

REQUEST FOR QUOTATIONS TO REVIEW AND DEVELOP A FIRST DRAFT OF THE HIGHER EDUCATION ACT, 1997 (ACT NO.101 OF 1997 AS AMENDED)

SPECIFICATIONS

- The Department of Higher Education and Training is implementing a project to review and amend the Higher Education Act, 1997. The project covers the review of the Higher Education Act, 1997 (Act No. 101 of 1997) and the development of the first Draft.
1. The deliverables of the project are to:
 - 1.1 produce a legislative review document detailing what amendments are being introduced and the rationale thereof; and
 - 1.2 develop a first draft of the Higher Education Bill.
 2. **Each deliverable must be priced separately.**
 3. In preparing the bid document and executing the project, the bidder or service provider will be expected to, *inter alia* consider the following documents:
 - the White Paper on Post-School Education and Training;
 - Other relevant legislation and policies administered by the DHET;
 - Legislation administered by other departments, Quality Councils, SAQA, and professional bodies linked to post-school education and training; and
 - Various policies of other departments, Quality Councils, SAQA, and professional bodies, that directly or indirectly impact on the Higher Education Act.

4. The successful bidder will consult with the relevant officials of the Department managing the project and also solicit written inputs/ proposed amendments from relevant stakeholders.

FUNCTIONALITY CRITERIA

Table.1

Functionality Criteria	Outline	Weight
Bidder's previous experience or exposure to the PSET sector environment	• Previous experience or exposure in the Post-School Education and Training (PSET) sector environment, policy and/or legislation.	9
	• Previous experience in policy or legislative drafting.	9
	• Verifiable client(s)' testimonials/ reports/letters of reference or similar documentary evidence of Policy or legislative drafting project(s).	12
Qualifications, professional registration and experience of key staff	Documentary proof of qualifications, professional registration and experience of the Project Leader and researcher(s) / drafter(s).	15
Approach / Methodology	Bidders' submissions should include, but not be limited to the following: a. Risk management; b. Regulatory compliance management; c. Staff and resource management; d. Quality control; and e. Communication and stakeholder engagement.	30
Project Schedule	The work breakdown structure or project schedule must show key milestones, dependencies, deliverables, and resource allocation.	25
TOTAL		100

Bidders must score 70 points and above to be evaluated further in phase 2.

Bidder's experience

Score	Measure for a project	Functionality Criteria
0	No previous experience in the PSET sector.	Previous experience or exposure in the Post-School Education and Training (PSET) sector environment, policy and/or legislation.
3	One year and less previous experience or exposure in the PSET sector environment, policy and/or legislation.	
6	2 – 3 years of previous experience and exposure in the PSET sector environment, policy and/or legislation.	
9	More than 3 years of previous experience or exposure in the PSET sector environment, policy and/or legislation.	
0	No previous experience in policy or legislative drafting.	Previous proven experience in legislative drafting.
3	One year or less previous experience in policy or legislative drafting.	
6	2 – 3 years of previous proven experience in policy or legislative drafting.	
9	More than 3 years of previous proven experience in policy or legislative drafting.	
0	Has not provided proof of having completed a policy or legislative drafting project.	Relevant legislative drafting or similar project(s) with verifiable client(s)' testimonial/ reports/ letter of reference
4	Has provided proof of having completed a policy or legislative drafting project but no reference(s) was provided or submitted.	
8	Has provided proof of having completed a policy or legislative drafting project and one (1) reference or documentary proof was provided or submitted.	

Score	Measure for a project	Functionality Criteria
12	Has provided proof of having completed at least two (2) or more legislative drafting or similar projects and provided or submitted references or documentary proof therefore.	

Qualifications, professional registration, and experience of key staff

Score	Measure for a project	Functionality Criteria
0	No Project Leader and Researcher(s) /Drafter(s) identified for the project.	At least the Project Leader and Researcher(s)/drafter(s) are required to provide their CVs', proof of professional registration with LPC, and relevant experience.
5	- Project Leader in possession of an LLB or B. PROC qualification, registered with the Legal Practice Council as a legal practitioner in terms of the Legal Practice Act, 2014, with less than two (2) years of experience in legislative drafting or similar project(s); and - Researcher(s)/drafter(s) in possession of an appropriate legal or equivalent qualification with less than two (2) years of appropriate experience.	
10	Project Leader in possession of an LLB or B. PROC qualification, registered with the Legal Practice Council as a legal practitioner in terms of the Legal Practice Act, 2014, with 2 - 4 years of experience in legislative drafting or similar project(s); and	

Score	Measure for a project	Functionality Criteria
	Researcher(s)/drafter(s) in possession of an appropriate legal or equivalent qualification with 2 - 4 years of appropriate experience.	
15	- Project Leader in possession of an LLB or B. PROC qualification, registered with the Legal Practice Council as a legal practitioner in terms of the Legal Practice Act, 2014, with more than 4 years of experience in legislative drafting or similar project(s); and - Researcher(s)/drafter(s) in possession of an appropriate legal or equivalent qualification with more than 4 years of appropriate experience.	

Approach / Methodology

The minimum requirement of 'Methodology' is specifically tailored to address the specific project objectives and methods of work and is sufficiently flexible to accommodate changes that may occur during execution. The methodology must be specifically designed to fit the critical characteristics of the project. The bidders' approach or methodology must include, amongst others, the following set of practices:

- a. Risk management;
- b. Regulatory compliance management (requirements associated with the programmed activity);
- c. Staff and resource management;
- d. Quality control or management; and
- e. Communication and stakeholder engagement.

Score	Measure for Methodology
0	The approach or methodology is poor and unlikely to satisfy project objectives or requirements. The bidder has misunderstood certain aspects of the scope of work and does not deal with the critical aspects of the project.
5	The approach or methodology is tailored to address only one practice from the set of five practices. The approach does not adequately deal with other practices required for the project.
10	The approach or methodology is tailored to address only two practices from the set of five practices. The approach does not adequately deal with other practices required for the project.
15	The approach or methodology is tailored to address only three practices from the set of five practices. The approach does not adequately deal with other practices required for the project.
20	The approach or methodology is tailored to address only four practices from the set of five practices. The approach does not adequately deal with other practices required for the project.
25	The approach or methodology is tailored to address only five practices from the set of five practices. The approach does not adequately deal with other practices required for the project.
30	The approach or methodology is tailored to address more than five practices from the set of five practices. The approach does not adequately deal with other practices required for the project.

Project Schedule

The project schedule must respond to the scope of the project and adequately cover all programmed activities in chronological order. The work breakdown structure or project schedule must show key milestones, dependencies, deliverables, and resource allocation.

Score	Measure for Schedule
0	No project schedule provided
5	The project schedule is clear, specific, and logical, and includes one of the four properties: key milestones, dependencies, deliverables, and resource allocation.
10	The project schedule is clear, specific, and logical, and includes two of the four properties: key milestones, dependencies, deliverables, and resource allocation.
15	The project schedule is clear, specific, and logical, and includes three of the four properties: key milestones, dependencies, deliverables, and resource allocation.
20	The project schedule is clear, specific, and logical, and includes the four properties: key milestones, dependencies, deliverables, and resource allocation.
25	The project schedule is clear, specific, and logical, and includes five or more properties of which four are key milestones, dependencies, deliverables, and resource allocation.

5. Evaluation Criteria :

Bidders will be evaluated in three (03) phases:

- 5.1 **Administrative Compliance** – Company's registration on the Central Supplier Database (CSD) and submission of all completed and signed bidding documents requested that is Supply Chain Compliance.
- 5.2 **Technical or functionality evaluation** – Bidders who comply in terms of administrative compliance will be further evaluated on functionality as per the above table. Bidders are expected to score **70 points** to qualify for the next phase of evaluation.

5.3 **Pricing** – The last phase of evaluation will focus on the pricing and the DHET-specific goals as per the below table.

6. **Specific Goals** - For bidders to qualify for specific goals points they need to fully complete the SBD forms attached and furnish supporting proof documents as requested. Bidders who fail to submit proof documents will forfeit points on the relevant categories.

Specific goals allocation table.

Table : 02

APPLICATION OF SPECIFIC GOALS IN THE WHITE PAPER ON RDP; & THE CODE OF GOOD PRACTICE IN B-BBEE: DHET PREFERENTIAL PROCUREMENT													
NO	SPECIFIC GOAL	REFERENCE	CRITERIA	80/20		CLAIM	90/10		CLAIM	EVIDENCE			
				Specific Goal Contribution	Points Claimed	Bidder must tick (x) next to points claimed	Specific Goal Contribution	Points Claimed	Bidder must tick (x) next to points claimed	PROOF/ EVIDENCE	Indicate if evidence is provided, & specify		
1	Person historically disadvantaged on the basis of race	RDP 1.4.4; 3.1.4	100% black owned	60.00	7.84		60.00	3.92		Copy of CIPC (Companies and Intellectual Property Commission) registration, copies of ID's as well as CSD (Central Supplier Database)	Y	N	
			75%-99% black owned	50.00	6.54		50.00	3.27			specify		
			60%-74% black owned	40.00	5.23		40.00	2.61					
			51%-59% black owned	30.00	3.92		30.00	1.96					
			0-50% black owned	10.00	1.31		10.00	0.65					
			None	0.00	0.00		0.00	0.00					
2	Persons historically disadvantaged on the basis of gender	RDP 1.4.4; 3.1.4; 3.2.7; 7.7	100% women owned	40.00	5.23		40.00	2.61		Copy of CIPC (Companies and Intellectual Property Commission) registration, copies of ID's as well as CSD (Central Supplier Database).	Y	N	
			75%-99% women owned	30.00	3.92		30.00	1.96			specify		
			60%-74% women owned	20.00	2.61		20.00	1.31					
			51%-59% women owned	10.00	1.31		10.00	0.65					
			0-50% women owned	5.00	0.65		5.00	0.33					
			None	0.00	0.00		0.00	0.00					
3	Persons historically disadvantaged on the basis of disability	RDP 7.7	100% owned by persons with disabilities	3.00	0.39		3.00	0.20		Certified medical certificate or substantive proof.	Y	N	
			75%-99% owned by persons with disabilities	2.00	0.26		2.00	0.13			specify		
			60%-74% owned by persons with disabilities	1.00	0.13		1.00	0.07					
			0-59% owned by persons with disabilities	0.50	0.07		0.50	0.03					
			None	0.00	0.00		0.00	0.00					
4	Development of Youth	RDP 1.4.6; 7.7	100% youth owned	20.00	2.61		20.00	1.31		Copy of CIPC (Companies and Intellectual Property Commission) registration, copies of ID's as well as CSD (Central Supplier Database) to be 35 years	Y	N	
			75%-99% youth owned	15.00	1.96		15.00	0.98			specify		
			60%-74% youth owned	10.00	1.31		10.00	0.65					
			51%-59% youth owned	5.00	0.65		5.00	0.33					
			0-50% youth owned	2.50	0.33		2.50	0.16					
			None	0.00	0.00		0.00	0.00					
5	Development of SMMEs	RDP 3.10; 3.1.4	Micro 0 - 10 employees; turn-over per sector	30.00	3.92		30.00	1.96		BBBEE certificate or sworn affidavit for EME or QSE; Copy of CIPC (Companies and Intellectual Property Commission) registration; SARS Return indicating turnover or audited financial statement.	Y	N	
			Small 11- 50 employees; turn-over per sector	15.00	1.96		15.00	0.98			specify		
			Medium 51 - 250 employees; turn-over per sector	10.00	1.31		10.00	0.65					
			None	0.00	0.00		0.00	0.00					
			TOTAL				153.00	20				153.00	10
LEGEND		Specific goal	If additional specific goals are selected, then total points must be adjusted to equal 20										
		Points selection	The sub-category for points may vary as approved as long as the total point do not exceed 20										
		Criteria	For SMME, the number of employees & turn-over as approved by Dept: Small Business Development applies										
		Proof/ evidence	Other or additional criteria may be approved										

Proposal Content or Format

7. Bidders will be evaluated in terms of the PPPFA Principle 80/20 principle where 80 points will be allocated for pricing and the remaining 20 points will be allocated for specific goals.

8. Quotations and evaluation will be subject to The Preferential Procurement Regulations, 2022; the Supply Chain Management Policy; General Conditions of Contract, 2010; and other applicable legislation, which in total will apply to this request for quotations (RFQ). Services of the successful service provider will be secured following the Department's Procurement Policies.

9. **Document to be submitted in support of the quotation**

In support of their bids, bidders **MUST** submit the following documents:

- 9.1 Copy of the company Profile;
- 9.2 Copy of the referral letters or affidavit;
- 9.3 Copy of the CV of the Project Leader;
- 9.4 Copy or copies of the CV or CVs of the researcher(s) or drafter(s);
- 9.5 Copy of the Legal Practice Council Registration Certificate;
- 9.6 Project Methodology;
- 9.7 Project Schedule; and
- 9.8 Pricing per Deliverable.

10. **Submission of Proposals :**

- 10.1 Submissions of proposals must be done electronically through to quotation@dhet.gov.za
- 10.2 The closing date of submission will be **21 October 2024** at **11h00**.
- 10.3 **The Department will not accept proposals that are hand delivered and also the ones that reach the Department after the closing date and time.**

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 RFQ613/2024	Bid number.....
Closing Time 11:00	Closing date 21 October 2024

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

ITEM NO.	QUANTITY	DESCRIPTION	BID PRICE IN RSA CURRENCY ** (ALL APPLICABLE TAXES INCLUDED)
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-
- Required by:
 - At:
.....
 - Brand and model
 - Country of origin
 - Does the offer comply with the specification(s)? *YES/NO
 - If not to specification, indicate deviation(s)
 - Period required for delivery
*Delivery: Firm/not firm
 - Delivery basis

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination.

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

*Delete if not applicable



higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

- 2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state?

YES	NO

Select (x) the correct box

- 2.1.1 If yes, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

- 2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the Department of Higher

Education & Training?

YES	NO

Select (x) the correct box

2.2.1 If so, furnish particulars:

.....

.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related² enterprise whether or not they are bidding for this contract?

YES	NO

Select (x) the correct box

Information not stated but found on CSD, CIPC or any other system may lead to disqualification of a bid.

2.3.1 If so, furnish particulars:

.....

.....

3 DECLARATION

I, _____ the _____ undersigned,
(name)..... in
submitting the accompanying bid, do hereby make the following
statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 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.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring

institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

- 3.6 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.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....	
Signature	Date
.....	
Position	Name of bidder

¹ the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise

² "related" as referred to in the Companies Act 2008, Act No 71 of 2008, section 2(1)(a)-(c). The Department reserves the right to access the Central Supplier Database (CSD), Companies Intellectual Property Commission (CIPC) or any other system to verify information

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.



higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- 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 The applicable preference point system for this tender is the **80/20** preference point system.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

1.4 The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

1.6 The organ of state reserves the right to require of a tenderer, either before a tender is

adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) **“tender or bid”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

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

80/20 or 90/10

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{min} = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

1.

POINTS AWARDED FOR PRICE

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

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \mathbf{Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)} & \mathbf{or} & \mathbf{Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)} \end{array}$$

Where

- Ps = Points scored for price of tender under consideration
Pt = Price of tender under consideration
Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: The table below provides the specific goals, its criteria of measurement for a tenderer to qualify for a maximum of 20 points (80/20) based on the proof submitted. Please complete the table below:

*80/20 PREFERENTIAL PROCUREMENT POINTS						
(a)	(b)	(c)	(d)	(e)	(f)	
The specific goals allocated points in terms of this tender	Criteria	Specific Goal Contribution	Maximum Points allocated	Bidder must tick (x) relevant points claimed	Indicate if evidence is provided (Y/N). Please refer to LEGEND for requirement	
Person historically disadvantaged on the basis of race	100% black owned	60.00	7.19		Yes	No
	75%-99% black owned	50.00	5.99		Specify	
	60%-74% black owned	40.00	4.79			
	51%-59% black owned	30.00	3.59			
	01-50% black owned	10.00	1.20			
	None	0.00	0.00			
Persons historically disadvantaged on the basis of gender	100% women owned	40.00	4.79		Yes	No
	75%-99% women owned	30.00	3.59		Specify	
	60%-74% women owned	20.00	2.40			
	51%-59% women owned	10.00	1.20			
	01-50% women owned	5.00	0.60			
	None	0.00	0.00			
Persons historically disadvantaged on the basis of disability	100% owned by persons with disabilities	7.00	0.84		Yes	No
	75%-99% owned by persons with disabilities	5.00	0.60		Specify	
	60%-74% owned by persons with disabilities	3.00	0.36			
	01-59% owned by persons with disabilities	1.00	0.12			
	None	0.00	0.00			
Development of Youth	100% youth owned	30.00	3.59		Yes	No
	75%-99% youth owned	20.00	2.40		Specify	
	60%-74% youth owned	15.00	1.80			
	51%-59% youth owned	10.00	1.20			
	01-50% youth owned	5.00	0.60			
	None	0.00	0.00			
Development of SMMEs	Micro 1 - 10 employees; turn-over per sector	30.00	3.59		Yes	No
	Small 11- 50 employees; turn-over per sector	15.00	1.80		Specify	
	Medium 51 - 250 employees; turn-over per sector	10.00	1.20			
	None	0.00	0.00			
POINTS		167	20			

***LEGEND FOR CLAIMING POINT IN TABLE 1**

- *Tenderer may claim points in respect of the five (5) specific goals in the table;*
- *Tenderer must select the relevant and appropriate qualifying points in column (d) next to the point indicated in column (c);*
- *The evidence provided will be verified by the Department, who reserves the right to amend or ignore points claimed if incorrect or no/irrelevant evidence provided;*
- *Points claimed- must be valid at the time of closing date of tender (excluding tax information that must be valid at the date of award);*
- *A tenderer that fails to claim points for specific goals as per Table 1 will not be disqualified but will not qualify points for specific goals;*
- *The following as a minimum requirement of valid evidence is to be submitted:*

Person historically disadvantaged on the basis of race	• Copy of CIPC (Companies and Intellectual Property Commission) registration, copies of ID's as well as CSD (Central Supplier Database)
Person historically disadvantaged on the basis of gender	• Copy of CIPC (Companies and Intellectual Property Commission) registration, copies of ID's as well as CSD (Central Supplier Database)
Persons historically disadvantaged on the basis of disability	• Certified medical certificate or substantive proof
Development of Youth	• Copy of CIPC (Companies and Intellectual Property Commission) registration, copies of ID's as well as CSD (Central Supplier Database)
Development of SMMEs	• BBBEE certificate indicating- percentage level of contribution for SMMEs, or • CIPC, SARS certificate, audited financial statement, or sworn affidavit for EME or QSE • Sworn affidavit + confirmation of turnover by a financial professional for qualifying EMEs with annual revenue less than R10 m; and QSE with an annual revenue between R10m & R50m QSEs

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety
- ☐ Close corporation
- ☐ Public Company
- ☐ Personal Liability Company
- ☐ (Pty) Limited

- ☐ Non-Profit Company
☐ State Owned Company
[TICK APPLICABLE BOX]

4.6. Provide the percentage of management for each firm below:

4.6.1.%

4.6.2.%

4.7. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I 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 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) **If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –**
 - (a) disqualify the person from the tendering 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 tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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, if deemed necessary.

	
	SIGNATURE(S) OF TENDERER(S)
SURNAME AND NAME:	
DATE:	
ADDRESS:	
	
	



higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT (ACT 5 OF 2000) AND SUBSEQUENT PREFERENTIAL PROCUREMENT REGULATIONS OF 2022: PROMOTION OF SMALL BUSINESSES (SMME)

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES SPECIFIED IN CLAIM FORM SBD 6.1 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, BASED ON THE PPPFA (Act 5 of 2000)

1. Section 2 (1) (d) (ii) of the Preferential Procurement Policy Framework Act (Act 5 of 2000) makes provision for the promotion of small businesses within the preference point systems.

80/20 PREFERENTIAL PROCUREMENT POINTS	
SPECIFIC GOAL	*MAXIMUM POINTS ALLOCATED
Development of SMMEs	3.59

2. DECLARATION WITH REGARD TO SMMEs

Bidders who wish to claim points in respect of this goal must complete paragraph 4 below.

3. POINTS CLAIMED

Indicate whether the points allocated for this goal is claimed.

Yes	No

4. INFORMATION FURNISHED WITH REGARD TO THE PROMOTION OF SMALL BUSINESSES

Indicate whether the company is a small, medium or micro enterprise as defined by the National Small Business Act, 1996 (Act 102 of 1996 and the Amendment Act, Act 29 of 2004).

Yes	No

- 4.1. If the response to paragraph 4 is yes, the following must be completed:

4.1.1 Sector or sub-sector in accordance with the Standard Industrial Classification

4.1.2 Size or class

4.1.3 Total full-time equivalent of paid employees

4.1.4 Total annual turnover

4.1.5 Total gross asset value (fixed property excluded)

- 4.1.6 The bidder is compelled to indicate for which category he/she is bidding, and the relevant preference points claimed.

The information supplied above must be substantiated by documentary proof that must be submitted with the bid. **Failure to submit proof shall invalidate the points claimed. In order to substantiate revenue for complying as an SMME, a SARS return indicating turnover / B-BBEE certificate/ Audited Financial Statement/ CIPC certificate/Sworn Affidavit for EMEs & QSEs must be submitted as proof.**

- 4.2 Total points claimed will not exceed the **maximum of 3.59 points allocated for this specific goal** - refer to SBD 6.1 Table 1.

5. BID DECLARATION

I/we, the undersigned, who warrants that he/she is duly authorised to do so on behalf of the firm declare that points claimed, based on promotion of small, medium or micro enterprises, qualifies the firm for the point(s) shown and I / we acknowledge that:

- (i) The information furnished is true and correct.
- (ii) In the event of a contract being awarded as a result of points claimed, the contractor may be required to furnish additional documentary proof to the satisfaction of the purchaser that the claims are correct.
- (iii) If the claims are found to be incorrect, the purchaser may, in addition to any other remedy it may have -
 - (a) recover all costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (b) 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.
 - (c) impose a financial penalty more severe than the theoretical financial preference associated with the claim which was made in the bid; or
 - (d) the purchaser may decide to impose a restriction penalty on the supplier by prohibiting such supplier from doing business with the public sector for a period not exceeding 10 years.

WITNESSES:

1.

.....
SIGNATURE(S) OF BIDDER(S)

2.

DATE:



**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT POLICY
FRAMEWORK ACT (ACT 5 OF 2000) AND SUBSEQUENT PREFERENTIAL PROCUREMENT
REGULATIONS OF 2022:
BLACK PEOPLE, WOMEN, YOUTH, PEOPLE WITH DISABILITIES**

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES SPECIFIED IN CLAIM FORM SBD 6.1 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, BASED ON THE PPPFA (Act 5 of 2000).

- Section 217 (1)** of the Constitution of the Republic of South Africa, 1996, determine: "When an organ of state in the national, provincial or local sphere of government, or any other institution identified in national legislation, contracts for goods or services, it must do so in accordance with a system which is fair, equitable, transparent, competitive and cost-effective".
- Section 217 (2)** of the Constitution determine: "Subsection (1) does not prevent the organs of state or institutions referred to in that subsection from implementing a procurement policy providing for – (a) categories of preference in the allocation of contracts; and (b) the protection or advancement of persons, or categories of persons, disadvantaged by unfair discrimination."
- Section 1 (iv)** of the Preferential Procurement Policy Framework Act (Act 5 of 2000) determine: "preferential procurement policy" means a procurement policy contemplated in section 217 (2) of the Constitution".
- Section 2 (1) (d) (i) and (ii)** of the Preferential Procurement Policy Framework Act (Act 5 of 2000) determine that "the specific goals targeting preference, may include: (i) contracting with persons or categories of persons, historically disadvantaged by unfair discrimination on the basis of race, gender or disability; (ii) implementing the programmes of the Reconstruction and Development Programme as published in Government Gazette No. 16085 dated 23 November 1994".
- In line with the above **the DHET SCM Policy** make provision for the promotion of Black people, Youth (in line with RDP), Women and people with disabilities relating to HDI.

PREFERENTIAL PROCUREMENT POINTS		
SPECIFIC GOAL	*80/20 (maximum points)	*90/10 (maximum point)
Race	7.84	3.92
Women	5.23	2.61
People with Disabilities	0.39	0.20
Youth	2.61	1.31
SMMEs	3.92	1.96

**Points be recalculated if the number of specific goals are in-or decreased.*

6. GENERAL DEFINITIONS

- "Acceptable tender"** means any tender which, in all respects, complies with the specifications and conditions of tender as set out in the tender document.
- "Tender"** 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, works or services.
- "Black People"** Is a generic term which means African, Coloureds and Indians
 - who are citizens of the Republic of South Africa by birth or decent; or
 - who became citizens of the Republic of South Africa by naturalisation –
 - before 27 April 1994;

- IV. on or after 27 April 1994 and who have been entitled to acquire citizenship by naturalisation prior to that date.
- d) **“Comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilised have been taken into consideration
 - e) **“Contract”** means the agreement that results from the acceptance of a tender by an organ of state.
 - f) **“Specific contract participation goals”** means the goals as stipulated in the Preferential Procurement Policy Framework Act (Act 5 of 2000) and further elaborated upon in the SCM Policy of **the dtic**.
 - g) **“Control”** means the possession and exercise of legal authority and power to manage the assets, goodwill and daily operations of a business and the active and continuous exercise of appropriate managerial authority and power in determining the policies and directing the operations of the business.
 - h) **“Disability”** means, in respect of a person, a permanent impairment of a physical, intellectual, or sensory function, which results in restricted, or lack of, ability to perform an activity in the manner, or within the range, considered normal for a human being, or persons who have a long-term or recurring physical or mental impairment, which substantially limits their prospects of entry into, or advancement in employment.
 - i) **“Equity Ownership”** means the percentage ownership and control, exercised by individuals within an enterprise.
 - j) **“Historically Disadvantaged Individual (HDI)”** means a South African citizen.
 - a. who, due to the apartheid policy that was in place, had no voting rights in the national elections prior to the introduction of the Constitution of the Republic of South Africa, 1983 (Act No. 100 of 1983) or the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993) (“the interim Constitution”), and/or
 - b. who are women; and/or
 - c. who has a disability:
 - k) **“Management”** means an activity inclusive of control and performed on a daily basis, by any person who is a principal executive officer of the company, by whatever name that person may be designated, and whether or not that person is a director.
 - l) **“Owned”** means having all the customary elements of ownership, including the right of decision-making and sharing all the risks and profits commensurate with the degree of ownership interests as demonstrated by an examination of the substance, rather than the form of ownership arrangements.
 - m) **“Person”** includes reference to a juristic person.
 - n) **“Rand value”** means the total estimated value of a contract in Rand denomination that is calculated at the time of tender invitations and includes all applicable taxes and excise duties.
 - o) **“Youth”** means persons between the ages of 14 and 35 (NO. 19 OF 1996: NATIONAL YOUTH COMMISSION ACT, 1996: Definitions 1 (vi).)

7. ESTABLISHMENT OF BLACK PEOPLE, YOUTH, WOMEN AND PEOPLE WITH A DISABILITY EQUITY OWNERSHIP IN AN ENTERPRISE

- 7.1 Equity ownership shall be equated to the percentage of an enterprise which is owned by individuals classified as Black people, Youth, Women and People with Disabilities or in the case of a company, the percentage shares that are owned by individuals classified as Black people, Youth Women and People with Disabilities who are actively involved in the management and daily business operations of the enterprise and exercise control over the enterprise, commensurate with their degree of ownership.
- 7.2 Where individuals are not actively involved in the management and daily business operations and do not exercise control over the enterprise commensurate with their degree of ownership, equity ownership may not be claimed.

8. BID DECLARATION

- 8.1 Tenderers who claim points in respect of equity ownership must complete the Bid Declaration at the end of this form.

8.2 POINTS TO BE CALCULATED FROM INFORMATION FURNISHED IN PARAGRAPH 8.

OWNERSHIP	PERCENTAGE OWNED	POINTS CLAIMED.
8.2.1. Equity ownership by people who are Black	%	
8.2.2. Equity ownership by persons who Qualify as Youth	%	
8.2.3. Equity ownership by women	%	
8.2.4. Equity ownership by disabled persons*	%	

#If points are claimed for disabled persons, indicate nature of impairment (see paragraph 6(h) above)

Copy of CIPC (Companies and Intellectual Property Commission) registration, copies of ID's as well as CSD (Central Supplier Database) report must be submitted in order to substantiate information provided against 8.2.1; 8.2.2 and 8.2.3 above.

A medical certificate/ letter signed by a registered medical practitioner (HPCSA) confirming disability should be submitted to substantiate information provided against 8.2.4 above.

9. DECLARATION WITH REGARD TO EQUITY

9.1 List all Directors by Name, Position, Identity Number, Citizenship, Black, Youth or HDI status and ownership, as relevant. Information to be used to calculate the points claimed in paragraph 8.2.

Name	Date/Position occupied in Enterprise	ID Number	* Status				% of businesses / enterprise owned
			Black	Youth	Women	Disabled	

*Indicate YES or NO

10. I/we, the undersigned, who warrants that he/she is duly authorised to do so on behalf of the firm certify that points claimed, based on the equity ownership, indicated in paragraph 8 of the foregoing certificate, qualifies the firm for the preference(s) shown and I / we acknowledge that:

- (i) The information furnished is true and correct.
- (ii) The Equity ownership claimed is in accordance with the General Conditions as indicated in paragraph 1 of the SBD 6.1 form.
- (iii) In the event of a contract being awarded as a result of points claimed as shown in

paragraph 10, the contractor may be required to furnish additional documentary proof to the satisfaction of the purchaser that the claims are correct.

- (iv) If the claims are found to be incorrect, the purchaser may, in addition to any other remedy it may have -
- (a) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (b) 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;
 - (a) impose a financial penalty more severe than the theoretical financial preference associated with the claim which was made in the tender; or
 - (b) the purchaser may decide to impose a restriction penalty on the supplier by prohibiting such supplier from doing business with the public sector for a period not exceeding 10 years.

WITNESSES:

1.

..... SIGNATURE(S) OF TENDERER(S)

2.

DATE:.....

ADDRESS:.....

.....

.....

.....

COMPULSORY DOCUMENT (COMPLETED AND SIGNED)
TO BE SUBMITTED WITH DHET RFQ

PERMISSION BY BIDDER:

On behalf of Company/Close Corporation/Trust/Joint Venture (JV)/
Consortium/Juristic Person/Partnership

I, Prof/Dr/Mr/Ms _____(duly authorised),
hereby grant permission, in terms of the Protection of Personal
Information Act, 2013 (Act 4 of 2013), (POPI Act), to the Department of
Higher Education and Training, to utilise all information contained in the
Bid documents and Quotation submitted to the Department of Higher
Education and Training, for purposes of procurement.

Capacity: _____

Signed: _____

Date: _____

NB: Bidder may be disqualified if completed form is not submitted with Bid documents