



REPUBLIC OF SOUTH AFRICA

Office of the Chief Justice Private Bag X 10, Marshalltown, Johannesburg, 2107 • 188 14th Road, Noordwyk, Midrand • Tel: 010 493 2500 • Fax: • Website: www.judiciary.org.za

REQUEST FOR QUOTATION FORM	
Request for quotation description	DIVERSITY AND INCLUSION TRAINING FOR JUDGES
OCJ quote reference number:	SAJEI:2025/AUG/18
RFQ issued date	18 AUGUST 2025
Closing date and time:	01 SEPTEMBER 2025 AT 11:00
Proposed date of the training	18 – 19 SEPTEMBER 2025
Compulsory briefing session	Yes, 22 August 2025 at 11:00 AM, MsTeams (Meeting link will be circulated on OCJ'S Website under advertised tenders)

You are hereby requested to provide the Office of the Chief Justice with a price quotation as per the attached specifications.

Conditions of the RFQ:

1. All prices must be firm and must be inclusive of VAT (Only if a bidder is a VAT Vendor).
2. Prices must be valid for at least 60 days from the quotation date.
3. The delivery period must be indicated on SBD 3.
4. All required documentation to be submitted with your proposal/quotation are attached with this request.
5. Proposals submitted after the closing date and time will not be considered.
6. All proposals must be forwarded to OCJQuotations@judiciary.org.za and no hand delivered proposals will be accepted
7. Successful service provider will be subjected to company screening as per the OCJ's Screening Policy
8. The general conditions of contract as published by National Treasury will apply to all contracts entered into between the OCJ and the supplier.
9. Publication: E-Tender Portal, Departmental Website & Period of the Advert: 14 Days
10. Required returnable Documents: Duly completed and signed SBD forms (SBD1, SBD 3, SBD 4 & SBD 6.1)
 - NB: SBD 6.1 Should be accompanied by the following documents where specific goals is applicable:
 - Letter from a Medical Doctor confirming a disability.

Bidders must reduce all telephonic enquiries to writing and send it to the above email address

ENQUIRIES SHOULD BE DIRECTED TO BELOW OFFICIALS			
Supply Chain Management		Specifications	
Name:	Portia Khesa	Name:	Poso Mogale
Contact	010 493 2537	Contact	
Email:	Pkhesa@judiciary.org.za	Email:	PMogale@judiciary.org.za

NB: SAJEI must complete / amend / choose the relevant field highlighted in Yellow Colour Below

1. SPECIFICATIONS	
Type of training	Physical Attendance
Preferred Location for Training	Free State SAJEI will bear the costs of accommodation Service provider to arrange their own transportation
Course material	Yes
Facilitator	Yes
Number of delegates	24 Delegates
Duration	2 full days
Catering	To be provided by SAJEI
Venue	To be provided by SAJEI
Request for a detailed course outline	YES
Assessment approach	The course is non- credit. Participants will only perform relevant practical and interactive activities during the contact session
Accredited Certificates of Competency	No
2. OBJECTIVES	
1. The South African Judicial Education Institute (SAJEI) would like to appoint a service provider to provide a training on Diversity and Inclusion for members of the Judiciary 2. The services required are as follows: • 2 x 1 hour briefing sessions (1 with CEO and 1 with Head of Court) • Training resources (i.e. Workbook and Training guide). • Professional facilitation of the sessions. All services must be provided on Face-To- Face platforms • Evaluation feedback from the participants. • Training report with recommendations.	
3. ACCREDITATION	
1. The Bidder must provide at least two Facilitators, one must be a qualified Psychologist registered with the HPCSA and another one must have legal degree. All Facilitator/s must have at least (5) years' experience conducting training on Diversity and Inclusion. CV's to be attached outlining the at least (5) organisations where Diversity and Inclusion training was conducted. (Complete the attached annexure). The Facilitator with a legal degree should not be in active legal practice. 2. Bidders are required to submit the consent letter / form signed by the resource whose CV is submitted and dated after the tender publication date	

4. FURTHER INSTRUCTIONS

1. Company profile to be provided.
2. Demonstrate the Facilitator's capacity and capability of training on Diversity and Inclusion.
3. Knowledge of South African Criminal Justice system by the Facilitator(s).
4. Bidders are requested to provide at least five (5) contactable references letter(s) signed and dated by the clients on the client's letter head as proof where Diversity and Inclusion trainings were satisfactorily completed and implemented in the last ten (10) years. The reference letters must indicate the performance of the services provided as satisfactory or not satisfactory. Letters must include the name of the organisation, number of employees in the organisation and contract duration and must be signed by a Senior Manager of the entity.
5. Names, qualifications and experience of proposed Facilitator/s. Proof to be provided.
6. The training should be interactive, include exercises as well as role playing, where relevant.
7. Training outline and approach relevant to the Judiciary. Please include examples of training content and material used in the 5 training referred to in **item 4** above.

5. DELIVERABLES

The Service Provider is expected to design, implement and manage Diversity and Inclusion Training for Judges. The Services Providers are required to provide a detailed proposal demonstrating sound technical competency responding to among others, deliver on the following topics (the list is not exhaustive):

1. Global trends on diversity as applicable to judiciaries.
2. Why diversity and inclusion matter in the Judiciary
3. Understanding Bias – Conscious and Unconscious
4. South African perspectives on diversity with relevant legislative prescripts and policies.
5. Inclusive judicial practices – case studies and comparative overview
6. Judicial culture and power dynamics
7. Case studies: reflective dialogues
8. Addressing workplace personal and institutional bridges
9. Handling conflict, complaints, and accountability
10. Judicial collegiality
11. Dialogue on judicial leadership in a diverse environment: Challenges and solution
12. Inclusive courtroom management with reference to other stakeholders
13. The bidder is required to submit the reports listed below:
 - Report per session to be approved by SAJEI
 - Report for follow up session/s (where applicable) to be approved by SAJEI
 - Consolidated report to be approved by SAJEI
 - The report should cover the course content, methodology, feedback and observations from practical exercises, feedback from participants and recommendations

6. EVALUATION AND SELECTION CRITERIA

The OCJ has set minimum standards known as gates, which are minimum standards that bidders need to meet in order to be evaluated and selected as a successful bidder. The minimum standards consist of the following **Table 1**:

Table 1: Evaluation and Selection Criteria

Administration Compliance (Gate 0)	Technical Mandatory (Gate 1)	Price and Preference Points Evaluation (Gate 2)
Bidders must submit all documents as outlined in Table 2 below. Only bidders that comply with ALL these criteria will proceed to Gate 1..	Bidders must submit all documents as outlined in Table 3 below. Only bidders that comply with ALL these criteria will proceed to Gate 2.	Gate 2 will only apply to bidder(s) who have met all the mandatory requirements on Gate 2.

6.1. Gate 0: Administration Compliance

6.1.1. ADMINISTRATIVE COMPLIANCE VERIFICATION

- (1) The bidder **must comply** with ALL of the bid Administration Compliance Requirements in order for the bid to be accepted for evaluation.
- (2) If the Bidder failed to comply with any of the Administrative Compliance Requirements, or if OCJ is unable to verify whether the Compliance requirements are met, then OCJ reserves the right to-
 - (a) Reject the bid and not evaluate it, or
 - (b) Accept the bid for evaluation, on condition that the Bidder must submit within 7 (seven) days any supplementary information to achieve full compliance, provided that the supplementary information is administrative and not substantive in nature.

6.1.2. ADMINISTRATIVE COMPLIANCE REQUIREMENTS

- (1) **Submission of bid response:** The bidder has submitted a bid response documentation pack –
 - (a) that was delivered at the **email address** and within the stipulated date and time as specified in the “Invitation to Bid” cover page, and;
 - (b) in the correct format as one original document,
- (2) **Registered Supplier.** The bidder is, in terms of National Treasury Instruction Note 4A of 2016/17, registered as a Supplier on National Treasury Central Supplier Database (CSD

The following documentation are regarded as administrative in nature and must submitted with proposal:

Table 2: Gate 0 - Administration Compliance

ADMINISTRATIVE REQUIREMENTS	HOW TO COMPLETE THE DOCUMENTS
Invitation to Bid – SBD 1	Complete and sign the supplied pro forma document
Pricing Schedule - SBD 3.3	Complete and sign the supplied pro forma document. Submit full details of the pricing proposal. A fully completed pricing schedule on the prescribed template must be submitted. (i.e., SBD 3.3 – pricing schedule) (NB: NO OTHER PRICING TEMPLATE WILL BE ACCEPTED) .
Bidder's Disclosure Form – SBD 4	Complete and sign the supplied pro forma document
Preference Point Claim Form – SBD 6.1	Non-submission will lead to a zero (0) score on Preference Points.
Registration on Central Supplier Database (CSD)	The Service provider must be registered as a service provider on the Central Supplier Database (CSD). If you are not registered, proceed to complete the registration of your company prior to submitting your proposal. Visit https://secure.csd.gov.za/ to obtain your vendor number. Submit proof of registration.

6.2. Gate 1: Technical Mandatory Requirements

Failure to adhere to the following conditions will disqualify the bidder's proposal:

Table 3: Gate 1 – Technical Mandatory Requirements

MANDATORY DOCUMENTS	HOW TO COMPLETE THE DOCUMENTS
Briefing Session	Attendance of a compulsory online Teams briefing session (meeting link will be circulated at a later stage)
Facilitators	The Bidder must provide at least two Facilitators, one must be a qualified Psychologist registered with the HPCSA and another one must have legal degree. All Facilitator/s must have at least (5) years' experience conducting training on Diversity and Inclusion. CV's to be attached outlining the at least (5) organisations where Diversity and Inclusion training was conducted. (Complete the attached annexure). The Facilitator with a legal degree should not be in active legal practice.

MANDATORY DOCUMENTS	HOW TO COMPLETE THE DOCUMENTS
	Bidders are required to submit the consent letter / form signed by the resource whose CV is submitted and dated after the tender publication date
References	Bidders are requested to provide at least five (5) contactable references letter(s) signed and dated by the clients on the client's letter head as proof where Diversity and Inclusion trainings were satisfactory completed and implemented in the last ten (10) years. The reference letters must indicate the performance of the services provided as satisfactory or not satisfactory. Letters must include the name of the organisation, number of employees in the organisation and contract duration and must be signed by a Senior Manager of the entity

6.3. **Gate 1: Price and Preferential Points Evaluation (80+20) = 100 points**

- i. Only bidders that have met mandatory requirement on in Gate 0 will be evaluated in Gate 1 for price and Preferential Points. Price and Preferential Points will be evaluated as follows:
- ii. In terms of Regulation 4 of the Preferential Procurement Regulations pertaining to the Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000), responsive bids will be adjudicated on the 80/20-preference point system in terms of which points are awarded to bidders on the basis of:
 - a) The bid price (maximum 80 points)
 - b) Specific Goals (maximum 20 points)
- iii. Stage 1 – Price Evaluation (80 Points)
 - a) The following formula will be used to calculate the points for price:

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

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

- iv. Stage 2 – Preferential Points Evaluation (20 Points)

- v. Stage 3 (80 + 20 = 100 points)
- vi. The Price and Preferential points will be consolidated.
- vii. Preferential Points allocation
 - a) A maximum of 20 points may be allocated to a tenderer for the Specific Goals in accordance with attached SBD 6.1.

7. PRICING SCHEDULE

- 7.1. The pricing must be completed as per the attached Pricing Schedule – SBD 3.3

VERY IMPORTANT:

PLEASE TAKE NOTE: ALL OVERHEADS AND OPERATIONAL EXPENDITURE ARE INCLUSIVE IN THE VAT QUOTATION PRICE.

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
RFQ REF:	SAJEI:2025/AUG/18	CLOSING DATE:	01 SEPTEMBER 2025	CLOSING TIME:	11H00 AM
DESCRIPTION	DIVERSITY AND INCLUSION TRAINING FOR JUDGES				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
188 14 th ROAD NOORDWYK					
MIDRAND					
1685					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	MS. PORTIA KHESA		CONTACT PERSON	MS. POSO MOGALE	
TELEPHONE NUMBER	010 493 2537		TELEPHONE NUMBER	010 493 2500	
FACSIMILE NUMBER	N/A		FACSIMILE NUMBER	N/A	
E-MAIL ADDRESS	OCJQuotations@judiciary.org.za		E-MAIL ADDRESS	PMogale@judiciary.org.za	
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?		☐ Yes ☐ No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?				☐ YES ☐ NO	
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, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).
2. TAX COMPLIANCE REQUIREMENTS
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA .
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:

(Proof of authority must be submitted e.g. company resolution)

.....

DATE:

.....

Name of Bidder:

Bid No.:

Request for Quotation: *Diversity and Inclusion Training for Judges*

SBD 3.3

PRICING SCHEDULE
(Professional Services)

NAME OF BIDDER: BID NO.:

CLOSING **TIME 11:00**

CLOSING DATE.....

OFFER TO BE VALID FOR **60** DAYS FROM THE CLOSING DATE OF BID.

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)
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1. The accompanying information must be used for the formulation of proposals.
2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project.
3. PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)

R.....

Name of Bidder: Bid No.:

Request for Quotation: Diversity and Inclusion Training for Judges Course

ACTIVITIES	COST PER SESSION / DAY / REPORT / DELEGATES	NUMBER OF SESSION / REPORT / DELEGATES	TOTAL COST
1. 1 hour briefing sessions (1 with CEO and 1 with Head of Court)	R.....	2 Sessions	R.....
2. Training resources (i.e. Workbook and Training guide).	R.....	24 Delegates	R.....
3. Diversity And Inclusion Training for Judges - 2 days Training of 24 Judges to be conducted from 18 to 19 September 2025	R.....	1 Session	R.....
4. Follow-Up Session with the Judges per day (OCJ will only pay for this session(s) when bidders are call-up to perform one)	R.....	3 Sessions	R.....
TOTAL COST EXCLUDING VAT			R.....
VAT			R.....
TOTAL COST INCLUDING VAT			R.....

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

4. Period required for commencement with project after acceptance of bid
5. Estimated man-days for completion of project
6. The pricing provided by the bidder shall be firm for the contract period and shall not be subject to any price adjustments (such. CPI, ROE, etc.).

Any enquiries regarding bidding procedures may be directed to the –

OFFICE OF THE CHIEF JUSTICE
188 14th Road Noordwyk
Midrand
Johannesburg

Name of Bidder: Bid No.:

Request for Quotation: *Diversity and Inclusion Training for Judges Course*

Or for technical information –

Email:

Tel: 010 493 2500

Company Representative: Name

Position in Company

Signature

Date

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**

- 2.1.1 If so, 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

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.

with any person who is employed by the procuring institution? **YES/NO**

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 related enterprise whether or not they are bidding for this contract? **YES/NO**

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 consortium² 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

² 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.

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

SBD 6.1

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 **To be completed by the organ of state**

(delete whichever is not applicable for this tender).

- a) The applicable preference point system for this tender is the **90/10** preference point system.
- b) The applicable preference point system for this tender is the **80/20** preference point system.
- c) Either the **90/10 or 80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

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 **To be completed by the organ of state:**

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”** 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:

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

80/20 or 90/10

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmin = Price of lowest acceptable tender

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

3.2.1. POINTS AWARDED FOR PRICE

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

$$P_S = 80 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right) \text{ or } P_S = 90 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

P_{max} = 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.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

The specific goals allocated points in terms of this tender		Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
SMME (EME/QSE)		4	
Enterprise with ownership of	51% or more by black person/s	4	
	34% to 50% by black person/s	3	
	17% to 33% by black person/s	2	
	1% to 16% by black person/s	1	
	0% by black person/s	0	
Enterprise with ownership of	51% or more by persons /s who are woman	4	
	34% to 50% by persons /s who are woman	3	
	17% to 33% by persons /s who are woman	2	
	1% to 16% by persons /s who are woman	1	
	0% by persons /s who are woman	0	
Enterprise with ownership of	51% or more by persons /s who are youth	4	
	34% to 50% by persons /s who are youth	3	
	17% to 33% by persons /s who are youth	2	
	1% to 16% by persons /s who are youth	1	
	0% by persons /s who are youth	0	
Enterprise with ownership of	51% or more by persons /s with disability	4	
	34% to 50% by persons /s with disability	3	
	17% to 33% by persons /s with disability	2	
	1% to 16% by persons /s with disability	1	
	0% by persons /s with disability	0	
TOTAL PREFERENCE POINTS CLAIMED OUT OF 20			

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. 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.



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Tel: +27 10 493 2500 (Switchboard)
E-mail: info@judiciary.org.za
www.judiciary.org.za

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

SURNAME AND NAME:

DATE:

ADDRESS:

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