



**South African
NATIONAL PARKS**

TERMS OF REFERENCE

**APPOINTMENT OF A PROFESSIONAL SERVICE
PROVIDER FOR PILOT APPLICATION OF SECTION 37D
OF THE INCOME TAX ACT TO CONTRACTUAL
NATIONAL PARKS**

RFQ NUMBER:

SANParks-00393-11-19

REQUEST FOR QUOTATIONS

You are hereby invited to submit proposal / price quotation for:

Appointment of a Professional Service Provider for Pilot Application of Section 37D of the Income Tax Act to Contractual National Parks

RFQ Number:	SANParks-00393-11-19
Advertisement Date:	24 January 2020
Closing Date:	31 January 2020
Closing Time:	12H00
Bid Document Delivery Address:	scmquotations@sanparks.org
For Attention:	SCM Quotations
Contact details	012 426 5083 / 5225
Email Address	mpo.masia@sanparks.org

TERMS OF REFERENCE FOR PILOT APPLICATION OF SECTION 37D OF THE INCOME TAX ACT TO CONTRACTUAL NATIONAL PARKS

1. PURPOSE

The purpose of these terms of reference (ToR) is to invite professional service providers to submit a quotation to pilot the application of S37D of the Income Tax Act to existing / prospective landowners of Contractual National Parks.

2. BACKGROUND

The primary mandate of South African National Parks (SANParks), as defined in the National Environmental Management: Protected Areas Act (No.57 of 2003) (NEMPAA), is to conserve biodiversity and to manage the country's national parks. South Africa's protected area network, however, currently falls far short of representing all ecosystems and maintaining ecological processes. It is therefore also a strategic priority of SANParks to continue contributing to a growing conservation estate by adding underrepresented terrestrial and marine protected areas into the national park system.

In this context, the National Protected Area Expansion Strategy (NPAES), provides targets for cost effective expansion of legally recognised protected areas for improved ecosystem representation, ecological sustainability and climate resilience.

There are various mechanisms for expanding the land-based protected area network. Traditionally the most prevalent expansion method used by SANParks has been the acquisition of land, involving large upfront costs, and ongoing management commitments. Such costs are becoming increasingly prohibitive for Sanparks and Protected Areas agencies, and for this reason, the NPAES highlights the importance of expansion mechanisms other than land acquisition, particularly contractual agreements through

biodiversity stewardship programmes. Biodiversity stewardship is an approach to securing land in priority areas, in which private and communal landowners maintain ownership of their land but can enter into a contract with a protected area agency in return for protected area status in terms of NEMPAA. These areas contribute towards meeting national protected area targets established in NPAES.

To encourage the uptake of such contractual agreements, extensive work has been done to develop and mainstream fiscal incentives. Birdlife South Africa launched the Fiscal Benefits Project in 2015 in collaboration with National Treasury, the South African Revenue Service, the Department of Environmental Affairs and the Biodiversity Stewardship community of practice to introduce a new tax incentive into national legislation, being Section 37D in the Income Tax Act, designed to give landowners a tax deduction for their conservation commitment. Successful application of S37D was achieved for the first time in South Africa at the end of 2016, on behalf of a landowner with a declared Nature Reserve. Application of the tax incentive to a landowner that has declared their land a Contractual National Park, has not however been tested to date. SANParks is now seeking a service provider to assist in piloting the application of S37D to contractual national park landowners, in order to set a precedent for roll out, to encourage expansion of contractual national parks, and enhance the viability of formally protected areas.

The GEF Protected Area Programme for South Africa, for which SANParks is an implementing agent, will fund the project, in line with the Programme objective of low cost protected area expansion.

3. SCOPE OF WORK

The successful bidder will be required to implement a two phased approach to take a minimum of three selected contractual national park landowners (new/existing) to a point where they are ready to submit a tax return inclusive of S37D rebate application.

Phase 1 will be focused largely on engagement to identify and test three pilot site landowners for eligibility to access S37D as contractual national parks. This phase will include activities such as:

- Selection of three pilot sites, in coordination with SANParks Park Planning, considering the suitability, willingness and readiness of landowners;
- Assisting pilot landowners, through a process of engagement, to ensure willingness and eligibility (no tax issues; no declaration issues etc.) to access S37D.

Phase 2 will be focused on supporting those eligible pilot landowners (at least one of the three) through the necessary compilation and processing of documents to a point where they are ready to submit their tax return.

Bidders are accordingly invited to provide SANParks **by 31 January 2020 @ 12:00**, with:

- A proposal of how the bidder will fulfil the required scope of work, including a detailed methodology and project plan;
- A proposed fee arrangement/cost estimate of what the bidder will require to render the required services for completion of the project.

4. TIMELINES

The successful service provider will be required to commence with work immediately after appointment and finish the project within 12 months (no later than February 2021).

5. EVALUATION PHASES OF THE RECEIVED PROPOSALS

<p><u>PHASE 1</u> STAGE 1: MINIMUM REQUIREMENTS: COMPLIANCE RESPONSIVENESS CRITERIA <i>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 5.1. Service Providers who comply with the listed requirements progresses to the next stage of functional / technical evaluation requirements.</i> <i>NB: Only bidders who fully comply with minimum requirements progress to the next stage (2)</i></p>	<p>100%</p>	
<p>STAGE 2: TECHNICAL EVALUATION CRITERIA <i>Only those proposals that fully comply with minimum compliance requirements in Stage1, will now be evaluated in terms of the technical criteria, expertise, and experience as listed under paragraph 5.2.2 and 5.2.3</i> <i>NB: Only bidders who achieve a technical score of at least 75% will progress to Phase 2.</i></p>	<p>75%</p>	
<p><u>PHASE 2</u> PRICE AND PREFERENCE (B-BBEE)</p>		
<p>Price</p>	<p>80%</p>	
<p>B-BBEE</p>	<p>20%</p>	
<p>TOTAL POINTS FOR PRICE AND B-BBEE</p>		<p>100</p>

5.1. MINIMUM REQUIREMENTS COMPLIANCE RESPONSIVENESS CRITERIA

In this phase all responses received will be verified for compliance and completeness of the submitted proposal per the below set of mandatory requirements. (*Compliance to legislative and treasury requirements*)

- Submission of Company Profile relevant to the scope of work with details of the firms' understanding of the requirement of this RFQ.
- Submission of fully completed SBD 1 (Invitation to Bid),
- Submission of fully completed Pricing proposal VAT inclusive where applicable
- 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 or original B-BBEE Sworn Affidavit,
- 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).
- Rate per hour for the Team Leader

5.2 Project Management Team and Execution

The following are required from the service provider:

- A detailed methodology & project plan indicating key activities, milestones and deliverables, as well as who will be responsible for the management and execution of the assignment. The allocation of team members to assignments should be based on the qualifications and experience of the proposed project personnel.
- CV's of the core team, highlighting relevant qualifications and experience in relation to the scope of work.
- A clear budget indicating effort and fixed costs corresponding to the project plan, required to complete the project.

5.3 Qualifications and Experience

The following are the minimum qualifications and experience expected of the service provider's key staff:

- Registered tax practitioner with SARS and other relevant tax bodies
- Experience in applying, processing and submitting S37D tax returns
- Knowledge of, and at least six years of experience in, the application of NEMPAA declaration processes and Biodiversity Stewardship
- Minimum of six years' experience in conducting similar or equivalent assignment.
- Minimum of three references of similar or equivalent experience relating to the scope of work completed in the last five years.

6. EVALUATION FORMULA

Price Formula

The following PPPFA formula will be used to evaluate the price proposals submitted by bidders because price is the only criterion that is scored i.e. the whole 80 points will be allocated to price.

- $PS = 80 \left(1 - \frac{Pt - Pmin}{Pmin} \right)$
- PS = Points scored for price of the bid under consideration.
- Pt = Rand value of bid under consideration.
- Pmin = Rand value of lowest acceptable bid

7. FINAL AWARD

The service provider who obtains highest total points on PRICE and B-BBEE claimed points shall be awarded the contract. SANParks reserves the right not to appoint.

Price Evaluation at estimated total cost will be utilized for comparative and evaluation purposes only; as such it should be noted that the total estimated pricing represents the total contract value. The recommended service provider must provide detailed activity sheets to support the fees charged to SANParks.

All disbursements will be on an actual recovery basis and the recommended service provider will invoice SANParks for those costs. Car travel will be paid per kilometre, not exceeding AA rates and a travel log book must be provided to support all claims.

SANParks promotes the concept of “best value” in the award of contracts, as opposed to merely looking for the cheapest price, which does not necessarily provide the best value. Best value incorporates the expertise, experience and technical proposal of the organisation and individuals who will be providing the service and the organisational capacity supporting the project team. The minimum functional threshold will be **75%**.

Any bidder who does not meet the minimum threshold will not proceed to the Price and Preference Stage of evaluation.

1 point equivalent of 25

2 points equivalent of 50

3 points equivalent of 75

4 points equivalent of 100

	EVALUATION CRITERIA	WEIGHT	MAXIMUM POINTS	SCORING
Evaluation	Quality of Methodology (How will you go about identifying relevant aspects and staff, facilitate gathering of information and meetings and getting eventual buy in from staff/ stakeholders). <i>Please provide a detailed Methodology</i>	20	4	1 - The methodology is poorly described and/or does not provide any information regarding the relevant aspects of the project.
				2 - The methodology is very briefly described and provides little information regarding the relevant aspects of the project.
				3 - The methodology is satisfactorily and meets the requirements and provides information regarding the relevant aspects of the project and has comprehensive information.
				4 - The methodology is more than comprehensively described and provides detailed information regarding the relevant aspects of the project and exceeds the expectation
	EVALUATION CRITERIA	WEIGHT	MAXIMUM POINTS	SCORING
	Execution of the Plan (What, How, When and Why) <i>Please provide a detailed</i>	20	4	1 - The Project Plan is poorly described and/or does not provide any information regarding the implementation of the project.
				2 - The Project Plan is very briefly described and provides

	EVALUATION CRITERIA	WEIGHT	MAXIMUM POINTS	SCORING
	<i>Project Plan</i>			<p>little information regarding the implementation of the project.</p> <p>3 - The Project Plan is satisfactorily described and provides basic information regarding the implementation of the project and complies with the minimum comprehensive information.</p> <p>4 - The Project Plan is more than comprehensively described and provides detailed information regarding the implementation of the project.</p>
	<p>Bidder's Experience: Environmental Legislation & Biodiversity Stewardship <i>Please provide a detailed Company profile that must include number of years' relevant experience and a company organogram and References</i></p>	20	4	<p>1 – 1-4 years' relevant experience</p> <p>2 – 5-9 years' relevant experience</p> <p>3 – 10 years' relevant experience</p> <p>4 – Over 10 years' relevant experience</p>
	<p>Bidder's Experience: S37D <i>Please provide a detailed overview of relevant experience in application of S37D</i></p>	20	4	<p>1 – the bidder has no direct relevant experience in development, application & processing of S37D</p> <p>2 – the bidder has some relevant experience in development, application & processing of S37D</p> <p>3 – the bidder has significant relevant experience in development & application of S37D to a varied set of Protected Area landowners</p> <p>4 – the bidder has more than significant relevant experience in development, application & processing of S37D to a diverse set of Protected Area landowners</p>
	<p>Human Resource Capability <i>Please provide detailed CV's of the project leader and team members who will be involved in</i></p>	20	4	<p>1 – 1-4 years' relevant experience</p> <p>2 – 5-9 years' relevant experience</p>

	EVALUATION CRITERIA	WEIGHT	MAXIMUM POINTS	SCORING
	<i>this project. The CV's must indicate the number of years' relevant experience. Scoring will be based on Team Leader's relevant experience.</i>			3 – 10 years' relevant experience
				4 – Over 10 years' relevant experience
TOTAL FUNCTIONAL SCORE	A bidder must score a minimum functional threshold of 75% (75 out possible 100) to be considered for Price and Preference Points stage of evaluation.	100		

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF SOUTH AFRICAN NATIONAL PARKS					
BID NUMBER:	SANParks – 00393-11-19	CLOSING DATE:	31 January 2020	CLOSING TIME:	12H00
DESCRIPTION	APPOINTMENT OF A PROFESSIONAL SERVICE PROVIDER FOR PILOT APPLICATION OF SECTION 37D OF THE INCOME TAX ACT TO CONTRACTUAL NATIONAL PARKS				
BID RESPONSE SHOULD BE E-MAILED TO THE BELOW E-MAIL ADDRESS					
scmquotations@sanparks.org					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Mpho Masia	CONTACT PERSON	Candice Eb		
TELEPHONE NUMBER	012 426 5083	TELEPHONE NUMBER	083 354 0284		
E-MAIL ADDRESS	mpho.masia@sanparks.org	E-MAIL ADDRESS	Candice.Eb@sanparks.org		
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE 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:

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.

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 Tax Reference Number	State Number / Employee Peral 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.

**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

1.2

- 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

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

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

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE must not exceed	100

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

(a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

(b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

(c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;

(d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

(e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;

(f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.

(g) **“prices”** includes all applicable taxes less all unconditional discounts;

(h) **“proof of B-BBEE status level of contributor”** means:

1) B-BBEE Status level certificate issued by an authorized body or person;

2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;

3) Any other requirement prescribed in terms of the B-BBEE Act;

(i) **“QSE”** means a qualifying small business enterprise in terms of a code of good

practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;

(j) “**rand value**” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

3.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

P_{\min} = Price of lowest acceptable bid

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

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

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

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 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.

DECLARATION OF BIDDER'S PAST SCM PRACTICES (SBD 8)

<ul style="list-style-type: none"> 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? If Yes, furnish particulars as an attached schedule: 	Yes	No
<ul style="list-style-type: none"> 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)? If Yes, furnish particulars as an attached schedule: 	Yes	No
<ul style="list-style-type: none"> 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? If Yes, furnish particulars as an attached schedule: 	Yes	No
<ul style="list-style-type: none"> 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? If Yes, furnish particulars as an attached schedule: 	Yes	No
<p>The Database of Restricted Suppliers and Register for Tender Defaulters 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>		

CERTIFICATE OF INDEPENDENT BID DETERMINATION (SBD 9)

<p>I, the undersigned, in submitting this Bid in response to the invitation for the Bid made by the SANParks, do hereby make the following statements that I certify to be true and complete in every respect:</p>		
<ul style="list-style-type: none"> I have read and I understand the contents of this Certificate; 	Yes	No
<ul style="list-style-type: none"> I understand that the Bid will be disqualified if this Certificate is found not to be true and complete in every respect; 	Yes	No
<ul style="list-style-type: none"> I am authorised by the Bidder to sign this Certificate, and to submit the Bid, on behalf of the Bidder; 	Yes	No
<ul style="list-style-type: none"> Each person whose signature appears on the Bid has been authorised by the Bidder to determine the terms of, and to sign, the Bid on behalf of the Bidder; 	Yes	No
<p>For the purposes of this Certificate and the accompanying Bid, I understand that the word “competitor” shall include any individual or organisation, other than the Bidder, whether or not affiliated with the Bidder, who:</p> <ul style="list-style-type: none"> 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 		
<p>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.</p>		

In particular, without limiting the generality of paragraphs 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.

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.

The terms of this 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.

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

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

STANDARD BIDDING DOCUMENTS DECLARATION

The following documents are deemed to form and be read and construed as part of this agreement even where integrated in this document:

Invitation to Bid (SB1)
Declaration of Interest (SBD4)
Preference points claimed (SBD6.1) – Original or certified copy of B-BBEE certificate or Sworn Affidavit
Declaration of Bidder's past SCM practices (SBD8);
Certificate of Independent Bid Determination (SBD9)

The obligation to complete, duly sign and submit these declarations included in this SBD declaration pack cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the legal entity.

I declare that I have had no participation in any collusive practices with any Bidder or any other person regarding this or any other procurement. I certify that the information furnished in these declarations (SBD4, SBD6.1, SBD8, SBD9) is correct and I accept that SANParks may reject the Offer or act against me should these declarations prove to be false. I confirm that I am duly authorised to sign this SBD declaration pack nominated in writing by the Chief Executive Officer or Senior Member/Person with management responsibility (Close Corporation, Partnership or Individual).

NAME (PRINT)	
CAPACITY	
SIGNATURE	
NAME OF FIRM	
DATE	

WITNESSES:	
1	_____
2	_____
Date	_____