



PIKITUP JOHANNESBURG SOC LIMITED

BID DOCUMENT FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR THE PROVISION OF MEDICAL EQUIPMENT (VISION SCREENERS, AUDIOMETERS AND SPIROMETERS) TO FOUR PIKITUP DEPOTS OVER 3 YEARS AND PROVIDE ANNUAL CALIBRATION FOR THESE EQUIPMENTS.

BID NO: PU 105 / 2022

CLOSING DATE 14 AUGUST 2023

CLOSING TIME: 11:00AM

BIDDER NAME:

BID AMOUNT:

**TENDER DOCUMENT FOR:
PIKITUP JOHANNESBURG SOC LTD
JORISSEN PLACE
66 JORISSEN STREET
BRAAMFONTEIN, JHB**

Contact person: Mlungisi Shongwe

E-mail: mlungisishongwe@pikitup.co.za

Enquiries relating to this bid may be e-mailed to the mentioned above contact person.

Bid document must be deposited at:

Pikitup Head Office, Tender Office, Ground Floor, East Wing, Jorissen Place, 66 Jorissen Street, Braamfontein, JHB before the closing date and time.

No late bid responses will be considered

No briefing or information session will be held for this tender

Please report fraud and corruption at the City of Johannesburg Anti-Fraud Hotline: 0800 002 587 or National Treasury Anti-Corruption Hotline: 0800 701 701

TABLE OF CONTENTS

MBD 1, PART A AND B - INVITATION TO BID	ANNEXURE 1.1
AUTHORITY TO SIGN A BID	ANNEXURE 1.2
CERTIFICATE FOR PAYMENT OF MUNICIPAL SERVICES	ANNEXURE 1.3
CONDITIONS OF TENDER	ANNEXURE 1.4
SPECIFICATION OR TERMS OF REFERENCE	ANNEXURE 2
MBD 3.1 - PRICING SCHEDULE – FIRM PRICES (ALSO REFER TO ANNEXURE 2)	ANNEXURE 3.1
MBD 4 - DECLARATION OF INTEREST	ANNEXURE 4
MBD 6.1 - PREFERENCE POINTS CLAIM FORM	ANNEXURE 6.1
MBD 7.1- CONTRACT FORM: PROCUREMENT GOODS / WORKS	ANNEXURE 7
MBD 8 – DECLARATION OF BIDDERS PAST SUPPLY CHAIN MANAGEMENT PRACTICES	ANNEXURE 8
MBD 9 - CERTIFICATE OF INDEPENDENT BID DETERMINATION	ANNEXURE 9
CORPORATE GOVERNANCE BREACH CLAUSE	ANNEXURE 10
GCC AND DRAFT SERVICE LEVEL AGREEMENT	ANNEXURE 11
BIDDER'S COMPULSORY AND OTHER RETURNABLE DOCUMENTS	ANNEXURE 12

ANNEXURE 1.1

MBD 1

INVITATION TO BID

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)					
BID NUMBER:	PU105/2022	CLOSING DATE:	14 AUGUST 2023	CLOSING TIME:	11:00 AM
DESCRIPTION	BID FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR THE PROVISION OF MEDICAL EQUIPMENT (VISION SCREENERS, AUDIOMETERS AND SPIROMETERS) TO FOUR PIKITUP DEPOTS OVER 3 YEARS AND PROVIDE ANNUAL CALIBRATION FOR THESE EQUIPMENTS.				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
PIKITUP TENDER BOX, SITUATED AT PIKITUP JOHANNESBURG (SOC) LIMITED, JORISSEN PLACE, TENDER OFFICE, EAST WING, GROUND FLOOR, 66 JORISSEN STREET, BRAAMFONTEIN, JOHANNESBURG, 2000					
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					
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT ☐ 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]	
TOTAL NUMBER OF ITEMS OFFERED			TOTAL BID PRICE	R	
SIGNATURE OF BIDDER			DATE		
CAPACITY UNDER WHICH THIS BID IS SIGNED					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			TECHNICAL INFORMATION MAY BE DIRECTED TO:		
DEPARTMENT	SUPPLY CHAIN MANAGEMENT		CONTACT PERSON	SAME	
CONTACT PERSON	MLUNGISI SHONGWE		TELEPHONE NUMBER	SAME	
TELEPHONE NUMBER	087 357 1228		FACSIMILE NUMBER	SAME	
FACSIMILE NUMBER	NOT APPLICABLE		E-MAIL ADDRESS	SAME	
E-MAIL ADDRESS	MLUNGISISHONGWE@PIKITUP.CO.ZA				

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 ONLINE
1.3.	THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
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 VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3	APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
2.4	FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.
2.5	BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.6	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.7	WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS	
3.1.	IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO
3.2.	DOES THE ENTITY HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO
3.3.	DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO
3.4.	DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ NO
3.5.	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 ABOVE.	

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.
NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.**

SIGNATURE OF BIDDER:.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:.....

DATE:

ANNEXURE 1.2

AUTHORITY TO SIGN A BID

AUTHORITY TO SIGN A BID

Where the signatory is not a Director / Member / Owner / Trustees of the company as per the company registration (CIPC) certificate, an official letter of authorization or delegation of authority should be submitted with the bid document. The person signing the bid documentation must be fully authorised to sign the bid document on behalf of the bidder.

The bidder must provide a resolution or delegation of authority to the representative who is mandated to sign the bid document on the bidding organisation's behalf.

The resolution / delegation could be on the bidding company's letterhead or the bidding organisation could complete the relevant template from one of the following options.

1. <u>Sole Proprietor (Single Owner Business) and Natural Person</u>			
1.1 I, , the undersigned, hereby confirm that I am the sole owner of the business trading as			
OR			
1.2 I, , the undersigned, hereby confirm that I am submitting this tender in my capacity as natural person.			
SIGNATURE		DATE	
PRINT NAME			
WITNESS 1		WITNESS 2	

2. <u>Companies and Close Corporations</u>	
2.1 If a Bidder is a Company, a certified copy of the resolution by the board of directors, duly signed, authorising the person who signs this bid to do so, as well as to sign any contract resulting from this bid and any other documents and correspondence in connection with this bid and/or contract on behalf of the company must be submitted with this bid, that is, before the closing time and date of the bid.	
2.2 In the case of a Close Corporation (CC) submitting a bid, a resolution by its members authorising a member or other official of the corporation to sign the documents on their behalf, shall be included with the bid.	
Date Resolution was taken	
Resolution signed by (name and surname)	
Capacity	
Name and surname of delegated Authorised Signatory	
Capacity	
Specimen Signature	

Full name and surname of all Director(s) / Member (s)			
1.		2.	
3.		4.	
5.		6.	
7.		8.	
9.		10.	
Is a certified copy of the resolution attached?			YES
NO			
SIGNED ON BEHALF OF COMPANY / CC			DATE
PRINT NAME			
WITNESS 1			WITNESS 2

3. <u>Partnership</u> We the undersigned partners in the business trading as hereby authorise Mr/Mrs to sign this bid as well as any contract resulting from the bid and any other documents and correspondence in connection with this bid and/or contract for and on behalf of the above mentioned partnership. The following particulars in respect of every partner must be furnished and signed by every partner:			
Full name of partner		Signature	
SIGNED ON BEHALF OF PARTNERSHIP			DATE
PRINT NAME			
WITNESS 1			WITNESS 2

4. Consortium

We the undersigned consortium partners, hereby authorise _____ (Name of entity) to act as lead consortium partner and further authorise Mr/Ms _____ to sign this offer as well as any contract resulting from this tender and any other documents and correspondence in connection with this tender and / or contract for and on behalf of the consortium.

The following particulars in respect of each consortium member must be provided and signed by each

Full name of Consortium Member	Role of Consortium Member	% Participation	Signature
SIGNED ON BEHALF OF CONSORTIUM		DATE	
PRINT NAME			
WITNESS 1		WITNESS 2	

5. JOINT VENTURE

We, the undersigned, are submitting this bid offer in joint venture and hereby authorize Mr / Ms

.....
.....

Authorized signatory of the Company / Close Corporation / Partnership (name)

.....
.....

Acting in the capacity of lead partner, to sign all documents in connection with the bid offer and any contract resulting from it on our behalf.

LEAD PARTNER (Whom the Pikitup shall hold liable for the purpose of the tender)			
NAME OF FIRM			
ADDRESS			
		TEL. NO.	
SIGNATURE		DESIGNATION	

2 nd PARTNER			
NAME OF FIRM			
ADDRESS			
		TEL. NO.	
SIGNATURE		DESIGNATION	

3 rd PARTNER			
NAME OF FIRM			
ADDRESS:			
		TEL. NO.	
SIGNATURE		DESIGNATION	

4 th PARTNER			
NAME OF FIRM			
ADDRESS:			
		TEL. NO.	
SIGNATURE		DESIGNATION	

NOTE: A copy of the Joint Venture Agreement indicating clearly the percentage contribution of each partner to the Joint Venture, is to be submitted with the bid.

A board resolution, authorising each signatory who signed above to do so, is to be submitted with the bid.

ANNEXURE 1.3

CERTIFICATE FOR PAYMENT OF MUNICIPAL SERVICES

CERTIFICATE FOR PAYMENT OF MUNICIPAL SERVICES

DECLARATION IN TERMS OF MUNICIPAL SCM REGULATIONS 21(d) (ii)

I, (full name) and (ID no.), hereby acknowledge that Pikitup Johannesburg SOC Limited may reject the tender of the tenderer if any municipal rates and taxes or municipal service charges owed by the bidder or any of its directors/members/partners to the City of Johannesburg, or to any other municipality or municipal entity, are in arrears for more than 3 (three) months.

I declare that I am duly authorised to act on behalf of (name of the firm) and hereby declare, that to the best of my personal knowledge, neither the firm nor any director/member/partner of said firm is in arrears on any of its municipal accounts with any municipality in the Republic of South Africa, for a period longer than 3 (three) months.

I further hereby certify that the information set out in this schedule and/or attachment(s) hereto is true and correct. The bidder acknowledges that failure to properly and truthfully complete this schedule may result in the tender being disqualified, and/or in the event that the tenderer is successful, the cancellation of the contract.

PHYSICAL BUSINESS ADDRESS(ES) OF THE TENDERER	MUNICIPAL ACCOUNT NUMBER

Further details of the bidder's director(s) / shareholder(s) / partner(s) / member(s), etc.:

Director / partner / member (Name and Surname)	Physical residential address of the director / partner / member (If the space below is insufficient, provide a separate schedule)	Municipal account number(s)

Does any of the bidder's director(s) / shareholder(s) / partner(s) / member(s), etc. reside outside the borders of South Africa? If "Yes", provide details on a separate schedule and attached proof of foreign residence.	Yes	No
(Mark the relevant) cell with an "X"		

Signature	Position	Date

IMPORTANT NOTE:

1. Copies of all bidder's director(s) / shareholder(s) / partner(s) / member(s), etc. identity documents or identity cards or passports to be attached.
2. Copies of municipal account statements for the bidding organization as well as all the bidder's director(s) / shareholder(s) / partner(s) / member(s), etc. must be submitted with the bid. The municipal account statements submitted must not be older than 3 months, and must not be in arrears for more than 90 days.
3. If the bidding entity or any of its directors/shareholders/partners/members, etc. rent/lease the property or reside at the premises of a landowner, the particular landlord or the landlord's property agent must provide a Letter or Statement or Affidavit (correspondence should be dated and not older than 3 months) confirming that the bidding entity / owners / members / directors / trustees/etc. has no disputed account(s) and the account is not in arrears for more than ninety (90) days. (Note that body corporate statements would not be considered unless the statement reflects the account balances for rates and taxes, or rent).
4. If the any of the directors/shareholders/partners/members/etc. reside outside the South African borders, proof of foreign residence would be required.

ANNEXURE 1.4

CONDITIONS OF TENDER

CONDITIONS OF TENDER

RETURN OF BIDS

This BID closes as indicated on the cover page of this tender document. Late bids will not be accepted or considered and bids delivered to any other address besides the address stated above will not be considered.

Neither PIKITUP nor any of its employees shall be liable in any way whatsoever for BIDS that are not placed in the bid box by the closing date and time.

No BID shall be considered unless it is accompanied by sufficient information to show that the goods offered comply with the specification.

Bidders must state the country of origin and the name of the manufacturer of the goods offered. Documentary proof must be produced, if required.

Bidding documents must be completed properly in permanent black ink, and no correction fluid (Tippex) may be used on the bid document. If the bidder wishes to make a change, the bidder must draw a line through the incorrect wording, write the correct wording next to the change, and also initial next to the change.

VALIDITY PERIOD

Your bid submission must remain valid for a period of **90 days** from the closing date of this bid. It will constitute an offer which remains open for acceptance during the validity period.

NO BRIEFING OR INFORMATION MEETING WILL BE HELD

Where the bid document indicates that no briefing or information meeting will be held. Questions relating the bid must be email to the contact person as indicated in the bid document.

ADJUDICATION OF BIDS

Bids submitted in response to this invitation will be adjudicated by PIKITUP in terms of the Supply Chain Management Policy and Procedure Manual developed in accordance with the requirements of the Municipal Finance Management Act 56 of 2003, the Preferential Procurement Policy Framework Act # 5 of 2000, and the Preferential Procurement Regulations of 2022. Enquiries in respect of the policy should be addressed to PIKITUP's Acting General Manager: Supply Chain Management – salomemalebye@pikitup.co.za

CONTRACT

The terms of the proposed contract with PIKITUP are contained in the General Conditions of Contract, the Special Conditions of Contract and any of the sections of these bidding documents in which the bidder makes an undertaking as to its performance. You must read and understand the terms before you submit your BID as you will be bound by the Contract (as described) if your BID is successful.

ADMINISTRATIVE JUSTICE

In adjudicating bids, PIKITUP shall comply with the requirements of the Promotion of Administrative Justice Act 3 of 2000 and the Promotion of Access to Information Act 2 of 2000, to the extent that these Acts apply to the adjudication by a municipal entity of bids in response to a bid invitation.

INTERNAL APPEAL PROCESS

Following the evaluation of tender and selection of a preferred bidder, and provided that a procurement contract has not already entered into force, any bidder may submit a complaint in writing to the chairperson of the PIKITUP Board of Directors ("the Board") or the Managing Director that PIKITUP has not complied with the requirements of the PIKITUP Supply Chain Management Policy or the PIKITUP Code of Ethics, or has in any respect acted in a way that is irregular. The Chairperson of the Board or Managing Director shall not entertain a complaint unless it was submitted within 20 calendar days of when the supplier or contractor submitting it became aware of the circumstances giving rise to the complaint or of when that supplier or contractor should have become aware of those circumstances, whichever is earlier; or entertain a complaint after the procurement contract has entered into force.

Unless the complaint is resolved by mutual agreement of the bidder and the Chairperson of the Board or Managing Director, the Chairperson of the Board shall, within 30 calendar days after the submission of the complaint, issue a written decision. The decision shall state the reasons for the decision; and if the complaint is upheld in whole or in part, indicate the corrective measures that are to be taken.

The decision of the Chair of the Board shall, subject to the review powers of any competent court, be final.

PROVISO

In evaluating bids received and adjudicating the award of this tender, Pikitup Johannesburg (SOC) Limited will, in addition to the pre-compliance and functionality criteria included in the specifications and irrespective of the capital, pricing and black economic empowerment structures of the bidder, take into account as objective criteria (1) the desirability of rotating the work amongst service providers, (2) the past bidding practices of any bidder in relation to evidence and/or reports of combative practices including conduct reported, amongst others, in terms of the Prevention and Combatting of Corrupt Activities Act, 2004, (3) the past contractual performance of any bidder and (4) the nature and extent of disputes involving the bidder in relation to past and/or current contracts. Note that as a result of the application of these objective criteria, the highest scoring bidder(s) will not necessarily be selected as a preferred bidder(s).

In line with the provisions of Supply Chain Management Policy, Pikitup reserves the right to:

- request for a validity extension if necessary,
- apply pre-qualification criteria to advance designated groups in terms of the PPPFA of 2000: Preferential Procurement Regulations of 2022
- award the bid in whole, or award the bid in parts, or not to award the bid at all,
- award the bid to one or more than one bidder(s)
- negotiate the bid price offered, and / or any other terms and conditions of this requirement with the preferred bidder(s), before the final award of the bid.

Pikitup further retain the right to:

- veto or conduct a due diligence on any bidder, and / or any of their sub-contractors or sub-service providers;
- request for samples, demonstrations, site visits or further information relating to the offered goods, services or works
- evaluate, review, test, inspect any of the products and / or staff offered for the tender, at Pikitup's sole discretion accept or reject such.

As per section 2(1)(f) of the PPPFA, one or more of the following “objective criteria” may be considered for final selection of bid(s):

- The spread of business amongst suppliers and / or rotation of contracts amongst suppliers,
- The protection of the environment or sustainability considerations,
- The geographical origin of resources utilised as inputs for the execution of the proposed contract,
- The development and / or impact on the local community,
- Considerations of after purchase costs, such as maintenance cost, operational costs, licence costs, or life cycle cost,
- Variants from the original scope of requirements,
- Financial stability and commercial status of the bidder(s),
- The receipt of an abnormally low bid amount, provided that the bidder in question is allowed an opportunity to justify its bid.

DECLARATION BY BIDDER:

I the undersigned, (Name and Surname), being the duly authorised undersigned representative of the Bidder and its associates hereby grant Pikitup Johannesburg (SOC) Limited the required consent in terms of the Protection of Personal Information (POPI) Act, 2013 for the use of the personal information relating to the Bidder (i.e. the company, its owner(s), employees and/or any associated persons’ BEE credentials, demographic / ownership profile, location etc.) for the legitimate purposes relating to this bid submission, its evaluation and adjudication.

I FURTHER DECLARE THAT I/WE HAVE READ THE CLAUSES SET OUT ABOVE IN THIS OF THE TENDER DOCUMENTS AND ACCEPT THEIR CONTENTS, SUBJECT TO ANY DECLARATION, WE HEREBY OFFER TO CONTRACT WITH PIKITUP ON THE TERMS SET OUT IN THE BID DOCUMENTS SHOULD WE BE APPOINTED AS THE SUCCESSFUL BIDDER.

AUTHORISED SIGNATURE :
.....

CAPACITY OF SIGNATORY :
.....

DATE :
.....

ADDRESS :
.....

WITNESSES: 1

WITNESSES: 2

ANNEXURE 2.

TERMS OF REFERENCE / SPECIFICATION OF REQUIREMENTS

REQUEST FOR THE APPOINTMENT OF SERVICE PROVIDER FOR THE PROVISION OF MEDICAL EQUIPMENT (VISION SCREENERS, AUDIOMETERS AND SPIROMETERS) TO FOUR PIKITUP DEPOTS OVER 3 YEARS AND PROVIDE ANNUAL CALIBRATION FOR THESE EQUIPMENTS.

1. BACKGROUND

Pikitup has a responsibility to protect its employees at the workplace against health and safety hazards that may arise. Pikitup as a company is required to comply with applicable legal requirements related to the Occupational Health and Safety Act No 85 of 1993. One of the compliance requirements is that the company implements a Medical Surveillance programme to determine the health and disease profile of its employees.

Pikitup Employee Wellness department needs to procure Medical equipment (Vision Screeners, Audiometers with Audio Booths and Spirometers) for four depots within Pikitup. These equipments will have to be calibrated annually as part of legislative compliance requirements to ensure the accuracy of equipment utilised in health screening. The software for these equipments also has to be updated annually by their suppliers.

The appointed Service provider will be required to supply and deliver the medical equipment (Vision screeners, Audiometers with Audio Booths and Spirometers) to Pikitup and calibrate this equipment within 10 working days of equipment delivery. The calibration should be for a period of (3) three years, as per List below, as and when required.

NB: PIKITUP RESERVES THE RIGHT TO APPOINT ONE OR MORE SERVICE PROVIDERS FOR THE PROVISION OF THESE TYPES OF EQUIPMENT.

2. TECHNICAL SPECIFICATION AND REQUIREMENTS / SCOPE OF WORK

2.1 VISION SCREENER

Introduction

The importance of routine vision screening amongst employees within the business cannot be overemphasized. It is through such screenings that employees who are at risk for visual challenges are identified and referred promptly. It is for this reason that Pikitup's the Employee Wellness Division is requesting the supply of a Quality Vision Screener to meet Pikitup vision screening requirements as per company's Risk Based Medical Surveillance Program (MSP).

Definitions and Abbreviations

Compact and Portable	For ease of transport.
Ergonomics	Unique design that accommodate adults. Ensures patient is in a comfortable position for testing – needed for efficient and accurate testing.
Fluorescent Light Source	Improves slide illumination, replicates actual daylight conditions and provides true colour testing. Light that will give years of extended service (10000 hours).

Membrane Control Panel	Instrument controls that is easy to operate. Indicators on panel for far/near, patient head position, eye occlusion, test slide position. Membrane Panel indicates when to replace light.
Foam Headrest	Soft headrest to ensure correct head position. Easy impermeable to clean.
Head Sensor	Electronic check to ensure correct head position.

Requirements

Key Features

Comprehensive Occupational Health adult vision screener for various job functions which must include atleast the following tests;

- a. Binocularity;
- b. Acuity – Both eyes.
- c. Stereo Depth
- d. Colour Perception [Ishihara plate]
- e. Vertical Phoria
- f. Lateral Phoria
- g. Day and Night simulation modes
- h. Far [6m] and Near [35cm] modes for relevant above test
- i. Peripheral [Field] test – Nasal, 55, 70 and 85 Degrees
- j. Warranty – for a period of two (2) years against defects in materials and workmanship from the date of purchase. Warranty must include the light module.
- k. Supplier has to provide support on hardware, software and upgrades.

Additional Features

- a. Vision Module with Core; Window – Base Program which provides full interpretation of vision screening tests according to a specific job standard.
- b. Ability to customise to user's needs.

Additional Requirements

The Supplier to Provide user training on the device/ vision screener.

2.2 SPIROMETER

Introduction

Due to the nature of the industrial process, workers in the occupational setting are exposed to respiratory hazards that have the potential to cause disease patterns such as obstruction or restrictive lung disorders. This may include amongst others exposure to chemicals, fumes and dust irritants.

In order to adequately monitor workers exposed to respiratory hazards it is necessary to continuously implement a risk based Medical Surveillance programme as per Occupational Health and Safety Act.

It is for this reason that Pikitup's Employee Wellness Division is requesting the supply of a quality Spirometer machine as per the relevant SANS standard for a spirometer machine and also to meet our requirements as per the company's Risk Based Medical Surveillance Program (MSP)

Definitions and Abbreviations

Definition	Description
Spirometer	Instrument used to measure inspiratory and expiratory volumes and flows
Spirogram	Graphic display produced by a spirometer that includes waveform tracing of expiration and inspiration, volume-time and flow-volume loops.
SANS	South African National Standard
OHSAS	Occupational Health and Safety Assessment Series, was a British Standard for occupational health and safety standard
Test instrument	This is an instrument which by electromagnetic means tests, measures, indicates or records one or more electrical or physical quantities.

General Requirements

- a. X 1 Pneumotachometer per Depot (4 depots)
- b. X 1 Calibration 3 Liter Syringe per depot (4 depots)
- c. Compatible Spirometer Software (4 depots)

Key Factors

- a. Compliance with relevant SANS and Industrial Guidelines ATS/ERS 2005
- b. Dimensions 7.1 in [18cm] H X 3.9 in [10cm] W X 2 in [5cm] D
- c. Weight 0.7 lbs [0.3kg]
- d. Pneumotachometer Brass Polycarbonate
- e. Power Requirements USB port
- f. Calibration 3 Litre Syringe [3 injection mode]

- g. Filter requirement Spirometer bacterial filters.
- h. Environmental Specifications;
- i. Operating temperature 10 – 40 degrees Celsius
- j. Operating humidity;80% relative humidity
- k. non condensing at temperatures to 31 degrees Celsius

Additional features

- a. Compatible with specific spirometer Software.

3.3 AUDIOMETRY MACHINE WITH AUDIO BOOTHS

Introduction

Noise Induced Hearing Loss (NIHL) is one of the most commonly reported occupational diseases, and as such it costs South African companies millions in compensation claims. Control of noise in the workplace is achieved through the implementation of a hearing conservation programme (HCP). Audiometry testing of an exposed employee's hearing threshold is an integral part of the HCP.

It is for this reason that Pikitup 's Employee Wellness Division is requesting the supply of a quality Audiometry machine and audio booth as per the relevant SANS standard for an audiometry machine and booth and also to meet our requirements as per the company's Risk Based Medical Surveillance Program (MSP).

Definitions and Abbreviations

Definition	Description
IEC	Internal Electronic Commission. Internal standards organisation that prepares and publishes internal standards of electro technology
NIHL	Noise induced hearing loss which means hearing loss due to high noise exposure

General Requirements

- a. X1 Audiometry Machine (4 depots)

Key Factors

- a. Compliance: Type 4. Meet all OSHA and ANSI requirements.
- b. Test frequency; 500k, 1k, 2k, 3k, 4k, 5k, 6k, 7k, 8kHz
- c. Audiometer with internal memory

- d. Fast testing time - 3 minutes.
- e. Automatic, semi-automatic, manual & computerized
- f. Adaptive patient response tracking
- g. Automatic Malingering identification
- h. Response error indicators
- i. "Go Back" re-check for uncertain thresholds
- j. Monitors quick/slow patient responses
- k. Continuous or pulsed tone presentations
- l. Real time clock, tie of day printout
- m. Telephonic TDH39 10hm earphones with MX41/AAR CUSHION or equivalent to the type of audiometry machine
- n. RS232 software/ printer interface or equivalent to software types

Additional features

- a. Will perform your Audiograms, classify, collate, categorize, do PLH (PSI) calculations and store all tests.
- b. All audiograms can be overlaid for easy colour display and printing of hearing loss progression.
- c. Search by name or ID or SAP number.
- d. Automatic printing and saving, with reminder for unsaved Audiograms.
- e. USB connection to PC Windows.
- f. Includes annual support, upgrades will entitle the customer to 36 months free telephonic support.
- g. Remote access in required via Team-viewer or third party application

B1 X1 Audiometry Booth (4 depots)

Key Factors

- a. The booth should have a hipertec wall sound panel consisting of a micro-ribbed external steel facing, and internal flat, but perforated liner, with an insulation core of high density orientated Rockwool, arranged perpendicular to the plane of the panel and positioned in strips, laid longitudinally with off-set joints and transversally compacted, in such a way as to completely fill the void between the two metal facings.
- b. The single wall of the booth should be 50mm thick

- c. The double glass should be (70cmx50cm) consisting of one double glazed unit with each pane comprising of 6.0mm thick safety glass fitted into a powder coated aluminium frame.
- d. The air supply fans should be mounted on top of the roof of the booth, giving continuous air supply.
- e. 60 watt strip internal light with size 1m x .7602m x2m high should be provided
- f. Double plug outside the booth
- g. Double switch for fan and light
- h. The cabinet door should have a magnetic lock mounted on 2 hinges with perfect soundproof and air tight seal.
- i. Jack Panel (audio plug connections) should have 4 exterior and 4 interiors for connections
- j. Booth floor should be sealed from vibration with 25mm high density foam and 40mm thick panel floor with carpets.
- k. The booth should be finished with chromadek and have a minimum life warranty of 25 years.

3. PENALTIES

If the Service Provider fails to deliver and calibrate within the specified time line i.e. within 10 working days after official Pikitup Purchase Order has been issued, Pikitup shall, without prejudice to its other remedies under the Agreement, impose a penalty of up to 10% of the submitted invoice price deductible on every invoice submitted.

The Employer shall be entitled to impose a penalty for the Service Provider's delays in delivering medical equipment as follows:

- if the delay in delivery and calibration is between 2 - 5 working days, penalty of 5% of the submitted invoice.
- if the delay in delivery and calibration is between 6 - 10 working days, penalty of 10% of the submitted invoice.
- if the delay in delivery and calibration is more than 10 days, then the contract will be terminated.

4. PRE-COMPLIANCE AND FUNCTIONALITY EVALUATION

4.1 EVALUATION CRITERIA

Pikitup will establish a Bid Evaluation Committee (BEC) whose responsibility is to evaluate bids and make recommendations to the Bid Adjudication Committee (BAC). The BEC will evaluate the bids in accordance with the predetermined evaluation criteria and make recommendations to the BAC. The BAC will review the recommendation made by the BEC and make a further recommendation to the Managing Director for his/her consideration.

The bid will be evaluated based on pre-compliance requirements, functionality evaluation, and lastly price and preference evaluation in terms of the PPPFA and Preferential Procurement Regulations of 2022.

As a risk mitigating factor a service provider scoring functionality score of less than **70 points** will be considered to be posing a quality risk to the company and will therefore be disqualified. Only bidders who meet the minimum required score/threshold for functionality will be further evaluation on Price and Preference.

4.2 PRE- COMPLIANCE EVALUATION

The appointed Bid Evaluation Committee (BEC) will evaluate compliance with the pre-compliance criteria based on the compulsory returnable documents as mentioned below. Only bidders that meet all the pre-compliance criteria will be considered for further evaluation at the functionality evaluation stage.

Bidders will be eliminated for not submitting compulsory returnable documents as stated below, should any documents at any stage of the contract be found fraudulently obtained the contract will be terminated.

Table for Compulsory returnable documents and pre-qualification evaluation criteria.

Compulsory Returnable Documentation are required for pre-compliance evaluation purposes (Submission of these are compulsory)	Submitted (YES or NO)	Checklist (Guide for Bidder and the Bid Evaluation Committee)
a) To enable Pikitup to verify the bidder's tax compliance status, the bidder must provide; • Copy of the Central Supplier Database (CSD) registration, where the CSD is fully tax compliant (CSD must not be older than 3 months); • or indicate their Master Registration Number / CSD Number; where the CSD is fully tax compliant Note: - Refer to MDB 1 - The tax compliance status on CSD must be maintained, since the tax status will be confirmed on the CSD website during the evaluation process as well as prior to final recommendation to award)		CSD must be in the same business name as the bidding company? CSD must be valid? The Tax status on CSD must be fully compliant? Bidders must ensure that their tax compliant status are continuously updated on CSD.
b1) Confirmation that the bidding company's rates and taxes are up to date: • Where the property is owned by the bidding company, an original or copy of the Municipal Account Statement of the bidding company confirming that the account is not in arrears for more than ninety (90) days. The correspondence may not be older than 3 months from date of tender closing; or • Where the property is leased or arrangements are in place for the bidding company to operate from the landlord's premises, a letter or statement or affidavit from landlord or the landlord's appointed property agent are required, confirming that the bidding company has no disputed account and / or that the account is not in arrears for more than ninety (90) days. Where possible, the landlord letter, landlord statement or landlord affidavit should be accompanied with a signed lease agreement.		Was a Municipal Account Statement or landlord letter provided for the bidding company? The name and / or addresses of the bidder's statement correspond with CIPC document? Are correspondence recent (not older than 3 months)? Are all payment(s) up to date (i.e. not in arrears for more than 90 days)?

Compulsory Returnable Documentation are required for pre-compliance evaluation purposes (Submission of these are compulsory)	Submitted (YES or NO)	Checklist (Guide for Bidder and the Bid Evaluation Committee)
b2) In addition to the above, confirmation is required that rates and taxes are up to date for all the bidding company's <u>owners / members / directors / major shareholders</u>: - Where an <u>owner / member / director / major shareholder</u> is not residing within South Africa, an <u>affidavit</u> is required from the <u>owner / member / director / major shareholder</u> confirming the aforesaid. - Where the property is owned by the <u>owner / member / director / major shareholder</u> an original or copy of the Municipal Account Statement of the bidding company confirming that the account is not in arrears for more than ninety (90) days. or - Where the property is leased or arrangements are in place for the <u>owner / member / director / major shareholder</u> to reside at the landlord's premises, a letter or statement or affidavit from landlord or the landlord's appointed property agent are required, confirming that the bidding company has no disputed account and / or that the account is not in arrears for more than ninety (90) days. Where possible, the landlord letter, landlord statement or landlord affidavit should be accompanied with a signed lease agreement. The above correspondence may not be older than 3 months from date of tender closing. Statements must be on a letter head and dated, and letters or affidavit must be dated and signed.		Was a Municipal Account Statement(s) or landlord letter(s) provided for ALL the bidding company's (SA based) directors? The names and/or addresses of all directors on statement correspond with CIPC document? Are correspondence recent (not older than 3 months)? Are all payments up to date (i.e. not in arrears for more than 90 days)?
c) Duly Signed and completed MBD forms (MBD 1, 4, 8 and 9) The person signing the bid documentation must be authorised to sign on behalf of the bidder. Where the signatory is not a Director / Member / Owner / Shareholder of the company, an official letter of authorization or delegation of authority should be submitted with the bid document.		All documents fully completed (i.e. no blank spaces)? All documents fully signed? Signature authorised (any director / member / trustee as indicated on the CIPC document, alternatively a delegation

Compulsory Returnable Documentation are required for pre-compliance evaluation purposes (Submission of these are compulsory)	Submitted (YES or NO)	Checklist (Guide for Bidder and the Bid Evaluation Committee)
		of authority would be required? Documents completed in black ink (i.e. no "Tippex" corrections, no pencil, no other colour ink, will be considered)?
d) Joint Ventures (JV) – (Only applicable when the bidder tender as a joint venture) - Where the bidder bid as a Joint Ventures (JV), the required or relevant documents as per (a) to (i) above must be provided for all JV parties. - In addition to the above the bidder must submit a Joint Venture (JV) agreement signed by the relevant parties. - Note: It is a condition of this bid that the successful bidder will continue with same Joint Venture (JV) for the duration of the contract, unless prior approval is obtained from Pikitup.		If applicable. JV agreement provided? JV agreement complete and relevant? Agreement signed by all parties? All required documents as per (i.e. a to d) must be provided for all partners of the JV.
e) Valid proof of Registration as a Pharmacist with Pharmacy Council of SA and certified copies of qualifications or,		Valid proof of registration and certified copies of qualification submitted?
f) Valid copy of Registration as a Medical Practitioner at Health Professions Council of SA and certified copies of qualifications or,		Valid proof of registration and certified copies of qualification submitted?
g) Valid copy of Registration as a Dentist at Health Professions Council of SA and certified copies of qualifications or ,		Valid proof of registration and certified copies of qualification submitted?
h) Valid proof of Registration as a Registered Nurse with the SA Nursing Council and certified copies of qualifications		Valid proof of registration and certified copies of qualification submitted?

4.3 Other Returnable Documents Required:

a) Proof of Company Registration (CIPC documents)	
b) Certified Copy of ID Documents of owners/members/directors/major shareholders	
c) CSD Registration	
d) Completion of all other MBD Forms attached on the tender document	

BID NUMBER PU105/2022 – BID FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR THE PROVISION OF MEDICAL EQUIPMENT (VISION SCREENERS, AUDIOMETERS AND SPIROMETERS) TO FOUR PIKITUP DEPOTS OVER 3 YEARS.

e) Submit Proof of Registration with Professional; Body, CV and Qualification	
f) Contactable reference letters on clients letterhead and signed	
g) Letter confirming Lead time from date of receipt of a Purchase Order	
h) List of Resources	

5. EVALUATION CRITERIA

FUNCTIONALITY EVALUATION CRITERIA

Criteria	Weighting (%)	Scoring Guide
Expertise: Number of Qualified Technicians to be provided for the project (Proof of qualifications where applicable Professional body, CV).	30	Qualified Personnel • More than one Qualified Equipment Technicians = 5 • 1 Qualified Technicians = 3 • No qualified Technicians submission of required documents = 0
Experience in the supply of Spirometer, Audiometer and Vision screener machines for the company Document indicating years of experience must be submitted e.g. company profile. CIPC document will not be used to determine number of years.	20	Number of years in supplying Spirometer, Audiometer and Vision screener machines for the company • 5 years or more = 5 • 4 + years = 4 • 3 + year = 3 • 2 + year = 2 • 1 + year = 1 • Less than 1 = 0
Company Relevant Experience Previous and Current Clients Reference letters with contactable details and signed. (letters must be provided on clients letterhead)	15	Experience in supplying Spirometer, Audiometer and Vision screener machines and Calibration of equipment: • 5 or more reference letters = 5 • 3 – 4 reference letters = 3 • 1 - 2 reference letters = 2 • No reference letters = 0

Years of Experience for Qualified Technicians. (Service Provider must provide CV's indicating number of years of experience)	10	• 5 years or more = 5 • 4 + years = 4 • 3 + year = 3 • 2 + year = 2 • 1 + year = 1 • Less than 1 = 0
Lead Time	20	Bidder to submit a schedule or letter indicating the delivery lead time for the supply of Spirometer, Audiometer and Vision screener machines from date of a Purchase order and Calibration of Equipment when it is due: • Delivery and Calibration within 10 working days = 5 • Delivery and Calibration within 11 working days = 4 • Delivery and Calibration within 12 working days = 3 • Delivery and Calibration within 13 working days = 2 • Delivery and Calibration above 13 working days = 0
Locality	5	• Within COJ=5 • Within Gauteng=4 • Outside Gauteng=3 • Outside South Africa =0
Total	100	

NB: In accordance with the above requirements all Suppliers are required to submit proof/ evidence of the portfolio for functionality separately and it must be clearly marked as evidence portfolio. Submissions must include CVs, proof of registration with professional bodies and relevant certified copies of qualifications of personnel that will be utilized for the purpose of tender evaluation. Any changes in the project team must be formally communicated to Pikitup and accepted by Pikitup.

Any replacement of key personnel must have the same qualifications and experience.

The minimum cut off points for functionality is 70 points out of 100 points and any bidder scoring less than 70 points will not be considered for further evaluation.

Service Providers that qualified pre-evaluation in terms of the functionality cut-off points of 70 points will then be evaluated in terms of 80:20 preference point system.

10.2 PRICE AND PREFERENCE CRITERIA

Bidders will be evaluated on the 80:20 Preference Point System.

A maximum of 80 points will be allocated for price on the following basis:

80/20 formula

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

Where

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

$P_{\min}$ = Comparative price of lowest acceptable bid

Therefore

Price Points

80

Preference Points *((Points scored by the bidder in terms of B-BBEE contribution level as per the DTI Codes of Good Practice)*

20

(See Preference Points Table below)

Total points for Price and Preference

100

10.3 Important Note:

1. 1. In terms of the Legislative framework, the B-BBEE Act of 2017. Service Providers with annual total revenue of R10 million or less qualify as Exempted Micro Enterprises (EMEs), or Service Providers with annual total revenue of R 50 million or less qualify as Qualifying Small Enterprises (QSEs) must submit sworn affidavit and a Certificate issued by Companies and Intellectual Property Commission (CIPC) confirming their annual turnover.
2. A consolidated BBBEE scorecard must be submitted for joint ventures to claim preference points.

NB: Tenderer failing to submit proof of B-BBEE status level of contributor or is a non-compliant contributor to B-BBEE will only score points for price; and scores 0 points for B-BBEE.

Preference Points table for 80/20 points system:

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

Note: The National Treasury General Conditions of Contract 2010 as well as specific conditions of contract for this bid. This is available on www.nationaltreasury.gov.za. Any additional terms and conditions will form part of special conditions of contract to be agreed and signed upon award of the bid. This will have to be signed by the successful bidder before the project begins. Further a service level agreement must be entered into by the awarded bidder and PIKITUP within 60 days of award of contract.

Important Note:

- **PIKITUP reserves the right to award the contract to one or more service providers.**
- **PIKITUP reserves the right to award the contract partially or not to award at all.**

6. PRICING SCHEDULE

EQUIPMENT

Equipment	Quantity	Unit Price	Subtotal
Vision Screeners	X 4		
Spirometers	X 4		
Audiometers with Audio Booths	X4		
Total Equipment Once-Off			

CALIBRATION OF EQUIPMENT

Year 1

Equipment	Quantity	Unit Price (Calibration)	Subtotal
Vision Screeners	X 4		
Spirometers	X4		
Audiometers with Audio Booths	X4		
Total Calibration of Equipment Year 1			

Year 2

Equipment	Quantity	Unit Price (Calibration)	Subtotal
Vision Screeners	X 4		
Spirometers	X4		
Audiometers with Audio Booths	X4		
Total Calibration of Equipment Year 2			

Year 3

Equipment	Quantity	Unit Price	Subtotal
Vision Screeners	X 4		
Spirometers	X4		
Audiometers with Audio Booths	X4		
Total Calibration of Equipment Year 3			

Summary Pricing Schedule

Item	Notes	Total Cost (ZAR)
EQUIPMENT	Once Off	R
Total Price Year 1	Total (Quantity X price per unit for all items Year 1)	R
Total Price Year 2	Total (Quantity X price per unit for all items Year 2)	R
Total Price Year 3	Total (Quantity X price per unit for all items Year 3)	R
Subtotal (Exclusive of VAT)		R
VAT 15%		R
Total Bid Price Year 1, 2 and 3 (Inclusive of VAT)		R

ANNEXURE 3.1

MBD 3.1

PRICING SCHEDULE

(Pricing schedules to be completed page 32 - 35 of the terms of reference document under Annexure 2 of this tender document)

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:	PU105/2022
Closing Time:	11:00 AM
Closing Date:	14 AUGUST 2023

OFFER TO BE VALID FOR 90 DAYS FROM THE CLOSING DATE OF BID

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

Rates to be quoted on the pricing schedules under the terms of reference in Annexure 2 of this tender document.

- Required by Pikitup Johannesburg SOC Limited
- At various sites in and around the City of Johannesburg area as specified in the
- Brand and Model To be completed in a separate schedule
- Country of Origin To be completed in a separate schedule
- Does the offer comply with the specification(s)? *YES/NO
- If not to specification, indicate deviation(s)
- Period required for delivery As specified in the TOR
*Delivery: Firm/Not firm
- Delivery basis As specified in the TOR

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

Except if indicated differently in the pricing schedule, the bid price will remain fixed for the proposed contract period.

ANNEXURE 4

MBD 4

DECLARATION OF INTEREST

MBD 4

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state¹.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.
3. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

3.1 Full Name of bidder or his or her representative:.....

3.2 Identity Number:

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

3.4 Company Registration Number:

3.5 Tax Reference Number:.....

3.6 VAT Registration Number:

3.7 The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.

3.8 Are you presently in the service of the state?

(Circle the applicable answer) YES / NO

3.8.1 If yes, furnish particulars.
.....

¹MSCM Regulations: "in the service of the state" means to be –

- (a) a member of –
 - (i) any municipal council;
 - (ii) any provincial legislature; or
 - (iii) the national Assembly or the national Council of provinces;
- (b) a member of the board of directors of any municipal entity;
- (c) an official of any municipality or municipal entity;
- (d) an employee of 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);
- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

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

3.9 Have you been in the service of the state for the past twelve months?

(Circle the applicable answer)...YES / NO

3.9.1 If yes, furnish particulars.....

.....

3.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid

(Circle the applicable answer) YES / NO

3.10.1 If yes, furnish particulars.

.....
.....

3.11 Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid?

(Circle the applicable answer) YES / NO

3.11.1 If yes, furnish particulars

.....
.....

3.12 Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state?

(Circle the applicable answer)...YES / NO

3.12.1 If yes, furnish particulars.

.....
.....

3.13 Are any spouse, child or parent of the company's directors trustees, managers, principle shareholders or stakeholders in service of the state?

(Circle the applicable answer)...YES / NO

3.13.1 If yes, furnish particulars.

.....
.....

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract?

(Circle the applicable answer)...YES / NO

3.14.1 If yes, furnish particulars:

.....
.....

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

Full Name	Identity Number	State Employee Number

.....

Signature

.....

Date

.....

Capacity

.....

Name of Bidder

ANNEXURE 6.1

MBD 6.1 - PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS

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.

EME's / QSE's without a BBEE certificate may complete a SWORN AFFIDAVIT FOR BBEE-EXEMPT MICRO ENTERPRISE. Download affidavit at http://www.dti.gov.za/economic_empowerment/bee_codes.jsp

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 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 (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18

3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5. BID DECLARATION

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

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

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

7. SUB-CONTRACTING

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

(Tick applicable box)

YES		NO	X
-----	--	----	---

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	
-----	--	----	--

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

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

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 MUNICIPAL INFORMATION

Municipality where business is situated:

Registered Account Number:

Stand Number:

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

.....

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

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a

fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

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

WITNESSES

- 1.
- 2.

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

DATE:

ADDRESS

.....

.....

ANNEXURE 7

CONTRACT FORM

MBD 7.1 – PURCHASE OF GOODS

CONTRACT FORM - PURCHASE OF GOODS/WORKS

THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SUCCESSFUL BIDDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SUCCESSFUL BIDDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.

PART 1 (TO BE FILLED IN BY THE BIDDER)

1. I hereby undertake to supply all or any of the goods and/or works described in the attached bidding documents to **Pikitup Johannesburg SOC Ltd** in accordance with the requirements and specifications stipulated in bid number **PU105/2022** at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the purchaser during the validity period indicated and calculated from the closing time of bid.
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (i) Bidding documents, viz
 - Invitation to bid;
 - Tax clearance certificate;
 - Pricing schedule(s);
 - Technical Specification(s);
 - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
 - Declaration of interest;
 - Declaration of bidder's past SCM practices;
 - Certificate of Independent Bid Determination;
 - Special Conditions of Contract;
 - (ii) General Conditions of Contract; and
 - (iii) Other (specify)
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the goods and/or works specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT).....

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES

1

2.

CONTRACT FORM - PURCHASE OF GOODS/WORKS

PART 2 (TO BE FILLED IN BY THE PURCHASER)

1. I..... in my capacity as..... accept your bid under reference numberdated.....for the supply of goods/works indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating delivery instructions is forthcoming.
3. I undertake to make payment for the goods/works delivered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice accompanied by the delivery note.

ITEM NO.	PRICE (ALL APPLICABLE TAXES INCLUDED)	BRAND	DELIVERY PERIOD	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND (if applicable)

4. I confirm that I am duly authorized to sign this contract.

SIGNED AT ON

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

1.

2.

ANNEXURE 8

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

MBD 8

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Municipal Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by municipalities and municipal entities 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 rejected if that bidder, or any of its directors have:
 - a. abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
 - b. been convicted for fraud or corruption during the past five years;
 - c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
- 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 of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes ☐	No ☐
4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes ☐	No ☐
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes ☐	No ☐
4.7.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME)
 CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM ARE
 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

ANNEXURE 9

MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) 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 *per se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD 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 (MBD 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.

MBD 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 Municipality / Municipal Entity)

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

I certify, on behalf of _____ (Name of Bidder)
that:

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am 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.
 10. 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

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

ANNEXURE 10

CORPORATE GOVERNANCE BREACH CLAUSE

CORPORATE GOVERNANCE BREACH CLAUSE

1. PIKITUP Johannesburg (SOC) LTD (“PIKITUP”) requires (“the Company”) to comply, *mutatis mutandis* with the Code contained in the King II Report and Code of Good Corporate Governance (below “the Code”) for the term of this Agreement and any extension thereof.
2. The Company irrevocably undertakes and agrees that it will, *mutatis mutandis*, comply with the Code for the term of this Agreement and any extensions thereof.
3. The Company acknowledges and agrees that:
 - 3.1 It is essential that the Company complies with the Code, in order to discharge all of its obligations under and in terms of the Agreement in a proper, efficient and professional manner, and
 - 3.2 PIKITUP will be prejudiced and may suffer damages in the event of the Company failing to comply with the Code.
4. The Company shall be required, within seven (7) days of the end of each calendar month during the term of this Agreement (and any extensions thereof), to furnish PIKITUP with a written certificate, signed by the directors of the Company **[alternatively members of the Close Corporation]**, certifying that the Company has complied with the provisions of the Code during the preceding months.
5. PIKITUP shall have the right, without assigning any reason therefore and at any time, to appoint either the Institute of Directors of South Africa or a firm of chartered accountants or attorneys, to conduct an audit of the business and affairs of the Company in order to ascertain whether the Company is indeed complying with the terms of the Code. To this end, the Company irrevocably undertakes and agrees to co-operate fully with the party conducting such investigation for and on behalf of PIKITUP and to make available to such party all such documentation and all such information as the investigation party may require to fully discharge its obligations under and in terms hereof and to report fully to PIKITUP.

In the event of it being found that the Company is not complying with the Code, then PIKITUP shall be entitled to (a) regard this as a breach of the agreement and (b) recover the costs of the investigation, on an attorney and client basis, from the Company. In the

event of it being found that the Company is, in fact, discharging its obligations under and in terms of the Code, then PIKITUP shall bear the costs incurred in such investigation. In either of the foregoing events, the Company shall be entitled to receive a copy of the written report once same has been concluded by the investigating party.

6. In the event of the Code being replaced with another Code (or similar document), then such replacement document shall replace the Code and a reference to the Code shall be deemed to be a reference to such replacement document. The reference to the Code shall be deemed to include any statutory codification of directors' obligations and duties which may be enacted in the Republic of South Africa at any time in the future.
7. In entering into this Agreement, the Company represents and warrants to PIKITUP that it is familiar with the Code, that it fully understands and appreciates the rights, obligations and recommendations therein contained and agrees to be bound thereby as herein recorded.

ANNEXURE 11

The National Treasury General Conditions of Contract 2010 as well as specific conditions of contract for this bid will apply. The GCC is available on www.nationaltreasury.gov.za. Any additional terms and conditions will form part of special conditions of contract to be agreed and signed upon award of the bid. The contract will have to be signed by the successful bidder before the project commence. A service level agreement must be entered into by the awarded bidder and PIKITUP within 30 days of award of contract.

The following agreement is a draft agreement (indicating the specific conditions of contract) and will be concluded at bid award with the successful bidder/s.

ANNEXURE 12

**ALL COMPULSORY RETURNABLE DOCUMENTS
AND OTHER RETURNABLE DOCUMENTS TO BE
ATTACHED TO THE BID RESPONSE**

**BIDDERS ARE TO PROVIDE AN INDEX OF ALL
RETURNABLE DOCUMENTS ON THE BID
RESPONSE**