



Tender to Supply, Delivery, Installation, Commissioning, Service and Maintenance of Fleet Brakes Tester

Bid Closing: 29 March 2024, at 11:00

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Bid Number: MTC 2023/24/09

Mayibuye Transport Corporation
MTC Bid Specification

Mayibuye Transport Corporation
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Province of the Eastern Cape
Phone 043 051 7900

Disclaimer

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This document contains forward-looking statements that are subject to risks and uncertainties, including statements about Mayibuye Transport Corporation's beliefs and expectations.

These forward-looking statements are based on assumptions that Mayibuye Transport Corporation has made in light of its experience in the industry in which it operates, as well as its perceptions of historical trends, current conditions, expected future developments and other factors which Mayibuye Transport Corporation believes are appropriate under the circumstances. Relevant persons should understand that these statements are not guarantees of future performance or results.

Due to these factors, Mayibuye Transport Corporation cautions that relevant persons should not place undue reliance on any forward-looking statements. Further, any forward-looking statement speaks only as of the date on which it is made. New risks and uncertainties arise from time to time, and it is impossible to predict these events or how they may affect Mayibuye Transport Corporation.

To obtain additional information and/or copies of this document, please contact:

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TENDER SPECIFICATION FOR THE SUPPLY, DELIVERY, INSTALLATION, COMMISSIONING, SERVICING AND MAINTENANCE OF FLEET BRAKES TESTER.

DEFINITIONS AND INTERPRETATIONS

In this specification the following words and phrases shall have the following meaning unless the context otherwise requires.

RBT	Roller Brake Tester.
SABS	South African Bureau of Standards.
MTC	Mayibuye Transport Corporation.
OEM	Original Equipment Manufacturer.
TCO	Total Cost of Ownership.
CEO	Chief Executive Officer.
SLA	Service Level Agreement.
CFO	Chief Financial Officer.
COO	Chief Operations Officer.
CCS	Computer Controlled System.

1. Introduction

- 1.1. The Mayibuye Transport Corporation (MTC) is seeking proposals for the Supply, Delivery, Installation, Servicing, Commissioning and Maintenance of Fleet Roller Brakes Tester to be installed in Alice Depot.
- 1.2. The Roller Brake Tester (RBT) required shall comply with all relevant Technical Specifications.
- 1.3. Bidders must be the Original Equipment Manufacturer and or must have acquired Original Equipment Manufacturer's Accreditation. MTC cannot overemphasise the need for capacity to provide a Comprehensive Support Service for their products within Nkonkobe Municipality.
- 1.4. Proposals will only be considered for the Supply, Delivery, Installation, Commissioning, Servicing and Maintenance of the equipment that meets the Technical Specifications and Bid requirements as outlined in this document.
- 1.5. The Roller Brake Tester including all related fittings and accessories must comply with all current South African legislation applicable to such equipment. The above requirements are not exhaustive, and bidders are required to furnish additional features of the equipment on offer.
- 1.6. Health and Risk Certification, Safety and Environmental Testing are of paramount importance to the MTC. Proof of SABS Product Certification for the equipment is required.
- 1.7. The capacity of the equipment is expected to be in par with the SABS's vehicle safety testing and verification of compliance with compulsory specifications.
- 1.8. Bidders are also required to provide information on the Total Cost of Ownership by indicating the life span and service intervals that are applicable as well as related costs for the smooth running of the equipment. This will include calibration intervals.
- 1.9. Bidders shall provide training on the operation of the equipment at no cost to the Corporation.

2. Delivery of Equipment

- 2.1 The Equipment to be supplied is required urgently and an Installation Schedule must be included in the proposal. Such a schedule must include productions phase right up to the testing of the equipment on site which is MTC's Alice depot.

- 2.2 Bidders must provide a comprehensive delivery program and state all assumptions and any limitations in respect of the required deliveries timelines; however, the winning bidder is expected to deliver within 10 weeks on receipt of purchase order.
- 2.3 Unless force majeure is proven, late delivery of the equipment shall attract late delivery penalty of R1,500 for each day up until the actual delivery date.
- 2.4 Bidders must furnish details of their plan to provide back-up and technical support for as long as MTC will operate the products on offer which will be based on the projected lifespan. This relates to service turnaround, spares capacity and major components back-up for the product on offer. Bidders must take note that this requirement shall form part of the selection criteria at the evaluation stage as it is critical in achieving acceptable uptime whose aim is to provide safe transport service to our commuters.

3. **Workmanship and Quality Standards**

- 3.1. Bidders should note that underperformance of the equipment shall not be tolerated by the entity under any circumstances. Should such experience occur, the bidder shall be obliged to replace the equipment instantly. Awarding of the tender shall be subject to the successful bidder committing to observe this requirement.

4. **Technical Specification**

- 4.1. The Specification does not rule out additional features that may be supplied with the equipment provided that the features are acceptable on health and safety grounds.
- 4.2. The Roller Brake Tester (RBT) shall consist of a pair of roller sets that are to be mounted on the workshop floor, with a separate display console. The RBT shall be safe to use, robustly constructed to acceptable engineering standards and suitable for brake testing buses with maximum axle loads of 13, 5 Tons and smaller vehicles.
- 4.3.
 - 4.3.1. A means of preventing either roller set operating unless a wheel is correctly located in it.
 - 4.3.2. The ability to be driven independently or simultaneously by the use of suitable controls.
 - 4.3.3. A means of manually stopping either or both roller sets.

- 4.3.4. An automatic means of stopping either roller set individually when the tyre to roller slip reaches a range of 20 to 30%. (To ensure that the slip value remains constant throughout the full range of brake force, and if variations occur in the power supply the means of stopping the roller set shall include actual measurement of the speed of the sensing roller and the speed of the motor/ drive roller train).
- 4.3.5. A design which allows brake testing of small-wheeled or low ground clearance vehicles without any part fouling or grounding.
- 4.3.6. A suitable protection device shall be installed to prevent the rollers from being started when a person is within reaching distance of the RBT inside the pit.

4.4. The Rollers shall have:

- 4.4.1. A surface that is durable and not cause undue tyre damage.
- 4.4.2. A roller to tyre co-efficient of friction of not less than 0,6 in wet conditions.
- 4.4.3. A constant surface speed in the range of 2 to 5,5 km/h. The speed of the rollers shall remain within the specified range throughout the full range of brake force.

4.5. The Brake Force Display:

The brake force display shall:

- 4.5.1. Indicate the brake force individually for each wheel on an axle.
- 4.5.2. Be analogue and sufficiently sensitive to show the variations in brake force caused by excessive drum ovality or disk runout.
- 4.5.3. If digital type is used, the additional digital display of brake force shall be of a size that is readable from the vehicle driving position.
- 4.5.4. Indicate individually for each roller set when a wheel lock occurs.
- 4.5.5. Retain the maximum brake force values until either the indication is manually reset, or the rollers are re-started.

4.6. User Controls:

- 4.6.1. Manually operated.
- 4.6.2. Capable of starting the roller sets independently or simultaneously.
- 4.6.3. Capable of stopping the roller set independently or simultaneously.
- 4.6.4. Capable of being operated from the vehicle driving seat by remote control.
- 4.6.5. Capable of performing a satisfactory test on a non-permanent 4WD vehicle.
- 4.6.6. Suitable secondary operating controls shall be available on the console as the remote-control unit is not hard-wired.
- 4.6.7. The unit shall be resistant to spurious signals from other sources.
- 4.6.8. Provision of safe storage shall be provided for the remote-control unit when not in use.

In addition, there shall be:

- 4.6.9. A visual indication for the user on the display console showing:
 - 4.6.9.1. When each roller set is in operation, and
 - 4.6.9.2. If the RBT has a bi-directional facility, whether the roller sets are operating in 'forward' or 'reverse' direction.

4.7. Accuracy

- 4.7.1. Bidders are expected to indicate the accuracy of the RBT brake force and accuracy of the RBT brake force calibration device in Newton metres and % Variance.

4.8. Calibration

- 4.8.1. Bidders shall provide assurance that a system is in place to ensure all of its calibration devices used for the subject RBT are checked and certified by an accredited organisation on a regular basis.
- 4.8.2. A means of calibrating the brake force shall be available and the RBT display shall be capable of showing negative numbers close to zero.

4.9. Instruction Manual

- 4.9.1. A comprehensive Instruction Manual shall:
 - 4.9.1.1. Be supplied with the RBT.
 - 4.9.1.2. Be written in English.
 - 4.9.1.3. Explain how to operate the RBT, including the function of each control and how to interpret the results.
 - 4.9.1.4. Detail how to use the RBT to carry out a brake performance test and refer to the statutory brake performance requirements.
 - 4.9.1.5. A copy of Calibration Manual for use by the Service Engineer shall be included in the proposal.

4.10. Identification

- 4.10.1. The equipment shall be marked with a durable identification as shown on the approval certificate, on the exterior, clearly identifying the make, model, and serial number. This should be readily visible after the equipment has been installed. A copy of the approval certificate will also be issued to the Corporation after installation, showing the make/ model/ serial number and address of the depot.
- 4.10.2. The RBT must incorporate a computer-controlled system (CCS). The (CCS) system must provide the tester with an automated system that:

- 4.10.2.1. Before commencing the test, provides the person carrying out the test the option of selecting the correct test type for the vehicle under test.
- 4.10.2.2. Has automatic start-up of the rollers after a minimum period of 2 seconds by means of written on screen prompts, guides the person carrying out the test through the correct procedure for that particular vehicle.
- 4.10.2.3. Carries out all the required brake performance calculations specified for the type of vehicle under test.
- 4.10.2.4. Provides an analogue visual display of each aspect of the brake test.
- 4.10.2.5. Provides a detailed printed report of brake test results on service and parking brake efficiency at the end of each brake test.
- 4.10.2.6. Must also provide figures for parts of the test that is a manual assessment of pass or fail.
- 4.10.2.7. Provides the facility to store data from each test result for a minimum period of 52 weeks. This data must include the make, model, fleet number and registration number for vehicles tested.
- 4.10.2.8. Provides the ability to weigh axles and record these weights (either incorporated in the equipment or a remote facility that automatically transfers axle weight data to the equipment). This weighing facility must remain accurate to $\pm 3\%$.

5. Full Repairs and Maintenance Contract by the Supplier

- 5.1. The Supplier must include in the proposal a summary on the service intervals and Projected service costs over the lifespan of the equipment.
- 5.2. The Corporation shall enter into a Service Level Agreement with the Supplier in order to regulate the level of service that meet the Corporation's requirements. be it for services that will be carried out by the successful bidder or its authorised agent during the prescribed period of warranty and beyond.
- 5.3. The Service Level Agreement shall provide for all maintenance work in accordance with the Original Equipment Manufacturer's recommendations.

6. Breakdowns and Preventative Maintenance

- 6.1. The Supplier or its authorised agent shall make a preventative booking two (2) weeks in advance.
- 6.2. If the Equipment breaks down due to malfunction of any component during the warranty period, the defective component shall be replaced with a new component at the cost of the supplier.
- 6.3. The Supplier or its authorised agent will cover the costs incurred which may include travelling costs and time spent in rectifying the fault.

7. Evaluation Model

7.1 MANDATORY COMPLIANCE – STAGE 1

CRITERIA

- **Proof of certification as an original equipment manufacturer (OEM) / agent of an OEM**
- **Proof of SABS Certification**
- **Proof of ISO Certification**
- **Proof of ECE Certification**
- **Local content certification**
- **Valid original Tax Clearance Certificate**
- **Certified ID Copies of all directors of the company**
- **Certified copies of company registration documents**

Failure to submit any of the above documents will render the proposal invalid and it will automatically be disqualified from the bid process.

8. Functionality – Stage 2

CRITERIA	POINTS	MAXIMUM POINTS
Guarantee on the Workmanship		
1. Provide proof of a detailed Methodology highlighting how RBT would handle a maximum axle loads of 13, 5 Tons and smaller vehicles.	10 points	50 Points
2. Steel foundation frame installation.	10 points	
3. Provision of training and skills transfer on the operation of the equipment to MTC staff at no cost to the Corporation.	10 points	
4. Detailed repairs and maintenance plan by the supplier.	10 points	
5. How user friendly will the RBT be.	10 points	
Accredited Local Maintenance Agent (Provide proof of accreditation or a valid agreement.)	20 Points	20 Points
Guarantee Of Delivery of The Equipment:		15 Points
• Immediately To 8 (Eight) Weeks	15 Points	
• 9 (Nine) To 10 (Ten) Weeks	10 Points	
• More Than 10 Weeks	5 Points	
Note: For Evaluation Purposes MTC Will Rely on Presentation from The Bidders. A Penalty for Late Delivery as per Paragraph 2.4 Will Be Applicable from The Delivery Dates Committed by The Bidder.		
Total		85 Points

- A bidder that scores less than 70 points out of 85 in respect of functionality will be regarded as a non-responsive bid and will be disqualified.
- Only bidders that obtain 70 points from all allocations above will qualify for stage three below.

- All points scored by qualifying bidders will not be taken into consideration for price evaluation.

PREFERENCE POINTS – STAGE 3

Criteria	
Price	80 Points
BBBEE	20 Points
Total	100 Points

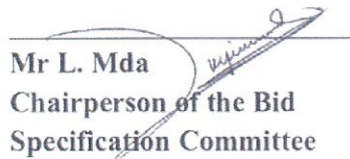
Prepared for Engineering



Date: 22/02/2024

Mr M. Seboni
End User Department

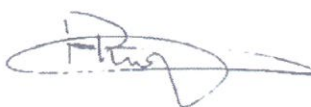
Recommended



Mr L. Mda
Chairperson of the Bid
Specification Committee

Date: 27/02/2024

Approved



Ms. P. N. Roboji
Chief Executive Officer

Date 29 February 2024

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE MAYIBUYE TRANSPORT CORPORATION					
BID NUMBER:	MTC 2023/24/09	CLOSING DATE: 29 MARCH 2024	CLOSING TIME:	11:00AM	
DESCRIPTION	PROVISION TO SUPPLY, DELIVERY, INSTALLATION, COMMISSIONING, SERVICE AND MAINTENANCE OF FLEET BRAKES TESTER SERVICES FOR A PERIOD OF 36 MONTHS				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
Bid responses must be submitted electronically to tendersubmissions@mtcec.co.za					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Mr Siyanda Ngceba		CONTACT PERSON	Mr Siyanda Ngceba	
TELEPHONE NUMBER	043 051 7900		TELEPHONE NUMBER	043 051 7900	
FACSIMILE NUMBER	N/A		FACSIMILE NUMBER	N/A	
E-MAIL ADDRESS	ngcebas@mtcec.co.za		E-MAIL ADDRESS	ngcebas@mtcec.co.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:

PRICING SCHEDULE – FIRM PRICES (PURCHASES)

NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED

IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of bidder.....	Bid number: MTC2023/24/09
Closing Time 11:00 AM	Closing date: 29 March 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.

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-
 - the bidder is employed by the state; and/or
 - the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.
 2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**
 - 2.1 Full Name of bidder or his or her representative:
 - 2.2 Identity Number:
 - 2.3 Position occupied in the Company (director, trustee, shareholder²):
 - 2.4 Company Registration Number:
 - 2.5 Tax Reference Number:
 - 2.6 VAT Registration Number:
 - 2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.
- ¹"State" means –
- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
 - (b) any municipality or municipal entity;
 - (c) provincial legislature;
 - (d) national Assembly or the national Council of provinces; or
 - (e) Parliament.



²"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 presently employed by the state? **YES / NO**

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:
Name of state institution at which you or the person connected to the bidder is employed :
Position occupied in the state institution:

Any other particulars:

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

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 **YES / NO**



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?

2.9.1 If so, furnish particulars.

.....

.....

.....

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

YES/NO

2.10.1 If so, furnish particulars.

.....

.....

.....

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

YES/NO

2.11.1 If so, furnish particulars:

.....

.....

.....

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

[illegible]



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

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

- a) The applicable preference point system for this tender is the 80/20 preference point system.
- b) 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:

$$\begin{array}{ccc}
 \text{80/20} & \text{or} & \text{90/10} \\
 \\
 P_s = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right) & \text{or} & P_s = 90 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)
 \end{array}$$

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

3.2.1. POINTS AWARDED FOR PRICE

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

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

Where

- P_s = Points scored for price of tender under consideration
 P_t = 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.

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

(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.)

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)
100% Black ownership	25% (5)	
51% - 99% black ownership	10% (2)	
Less than 51% ownership	5% (1)	
Women Equity ownership	30% (6)	
Youth Equity ownership	15% (3)	
People with Disability	5% (1)	
Locality within the Eastern Cape	10% (2)	

**** Evidence must be submitted to support the claim made by the tenderer****

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.

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

SURNAME AND NAME:

DATE:

ADDRESS:

.....

.....

.....

CONTRACT FORM - RENDERING OF SERVICES

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

PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)

1. I hereby undertake to render services described in the attached bidding documents to (name of the institution)..... in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid .
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (i) Bidding documents, viz
 - Invitation to bid;
 - Proof of tax compliance status;
 - Pricing schedule(s);
 - Filled in task directive/proposal;
 - Preference claim form for Preferential Procurement in terms of the Preferential Procurement Regulations;
 - Bidder's Disclosure form;
 - Special Conditions of Contract;
 - (ii) General Conditions of Contract; and
 - (iii) Other (specify)
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES

1

2

DATE:



CONTRACT FORM - RENDERING OF SERVICES

PART 2 (TO BE FILLED IN BY THE PURCHASER)

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

DESCRIPTION OF SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	COMPLETION DATE	TOTAL PREFERENCE POINTS CLAIMED	POINTS CLAIMED FOR EACH SPECIFIC GOAL

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

SIGNED ATON.....

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

1

2

DATE:

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

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

4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes ☐	No ☐
4.4.1	If so, furnish particulars:		

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or 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