of interest
SBD 6.1	Preference points claim
SBD 8	Declaration of Bidders past SCM practices
SBD 9	Certificate of independent bid determination

6.6. Mandatory Requirements

6.6.1. Registration on Central Supplier Database (CSD)

All prospective bidders must be registered as a service provider on the Centralized Supplier Database. If you are not registered proceed to complete the registration of your company prior to submitting your proposal. Refer to <https://secure.csd.gov.za/> to register your company. Ensure that all documentation on the database are updated and valid. Attach a copy of the CSD registration “Summary Report” to your bid.

6.6.2. Provide a supervisor on site who will be available during working hours from 07h30 – 16h00.

6.6.3. Valid and original tax clearance certificate

The validity of the tax clearance certificate issued by the South African revenue services certifying that the taxes of the Bidder are in order will be verified against the information recorded in the Central Supplier Database (CSD).

7 SPECIAL REQUIREMENTS

- The employees of the service provider on duty shall always be appropriately dressed with a uniform displaying his/her name and company name.
- The employees must be equipped with protective clothing and equipment.
- The successful bidder to submit invoices per site for payment by the 20th of every month.
- The **Department** reserves the right to increase or decrease the number of employees at any existing or new location.
- The newly appointed company has the prerogative to absorb or not the current staff/officers per site and in total
- **Appointed bidder must have a fully functional office in Kimberley or Northern Cape that will be inspected prior to awarding the contract and must remain as such during the entire contract failure can lead to the cancellation of the contract.**

7.1. INDEMNITY

The Northern Cape Department of Economic Development and Tourism shall not be liable for any injury, loss or damage to the preferred bidder’s employees, equipment or vehicles whilst on the premises during the contract period.

7.2. TRANSFER AND CESSION

The successful bidder shall render the service. The successful bidder shall not cede, transfer, sell or alienate in any way this contract awarded in terms of Bid DEDaT 0004/2021 or any part thereof to any person or company with the exception of complying with the subcontracting regulation/rule.

7.3. BREACH AND TERMINATION

Should either party commit or breach the provisions of this contract and fail to remedy that breach (es) within 14 (fourteen) days after the receipt of a written complaint, the party that is not in default shall be entitled to cancel this contract per written notice delivered to the other party's domicilium et executandi as per bid documents without prejudice to any other right which the non-defaulting party may have as a result of such breach.

7.4. PRICING

The following conditions shall be applicable and forms an integral part of the bid:

- For the purpose of this contract, use will be made of the relevant terms of section of the Labour Relations Act 1956, as per published Government Gazette.
- It is expected that the contractor shall pay his/her employees at least a minimum monthly basic wage, as prescribed in the Basic Conditions of Employment Act, 75 of 1997: Sectoral Determination, South Africa.
- Price per employee should be all-inclusive, i.e. package per year including all leave provisions and other benefits. Bidders shall also make provision in their price structure for relief officers.

A fixed increase of 6% per annum must be incorporated in the price calculation of this bid. Salaries/wages will be in line with any increases as published per Government Gazette.

8. SCOPE OF WORK

The project scope per building is illustrated below and referenced in Annexures A and B:

8.1 GARDENING

8.1.1 KIM Diamond and KIDJA

8.1.2 Frances Baard Tourism Flagship Information Centre

9 REQUIRED KEY COMPETENCIES

1. Proven experience in the scope of work with references
2. The service provider must demonstrate his/her ability to undertake the work
3. The service provider must indicate the staff complement and provide personnel to relief employees who are on leave or not at work. The reliever must be able to perform the exact same work or better than the one he/she relieves and not compromise the quality of work.
4. Provision of a supervisor on site to respond to all queries and challenges that may arise within 24 hours.

5. The service provider must demonstrate how compliance to legislation will be met.
6. Demonstrate the ability to meet the turnaround time of 24 hours in relation to all queries for solutions
7. Fully functioning office in Kimberley to be verified of bidders during due diligence and shall remain for the duration of the contract. The office must remain in the city during the duration of the contract.
8. The proposal must demonstrate a clear understanding of the scope.
9. The service must comply with the service standards and the regulations as outlined in the terms of reference

10 TECHNICAL PROPOSAL

The service provider must clearly outline the following:

1. Executive Summary
2. Introduction
3. Background: Provide relevant background information on your company. What industry are you in? Who are your customers?
4. Description of the project management experience, also where it relates to referrals of past clients.
5. Description of your financial capability and financial management of project.
6. Methodology to reflect how the scope of work can be achieved.
7. In compliance to section 9 demonstrate how this will be implemented.
8. The proposal must be submitted with all other required documents.

11 COMPULSORY BID CRITERIA

The following bid criteria will apply and must be fully complied with.

1. Provide proof of experience.
2. Bidders must have administrative and management infrastructure to manage, control and perform the service as required at the time of the contract commencement.
3. Must be registered on the Centralised Supplier Database System (CSD). Service providers not registered must do so before submitting their proposal. Submit proof of registration on the Central Supplier Database. The tax matters of the bidder must be compliant and in good standing with SARS. It must reflect on the CSD. In a case where arrangements have been made with SARS to comply, the proof must be submitted.
4. It is a requirement that bidders must comply with Broad Based Black economic Empowerment Act by submitting BBBEE certificate to meet our procurement objective criteria as indicated in the terms of reference. In bids where Consortia / Joint Ventures / are submitted a combined BBBEE certificate must be submitted.
5. All Standard Bidding Document (SBD) 1,2,3.1, 4,6.1,8 & 9 indicated in this tender must be completed, signed and submitted. (As issued)
6. All bids must be submitted on the official forms.
7. This bid is subject to the general conditions of the bid, the special conditions of the bid, the General Conditions of Contract (GCC) and, if applicable, any other special conditions of contract. A Service Level Agreement will be signed upon appointment to administer the contract. The GCC is attached.
8. The Department reserve the right to terminate the tender or its process or not to appoint any service provider.
9. All prices must be in South African Rand
10. All prices are inclusive of VAT.

11. The bid validity period is 120 days. In exceptional cases, the Department may solicit the Bidder's consent to extend the validity period. Bidders are expected to know what that entails.
12. No bid may be withdrawn in the interval between the deadlines of submission of bids and expiration of validity specified by the bidder on the invitation to bid form.
13. The successful bidder must provide a supervisor on site to respond to all queries and challenges that may arise at the expense of the company. This supervisor must be available from 07H30 to 16H00.
14. No interest will be payable in the event of a dispute accruing on any payment due during a period of dispute.
15. Bidders should ensure that bids are delivered in time to the correct address. If the bid is late, it shall not be accepted.
16. SUB-CONTRACT
A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher BBBEE status Level than the person concerned, unless the contract is sub-contracted to an Exempted Micro Enterprise(EME) that has the capability and ability to execute the contract.
17. This request for proposal is prepared in accordance with the Public Finance Management Act, 1999 and its regulation and relevant procurement legislation.
18. SERVICE LEVEL AGREEMENT
The Service Level Agreement (SLA) will be administered in relation to the conditions of the General and Special contracts of the Bid and the General conditions of Contract (GCC). The requirements/conditions of the SLA are non-negotiable and must be adhered to at all times. Failure to adhere will necessitate a consequence management in regards to non-performance. Insufficient materials or the lack thereof will be purchased by the Department and deducted from the service provider's payment.
19. GOVERNING LAW
South African law governs this bid and the bid response process. The bidder agrees to submit to the exclusive jurisdiction of the South African courts in any dispute of any kind that may arise out of or in connection with the subject matter of this bid, the bid itself and all processes associated with the bid. This agreement is binding upon submitting your bid.
20. TENDER DEFAULTERS AND RESTRICTED SUPPLIERS
No tender shall be awarded to a bidder whose name (or any of its members, directors, partners or trustees) appear on the Register of Tender Defaulters kept by National Treasury, or who have been placed on National Treasury List of Restricted Suppliers. The DEDaT reserves the right to withdraw an award, or cancel a contract concluded with a bidder should it be established at any time that the bidder has been blacklisted with National Treasury or by another government institution.
21. FRONTING
 - a. Government supports the spirit of broad based black economic empowerment and recognizes that it can only be achieved through individuals and businesses conducting themselves in accordance with the constitution and in an honest, fair, equitable, transparent and legally compliant manner. Against this background the Department of Economic Development and Tourism condemn any form of fronting
 - b. The government in ensuring that Bidders conduct themselves in an honest manner will as part of the bid evaluation processes, conduct or initiate the necessary/investigations to determine the accuracy of the representation made in the bid documents. Should any of the fronting indicators as contained in the guidelines on complex structures and transactions and fronting, issued by the Department of Trade and Industry, be established during such enquiry/investigation, the onus will be on the Bidder/contractor to prove that fronting does not

exist. Failure to do so within a period of 14 days from date of notification may invalidate the bid/contract and may also result in the restriction of the Bidder/contractor to conduct business with the public sector for a period not exceeding ten years, in addition to any other remedies the Department of Economic Development and Tourism may have against the Bidder/contractor concerned.

12 EVALUATION CRITERIA

This is a two stage bidding process which is firstly to evaluate the functionality/technical proposal and the pricing proposal. The technical proposal therefore must be separated from the financial proposal but both envelopes must be submitted at the same time. The Bidder must submit four(4) copies of the original technical proposal at the closing date and time.

12.1 PREQUALIFICATION

This bid is limited to bidders who are Exempted Micro Enterprise (EMEs) or Qualifying Small Enterprises (QSEs) with a minimum of 51% black ownership. This and other criteria stipulated in this tender are aimed at achieving the procurement target of the Department towards the designated groups.

12.2 FUNCTIONALITY CRITERIA

The functionality assessment involves evaluating the capabilities and abilities of the service provider to undertake the contract.

The Technical Proposal Assessment will carry 100 points based on the criteria below.

12.2.1 TECHNICAL PROPOSAL-100 points

The Technical Proposal Assessment will carry 100 points based on the criteria below. The Technical Bid Assessment will carry 100 points based on the criteria below. Bidders must obtain at least 65% to qualify on functionality. Bidders who do not achieve the minimum of 65% will be disqualified and not evaluated further.

Table 1. Technical assessment evaluation criteria

TECHNICAL ASSESSMENT – 100 POINTS			
CRITERIA	RATING	WEIGHT	TOTAL
1. Proven experience in scope of work		10	
2. Financial capability		10	
3. Human Resource Capabilities		10	
4. Identified presence or office within the Northern cape			
a. Proof of municipal account (3months statement) of the business in Northern Cape.		15	
b. Proof of official functioning office of the business in Northern Cape on CSD.		10	
c. Verifiable clients within the Northern cape		10	
d. Ownership indicating the following on CSD with a minimum of 30% women, 30% youth and 1% disabilities.			
i. Minimum 30% ownership by women		15	

ii. Minimum 30% ownership by youth		5	
iii. Minimum 1% ownership by disabilities		5	
5. Demonstration of methodology to achieve project scope		10	
Total		100	

Below is the detail breakdown of the evaluation criteria to measure the technical proposal

1. Proven experience in the scope of work or similar work done. Verifiable referrals and/or contract

Table 2. Evaluation criteria for experience

Criteria	Rating
0 Year	0
≤1 Year	1
2 Years	2
3 Years	3
4 Years	4
≥5 Years	5

2. Financial capability

Table 3. Evaluation criteria for financial capability

Criteria	Rating
R 0	0
R 1-10 000	1
R 10 001 – R30 000	2
R 30 001 – R 500 000	3
R 500 001 – R 1 000 000	4
≥ R1 million	5

- The bidder must submit proof of bank statement indicating sufficient cash flow, and a letter from the bank indicating availability of credit facility in relation to table 3 or
- Optionally, can comply with public interest score regulation in terms of financial reporting compliance

3. Human Resource

Organisational structure indicating number of employees. The company must have a comprehensive Human Resource Policy and planning including recruitment, supervisors, vetting procedures, service benefits, code of practice, training and development. The employees of the service provider on duty shall always be appropriately dressed with a uniform displaying his/her name and company name. The employees must be equipped with protective clothing and equipment.

4. Identified presence or functioning office within the Northern Cape

- Proof of municipal account (3months statement) of the business in Northern Cape

Table 4. Evaluation criteria for proof of municipal account

Indicator	Rating
Non-Compliant	0
Less than 3 months	3
Greater or equal to 3 months	5

- b. Proof of official functioning office of the business in Northern Cape.

Table 5. Evaluation criteria for official functioning office in Northern Cape

Indicator	Rating
Non-Compliant	0
Outside Kimberley	3
In Kimberley	5

- c. Verifiable clients within the Northern Cape.

Table 6. Proof of verifiable clients within Northern Cape

Indicator	Rating
Did not submit any client or contract or contact details. Non compliance	0
Submitted one (1) client or contract without contact details	1
Submitted two (2) clients or contracts with contact details	2
Submitted three (3) clients or contracts with contact details	3
Submitted four (4) clients or contracts with contact details	4
Submitted more than five (5) clients or contracts with contact details	5

5. Ownership indicating the following on CSD with a minimum of 30% women, 30% youth and 1% disabilities.

- i. Minimum 30% ownership by women

Table 7. Evaluation criteria for women

Indicator	Rating
Non-Compliant	0
Less than 30%	3
Greater or equal to 30%	5

- ii. Minimum 30% ownership by youth

Table 8. Evaluation criteria for youth

Indicator	Rating
Non-Compliant	0
Less than 30%	3
Greater or equal to 30%	5

- iii. Minimum 1% ownership by disabilities

Table 9. Evaluation criteria for disabilities

Indicator	Rating
Non-Compliant	0
Less than 1%	3
Greater or equal to 1%	5

6. Methodology

The proposal should be properly structured with a layout that is easy to understand and follows a sequential flow of the scope of work.

The methodology must reflect how the scope of work can be achieved. It must illustrate how the work is going to be done. What are the issues in regulation that must be covered and how? The reporting time? And Conflict resolution?

Table 10. The criteria below will be utilised to evaluate the scope of work.

Criteria	Description	Rating
0 %	Does not satisfy the minimum requirements. Non compliance	0
20 %	Satisfies the requirement with major reservations. Considerable reservations of the supplier's relevant ability, understanding, experience, skills, resource and quality measures required to provide the goods / services, with little or no supporting evidence.	1
40 %	Satisfies the requirement with minor reservations. Some minor reservations of the supplier's relevant ability, understanding, experience, skills, resource and quality measures required to provide the goods / services, with little or no supporting evidence.	2
60 %	Satisfies the requirement. Demonstration by the supplier of the relevant ability, understanding, experience, skills, resource, and quality measures required to provide the goods / services, with supporting evidence.	3
80 %	Satisfies the requirement with minor additional benefits. Above average demonstration by the supplier of the relevant ability, understanding, experience, skills, resource and quality measures required to provide the goods / services. Response identifies factors that will offer potential added value, with supporting evidence.	4
100%	Exceeds the requirement. Exceptional demonstration by the supplier of the relevant ability, understanding, experience, skills, resource and quality measures required to provide the goods / services. Response identifies factors that will offer potential added value, with supporting evidence.	5

12.2.2 POINT SYSTEM CALCULATION

Bidders who qualify on functionality will then move to the point system calculation. The bidder with the highest point will be the successful bidder for each service. The 80/20 point system will be applicable.

The 100 points system will be allocated as follows; Price= 80 and BBBEE Level Contributor certificate=20

Preference Points will be awarded upon submission of an original BBBEE level contribution certificate or an original certified BBBEE Level contribution certificate by the relevant authority(S).

1. In terms of Regulation 6 (1) of the Preferential Procurement Regulations 2017 and section 2 of the Preferential Procurement Act, preference points will be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table and requirement below: (For more information check (PPPF Regulation,2017).

B-BBEE Status Level of Contributor	Number of points
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

- a. Sworn affidavit for BBBEE Exempted Micro Enterprise
- b. B-BBEE Status Level Certificate accredited by SANAS

As a minimum requirement, all valid B-BBEE Status Level Verification Certificates should have the following information detailed on the face of the certificate:

- i. The name and physical location of the measured entity;
- ii. The registration number and, where applicable, the VAT number of the measured entity;
- iii. The issuing and expiry dates must be indicated. The certificate is valid for a one (1year period only. The certificate number for identification and reference;
- iv. The scorecard that was used (for example EME, QSE or GENERIC);
- v. The name and / or logo of the Verification Agency;
- vi. The SANAS logo;
- vii. The certificate must be signed by the authorized person from the Verification Agency; and the B-BBEE Status Level of Contribution obtained by the measured entity.

13 SUPPLIER DUE DILIGENCE

The Department of Economic Development and Tourism reserves the right to conduct supplier due diligence prior to final award or at any time during the contract period. This may include site visit. A negative report might lead to performance management with its related consequences.

14 SUBMISSION OF BID

Interested Service Providers must place bid in the Tender Box with the following details:

- a. **Physical Address**

Northern Cape Economic Development and Tourism
Cnr. of Knight and Stead Street
MetLife Towers (Entrance)
Ground Floor
Kimberley
8301

b. Closing Details

Date: 20 December 2021

Time: 11:00

c. Collection of documents**Departmental website –**

http://www.northerncape.gov.za/dedat/index.php?option=com_phocadownload&view=category&id=14&Itemid=824

eportal

<https://admin.etenders.gov.za/Tenders/MyTenders>

15 BID DOCUMENTS

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	DEDaT 0004/2021	CLOSING DATE:	20 December 2021	CLOSING TIME:	11H00
DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE GARDENING SERVICE TO THE DEPARTMENT OF ECONOMIC DEVELOPMENT AND TOURISM				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
GROUND FLOOR(ENTRANCE)					
METLIFE TOWERS					
MARKET SQUARE					
KIMBERLEY					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	B. AWUAH	CONTACT PERSON	T. RABOIKANYO		
TELEPHONE NUMBER	053 839 4056	TELEPHONE NUMBER	053 839 4047		
FACSIMILE NUMBER	053 831 3668	FACSIMILE NUMBER	053 831 3668		
E-MAIL ADDRESS	BassanioA@ncpg.gov.za	E-MAIL ADDRESS	TRaboikanyo@ncpg.gov.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 PART B:3]
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 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:

**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)
----------	----------	-------------	---

-
- 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

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 / 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**

2.9.1If 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:
.....
.....

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

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

DECLARATION

I, THE UNDERSIGNED (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23
 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
 Signature

.....
 Date

.....
 Position

.....
 Name of bidder

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 **not exceed** R50 000 000 (all applicable taxes included) and therefore the **...80/20.....** 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:
- 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

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

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

80/20

or

90/10

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

$P_{\min}$ = 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 (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2

Non-compliant contributor	0
---------------------------	---

5. BID DECLARATION

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

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

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

7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?
(Tick applicable box)

YES		NO	
-----	--	----	--

7.1.1 If yes, indicate:

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

(Tick applicable box)

YES		NO	
-----	--	----	--

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

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

8. DECLARATION WITH REGARD TO COMPANY/FIRM

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

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One person business/sole propriety
- ☐ Close corporation
- ☐ Company

☐ (Pty) Limited
[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....
.....
.....

8.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

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

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

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

WITNESSES

1.
2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

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

SBD 9

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
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

16 ANNEXURES

ANNEXURE A

SPECIAL CONDITIONS FOR RENDERING GARDENING SERVICES

(KIMBERLEY DIAMOND AND JEWELLERY CENTRE – 25 VILLIERS STREET, KIMBERLEY, 8301)

The preferred bidder's prime object must be upholding of the Kimberley Diamond and Jewellery Centre's premises (Yellow and Green Block), through correct management, training and discipline of staff to ensure high quality gardening services at all times.

17 SPECIFICATIONS	Details of offer: YES/NO
1.1. Gardening Services The gardening service must maintain the entire property, which constitutes the Kimberley Diamond and Jewellery Centre and the portion of the Teacher's Training Centre occupied by the Kimberley International Diamond and Jewellery Academy. The space in front of the main gate of the Kimberley Diamond and Jewellery centre and in front of the Kimberley International Diamond and Jewellery centre	
1.2. All tools and equipment are to be supplied by the Gardening service. These include refuse bags.	
1.3. Lawns: Lawns mowed and edges trimmed in accordance with seasonal demands. For example, lawns may require mowing twice a week in spring and once a fortnight in the winter. The cutting height to be kept between 40mm and 70mm. Lawns to be fertilised in the spring and autumn and aerated once per year. Fertiliser to be supplied by the service provider.	
1.4. Irrigation: Garden Services must ensure that the irrigation system is working and in good condition	
1.5. Leaves and Other Organic Waste Material: Leaf litter to be removed from paths and lawns as and when required.	
1.6. All organic waste material generated by grounds maintenance will be removed from the Kimberley Diamond and Jewellery Centre and Kimberley International Diamond and Jewellery Academy by Garden services.	
1.7. Garden services will ensure that the pavement in front of the Teacher's Training Centre (portion in front of the Kimberley International Diamond and Jewellery Academy) and the Kimberley Diamond and Jewellery Centre is kept neat and tidy.	
1.8. Garden service must keep the paving in the premises including that of the carports clean at all times.	
1.9. Garden services will also be responsible for the maintenance of all the trees within the grounds of the Kimberley Diamond and Jewellery Centre and the Kimberley International Diamond and Jewellery Academy (Teacher's Centre). This includes monitoring the health of the trees and informing the DEDaT staff at the Kimberley Diamond and Jewellery Centre if there are any concerns.	
1.10. Trees and weeds close to the electric fence in the front and at the back of the premises must be pruned and cleared so that they do not touch the fence at any time.	
1.11. Trim and maintain weeds in the back of the yard.	
1.12. Garden services will also be responsible to hang the Flags at KIDJA and at the Kimberley Diamond and Jewellery Centre at 07H30 before they start work and take them down at 16H00.	
<u>Service provider's Duties and Obligations</u> The service provider shall submit an original invoice for gardening services rendered at the end of the month.	
The service provider's business name and contact details must be clearly indicated on the original invoice. The invoice must be dated and duly signed.	
Value added tax (VAT) may only be charged by service providers registered for VAT by means of a unique registration number issued by the South African Revenue Service (SARS). The VAT registration number must be indicated on the original invoice submitted for payment.	
<u>Department's Duties and Obligations</u> The Department shall pay the monthly amount within 30 days of receipt of the service provider's original invoice, provided the service provider's service has been satisfactorily in terms of the special conditions of bid / contract.	
The Department reserves the right to retain monthly payments in its entirety, or in such part, as it may deem necessary if gardening services were not rendered or if it were unsatisfactory.	

The Department shall appoint a contact person as liaison between the Department and the service provider.	
<u>GENERAL CONDITIONS OF BID</u> The contract shall commence on the date stipulated in the letter of acceptance to the preferred bidder and shall be for the duration as stipulated in the TOR. The General conditions of Bid forms the basis of the contract and must be complied with.	
Bidders are advised to visit all sites before submitting their bids so as to determine the appearance and layout, access to the premises, as well as areas suitable for or available for storage of materials or -equipment and any other circumstances that could affect the rendering of services. No claims resulting from such factors will be considered after the contract has been concluded. SITES WHERE DAILY GARDENING IS REQUIRED: 1. DEPARTMENT OF ECONOMIC DEVELOPMENT AND TOURISM KDJC BUILDING – 25 VILLIERS STREET, KIMBERLEY, 8300 2. TOURISM FLAGSHIP INFORMATION CENTER	
Bidders <u>must</u> complete the <u>details of offer</u> (see column right with yes or no) in all respects. Failure to comply shall render the bid invalid.	Details of offer: YES/NO
The preferred bidder must be able to commence with gardening services on the date stipulated in the letter of acceptance of offer.	
Any clause in the special conditions of bid may only be amended by mutual agreement between the Department and service provider.	
<u>ANNUAL PRICE ESCALATION</u> Bidders must indicate their price escalation of 6% commencing the second and third year and included in the total bid price.	

18 PRICE CONSTITUENT

This section of the specification must be completed by all bidders as failure to comply shall lead to disqualification.

All bidders shall indicate the following in terms of bid offers:

- 18.1. All offers shall include VAT, if the bidder is eligible for VAT verifiable by a unique VAT number.
- 18.2. All prices shall be in South African Currency (Rand).
- 18.3. All prices shall include supply of toilet paper, liquid hand soap, air freshener; refuse bags, she-bins and appropriate plastic bags for sanitary towels.
- 18.4. The total bid price must be indicated on SBD 3.1 inclusive of VAT

19 EQUIPMENT DETAILS

Bidders must list all equipment to be used (and number thereof) in the following categories: (Failure to comply shall render the bid invalid).

- 19.1. Lawnmowers: Yes/No
- 19.2. Spades: Yes/No
- 19.3. Gardening Forks: Yes/No
- 19.4. Gardening Shears: Yes/No
- 19.5. Weed Cutter: Yes/No
- 19.6. Gardening Rakes: Yes/No
- 19.7. Any other equipment or gardening material to be used in order to successfully fulfil the contract.

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20 REFERENCES

List references / contact persons and their telephone numbers

Company	Contact Person	Phone Number

21 GARDENING SERVICES

Nr	OFFICE	NUMBER OF DAYS PER WEEK GARDENING SERVICES ARE REQUIRED	NUMBER OF FULL DAY GARDENERS	NUMBER OF PART TIME DAY GARDENERS	HOW OFTEN WILL YOU SUPERVISE DAILY/ WEEKLY/ FORTNIGHTLY/ MONTHLY?	PRICE PER MONTH (Including VAT)
1	DEPARTMENT OF ECONOMIC DEVELOPMENT AND TOURISM KDJC BUILDING – 25 VILLIERS STREET, KIMBERLEY, 8300	5	3	1		R.....

ANNEXURE B

SPECIAL CONDITIONS FOR RENDERING OF GARDENING SERVICES

(Tourism Office, Francis Baard Flagship Visitor Information Centre, Mitta Seperepere Complex)

The preferred bidder's prime object must be absolute cleanliness and upholding of the Flagship Visitor Information Centre gardening and premises through correct management, training and discipline of staff to ensure high quality gardening services at all times.

22 SPECIFICATIONS	Details of offer: YES/NO
1.1. Gardening Services The gardening service must maintain the entire property, which constitutes the Frances Baard Flagship Information centre and the space in front of the main gate	
1.2. All tools and equipment are to be supplied by the service provider.	
1.3. Lawns: Lawns mowed and edges trimmed in accordance with seasonal demands. For example, lawns may require mowing twice a week in spring and once a fortnight in the winter. The cutting height to be kept between 40mm and 70mm. Lawns to be fertilised in the spring and autumn and aerated once per year. Fertiliser to be supplied by the service provider.	
1.4. Irrigation: Garden Services will be responsible to ensure that the irrigation system is working and functioning. The irrigation system will remain the property of the Department of Economic Development and Tourism.	
1.5. Leaves and Other Organic Waste Material: Leaf litter to be removed from paths and lawns once per week or as and when required.	
1.6. All organic waste material generated by grounds maintenance will be removed by the service provider.	
1.7. Garden services will ensure that the pavement in front is kept neat and tidy.	
1.8. Garden services will also be responsible for the maintenance of all the trees within the grounds. This includes monitoring the health of the trees and informing the DEDaT staff at the office if there are any concerns.	
1.9. Trees close to the fence in the front and at the back of the premises must be pruned so that they do not touch the fence at any time.	
1.10. Trim and maintain weeds in the yard.	
<u>Service provider's Duties and Obligations</u> The service provider shall submit an original invoice for gardening services rendered at the end of the month.	
The service provider's business name and contact details must be clearly indicated on the original invoice. The invoice must be dated and duly signed.	
Value added tax (VAT) may only be charged by service providers registered for VAT by means of a unique registration number issued by the South African Revenue Service (SARS). The VAT registration number must be indicated on the original invoice submitted for payment.	
<u>Department's Duties and Obligations</u> The Department shall pay the monthly amount within 30 days of receipt of the service provider's original invoice, provided the service provider's service has been satisfactorily in terms of the special conditions of bid / contract.	
The Department reserves the right to retain monthly payments in its entirety, or in such part, as it may deem necessary if gardening services were not rendered or if it were unsatisfactory.	
The Department shall appoint a contact person as liaison between the Department and the service provider.	
<u>GENERAL CONDITIONS OF BID</u> The contract shall commence on the date stipulated in the letter of acceptance to the preferred bidder and shall be for the duration as per the TOR	

Bidders are advised to visit all sites before submitting their bids so as to determine the appearance and layout, access to the premises, as well as areas suitable for or available for storage of materials or -equipment and any other circumstances that could affect the rendering of services. No claims resulting from such factors will be considered after the contract has been concluded. SITE WHERE DAILY GARDENING SERVICES ARE REQUIRED: Frances Baard Flagship Tourism Information Centre, Big hole precinct, Adjacent Mittah Seperepere Convention Centre, Kimberley, 8300.	
Bidders <u>must</u> complete the details of offer (see column right with yes or no) in all respects. Failure to comply shall render the bid invalid.	YES/NO
The preferred bidder must be able to commence with gardening services on the date stipulated in the letter of acceptance of offer.	
Any clause in the special conditions of bid may only be amended by mutual agreement between the Department and service provider.	
<u>ANNUAL PRICE ESCALATION</u> 6% annual escalation on price for the duration of the contract. This price must be indicated in the total bid price inclusive of VAT	

23 GARDENING SERVICES

Nr	OFFICE	NUMBER OF DAYS PER WEEK GARDENING SERVICES ARE REQUIRED	NUMBER OF FULL DAY GARDENERS	HOW OFTEN WILL YOU SUPERVISE DAILY/ WEEKLY/ FORTNIGHTLY/ MONTHLY?	PRICE PER MONTH (Including VAT)
1	DEPARTMENT OF ECONOMIC DEVELOPMENT AND TOURISM OFFICE, FRANCIS BAARD FLAGSHIP VISITOR INFORMATION CENTRE, MITTA SEPEREPERE COMPLEX.	5	1		R..... .

24 BIDDER'S DETAILS

Company Name:

Address:

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Print Name & Surname of Bidder:

Phone Number:

Date of bid completion:

25 CONFIRMATION OF PRICES

SIGNED AT.....ON THIS..... DAY OF (Month) 2021.....

IN THE PRESENCE OF THE UNDER MENTIONED WITNESSES:

AS WITNESS:

1.....

.....

SIGNATURE: WITNESS

WITNESS: PRINT NAME & SURNAME

2.....

.....

SIGNATURE: WITNESS

WITNESS: PRINT NAME & SURNAME

.....

BIDDER: SIGNATURE & PRINT: NAME & SURNAME