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**REQUEST FOR QUOTATION (RFQ)**

RFQ	RFQ/LOG/2023/63
RFQ ISSUE `DATE	26 MAY 2023
NON-COMPLUSORY BRIEFING SESSION/ SITE VISIT	SABC AUCKLAND PARK, HENLEY ROAD ENTRANCE 2 RADIO PARK BUILDING 02 JUNE 2023 @ 10:00
RFQ DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER TO SUPPLY, DELIVERY, AND INSTALLATION OF AN UNDERGROUND DIESEL TANK AT SABC AUCKLAND PARK
CLOSING DATE & TIME	<b>12 JUNE 2023 @ 12:00</b>

Submissions must be electronically emailed to [RFQSubmissions@sabc.co.za](mailto:RFQSubmissions@sabc.co.za) on or before the closing date of this RFQ.

PLEASE NOTE THAT AS FROM 01 JULY 2016 COMPANIES THAT ARE NOT REGISTERED WITH CSD SHALL NOT BE CONSIDERED.

**The Tenderer shall have a CIDB Grading of minimum 3CE. The Tenderer shall provide a valid certificate at the time of closing and at the time of award.**

For queries, please contact: **Porcia Ntozini via email: [Tenderqueries@sabc.co.za](mailto:Tenderqueries@sabc.co.za)**

The SABC requests your quotation on the services listed above. Please furnish us with all the information as requested and return your quotation on the date and time stipulated above. Late and incomplete submissions will invalidate the quote submitted.

SUPPLIER NAME: \_\_\_\_\_

POSTAL ADDRESS: \_\_\_\_\_

TELEPHONE NO: \_\_\_\_\_

FAX NO. : \_\_\_\_\_

E MAIL ADDRESS: \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_

South African Broadcasting Corporation SOC Limited: Registration Number: 2003/023915/30

**Non-Executive Directors:** Mr K M Ramukumba (Chairperson); Ms N A Batyi (Deputy Chairperson); Dr R K C Horne; Ms P Kadi; Ms P P Magopeni; Mr D M Maimela; Ms A C Makhwanya; Mr D K Mohuba; Ms M Moonsamy; Ms R M S Motaung; Adv T S Thipanyane; Mr M Tsedu

**Executive Directors:** Mr M Mxakwe (Group Chief Executive Officer); Mr I C Plaatjes (Chief Operations Officer); Ms Y van Biljon (Chief Financial Officer); **Acting Company Secretary:** Mr M Salojee



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CELL NO:

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SIGNATURE OF BIDDER:

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## **NOTES ON QUOTATIONS AND PROPOSALS SUBMISSION**

1. All electronic submissions must be submitted in a **PDF** format that is protected from any modifications, deletions, or additions.
2. Financial/pricing information must be presented in a **separate** attachment from the Technical / Functional Response information.
3. The onus is on the Bidder to further ensure that all mandatory and required documents are included in the electronic submission.
4. All submissions should be prominently marked with the following details in the email subject line:
  - **RFQ and bidders' name.**
5. Bidders are advised to email electronic submissions at least thirty minutes before the bid closing time to cater for any possible delay in transmission or receipt of the bid. The onus is on bidder to ensure that the bid is submitted on time via email
6. Tender submission emails received after submission date and time will be considered late bid submissions and will not be accepted for consideration by SABC.
7. SABC will not be responsible for any failure or delay in the email transmission or receipt of the email including but not limited to:
  - receipt of incomplete bid
  - file size
  - delay in transmission receipt of the bid
  - failure of the Bidder to properly identify the bid
  - illegibility of the bid; or
  - Security of the bid data.

**NB: BIDDERS SHOULD ENSURE THAT LINKS FOR WE-TRANSFER OR GOOGLE DROP BOX EXPIRE 30 DAYS AFTER SUBMISSIONS INSTEAD OF SEVEN DAYS**

### **NOTES ON COMPULSORY SITE VISIT**

1. Any bidder interested in attending the compulsory site inspections, which is set for **Friday 02 June 2023**, at the SABC Auckland Park - (Reception Area), sessions from **10H00 till 11H00**.
2. Report to Reception 15 Minutes before to make arrangements with the Protection Service to gain access to the Facility, please bring your identity documents in order to gain access the building.
3. Personnel representing the bidders are advised to wear Personal Protective Equipment (safety shoes) and please bring along your Id or Driver's license to gain access to the **SABC Auckland Park** Facility and all bidders will be required to complete and sign the attendance register on the day of the compulsory site visit.

## **REQUIRED DOCUMENTS**

- 1.1 Submit proof CSD registration
- 1.2 Proof of Valid TV License Statement for the Company; all active Directors and Shareholder must have valid TV Licenses.  
(Verification will also be done by the SABC internally).
- 1.3 Valid Tax Clearance Certificate or SARS “Pin” to validate supplier’s tax matters
- 1.4 Certified copy of Company Registration Document that reflect Company Name, Registration number, date of registration and active Directors or Members.
- 1.5 Certified copy of Shareholders’ certificates.
- 1.6 Certified copy of ID documents of the Directors or Members.

**NB: NO CONTRACT WILL BE AWARDED TO ANY BIDDERS WHO’S TAX MATTERS ARE NOT IN ORDER.**

**NO CONTRACT WILL BE AWARDED TO ANY BIDDERS WHO’S TV LICENCE STATEMENT ACCOUNT IS NOT VALID.**

**FIRST PHASE – PREQUALIFICATION CRITERIA: MANDATORY DOCUMENTS**

All bid respondents must submit mandatory documents that comply with all mandatory requirements. Bids that do not fully comply with the mandatory requirements will be disqualified and will not be considered for further evaluation.

MANDATORY REQUIREMENT		COMPLY/ NOT COMPLY
1.	Active registration and valid minimum grading with the Construction Industry Development Board (CIDB) of <b>3CE</b>  “The Tenderer shall provide a valid and active certificate at the time of closing and at the time of award”.	

**NON-SUBMISSION OF THE MANDATORY DOCUMENTS WILL RESULT IN AUTOMATIC DISQUALIFICATION.**

## DETAILED TECHNICAL SPECIFICATION

### 1. Background

The SABC is in the process of sourcing a supplier to supply, deliver, and install Diesel tank:

- a. The proposed underground carbon steel diesel tank, 23000 litres will service generators at the SABC Gauteng in Auckland Park.

The underground diesel tank is to be installed as per SANS 10089-3:2010.

### 2. Scope of work

#### 2.1 Scope of requirements

Supply, deliver and install new 23000 litres of a diesel tank that is applicable to SANS. This shall include but not be limited to the following: transport, crane, excavation, evacuation, removal, disposal, backfill and compaction, piping, approval and certification, drawings, refill, leak testing, and commissioning. Approval and register the 23000 Underground Storage Tank (UST) with the City of Johannesburg.

<b>The critical objectives and deliverables of the project are:</b>	
<b>SCOPE</b>	<b>LOCATION</b>
Design drawings.	Auckland Park = New designs required
Checking of leaks and pressure test.	Auckland Park
Provide the structure of the team responsible for the completion of the project, i.e., consultant, contractor, etc	Auckland Park
Design new installation drawings and have signed off and stamped by a licensed UST consultant.	Auckland Park
Ensure that all underground services are located before commencing with any excavation work.	Auckland Park
Allow for Infrared scanning.	Auckland Park
The locations of the new UST will be indicated on the submitted drawings. The contractor is to include appropriate piping according to standards and specifications arrangement to the delivery point from the proposal locations.	Auckland Park
The contractor is to ensure that all fire ratings and clearance restrictions are adhered to and in accordance with the SANS standards.	Auckland Park

The management of groundwater and disposal of any contaminated water at a licensed facility during the execution of the contract.	Auckland Park
Supply, place, and compact new backfill as required.	Auckland Park
Provide all labour and equipment required to complete the work.	Auckland Park
Allow refuelling for 23000L of diesel 50 PP (Leave the tank full of diesel).	Auckland Park
Appoint fire consultant (Registered with ECSA) for fire designs, submission to local municipality for approval and sign off the work.	Auckland Park
The tank shall be a double skin wall, the second wall shall be sized to 110% of the actual diesel tank size. If the proposed tank is a steel tank, external coating shall be glass reinforced polyester coating. Any single wall tank a concrete bund wall shall be created and shall be able to accommodate 110% of the diesel tank capacity and coated with The must be covered with fibre glass coating to prevent corrosion.	Auckland Park
Supply and install diesel filtration system suited for the 23000L diesel tank.	Auckland Park
The supplier must provide an electronic automatic tank gauge system that is computable to Building Management System (SABC is utilising Johnson Control System). Allow for a manual tank gauge system (dip stick).	Auckland Park
Supply and install one new carbon steel tank 23000 litres UST in accordance with the approved drawings and SANS standards. Means to measure tank content level electronically and manually to be provided.	Auckland Park
Preparation of diesel tank Trench	Auckland Park
Obtain approval from the local Authorities	Auckland Park
Underground installation of diesel tank and closing of the trench	Auckland Park
Connection of diesel tank to the standby generator	Auckland Park
Commissioning of the diesel tank	Auckland Park
Check the compliance of the tank	Auckland Park
Ensure compliance with UST legislation.	Auckland Park
Re-establishment of the surrounding area on completion.	Auckland Park
Safety treatment of tanks' appetence.	Auckland Park

## Health and Safety

The supplier will be required to provide health and safety file including insurance and proof of workers compensation letter (letter of good standing with DoL), workers educational certificates (i.e., trade tests, etc) and experience, risk assessment(s), and method statement(s), legal appointments, etc.

- The work will be strictly executed OHS Act requirements, H&S regulations applicable to the Construction Industry, and SABC H&S requirements and specifications.
- The contractor will, inter alia be required to:
  - Appoint an independent Professional Health and Safety Consultant to oversee the H&S matters on the contract.
  - Submit a safety plan to SABC/Main contractor in accordance with SABC safety representative minimum requirements. A safety file will be submitted compiled by the independent safety consultant to be appointed by the contractor. The SABC H&S department prior to handing over the site will approve a safety file.
  - Appoint a safety officer on-site for the monitoring and supervision of safety and health matters on site. A certified First Aider must be represented on site.
  - Sign the SABC Health and Safety Indemnity form and all workers to attend the SABC H&S induction course of 2 hours prior to handing over of site/ start work on site.
  - Obtain a Hot Work permit or similar permits from SABC safety representatives when executing risk work on site.
  - Proper risk assessments to be executed by the consulting Safety Specialist that must be appointed by the Contractor. The cost thereof to be clearly reflected in the rates column.
  - Liaise with SABC Health and Safety representatives such as welding; plumbing disconnections, etc. are executed.
  - The tender amount must allow all the H&S requirements to be fulfilled by the contractor.
  - Where the Contractor does not comply with the SABC H&S standards, the work will be stopped on-site at the cost of the defaulting contractor.
  - Appoint an Environmental officer (as per evaluation criteria) for approval and overseeing the project environmental requirements.

## **Un-Interrupted Work**

- The Contractor is required to work continuously on the Contract Works throughout the duration of such works, based on a five-day working week. Permission may be obtained from the SABC representative to work weekends subject to SABC's approval.
- All labour and any other cost incurred in connection with such weekend work will be for the Contractor's account.

One nominated SABC representative will give instructions for stop-page of noisy work only. In such instances, work will proceed on activities that will not disturb the environment. The instruction to stop noisy work will only be given by the authorized SABC appointee. The site supervisor will be responsible to schedule work accordingly. The stoppage will be recorded in the site book.

## **Location of Site**

- The Contract site is at SABC Head Office, Entrance 1, Henley Road, Auckland Park.

## **Visits to Site**

- Bidders are to visit the site in order to satisfy themselves of all restraints with regard to access to the site and to all areas within the building, programming, and logistical considerations with regard to site co-ordination for the performance of all required services (e.g. existing installation and sprinkler systems, building operations, etc...) in confined spaces, storage, and movement of materials, etc... as no claims in respect of these items will be entertained after the closing date of the bid.

## **Rubble and Cleaning**

- The Contractor shall clear away and remove rubble from the site from time to time as it accumulates all rubble and excess material resulting from the execution of the contract works and upon practical completion of the contract works shall leave.

## **Maintenance Period**

- The installation will be guaranteed for 12 months after acceptance of the work (defect liability) as specified by the JBCC 2000 document and five years for latent defects. The warranty shall cover workmanship and the materials at no extra cost to the SABC.

## Dispute Resolution

- Should any difference or question at any time arise between SABC and the Contractor, it will be dealt with in terms of the JBCC 2000 document, the arbitration will apply.

## Injury or Damage to Persons or Property

- The Contractor will execute all work strictly by statutory and SABC Health & Safety requirements. The Contractor shall take all pre-cautions necessary for the protection of life and property in connection with the Contract Works as well as anywhere upon SABC's property until the Final Completion of the Contract Works and the Contractor shall hand over the Contract Works in a safe condition.
- The Contractor shall be deemed to have indemnified SABC as he hereby does indemnify it against injury or damage to any person or any purport of SABC or others occurring before the Final Completion of the Contract Works or occurring owing to the Contract Works being handed over in an unsafe condition. **(The SABC Indemnity form shall be signed).**

## Construction Guarantee

5% Retention will be withheld on progress payments to cover for guarantees on the contract works.

## Insurance (Section 3 of Data EC Document)

The following insurance requirement will apply to the contract:

### Clause – General Insurances

Contract works insurance to be affected by – Employer for the sum of contract value with a deductible of 1% of contract sum with a minimum R5 000 payable by the Contractor.

Supplementary insurance to be affected – not applicable.

Public Liability insurance to be affected by – Employer for the sum of R2 million with a deductible of R2 500 payable by the contractor.

### Special Insurance

- Temporary lateral support insurance – not applicable.
- Geotechnics professional liability insurance – not applicable.
- Special Insurance – The SABC requires the Contractor to put into effect special insurance for damage to surrounding property (existing buildings) to the value of R2 million. This must cover damage to buildings, building services, including lifts, DB's, plant equipment, etc. The contract will only be signed when proof of this special insurance is provided.

## Construction Programme

The Contractor shall provide a program indicating a start and end time, milestone archived, and the phasing of the project.

### 3. RFQ Response Information

#### Effective Date of Bid

Vendors should state in writing that their quotation to the SABC and all furnished information, including price, will remain valid and applicable for 90 days from the date the vendor quotation is received by the SABC.

### 4. Costing

The quotation must reflect a detailed cost breakdown, and any indirect costs associated with the rendering of required service as per the schedule in the **Scope of Service**.

### 5. Duration of the Contract

Two (2) years

### 6. Evaluation criteria

#### 6.1 BBBEE and Price

- The RFQ responses will be evaluated on the **80/20** points system

#### 6.2 Technical Evaluation

- The tender submission will be technically evaluated out of **110**.
- A minimum threshold of **75 out of a maximum of 110** has been set.
- Bidders achieving less than the set threshold will be declared non-responsive.

#### 6.3 Objective Criteria

- The SABC further reserve the right not to award this tender to any bidder based on the proven poor record of accomplishment of the bidder in previous projects within the SABC.
- Bidders who are blacklisted or have committed other acts of fraud and misrepresentation of facts e.g., tax compliance company, financials, etc. will be eliminated from the bid process.

**SECOND PHASE EVALUATION CRITERIA: PAPER BASED**

Evaluation Area	Functional Criteria	Min. Points	Max. Points
<b>Company past relevant experience in fuel tank installation</b>	<p>Bidders must have specific experience in fuel tank installation.</p> <p>Submit completion certificate in respect of fuel tank installation. (If the fuel tank was part of the project but not included in the heading / body of the completion certificate a separate letter must accompany the completion certificate indicating the full details of the fuel tank installed e.g. underground tank, aboveground tank and size of the tank)</p> <ul style="list-style-type: none"> <li>• Submission of 1 completion certificate = <b>(35) points</b></li> <li>• Submission of 2 completion certificate = <b>(40) points</b></li> <li>• <input type="checkbox"/> Submission of 3 completion certificate= <b>(50) points</b></li> </ul>	<b>35</b>	<b>50</b>
<b>Company experience</b>	<p>Bidder must submit profiles indicating years of experience in the fuel tank installation.</p> <ul style="list-style-type: none"> <li>• 5-10 years= <b>(10) points</b></li> <li>• 11-15 years= <b>(15) points</b></li> <li>• More than 16 years = <b>(20) points</b></li> </ul> <p>(Profile will be align with the CIPC) if the years of experience in the company profile is more than the years of experience on CIPC registration date, points will be aligned to the CIPC registration date.</p>	<b>10</b>	<b>20</b>
<b>Method Statement</b>	<p>Method Statement (Due to the premises being occupied bidders should provide a brief layout as to how work would be carried out with minimal business disruptions.</p> <p>Bidders to submit detailed information as per items listed below.</p> <ul style="list-style-type: none"> <li>• Installation method plan <b>(10) points</b></li> <li>• Disposal method statement <b>(10) points</b></li> <li>• Housekeeping on daily basis <b>(10) points</b></li> </ul>	<b>20</b>	<b>30</b>

<b>Experience of installation project team</b>	Bidder to submit project team CVs illustrating their experience and professional /academic certificates for the following categories. Submit CVs/ portfolio illustrating experience as follow: <ul style="list-style-type: none"> <li>• Consultant – 3 years working experience as a mechanical / fire consultant registered with ECSA <b>(5 points)</b></li> <li>• Environmental officer - 3 years working experience as environmental officer registered with (EAPASA) <b>(5 points)</b></li> </ul>	<b>10</b>	<b>10</b>
<b>TOTAL</b>		<b>75</b>	<b>110</b>

**7 POINTS AWARDED FOR PRICE**

The **80/20** preference point system

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

$$Ps = 80 \left( 1 - \frac{Pt - Pmin}{Pmin} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

**8 B-BBEE PREFERENTIAL POINTS WILL BE EVALUATED IN LINE WITH THE FOLLOWING**

The SABC shall deal with Suppliers in accordance with the B-BBEE Codes of Good Practice and the Preferential Procurement Policy and Enterprise Development strategy of the SABC. The following will apply and will be adhered to when evaluating RFQ :

<b>SPECIFIC GOALS</b>	<b>80/20</b>
EME/SME 51% owned by Black people	<b>10</b>
51% owned by Black people;	<b>5</b>
51% owned by Black people who are women	<b>3</b>
Black Youth	<b>2</b>

**NB: All tenders will be issued to the market with all specific goals, and these will be scored in accordance with the evidence as submitted by the bidder. The bidder who does not meet the specific goals will not be disqualified but score zero.**

## 9 COMMUNICATION

Respondents are warned that a response will be disqualified should any attempt be made by a tenderer either directly or indirectly to canvass any officer(s) or employees of SABC in respect of a tender, between the closing date and the date of the award of the business.

All enquiries relating to this RFQ should be emailed three days before the closing date.

## 10 CONDITIONS TO BE OBSERVED WHEN TENDERING

- 10.1 The Corporation does not bind itself to accept the lowest or any tender, nor shall it be responsible for or pay any expenses or losses which may be incurred by the Tenderer in the preparation and delivery of his tender. The Corporation reserves the right to accept a separate tender or separate tenders for any one or more of the sections of a specification. The corporation also reserves the right to withdraw the tender at any stage.
- 10.2 No tender shall be deemed to have been accepted unless and until a formal contract / letter of intent is prepared and executed.
- 10.3 The Corporation reserves the right to:

**Not evaluate and award submissions that do not comply strictly with his RFQ document.**

**Make a selection solely on the information received in the submissions and**

- Enter into negotiations with any one or more of preferred bidder(s) based on the criteria specified in the evaluation of this tender.
- Contact any bidder during the evaluation process, in order to clarify any information, without informing any other bidders. During the evaluation process, no change in the content of the RFQ shall be sought, offered or permitted.
- Award a contract to one or more bidder(s).
- Accept any tender in part or full at its own discretion.
- Cancel this RFQ or any part thereof at any time.
- Should a bidder(s) be selected for further negotiations, they will be chosen on the basis of the greatest benefit to the Corporation and not necessarily on the basis of the lowest costs & Preference Point system.

**11 Cost of Bidding**

The Tenderer shall bear all costs and expenses associated with preparation and submission of its tender or RFQ, and the Corporation shall under no circumstances be responsible or liable for any such costs, regardless of, without limitation, the conduct or outcome of the bidding, evaluation, and selection process.

**12 PAYMENT TERMS**

SABC will effect payment sixty (60) days after the service provider has submitted an invoice.

**END OF RFQ DOCUMENT**

**Annexed to this document for completion and return with the document:**

- Annexure A - Declaration of Interest
- Annexure B - Consortiums, Joint Ventures and Sub-Contracting Regulations
- Annexure C - Previous completed projects/Current Projects
- Annexure D - SBD 6.1 Form
- Annexure E - SBD 8 & 9 Forms
- Annexure F - SBD 6.2 Form

DECLARATION OF INTEREST

- 1. Any legal or natural person, excluding any permanent employee of SABC, may make an offer or offers in terms of this tender invitation. In view of possible allegations of favouritism, should the resulting tender, or part thereof be awarded to-
(a) any person employed by the SABC in the capacity of Tenderer, consultant or service provider; or
(b) any person who acts on behalf of SABC; or
(c) any person having kinship, including a blood relationship, with a person employed by, or who acts on behalf of SABC; or
(d) any legal person which is in any way connected to any person contemplated in paragraph (a), (b) or (c),

it is required that:

The Tenderer or his/her authorised representative shall declare his/her position vis-à-vis SABC and/or take an oath declaring his/her interest, where it is known that any such relationship exists between the Tenderer and a person employed by SABC in any capacity.

Does such a relationship exist? [YES/NO]

If YES, state particulars of all such relationships (if necessary, please add additional pages containing the required information):

Table with 2 columns: [1], [2]. Rows: NAME, POSITION, OFFICE WHERE EMPLOYED, TELEPHONE NUMBER, RELATIONSHIP.

- 2. Failure on the part of a Tenderer to fill in and/or sign this certificate may be interpreted to mean that an association as stipulated in paragraph 1, supra, exists.
3. In the event of a contract being awarded to a Tenderer with an association as stipulated in paragraph 1, supra, and it subsequently becomes known that false information was provided in response to the above question, SABC may, in addition to any other remedy it may have:
- recover from the Tenderer all costs, losses or damages incurred or sustained by SABC as a result of the award of the contract; and/or
- cancel the contract and claim any damages, which SABC may suffer by having to make less favourable arrangements after such cancellation.

SIGNATURE OF DECLARANT

TENDER NUMBER

DATE

POSITION OF DECLARANT

NAME OF COMPANY OR TENDERER

**CONSORTIUMS, JOINT VENTURES AND SUB-CONTRACTING REGULATIONS**

**1. CONSORTIUMS AND JOINT VENTURES**

- 1.1 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 1.2 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate tender.

**2 SUB-CONTRACTING**

- 2.1 A person awarded a contract may only enter into a subcontracting arrangement with the approval of the organ of state.
- 2.2 A person awarded a contract in relation to a designated sector, may not subcontract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 2.3 A person awarded a contract may not subcontract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level of contributor than the person concerned, unless the contract is subcontracted to an EME that has the capability and ability to execute the subcontract.

**3 DECLARATIONS OF SUB-CONTRACTING**

- 3.1 Will any portion of the contract be sub-contracted? YES / NO
- 3.2 If yes, indicate:
  - 3.2.1 The percentage of the contract will be sub-contracted .....%
  - 3.2.2 The name of the sub-contractor .....
  - 3.2.3 The B-BBEE status level of the sub-contractor.....
  - 3.2.4 whether the sub-contractor is an EME YES / NO

\_\_\_\_\_  
SIGNATURE OF DECLARANT

\_\_\_\_\_  
TENDER NUMBER

\_\_\_\_\_  
DATE

\_\_\_\_\_  
POSITION OF DECLARANT

\_\_\_\_\_  
NAME OF COMPANY OR TENDERER

**ANNEXURE “C”**

**Previous completed projects (preferably provide a detailed company profile, detailed the below mentioned information)**

<b>Project Descriptions</b>	<b>Client</b>	<b>Contact no</b>	<b>Contact person</b>	<b>Email address</b>	<b>Period of projects</b>	<b>Value of projects</b>	<b>Project Commence date</b>	<b>Completed date</b>

**Current projects (preferably provide a detailed company profile, detailed the below mentioned information)**

<b>Project Descriptions</b>	<b>Client</b>	<b>Contact no</b>	<b>Contact person</b>	<b>Email address</b>	<b>Period of projects</b>	<b>Value of projects</b>	<b>Project Commence date</b>	<b>Completion date</b>

## Annexure D

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022**

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

**NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022**

## 1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

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

### 1.2 To be completed by the organ of state

- a) The applicable preference point system for this tender is the 80/20 preference point system.
- b) 80/20 preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

### 1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

SPECIFIC GOALS	80/20
EME/SME 51% owned by Black people	10
51% owned by Black people;	5
51% owned by Black people who are women	3
Black Youth	2

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required

by the organ of state.

## 2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

## 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

### 3.1. POINTS AWARDED FOR PRICE

#### 3.1.1 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 tender under consideration

$P_t$  = Price of tender under consideration

$P_{min}$  = Price of lowest acceptable tender

### 3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

#### 3.2.1. POINTS AWARDED FOR PRICE

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

**80/20**

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

Where

$P_s$  = Points scored for price of tender under consideration

$P_t$  = Price of tender under consideration

Pmax = Price of highest acceptable tender

**4. POINTS AWARDED FOR SPECIFIC GOALS**

4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system: or
- (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

**Table 1: Specific goals for the tender and points claimed are indicated per the table below.**

**Note to tenderers: The tenderer must indicate how they claim points for each preference point system.**

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed. (80/20 system) (To be completed by the tenderer)
SMMEs (inclusive or QSEs and EMEs) 51% owned by Black people	10	
51% owned by Black people;	5	
51% owned by Black people who are women	3	
Black Youth	2	

*NB: All tenders will be issued to the market with all specific goals, and these will be scored in accordance with the evidence as submitted by the bidder. The bidder who does not meet the specific goals will not be disqualified but score zero*

**Source Documents to be submitted with the Bid or RFQ**

Specific Goals	Acceptable Evidence
B-BBEE	Valid BEE Certificate / Sworn Affidavit (in case of JV, a consolidated scorecard will be accepted)
Black Women Owned	Certified ID Documents of the Owners/shareholder
Black Youth owned	Certified ID Documents of the Owners
EME or QSE 51% Black Owned	Annual Financial/ Management Accounts/ B-BBEE Certificate / Affidavit/ Certified ID Documents of the Owners/shareholder
51% Black Owned	CIPC Documents / B-BBEE Certificate/Affidavit/ Certified ID Documents of the Owners/shareholder
South African Enterprises	CIPC Documents

**DECLARATION WITH REGARD TO COMPANY/FIRM**

4.3. Name of company/firm.....

4.4. Company registration number: .....

4.5. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One-person business/sole propriety
- Close corporation
- Public Company
- Personal Liability Company
- (Pty) Limited
- Non-Profit Company
- State Owned Company

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I 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 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
  - (a) disqualify the person from the tendering 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 tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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, if deemed necessary.

..... <b>SIGNATURE(S) OF TENDERER(S)</b>	
<b>SURNAME AND NAME:</b>	.....
<b>DATE:</b>	.....
<b>ADDRESS:</b>	..... ..... ..... .....

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

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

**CERTIFICATION**

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

**CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.**

**I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.**

.....  
**Signature**

.....  
**Date**

.....  
**Position**

.....  
**Name of Bidder**

Js365bW

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Standard Bidding Document (SBD) must form part of all bids<sup>1</sup> invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
  - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
  - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

**<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.**

**<sup>2</sup> Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.**

### CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

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(Bid Number and Description)

in response to the invitation for the bid made by:

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(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: \_\_\_\_\_ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - (a) has been requested to submit a bid in response to this bid invitation;
  - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

**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.**

**SBD 9**

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder