



INVITATION TO BID

BID NUMBER:	03/2018/19
DESCRIPTION:	PROVISION OF COMMERCIAL PROPERTY FOR PURCHASE (DURBAN - KZN)
DATE:	16 July 2018
CLOSING DATE:	15 August 2018
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:

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PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	03/2018/19	CLOSING DATE: 15 August 2018	CLOSING TIME:	11:00	
DESCRIPTION	Provision of Commercial Property for Purchase (Durban - KZN)				
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]		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX]	
	<input type="checkbox"/> Yes <input type="checkbox"/> No			<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 in a schedule 3A public entity established in terms of 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 has rented office spaces for its service centers in Durban and Bloemfontein and intends opening other centers in Polokwane, Cape Town and East London in 2018/19 financial year. The Council needs to make a bid to purchase office properties in Bloemfontein; Durban; Polokwane; East London and Cape Town.

PART TWO

1. IMPLEMENTATION

The South African Council for Educators request suitable service providers to submit proposals with regards to provision of Commercial Properties for Purchase in East London; Polokwane; Durban; Bloemfontein and Cape Town.

2. OBJECTIVES and KEY DELIVERABLES

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

1. The Buildings

A commercial building to house The South African Council for Educator's provincial office of 220 -350 square meters. The property should meet the standard or have potential for accommodating the requirements as outlined on 2 to 14 below.

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

A clean shell is preferred.

5. Vertical Circulation

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

6. Boardrooms/Meeting rooms

The structure should allow for the provision of a board room to accommodate at least 12 people.

7. Reception

A principal reception should accommodate a holding space for approximately 80 people.

8. Toilet and shared facilities

The property should accommodate construction of the following:

- 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.

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. Space requirements

It has been established that 350 sqm will be sufficient to house the SACE full staff compliment of 10 employees and still provide for boardroom; storage facilities and holding area of 80 people.

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

11. 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.

11. 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 commensurate with size of the building.

11.2. Mechanical

Condensers may be accommodated at roof level or walls.

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

11.3. Information and Communications Technology (ICT)

Telephony and Data Services

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

11.4. Security

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

11.5. Fire Defence

The following will apply in respect of fire defence.

- Sprinklers This 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.

11.6. Fit Out

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

11.6.1. 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.

11.6.2 Council Fit-Out for Building

The preferred bidder may 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 anodised 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

12. Design

The following are required to be submitted with proposal:

- 12.1 Site plan and;
- 12.2 As build plans

13. Ownership

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

14. Area

A building must be situated within a radius of 5km from the area's business 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	10%
Location	30%
Current property Condition Report	40%
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 Price: The price will be evaluated against the proposals offered by Bidders.

3.2.1.1 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.

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		

Documented proof of the following is require:

- Valid SARS issued Tax Clearance certificate;
- Audited financial statements

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/ potential for provisioning (mark have or potential)	
	<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.		
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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 three fold. 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

TAX CLEARANCE CERTIFICATE REQUIREMENTS

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

- 1 In order to meet this requirement bidders are required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
- 2 SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
- 3 The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
- 4 In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
- 5 Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website www.sars.gov.za.
- 6 Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za.

SBD2/ Application for tax Certificate...

Name of Bidder:



TCC 001 TAX CLEARANCE

Application for a Tax Clearance Certificate

Purpose

Select the applicable option _____ Tenders Good standing

If "Good standing", please state the purpose of this application

Two empty text input boxes for stating the purpose of the application.

Particulars of applicant

Name/Legal name (Initials & Surname or registered name)																	
Trading name (if applicable)																	
ID/Passport no					Company/Close Corp. registered no												
Income Tax ref no					PAYE ref no	7											
VAT registration no	4				SDL ref no	L											
Customs code					UIF ref no	U											
Telephone no	CODE		NUMBER						Fax no	CODE		NUMBER					
E-mail address																	
Physical address																	
Postal address																	

Particulars of representative (Public Officer/Trustee/Partner)

Name of Bidder:

I the undersigned confirm that I require a Tax Clearance Certificate in respect of Tenders or Goodstanding.

I hereby authorise and instruct _____ to apply to and receive from SARS the applicable Tax Clearance Certificate on my/our behalf.

C C Y Y - M M - D D

Signature of representative/agent

Date

Name of representative/agent

Declaration

I declare that the information furnished in this application as well as any supporting documents is true and correct in every respect.

C C Y Y - M M - D D

Signature of applicant/Public Officer

Date

Name of applicant/Public Officer

Notes:

1. It is a serious offence to make a false declaration.
2. Section 75 of the Income Tax Act, 1962, states: Any person who
 - (a) fails or neglects to furnish, file or submit any return or document as and when required by or under this Act;
 - or (b) without just cause shown by him, refuses or neglects to-
 - (i) furnish, produce or make available any information, documents or things; (ii) reply to or answer truly and fully, any questions put to him ...
 As and when required in terms of this Act ... shall be guilty of an offence ...
3. SARS will, under no circumstances, issue a Tax Clearance Certificate unless this form is completed in full.
4. Your Tax Clearance Certificate will only be issued on presentation of your South African Identity Document or Passport (Foreigners only) as applicable.

SBD 3.1

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:

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 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

Any enquiries regarding bidding procedures may be directed to the –

SACE

Tel: 012 663 0422

Or for technical information –

MAPINDANI G M

Tel: 012 663 0417

SBD 4

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-

Name of Bidder:

- 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 **YES / NO**

Name of Bidder:

the appropriate authority to undertake remunerative work outside employment in the public sector?

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:

.....
.....

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-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;

Name of Bidder:

- (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

- Ps = Points scored for price of bid under consideration
- Pt = Price of bid under consideration
- Pmin = 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

Name of Bidder:

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

Name of Bidder:

- 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.

<p>WITNESSES</p> <p>1.</p> <p>2.</p>
--

<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p>
<p>DATE:</p> <p>ADDRESS</p> <p>.....</p> <p>.....</p>

8

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-

Name of Bidder:

- a. abused the institution’s supply chain management system;
- b. committed fraud or any other improper conduct in relation to such system; or
- c. failed to perform on any previous contract.

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

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury’s Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury’s website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury’s website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes <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:		

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.

Name of Bidder:

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Js365bW

SBD 9

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

Name of Bidder:

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.

SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

Name of Bidder:

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.

Name of Bidder:

- 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