



## **SOUTH AFRICAN DIAMOND AND PRECIOUS METALS REGULATOR**

### **REQUEST FOR BIDS**

The South African Diamond and Precious Metals Regulator invite prospective service providers to submit bids for the following requirements:

| <b>Bid number</b> | <b>Bid Description</b>                                                                                                                                                                                    | <b>Closing date</b> | <b>Enquiries</b> |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|------------------|
| RFQ 01/03/2022    | THE APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT COMPETENCY BASED ASSESSMENT FOR VACANT POST OF CHIEF FINANCIAL OFFICER POSITION WITHIN THE SOUTH AFRICAN DIAMONDS AND PRECIOUS METALS REGULATOR (SADPMR) | 14/03/2022          | B Mdogana        |

### **Content**

| <b>NO.</b>                                              | <b>Page</b> |
|---------------------------------------------------------|-------------|
| 1. INVITATION OF BIDS (SBD 1)                           | 2 – 3       |
| 2. TERMS OF REFERENCE                                   | 4 - 7       |
| 3. DECLARATION OF INTEREST (SBD 4)                      | 08 - 10     |
| 4. PREFERENCE POINTS CLAIM FORM (SBD 6.1)               | 11 – 15     |
| 5. DECLARATION OF BIDDERS PAST SCM PRACTICES (SBD 8)    | 16 – 17     |
| 6. CERTIFICATE OF INDEPENDENT BID DETERMINATION (SBD 9) | 18 – 20     |



## SOUTH AFRICAN DIAMOND AND PRECIOUS METALS REGULATOR

### PART A INVITATION TO BID

|                                                                                                                                                                       |                                                                                                                                                                                                           |               |                                                                          |                               |                                                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------------------------------------------------------------------|-------------------------------|-----------------------------------------------------------------------------------------------------------|
| <b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>                                                                      |                                                                                                                                                                                                           |               |                                                                          |                               |                                                                                                           |
| BID NUMBER:                                                                                                                                                           | RFQ 01/03/2022                                                                                                                                                                                            | CLOSING DATE: | 14 March 2022                                                            | CLOSING TIME:                 | 11:00am                                                                                                   |
| DESCRIPTION                                                                                                                                                           | THE APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT COMPETENCY BASED ASSESSMENT FOR VACANT POST OF CHIEF FINANCIAL OFFICER POSITION WITHIN THE SOUTH AFRICAN DIAMONDS AND PRECIOUS METALS REGULATOR (SADPMR) |               |                                                                          |                               |                                                                                                           |
| <b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>                                                                            |                                                                                                                                                                                                           |               |                                                                          |                               |                                                                                                           |
| 2 Cote D'Azur Avenue, Corner Bonaero drive , Bonaero Park, Kempton Park, 1622                                                                                         |                                                                                                                                                                                                           |               |                                                                          |                               |                                                                                                           |
|                                                                                                                                                                       |                                                                                                                                                                                                           |               |                                                                          |                               |                                                                                                           |
|                                                                                                                                                                       |                                                                                                                                                                                                           |               |                                                                          |                               |                                                                                                           |
|                                                                                                                                                                       |                                                                                                                                                                                                           |               |                                                                          |                               |                                                                                                           |
| <b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>                                                                                                                 |                                                                                                                                                                                                           |               | <b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>                           |                               |                                                                                                           |
| CONTACT PERSON                                                                                                                                                        | Bulumko Mdodana                                                                                                                                                                                           |               | CONTACT PERSON                                                           | Mr Qaphela Ntshobane          |                                                                                                           |
| TELEPHONE NUMBER                                                                                                                                                      | (011) 223 7000                                                                                                                                                                                            |               | TELEPHONE NUMBER                                                         | (011) 223 7000                |                                                                                                           |
| FACSIMILE NUMBER                                                                                                                                                      |                                                                                                                                                                                                           |               | FACSIMILE NUMBER                                                         |                               |                                                                                                           |
| E-MAIL ADDRESS                                                                                                                                                        | bulumkom@sadpmr.co.za                                                                                                                                                                                     |               | E-MAIL ADDRESS                                                           | qaphelan@sadpmr.co.za         |                                                                                                           |
| <b>SUPPLIER INFORMATION</b>                                                                                                                                           |                                                                                                                                                                                                           |               |                                                                          |                               |                                                                                                           |
| 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]<br><br><input type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                      |               | B-BBEE STATUS LEVEL SWORN AFFIDAVIT                                      |                               | [TICK APPLICABLE BOX]<br><br><input type="checkbox"/> Yes <input type="checkbox"/> No                     |
| <b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b> |                                                                                                                                                                                                           |               |                                                                          |                               |                                                                                                           |
| ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?                                                                         | <input type="checkbox"/> Yes <input type="checkbox"/> No<br><br>[IF YES ENCLOSE PROOF]                                                                                                                    |               | ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? |                               | <input type="checkbox"/> Yes <input type="checkbox"/> No<br><br>[IF YES, ANSWER THE QUESTIONNAIRE BELOW ] |
| <b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>                                                                                                                     |                                                                                                                                                                                                           |               |                                                                          |                               |                                                                                                           |
| IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <span style="float: right;"><input type="checkbox"/> YES   <input type="checkbox"/> NO</span>         |                                                                                                                                                                                                           |               |                                                                          |                               |                                                                                                           |



## SOUTH AFRICAN DIAMOND AND PRECIOUS METALS REGULATOR

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](http://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:

.....



**SOUTH AFRICAN DIAMOND AND  
PRECIOUS METALS REGULATOR**

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**TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO  
CONDUCT COMPETENCY BASED ASSESSMENT FOR VACANT POST OF CHIEF  
FINANCIAL OFFICER POSITION WITHIN THE SOUTH AFRICAN DIAMONDS AND  
PRECIOUS METALS REGULATOR (SADPMR)**

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**1. PURPOSE**

The South African Diamonds and Precious Metals Regulator (SADPMR) seeks to appoint a service provide to conduct competency-based assessment for the advertised vacant post of Chief Financial Officer.

**2. BACKGROUND**

The SADPMR is listed as a Schedule 3A Public Entity pursuant to the Public Finance Management Act (PFMA). Amongst others, the SADPMR has a Recruitment Policy which aims to provide strategic organizational measures to ensure that the organization is able to attract candidates for leadership and technical positions within the SADPMR. The policy makes provision for use of competency-based assessment as an additional assessment tool to the interview as per requirements of the job. Competency based assessment allows an organisation to identify professional and personal characteristics needed for high performance in a given position.

**3. SCOPE OF WORK**

It is expected that the appointed qualified service providers will conduct competency-based assessments for the advertised post of Chief Financial Officer and provide an accurate predictor report of overall job success two weeks after being issued with the list of potential candidates for appointment. The number of candidates that will be undergoing the competency assessment is **three (3)**.

**4. DELIVERABLES**

- Conduct competency-based assessment for senior and executive management positions to measure observable behaviours candidates demonstrate resulting from various abilities, knowledge, motivations, traits and skills they possess.
- Provide comprehensive competency-based assessment report revealing potential employee advancement through evaluation of current strengths, skills gap and qualifications and therefore:
  - (i) Identifying individual strengths and weaknesses;
  - (ii) Provide evidence for needed development activities; and
  - (iii) Give recommendations through description of employee's capabilities against the requirements of the job.



## **SOUTH AFRICAN DIAMOND AND PRECIOUS METALS REGULATOR**

- The selected service provider will be required to present the report to the Human Resources division regarding the recommended potential candidates for appointment to the post of Chief Financial Officer.

### **5. MONITORING AND REPORTING**

- The successful service provider will report directly to SADPMR Human Resources.
- The SCM Division will deal with matters relating to issuing of the purchase order

### **6. DURATION OF THE PROJECT**

The SADPMR will conclude an agreement with the successful service provider for a period of filling the vacant post of Chief Financial Officer.

### **7. EVALUATION METHODOLOGY / CRITERIA**

The evaluation of the project will be in two phases i.e. functionality as well as price.

#### **PHASE 1: FUNCTIONALITY CRITERIA**

| <b>Description of item</b> | <b>Requirements</b>                                                                                                                                                                                                                                    | <b>Weighting</b> |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| Company experience         | The company should have minimum experience of five (5) years in competency-based assessment.<br><br>Reference letter should be attached                                                                                                                | 15               |
| Team leader experience     | Team leader should be specified and provide Curriculum Vitae (CV) with proof of relevant qualifications as a Psychologist/ Psychometrist, registered with HPCSA with minimum experience of five (5) years within the psychological/psychometric field. | 25               |
| Team members experience    | Team members should also provide Curriculum Vitae (CV) with proof of relevant qualifications as a Psychologist/ Psychometrist, registered with HPCSA with minimum experience of three (3) years within the psychological/psychometric field.           | 20               |
| Project Plan               | Service provider should include a detailed project plan with clear activities, deliverables and timelines                                                                                                                                              | 15               |
| References                 | The service provider should submit at least five (5) letters of reference from the previous similar projects that they undertook. References must be                                                                                                   | 25               |



## **SOUTH AFRICAN DIAMOND AND PRECIOUS METALS REGULATOR**

|  |                                                  |  |
|--|--------------------------------------------------|--|
|  | contactable and be in the company's letter head. |  |
|--|--------------------------------------------------|--|

### **MINIMUM THRESHOLD**

Bidders which score a minimum threshold of 60% will proceed to phase 2 of evaluation.

### **PHASE 2**

### **8. EVALUATION METHODOLOGY**

#### **Cost**

- The service provider will be requested to provide a quote regarding the work to be undertaken for this project. The total cost must be VAT inclusive and should be quoted in South African currency (i.e. Rands). **Detailed breakdown of the total bid must be attached (cost per unit).**

#### **Broad-Based Black Economic Empowerment (B-BBEE)**

- Provisions of the Preferential Procurement Policy Framework Act (PPPFA) 2017 and its regulation will apply in terms of awarding points.
- Bidders are required to submit original and valid B-BBEE status level Verification to substantiate their B-BBEE rating claims.
- Bidders who do not submit their B-BBEE status level verification certificates or are non-compliant contributors to B-BBEE will not qualify for preference points for B-BBEE.
- In a case of Exempted Micro Enterprise (EMEs), AO/AA must ensure that the B-BBEE Status Level Verification Certificates submitted are issued by the following agencies:
  1. Verification agencies accredited by SANAS; or
  2. Registered auditors approved by IRBA

### **9. PROVIDE A COMPETENCY ASSESSMENT REPORT**

The successful bidder must be able to provide comprehensive report within 2 weeks from the date of awarding of the contract.

### **10. EVALUATION CRITERIA**

Bids will be evaluated on 80/20-point system as outlined in the PPPFA of 2017.

### **11. FORMAT AND SUBMISSION OF THE PROPOSAL**

- All the official forms (SBD) that are included in the bid document must be completed in all respects by bidders. Failure to comply will invalidate a bid.
- The technical proposal must be separated from the financial proposal

### **12. BRIEFING SESSION**

There will not be a briefing session held



**SOUTH AFRICAN DIAMOND AND  
PRECIOUS METALS REGULATOR**

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### **13. ENQUIRIES**

In the event where a service provider has enquiries regarding the technical aspects of this project, please contact Mr Qaphela Ntshobane at 011 223 7000 or

[Qaphelan@sadpmr.co.za](mailto:Qaphelan@sadpmr.co.za); [Cynthiak@sadpmr.co.za](mailto:Cynthiak@sadpmr.co.za); [bulumkom@sadpmr.co.za](mailto:bulumkom@sadpmr.co.za)



**DECLARATION OF INTEREST**

1. Any legal person, including persons employed by the state<sup>1</sup>, 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, shareholder<sup>2</sup>): .....

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.

<sup>1</sup>"State" means –

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

<sup>2</sup>"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



**SOUTH AFRICAN DIAMOND AND  
PRECIOUS METALS REGULATOR**

connected to the bidder is employed : .....

Position occupied in the state institution: .....

Any other particulars:

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

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

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

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:

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

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:

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

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

2.9.1 If so, furnish particulars.

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

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid? **YES/NO**

2.10.1 If so, furnish particulars.

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

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies **YES/NO**



## **SOUTH AFRICAN DIAMOND AND PRECIOUS METALS REGULATOR**

whether or not they are bidding for this contract?

2.11.1 If so, furnish particulars:

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

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

| <b>Full Name</b> | <b>Identity Number</b> | <b>Personal Tax<br/>Reference Number</b> | <b>State Employee Number<br/>/ Persal Number</b> |
|------------------|------------------------|------------------------------------------|--------------------------------------------------|
|                  |                        |                                          |                                                  |
|                  |                        |                                          |                                                  |
|                  |                        |                                          |                                                  |
|                  |                        |                                          |                                                  |
|                  |                        |                                          |                                                  |
|                  |                        |                                          |                                                  |
|                  |                        |                                          |                                                  |
|                  |                        |                                          |                                                  |
|                  |                        |                                          |                                                  |

### **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



**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

1.2

- a) The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the .....80/20..... preference point system shall be applicable;

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     |
|----------------------------------------------------------|------------|
| <b>PRICE</b>                                             | <b>80</b>  |
| <b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>                | <b>20</b>  |
| <b>Total points for Price and B-BBEE must not exceed</b> | <b>100</b> |

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 means of the contributor”** B-BBEE status of an entity in



## SOUTH AFRICAN DIAMOND AND PRECIOUS METALS REGULATOR

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** means the Broad-Based **Act”** 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 PREFERENCE POINT SYSTEMS

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

**80/20**

$$\left( \frac{Ps = 80}{1} - \frac{Pt - P \min}{P \min} \right)$$

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmin = Price of lowest acceptable bid

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

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



## SOUTH AFRICAN DIAMOND AND PRECIOUS METALS REGULATOR

| B-BBEE Status Level of Contributor | Number of Points (80/20) |
|------------------------------------|--------------------------|
| 1                                  | 20                       |
| 2                                  | 18                       |
| 3                                  | 14                       |
| 4                                  | 12                       |
| 5                                  | 8                        |
| 6                                  | 6                        |
| 7                                  | 4                        |
| 8                                  | 2                        |
| Non-Compliant Contributor          | 0                        |

### 5. BID DECLARATION

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

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

6.1 B-BBEE Status Level of Contributor: . (maximum= of 20.....points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

#### 7. SUB-CONTRACTING

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

|     |  |    |  |
|-----|--|----|--|
| YES |  | NO |  |
|-----|--|----|--|

7.1.1 If yes, indicate:

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

|     |  |    |  |
|-----|--|----|--|
| YES |  | NO |  |
|-----|--|----|--|

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

| Designated Group: an EME or QSE which is at last 51% owned        | 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                            |     |     |
| <b>OR</b>                                                         |     |     |
| Any EME                                                           |     |     |
| Any QSE                                                           |     |     |



**SOUTH AFRICAN DIAMOND AND  
PRECIOUS METALS REGULATOR**

**8. DECLARATION WITH REGARD TO COMPANY/FIRM**

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

8.2 VAT registration number: .....

8.3 Company registration number: .....

**8.4 TYPE OF COMPANY/ FIRM**

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

**8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

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

**8.6 COMPANY CLASSIFICATION**

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

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

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

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –



**SOUTH AFRICAN DIAMOND AND  
PRECIOUS METALS REGULATOR**

- (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 | .....                      |
|         | .....                      |



## SOUTH AFRICAN DIAMOND AND PRECIOUS METALS REGULATOR

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?<br><b>(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).</b><br><br>The Database of Restricted Suppliers now resides on the National Treasury's website ( <a href="http://www.treasury.gov.za">www.treasury.gov.za</a> ) and can be accessed by clicking on its link at the bottom of the home page. | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 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)?<br><b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b>                                                                                                                                                                                                                                                                              | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 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<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 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<br><input type="checkbox"/> | No<br><input type="checkbox"/> |



**SOUTH AFRICAN DIAMOND AND  
PRECIOUS METALS REGULATOR**

|       |                             |
|-------|-----------------------------|
| 4.4.1 | If so, furnish particulars: |
|       |                             |
|       |                             |

**SBD 8**

**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**



**SOUTH AFRICAN DIAMOND AND  
PRECIOUS METALS REGULATOR**

**SBD 9**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Standard Bidding Document (SBD) must form part of all bids<sup>1</sup> 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).<sup>2</sup> Collusive bidding is a *per 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:

**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)



**SOUTH AFRICAN DIAMOND AND  
PRECIOUS METALS REGULATOR**

---

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 consortium<sup>3</sup> 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.



## **SOUTH AFRICAN DIAMOND AND PRECIOUS METALS REGULATOR**

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

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> 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.

<sup>3</sup> 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.