



UNIVERSAL AND ACCESS AGENCY OF SOUTH AFRICA

TERMS OF REFERENCE

APPOINTMENT OF A PROPERTY MANAGEMENT COMPANY OR AN AGENT TO SOURCE OFFICE ACCOMODATION FOR USAASA FOR A PERIOD OF FIVE YEARS.

Bid Ref : USAASA – OFS/01/2018

Compulsory Briefing Session

Date : 29 June 2018

Time : 10:00

Venue : USAASA Head Office address

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

Bid Closure

Date : 17 July 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 or Agents (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 the Midrand area.

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: -

TYPE OF ROOM (E.G. OFFICE, REGISTRATION, LABORATORY, STORE ROOM)	SPACE CATEGORY	PROPOSED PER UNIT	TOTAL SURFACE AREA NEEDED
	m²		m²
BOARD OFFICE			
Chairperson of the Board	20-25	1	25
Company Secretary	18	1	18
Board Administrator	10	1	10
CEO's OFFICE			
CEO	20	1	20
Senior Manager in CEO's Office	16	1	16
Personal Assistant	10	1	10
FINANCIAL SERVICES DIVISION			
CFO	18	1	18
Senior Manager(13)	16	2	32
Middle Management(11-12)	12	1	12
Personal Assistant (9)	10	1	10
Assistant Managers(10)	10	3	30
Administration Officers(8-9)	10	3	30
Interns	6	2	12
PERFORMANCE MANAGEMENT UNIT			
Executive Manager	18	1	18
Middle Management(11-12)	12	2	24
Assistant Manager	10	2	24
Intern	6	1	6
INTERNAL AUDIT			
CEA	14	1	14
Internal Auditors	10	2	20

Intern	6	1	6
Risk Manager	10	1	10
CORPORATE SERVICES			
Executive Manager (14)	16	1	16
Senior Manager(13)	14	3	42
Middle Management(11-12)	12	2	24
Assistant Management(9-10)	10	3	30
Personal Assistant(10)	10	1	10
Driver/Messenger(8)	8	1	8
Registry Officers(8)	8	2	16
Receptionist(8)	8	1	8
Recruitment and Selection(10)	10	1	10
Cleaners(2)	6	2	12
OPERATIONS			
Executive Manager(14)	16	1	16
Senior Manager(13)	14	4	56
Middle Management(11-12)	12	6	72
Assistant Management(9 - 10)	10	2	20
Knowledge Centre	200	1	200
Boardroom	100	3	300
Meeting Room	50	2	100
Training Room	100	1	100
Walk In Safe	50	1	50
Canteen	100	1	100
Kitchen	6	2	12
TOTAL: ASSIGNABLE AREA			1588
NON-ASSIGNABLE AREA: Calculated by dividing the total assignable m ² by 80 and × by 25. (Assignable 14035m ² ÷ 80 × 25 = 4385m ²)			
TOTAL NON ASSIGNABLE			496.25
Fire-proof Storeroom	100	1	100
Security Control Room	30	1	30
Reception Area	50	1	50
Server Patch Room	10	3	30
Fire-proof Server Room	100	1	100

			6 Female, 6 Male with urinals, and 2 Disabled
Ablution Facilities		14	
Parking Bays		75	
GRAND TOTAL			2394.25

3.1.3 Lease period.

The lease period must be for a period of up to 5 years.

3.1.4 Building grade.

Grade A building is requested. 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 with at least four (4) allocated parking bays.

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.

3.10 Deposit.

One (1) month rental deposit shall apply.

3.11 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 regulations.

3.2.3 Back-up electricity supply.

Currently USAASA has a 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.

3.2.3 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.

3.2.4 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.

3.2.5 Parking

The bidders must provide parking as follows: -

- Covered parking;
- Open parking;
- Visitor's parking;
- Disabled parking;
- Lockable parking.

3.2.6 Signing of register.

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

3.2.7 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.

3.2.8 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.

3.2.9 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.

3.2.10 Operating expenses

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

- Repairs and maintenance;
- Landscaping, if any;
- Climate-controlled air conditioning;
- Pest control;
- Refuse removal

3.2.11 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:

- 5.1 The building owner's profile;
- 5.2 Three reference letters of current and/or previous tenants and/or clients own letterheads;
- 5.3 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)
- 5.4 The address of the building;
- 5.5 All spaces must meet accessibility codes;
- 5.6 Prior approval of the partitioning of offices including types of materials, paint to be used must be obtained from USAASA.
- 5.7 All renovation costs required to create the proposed design shall be the responsibility of the landlord;
- 5.8 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.
- 5.9 A breakdown of operating cost items and an indication/estimates of operating costs per month;
- 5.10 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

5.11 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

The bidder is required to confirm that it will hold its proposal valid for hundred and twenty (120) days from the closing date of the tender, during which time it 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. Bidders who obtain 70 points out of a total of 90 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, namely 80 points for price and 20 points for BBBEE status level of contribution.

The evaluation of bids will be conducted in three stages.

Stage 1 – Mandatory Documents

- 1.1 Compliance to Bid Specifications;
- 1.2 Central Supplier Database Report;
- 1.3 BBBEE Certificate or Sworn Affidavit;
- 1.4 Certified Identity Copies of and brief resume of the individual members/ owners/ directors as they appear in the CSD Report;
- 1.5 Public Liability Insurance of R 20 million, a Copy of such insurance to be attached;
- 1.6 Property Insurance Certificate;
- 1.7 OHS Compliance Certificate
- 1.8 Current Status Report of the building;
- 1.9 Comprehensive Company Profile with following requirements: -

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

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

Stage 2 - Criteria for Functionality

Criteria	Weight Points	Score Points
Industry Experience		
Proven experience: at least five years of providing office space Less than 1 year = 0 1 – 3 years = 5 3 – 5 years = 15 Above 5 years = 20	20	
Public Transport Accessibility		
500 m = 15 1 km = 10 +1 km = 5	15	
Security standard/ measures / features of the building		
Guard Room = 10 Camera System / CCTV = 10 Access Controlled Environment = 15	35	
Site visits = 10 (Only bidders who score a minimum of 60 points from the above functionality criterion and more will be visited) Is the building existing = 6 Server Room availability = 6 Occupancy in 3 months or less = 18	20	
Functionality Threshold	70	
Total Points for Functionality	100	

NB: BIDDERS MUST SCORE A MINIMUM OF 70 POINTS ON STAGE 2 TO QUALIFY FOR THE NEXT STAGE.

Stage 3 – Price and BBEE Status Level of Contribution

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

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: -

80/20 preference points system (for calculation of services, works or goods with a Rand Value above 1 million) (all applicable taxes included)

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

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 (90/10)
1	20
2	18
3	14
4	12
5	8
6	6
7	4

8	2
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, such bidder will score zero out of maximum of 10.

8. SUBMISSION OF BIDS

Bids are to be submitted in sealed envelopes, marked with: -

- **Request for Proposal Number:**
- **Closing Date and Time:.....**
- **The name and address of the bidder.**

9. BRIEFING SESSION

9.1 A compulsory briefing and clarification session will be held at Building 01, Thornhill Office Park, Vorna Valley Midrand, 1686 on 29 JUNE 2018 at 10h00 to clarify to bidder(s) the scope and probable extension of work to be executed.

9.2 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

- ✓ Bidding enquiries, Lydia Maleka on 011 564 1600
- ✓ Technical enquiries, Pontsho Meshe on 011 564 1600

11. 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.

- ✓ USAASA reserves the right to terminate the lease with the successful service provider prior to the agreed expiration date, within acceptable notice period, due government imperatives or policy or regulatory imperatives only, without compensation for loss or damages.
- ✓ 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 a bidder or bidders.
- ✓ 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 in.
- ✓ 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 bid proposal in response to the bid. All costs associated with the preparation and submission of the bid is the responsibility of the bidder or bidders.
- ✓ All bids information submitted to USAASA will become the property of USAASA and will as such not be returned to the bidder or bidders.
- ✓ 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 or bidders.
- ✓ 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



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:	17 JULY 2018	CLOSING TIME:	11H00
DESCRIPTION	OFFICE SPACE				
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)					
USAASA Head Office address					
Building 01, Thornhill Office Park, 94 Bekker Road, Vorna Valley, Midrand					
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	B-BBEE STATUS LEVEL SWORN AFFIDAVIT	
			<input type="checkbox"/> No	<input type="checkbox"/> Yes	
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?			<input type="checkbox"/> No		
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	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?
			[IF YES ENCLOSE PROOF]		<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:	
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)? <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
<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>	

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

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

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

*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

**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	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 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:

80/20 **or** **90/10**

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

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 least 51% owned by:	EME √	QSE √
Black people	<input type="checkbox"/>	<input type="checkbox"/>
Black people who are youth	<input type="checkbox"/>	<input type="checkbox"/>
Black people who are women	<input type="checkbox"/>	<input type="checkbox"/>

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.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

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