



# REQUEST FOR QUOTATION

Form No: MH-RFQ-1  
Version No: 01/2021  
EffectiveDate:01/06/2021

**You are hereby invited to submit a Quotation for the following requirements of  
MSINSI HOLDINGS (SOC) LTD**

|                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |      |       |
|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|-------|
| <b>Advert Date:</b>                                 | 21 August 2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |      |       |
| <b>RFQ Ref Number:</b>                              | MSI036/2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |      |       |
| <b>Description Of Goods/Services:</b>               | Appointment of a service provider to conduct evaluation on the need of casual, Contract And Temporal Employees for Msinsi Holdings (SOC) Ltd sites and assess whether ten (10) days In and four (4) days off Model can be suitable for Msinsi Employees.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |      |       |
| <b>Compulsory Briefing / Clarification meeting:</b> | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Time |       |
| <b>Closing Date</b>                                 | <b>28 August 2023</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Time | 12H00 |
| <b>SCM Procedure Enquiries may be directed to:</b>  | Name: Fundile Zondi<br>Tel No: 031 765 7724<br>Email Address: <a href="mailto:fundile.zondi@msinsi.co.za">fundile.zondi@msinsi.co.za</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |      |       |
| <b>Submissions:</b>                                 | <p>Sealed quotations clearly marked,</p> <p>“Appointment of a service provider to conduct evaluation on the need of casual, Contract And Temporal Employees for Msinsi Holdings (SOC) Ltd sites and assess whether ten (10) days In and four (4) days off Model can be suitable for Msinsi Employees.”</p> <p>Supply Chain Management Section<br/><b>Msinsi Holdings (SOC) Ltd (HEAD OFFICE)</b><br/>Unit 1 and 2 Block A,<br/>18 Old Main Road, Hillcrest<br/>3610</p> <p><b>OR</b></p> <p>By email to: <a href="mailto:fundile.zondi@msinsi.co.za">fundile.zondi@msinsi.co.za</a> or <a href="mailto:procurement@msinsi.co.za">procurement@msinsi.co.za</a></p> <p><b>NB:</b> use <b><u>Quote Number and Description</u></b> as email subject</p> |      |       |
| <b>Technical Enquiries:</b>                         | Contact Person:Zandile Luthuli<br>Email:Zandile.luthuli@msinsi.co.za<br>Tel: 031 765 7724                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |      |       |

## Contents

1. Invitation Cover Page
2. Information about the Tenderer
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7. Declaration of Interest
8. Certificate of Acquaintance with RFQ T&Cs.
9. Contract Forms

**This RFQ is subject to the general conditions of the RFQ, National Treasury's general conditions of contract (GCC) and, if applicable, any other special conditions of contract (SCC).**

### Information about the Tenderer

|                                             |  |
|---------------------------------------------|--|
| Name of tenderer                            |  |
| Registration number                         |  |
| VAT registration number                     |  |
| Telephone number                            |  |
| Cell number                                 |  |
| E-mail address                              |  |
| Postal address                              |  |
|                                             |  |
| Physical address                            |  |
|                                             |  |
| CSD Supplier number                         |  |
| CSD Unique Registration<br>Reference Number |  |
| Contact person's name                       |  |

**I certify that the information furnished on this form is true and correct. I further accept that, in addition to cancellation of a contract, action may be taken against me should this declaration prove to be false.**

\_\_\_\_\_  
**Name of tenderer (duly authorised)**

\_\_\_\_\_  
**Signature of tenderer**

\_\_\_\_\_  
**Signature of tenderer**

\_\_\_\_\_  
**Date**

## TERMS AND CONDITIONS OF REQUEST FOR QUOTATION (RFQ)

1. Any alteration made by the tenderer must be initialled.
2. Use of correcting fluid is prohibited.
3. This quotation is subject to the Preferential Procurement Policy Framework Act and the Preferential Procurement Regulations, 2022; the General Conditions of Contract (GCC) and if applicable any other Special Conditions of Contract.
4. Companies must be registered on the National Treasury's Central Suppliers Database.
5. Suppliers are advised that the 80/20 preference points system shall be applied in the evaluation of this quotation. . Refer to **SBD 6.1** form.
6. Suppliers must complete the attached **SBD 1**-Tax Compliance Certificate, **SBD 4** - Declaration of interest form, . Failure to complete these documents may result in the quotation being invalidated.
7. Quotations must be in accordance and comply with the specifications/scope of work provided, unless otherwise stipulated.
8. The successful supplier may be required to fill in and sign a written Contract Form (If applicable).
9. This document may contain confidential information that is the property of Msinsi Holdings.
10. No part of the contents may be used, copied, disclosed or conveyed in whole or in part to any party in any manner whatsoever other than for preparing a proposal in response to this RFQ, without prior written permission from Msinsi Holdings and the Tenderer.
11. All Copyright and Intellectual Property herein vests with Msinsi Holdings and its Tenderer.
12. Quotations must be submitted by email [procurement@msinsi.co.za](mailto:procurement@msinsi.co.za) or be deposited in tender box situated as indicated on the quotation request form marked appropriated as directed. (*The applicable submission method is reflected on the cover page*). Suppliers should ensure that quotations are delivered before closing time and to the correct address.
13. It is the responsibility of the bidder to ensure that its response reaches Msinsi Holdings on or before the closing date and time of the RFQ.
14. Msinsi will not be responsible for late documents delivered via courier service or email delays for all emails not on the inbox by closing date and time. Only the read receipt with no qualifications, thereafter, will be evidence of an email sent and opened timely. Bidders delivery notifications will not be accepted as evidence for electronic timely submissions.
15. Late and incomplete submissions will not be accepted.
16. Quotation must be valid for a period of 90 days from date of closing.
17. Price Declaration must be completed, and should the total RFQ prices differ, the one indicated on the price declaration shall be considered the correct price.
18. Tenderers are required to submit a valid Tax clearance verification PIN.
19. The quotation will firstly be evaluated on eligibility, which includes compliance to the scope of work. If found to be eligible it will be evaluated according to the functionality and further be evaluated on the PPPFA 80/20 Price & Specific Goal preference point system & associated regulations.
20. Msinsi reserves the right not to accept any proposal, accept part of the proposal or to withdraw the call for quotations.
21. **The quotation should be inclusive of all costs associated with the delivery of this service and should include VAT.**
22. **The payment term is within 30 days from date of receipt of invoice. No upfront payment requests will be entertained.**

**23. No services must be rendered or goods delivered before an official Msinsi Holdings Purchase Order form has been received.**

|                                                                                                        |               |                      |
|--------------------------------------------------------------------------------------------------------|---------------|----------------------|
| The Tenderer accepts the above terms, conditions, and Msinsi Holdings' Standard Conditions of Tender*. | <b>Accept</b> | <b>Do not accept</b> |
|                                                                                                        |               |                      |

## CONDITIONS OF QUOTE

1. I/We hereby quote to supply all or any of the supplies and/or to render all or any of the services described in the attached documents to Msinsi Holdings on the terms and conditions. In accordance with the specifications stipulated in the quotation documents (and which shall be taken as part of and be incorporated into this quote) at the prices and on the terms regarding time for delivery and/or execution inserted therein.
2. I/we agree that:
  - (a) the offer herein shall remain binding upon me and open for acceptance by Msinsi Holdings during the validity period indicated and calculated from the closing time of the quote;
  - (b) this quote and its acceptance shall be subject to the Public Finance Management Act, 1999, Msinsi Holdings' Supply Chain Management Policy and Procedures, the General and Special Conditions of Contract as may be applicable, with which I/we am fully acquainted;
  - (c) if I/we withdraw my quote within the period for which I/we have agreed that the quote shall remain open for acceptance, or fail to fulfil the contract when called upon to do so. Msinsi Holdings may, without prejudice to its other rights, agree to the withdrawal of my quote or cancel the contract that may have been entered into between Msinsi Holdings and I/us. I/we will then pay to Msinsi Holdings any additional expenses incurred for having either to accept any less favourable quote or, if fresh quote have to be invited, the additional expenditure incurred by the invitation of fresh quotes and by the subsequent acceptance of any less favourable quotes. Msinsi Holdings shall reserve the right to recover such additional expenditure by set-off against monies which may be due to me under this, or any other tender or contract or against any guarantee or deposit that may have been furnished by me or on my behalf for the due fulfilment of this or any other tender or contract. Pending the ascertainment of the amount of such additional expenditure to retain such monies, guarantee or deposit as security for any loss Msinsi Holdings may sustain by reason of my default;
  - (d) if my quote is accepted, the acceptance may be communicated to me by electronic mail, to the email address supplied in my quotation document;
  - (e) the law of the Republic of South Africa shall govern the contract created by the acceptance of my quote and I choose *domicilium citandi et executandi* in the Republic at (full physical address) :  
.....  
.....
3. I/we furthermore confirm that I/we have satisfied myself as to the correctness and validity of my quote: that the price(s), rate(s) and preference quoted cover all of the work/item(s) and my obligations under a resulting contract, and I accept that any mistakes regarding the price(s) and calculations will be at my risk.
4. I/we hereby accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement, as the Principal(s) liable for the due fulfilment of this contract.
5. I/we agree that any action arising from this contract may in all respects be instituted against me and I/we hereby undertake to satisfy fully any sentence or judgement which may be pronounced against me as a result of such action.
6. I/we confirm that I/we have declared all and any interest that I or any persons related to my business has with regard to this quote or any related quotations by completion of the Declaration of Interest Section.

## 7. CERTIFICATION OF CORRECTNESS OF INFORMATION SUPPLIED IN THIS DOCUMENT

I/WE, THE UNDERSIGNED, WHO WARRANT THAT I AM DULY AUTHORISED TO DO SO ON BEHALF OF THE TENDERER, CERTIFY THAT THE INFORMATION SUPPLIED IN TERMS OF THIS DOCUMENT IS CORRECT AND TRUE, THAT THE SIGNATORY TO THIS DOCUMENT IS DULY AUTHORISED AND ACKNOWLEDGE THAT:

- (1) The tenderer will furnish documentary proof regarding any tendering issue to the satisfaction of the Msinsi Holdings, if requested to do so.
- (2) If the information supplied is found to be incorrect and/or false then Msinsi Holdings, in addition to any remedies it may have, may: -
  - a) Recover from the contractor all costs, losses or damages incurred or sustained by Msinsi Holdings as a result of the award of the contract, and/or
  - b) Cancel the contract and claim any damages which Msinsi Holdings may suffer by having to make less favourable arrangements after such cancellation.

SIGNED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20 \_\_\_\_\_ AT \_\_\_\_\_

\_\_\_\_\_  
**SIGNATURE OF TENDERER OR DULY  
AUTHORISED REPRESENTATIVE**

\_\_\_\_\_  
**FULL NAME (IN BLOCK LETTERS)**

**ON BEHALF OF (TENDERER'S NAME)** \_\_\_\_\_

**CAPACITY OF SIGNATORY** \_\_\_\_\_

**NAME OF CONTACT PERSON (IN BLOCK LETTERS)** \_\_\_\_\_

\_\_\_\_\_  
**POSTAL ADDRESS** \_\_\_\_\_

\_\_\_\_\_  
**POSTAL CODE** \_\_\_\_\_

**TELEPHONE NUMBER:** \_\_\_\_\_

**FAX NUMBER:** \_\_\_\_\_

**CELLULAR PHONE NUMBER:** \_\_\_\_\_

**E-MAIL ADDRESS:** \_\_\_\_\_

## **SCOPE OF WORK/SPECIFICATIONS/ REQUIREMENTS:**

### **BACKGROUND & or SCOPE OF WORK**

#### **1. BACKGROUND AND OBJECTIVES**

This procurement relates to appointment of a service provider to conduct evaluation on the need of Casual, Contract And Temporal Employees for Msinsi Sites and assess whether ten (10) days in and four (4) days off Model can be suitable for Msinsi employees.

#### **2. SCOPE OF WORK /TERMS OF REFERENCE**

The appointed service provider will be expected to provide the following:

##### **OBJECTIVE:**

The objective of this request is to source the services of the service provider who will render the services of conducting evaluation on the need of casual, contract and temporal employees for Msinsi sites and assess whether ten (10) days in and four (4) days off model can be suitable for seven (7) days or weekend working Msinsi employees.

##### **SCOPE OF SERVICES REQUIRED:**

Conduct evaluation on the need of casuals, contract and temporal employees and assess the suitability of ten (10) days in and four (4) days off work model for seven (7) days or weekend working Msinsi employees. The Service Provider to communicate the outcome of the processes with the Msinsi Holdings HR Department and be available to give further clarity for any question or concern may arise in connection with this project.

##### **AGENCY TO BE APPOINTED:**

The agency to be appointed must have the required skills, knowledge, expertise and proof of evidence confirming prior experience in assessing staff requirement processes.

##### **SERVICES TO BE PERFORMED:**

The appointed agency shall provide quality evaluation on the need of Casuals, Contract and Temporal appointment and assessing the suitability of ten (10) days in and four (4) days off work model seven (7) days or weekend working Msinsi employees.

##### **CONDUCT OF THE WORK:**

The work will be performed at the premises of Msinsi Holdings in the following sites; Albert Falls, Bon Accorde, Hazelmere, Nagle and Inanda Dam.

**TIME SCHEDULE:**

The entire work should be completed within an agreed reasonable time frame starting from the date of the appointment of the service provider.

In light of this, bidders must please include in their proposed time frames in a detailed work plan.

**APPROACH AND METHODOLOGY:**

Proposals must include the approach and methodology.

**3. PROJECT TIMELINES**

The bidder should be available to start with the exercise immediately upon award.

**SPECIAL CONDITIONS**

- (a) The service providers may be required to make presentations, supply samples and provide further information or clarification.

**PRICING INSTRUCTION:**

- a) The tenderer's price/quotation must be fully inclusive and each item must be clearly specified.
- b) All additional costs must be clearly specified and included in the total quotation price, (e.g. transport, labour, etc.).
- c) All prices must be VAT inclusive.
- d) The tenderer is responsible for all the cost that they shall incur related to the preparation and submission of the quotation.

**INSTRUCTION TO TENDERERS****1. ELIGIBILITY – COMPULSORY DOCUMENTS**

Failure to submit the following documents will invalidate quotations submitted:

- Quotations to be submitted on a company letterhead and signed &/or stamped, unless a pricing schedule is provided below. In which case, it should be populated accordingly and signed or stamped. A detail price breakdown may be required, and where requested your compliance will be appreciated.
- Full company contact details

## 2. FUNCTIONALITY

### Bidder's Relevant Experience

The bidder must demonstrate the number of similar projects successfully completed in the past. The bidder must provide proof of completion certificate signed/ stamped contactable reference letters/invoices in the client's letterhead of similar work done, need for vacancies or any relevant projects completed.

**Note: Failure to submit these will lead to no scoring on the functionality area**

|                      |           |
|----------------------|-----------|
| 6 or more references | 50 points |
| 5 References         | 45 points |
| 3-4 References       | 35 points |
| 2 Reference          | 20 Points |
| 1 Reference          | 10 Points |

**Maximum score - 50 points**

**Total points 50**

**No bids that fail to achieve the minimum overall qualifying score of 35 points out of 50 points on functional/technical requirements will be considered for further evaluation that would include Price and Specific Goal.**

### Additional Information required:

- SARS Tax Compliance Status Letter Pin
- Proof of registration on CSD. **Note:** proof must clearly indicate the bidders Master Registration Number (i.e. Supplier Number)
- B-BBEE certificate / sworn affidavit  
(No points will be allocated to bidders who fail to submit a certificate/affidavit)
- Vat number where applicable.
- Start-up companies should declare the status accordingly and furnish all relevant support documents.

### 3. Preference Point System

All bidders that will achieve the minimum qualifying score (acceptable bids) will be evaluated further in terms of the preference point system as follows:

PPPFA 80/20 Price & Specific Goals preference point system & associated regulation.

| SPECIFIC GOAL                                     | POINTS ALLOCATED | REQUIRED PROOF                                                    |
|---------------------------------------------------|------------------|-------------------------------------------------------------------|
| 100% Black People Ownership/Share holder          | 20               | Certified Copy of BEE Certificate/ Sworn Affidavit/CIPC Document  |
| 51% or more Black People Ownership/Share holder   | 15               | Certified Copy of BEE Certificate/ Sworn Affidavit/ CIPC Document |
| Less than 51% Black People Ownership/Share holder | 10               | Certified Copy of BEE Certificate/ Sworn Affidavit/ CIPC Document |

| CRITERIA            | POINTS                   |
|---------------------|--------------------------|
| Price               | 80                       |
| SPECIFIC GOALS      | 20                       |
| <b><u>TOTAL</u></b> | <b><u>100 points</u></b> |

## TAX COMPLIANCE REQUIREMENTS – (SDB1)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                 |                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|----------------------------------------------------------|
| <b>1. TAX COMPLIANCE REQUIREMENTS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                 |                                                          |
| <p>1.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>1.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.</p> <p>1.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.</p> <p>1.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.</p> <p>1.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.</p> <p>1.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p> |                                                                 |                                                          |
| <b>2. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                 |                                                          |
| 2.1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 2.2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | DOES THE BIDDER HAVE A BRANCH IN THE RSA?                       | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 2.3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?      | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 2.4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?           | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| <p><b>IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 1.3 ABOVE.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                 |                                                          |
| SUPPLIER COMPLIANCE STATUS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                 | TAX COMPLIANCE SYSTEM PIN:                               |

## 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 interest<sup>1</sup> 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 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

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<sup>1</sup> 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.

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 consortium<sup>2</sup> 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.

---

<sup>2</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of bidder

## 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         |
| <b>Total points for Price and SPECIFIC GOALS</b> | <b>100</b> |

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:

| 80/20                                                     | or | 90/10                                                     |
|-----------------------------------------------------------|----|-----------------------------------------------------------|
| $Ps = 80 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right)$ | or | $Ps = 90 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right)$ |

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:

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

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: 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 (90/10 system)<br>(To be completed by the organ of state) | Number of points allocated (80/20 system)<br>(To be completed by the organ of state) | Number of points claimed (90/10 system)<br>(To be completed by the tenderer) | Number of points claimed (80/20 system)<br>(To be completed by the tenderer) |
|-------------------------------------------------------------|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| 51% or more Black People Ownership/Shareholder              |                                                                                      | 20                                                                                   |                                                                              |                                                                              |
| Less than 51% Black People Ownership/Shareholder            |                                                                                      | 10                                                                                   |                                                                              |                                                                              |

#### **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 quotation documents to **Msinsi Holdings (SOC) Ltd** in accordance with the requirements and task directives / proposals /specifications stipulated in Quote Number \_\_\_\_\_ at the price/s quoted. The 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 Quote.
  
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
  - (i) Tendering documents, viz
    - Invitation to quote;
    - Tax clearance certificate;
    - Pricing schedule(s);
    - Filled in task directive/proposal;
    - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2017;
    - Declaration of interest;
    - Declaration of bidder's past SCM practices;
    - Certificate of Independent Bid Determination;
    - Msinsi Holdings' Standard Conditions of Tender;
  - (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 quotation 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 quote.
  
6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT) .....

CAPACITY .....

SIGNATURE .....

NAME OF FIRM .....

DATE .....

#### WITNESSES (Full Name & Signature)

1. \_\_\_\_\_

Signature: \_\_\_\_\_

2. \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**CONTRACT FORM - RENDERING OF SERVICES  
PART 2 (TO BE FILLED IN BY THE PURCHASER)**

1. I \_\_\_\_\_ in my capacity  
as \_\_\_\_\_  
accept your quote under reference number \_\_\_\_\_ dated \_\_\_\_\_ for 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<br>SERVICE | PRICE (ALL<br>APPLICABLE TAXES<br>INCLUDED) | COMPLETION<br>DATE | B-BBEE STATUS<br>LEVEL OF<br>CONTRIBUTION | MINIMUM<br>THRESHOLD<br>FOR LOCAL<br>PRODUCTION<br>& CONTENT<br>(if applicable) |
|---------------------------|---------------------------------------------|--------------------|-------------------------------------------|---------------------------------------------------------------------------------|
|                           |                                             |                    |                                           |                                                                                 |

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

SIGNED AT \_\_\_\_\_ ON \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

NAME (PRINT) \_\_\_\_\_ SIGNATURE \_\_\_\_\_

|                        |
|------------------------|
| OFFICIAL COMPANY STAMP |
|------------------------|

|                                                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>WITNESSES (Full Name &amp; Signature)</b></p> <p>1. _____</p> <p>Signature: _____</p> <p>2. _____</p> <p>Signature: _____</p> <p>Date: _____</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|