



an agency of the
Department of Arts and Culture

INVITATION TO BID - READVERTISEMENT

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

RFP NUMBER:	SAST/2021/COMPANY SECRETARIAL SERVICES
DESCRIPTION:	APPOINTMENT OF A SUITABLY QUALIFIED SERVICE PROVIDER TO PROVIDE COMPANY SECRETARIAL SERVICES AT THE SOUTH AFRICAN STATE THEATRE FOR A PERIOD OF THIRTY SIX MONTHS (36).
PUBLISH DATE:	02 August 2021
CLOSING DATE:	23 August 2021 @ 11:00 am
BID VALIDITY PERIOD:	90 Days from the closing date
COMPULSORY BRIEFING SESSION DATE & TIME	None
DELIVERY ADDRESS	BID DOCUMENTS 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.

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SECTION 1

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.

The South African State Theatre has five (5) Council sub-committees:

- Audit and Risk Committee
- Institutional Development Committee
- Human Resources and Remuneration Committee (HRRC)
- Finance Committee
- Ethics Committee

The committees meet prior to the Council meeting

1.1 OBJECTIVE

The South African State Theatre (SAST) seeks to appoint a service provider to provide Company Secretarial Services to its Council (Board), for a period of 36 months.

The overall Service to be provided, is to provide support to the SAST Council in organising and documenting meetings of the Council and its sub-committees as well as providing in-meeting guidance on Governance issues as outlined in the King Report on Corporate Governance to ensure professional and meaningful engagement.

1.2 SCOPE of WORK

The successful Service Provider will be responsible for the following:

- ❖ Provide company secretarial services to the Council (board), and all subcommittees, of the South African State Theatre.
- ❖ This includes, inter alia, for Council and its subcommittees:
 - Attendance of all meetings, ad-hoc meetings and workshops (virtually and in-person),

Bid No.:

Name of Bidder:

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- Preparing the chairperson's draft report,
 - Schedule and coordinate attendance for all meetings to ensure quorum is met and confirmed, prior to the meeting,
 - Compiling and circulating the draft agenda, previous meeting minutes and matters arising in preparation for the meeting,
 - Collate, index and paginate the meeting document pack, including following-up on outstanding information to ensure completeness,
 - Distribute the document pack seven days before the meeting, electronically and/or in hardcopy,
 - Compile each Council members claim forms for travel and preparation time which must be available at the start of each meeting,
 - Compile the meeting administrative documents which must include the meeting attendance register and declaration of interest forms,
 - Compiling meeting minutes and matters arising, which must be circulated within two weeks of the meeting, and any amendments thereto as required,
 - Compile and format Council resolutions and maintain the resolutions register,
 - Ensure all meeting minutes and resolutions are duly signed,
 - Recording (voice) of all meetings, and
 - Safekeeping of all meeting administrative documents, master copy of the document pack, minute books and meeting recordings.
- ❖ Provide in-meeting assistance to Council, its subcommittees and the CEO in respect of general corporate governance practise and procedures, including King IV, and to ensure that meetings are arranged and conducted in a professional manner.
 - ❖ Provide support to Council, its subcommittees and the CEO, including the audit and risk committee, in respect of corporate governance, legislative requirements and duties.
 - ❖ Provide input and assistance in drafting the annual report, specifically related to the corporate governance information.
 - ❖ Provide Council information required in the quarterly baseline report.
 - ❖ Conduct Companies and Intellectual Property Commission searches in relation to companies and individuals as part of the tender vetting process, related disclosure certificates must be provided to the SAST Supply Chain Manager.
 - ❖ Conduct an annual review of the Council and subcommittee charters.
 - ❖ Draft annual workplans for Council and the subcommittees aligned to their duties and responsibilities in order to meet reporting deadlines,
 - ❖ All Council documents must be secured to ensure confidentiality.
 - ❖ Conduct, using own tools as agreed with the SAST, an annual Council assessment, including an assessment of all subcommittees of the Council.

Bid No.:

Name of Bidder:

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- ❖ Conduct, using own tools as agreed with the SAST, an annual Internal Audit assessment.
- ❖ Prepare an evaluation form for the evaluation of the Company Secretarial Service, to be conducted by Council annually.
- ❖ Location of meetings, 320 Pretorius Street Pretoria CBD. Alternatively, in the Silverton area or other location within the greater Gauteng.
- ❖ Subcommittees of Council:
 - Audit and Risk Committee, Institutional Development Committee, Human Resources and Remuneration Committee (HRRC), Finance Committee, and any other committee that may be established by Council.
- ❖ Reporting lines:
 - Chairperson of Council.
 - CEO (administrative matters).

1.3 Pricing Schedule

The following requirements must be included in the proposals:

- Rate per month (based on 18 hours per month – monthly retainer fee),
- Indicate hourly rate once 18 hours is exhausted (these hours will be limited to 2352 hours for the three years and is not inclusive of the monthly retainer fee above), and
- The 2352 hours should be broken down into levels of expertise/experience used by the service provider
- Disbursement rates (Travel expenses (rate per KM), Travel time cost, Photocopy cost, Printing and binding cost, Telephone call cost, Courier cost (Standard 2Kg Max Flyer (bag) for local, i.e. Gauteng, and National).

Bidders must submit a detailed pricing schedule with total bid price for a period of 36 months.

Bid No.:

Name of Bidder:

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SECTION 2

2. INSTRUCTIONS TO BIDDERS

2.1 General

Bidders must familiarize themselves with and comply with the mandatory requirements and ensure their availability for site visits and presentations, as required, on the appropriate dates.

2.2 Bidder Information

The required information on the bidder must be completed as stipulated in **paragraph above**.

Failure to do so may result in disqualification.

The successful bidder shall demonstrate to SAST that adequate pre-employment screening, including security screening was performed on the employees/sub-contractors (staff).

2.2.1 The pre-employment screening shall as a minimum be:

2.2.1.1 Authenticate that staff are who they claim to be;

2.2.1.2 Confirm that staff have a right to work in the RSA;

2.2.1.3 Obtain written declaration from staff of any criminal record; and

2.2.1.4 Confirm that staff possesses the relevant qualifications to undertake the duties effectively and safety.

2.2.2 The successful bidder shall deploy competent staff, supervision and labour who are:

2.2.2.1 Appropriately experienced and trained for the work they are to undertake.

2.2.3 SAST and its representatives may seek formal assurance to this effect (including a formal (audit) at any time during the contract period.

2.3 Consortium

2.3.1 Bidders forming part of a Consortium must submit with their bid a copy of their Consortium agreement in a separate attachment. This must clearly indicate:

2.3.1.1 The form of agreement;

2.3.1.2 The respective roles and responsibilities of the members;

2.3.1.3 The identity of the lead company which will have overall responsibility;

2.3.1.4 The name and address of the officer acting as a single point of contact for

2.3.1.5 Communications between SAST and the tenderers. He shall be fully empowered to act on behalf of all members; and

2.3.1.6 The member's agreement to be jointly and severally liable to SAST for the performance of the contract.

Bid No.:

Name of Bidder:

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2.4 Sub-contracting

- 2.4.1 Bidders must detail any work to be sub-contracted, the proposed sub-contractor(s) to be used,
- 2.4.2 SAST reserves the right to reject the use of any of the bidder's proposed subcontractors and any subcontractor proposed during the contract term.
- 2.4.3 Bidders are advised that SAST will not respond any direct approach from potential sub-contractors for details in respect of any particular item in this bid.

2.5 SAST Bidding rights

2.5.1 SAST reserves the right to:

- 2.5.1.1 extend the closing date;
- 2.5.1.2 verify any information contained in a proposal;
- 2.5.1.3 Request documentary proof regarding any bid issue;
- 2.5.1.4 Give preference to locally manufactured goods or locally sourced services;
- 2.5.1.5 Issue follow-up or supplementary questions during the response period or after receipt of tenders;
- 2.5.1.6 Make known to all bidders any questions submitted by a bidder including commercial and technical clarifications, together with answers given to any individual bidder, if it is considered to be relevant to the tender; and
- 2.5.1.7 Cancel or withdraw this request for tender as a whole or in part.

2.5.2 Evaluating Authorities' (BEC) of the evaluation process SAST may require bidders to arrange and/or participate in one or more of the following:

- 2.5.2.1 Interviews with, or written references from nominated references;
- 2.5.2.2 Reference site visits to the location(s) of nominated reference;
- 2.5.2.3 Interviews with bidder personnel who would be involved in the contract execution (day-to-day operations of the site);
- 2.5.3 Negotiations with the bidders.
- 2.5.4 Appoint one bidder or more than one bidder where necessary.

2.6 Bidding process

2.6.1 Bidders must familiarize themselves with and comply with the procurement time table and ensure their availability for the site visit and presentations, as required, on the appropriate dates.

2.6.2 Bidders are required to:

2.6.2.1 respond in the English language;

2.6.2.2 A cover letter on the bidders company letterhead with clear reference to the bid of interest should accompany both the technical and pricing proposals;

2.6.2.3 All copies of the tender response must be signed on each page.;

2.6.2.4 Ensure that all document attachments are clearly marked and bound in a clear, logical and well-marked format with a table of contents ensuring ease of finding individual documents or sections; and

2.6.2.5 The original document must be signed in black ink by an authorized person, agent or representative and each and every page of the bidding documents shall contain the initials of the same signatory.

2.6.3 All costing and information must be typed and signed by the bidder, no hand written costing/pricing will be accepted.

2.7 Bid submission requirements

2.7.1 Bidders must submit their responses and all supporting documents in properly labelled and sealed envelopes

Bidders must submit one (1) pack of original proposals, marked "ORIGINAL" in a separate envelope and two (2) packs of copies, marked "COPY" in other envelope.

Bidder must also submit an ***ELECTRONIC SUBMISSION of their bid document (USB)***

Financial or pricing details must ONLY be included in the pack marked "ORIGINAL".

Bids must be submitted in sealed envelopes clearly labelled to reflect the **bid number** and description, submission date and closing time.

Bids must be bound, indexed and set out in a tabulated format. Unbound or loose papers will be rejected.

NB: Failure to submit 1 original pack with financial/pricing details and 2 packs of copies (without financial/pricing details), will result in your bid being disqualified.

Bid No.:

Name of Bidder:
.....**2.8 EVALUATION PROCESS****2.8.1 Evaluation criteria**

Bids that meet compliance requirements will be evaluated in two stages, which includes functionality (Stage 1) and Pricing and B-BBEE Status (Stage 2).

2.8.2 Compliance with minimum requirements

All bids duly lodged will be examined to determine compliance with bidding requirements and conditions (completion and attachment of compulsory documents).

2.8.3 Elimination of proposals on grounds of functionality

Bids that score less than 80 points for functionality will be eliminated from further participation in the Bid Evaluation process (Stage 2).

Stage 1

All proposals will be evaluated on the following criteria indicated below:

No.	FUNCTIONALY	CRITERIA/GUIDE (Points allocation)	WEIGHT (Maximum points)
1	<u>Company information and relevant experience</u> Company should demonstrate extensive experience in providing company secretarial services, preferably to government organisations by submitting a company profile.	5 or more years = 15 3-4 years = 10 1-2 Years = 5 Below 1 year = 0	15
2	EXPERTISE AND CAPACITY Bidders must submit proposals demonstrating skills relevant to the Board Secretariat services and must cover, but not limited to the following: - Knowledge of legislation regulating the SAST - Expert knowledge in roles and responsibilities of the board/Council and Committees; - Understanding of Companies Act; - Strategic meeting management; - Understanding of meeting protocols; - Strong good governance background; and	5 = excellent 4 = very good 3 = good 2 = poor 1 = very poor	50

Bid No.:

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	- Strong administrative skills - Understanding of the King report on corporate governance		
3	EXPERIENCE, QUALIFICATIONS AND SKILLS Bidder must have at least eight (8) years post admission experience or more of the legal practitioner. Bidders must attach relevant certified copies of highest qualifications/professional certificate of the board secretariat, and preferable must be an admitted attorney, registered with the Southern African Institute of Chartered Secretaries and Administrators(Chartered Secretaries South Africa)/ Chartered Governance Institute of Southern Africa. The bidder must submit a CV highlighting experience in Board Secretariat Services.	8 or more years = 20 5 – 7 years = 15 3 - 6 years = 10 2 – 5 years = 5 Less than 2 = 0 NOTE: bidders must meet the full requirements in order to obtain full points.	20
4	<u>Verifiable References</u> Bidders must submit three reference letters of similar engagements within the past two years: Each reference letter must include: - Name of the organisation. - Contact person details. - Contract amount (Include award letter if contract amount is not on the letter). - Work performed and dates when work was performed References letters must be on the Company's letterhead with contact information.	3 or more reference Letters = 15 points 2 letters = 10 points 1 letter = 5 points	15
	TOTAL		100

Bid No.:

Name of Bidder:

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SECTION 3

3. 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 invalid. Please also indicate where additional documents have been submitted to the main tender response.

3.1 Mandatory Documents

		Yes	No
3.1.1	Bidder's information. (par. 4 below)		
3.1.2	Tax Pin issued by SARS		
3.1.3	Joint venture or Sub-contractor, valid tax Pin for each member (where applicable)		
3.1.4	CSD (Central Supplier Database) report		
3.1.5	▪ Certified Company registration documents. ▪ Certified ID copies of all directors and members listed on the Company reg. document. ▪ Members share certificate		
3.1.7	Letter of Good standing from the Department of Labour (COIDA)		
3.1.8	Proof of registration with the Chartered Governance Institute of Southern Africa		
3.1.9	▪ Preferable admitted attorney, registered with the Law Society of South Africa ▪ Letter from relevant Law society confirming Good standing and a Certified copy of the Fidelity Fund Certificate		
3.1.10	3 Years Audited Financial Statements or reviewed by an Accountant.		

Even though it is preferable that a bidder be an admitted attorney, bidders who are not attorneys but meet all other requirements will not be disqualified.

Bid No.:

Name of Bidder:

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3.2 Returnable Mandatory Compliance Documents

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 invalid. Please also indicate where additional documents have been submitted to the main tender response.

		Yes	No
4.1	SBD 1 Invitation to Bid		
4.2	SBD 3.3 Professional Services		
4.3	SBD 4 Declaration of Interest		
4.4	SBD 6.1 Preference points claim form i.e. PPR 2017		
4.5	SBD 8 Declaration of Bidder's Past Supply Chain Management Practices		
4.6	SBD 9 Certificate of Independent Bid Determination		
4.7	General conditions of contract [fully signed on the last page and initial each page] Obtainable for National Treasury website)		

Bid No.:

Name of Bidder:

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4 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	

Bid No.:

Name of Bidder:

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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	

Bid No.:

Name of Bidder:

ANNEXURES: STANDARD BIDDING 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									

Bid No.:

Name of Bidder:

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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:

Bid No.:

Name of Bidder:

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SBD 3.3

PRICING SCHEDULE
(Professional Services)

NAME OF BIDDER: BID NO.:

CLOSING TIME 11:00

CLOSING DATE.....

OFFER TO BE VALID FORDAYS FROM THE CLOSING DATE OF BID.

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)
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1. The accompanying information must be used for the formulation of proposals.

2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project.

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3. PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)

4. PERSON AND POSITION

HOURLY RATE

DAILY RATE

R-----

R-----

R-----

R-----

R-----

5. PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT

R-----

-----days

R-----

-----days

R-----

-----days

R-----

-----days

5.1 Travel expenses (specify, for example rate/km and total km, class of airtravel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED

RATE

QUANTITY

AMOUNT

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R.....

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R.....

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R.....

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R.....

TOTAL: R.....

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

5.2 Other expenses, for example accommodation (specify, eg. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED

RATE

QUANTITY

AMOUNT

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R.....

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R.....

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R.....

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R.....

Bid No.:

Name of Bidder:

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TOTAL: R.....

6. Period required for commencement with project after acceptance of bid

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7. Estimated man-days for completion of project

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8. Are the rates quoted firm for the full period of contract?

*YES/NO

9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index.

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***[DELETE IF NOT APPLICABLE]**

Any enquiries regarding bidding procedures may be directed to the –

(INSERT NAME AND ADDRESS OF DEPARTMENT/ENTITY)

Tel:

Or for technical information –

(INSERT NAME OF CONTACT PERSON)

Tel:

Bid No.:

Name of Bidder:

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SBD 4

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to 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;

Bid No.:

Name of Bidder:

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- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

"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:

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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?

Bid No.:

Name of Bidder:

.....
.....

2.8.1 If so, furnish particulars:

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

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid?

YES / NO

2.9.1 If so, furnish particulars.

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

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid?

YES/NO

2.10.1 If so, furnish particulars.

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

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract?

YES/NO

2.11.1 If so, furnish particulars:

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

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

Bid No.:

Name of Bidder:

.....
.....

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

May 2011

Bid No.:

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	

Bid No.:

Name of Bidder:

.....

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) | level certificate issued by an authorized body or person; | B-BBEE | Status |
| 2) | prescribed by the B-BBEE Codes of Good Practice; | A sworn affidavit as | |
| 3) | requirement prescribed in terms of the B-BBEE Act; | Any | other |
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice

Bid No.:

Name of Bidder:

.....

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 (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

Bid No.:

Name of Bidder:

.....

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:

- What percentage of the contract will be subcontracted.....%
- The name of the sub-contractor.....
- The B-BBEE status level of the sub-contractor.....
- 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		

Bid No.:

Name of Bidder:

.....

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

Bid No.:

Name of Bidder:

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

.....

.....

Bid No.:

Name of Bidder:

.....

SBD 8

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
 - a. abused the institution's supply chain management system;
 - b. committed fraud or any other improper conduct in relation to such system; or
 - c. failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes ☐	No ☐

.....

4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes ☐	No ☐
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes ☐	No ☐
4.4.1	If so, furnish particulars:		

CERTIFICATION

**I, THE UNDERSIGNED (FULL NAME).....
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM
IS TRUE AND CORRECT.**

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature **Date**

Position	Name of Bidder

Js365bW

Bid No.:

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.

Bid No.:

Name of Bidder:

.....
.....

SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

I certify, on behalf of: _____ 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;

Bid No.:

Name of Bidder:

.....
.....

- (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

Bid No.:

Name of Bidder:

.....
.....

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

Js914w 2

Bid No.:

Name of Bidder:

.....
.....
