

**TSHWANE AUTOMOTIVE
SPECIAL ECONOMIC ZONE**
AFRICA'S FIRST AUTOMOTIVE CITY

REQUEST FOR PROPOSALS	
RFP Description:	Provision of Flexible Office Space for Period of 3 Years
RFP Number:	TASEZ/RFP003/2021
Closing Date:	23 July 2021
Closing Time:	12h00
RFP validity period:	90 Days
Compulsory Briefing: Yes ☒ No ☐	Compulsory Briefing Session Details: Date: 30th June 2021 Time: 10h00 Venue: online Click here to join the meeting: https://teams.microsoft.com/l/meetup-join/19%3ameeting_NDM4YjkzYTltMTVINi00YTBiLWlwNWYtMGY5MWI2MDg5MDBl%40thread.v2/0?context=%7b%22id%22%3a%22b4333a30-8174-45c8-8963-f080d0621754%22%2c%22oid%22%3a%22a490ad03-d93f-4e60-9a6b-5ca14ca55045%22%7d NB: Due to Covid restrictions an online briefing session will be held.
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1. INTRODUCTION

The Tshwane Automotive Special Economic Zone (TASEZ) is co-owned by the Department of Trade, Industry and Competition (the DTIC), the Gauteng Provincial Government (GPG) and the Tshwane Metropolitan Council represented by the Tshwane Economic Development Agency (TEDA).

TASEZ is registered in terms of the Companies Act No 71 of 2008 and it is the Operator of the Tshwane Automotive Special Economic Zone in terms of the Special Economic Zones Act 16 of 2014. TASEZ is situated in the east of Pretoria City in Silverton. It aims to offer a diversity of appropriate land uses and other economic activities.

2. INVITATION TO SUBMIT A PROPOSAL

TASEZ hereby invites proposals from suitably qualified Bidders for the provision of Flexible Office Space for the Tshwane Automotive Special Economic Zone, for a maximum period of three (3) years with an option to terminate in one month, maximum three months. The Scope of Work is detailed **bullet 3**.

3. SCOPE OF WORK

Bidders to provide proposals for the Provision of **Flexible Office Space, with Functional Workstations, Designated Offices, Boardrooms, Reception Area, Pause Area, Smoking Area, Secured Parking, Printing Facilities, Suitable Bandwidth, Security, Cleaning and Maintenance Services**.

3.1. Location and Occupation Date

3.1.1. The Office Space offered must be fully serviced and centrally located in Tshwane with proximity to highways and 1km away from public transport modes and approximately 15km (fifteen kilometres) from the Tshwane Automotive Special Economic Zone (point of reference FORD Motor company Silverton) (within reasonable walking distance from taxi rank or public transport routes). **Bidders to provide a full address of the proposed offices.**

3.1.2. The premises offered must be ready for occupation on the **16 August 2021 or earlier where possible**.

3.2. Technical Requirements

The Lessor, in its proposal shall at a minimum address the following technical specifications:

3.2.1. TASEZ requires a flexible lease with a notice period of not more than **three months**.

3.2.2. The workstations must be ergonomically designed. The office space must comply with the Environmental Regulations for Workplaces. Offices must also comply with the Covid-19 Directives for Workplaces.

3.2.2.1. Year 1 – Twenty (20) workstations and Six (6) designated offices.

3.2.2.2. Year 2 – Twenty-Five (25) workstations and Six (6) designated offices.

3.2.2.3. Year 3 – Thirty (30) workstations and Six (6) designated offices.

- 3.2.3. The designated offices must be spacious and fitted with office furniture and lockable storage facilities (filing cabinets).
- 3.2.4. The workstations cubicles must be fitted with tables, chairs, drawers and filing cabinets. Covid-19 screens or higher desk separators must be used.
- 3.2.5. Access to 2 boardrooms and 2 meeting areas which can accommodate: -
 - 3.2.5.1. Designated offices should have meeting areas to accommodate a minimum of 4 persons.
 - 3.2.5.2. Boardrooms – to accommodate a minimum of 15 persons.
- 3.2.6. Shared reception area (provide an option for a separate TASEZ reception) fitted with: -
 - 3.2.6.1. A Receptionist
 - 3.2.6.2. A receptionist desk with switchboard services.
 - 3.2.6.3. Waiting area with couches.
- 3.2.7. Cleaning, security and maintenance services should be part of the lease agreement.
- 3.2.8. Kitchen fitted with hydroboil or an electric kettle, zinc and drawers.
- 3.2.9. Internet, VOIP & network services with suitable bandwidth (bidders to specify their bandwidth speed).
- 3.2.10. Password enabled printing facilities.
- 3.2.11. 30 secured and designated parking spaces for the TASEZ employees and visitors.
- 3.2.12. The premise should have enough provision for serviceable and reliably serviced lifts if the premises offered are in upper floors.
- 3.2.13. Back-up power supply in the event of power interruptions / failures
- 3.2.14. The offices should be in compliance with all applicable statutory provisions as per relevant state Laws/Acts/Provisions, property tax, fire and safety and Covid 19 requirements.
- 3.2.15. Access to a cafeteria and pause area would be preferable, and a smoking area.
- 3.2.16. Access to ablution facilities for ladies & gents with toiletry provisions provided by the lessor.
- 3.2.17. The building should have a designated Building Manager.
- 3.2.18. Separate electricity and water meters must be in place which is managed and controlled by the local municipality or Eskom with separate billing systems. Bidders to specify if they alternative sources of electricity and / or water.

3.3. Safety and Security Technical Specifications

- 3.3.1. Secured parking space with vehicle and pedestrian access control.
- 3.3.2. Building selection should include safe evacuation.
- 3.3.3. Emergency exit doors on every office floor (deny possibility of intrusion via exit ways).
- 3.3.4. Fire Emergency Exit lighting and fire protection/fighting equipment.

3.3.5. Buildings containing robust and autonomous ancillary systems should be preferred (generators, water reserves etc).

3.3.6. Standard CCTV in the office building.

3.4. Document Storage Facility

3.4.1. Minimum 4m x 4m space dedicated for document storage.

3.4.2. Access controlled entry into the facility.

3.4.3. A combination of free and lockable shelves.

3.4.4. Fire protection for documents as required by the Law.

3.5. Server Room

The Server Room will have the following minimum requirements: -

3.5.1. The Server Room should not have exposure to the sun.

3.5.2. The ceilings should be at least 1m wide and 2.8m high to allow you room to grow and to allow more space for heat to dissipate.

3.5.3. Floors should be antistatic materials to make moving easier and prevent shocks. Floors should also be raised to allow proper ventilation and cabling out of sight.

3.5.4. The Server Room should be fireproof and equipped with Fire Suppression Systems in line with Server/Data Centre requirements.

3.5.5. There should be a dedicated electricity source.

3.5.6. The Server Room should be equipped with adequate cooling systems.

3.6. ICT Technical Specifications

3.6.1. The LAN should consist of: -

3.6.1.1. Network services (Wired and non-wired).

3.6.1.2. Network equipment – should provide network switch for the wired network.

3.6.2. Internet connection should have:

3.6.2.1. Public IP Address

3.6.2.2. Suitable Bandwidth

3.6.2.3. Symmetric bandwidth – no less than 20mpbs

3.6.2.4. 24/7/365 support

3.6.2.5. Fibre connection with redundant internet gateways

3.6.2.6. Internet equipment (switch, Access point etc) should be connected to the Uninterrupted Power Supply (UPS) that can run for at least 3 hours after power failure.

4. INSTRUCTION TO BIDDERS

4.1. Price Declaration Form

Please indicate your total RFP price here: R_____ (compulsory)

Important:

It is mandatory to indicate the total RFP price as requested above. This price must be the same as the total RFP price in the pricing schedule. Should the total RFP prices differ, the one indicated above shall be considered the correct price.

The following must be noted:

- 4.1.1. All prices must be VAT inclusive and must be quoted in South African Rand (ZAR).
- 4.1.2. All prices must be firm and fixed from the RFP closing date and for the duration of the contract.
- 4.1.3. All bidders must cost according to the costing template provided or this will lead to disqualification.
- 4.1.4. The cost of delivery, labour etc. must be included in the proposal.
- 4.1.5. The TASEZ will not pay commission to the successful bidder regardless of the subcontracting conditions.

4.2. Tender Returnables Requirements

Bidders shall submit all the listed documents as indicated in the Table 1 below for evaluation purposes. Failure to submit these documents by the Bidder shall be regarded as non-responsive / non-compliance and the Bidder's submission shall be disqualified.

Table 1: Tender Returnables Requirements to be submitted for Evaluation.

Documents	Submit as Part of RFP	Non-Submission will Result in Disqualification
SBD 1	Yes	Invitation to Bid - Complete and sign the supplied document
CIPC Documents	Yes	CIPC Registration Documents
Tax Pin	Yes	Bidders must ensure compliance with their tax obligations, by providing one of these listed below: • Unique personal identification number (PIN) issued by SARS. • Application for tax compliance status (TCS) pin may be made via e-filing through the SARS website www.sars.gov.za. • In quotes where consortia / joint ventures / sub-contractors are involved; each party must submit a separate Tax Pin and CSD Summary Report
SBD 4	Yes	Declaration of Interest – Complete & sign the supplied document
SBD 6.1	Yes	Preference Points Claim Form – Complete and sign the supplied document
SBD 6.2	Yes	Declaration certificate for local production and content for designated sectors

Documents	Submit as Part of RFP	Non-Submission will Result in Disqualification
B-BBEE Certificate or Sworn Affidavit	Yes	- Original or certified B-BBEE Certificate or Sworn Affidavit. - The B-BBEE Status level certificate must be issued by a SANAS accredited body. Failure on the part of a Bidders to submit the B-BBEE will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
SBD 8	Yes	Declaration of Bidders' Past Supply Chain Management Practices – Complete & sign the supplied document
SBD 9	Yes	Certificate of Independent Bid Determination – Complete & sign the supplied document
Registration on Central Supplier Database (CSD)	Yes	The Bidders must be registered on the Central Supplier Database (CSD). If you are not registered proceed to complete the registration of your company prior to submitting your proposal. Visit https://secure.csd.gov.za/ to obtain your vendor number. Bidders must provide proof of registration.
Letter of Good Standing (COID)	Yes	Bidders to submit a valid Letter of Good Standing issued by the Department of Labour or RMA.
Title Deed or Proof of Ownership of the Building	Yes	The bidder must submit the title deed or proof of ownership of the building.
Zoning Certificate	Yes	The bidder must provide building Zoning Certificate issued by the Local Authority for office, business or commercial purposes.
Electrical Certificate of Compliance	Yes	The bidder must provide a valid electrical certificate of compliance.
Building Plumbing Certificate of Compliance		The bidder must provide a valid electrical certificate of compliance.
Municipal Occupation Certificate	Yes	The bidder must provide a Municipal Occupation Certificate of the premises.
Municipal Clearance Certificate or Account Statement		Account Statement not older than three (3) months
Occupational Hygiene Survey Report	Yes	Bidders to submit the latest Occupational hygiene survey report done by an accredited occupational hygienist
Lifts Maintenance Records	Yes	Bidders to submit recent lift maintenance records where applicable
Bidders Experience	Yes	Bidders must provide at least 3 references for similar experience with tenants that have previously occupied the premises in past 5 years. (Bidder must provide proof in the form of: - 1) Copies of Reference Letters from tenants All these must have been issued and signed by the client on their company letterheads. Contact details of the client shall be in the documents to allow TASEZ to conduct verifications or reference checks.

We undertake to hold this offer open for acceptance for a period of **90 days** from the date of submission of offers. We further undertake that upon final acceptance of the offer, we will commence with delivery when required to do so by the Client.

Name of Bidder: _____.

Signature of Bidder: _____ **Date:** _____.

5. SUBMISSION OF RESPONSES

- 5.1. All submissions must be clearly marked: **“For attention: Supply Chain Management”** with the **RFP Number** included and **hand delivered**. The Tender Box is situated at the **Main Gate**. The address is: -

The Procurement Officer

Tshwane Automotive Special Economic Zone

Automotive Supplier Park

30 Helium Road

Rosslyn Ext 2

- 5.2. Bid documents shall only be considered when received by or before the closing date and time which is **23 July at 12h00.**
- 5.3. The bidder(s) are required to submit **Five (5)** Copies as follows: -
- 5.3.1. **One (1) original**
- 5.3.2. **Four (4) duplicates**
- 5.4. Each submission must be marked correctly and sealed separately for ease of reference during the evaluation process.
- 5.5. Bidders are requested to **initial each page** of the RFP document on the **right-hand** side at the bottom of each page.
- 5.6. This RFP is subject to the Preferential Procurement Policy Framework Act, 2000 and the Preferential Procurement Regulations, 2017, the General Conditions of Contract (GCC) and, if applicable, any other Special Conditions of Contract.
- 5.7. No responses 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.

6. CONTACT AND COMMUNICATION

- 6.1.** All communication and enquiries shall be **in writing** (via email), to the following email address, Corporate-RFPs@Tasez.co.za. TASEZ will communicate with all Bidders where clarity regarding this RFP is sought.
- 6.2.** Clarification questions from bidders will be closed **FIVE (5) DAYS** before date of closure on the RFP.
- 6.3.** Any communication to an official in respect of the RFP between the closing date and the award of the contract by the Bidders is prohibited.
- 6.4.** If a Bidder finds or reasonably believes it has found any discrepancy, ambiguity, error or inconsistency in this RFP or any other information provided by TASEZ (other than minor clerical matters), the Bidders must promptly notify TASEZ in writing of such discrepancy, ambiguity, error or inconsistency in order to afford TASEZ an opportunity to consider what corrective action is necessary (if any).
- 6.5.** Any actual discrepancy, ambiguity, error, or inconsistency in the RFP or any other information provided by TASEZ will, if possible, be corrected and provided to all Bidders without attribution to the Bidders who provided the written notice.
- 6.6.** All persons (including Bidders) obtaining or receiving the RFP and any other information in connection with the RFP must keep the contents of the RFP and other such information confidential, and not disclose or use the information except as required for the purpose of developing a response to the RFP.

7. LATE SUBMISSION

- 7.1.** late responses to the FRP will not be accepted, late submission will be returned to the bidder unopened.
- 7.2.** All dates and times in this RFP are in accordance with the South African standard calendar and time.
- 7.3.** Any time or date in this RFP is subject to change at TASEZ's discretion. The establishment of a time or date in this RFP does not create an obligation on the part of TASEZ to take any action or create any right in any way for any Bidders to demand that any action be taken on the date established.
- 7.4.** The Bidders accepts that, if TASEZ extends the deadline for the RFP submission (the closing date) for any reason, the requirements of this RFP otherwise apply equally to the extended deadline.

8. EVALUATION OF BIDS

8.1. Bids will be evaluated in three (3) stages, namely: -

8.1.1. Stage 1 – Mandatory Prequalification Administrative Requirements Criteria

This is the assessment of compliance with the minimum Administrative Requirements as detailed in **Table 1** above. No points or score will be allocated in criteria, either Bidders comply or do not comply. Noncompliance will result in disqualification.

Table 2: Mandatory Prequalification Administrative Requirements

Description	Compliant	Non-Compliant
Tax Pin		
Original B-BBEE Certificate or Certified Copy or Sworn Affidavit		
Valid CSD Report		
Letter of Good Standing (COID)		
Title Deed or Proof of Ownership		
Valid Electrical Certificate of Compliance issued by Accredited personnel		
Zoning Certificate for the Office or Business or Commercial Property		
Municipal Clearance Certificate or Account Statement		
Occupational hygiene survey report		
Completed and signed Bid Document including SBD, that is, 1) SBD 1 2) SBD 4 3) SBD 6.1 4) SBD 6.2 5) SBD 8 6) SBD 9		

8.1.2. Stage 2 - Technical / Functionality Evaluation

8.1.2.1. **Only** bids that complied with the indicated **Mandatory Prequalification Administrative Requirements** will be considered for the Technical / Functional Evaluation Stage.

8.1.3. The Technical / Functional Evaluation criteria for this bid is indicated in **Table 3** including the scoring system and weight allocation that will be used for the evaluation of the bids. Bidders are required to achieve a minimum of **80 points** out of **100 points** to proceed to Stage 3 (Price and B- BBEE).

- 8.1.4. In this phase, TASEZ will look at the most appropriate property aligned to its operation, compatible with its infrastructure and feedback from reference checks. These will include: -

- 8.1.4.1. TASEZ will conduct site visits to the shortlisted bidders' proposed offices and

Table 3: Company Experience

References Letters	No. of Letters	Points Claimed
Reference letters issued by the Bidders' previous tenants for similar experience completed on the Company's Letterhead. The letters should have contactable references. Tenants should have occupied the premises in the last 5 years	3 Letters	5
	2 Letters	3
	1 Letters	1
Total Points Claimed		5

Table 4: Company Years of Experience

Company Years of Experience	Years of Experience	Points Claimed
This refers to the number of years the Service Provider has been in the similar business to undertake the scope of the work as defined in this RFP	>5 Years	5
	5 – 4 Years	3
	< 4 Years	1
Total Points Claimed		5

Table 5: Office Space

Specification		Points Claimed
<u>Building Location and Accessibility: -</u>		
a) The Office Space must be within 1km distance from public transport routes.	<1km = 5 <2km = 4 <3km = 3 <4km = 2 >5km = 1	5
b) The Office Space offered must be within 15km from the Tshwane Automotive Special Economic Zone (point of reference FORD Motor company Silverton). Bidders to specify the address of the building being offered.	<15km=5 <20km=4 <25km=3 <30km=2 >35km=1	5
<u>Building Requirements:</u>		
a) The Bidder must provide a Floor Plan (Layout) indicating the following: - (10 points)		
(i) Office locations including access from the main road.		
(ii) Air conditioner locations.		
(iii) Electrical plugs per working table, offices and boardrooms.		
(iv) Fire escape routes.		40

(v) Emergency evacuation points and assembly areas. (vi) Ablution and Kitchen Facilities. (vii) Access for people living with disabilities. Ramps, Lifts if offices are not on ground floor. (viii) All applicable regulatory signage. (ix) Secured parking for employees and visitors. b) The Bidder must provide for adequate fire protection / fighting equipment. (5 points) c) Document storage facility with the following: - (10 Points) (i) Minimum 4m x 4m space dedicated for document storage. (ii) Access controlled entry into the facility. (iii) A combination of free and lockable shelves. (iv) Fire protection for documents as required by the Law. d) The buildings must be free of defects. (10 Points). e) Maintenance records for the lifts where applicable. (5 Points)		
<u>Building Conditions and Availability:</u> a) The offices must be in a safe and secured office environment with a 24-hour access control. (Proposals for offices within industrial areas or operating from residential areas or houses etc. will not be considered). b) The premises must be made available for occupation by the 01 August 2021 or earlier if possible.		15
<u>Power and ICT Requirements</u> a) Offices must have a standby emergency generator as a backup to electricity supply. (5 points) b) Inverter air conditioners with power serving capabilities will be advantageous. (5 points) c) Energy saving building will be an additional advantage. (5 points) d) Fully functional Server Room. (5 points) e) Speed of the Internet and WIFI >= 50 mbps. (5 Points)		25
Total for Tables 3 and 4		100

8.1.5. Stage 3 – Price and B-BBEE Evaluation

- 8.1.5.1. Bidders must fully complete the Pricing Schedule in **Table 5** above. The bid will be evaluated on the 80/20 principle.

9. REASONS FOR DISQUALIFICATION

- 9.1.** TASEZ reserves the right to disqualify any bidder, who does not comply to any one or more of the following, and such disqualification may take place without prior notice to the bidder: -

- 9.1.1. Bidders whose tax matters have not been declared by the South African Tax Revenue services to be in order, or that satisfactory arrangements have been made with the South African Tax Revenue Services to meet the bidder's tax obligations.
- 9.1.2. Bidders who submitted incomplete information and documentation essential for the adjudication of the requirements of this RFP.
- 9.1.3. Bidders who submitted information that is fraudulent, factually untrue for inaccurate, for example memberships that do not exist, work references, experience, etc.
- 9.1.4. Bidders who received information not available to other Bidders through fraudulent means; and/or.
- 9.1.5. Bidders who do not comply with mandatory requirements as stipulated in this RFP.
- 9.1.6. Bidders who made false declarations on the Standard Bidding Documents or misrepresent facts; and/or.
- 9.1.7. Bidders who are listed on the National Treasury's database of restricted suppliers and defaulters.

10. VALIDITY PERIOD OF THE RFP

- 10.1.** The validity period of this RFP shall be **90 days** from the closing date.

11. DURATION OF THE CONTRACT

- 11.1.** The successful Bidder must provide flexible offices for a period of three (3) years with a maximum of three (3) months' notice.

12. PRICING SHCHEDULE**Table 6: Pricing Schedule**

Proposed Property and Address	Rate Per SQM	Rate Per Annum	Annual Escalation	Total Price for 3 Years
	R	R		R
			<u>Year 2:</u> R	R
			<u>Year 3:</u> R	R
Sub Total				R
Add 15% VAT				R
Total for the Bid for the Period of Three (3) Years				R

NB: TASEZ requires a flexible lease with a notice period of not more than three months.

13. SBD 1 FORM**PART A: INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	TASEZ/RFP003/2021	CLOSING DATE:	23/07/2021	CLOSING TIME:	12:00
DESCRIPTION:	Provision of Flexible Office Space for Period of 3 Years				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).					

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS):

Tshwane Automotive Special Economic Zone (Main Gate) Automotive Supplier Park 30 Helium Road. Rosslyn Ext 2 THE BID BOX IS AVAILABLE BETWEEN:					
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					
	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT ☐ Yes ☐ No		
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	☐	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)			
	☐	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)			
	☐	A REGISTERED AUDITOR NAME:			
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT (FOR EMEs & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS / SERVICES / WORKS OFFERED? ☐ Yes ☐ No [IF YES ANSWER PART B:3 BELOW]		
SIGNATURE OF BIDDER			DATE		
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid, e.g., resolution of directors, etc.)					
TOTAL NUMBER OF ITEMS OFFERED			TOTAL BID PRICE (ALL INCLUSIVE)		
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			TECHNICAL INFORMATION MAY BE DIRECTED TO:		

DEPARTMENT/ PUBLIC ENTITY	TASEZ	CONTACT PERSON	Lucia Buda
TELEPHONE NUMBER	012 564 3174	FACSIMILE NUMBER	
FACSIMILE NUMBER	N/A	E-MAIL ADDRESS	procurement@tasez.co.za
E-MAIL ADDRESS	Corporate-RFPs@Tasez.co.za		

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 ONLINE 1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION. 1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION. 1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.	
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 VIEW THE TAXPAYER'S PROFILE AND TAX STATUS. 2.3 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. 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID. 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER. 2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.	
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS	
3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	☐ YES ☐ NO
3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?	☐ YES ☐ NO
3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	☐ YES ☐ NO
3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?	☐ YES ☐ NO
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 2.3 ABOVE.	

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

14. SBD 4 FORM**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 proposal, 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**

2.8 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:

.....

.....

.....

2.9 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**

2.9.1 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.

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

.....

.....

.....

2.10 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**

2.10.1 If so, furnish particulars:

.....

.....

.....

2.11 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?

2.11.1 If so, furnish particulars.

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

2.12 Are you, or any person connected with the bidder, **YES/NO**
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?

2.12.1 If so, furnish particulars.

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

2.13 Do you or any of the directors / trustees / shareholders / members **YES/NO**
of the company have any interest in any other related companies
whether or not they are bidding for this contract?

2.13.1 If so, furnish particulars:

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

Table 7: Full details of Directors / Trustees / Members / Shareholders.

Full Name	Identity Number	Personal Tax Reference Number	State Employee Number / Persal Number

3) 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

15. SBD 6.1 FORM**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017**

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1) GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

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

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

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

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE must not exceed	100

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status

level of contribution are not claimed.

- 1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2) DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price proposals, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad- Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

16. SBD 6.2 FORM**DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS**

This Standard Bidding Document (SBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2011, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

1. General Conditions

- 1.1. Preferential Procurement Regulations, 2011 (Regulation 9) makes provision for the promotion of local production and content.
- 1.2. Regulation 9. (1) prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for bids referred to in paragraph 1.2 above, a two-stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = [1 - x / y] * 100$$

Where

x is the imported content in Rand.

y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as indicated in paragraph 4.1 below.

The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial development/ip.jsp](http://www.thedti.gov.za/industrial%20development/ip.jsp) at no cost.

1.6. A bid may be disqualified if –

- (a) this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation; and
- (b) the bidder fails to declare that the Local Content Declaration Templates (Annex C, D and E) have been audited and certified as correct.

2. Definitions

- 2.1. **“bid”** includes written price proposals, advertised competitive bids or proposals;
- 2.2. **“bid price”** price offered by the bidder, excluding value added tax (VAT);
- 2.3. **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.4. **“designated sector”** means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;
- 2.5. **“duly sign”** means a Declaration Certificate for Local Content that has been signed by the Chief Financial Officer or other legally responsible person nominated in writing by the Chief Executive, or senior member / person with management responsibility (close corporation, partnership or individual).
- 2.6. **“imported content”** means that portion of the bid price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad (this includes labour or intellectual property costs), plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;
- 2.7. **“local content”** means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;
- 2.8. **“stipulated minimum threshold”** means that portion of local production and content as determined by the Department of Trade and Industry; and
- 2.9. **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.

3. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold.</u>
_____	_____ %
_____	_____ %
_____	_____ %

4. Does any portion of the services, works or goods offered have any imported content?

(Tick applicable box)

YES		NO	
-----	--	----	--

- 4.1. If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on www.reservebank.co.za.

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

5. Were the Local Content Declaration Templates (Annex C, D and E) audited and certified as correct?

(Tick applicable box)

YES		NO	
-----	--	----	--

5.1. If yes, provide the following particulars:

- (a) Full name of auditor:
- (b) Practice number:
- (c) Telephone and cell number:
- (d) Email address:

(Documentary proof regarding the declaration will, when required, be submitted to the satisfaction of the Accounting Officer / Accounting Authority)

6. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the DTI must be informed accordingly in order for the DTI to verify and in consultation with the AO/AA provide directives in this regard.

LOCAL CONTENT DECLARATION

(REFER TO ANNEX B OF SATS 1286:2011)

**LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON
NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT
RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP, OR INDIVIDUAL)**

IN RESPECT OF BID NO.

ISSUED BY: (Procurement Authority / Name of Institution):

.....

NB

- 1) The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.
- 2) Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on http://www.thedti.gov.za/industrial_development/ip.jsp. Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, (full names),

do hereby declare, in my capacity asof
.....(name of bidder entity), the

following:

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
- (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
 - (ii) the declaration templates have been audited and certified to be correct.
- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

Bid price, excluding VAT (y)	R
Imported content (x), as calculated in terms of SATS 1286:2011	R
Stipulated minimum threshold for local content (paragraph 3 above)	
Local content %, as calculated in terms of SATS 1286:2011	

If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.

The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2011 promulgated under the Preferential Policy Framework Act (PPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____

DATE: _____

WITNESS No. 1 _____

DATE: _____

WITNESS No. 2 _____

DATE: _____

17. SBD 8 FORM**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:		

--

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

18. SBD 9 FORM**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 proposals, 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.
- 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

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.

19. GENERAL CONDITIONS OF CONTRACT

The General Conditions of Contract (GCC) shall apply.

20. SERVICE LEVEL AGREEMENT

20.1. Upon award TASEZ and the successful Bidders will conclude a Service Level Agreement (SLA) regulating the specific terms and conditions applicable to the services being procured by TASEZ.

20.2. TASEZ reserves the right to accept or reject any or all amendments or additions proposed by a Bidders if such amendments or additions are unacceptable to TASEZ or pose a risk to the organisation.

21. SPECIAL CONDITIONS OF THIS RFP

21.1. Bidders to take note that the award of the RFP may be subject to price negotiation with the preferred bidder and that this bid is subject to the PP Regulations of 1 April 2017.

21.2. Additionally, Regulation 13 (c) of the Public Service Regulations 2016 determines that an employee shall not conduct business with an organ of state or be a director of a public or private company conducting business with an organ of state unless such employee is in an official capacity a director of a company listed in schedule 2 and 3 of the Public Finance Management Act.

21.3. As this regulation prohibits public service employees from conducting business with an organ of state; either in a personal capacity or as a director of a private or public company, non-compliance with this regulation will lead to automatic disqualification of a bid.

21.4. The TASEZ will not pay commission to the successful bidder regardless of the subcontracting conditions.

21.5. The TASEZ reserves the right – without prejudice and limitations to its any other rights and privileges in law:

- a) Not to appoint a Bidders and is also not obliged to provide reasons for the rejections of any proposal;
- b) To request further information from any Bidders after the closing date, for clarity purposes;
- c) To carry out site inspections, product evaluations or explanatory meetings to verify the nature and quality of the services offered by the Bidders, whether before or after adjudication of the responses received;
- d) To correct any mistakes at any stage of the RFP process that may have been in the RFP documents or occurred at any stage of the RFP process;
- e) To award this RFP to a bidder that did not score the highest total number of points, only in accordance with section 2(1)(f) of the PPPFA (Act 5 of 2000);

- f) To negotiate with one or more preferred bidder(s) identified in the evaluation process, regarding any terms and conditions, including price without offering the same opportunity to any other bidder(s) who has not been awarded the status of the preferred bidder(s);
- g) To accept part of an RFP rather than the whole RFP;
- h) To correct any mistakes at any stage of the RFP that may have been in the RFP documents or occurred at any stage of the RFP process;
- i) To cancel and/or terminate the RFP process at any stage, including after the Closing Date and/or after proposals have been evaluated and/or after the preferred bidder(s) have been notified of their status as such; and
- j) Award to multiple bidders based justifiable reasons including but not limited to the bidder's expertise, the complexity of the scope per bidder, any on the bidder's size and TASEZ's geographic consideration.

22. MISREPRESENTATION DURING THE LIFECYCLE OF THE CONTRACT

22.1. The Bidders should note that the terms of its proposal will be incorporated in the proposed contract by reference and that TASEZ relies upon the bidders' response as a material representation in making an award to a successful Bidders and in concluding an agreement with the Bidders.

22.2. It follows therefore that misrepresentations in the proposal may give rise to service termination and a claim by TASEZ against the Bidders notwithstanding the conclusion of the Service Level Agreement (SLA) between TASEZ and the Bidders for the provision of the service in question.

22.3. In the event of a conflict between the Bidders' proposal and the SLA concluded between the parties, the SLA will prevail.

23. PREPARATION COSTS

23.1. The Bidders will bear all its costs in preparing, submitting, and presenting any response to this RFP and all other costs incurred by it throughout the RFP process.

23.2. Furthermore, no statement in this RFP will be construed as placing TASEZ or its employees under any obligation whatsoever, including in respect of costs, expenses or losses incurred by the Bidders in the preparation of their response to this RFP.

24. INDEMNITY

24.1. If a Bidders breaches the conditions of this RFP and, as a result of that breach, TASEZ incurs costs or damages (including, without limitation, the cost of any investigations, procedural impairment, repetition of all or part of the RFP process and/or enforcement of intellectual property rights or

confidentiality obligations), then the Bidders indemnifies and holds TASEZ harmless from any and all such costs which TASEZ may incur and for any damages or losses TASEZ may suffer.

25. PRECEDENCE

25.1. This document will prevail over any information provided whether oral or written, unless such written information provided, expressly amends this document by reference.

26. LIMITATION OF LIABILITY

26.1. A Bidders participates in this RFP process entirely at its own risk and cost. TASEZ shall not be liable to compensate a Bidders on any grounds whatsoever for any costs incurred or any damages suffered because of the bidders' participation in this RFP process.

27. TAX COMPLIANCE

27.1. It is essential to ensure that persons conducting business with the State are tax compliant at the time of awarding of price proposals or competitive bids. No price proposals or competitive bids shall be awarded to businesses or persons who are not tax compliant.

27.2. The successful Bidders will be notified of their non-compliance status in writing and will have seven (7) working days to submit written proof from SARS of their tax compliance status or proof that they have made an arrangement to meet their outstanding tax obligations. The Bidders should thereafter provide the procurement officer with proof of their tax compliance status which will be verified by the procurement office via the CSD.

27.3. TASEZ reserves the right to withdraw an award made, or cancel a contract concluded with a successful Bidders if it is established that such Bidders has submitted a fraudulent Tax Clearance Certificate to TASEZ, or whose verification against the Central Supplier Database (CSD) proves non-compliant.

27.4. TASEZ further reserves the right to cancel a contract with a successful Bidders if such Bidders does not remain tax compliant for the full term of the contract.

28. RFP DEFAULTERS AND RESTRICTED SUPPLIERS

28.1. No contract shall be awarded to a Bidders whose name (or any of its members, directors, partners or trustees) appear on the Register of RFP Defaulters kept by National Treasury, or who have been placed on National Treasury's List of Restricted Suppliers.

28.2. TASEZ reserves the right to withdraw an award, or cancel a contract concluded with a Bidders should it be established, at any time, that a Bidders has been blacklisted with National Treasury by another government institution.

29. GOVERNING LAW

29.1. South African law governs this RFP and the RFP response process. The Bidders agrees to submit to the exclusive jurisdiction of the South African courts in any dispute of any kind that may arise out of or in connection with the subject matter of this RFP, the RFP itself and all processes associated with the RFP.

30. CONFIDENTIALITY

30.1. Except as may be required by operation of law, by a court or by a regulatory authority having appropriate jurisdiction, no information contained in or relating to this RFP will be disclosed by any Bidders or other person not officially involved with TASEZ's examination and evaluation.

30.2. No part of the RFP may be distributed, reproduced, stored, or transmitted, in any form or by any means, electronic, photocopying, recording or otherwise, in whole or in part except for the purpose of preparing a response. This RFP and any other documents supplied by TASEZ remain proprietary to TASEZ and must be promptly returned to TASEZ upon request together with all copies, electronic versions, excerpts, or summaries thereof or work derived there from.

30.3. Throughout this RFP process and thereafter, Bidders must secure TASEZ's written approval prior to the release of any information that pertains to the

30.4. potential work or activities to which this RFP relates; or

30.5. the process which follows this RFP.

30.6. Failure to adhere to this requirement may result in disqualification from the RFP process and civil action.

31. LEGISLATIVE FRAMEWORKS OF THE RFP

31.1. As TASEZ is established within the laws associated with all other SEZ's under the dtic's SEZ Programme, its development, management and operations have (as a minimum) to comply with the requisite and relevant provisions of the SA Constitution (41(1)h & 288), the PFMA (49(3)), Treasury Regulations (16A6.5 & 16A6.6), the FIDPM Note 3 of 2019/2020 and the IDMS. Additionally, TASEZ must comply with the following:

a) Tax Legislation

It is a condition of this RFP that the tax matters of the successful Bidders are in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the Bidders' tax obligations.

The tax compliance status requirements are also applicable to foreign Bidders/ individuals who respond to the RFP.

It is a requirement that Bidders grant written confirmation when submitting their response that SARS may on an ongoing basis during the tenure of the contract disclose the bidders' tax compliance status and by submitting a response to this RFP such confirmation is deemed to have been granted.

Bidders are required to be registered on the Central Supplier Database and TASEZ shall verify the Bidders' tax compliance status through the Central Supplier Database.

b) Procurement Legislation

TASEZ has a detailed evaluation methodology premised on Treasury Regulation 16A3 promulgated under Section 76 of the Public Finance Management Act, 1999 (Act, No. 1 of 1999), the Preferential Procurement Policy Framework Act 2000 (Act, No.5 of 2000) and the Broad-Based Black Economic Empowerment Act, 2003 (Act, No. 53 of 2003).

32. SUPPLIER DUE DILIGENCE

32.1. TASEZ reserves the right to conduct supplier due diligence prior to final award or at any time during the contract period. This may include site visits and requests for additional information.