



**South African
NATIONAL PARKS**

**APPOINTMENT OF A SERVICE PROVIDER TO ASSIST
SANPARKS IN INVESTIGATING IRREGULAR
EXPENDITURE INCURRED AND SUBMISSION OF
CONDONATION REPORTS TO NATIONAL TREASURY
FOR APPROVAL**

RFQ Number

SANParks- 00497-11-19

REQUEST FOR PROPOSAL	
RFQ NUMBER:	SANParsk-00497-11-19
ADVERTISEMENT DATE:	05 March 2020
CLOSING DATE:	18 March 2020
CLOSING TIME:	12:00 pm
BID DOCUMENT DELIVERY ADDRESS:	scmquotations@sanparks.org
COMPULSORY BRIEFING SESSION:	13 March 2020 at 13H00 – 15H00, 643 Leyds Street, Muckelneuk.
BID VALIDITY PERIOD:	90 days (commencing from the RFQ Closing Date)
TECHNICAL RELATED QUERIES	Ernest Hlungwani; 012 426 5243; Ernest.Hlungwani@sanparks.org
SCM RELATED QUERIES	Charmaine Muzwayine; 012 426 5225; Charmaine.muzwayine@sanparks.org
DESCRIPTION OF RFQ:	INVESTIGATIONS ON IRREGULAR EXPENDITURE AND ASSISTANCE IN CONDONATION OF SAME BY NATIONAL TREASURY

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

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE SOUTH AFRICAN NATIONAL PARKS					
BID NUMBER:	SANParks-00497-11-19	CLOSING DATE:	18 March 2020	CLOSING TIME:	12H00
DESCRIPTION	INVESTIGATIONS ON IRREGULAR EXPENDITURE AND ASSISTANCE IN CONDONATION OF SAME BY NATIONAL TREASURY				
BID RESPONSE DOCUMENTS MUST BE SENT TO THE DESIGNATED EMAIL ADDRESS					
scmquotations@sanparks.org					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Charmaine Muzwayine		CONTACT PERSON	Ernest Hlungwani	
TELEPHONE NUMBER	012 426 5225		TELEPHONE NUMBER	012 426 5243	
E-MAIL ADDRESS	charmaine.muzwayine@sanparks.org		E-MAIL ADDRESS	ernest.hlungwani@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] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]	
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?					<input type="checkbox"/> YES
<input type="checkbox"/> NO					

DOES THE ENTITY HAVE A BRANCH IN THE RSA?

NO

YES

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?

NO

YES

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?

NO

YES

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?

NO

YES

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:
<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>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.</p> <p>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.</p> <p>1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</p>
2. TAX COMPLIANCE REQUIREMENTS
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>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.</p> <p>2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.</p> <p>2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>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.</p> <p>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."</p>

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 to render assistance to the Minister in investigating the causes of irregular expenditure, writing a report with findings and recommendations which will assist the Minister in preparing submission to the Portfolio Committee on Environment, Forestry and Fisheries.

2. BACKGROUND

The Irregular Expenditure Framework stipulates that the following be conducted in identifying, recognition, confirmation, determination, investigation, recovery, condonation or removal of irregular expenditure.

RECOGNITION: In terms of the Irregular Expenditure Framework, irregular expenditure is incurred when the resulting transaction is recognized in the financial records of a department, constitutional institution or public entity in accordance with the relevant Accounting Framework.

For a department or a government component applying the Modified Cash Standards (MCS) to incur irregular expenditure, the non-compliance must be linked to a financial transaction. Although a transaction may trigger irregular expenditure, a department or government component will only record irregular expenditure when a payment pertaining to the non-compliance is actually made (i.e. when the expenditure is recognized in accordance with the Modified Cash Standards).

For a government component, a constitutional institution, a trading entity or a public entity listed in Schedules 2 or 3 to the PFMA applying Generally Recognised Accounting Practice (GRAP) or International Financial Reporting Standards (IFRS) to incur irregular expenditure, the non-compliance must be linked to a financial transaction. Although a transaction may trigger irregular expenditure, a constitutional institution, government component, trading entity or public entity will only record irregular expenditure when a

transaction is recognised as expenditure in the Statement of Financial Performance in accordance with GRAP or IFRS, whichever is applicable.

In terms of the Framework, for a transaction to constitute irregular expenditure, it must meet the following conditions:

- It must be incurred in contravention of, or not in accordance with legislation, and
- It must be incurred upon recognition of a financial transaction as (1) an expenditure in accordance with the Accounting Framework applicable to departments and government components operating on a modified cash basis of accounting, and (2) a liability in accordance with the Accounting Framework applicable to government components, constitutional institutions, trading entities and public entities operating on an accrual basis of accounting.

ASSESSMENT: Sections 38(1)(n) and 51(1)(h) of the PFMA require accounting officers and accounting authorities respectively, to comply and ensure compliance with this Act. Accounting authorities of public entities are also required to ensure compliance with any other legislation applicable to the public entity. Accounting officers or accounting authorities must ensure that their respective departments, constitutional institutions or public entities operate in accordance with the provisions of applicable legislation. This responsibility encompasses identifying the legislative universe which institutions must comply with. Accounting officers and accounting authorities must assess the legislative frameworks applicable to their respective institutions to identify any irregularity / irregularities in transactions that have been processed. Upon detection of alleged irregular expenditure, the Loss Control Function must conduct an assessment to identify possible irregularities in transactions that have been processed and to confirm whether irregular expenditure has been incurred or whether the incident was the result of non-compliance with legislation that did not relate to the incurrence of a financial transaction.

CONFIRMATION OF IRREGULAR EXPENDITURE: If a transaction has been processed in contravention of legislation and the same transaction has a financial implication (payment was made or a liability was recognised in the books), it must be recorded as irregular expenditure. The accounting officer or accounting authority must record the details of all alleged irregular expenditure in the Checklist. The details and amounts of confirmed irregular expenditure and losses determined must be recorded in the irregular expenditure lead schedule.

DETERMINATION: The Loss Control Function must conduct a determination test or analyse particulars of the non-compliance to establish the facts and losses, if any, related to the transaction. The Loss Control Function must, at least, collect information on –

- (a) the root causes that led to the transgression;
- (b) the employee(s) responsible for the irregular expenditure;
- (c) whether the department, constitutional institution or public entity suffered a loss; and
- (d) any breakdown in the designed internal controls.

The determination test must commence within 30 days after the irregular expenditure was reported to the accounting officer or accounting authority.

INVESTIGATION: The accounting officer or accounting authority must conduct an investigation if it is suspected that there is a possibility of fraudulent, corrupt or other criminal conduct emanating from the incurrence of irregular expenditure. The accounting officer or accounting authority must, upon suspicion of a fraudulent, corrupt or other criminal conduct, refer the irregular expenditure matter to a function performing investigations in order to establish the facts about the transaction and to obtain recommendations on the next step (s) to be taken. The investigation must provide the accounting officer or accounting authority with at least the following –

- (a) root causes that led to the transgression;
- (b) impact of the transgression;
- (c) fraudulent, corrupt or other criminal conduct;
- (d) employee(s) responsible for the irregular expenditure;
- (e) whether the department, constitutional institution or public entity suffered a loss;
- (f) whether the matter must be referred to the South Africa Police Service; and
- (g) any breakdowns in the designed internal controls and the impact thereof.

The investigation must commence within 30 days after the determination test.

CONDONATION: Condonation of irregular expenditure relating to the contravention of applicable legislation must be forwarded to the National Treasury for attention of the Accountant-General.

The requests referred to above may only be submitted to National Treasury if the accounting officer or accounting authority confirms that the department, constitutional institution or public entity did not suffer a loss and that value for money was achieved.

Requests for condonation of irregular expenditure submitted must at least contain the following information –

- (a) confirmation that a determination test was conducted;
- (b) findings and recommendations of the Loss Control function or another relevant function that conducted the determination test;
- (c) findings and recommendations of the Internal Audit function or another relevant function that conducted the investigation;
- (d) confirmation that no losses were incurred;
- (e) confirmation that disciplinary action was taken against the responsible employee(s);
- (f) confirmation that investigations were conducted in cases of identified fraudulent, corrupt or criminal acts; and
- (g) remedial actions taken by the accounting officer or accounting authority to prevent the recurrence of such irregular expenditure in similar circumstances.

REMOVAL: The accounting officer or accounting authority may consider removing irregular expenditure that was not condoned by the relevant authority. Removal of irregular expenditure may take place if the accounting officer or accounting authority is satisfied that the recommendations of the Loss Control function (in a case of a determination) or an Internal Audit function (in a case of an investigation) or another relevant function confirms that –

(a) the matter is free from fraudulent, corrupt or criminal acts;

(b) disciplinary action was taken against the responsible employee(s);

(c) the department, constitutional institution or public entity, whichever applicable, did not suffer any losses;

(d) the non-compliance that led to the irregular expenditure has been addressed to ensure that such expenditure does not recur under similar circumstances; and

(e) transactions of a similar nature are regularly reviewed to ensure compliance with the relevant prescripts.

The accounting officer or accounting authority may proceed with the removal of irregular expenditure from the notes to the annual financial statements after confirmation of the processes indicated above.

3. SCOPE OF WORK

The appointed service provider will be required to conduct all or relevant tasks under “Background” on the transactions that have been identified by SANParks to be non-compliant and confirm or dispute the reports from Loss Control Office. The number of irregular transactions to be investigated does not exceed 150.

The successful bidder will be required to:-

- Have knowledge and understanding of Environment Conservation Act including National Environmental Management: Protected Areas Act (NEMPAA)
- Have knowledge and understanding of Public Audit Act (PAA)
- Know and understand public procurement legislations and regulations such as PFMA, PPPFA, BBBEE Act and Code of Good Practice, applicable National Treasury Instruction Notes or Circulars.
- Have knowledge and practical application of the National Treasury Irregular Expenditure Framework
- CIDB Act and associated regulations and practice notes.
- Framework for Infrastructure Delivery and Procurement Management.
- Familiarise themselves with SANParks Supply Chain Management Policy and Delegations of Authority
- Know and understand Contract Management Guide
- Know and understand GRAP requirements
- Have knowledge of any other legislation impacting on Public Procurement.

Bidders are accordingly invited to provide SANParks with:

- a proposal of how the bidder would provide the required services accompanied by a project plan; and
- a fee arrangement / cost estimate that the bidder would require to render the services for this project.

The service must include but not limited to:

Analyse particulars of the non-compliance to establish the facts and losses, if any, related to the transaction. The service provider must, at least, collect information on –

- (a) the root causes that led to the transgression;
- (b) the employee(s) responsible for the irregular expenditure;
- (c) whether public entity suffered a loss; and
- (d) any breakdown in the designed internal controls.

4. TIMELINES

Time is of the essence in respect of this scope of work and the assistance is required immediately. The Successful service provider will be required to commence work immediately after appointment and the project period will not exceed 1 (one) month.

5. EVALUATION PHASES OF THE RECEIVED PROPOSALS

<p><u>PHASE 1</u> STAGE 1: MINIMUM REQUIREMENTS COMPLIANCE RESPONSIVENESS CRITERIA <i>In this phase <u>All proposals</u> 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 phase of bidder(s) functional / technical evaluation requirements.</i> <i>NB: Only bidders who fully comply with minimum requirements progress to the next phase (2)</i></p>	<p>100%</p>	
<p>PHASE 2: 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

(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 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 Schedule (Professional Services – SBD 3.3),
- 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, **(Preference will be given to companies that are Level 1 or Level 2)**

- 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).

5.2. FUNCTIONALITY- EVALUATION CRITERIA

In this phase, Bidders are not eligible for the Price and Preference scoring stage where they score less than the minimum threshold prescribed for functionality of **75%**. Bidders are not eligible for the Price and Preference scoring stage where they score less than the minimum threshold prescribed for functionality. The minimum threshold that bidders need to score is 75%. Bidders who score 75% or more will qualify to be evaluated for Preference points and Price.

The evaluation will be based on the following:

4 equals 100: Exceeds the requirements

3 equals 75: meet the minimum requirements

2 equals 50 points: partially meet the requirements

1 equals 25 points: does not satisfactorily meet the requirements

No	Functionality Criteria	Weighting	Points	Points Allocation
1	<p>Proven track record and experience in providing similar assignments</p> <p>(List should state the nature of the assignment; the value; the duration and contactable reference) Proof of such as appointment letters or reference letters should be provided?</p>	25	1 - 4	<p>4 = The knowledge exceeds understanding of the requirements</p> <p>3 = The knowledge is clear and relevant and is demonstrating bidders understanding of the requirements</p> <p>2 = The knowledge provided demonstrate average understanding of the requirements</p> <p>1 = The knowledge provided lacks context of the requirement</p>
2	Evaluation of references received	25	1 - 4	<p>4 = Eleven or more relevant references</p> <p>3 = Six to Ten relevant references</p> <p>2 = Four to Five relevant references</p> <p>1 = One to Three relevant references</p>
3	<p>Qualifications and experience of core team members (CVs to be attached and membership of the professional bodies where applicable)</p>	25	1 - 4	<p>4= Qualifications and experience exceed the requirements</p> <p>3 = Qualifications and experience demonstrate ability of the bidder and complies with the requirements</p> <p>2 = Qualifications and experience demonstrate average experience</p> <p>1 = Qualifications and experience demonstrate poor experience</p>
4	Project Management and execution indicating key activities, milestones and deliverables	25	1 - 4	<p>4= Project Plan indicates clear key deliverables, activities and milestones less than a month</p> <p>3 = Project Plan indicating clearly key deliverables, activities and milestones for a month.</p> <p>2 = Project plan partially covers all elements</p> <p>1= Project plan poorly indicating key deliverables, activities and milestones</p>

6. EVALUATION FORMULA

The following formula will be applied to calculate the scores:

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 were 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

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.

7.1 Average Hourly Rate Calculation

Price Evaluation at estimated hourly rate will be utilized for comparative and evaluation purpose only; as such it should be noted that the total estimated hourly rate does not represent the total contract value, instead the hourly rate will be used to determine the service provider who submitted acceptable rates for recommendation purpose only. The recommended service provider must provide detailed timesheets to support the hours 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.

PRICING SCHEDULE SBD 3.3 PROFESSIONAL SERVICES

- Service provider should submit an hourly average rate of the team in experience, expertise, competence and number of years practicing as a consultant in similar projects as follows:

Requirements	Rate per hour	Quantity	Total Price Including VAT
An average hourly rate of team members:	R	R	R
Sub-Total			
VAT@15%			
Grand Total			

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 Reference Number	Tax	State Employee Number / Persal Number

4 DECLARATION

I, THE UNDERSIGNED
 (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....

Signature

Date

.....

.....

Position

.....

Name of bidder

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL
PROCUREMENT REGULATIONS 2017**

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and

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

1.3 Points for this bid shall be awarded for:

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

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

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

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

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

2. DEFINITIONS

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

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

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

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

(e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good

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

- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

3.1 THE 80/20 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	<input type="checkbox"/>	<input type="checkbox"/>
Black people who are youth	<input type="checkbox"/>	<input type="checkbox"/>
Black people who are women	<input type="checkbox"/>	<input type="checkbox"/>
Black people with disabilities	<input type="checkbox"/>	<input type="checkbox"/>

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</p>		

communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.

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:

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
