



TERMS OF REFERENCE

APPOINTMENT OF A PROPERTY MANAGEMENT COMPANY TO PROVIDE OFFICE ACCOMODATION FOR USAASA HEAD OFFICE FOR A PERIOD OF FIVE YEARS.

Bid Ref : USAASA – OFS/02/2018

Compulsory Briefing Session

Date : 03rd May 2018

Time : 10:00

Venue : USAASA Head Office address

Building 01, Thornhill Office Park, 94 Bekker Road, Vorna Valley, Midrand

Bid Closure

Date : 14th May 2018

Time : 11:00

Delivery Address : USAASA Head Office

Building 01, Thornhill Office Park, 94 Bekker Road, Vorna Valley, Midrand

1 INTRODUCTION

1.1. The Universal Service and Access Agency of South Africa (USAASA) is a statutory body established in terms section 80(1) of the Electronic Communications Act, 2005 (Act No. 36 of 2005) as a state-owned entity responsible for promotion of goal of universal access and universal service for all citizen of the Republic of South Africa to Information and Communications Technologies infrastructure and service despite geographic location and economic background. USAASA reports directly to the Minister of Telecommunications and Postal Services and is accountable to the Parliament of the Republic since it funded through public funds.

2 PURPOSE

- 2.1. The purpose of these Terms of Reference is to request a Property Management Company (hereafter referred to as bidder/s), who specialize in leasing of office accommodation to submit proposals to the Universal Service and Access Agency of South Africa (hereafter referred to as “the Agency”)
- 2.2. The office accommodation is to be available for USAASA Head Office.

3 SPECIFICATIONS

Proposals should include costing for the specification requirement for the total leased area and requirements as listed below: -

3.1 *Conditions*

3.1.1 Office Location.

The office accommodation should be situated in Midrand or Centurion or Pretoria.

3.1.2 Office Space Requirements.

The Agency requires an estimate of 2 394.25 square meters (being the total lettable space).

Below are the layout specifications in terms of offices and open area spaces that are required: -

Business Units Seating Requirements

BUSINESS UNIT: BOARD OFFICE			
DESCRIPTION	SPACE CATEGORY (M ²)	QTY.	TOTAL SURFACE AREA NEEDED (M ²)
Chairperson of the Board	25	1	25
Company Secretary	18	1	18
Board Administrator	10	1	10
TOTAL SURFACE AREA FOR THE UNIT			53m²

BUSINESS UNIT: CEO's Office			
DESCRIPTION	SPACE CATEGORY (M ²)	QTY.	TOTAL SURFACE AREA NEEDED (M ²)
CEO	20	1	20
Senior Manager in the CEO's Office	16	1	16
Executive Assistant	10	1	10
TOTAL SURFACE AREA FOR THE UNIT			46m²

BUSINESS UNIT: FINANCE MANAGEMENT			
DESCRIPTION	SPACE CATEGORY (M ²)	QTY.	TOTAL SURFACE AREA NEEDED (M ²)
CFO	18	1	18
Personal Assistant	10	1	10
Senior Manager (13)	16	1	16
Middle Management (11 – 12)	12	1	12
Assistant Managers (10)	10	1	10
Admin Officers (8 – 9)	10	2	20
Interns	6	2	12
TOTAL SURFACE AREA FOR THE UNIT			98m²

BUSINESS UNIT: SCM			
DESCRIPTION	SPACE CATEGORY (M ²)	QTY.	TOTAL SURFACE AREA NEEDED (M ²)
Senior Manager (13)	16	1	16
Assistant Manager (10)	10	2	20
Interns	6	1	6
TOTAL SURFACE AREA FOR THE UNIT			42m²

BUSINESS UNIT: Communication			
DESCRIPTION	SPACE CATEGORY (M ²)	QTY.	TOTAL SURFACE AREA NEEDED (M ²)
Middle Management (11 – 12)	12	1	12
Interns	6	1	6
TOTAL SURFACE AREA FOR THE UNIT			18 m²

BUSINESS UNIT: Risk & Internal Audit			
DESCRIPTION	SPACE CATEGORY (M ²)	QTY.	TOTAL SURFACE AREA NEEDED (M ²)
CAE (13)	16	1	16

Risk Manager (11 – 12)	12	1	12
Internal Auditor (8 – 9)	10	2	20
Interns	6	1	6
TOTAL SURFACE AREA FOR THE UNIT			54m²

BUSINESS UNIT: PMU			
DESCRIPTION	SPACE CATEGORY (M ²)	QTY.	TOTAL SURFACE AREA NEEDED (M ²)
Executive Manager	18	1	18
Assistant Manager (10)	10	1	10
Intern	6	1	6
TOTAL SURFACE AREA FOR THE UNIT			34m²

BUSINESS UNIT: IT			
DESCRIPTION	SPACE CATEGORY (M ²)	QTY.	TOTAL SURFACE AREA NEEDED (M ²)
Senior Manager (13)	16	1	16
ICT Specialist (11 – 12)	12	1	12
SAP Specialists (10)	10	2	20
IT Technician (8 – 9)	10	1	10
Service Desk Specialist (8 – 9)	10	1	10
IT Consultants	10	6	60
IT Intern	6	2	12
TOTAL SURFACE AREA FOR THE UNIT			140m²

BUSINESS UNIT: Corporate Services (with HR & Admin)			
DESCRIPTION	SPACE CATEGORY (M ²)	QTY.	TOTAL SURFACE AREA NEEDED (M ²)
Executive Manager	18	1	18
Personal Assistant	10	1	10
Senior Manager (13)	16	2	32
Admin Officers (8 – 9)	10	5	40
Receptionist	8	1	8
Reception Area	50	1	50
Union Office	10	1	10
Cleaners	6	2	12
Interns	6	1	6
Security Control Room	24	1	24
TOTAL SURFACE AREA FOR THE UNIT			210m²

BUSINESS UNIT: Operations			
DESCRIPTION	SPACE CATEGORY (M ²)	QTY.	TOTAL SURFACE AREA NEEDED (M ²)
Executive Manager	18	1	18
Personal Assistant	10	1	10
Senior Manager (13)	16	4	64
Provincial Managers (11 – 12)	12	1	12
Middle Management (11 – 12)	12	2	24
District Managers (10)	10	2	20
Admin Officers (8 – 9)	10	1	10
Interns	6	2	12
TOTAL SURFACE AREA FOR THE UNIT			170m²

BUSINESS UNIT: Legal Services			
DESCRIPTION	SPACE CATEGORY (M ²)	QTY.	TOTAL SURFACE AREA NEEDED (M ²)
Senior Manager (13)	16	1	16
Middle Management (11 – 12)	12	1	12
Assistant Managers (11 – 12)	10	1	10
Interns	6	1	6
TOTAL SURFACE AREA FOR THE UNIT			44m²

TOTAL OFFICE SPACE FOR SEATING = 909m²

COMMON AREAS

Filing Rooms

Description	Qty	Total Surface Area Needed (M ²)
SCM & Finance	1	30
Corporate Services & HR	1	30
Board & CEO	1	30
TOTAL SURFACE		90m²

Store Rooms

Description	Qty	Total Surface Area Needed (M ²)
Stationary	1	16
Branding Material	1	20
Groceries (consumables & non-consumables)	1	16
TOTAL SURFACE		52m²

IT

Description	Qty	Total Surface Area Needed (M ²)
Server Room	1	50
UPS Room	1	12
Store Room	1	12
Workshop / Testing zone	1	12
Server patch room	2	8
TOTAL SURFACE		94m²

IT Automation zones

Description	Qty	Total Surface Area Needed (M ²)
Finance	1	9
Corporate Services & HR	1	9
CEO's Office	1	9
Operations	1	9
Board Office	1	9
Communication	1	9
TOTAL SURFACE		54m²

Other

Description	Qty.	Total Surface Area Needed (M ²)
Library	1	50
Pause Area / Canteen	1	50
Kitchen	2	40
TOTAL SURFACE		140m²

TOTAL COMMON SPACE (Excl. Meeting rooms) = 430m²

Meetings Rooms (Revise to only 5 meeting rooms)

Description	Number of people	Qty
Meeting Room	10 seater	3
Meeting Room	6 seater	2

Board rooms

Description	Number of people	Qty
Executive Boardroom	30 seater	1

TOILETS

- 6 Female,
- 6 Male with urinals, and
- 2 Disabled

3.1.3 Lease Period.

The lease period must be for a period of 60 months (5 years).

3.1.4 Building Grade.

Only Grade A buildings are accepted. Proof of building grading must be attached.

3.1.5 Public Transport Accessibility.

Easy access by public transport facilities.

3.1.6 Regulatory and Environmental Conditions.

The building is required to comply with all regulatory and environmental requirements.

It is a requirement of this bid that the following (but not limited to) are submitted -

- The Occupational Health and Safety (OHS) certificate to be attached to a bidder's response. **Failure to submit a valid certificate will invalidate the bid.**
- An Electricity Certificate of Compliance (COC) certificate to be attached to a bidder's response. **Failure to submit a valid certificate will invalidate the bid.**
- A Fire Certificate of Compliance (COC) certificate to be attached to a bidder's response. **Failure to submit a valid certificate will invalidate the bid.**

3.1.7 Physically challenged accessibility.

The office building should be accessible to persons who are physically challenged.

3.1.8 Climate controlled air-conditioning.

Climate controlled air-conditioning must be provided in all occupied leased spaces including the server room.

3.1.9 Electricity back-up.

Provision of back-up electricity in case of power supply is compulsory.

3.1.10 Deposit.

Three (3) months rental deposit shall apply.

3.1.11 Insurance

Structural building insurance is the responsibility of the landlord.

3.2 Special Conditions of the Lease Agreement

3.2.1 Inhabitability.

Should the leased building become inhabitable for any reason, the landlord will provide equivalent alternative office accommodation with approval of USAASA, or pay the difference should the Agency need to rent alternative office accommodation.

3.2.2 Maintenance and Replacement of Fixtures.

The maintenance and replacement of fixtures installed by the landlord on the premises will be for the account of the landlord, unless damage was caused due to negligence of the Agency staff member, or one of its stakeholders. Lighting of the provided office accommodation should be as per building regulation.

3.2.3 Back-up Electricity Supply.

Currently, USAASA has an 185kVA capacity Volvo Diesel Generator as a means for back-up electricity supply. The proposed building must have a back-up generator unit that provide sufficient electricity without disruption to the business or similar to the current USAASA generator. Alternatively, the service provide will be required to relocate and install the current USAASA generator at own cost with an engineering consent.

3.2.4 Conflict of Interest.

If conflict of interest was not disclosed and it is detected, the lease agreement will be cancelled with immediate effect and all costs incurred will be for the landlord's account.

3.2.5 Security of the building.

The building must be secured: -

- Internal and External security access control system (Access door control, alarms and panic buttons);
- CCTV cameras on the perimeter;
- Electric fencing;
- Fire detection and fire control system; and
- Emergency assembly area.

3.2.6 Parking

Parking must be available as structured following the minimum requirements below:

a) Undercover / Covered Parking

- Board Members = 7
- Executive Managers = 5
- Senior Management = 13

- Managers = 10
- Disabled = 4
- USAASA Vehicles = 2
- Salary Levels 10 downwards = 22

Subtotal Parking Bays = 63

b) Other Parking

- Visitors 10
- Disabled 2

Subtotal Parking Bays = 12

c) Total Parking Bays = 75

3.2.7 Signing of register.

Bidders must ensure that they sign the register upon submission of bids.

3.2.8 Reporting lines

The bidder should indicate the contact position/s involved in the direct delivery of the service to be provided and the name/s of people who will fill these positions. Description of tasks, duties and functions to be performed in these positions. The bidder should also provide an organisational chart clearly indicating:

- The reporting lines and supervision within the bidder's team; and
- The lines of communication between the bidder and the Agency.

3.2.9 Team Details

The bidder must provide a comprehensive CV, limited to two (2) pages, of each team member involved, highlighting the member's experience and qualifications relevant to provide the required service.

NB: It should be noted that team members proposed for this assignment cannot be replaced without prior notification of the Agency.

3.2.10 Negotiations

The Agency has a right to enter into negotiations with a prospective bidder regarding any terms and conditions, including price(s), of a proposed lease agreement.

3.2.11 Operating expenses

The landlord shall be responsible for providing utilities and building services including:

- a) Repairs and maintenance;
- b) Landscaping, if any;
- c) Climate-controlled air conditioning;
- d) Pest control;
- e) Refuse removal

3.2.12 Signage

Permission to erect and install specific interior and exterior signage to be given to USAASA including building, perimeter and lobby signage.

4 THE PROPOSAL

The proposal should be a maximum of 20 pages and must include the following:

- 4.1. The building owner's profile;
- 4.2. Three reference letters of current and/or previous tenants and/or clients own letterheads;
- 4.3. Building and floor plans with colour photography of the exterior and interior including where the generator is or would be placed;

(Separate from the maximum of 20 pages as indicated above)

- 4.4. The address of the building;
- 4.5. All spaces must meet accessibility codes;
- 4.6. Prior approval of the partitioning of offices including types of materials, paint to be used must be obtained from USAASA.
- 4.7. All renovation costs required to create the proposed design shall be the responsibility of the landlord;
- 4.8. Total cost of contract to be indicated, with a breakdown of rental schedule for the period of the lease agreement including the following items: -
 - Rental escalation per annum;
 - Rental amount per square meter including parking;
 - Parking;
 - Air-conditioning maintenance; and
 - Any other operating costs excluded from the above.
- 4.9. Breakdown of operating cost items and an indication / estimates of operating costs per month;
- 4.10. The proposed lease agreement with relevant appendices, signed by landlord's authorised representative. This agreement shall form part of the entire agreement along with their

proposal. The Agency reserves the right to amend the lease agreement where appropriate; and

- 4.11. Tenant installation costs must be declared upfront. All costs for customisation of the building according to USAASA requirements must be made available.

5 BID EVALUATION

Bidders are required to confirm that they will hold their proposals valid for hundred and twenty (120) days from the closing date of the bid, during which time they will maintain without change, their proposed rates and prices.

6 EVALUATION CRITERIA OF BIDS RECEIVED

- Prospective bidders will be evaluated in accordance with the 80/20 preference point system, as contemplated in the Preferential Policy Framework Act 5 of 2000. Points are allocated as 80 points for price and 20 points for BBEE status level of contribution.
- Bidders who obtain 80 points out of a total of 100 points in Stage 2 (i.e. functionality), will qualify to proceed to Stage 3 (Price and Preference Goals) evaluation wherein 80/20 preference points system will be used as follows.

The evaluation of bids will be conducted in three stages.

6.1 Stage 1 – Mandatory Documents

Bidders are required to submit the following mandatory requirements / documentation:

- a) Compliance to Bid Specifications;
- b) Central Supplier Database Report;
- c) BBEE Certificate or Sworn Affidavit;
- d) Certified Identity copies of and brief resume of the individual members / owners/ directors as they appear in the CSD Report;
- e) Public Liability Insurance of R 20 million, a Copy of such insurance to be attached;
- f) Property Insurance Certificate;
- g) OHS Compliance Certificate
- h) National Home Builders Registration Certificate;
- i) Current Status Report of the building;
- j) Comprehensive Company Profile with following requirements: -

- Management Structure;
 - Reference of current and/or previous occupants on the letterhead; and
- k) All SBD Forms must be fully completed and duly signed.

NB: BIDDERS WHO FAIL TO COMPLY WITH MANDATORY REQUIREMENTS WILL BE DISQUALIFIED.

6.2 Stage 2 - Criteria for Functionality

Criteria	Weight Points	Score
Industry Experience		
Proven experience: at least five years of providing office space	20	
Less than 1 year = 0		
1 – 3 years = 5		
3 – 5 years = 15		
Above 5 years = 20		
Location		
Midrand = 25	25	
Centurion, Pretoria East / CBD = 10		
10 km outside the specified areas = 5		
Any other area around mentioned locations = 0		
Public Transport Accessibility		
500 m = 15	15	
1 km = 10		
+1 km = 5		
Security Standard / Measures / Features of the Building		
Guard Room = 10	30	
Camera System / CCTV = 5		
Access Controlled Environment = 15		
Site Visits		
(Only bidders who score a minimum of 70 points from the above functionality criterion and more will be visited):	10	
Is the building existing = 2		
Server Room availability = 2		
Occupancy in 3 months or less = 6		
Functionality Threshold	80	
Total Points for Functionality	100	

NB: BIDDERS MUST SCORE A MINIMUM OF 80 POINTS ON STAGE 2 TO QUALIFY FOR THE NEXT STAGE.

6.3 Stage 3 – Price and BBEE Status Level of Contribution

Evaluation in terms of the 80/20 preference point system will apply.

Only bids that achieve the minimum stipulated threshold for functionality will be evaluated further in accordance with 80/20 preference point system prescribed in Preferential Procurement Regulations 5 and 6.

Step 1: Calculation of points for price

The formula to be utilized when calculating points scored for price, is as follows: -

90 / 10 preference point systems (for calculation of services, works or goods with a Rand value above 1 million) (all applicable taxes included). The following formula will be used.

$$PS = 80 \frac{1 - (Pt - Pmin)}{Pmin}$$

Where as

- PS = Points scored for comparative price of bid or offer under consideration
- Pt = Comparative price of bid or offer under consideration
- Pmin = Comparative prices of lowest acceptable bid or offer

Step 2: Calculation of points for B-BBEE status level of contributor

Points shall be awarded to a bidder for attaining the B-BBEE status level of the contribution in accordance with the table below.

B-BBEE Status Level of Contributor	Number of points (80/20)
1	10
2	9
3	8
4	5
5	4
6	3
7	2
8	1
Non – compliant contributor	0

NB. Bidders that do not submit a certificate sustaining the B-BBEE status level contributor or is a non-compliant contributor will score zero out of maximum of 20.

7 SUBMISSION OF BIDS

6.1 This is a two-stage bidding process in which proposals submitted must include technical and price, **submitted in separate envelopes**. For this purpose, the Service Provider must provide in respect of:

- ✓ Clearly marked **Technical**, one (1) original plus five (4) hard copies.
- ✓ The **price proposal, SBD 1 and BBEEE Certificate** in one sealed envelope, named **price bid sheet** should include the following information:

Name of Service Provider

Certification that the person signing the proposal entitled to represent the Service Provider empowered to submit the bid and authorized to sign a contract with the USAASA.

7.2 All the official forms (SBD) must be completed and signed in all respects by bidders. Failure to comply will invalidate a bid.

7.3 Bidders are requested to submit one (1) original plus four (4) hard copies; of the proposal and bid documents.

7.4 For ease of reference, Bids should be packaged in the following format:

- **Schedule/Slide A**
Signed Tender Document and Completed SBD Forms
- **Schedule/Slide B**
Mandatory Documents
- **Schedule/Slide C**
Functionality Response
- **Schedule/Slide D**
Company Profile
- **Schedule/Slide E**
Any other supporting document

8 CLARIFICATION

7.1 The USAASA may request clarity of further information regarding any aspect of the bid. The Service Provider should supply the requested information within forty-eight (48) hours after the request has been made.

7.2 The USAASA reserves the right to conduct a security background check or screening of the Service Provider and its security personnel.

7.3 The USAASA reserves the right to conduct mandatory site inspection to the offices of the Service Provider.

9 BRIEFING SESSION

7.1. A compulsory briefing and clarification session will be held at Building 01, Thornhill Office Park, Vorna Valley Midrand, 1686 on **03rd May 2018 at 11h00** to clarify to bidder(s) the scope and probable extension of work to be executed.

7.2. It is highly recommended that bidders attend the briefing session. Bidders who do not attend the briefing session but submitted bids will be disqualified during Phase 1 Evaluation (Mandatory Requirements)

10 CONTACTABLE PERSONS

Bidders are requested to direct all correspondences for this bid to the following officials:

- Bidding enquiries, Kganki Kekana on kganki@usaasa.org.za
- Technical enquiries, Moloti Nkune/Pontsho Meshe on moloti@usaasa.org.za / pontsho@usaasa.org.za

NB: All enquiries must be in writing

11 CLOSING DATE

11.1 Proposals must be submitted on **14 May 2018 at 11h00** at Building 01, Thornhill Office Park, Vorna Valley Midrand, 1686 at 11h00am.

11.2 **No late bids will be accepted.** A submission will be considered late if it arrives a second after 11:00. The Bid box shall be locked at exactly 11:00 and Bids arriving late will not be accepted under any circumstances. Bidders are therefore strongly advised to ensure that bids be dispatched allowing enough time to for any unforeseen events that may delay the delivery of the bid.

12 BID CONDITIONS

- The Universal Service and Access Agency of South Africa (USAASA) reserves the right to amend, modify, and withdraw this bid at any time without prior notice and without liability to compensate or reimburse any person. Should the need arise that USAASA amends this bid, the amendments will be communicated to the potential bidders in writing.
- The premises of the bidder/bidders should be made available at all reasonable hours for inspection by the representatives of USAASA. This will be done in order to confirm any information provided by the bidder(s).
- In the event that additional hardware is required for this project, the bidder is required to submit a separate proposal for such hardware.
- The submitted proposal:
must include supply, installation and configuration.
- Neither USAASA nor any of their respective directors, officers, employees, agents, representatives or advisors will assume any obligation for any costs or expenses incurred by any party in or associated with preparing or submitting a proposal in response to this bid. All costs associated with the preparation and submission of the bid is the responsibility of the bidder(s).
- All bid information submitted to USAASA will become the property of USAASA and will as such not be returned to the bidder(s).
- USAASA reserves the right to appoint one bidder or more bidders.
- USAASA reserves the right not to award, should the bid proposals be inadequate in terms of functionality and price.
- USAASA reserves the right to withdraw this bid or extend the validity period of this bid before the validity period expires.
- USAASA reserves the right to contact three referees. The potential bidders are required to provide written contactable references.
- USAASA reserves the right to award part of a bid and not the whole bid.
- USAASA reserves the right not to accept the lowest proposal.
- USAASA reserves the right to sign and conclude a formal contract/Service Level Agreement with the successful bidder(s).
- USAASA reserves the right to conduct site inspection and invite shortlisted service providers for a presentation.
- The General Conditions of Contract will be applicable in this bid.
- All priced quotation must be VAT inclusive
- The successful bidder shall provide the service required based on the set timelines and as per the schedule to be provided by USAASA.
- The price proposal must be valid for 120 days.
- A pricing schedule with one of the specified elements omitted from the costing may be considered nonresponsive.

PRICING STRUCTURE

(This document is to be submitted separately with SBD 1 Form)

Description	Price
Monthly Building Rental	
Operating/Maintenance Costs	
Partitioning costs (if any)	
Any Other	
Total Bid Price	

NB: THIS DOCUMENT MUST BE SUBMITTED TOGETHER WITH THE SBD 1 AND BBBEE CERTIFICATE/SWORN AFFIDAVIT IN A SEPARATE ENVELOPE (PRISING PROPOSAL)

SBD 1

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	USAASA-OFS/01/2018	CLOSING DATE:	16 May 2018	CLOSING TIME:	11h00
DESCRIPTION					
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)					
Building 01, Thornhill Office Park, Vorna Valley, Midrand 1686					
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]	<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes <input type="checkbox"/> 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	<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)			
	<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)			
	<input type="checkbox"/>	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?	<input type="checkbox"/> Yes <input type="checkbox"/> No	[IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> 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			CONTACT PERSON		
CONTACT PERSON			TELEPHONE NUMBER		
TELEPHONE NUMBER			FACSIMILE NUMBER		
FACSIMILE NUMBER			E-MAIL ADDRESS		
E-MAIL ADDRESS					

PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:								
<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE</p> <p>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.</p> <p>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.</p> <p>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.</p>								
2. TAX COMPLIANCE REQUIREMENTS								
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>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.</p> <p>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.</p> <p>2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.</p> <p>2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.</p> <p>2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p>								
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS								
<table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?</td> <td style="text-align: right; vertical-align: top;"> <input type="checkbox"/> YES <input type="checkbox"/> NO </td> </tr> <tr> <td>3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?</td> <td style="text-align: right; vertical-align: top;"> <input type="checkbox"/> YES <input type="checkbox"/> NO </td> </tr> <tr> <td>3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?</td> <td style="text-align: right; vertical-align: top;"> <input type="checkbox"/> YES <input type="checkbox"/> NO </td> </tr> <tr> <td>3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?</td> <td style="text-align: right; vertical-align: top;"> <input type="checkbox"/> YES <input type="checkbox"/> NO </td> </tr> </table> <p>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.</p>	3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO							
3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO							
3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO							
3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO							

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

**PRICING SCHEDULE – FIRM PRICES
(PURCHASES)**

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

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

Name of bidder.....	Bid number.....
Closing Time 11:00	Closing date.....

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

ITEM NO.	QUANTITY	DESCRIPTION	BID PRICE IN RSA CURRENCY ** (ALL APPLICABLE TAXES INCLUDED)
----------	----------	-------------	---

- Required by:
- At:
- Brand and model
- Country of origin
- Does the offer comply with the specification(s)? *YES/NO
- If not to specification, indicate deviation(s)
- Period required for delivery
- *Delivery: Firm/not firm
- Delivery basis

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

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

*Delete if not applicable

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

2.1 Full Name of bidder or his or her representative:

2.2 Identity Number:

2.3 Position occupied in the Company (director, trustee, shareholder²):

2.4 Company Registration Number:

2.5 Tax Reference Number:

2.6 VAT Registration Number:

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

¹"State" means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

²"Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

2.7 Are you or any person connected with the bidder presently employed by the state? **YES / NO**

2.7.1 If so, furnish the following particulars:

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

Any other particulars:
.....
.....
.....

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

2.7.2.1 If yes, did you attached proof of such authority to the bid document? **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

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

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

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:

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

2.9 Do you, or any person connected with the bidder, have 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? **YES / NO**

2.9.1 If so, furnish particulars.
.....

4 DECLARATION

I, THE UNDERSIGNED (NAME)..... CERTIFY

THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.
I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF
PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION
PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

This document must be signed and submitted together with your bid

THE NATIONAL INDUSTRIAL PARTICIPATION PROGRAMME

INTRODUCTION

The National Industrial Participation (NIP) Programme, which is applicable to all government procurement contracts that have an imported content, became effective on the 1 September 1996. The NIP policy and guidelines were fully endorsed by Cabinet on 30 April 1997. In terms of the Cabinet decision, all state and parastatal purchases / lease contracts (for goods, works and services) entered into after this date, are subject to the NIP requirements. NIP is obligatory and therefore must be complied with. The Industrial Participation Secretariat (IPS) of the Department of Trade and Industry (DTI) is charged with the responsibility of administering the programme.

1 PILLARS OF THE PROGRAMME

- 1.1 The NIP obligation is benchmarked on the imported content of the contract. Any contract having an imported content equal to or exceeding US\$ 10 million or other currency equivalent to US\$ 10 million will have a NIP obligation. This threshold of US\$ 10 million can be reached as follows:
- (a) Any single contract with imported content exceeding US\$10 million.
or
 - (b) Multiple contracts for the same goods, works or services each with imported content exceeding US\$3 million awarded to one seller over a 2 year period which in total exceeds US\$10 million.
or
 - (c) A contract with a renewable option clause, where should the option be exercised the total value of the imported content will exceed US\$10 million.
or
 - (d) Multiple suppliers of the same goods, works or services under the same contract, where the value of the imported content of each allocation is equal to or exceeds US\$ 3 million worth of goods, works or services to the same government institution, which in total over a two (2) year period exceeds US\$10 million.
- 1.2 The NIP obligation applicable to suppliers in respect of sub-paragraphs 1.1 (a) to 1.1 (c) above will amount to 30 % of the imported content whilst suppliers in respect of paragraph 1.1 (d) shall incur 30% of the total NIP obligation on a *pro-rata* basis.
- 1.3 To satisfy the NIP obligation, the DTI would negotiate and conclude agreements such as investments, joint ventures, sub-contracting, licensee production, export promotion, sourcing arrangements and research and development (R&D) with partners or suppliers.

- 1.4 A period of seven years has been identified as the time frame within which to discharge the obligation.

2 REQUIREMENTS OF THE DEPARTMENT OF TRADE AND INDUSTRY

- 2.1 In order to ensure effective implementation of the programme, successful bidders (contractors) are required to, immediately after the award of a contract that is in excess of **R10 million** (ten million Rands), submit details of such a contract to the DTI for reporting purposes.

- 2.2 The purpose for reporting details of contracts in excess of the amount of R10 million (ten million Rands) is to cater for multiple contracts for the same goods, works or services; renewable contracts and multiple suppliers for the same goods, works or services under the same contract as provided for in paragraphs 1.1.(b) to 1.1. (d) above.

3 BID SUBMISSION AND CONTRACT REPORTING REQUIREMENTS OF BIDDERS AND SUCCESSFUL BIDDERS (CONTRACTORS)

- 3.1 Bidders are required to sign and submit this Standard Bidding Document (SBD 5) together with the bid on the closing date and time.

- 3.2 In order to accommodate multiple contracts for the same goods, works or services; renewable contracts and multiple suppliers for the same goods, works or services under the same contract as indicated in sub-paragraphs 1.1 (b) to 1.1 (d) above and to enable the DTI in determining the NIP obligation, successful bidders (contractors) are required, immediately after being officially notified about any successful bid with a value in excess of R10 million (ten million Rands), to contact and furnish the DTI with the following information:

- Bid / contract number.
- Description of the goods, works or services.
- Date on which the contract was accepted.
- Name, address and contact details of the government institution.
- Value of the contract.
- Imported content of the contract, if possible.

- 3.3 The information required in paragraph 3.2 above must be sent to the Department of Trade and Industry, Private Bag X 84, Pretoria, 0001 for the attention of Mr Elias Malapane within five (5) working days after award of the contract. Mr Malapane may be contacted on telephone (012) 394 1401, facsimile (012) 394 2401 or e-mail at Elias@thedti.gov.za for further details about the programme.

4 PROCESS TO SATISFY THE NIP OBLIGATION

- 4.1 Once the successful bidder (contractor) has made contact with and furnished the DTI with the information required, the following steps will be followed:
- a. the contractor and the DTI will determine the NIP obligation;
 - b. the contractor and the DTI will sign the NIP obligation agreement;

- c. the contractor will submit a performance guarantee to the DTI;
- d. the contractor will submit a business concept for consideration and approval by the DTI;
- e. upon approval of the business concept by the DTI, the contractor will submit detailed business plans outlining the business concepts;
- f. the contractor will implement the business plans; and
- g. the contractor will submit bi-annual progress reports on approved plans to the DTI.

4.2 The NIP obligation agreement is between the DTI and the successful bidder (contractor) and, therefore, does not involve the purchasing institution.

Bid number	Closing date:.....
Name of bidder.....	
Postal address	
.....	
Signature.....	Name (in print).....
Date.....	

**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 ~~exceed~~/~~not exceed~~ R50 000 000 (all applicable taxes included) and therefore the **80/20** preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 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	
B-BBEE STATUS LEVEL OF CONTRIBUTOR	
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 quotations, 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;

3. POINTS AWARDED FOR PRICE

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

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

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

Where

- P_s = Points scored for price of bid under consideration
- P_t = Price of bid under consideration
- P_{\min} = Price of lowest acceptable bid

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5. BID DECLARATION

5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

6.1 B-BBEE Status Level of Contributor: . =(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

7.1.1 If yes, indicate:

i) What percentage of the contract will be subcontracted.....%

ii) The name of the sub-contractor.....

iii) The B-BBEE status level of the sub-contractor.....

iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

Designated Group: An EME or QSE which is at last 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		

Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name _____ of
company/firm:.....

8.2 VAT _____ registration
number:.....

8.3 Company _____ registration
number:.....

8.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
 - One person business/sole propriety
 - Close corporation
 - Company
 - (Pty) Limited
- [TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

8.6 COMPANY CLASSIFICATION

- Manufacturer
 - Supplier
 - Professional service provider
 - Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]

8.7 Total number of years the company/firm has been in
business:.....

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the
company/firm, certify that the points claimed, based on the B-BBE status level of
contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies
the company/ firm for the preference(s) shown and I / we 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 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding 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 bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury 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.

WITNESSES

1.

2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....

.....

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	<p>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?</p> <p>(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).</p> <p>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.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>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)?</p> <p>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.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	<p>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?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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 <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

SBD 8

CERTIFICATION

**I, THE UNDERSIGNED (FULL NAME).....
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION
FORM IS TRUE AND CORRECT.**

**I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT,
ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION
PROVE TO BE FALSE.**

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.

- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.

- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.

- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.

- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

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

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

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

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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Signature

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Date

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Position

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Name of Bidder

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