TERMS OF REFERENCE

FOR

APPOINTMENT OF A SERVICE PROVIDER FOR CONSTRUCTION AND INSTALLATION OF WATER PIPE LINES BETWEEN WINTERHOEK / VALLEY OF DESOLATION AND KWAGGAKOM IN CAMDEBOO NATIONAL PARK

RFQ NO.

SANParks-17571-01-21
REQUEST FOR PROPOSAL

RFQ NUMBER: SANParks-17571-01-21

ADVERTISEMENT DATE: 07 January 2021

CLOSING DATE: 13 January 2021

CLOSING TIME: 12:00 pm

BID DOCUMENT DELIVERY ADDRESS: bandisiwe.mda@sanparks.org

COMPULSORY BRIEFING SESSION: None

BID VALIDITY PERIOD: 90 days (commencing from the RFQ Closing Date)

TECHNICAL RELATED QUERIES
Mzwandile Mjadu
Mzwandile.Mjadu@sanparks.org

SCM RELATED QUERIES
Bandisiwe Mda
bandisiwe.mda@sanparks.org

DESCRIPTION OF RFQ:
APPOINTMENT OF A SERVICE PROVIDER FOR CONSTRUCTION AND INSTALLATION OF WATER PIPE LINES BETWEEN WINTERHOEK/ VALLEY OF DESOLATION AND KWAGGAKOM IN CAMDEBOO NATIONAL PARK

Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.

Bidders shall submit proposal responses in accordance with the prescribed manner of submissions as specified above. Bids received after the time stipulated shall not be considered.

Where applicable, the successful bidder will be required to fill in and sign a written Contract Form (SBD 7).

Bidders are not allowed to contact any other SANParks staff in the context of this RFQ other than the indicated officials under SBD 1 or as indicated above.

NB: No proposal shall be accepted by SANPARKS if submitted in any manner other than as prescribed above.

THIS RFQ IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT
YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)

BID NUMBER: SANParks:17571-01-21 CLOSING DATE: 13.01.2021 CLOSING TIME: 12h00

DESCRIPTION
APPOINTMENT OF A SERVICE PROVIDER FOR CONSTRUCTION AND INSTALLATION OF WATER PIPE LINES BETWEEN WINTERHOEK/ VALLEY OF DESOLATION AND KWAGGAKOM IN CAMDEBOO NATIONAL PARK

CLOSING DATE: 13.01.2021 CLOSING TIME: 12h00

BID RESPONSE DOCUMENTS MUST BE SENT TO THE DESIGNATED EMAIL ADDRESS
bandisiwe.mda@sanparks.org

BID RESPONSE DOCUMENTS MUST BE SENT TO THE DESIGNATED EMAIL ADDRESS

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO
CONTACT PERSON BANDISIWE MDA CONTACT PERSON MZWANDILE MJADU
TELEPHONE NUMBER 012 426 5370 TELEPHONE NUMBER 049 892 3453
E-MAIL ADDRESS bandisiwe.mda@sanparks.org E-MAIL ADDRESS mzwandile.mjadu@sanparks.org

TECHNICAL ENQUIRIES MAY BE DIRECTED TO:

CONTACT PERSON BANDISIWE MDA CONTACT PERSON MZWANDILE MJADU
TELEPHONE NUMBER 012 426 5370 TELEPHONE NUMBER 049 892 3453
E-MAIL ADDRESS bandisiwe.mda@sanparks.org E-MAIL ADDRESS mzwandile.mjadu@sanparks.org

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
OR
CENTRAL SUPPLIER DATABASE No: MAAA

B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE
TICK APPLICABLE BOX] B-BBEE STATUS LEVEL SWORN AFFIDAVIT
[ TICK APPLICABLE BOX]

☐ Yes ☐ No ☐ Yes ☐ 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?
☐ Yes ☐ No

ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?
☐ Yes ☐ No

IF YES ENCLOSE PROOF

[ IF YES, ANSWER THE QUESTIONNAIRE BELOW ]

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO

DOES THE ENTITY HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? ☐ YES ☐ 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: ........................................................................
1. PURPOSE

The purpose of these terms of reference (ToR) is to invite or request bidders to submit a quotation for Construction and Installation of Water Pipe Lines Between Winterhoek/ Valley Of Desolation And Kwaggakom in Camdeboo National Park

2. BACKGROUND

South African National Parks (SANParks) is a public entity functioning under National Environmental Management: Protected Areas Act 57 of 2003 (Act 57 of 2003); with the mandate to conserve; protect; control; and manage national parks and other defined protected areas and their biological diversity (Biodiversity). As a public entity, SANParks is also governed by the Public Finance Management Act, Act 1 of 1999 (as amended by Act 29 of 1999), and it is listed as Schedule 3 Part A: 25 public entities.

SANParks' operations are totally guided by its vision statement and mission statement. As a public entity, the organisation is committed to act in pursuance of transformation of South Africa’s society in support of entrenching South Africa's democracy. In this regard, the organisation has adopted a transformation mission to guide its efforts accordingly.

3. SCOPE OF WORK

Camdeboo National Park hereby invites service providers to submit quotations for Construction and Installation of Water Pipe Lines between Winterhoek / Valley Of Desolation and Kwaggakom in Camdeboo National Park, Eastern Cape. Quotations are sought from bidders that are registered on CIDB grading level 1 CE or higher.

4. TIMELINES

Time is of the essence in respect of this scope of work and delivery is required immediately as soon as a Purchase Order is issued, failure to render the service within the prescribed period, SANParks reserve the right to cancel the Purchase Order. The successful service provider must indicate the turn-around time on the quotation.

5. RESPONSIBILITIES OF SANPARKS

- To provide the tendering company with information that will assist in submitting the tender.
- Give indication of unsatisfactory performance to the attention of the company's management for improvement and expect feedback on how such unsatisfactory performance or bad behaviour will be prevented for future occurrences.
- Effecting payment within 30 days from date of receipt of original tax invoices
6. RESPONSIBILITIES OF THE BIDDER

• The bidder shall act in good faith in conducting and providing services for the duration of the tender.
• The bidder shall adhere to the terms and conditions of the RFQ.
• The service provider will render the service as required and as per the RFQ terms and conditions for the duration of the contract period.
• The bidder shall provide own transport, tools, material and accommodation.

7. SPECIAL CONDITIONS

• The service provider may not assign or subcontract any part of the order without the written consent of the Camdeboo National Park - SANParks.
• All safety procedures must be applied to in accordance with the Health and Safety Act.
• Penalty Clause (delivery of inferior quality materials): The delivery of inferior quality material will be penalised. Inferior quality material shall be returned to the supplier at the bidders cost.
• All goods or services purchased will be subjected to inspection by SANParks management.
• In the event that the supplier fails to complete the job, SANParks retains the right to take which ever steps are necessary to alleviate the situation. This may include the involvement of other suppliers or contractors and the contractor will not have any claim because of the actions taken by SANParks.
• Price quoted must include material, labour and travel costs.
• An official order will be issued before commencement of works to Camdeboo National Park.

8. FINANCIAL PAYMENT

Payment will be made in accordance to the PFMA (within 30 days) after delivery of service rendered or goods delivered.
## 9. PRICING SCHEDULE

### CONSTRUCTION AND INSTALLATION OF WATER PIPELINE BETWEEN WINTERHOEK/VALLEY OF DESOLATION AND KWAGGAKOM

<table>
<thead>
<tr>
<th>Item No</th>
<th>Item Description</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Discount Offered</th>
<th>Price Excluding Vat (currency)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Laying of pipes, Pump installations, Solar power installation and testing of the system (Winterhoek and Valley of Desolation approximately 2.3km)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Laying of pipes, Pump installations, Solar power installation and testing of the system (Kwaggakom approximately 1.3km)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>TOTAL</th>
<th>R</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>VAT</td>
<td>R</td>
</tr>
<tr>
<td></td>
<td>GRAND TOTAL</td>
<td>R</td>
</tr>
</tbody>
</table>


10. EVALUATION PHASE OF THE RECEIVED PROPOSALS

PHASE 1
STAGE 1: MINIMUM REQUIREMENTS COMPLIANCE RESPONSIVENESS CRITERIA

In this phase All proposals received will be verified for compliance and completeness of the submitted proposal per the set of minimum requirements as listed under paragraph 10.1. Service Providers who comply with the listed requirements progresses to the next phase of bidder(s) price and preference evaluation.

NB: Only bidders who fully comply with minimum requirements progress to the next phase (2)

PHASE 2: PRICE AND PREFERENCE (B-BBEE)

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Price</td>
<td>80%</td>
</tr>
<tr>
<td>B-BBEE</td>
<td>20%</td>
</tr>
<tr>
<td><strong>TOTAL POINTS FOR PRICE AND B-BBEE</strong></td>
<td>100</td>
</tr>
</tbody>
</table>

10.1 MINIMUM REQUIREMENTS COMPLIANCE RESPONSIVENESS CRITERIA (Compliance to legislative and treasury requirements)

In this phase all responses received will be verified for compliance and completeness of the submitted proposal per the below set of mandatory requirements.

- Submission of fully completed SBD1 (Invitation to Bid),
- Submission of an official quotation on the company letter head
- Submission of fully completed SBD 4 (Declaration of Interest),
- Submission of fully completed SBD 6.1 (Preference Claim Certificate), accompanied by the original or certified B-BBEE Status Level Verification Certificate as issued by SANAS accredited service providers or a Sworn Affidavit signed by the Commissioner of Oath. Any copies submitted in this case should be certified.
- Submission of fully completed SBD8 (Declaration of Bidders Past SCM Practice),
- Submission of fully completed SBD9 (Certificate of Independent Bid Determination),
- Proof of registration with National Treasury Central Supplier Database (CSD).

MANDATORY RETURNABLE DOCUMENTS

Bidders who fail to comply with the below requirements may be eliminated and not progress to the next phase of evaluation. Bidders who comply with the below will progress to the next phase of Price and Preference Evaluation.
• Proof of CIDB grading registration. Tenderers with a CIDB grading level of 1 CE or higher are eligible to apply.
• Submit a company profile
• Occupational Health and Safety Plan / Policy
• Letter of Good Standing on Compensation for Occupational Injuries & Diseases Act (COIDA) for Construction Industry? Civil Engineering

11. EVALUATION CRITERIA AND WEIGHTING

The RFP stipulated that the responses to be evaluated using the 80/20 preference points system in accordance with the PPPFA guidelines. Based on this system the points will be allocated as follows:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Price</td>
<td>80</td>
</tr>
<tr>
<td>Participation Goals/BEE</td>
<td>20</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

12. EVALUATION FORMULA FOR PRICE

The following formula will be applied to calculate the scores:

**Price Formula**

The following PPPFA formula was used to evaluate the price proposals submitted by bidders, this formula was used because price was the only criterion that was scored i.e. the whole 80 points were allocated to price.

\[ PS = 80 \times (1 - \frac{Pt}{Pmin}) \]

\[ Pmin \]

Ps = Points scored for price of the bid under consideration.

\[ Pt = \text{Rand value of bid under consideration.} \]

\[ Pmin = \text{Rand value of lowest acceptable bid} \]

13. FINAL AWARD

Bidder who complies with the specifications and scores highest total points on PRICE and B-BBEE claimed points shall be awarded the contract. SANParks reserves the right not to appoin
DECLARATION OF INTEREST (SBD 4)

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.

“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.

“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:

<table>
<thead>
<tr>
<th>Full Name</th>
<th>Identity Number</th>
<th>Personal Tax Reference Number</th>
<th>State Employee Number / Persal Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
4. DECLARATION

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

..................................................  .................................................. 
Signature  Date

..................................................  .................................................. 
Position  Name of bidder
This 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.

### 10. GENERAL CONDITIONS

10.1 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

10.2

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

b) Either the 80/20 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

10.3 Points for this bid shall be awarded for:

(a) Price; and

(b) B-BBEE Status Level of Contributor.

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

<table>
<thead>
<tr>
<th>POINTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PRICE</strong></td>
</tr>
<tr>
<td><strong>B-BBEE STATUS LEVEL OF CONTRIBUTOR</strong></td>
</tr>
<tr>
<td>Total points for Price and B-BBEE must not exceed</td>
</tr>
</tbody>
</table>

10.5 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.
10.6 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.

11. 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;

12. POINTS AWARDED FOR PRICE

12.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

\[
80/20 \\
\end{equation}
\]

\[
Ps = 80 \left( 1 - \frac{Pt - P_{\text{min}}}{P_{\text{min}}} \right)
\]

Where

\begin{align*}
Ps & = \text{Points scored for price of bid under consideration} \\
Pt & = \text{Price of bid under consideration} \\
P_{\text{min}} & = \text{Price of lowest acceptable bid}
\end{align*}

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

13.1 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:

\[
\begin{array}{|c|c|}
\hline
\text{B-BBEE Status Level of Contributor} & \text{Number of points} \\
\hline
1 & 20 \\
\hline
\end{array}
\]
14. **BID DECLARATION**

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

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

15.1 B-BBEE Status Level of Contributor:  .    =    ........(maximum of 20 points)  

(Points claimed in respect of Paragraph 6.1 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)

16. **SUB-CONTRACTING**

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

*(Tick applicable box)*

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

---

Non-compliant contributor 0
16.1.1 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

NO

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

<table>
<thead>
<tr>
<th>Designated Group: An EME or QSE which is at last 51% owned by:</th>
<th>EME</th>
<th>QSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black people</td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>Black people who are youth</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black people who are women</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black people with disabilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black people living in rural or underdeveloped areas or townships</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cooperative owned by black people</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
17. DECLARATION WITH REGARD TO COMPANY/FIRM

17.1 Name of Company/Firm: ........................................................................................................

17.2 VAT Registration Number: ...................................................................................................

17.3 Company Registration Number: ............................................................................................

17.4 TYPE OF COMPANY/ FIRM

☐ Partnership/Joint Venture / Consortium

☐ One person business/sole propriety

☐ Close corporation

☐ Company

☐ (Pty) Limited

[TICK APPLICABLE BOX]

17.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

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

..........................................................................................................................................................
17.6  COMPANY CLASSIFICATION

☐ Manufacturer

☐ Supplier

☐ Professional service provider

☐ Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

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

17.8  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 4.1
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.