



INVITATION TO BID

BID NUMBER:	01/2020/21
DESCRIPTION:	PROVISION OF COMMERCIAL PROPERTY FOR PURCHASE (BLOEMFONTEIN)
DATE:	10 November 2020
CLOSING DATE:	9 December 2020
CLOSING TIME:	11:00 AM
BRIEFING SESSION	No briefing session
BID RESPONSES MUST BE HAND DELIVERED / COURIERED TO:	BLOCK 1 CROSSWAY PARK 240 LENCHEN AVENUE CENTURION
ATTENTION:	CFO
N.B. BIDS MUST BE DELIVERED TO THE LOCKED TENDER BOX AT THE LENCHEN STREET ENTRANCE OF THE OFFICE BLOCK.	

BIDDER NAME:

TOTAL BID PRICE INC. OF VAT:

CONTENTS

- 1.0. SBD 1
- 2.0. TERMS OF REFERENCE
- 3.0. SBD 3.1
- 4.0. SBD 4
- 5.0. SBD 6.1
- 6.0. SBD 7.1
- 7.0. SBD 8
- 8.0. SBD 9

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	01/2020/21	CLOSING DATE:	9 December 2020	CLOSING TIME:	11:00
DESCRIPTION	Provision of Commercial Property for Purchase (Bloemfontein)				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
Crossway Office Park					
240 Lenchen Avenue					
CENTURION					
0046					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Mpho Moloi		CONTACT PERSON	Morris Mapindani	
TELEPHONE NUMBER	012 663-0422		TELEPHONE NUMBER	012 663-0417	
FACSIMILE NUMBER	012 663-3331		FACSIMILE NUMBER	012 663-3331	
E-MAIL ADDRESS	mpho.moloi@sace.org.za		E-MAIL ADDRESS	morris.mapindani@sace.org.za	
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	
[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 THE QUESTIONNAIRE BELOW]	
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
DOES THE ENTITY HAVE A BRANCH IN THE RSA?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.					

**PART B
TERMS AND CONDITIONS FOR BIDDING**

1. BID SUBMISSION:	
1.1.	BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2.	ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.
1.3.	THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4.	THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).
2. TAX COMPLIANCE REQUIREMENTS	
2.1	BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2	BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3	APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
2.4	BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6	WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7	NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:
(Proof of authority must be submitted e.g. company resolution)

DATE:

REQUEST FOR PROPOSALS FOR THE PROVISION OF COMMERCIAL PROPERTY FOR PURCHASE BY THE SOUTH AFRICAN COUNCIL FOR EDUCATORS.

PART ONE

1.PREAMBLE

Context:

The South African Council for Educators is a Schedule 3A Public Entity established in terms of South African Council for Educators Act, 2000 (Act no. 31 of 2000). The purposes of the South African Council for Educators are:

- A. To provide for the registration of educators
- B. To promote the Professional development of educators; and
- C.To set, maintain and protect ethical and professional standards for educators.

The South African Council for Educators is a schedule 3A Public Entity, established in terms of the South African Council for Educators Act, 2000 (Act No. 31 of 2000) with its Head Office located at, 240 Lenchen Avenue in Centurion, Pretoria.

The Council took a decision to bring its services close to its clients by establishing provincial service points where feasible. The Council needs to make a bid to purchase office property in the Free State.

PART TWO

1. IMPLEMENTATION

The South African Council for Educators request suitable service providers to submit proposals with regards to provision of Commercial Property for Purchase.

2. OBJECTIVES and KEY DELIVERABLES

The appointed Service Provider will be expected to provide the following:

1. The Building

A commercial building to house the South African Council for Educator's Provincial office of 150 to 350 square meters. The property should meet the standard or have potential for accommodating the requirements as outlined in points 2. to 17.

2. Controlling Dimensions

The building must be designed to accommodate both cellular and open space plan, provision of adequate risers and horizontal cable ways for telephony and data distribution;

3. Structure

The building has to be future enabled to allow additional services in respect of power, data and telephony or any other electronic system provided. Structural loading must however be commercial in nature. Location of internal

and external columns must relate to future layout requirements. All statutory requirements in respect of the National Building Regulations must be complied with.

4. Internal finishes

No prescriptions are made in respect of these but indicative finishes schedule will be provided to guide in respect of acceptable costs associated with finishes.

5. Vertical Circulation

The stair cases must be designed to encourage walking to access different floors. This also encourages interaction with the employee community;

6. Boardrooms/Meeting rooms

A main boardroom to accommodate 20 people and 1 break-away room in close proximity to the main boardroom.

7. Reception

A principal reception point based on requirements of SACE.

8. Toilet and shared facilities

All toilets must be provided with basins and must be ventilated. Toilets must have a paraplegic toilet on ground floor levels. Toilets where office space is adjacent to a service core on the floor should be provided. Air conditioning of the office space including meeting rooms is a necessity.

9. The working environment

The Council has total control of the specification of the working environment. A combination of partitioned offices and open plan finish is required. Pause or tea kitchen areas are required to serve business units.

10. Canteen

The canteen in close proximity to boardroom facilities should enable staff and delegates alike to enjoy meals during intervals.

11. Space requirements

It has been established that 150 to 350 sqm will be sufficient to house the SACE full staff compliment of 15 people and still provide for boardrooms and storage facilities. The building should NOT exceed 350 sqm.

The space planning schedule should be based on geometric modeling exercises using proven ratios for primary circulation, core areas and external walls.

12. Basement

The basement will be continuous under the full area of the land parcel. It allows for increased parking density and ease of reticulation of services within the building. Both the generator and the UPS unit will be housed in the basement and allowance must be made for refuse storage and removal.

13. Services

The following is to be noted in respect of accommodating services in the proposed design. It is not the intention to develop service design in any detail but rather to share some insights.

13.1. Electrical

The Council must, however, be able to upgrade their requirements from normal power without the necessity to modify the building. The DB boards must allow for upgrades to accommodate standby power both generator and UPS.

The type of lighting will be specified by the Council, for the purposes of cost estimates an amount should be set aside consummate with size of the building.

13.2. Mechanical

Condensers must be accommodated at roof level and in the basement.

Employees may elect not to have any air conditioning and all windows must open and be lockable.

13.3. Information and Communications Technology (ICT)

Telephony and Data Services

- A telephony and data services backbone will be reticulated to a point in the basement of the building.
- A fully specked server room with two centrally located air-conditioning system and raised floor to be provided

13.4. Security

Access control will be required at each entrance/exit point in the building. CCTV will be required at all entrance foyers, courtyard and basement.

13.5. Fire Defence

The following will apply in respect of fire defence.

- Sprinklers, These will be required in the basement, as this must be designed on a fully ventilated basis. Sprinklers will be required in strategic areas of the building.
- Electronic, Smoke detection will be required for all areas. This will be interfaced to the fire panel at the principal reception point.

13.5. Fit Out

The following will apply in respect of the "fit out" of the building.

13.5.1. Shell and Core

This implies that all common and organization special areas are complete inclusive of toilets, lobbies and any agreed access corridors are complete and available.

13.5.2 Council Fit-Out for Building

The preferred bidder must complete the shell only of the accommodation to the following standard.

- Partition walls in place "metal wall"

- No ceiling-only exposed slab or roof trusses'
- Internal faces of external walls finished with one coat plaster
- Entrance doorway in natural anodized shop front
- Distribution board in place with normal standby power and power reticulation to the space metered.
- Outlet point for data/telephony
- Water point
- Lights
- Power floated floor slab

The following SACE allowance may be considered by the preferred bidder:

- Drywall allowance
- Door allowance
- Electrical allowance
- AC allowance
- Smoke detection

13.5.3 Parking Bays

A total of no less than 5 over ground parking bays, 75% of which will be shaded.

14. Design

1. An innovative and modern high-level concept and estimated cost of the development (including land costs) in line with the standard and format for quantity surveyors;
2. This concept and cost will be part of the bid evaluation processes

15. Annexures

- 15.1 Design framework;
- 15.2 Parking layout
- 15.3 Site plan
- 15.4 As built plans

16. Ownership

A full ownership/ sectional title of the stand and the building/s with clear demarcation, where possible, a wall separating the building from the adjacent stands and building/s.

17. Area

The building must be situated within a radius of 2 – 5km, not exceeding 5 km from the City Centre.

3. EVALUATION OF PROPOSALS FOR THE PANEL

3.1 With regard to functionality, the following criteria shall be applicable and the maximum weight of each criterion is indicated in the table below:

Functionality	Weightings
Compliant to National Building Regulation and Occupation Health & Safety Act	35%
Location	25%
Current property Condition Report	20%
Public Transport Route	20%
Total	100%

All Bidders who score **LESS than (60%)** on functionality including site visits shall not be considered for further evaluation on Price and BEE.

The evaluation for Price and BEE shall be based on the 80/20 PPPFA principle and the points for evaluation criteria are as follows:

Evaluation Criteria		Points
1.	Price	80
2.	Black Economic Empowerment	20
3.	Total	100

3.2 Definitions

3.2.1 Functionality: Functionality will be evaluated against the requirements as stipulated in the bid document.

3.2.1.1 Price: The price will be evaluated against the proposals offered by Bidders.

3.2.1.2 Black Economic Empowerment: BEE will be evaluated according to SACE’s standard guidelines.

4. PROPOSAL REQUIREMENTS

4.1 Control of quality

This will serve as a guide to minimum requirements when proposing to SACE

Documented proof of the following is required:

Please indicate with a Yes or NO in the compliance column if you comply with the following:

DESCRIPTION	COMPLIANCE	
	YES / NO	NOTE
The ability to provide the required product/and services with reference to the availability of property.		
References – names, telephone numbers and fax numbers – where the provision of similar product /services have been rendered.		
Track record – a complete summation of all relevant product/ services conducted and the outcomes thereof.		
Size of property: Copy of municipal approved building plans		

- Valid SARS issued Tax Pin printout;
- CSD compliance report;
- Audited/ reviewed Financial statements;
- If you are a property agent: A property agent registration certificate will be required.

4.2 Proposal

NB: To be completed for each Building identified

(Minimum of one (1) to a maximum of four (4) properties can be proposed per location.)

Proposal on Properties

The property to meet the following minimum requirements as per specification:

Location:

		Please indicate or describe
1.	Name of Building	
2.	Square meters	
3.	Address	
4.	Occupation Date by SACE	
5.	Particulars of the Owner	
6.	Particulars of the Tenant if currently occupied	
7.	Lease period of the Tenant. Is the tenant lease flexible for termination?	
8.	Is the building accessible to clients, suppliers and people with disabilities?	
9.	Is the building on the street level?	
10.	Is there adequate parking on site or within the vicinity and available for both visitors and staff?	
11.	Is the building Grade A or B?	
12.	Does the building have green potential?	
13.	Does the building have adequate space in voids for reticulation?	
14.	Does the building have the following amenities or more:	
	<ul style="list-style-type: none">• pause area(s)	
	<ul style="list-style-type: none">• good conditioned rest rooms	
	<ul style="list-style-type: none">• Air conditioned offices	
	<ul style="list-style-type: none">• Option to tie in with building maintenance services	

	<ul style="list-style-type: none"> Is the building in a secured or a safe neighborhood? 	
15.	Is the building close to a land mark?	
16.	Please provide a Current property Condition report	
17.	Is the building compliant to the national building requirements and Occupational Health & Safety?	
18.	Additional information?	

5. VIOLATION OF THE AGREEMENT

Please indicate with a Yes or No in the compliance column if you comply with the following:

DESCRIPTION	COMPLIANCE YES / NO	NOTE
SACE has the right to cancel the agreement with immediate effect when, in the opinion of SACE, the service provider misbehaves, cannot perform the requested tasks or fails to deliver on time.		
SACE has the right to cancel for individual placements in the agreement with a notice period equal to the term of the charges in the contract (hourly, weekly, monthly) in case of a conflict with the service provider or when the assignment is terminated due to unforeseen charges in the project plan or other circumstances. No notice period is required at the agreed end of an assignment and as specified in the TOR.		
SACE has the right to cancel projects in the agreement with a notice period equal to one month in case of a conflict with the contractor or when the assignment is terminated due to unforeseen changes in the project plan or other circumstances. No notice period is required at the agreed end of an assignment and as specified in the TOR.		
SACE will inform the contractor of cases of default or neglect. Notice of such occurrences will be given in writing and delivered by hand.		
Ownership of all information and documentation stays with SACE and shall not be distributed without the prior consent from an authorized official.		
All work done shall be regarded as confidential and information can only be distributed with the written permission from an authorized official of SACE.		

6. INDEMNITY / SAFEGUARD / PROTECTION

The service provider safeguards SACE against any losses as a result of claims from any person working with him / her.

SACE will not be held responsible for any injuries; death or any damage to property while the contractor is delivering a service to SACE.

7. SUBMISSION OF PROPOSAL

Bid submissions should be handed in by 11H00 on the closing date in threefold. The original copy must be signed and will be the legal copy of the tender proposal. The documentation must be handed in at the following address:

The Bidding Office
SACE
Crossway Office Park
Block 1
240 Lenchen Avenue
CENTURION
0046

9. REQUESTS FOR FURTHER INFORMATION

Bidders may seek clarity or additional information in certain areas and hence are requested to direct all enquiries in writing to The CFO. In order to maintain transparency and equality of treatment, SACE will supply all Bidders equally with additional information requested by Bidders.

10. CONTACT DETAILS

All enquiries in respect of this proposal should be addressed and / or delivered to:

Name:	MR. GM Mapindani
Address:	SACE Crossway Office Park Block 1 240 Lenchen Avenue CENTURION 0045
Telephone:	012 – 663-0417
Facsimile:	086-218-3843
Email:	morris.mapindani@sace.org.za

**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 QUANTITY NO.	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.
.....
.....
.....

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid? **YES/NO**

2.10.1 If so, furnish particulars.
.....
.....
.....

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

2.11.1 If so, furnish particulars:

.....

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

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

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 not estimated to **exceed** R 50 000 000 (all applicable taxes included) and therefore the **80/20** preference point system shall be applicable.

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-

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

CONTRACT FORM - PURCHASE OF GOODS/WORKS

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

PART 1 (TO BE FILLED IN BY THE BIDDER)

1. I hereby undertake to supply all or any of the goods and/or works described in the attached bidding documents to (name of institution)..... in accordance with the requirements and specifications stipulated in bid number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the purchaser during the validity period indicated and calculated from the closing time of bid.
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (i) Bidding documents, viz
 - Invitation to bid;
 - Tax clearance certificate;
 - Pricing schedule(s);
 - Technical Specification(s);
 - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
 - Declaration of interest;
 - Declaration of bidder’s past SCM practices;
 - Certificate of Independent Bid Determination
 - Special Conditions of Contract;
 - (ii) General Conditions of Contract; and
 - (iii) Other (specify)
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the goods and/or works specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES	
1
2.
DATE:

CONTRACT FORM - PURCHASE OF GOODS/WORKS

PART 2 (TO BE FILLED IN BY THE PURCHASER)

1. I..... in my capacity as..... accept your bid under reference number dated..... for the supply of goods/works indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating delivery instructions is forthcoming.
3. I undertake to make payment for the goods/works delivered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice accompanied by the delivery note.

ITEM NO.	PRICE (ALL APPLICABLE TAXES INCLUDED)	BRAND	DELIVERY PERIOD	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

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

SIGNED ATON.....

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

1.

2.

DATE

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

Item	Question	Yes	No
4.1	<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? (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)? 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	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <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:		

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.
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