



REQUEST FOR PROPOSAL

SANAS/2013/RFPC&H/05

The South African National Accreditation System (SANAS) hereby invites service providers to submit quotations for the provision of cleaning and hygiene services.

TERMS OF REFERENCE

1. PURPOSE

The purpose of this Request for Quotation (RFQ) is to invite proposals for the provision of cleaning and hygiene services for the South African National Accreditation System (SANAS) offices at the following addresses: **the dti** Campus, Building G, Ground Floor, 77 Meintjies Street, Sunnyside, 0132; and Midqueen Building Extension, Corner Florence Ribeiro Drive and Middel Streets, Nieuw Muckleneuck.

2. BACKGROUND

The South African National Accreditation System (SANAS), a schedule 3A public entity established in terms of the Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act, 2006 and a member of the Department of Trade and Industry “**the dti**” COTII, is responsible for promoting accreditation aimed at facilitating international trade and the enhancement of South Africa’s economic performance.

3. SCOPE OF WORK

The total area of the floor space to be cleaned for **the dti** office is approximately .810.m2 and the toilets and Midqueen Building is approximately 460 m2 which includes:

Midqueen Building	Sunnyside, DTI campus , Block G
• Offices	• Offices
• Passages	• Passages
• Training and meeting rooms	• Training and meeting rooms
• 2 x kitchens	• 2 x kitchens
• Reception Balconies ion/security	• 5 x toilets
• 5 x toilets	• Glass metal
• Glass metal	• Blinds
• Blinds	• Rugs and Carpeting
• Rugs and Carpeting	• Reception
• Patio	

Hygiene services must include dispensers and consumables:

- Toilet Roll Dispensers (dispenser in all toilets that holds 3 rolls)
- Hand Towel dispensers (1 each for ladies, gents and disabled toilets next to wash basin)
- Soap dispensers (2 each for ladies and gents and 1 for disabled toilets next to wash basin)
- Sanitary / she bins (1 per toilet for ladies and disabled toilets)
- Seat wipes (each toilet – ladies, gents and disabled toilets)
- Wall waste bins (1 each for ladies, gents and disabled toilets next to wash basin)

- Double ply toilet paper and hand towel paper
- Slow release air freshner
- Kitchen towels

The dispensers should be placed in the bathrooms as follows:

Knowledge Training Centre:- hand towel dispensers – 1 each for ladies, gents and disabled toilets next to wash basin, soap dispensers – 2 each for ladies and gents and 1 for disabled toilets next to wash basin, toilet roll dispensers – dispenser in all toilet that holds 3 rolls , seat wipes in each toilet – ladies, gents and disabled, wall waste bins – 1 each for ladies, gents and disabled toilets next to wash basin, she bins – 1 per toilet for ladies and disabled toilets

The dti Campus:-

hand towel dispensers – 1 each for ladies, gents and disabled toilets next to wash basin, soap dispensers – 2 each for ladies and gents and 1 for disabled toilets next to wash basin, toilet roll dispensers – dispenser in all toilet that holds 3 rolls, seat wipes in each toilet – ladies, gents and disabled, wall waste bins – 1 each for ladies, gents and disabled toilets next to wash basin, she bins – 1 per toilet for ladies and disabled toilets

4. EXPECTED OUTCOMES AND DELIVERABLES

- 1) All materials and cleaning equipment should be provided by the service provider. SANAS reserves the right to approve cleaning materials, pesticides and chemicals prior to the use thereof.
- 2) The successful service provider must ensure that enough back-up cleaning material specifically toilet papers, hand soap and hand paper towels are kept on site in case of sudden shortage thereof.
- 3) Cleaning and hygiene services will be rendered during working hours from Monday to Friday excluding weekends and public holidays unless where otherwise specified from 07:30 am – 16:30pm.
- 4) The service provider shall prepare the official conference rooms (tea, coffee etc.) for SANAS daily meetings and the clearing up and washing of crockery and cutlery.
- 5) The cleaning of the premises must be done in the following order of preferences on a daily basis:
 - i. Toilets and kitchens (three times per day 7:30 am, 11:00 am and 16:00 pm)
 - ii. Offices, reception area and conference rooms
 - iii. Passages
 - iv. Lifts and
 - v. Store rooms
- 6) Fumigation of the building will be done over weekends and must be executed under full supervision.
- 7) Cleaning staff must dress in a distinctive acceptable uniform and may not clean the offices in the absence of the occupant. After premises have been cleaned the two cleaners must remain on site until 16:30 each day in case of emergencies.
- 8) A lock-up facility will be made available for the safekeeping of the stock and equipment.
- 9) The service provider's supervisor must do a weekly inspection on the quality and standard of cleaning and hygiene services rendered and report weekly to SANAS.

- 10) The service provider's supervisor must report on a daily basis to SANAS any defects in and to area concerned e.g. blocked toilets/urinals, broken windows etc. during the cleaning of the building.
- 11) The successful service provider shall not be entitled to store or leave goods or articles on the floors and offices, for example in the entrance hall, corridors, hallways or the steps other than in the lock up facility.
- 12) The service provider and staff may use the facilities on the property e.g. toilets, rest rooms, electrical plugs, lighting and water for the purpose of this contract subject to the rules and policy of SANAS and land lord as applicable.
- 13) All waste paper collected from emptying of dustbins etc. is the property of SANAS and must be separated from the garbage and shall be handed in at the Administration unit on the second floor on a daily basis.
- 14) SANAS would not be held responsible in any way for the damages, losses, theft of equipment or any valuables of the contractor or injury of his/her while on site or in the execution of their duties. The service provider will be held responsible for damages of items caused by them at SANAS' offices.
- 15) The contract would be entered into subject to the signing of the Service Level Agreement by both parties.

5. DUTIES

- Dust all furniture, windowsills and equipment
- All dustbins must be emptied and cleaned, once a day.
- Paper must be separated from the general garbage and put into black refuse bags and handed to Administration cluster.
- The cleaning of toilets must receive preference followed by reception, offices, rooms, passages, kitchens, entrance halls and lifts
- Clean the crockery and cutlery three times a day at 8h30am, 09h30am and 16h00pm.
- All toilets, basins and mirrors must be cleaned and disinfected three times a day (7h00am,11h30am and 2h00pm)
- Replenish consumables in toilets three times a day (7h00am, 11h30am and 2h00pm)
- Sweep, scrub and polish floors of the lifts and clean mirrors and cart doors.
- All skirting, windowsills and doors must be cleaned.
- An air-refreshner must be slowly released in all toilets, conference rooms and waiting areas.
- Treating of rodents (rats, mice and crawling insects) as and when required. The pesticides must be odourless and SABS approved and not harmful to humans.

6. REQUIRED CLEANING EQUIPMENT

- Industrial Vacuum Cleaner
- Industrial machines for washing carpets
- Mops
- Buckets
- Brooms
- Dust Clothes, and Gloves
- Cleaning Consumables

7. WEEKLY DUTIES

- Vacuum all carpeted areas
- Spot clean glass doors and glass partitions
- Clean and polish chrome surfaces
- The walls of the toilets must be cleaned and disinfected
- Clean and dust window blinds
- Wipe telephone instruments
- Clean and polish furniture
- Remove spots on carpets

8. MONTHLY DUTIES

- Clean and wipe all doors
- Clean windows in all public areas, foyers, passages, toilets etc

9. QUARTELY DUTIES

- Clean all windows on the inside
- Carpet wash
- Pest control

10. BI-ANNUAL DUTIES

- Deep cleaning on all carpeted areas and tiled areas surface, at the time to be agreed upon with SANAS.
- Deep cleaning in all toilets
- Clean all blinds

11. SPECIAL INSTRUCTIONS/ITEMS TO BE SPECIFICALLY INCLUDED IN THE PROPOSAL

- The service provider must be willing to sign the service level agreement and
- The service provider must be willing to assign specific resources to SANAS upon request.

	Comments: Yes or No
A. Public Liability The successful bidder shall at its own cost maintain public liability insurance for its own personnel against accidents, injury or death. Proof of which must be submitted with bid before closing time.	
B. Indemnity The service provider indemnifies, holds harmless and keeps the SANAS , its officers, agents, employees, contractors, clients and sub-contractors fully indemnified from and against all liabilities, claims, actions, proceedings, damages, loss of earnings suffered or incurred by SANAS, its officers, agents, employees, contractors, clients and sub-contractors or paid by SANAS in consequence of or arising out of action or omission of all or any	
C. Security The successful bidder’s staff shall be required to conform to the security regulations applicable to SANAS staff. SANAS shall provide details of its security arrangements to the successful bidder on commencement of the contract.	
D. Contract period The contract period shall be for a two years (2) period.	

<p>E. Injury</p> <p>In the event of any of the successful bidder's employees being injured while on duty at SANAS' premises, SANAS reserves the right to supply any medical attention that may be deemed necessary without prior consent of the successful bidder. SANAS will under no circumstances and in no way be liable to any claims whatsoever that might stem from such help.</p>	
<p>F. NATIONAL CONTRACT CLEANERS ASSOCIATION</p> <p>The organisation must be registered as a member of the National Contract Cleaners Association. Proof thereof, a copy of registration must be submitted with the bid before the closing time, if not your bid will be regarded as non-responsive.</p>	
<p>G. Act and Regulations</p> <p>i. Occupational Safety and Health- The bidder must at all times comply with the provisions of the Occupational Safety and Health Act, 1993 with regards to safety equipment and maintenance of equipment used.</p> <p>ii. Unemployment Insurance Fund and Worker's Compensation Fund – The bidder must be registered with the Unemployment Insurance Fund and Worker's Compensation Fund</p> <p>iii. Minimum wages: It is expected that the bidder shall pay his/her employees at least the minimum monthly basic wage in terms of section 56 of the Basic Conditions of the Employment Act, no 75 of 1997 hereby amend Sectoral determination 1: Contract cleaning sector, South Africa published under Government Gazette no 29385 of 14 November 2006 etc</p> <p>iv. It is also expected that the bidder shall register his/her employees in accordance with (CCNPF) Contract Cleaning National Provident Fund which was established and registered with the Financial Services SANAS in terms of the Pension Funds Act, no 24 of 1956, as amended. This fund is now regulated by a set registered rule, and administered by NBC Holdings (Pty) Ltd (NBC).</p> <p>v. In terms of the Rules of the fund, read with the Sectoral Determination, no employer who commences business in the industry may establish or belong to a retirement fund other than CCNPF unless such an employer would have applied in writing to and have been granted an Exemption Certificate by the Board of Trustees of the CCNPF.</p> <p>vi. A total number of 2 cleaners should be supplied to render services at SANAS sites.</p>	
<p>H. Operational Planning/Work Plan</p> <p>An Operational/work plan or workflow sub categorised into quarterly, monthly, weekly and daily is required to be submitted with the bid before the closing time.</p>	
<p>I. Uniforms</p> <p>The contractor shall undertake that, at the commencement of the contract, all cleaning staff are deployed in complete uniform.</p>	

<p>J. Obligations of the contractor</p> <p>i. The service provider hereby undertakes to render a cleaning service to SANAS that is in accordance with National Qualifications Framework (NQF). The service provider will be responsible for the conduct and acts of his/her staff in all matters which occur on SANAS premises in the performance of the contract. In addition the service provider will audit cleaning standards regularly with SANAS according to an agreed method and time table.</p> <p>ii. The service provider shall provide SANAS with well-trained staff that meets all the requirements as stipulated in the service level agreement.</p> <p>iii. The service provider shall provide its employees with all necessary skills required by SANAS at their expense.</p>	
<p>K. Quality of Cleaning Material and Equipment</p> <p>i. The service provider will at all times use good quality materials and in accordance with SABS specification.</p> <p>ii. Any electrical equipment used must comply with SABS, SANS and CKS specifications/certification requirements. (Compliance certificate (s) from SABS must be submitted)</p>	
<p>L. Infrastructure Inspection</p> <p>SANAS maintains the prerogative to conduct inspection on the services rendered by the service provider, including:</p> <ul style="list-style-type: none"> ▪ Inspect the equipment provided by the contractor. ▪ Make records of any shortage on site ▪ The right to dismiss the cleaner or Site manager. On-site inspection of service shall be conducted by SANAS' HR and Admin Head as well as his/her immediate managers at any time they find it appropriate to do so. ▪ SANAS reserves the right to conduct inspection for the services rendered by the service provider at any time, this will be done in order to establish whether the service rendered by the contract is satisfactorily and comply with the conditions of contract and the site specification. ▪ SANAS reserves the right to require from the service provider that any of his employees be replaced, in which case the employee must leave the site forever. SANAS would not be held responsible for any damage or claims, which may arise because of this and is indemnified against such claims and legal expenses. 	
<p>M. Registration Certificates</p> <p>The following registration certificates must be submitted before the closing time of the bid, failure to do so, will invalidate the bid.</p> <ul style="list-style-type: none"> ▪ Registration as employer with the Compensation Fund ▪ Unemployment Insurance Fund and ▪ Registration with the National Contract Cleaners Association (NCCA) ▪ Compliance certificate from the CCNPF or exemption certificate from 	

Board of Trustee of the CCNPF.	
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12. COMPETENCY, EXPERTISE AND EXPERIENCE REQUIREMENTS

Basic competencies and expertise which may be required include, inter alia: Two (2) years' experience is required and a proof that the service provider has performed similar services,

13. GENERAL EQUIREMENTS

Bidders must provide all the information requested in the Terms of Reference and Instruction to Bidders

SANAS reserves the right to procure its requirement elsewhere outside the contract should the services be urgently required and not immediately available or in emergency cases.

14. NOTES TO BIDDERS

This section outlines basic requirements that must be met. Failure to accept these conditions or part thereof will result in your proposal being excluded from the evaluation process.

Bid documents should be presented to the SANAS marked "Bid for Cleaning and hygiene services

SANAS will not be liable to reimburse any costs incurred by the bidder during the tender process.

Evaluation of tenders will be carried out by a Bid Evaluation Committee. The evaluators will, if necessary, contact bidders to seek clarification of any aspect of the tender.

Bidders should identify any work they are currently carrying out or competing which could cause a conflict of interest and indicate how such conflict could be avoided.

15. PAYMENT TERMS

SANAS undertakes to pay valid invoices in full within 30 (thirty) days from the invoice date for work done to its satisfaction. No payment will be made where there is outstanding information not submitted by the consultant.

16. VALIDITY OF PROPOSALS

The Bidder is required to confirm that it will hold its proposal valid for 90 days from the closing date of the submission of proposals during which time it will maintain without change the personnel proposed for the services together with their proposed rates.

17. APPOINTMENT, COMMENCEMENT AND DURATION

The service provider will be appointed for a period of 02(Two) years effective from the date of signing the service level agreement subject to 6 (six) months' probation period and shall be terminated as soon as the contract lapse.

18. PACKAGE APPROACH

SANAS would prefer to conclude an agreement with a Bidder who is able to provide complete cleaning and hygiene services.

19. TAX CLEARANCE CERTIFICATE REQUIREMENTS

It is an absolute requirement that the taxes of the successful bidder MUST be in order, or that suitable arrangements must have been made with SARS.

20. QUALITY ASSURANCE REVIEWS OF THE WORK

The successful bidder shall ensure that all work conforms to the signed agreement.

21. AUTHORISED DELEGATE (S)

Nothing as stipulated in these terms of reference may be amended without the written confirmation of SANAS.

22. DISCLAIMER

SANAS reserves the right not to appoint a service provider and is also not obliged to provide reasons for the rejection of any proposal. SANAS reserves the right to:

- Award the contract or any part thereof to one or more service providers.
- Reject all bids.
- Decline to consider any bids that do not conform to any aspect of the bidding process.
- Request further information from any service provider after the closing date, for clarity purposes.
- Cancel this tender or any part thereof at any time.

23. EVALUATION PROCESS FOR BIDS RECEIVED

- 1) All bids received will be examined to determine compliance with bidding requirements and conditions (completion and attachment of compulsory documents). Bids with obvious deviations from the requirements/conditions will be disqualified from stage 1(one) of the evaluation process
- 2) SANAS will establish a Bid Evaluation Committee to review all the responses received.
- 3) A two envelop system will be utilised for consideration of bid received and two separate envelopes must be submitted clearly marked as Functionality and Price & BBEE.

- 4) Bidders who obtain 70/100 points in stage 1 (Functionality) will qualify to proceed to stage 2 (Price and B-BBEE) evaluation wherein 80/20 preference Point Systems will be used as follows: 80 points for price and 20 points for B-BBEE status of contribution.
- 5) Evaluation Criteria for Functionality is as Follows:

Stage 1: Functionality

Criterion	Maximum points to be awarded
Suitability	40
<ul style="list-style-type: none"> ▪ Experience of the service provider in providing cleaning and hygiene services 	15
<ul style="list-style-type: none"> ▪ List of references 	5
<ul style="list-style-type: none"> ▪ Compliance in terms of resource requirements 	10
<ul style="list-style-type: none"> ▪ Compliance in terms of overall requirements 	10
Technical Approach	30
<ul style="list-style-type: none"> ▪ Project plan/methodology – daily, weekly and monthly cleaning schedule 	20
<ul style="list-style-type: none"> ▪ Project plan with final outputs and identified timeframes. 	10
Capability of staff to be used Experience of the supervisor as well as staff suggested for this project	30
Total functionality Points	100

Bidders who fail to meet the minimum score of 65 points out of 100 points in stage 1 will not be considered for evaluation in terms of Stage 2 (Price and B-BBEE)

Stage 2 - Preference Point System.

Step 1: Calculation of points for price

- 1) Only bids that achieve the minimum qualifying score for functionality will be evaluated further in accordance with the 80/20 preference point system, as contemplated in the Preferential Procurement Policy Framework Act 5 of 2000. The formulae to be used in calculating points scored for price is as follows:

$$PS = 80 \left[1 - \frac{(Pt - Pmin)}{Pmin} \right]$$

Where

Ps = Points scored for comparative price of bid or offer under consideration

Pt = Comparative price of bid or offer under consideration

Pmin = Comparative price of lowest acceptable bid or offer.

- 2) Points scored will be rounded off to the nearest 2 decimal places.

Step 2: Calculation of points for B-BBEE status level of contributor

Points will 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
1	20
2	18
3	16
4	12
5	8
6	6
7	4
8	2
Non-complaint contributor	0

Bids will not be disqualified from the bidding process if the bidder did not submit a certificate substantiating the B-BBEE status level of contribution or is a non-compliant contributor. Such a bidder will score zero (0) out of a maximum of 10 or 20 points respectively for B-BBEE.

24. ENQUIRIES/ CLARIFICATION

Any enquiries / clarifications regarding this RFQ must be addressed in writing to SANAS Procurement Officer, Mr Thivhonalin Netshimbupfe on email: Thivhonalin@sanas.co.za or alternatively call on 012 394 5172.

SBD 4

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes an advertised competitive bid, a limited bid, a proposal or written price quotation). 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, member):
.....

2.4 Registration number of company, enterprise, close corporation, partnership agreement or trust:
.....

2.5 Tax Reference Number:

2.6 VAT Registration Number:

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / PERSAL numbers must be indicated in paragraph 3 below.

¹"State" means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

²"Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

2.7 Are you or any person connected with the bidder presently employed by the state? **YES / NO**

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:
Name of state institution at which you or the person
connected to the bidder is employed :
Position occupied in the state institution:

Any other particulars:
.....
.....
.....

2.7.2 If you are presently employed by the state, did you obtain **YES / NO**
the appropriate authority to undertake remunerative
work outside employment in the public sector?

2.7.2.1 If yes, did you attach proof of such authority to the bid **YES / NO**
document?

(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 / **YES / NO**
trustees / shareholders / members or their spouses conduct
business with the state in the previous twelve months?

2.8.1 If so, furnish particulars:
.....
.....
.....

2.9 Do you, or any person connected with the bidder, have **YES / NO**
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?

2.9.1 If so, furnish particulars.
.....
.....
.....

2.10 Are you, or any person connected with the bidder, **YES/NO**
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?

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 Number	Income Reference	State Number	Employee / 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 SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
 Signature

.....
 Date

.....
 Position

.....
 Name of bidder

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011

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, 2011.

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 R1 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R1 000 000 (all applicable taxes included).

1.2 The value of this bid is estimated to exceed/not exceed R1 000 000 (all applicable taxes included) and therefore the.....system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

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

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

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

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.5 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

2.1 "all applicable taxes" includes value-added tax, pay as you earn, income tax, unemployment insurance

fund contributions and skills development levies;

- 2.2 **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 2.3 **“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.4 **“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 services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 **“comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 **“consortium or joint venture”** 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;
- 2.8 **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 **“EME”** means any enterprise with an annual total revenue of R5 million or less .
- 2.10 **“Firm price”** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 **“functionality”** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 **“non-firm prices”** means all prices other than “firm” prices;
- 2.13 **“person”** includes a juristic person;
- 2.14 **“rand value”** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a

project in terms of the contract;

- 2.16 “total revenue” bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- 2.17 “trust” means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.18 “trustee” means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ADJUDICATION USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

4.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

- P_s = Points scored for comparative price of bid under consideration
- P_t = Comparative price of bid under consideration
- P_{\min} = Comparative price of lowest acceptable bid

5. Points awarded for B-BBEE Status Level of Contribution

- 5.1 In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	8	16
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

- 5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.
- 5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 5.4 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.
- 5.5 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 bid.
- 5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.

5.8 A person awarded a contract may not sub-contract 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 than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

6. BID DECLARATION

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

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

7.1 B-BBEE Status Level of Contribution: =(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

8 SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 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? YES / NO (delete which is not applicable)

9 DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of company/firm :

9.2 VAT registration number :

9.3 Company registration number :

9.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One person business/sole propriety
- Close corporation
- Company

(Pty) Limited
[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

9.6 COMPANY CLASSIFICATION

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.
[TICK APPLICABLE BOX]

9.7 Total number of years the company/firm has been in business?

.....

9.8 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 contribution indicated in paragraph 7 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 paragraph 7, 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 contribution 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) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, 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

WITNESSES:

1.
.....

2.

SIGNATURE(S) OF BIDDER(S)

DATE:.....

ADDRESS:.....

.....

.....

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
 - a. abused the institution's supply chain management system;
 - b. committed fraud or any other improper conduct in relation to such system; or
 - c. failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	<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>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		

4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

SBD 8

CERTIFICATION

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

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

I certify, on behalf

of: _____ that:

(Name of Bidder)

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

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
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.

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.

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