

PART A
INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	SCMU3-P20/21-1331 -PED	CLOSING DATE:	03 NOVEMBER 2020	CLOSING TIME:	11:00 AM
BRIEFING SESSION	NO BRIEFING SESSION	BIDDERS MAY VISIT THE SITE FROM MONDAY TO FRIDAY IN PREPARATION FOR THEIR QUOTATIONS (FROM 8AM TO 3:30 PM)			
DESCRIPTION	LEASE/ RENTAL - SUPPLY AND COMMISSIONING OF LIFTING AND HANDLING EQUIPMENT (HYSTERS/FORKLIFT) FOR A PERIOD OF 12 MONTHS FOR PE PHARMACEUTICAL DEPOT				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS) The bid box will be open from 07H30 to 16H00 on Monday to Thursday and 07H30 to 15H30 on Fridays.					
1104 STRUANWAY ROAD, PE PHARMACEUTICAL DEPOT, STRUANDALE, PE, 6000					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	MR. M.L. MSAKATYA		CONTACT PERSON	MR. F. FALCO	
TELEPHONE NUMBER	041 406 9806		TELEPHONE NUMBER	041 406 9826	
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	mzwabantu.msakatya@echealth.gov.za		E-MAIL ADDRESS	flavio.falco@echealth.gov.za	
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
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QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	<input type="checkbox"/> YES <input type="checkbox"/> NO
IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.	

PART B

TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
- 1.4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**

2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
- 2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

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(Proof of authority must be submitted e.g. company resolution)

DATE:

PART B: INSTRUCTIONS TO BIDDERS

1. BACKGROUND

- 1.1 The Eastern Cape Department of Health has pursued the services of qualified service providers and or contractors to Lease, supply, maintain and support Heavy Duty Lifting and Handling Machinery /Equipment for P.E. Pharmaceutical Depot commissioning Project. The ECDOH has extended the health technology commissioning and re-commissioning programme to new and existing health facilities throughout the Western Region of the Eastern Cape Province.

2. The objective of this programme is to establish the required contracts for supply, commissioning of Leased machinery and equipment, thus contributing to an improved medicine distribution to the population of the Western Region. The programme purpose is to strengthen quality of health services in public health facilities in the province.

3. LEGISLATIVE AND REGULATORY FRAMEWORK

- 2.1 This bid and all contracts emanating there from shall be subject to the General Conditions of Contract (GCC) issued in accordance with Treasury Regulation 16A published in terms of the Public Finance Management Act, 1999 (Act 1 of 1999). The Special Conditions of Contract (SCC) are Supplementary to that of the General Conditions of Contract. Where the Special Conditions of Contract are in conflict with the General Conditions of Contract, the Special Conditions of Contract prevail as recorded by Clause 2 in the General Conditions of Contract.

- 2.2 The bid and all contracts emanating there from shall be governed within boundaries of South African laws.

4. SCOPE OF SERVICES

- 3.1 The services through the Service Providers/Contractor shall cover supply, delivery, installation, testing and commissioning, application support and user training, maintenance training, handing over, specialist preventive maintenance (PM) and corrective maintenance (CM) for selected Equipment at E. Pharmaceutical Depot of Eastern Cape Department of Health. In addition to these services, the Service Provider/Contractor will be responsible for the supply of spare parts, as required.

5. COST OF BIDDING

- 4.1 The Bidder shall bear all costs associated with the preparation and submission of its bid, and the Management Division will in no case be responsible or liable for these costs, regardless of the conduct or outcome of the bidding process.

6. CONTENT OF BIDDING DOCUMENTS

6.1 The Equipment and Services required, bidding procedures and Contract terms are prescribed in the Tender Documents. The Tender Documents include:

- ☐ Part A: Bid Notice
- ☐ Part B: Instructions to Bidders
- ☐ Part C: Invitation Letter (Bid strategy)
- ☐ Part D: Special Conditions of the Contract
- ☐ Part E: Commissioning Service Obligations
- ☐ Part F: Maintenance Service Obligations
- ☐ Part G: Returnable Forms
 - Form No.1: Authorisation to Sign
 - Form No.2: Authorisation Declaration
 - Form No.3: Summary Form of Offer
 - Form No.4: Declaration of Interests (SBD 4)
 - Form No.5: Declaration of Past Supply Chain Management Practices (SBD 8)
 - Form No.6: Certificate of Independent Bid Determination (SBD 9)
 - Form No.7: Personnel Strength Assessment Form
 - Form No.8: Joint Venture Disclosure Form
 - Form No.9: Preference Points Claim Form (SBD 6.1)
 - Form No.10: Contractual Agreement
- ☐ Part H: Returnable Schedules
 - Schedule A: Functionality Evaluation Criteria
 - Schedule B: Contractor Response Times
 - Schedule C: Proposed Fees for Personnel
 - Schedule D: Equipment Specifications
 - Schedule E: Pricing Schedules
- ☐ Part I: General Conditions of Contract

6.2 All Bidders are required to submit these documents, duly filled in ink. The Bidders **MUST** not change the presentation and format of these documents in either form. **Bidders are to print this document for every bid they are part-taking in and attach all documentation required for each.** In addition, Bidders are encouraged to submit a back-up copy of their bid in electronic format.

6.3 In case of any discrepancies between the original document and the copy, the original printed document shall prevail.

6.4 The Bidder is expected to examine all instructions, forms, terms, and specifications in the Tender Documents. Failure to furnish all information required by the Tender Documents or submission of a bid not substantially responsive to the Tender Documents in every respect will be at the Bidder's risk and may result in rejection of its Bid.

6.5 The detailed scope of services for the Contractor is described under Part E, F, G, and H which will be an integral part of the Contract.

7. CLARIFICATION OF DOCUMENTS

- 6.1 Any Bidder requiring any clarification of the Tender Document may notify the Purchaser in writing at the mailing address as indicated in the Notice. The Purchaser will respond in writing to any request for clarification received no later than 12hrs prior to the deadline for submission of the tender. Written copies of the Purchaser's response (including an explanation of the query but without identifying the source of inquiry) will be sent to all prospective Bidders which have received the Tender Document.
- 6.2 A bid compulsory briefing session will NOT be held due to Covid-19 Regulations But the Service Providers are welcome to view the premises (floor space) and the environment wherein the machinery will be operating.

8. AMENDMENT OF TENDER DOCUMENTS

- 7.1 At any time prior to the deadline for submission of Bids, the Purchaser may, for any reason, whether at his own initiative or in response to a clarification requested by a prospective Bidder, modify the Tender Documents by amendment.
- 7.2 The amendment shall be notified in writing or fax to all Bidders who have attended the compulsory briefing session and who have received the tender documents. The amendment shall take precedence and shall be binding.
- 7.3 In order to afford prospective Bidders reasonable time in which to take the amendment into account in preparing their bids, the Purchaser may at his discretion, extend the deadline for the submission of bids.

9. LANGUAGE OF BIDS, UNITS OF MEASUREMENT

- 8.1 The bid prepared by the Bidder and all correspondence and documents relating to the bid, exchanged by the Bidder and the Purchaser, shall be written in the English language. Supporting documents and printed literature furnished by the Bidder may be written in another language, provided that they are accompanied by accurate translation of its pertinent passages. For purposes of interpretation of the bid, the English translation shall govern in such case.
- 8.2 The units of measurement of the international metric system should apply and be used in the bids.

10. DOCUMENTS COMPRISING THE BID

- 10.1 The bid prepared and submitted by the Bidder must comprise all the documents listed under Clause 5.1 and including all required supporting information and evidence.

11. BID FORMS

- 11.1 The Bidder must complete and sign the Bid Forms and furnished them either through hand delivery in the Tender Boxes. Failure to sign the bid forms will invalidate the bid.

12. CONSORTIUMS AND JOINT VENTURES

- 12.1 In response to this invitation to bid, bidders are permitted to form Consortia/Joint Ventures. Bidders bidding as JV/Consortium must complete in full and sign the returnable Joint Venture Disclosure form (Part G – Form No.8).
- 12.2 The Consortium must submit a "Letter of Intent" to enter into a Joint Venture and/or a Joint Venture agreement signed by all Consortium/JV partners.
- 12.3 The agreement shall be legally binding on all consortium members and must clearly stipulate the contract terms and conditions.
- 12.4 The Consortium/Joint Venture shall nominate and appoint a member authorized to be the lead partner and this authorization shall be included in the agreement entered into between the consortium members;
- 12.5 The Consortium/Joint Venture shall appoint lead member who shall be the only authorized party to make legal statements, communicate with the Employer and/or any duly appointed representative, and receive instructions for and on behalf of any and all the members of the consortium;

- 12.6** The letter of intent and/or copy of the agreement entered into by the consortium members shall be submitted with the bid. Failure to submit the agreement shall disqualify the bid.

13. PERIOD OF VALIDITY

- 13.1** Bid must be valid for the period of at least (60 Days) from the date of closing of the Bid.

14. RESPONSE FIELDS

- 14.1** Bidders are required to submit responsive bids by completing all the prices, mandatory response fields and item questionnaires on the provided pricing schedule for the individual items. In this regard bidder's attention is drawn to the response field and price structure explanations and examples supplied in the bid document.
- 14.2** In the event that any returnable form or certificate provided in Part G of this invitation to bid does not have adequate space for the bidder to provide the requested details, the bidder should attach an annexure to such form or certificate on which the requested details should be provided and the bidder should refer to such annexure in the form or certificate provided.
- 14.3** Non-compliance with this condition may invalidate the bid for the item(s) concerned.

15. SUBMISSION OF BIDS

- 15.1** All Tender Documents must be delivered in sealed envelopes, to the address and date/time specified in the Invitation for Bid.
- 15.2** The envelope shall be clearly marked with the wording as specified in the Invitation for Tender and with the Bidder's address.
- 15.3** All electronic data submitted must be an exact copy of the hard copy document. Any discrepancies between the electronic data and the hard copy may invalidate the bid for the item in question.

16. DEADLINE FOR SUBMISSION OF BIDS

- 16.1** Bids must be received by the Purchaser at the Address and date/time specified in the Invitation to Bid.
- 16.2** The Purchaser may, at his discretion, extend this deadline for the submission of bids by amending the Tender Documents in which case all rights and obligations of the Purchaser and Bidders previously subjected to the deadline will thereafter be subject to the deadline as extended.

17. LATE BIDS

- 17.1** Any Bid received by the Purchaser after the prescribed deadline submission date and time, at the address indicated in the bid notice, will not be accepted but will be rejected and returned unopened to the Bidder.

18. EVALUATION CRITERIA

18.1 Stage 1: Administrative Requirements

- 18.1.1 Bidders' responses will be evaluated based on the mandatory requirements indicated hereunder. This phase is not scored points and bidders who fail to comply with one or more of the mandatory requirements below will be disqualified.

☐ **Valid CSD Report with Compliant Tax Status**

The CSD report must be submitted with the bid documents by not later than the closing date and time of the bid. For Bidders bidding as a Consortia / Joint Ventures / Sub-contractor, each party in the JV must submit a separate Tax Clearance Certificate or CSD Reports

☐ **B-BBEE Status Level Verification Certificate(s)**

Bidders are required to complete the preference claim form (SBD 6.1), and submit their valid B-BBEE status level verification certified copy thereof or an affidavit at the closing date and time of the bid in order to claim the B-BBEE status level point. For Bidders bidding as a Consortia / Joint Ventures / Sub-contractors, consolidated BEE certificate for the JV must be submitted certified copies of B-BBEE Verification Certificates. Failure to submit BEE certification will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

☐ **Consortia / Joint Venture Agreement (where applicable)**

Bidders bidding as a Consortia / Joint Ventures with a Sub-contractor must submit a "Letter of Intent" and or "Joint Venture agreement" signed by all JV partners with the bid. The JV partners must complete and sign the Joint Venture Disclosure Form (Part G – Form No.8).

☐ **Company Registration Documents**

Bidder shall submit valid proof of registration of the company with CIPC with the bid documents at the closing date and time of the bid. If by law registration with CIPC is not required, proof of ownership/shareholding must be provided.

☐ **Declaration of Interests (SBD 4)**

Bidders must complete in full and duly sign returnable forms for declaration of interest (Part G - Form No.4) and submit with the bid.

☐ **Declaration of Past Supply Chain Management Practices (SBD 8)**

Bidders must complete in full and duly sign returnable forms for declaration of past supply chain management practice (Part G - Form No.5) and submit with the bid.

☐ **Declaration of Independent Bid Determination (SBD 9)**

Bidders must complete in full and duly sign returnable forms for declaration of independent bid determination (Part G – Form No.6) and submit with the bid.

☐ **Summary Form of Offer**

Bidders must complete in full and duly sign the bid form of offer (Part G – Form No.3) using ink. An incomplete form of offer with missing fields shall make the bid non-responsive and shall lead to disqualification.

☐ **Reference Manufacturer Documents**

Bidders must submit with the bid colour Product Brochures and Specifications demonstrating fully both the functional and technical attributes for the technology/equipment offered. Bids and responses that cannot be referenced to true manufacturer documents during evaluations will be interpreted as non-responsive and may be disqualified.

Note: All supporting reference documents submitted with the bid must be true manufacturer documents showing name, original logo, and physical address of the manufacturer. Questionable self-created and or other typed documents will not be accepted and may lead to disqualification.

☐ **Equipment Specifications**

Bidders must respond in full and duly sign the returnable equipment specifications and pricing schedules (Part H - Schedule D) using "ink", and submit together with the bid. Bidders must reference responses to specifications correctly using the manufacturer brochures and specifications submitted with the bid.

☐ **Pricing Schedules**

Bidders must complete in full, initial and duly sign the returnable pricing schedules (Part H - Schedule E) using "ink", and submit together with the bid. Failure to complete all fields in the pricing schedules may lead to bid disqualification.

☐ **Authorization Letter from the Original Equipment Manufacturer or Distributor**

Where the bidder is not the OEM, bidders must submit an appointment letter from the OEM or OEM Distributor authorizing the bidder to supply the equipment and services in RSA and/or the Eastern Cape region.

☐ **Central Supplier Database Registration**

Bidders must submit valid proof of registration with the National Treasury central supplier database.

18.2 Stage 3: Price and BEE Score Evaluation

EVALUATION CRITERIA

1. The bid will be evaluated in terms of the 80/20 point system

2. POINTS AWARDED FOR PRICE

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

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

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) & \text{or} & P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \end{array}$$

Where

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

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

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

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

- 18.2.1 Bidders are required to complete the preference claim form (SBD 6.1), and submit their original and valid B-BBEE status level verification certificate or a certified copy thereof at the closing date and time of the bid in order to claim the B-BBEE status level point.

- 24.1.1 The points scored by a bidder in respect of the level of B-BBEE contribution will be added to the points scored for price.

- 24.1.2 Only bidders who have completed and signed the declaration part of the preference claim form and who have submitted a B-BBEE status level certificate issued by a registered auditor, accounting officer (as contemplated in section 60(4) of the Close Corporation Act, 1984 (Act no. 69 of 1984)) or an accredited verification agency will be considered for preference points.

- 24.1.3 Failure on the part of the bidder to comply with above paragraphs will be deemed that preference points for B-BBEE status level of contribution are not claimed and will therefore be allocated a zero (0).
- 24.1.4 The ECDOH may, before a bid is adjudicated or at any time, require a bidder to substantiate claims it has made with regard to preference.
- 24.1.5 The points scored will be rounded off to the nearest 2 decimals.
- 24.1.6 The Purchaser reserves the right to negotiate further with preferred bidders who obtain better scores on functionality or on specifications items that are of high importance/significance and preferred by the Purchaser.
- 24.1.7 The Purchaser reserves the right to negotiate further with preferred bidders who offer better access and availability to offered equipment support services for the Province's health service regions.
- 24.1.8 The Purchaser reserves the right to negotiate further with preferred bidders where opportunity exists to standardize equipment and services.
- 24.1.9 The Purchaser reserves the right to negotiate further with preferred bidders where prices are above the targeted range by the Purchaser.
- 24.1.10 The Purchaser reserves the right to split-award contracts to more than one preferred bidder for the same equipment type or item.
- 24.1.11 The Purchaser reserves the right to split-award contracts per health service region or regions to more than one preferred bidder.
- 24.1.12 The following formula will be used for splitting award between two contractors:

Category	Difference between points	Recommended percentage split
A	Equal points	50/50
B	0,1 – 5%	70/30
C	5,1 – 10%	80/20

- 24.1.13 For Multiple award of the same item to various contractors (more than two), the volume will be proportionately allocated based on total points, provided that the difference in total points between the highest and lowest recommended bidders do not exceed 10%
- 24.1.14 For multiple bidders bidding for the same item Make and/or Model, the item will only be awarded to the bidder scoring the highest number of points. The same item Make and or model will not be awarded to more than one bidder for the same line item.
- 24.1.15 All equipment that are grouped as a series in the specifications can be treated as a group series and can be evaluated and awarded as such for standardization.
- 24.1.16 Where two or more bidders have scored equal points including equal preference points for B-BBEE, the contract will be awarded to the bidder scoring the highest for functionality.
- 24.1.17 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.
- 24.1.18 A contract may, on reasonable and justifiable benefits, be awarded to a bid that did not score the highest number of points.

25 AUTHORISATION DECLARATION

- 25.1 Any bidder who is sourcing goods and services from a third party must complete the Authorisation Declaration (Part G – Form No.2) form in full for all relevant goods and or services, signed and submitted together with the bid documents at the closing date and time of the bid.
- 25.2 The Purchaser reserves the right to verify any information supplied by the bidder in the authorisation declaration and bid submission, should the information be found to be false or incorrect, the Purchaser will exercise any of the remedies available to it in the bid documents.
- 25.3 The bidder must ensure that all financial and supply arrangements for goods or services have been mutually agreed upon between the bidder and the third party. No agreement and or obligations between the bidder and the third party shall be binding to the ECDOH.
- 25.4 Failure to submit a duly completed and signed Authorisation Declaration, with the required annexure(s), in accordance with the above provisions will invalidate the bid for such Goods and or Services offered.

26 TAX CLEARANCE CERTIFICATE

- 26.1 The bidder should submit a proof of registration in the (CSD) Central Supplier Database together with the bid documentation. Bidder must take specific note of the conditions stipulated in SBD 2. Tax clearance certificate and B-BBEE certificate must be renewable every 12 months for verification through Central Supplier Database.

27 CONTRACT PRICING AND ADJUSTMENTS

- 27.1 The bidder(s) must submit details regarding the bid price for the Services on the Pricing Schedule form/s attached as Part 5 – Schedule C which completed form/s must be submitted together with the bid documents.
- 27.2 Pricing must be stipulated INCLUSIVE OF VALUE ADDED TAX.
- 27.3 All prices submitted must be firm. “Firm prices are deemed to be fixed prices, which are only subject to the following statutory changes; namely Vat and any levy related to customs and excise. Quantities are given in good faith and without commitment to the Pharmaceutical Depot. The Depot reserves the right to increase or reduce the quantity to be in line with set threshold for quotations prescribed in the (SCM) Supply Chain Management Delegations.
- 27.4 It is an express requirement of this invitation to bid that the bidders provide some transparency in respect to their pricing approach. In this regard, bidders must indicate the basis on which they have calculated their pricing by completing all aspects of the Pricing Schedule form Part 5 – Schedule C.

28 DECLARATION OF INTERESTS

- 28.1 The bidder must complete and submit with the bid a duly signed declaration of interest (SBD 4) form. The declaration of interest form is attached as Part G – Form No.4.
- 28.2 Failure to comply with this condition shall invalidate the bid.

29 DECLARATION OF PAST SCM PRACTICES

- 29.1 The bidder must complete and submit with the bid a duly signed declaration of past supply chain management practices (SBD 8) form. The declaration of bidder's past supply chain management practices form is attached as Part G – Form No.5.
- 29.2 Failure to comply with this condition shall invalidate the bid.

30 CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 30.1 The bidder should complete and submit with the bid a duly signed certificate of independent bid determination (SBD 9) form. The certificate for independent bid determination form is attached as Part G – Form No.6 in the bid.

31 BIDDER DUE DILIGENCE

- 31.1 The department reserves the right to conduct supplier due diligence prior to award of the contract or at any time during the contract period. This may include site visits to service points and business premise inspections.

32 CONTACTING THE PURCHASER

- 32.1 No Bidder shall contact the Purchaser on any matter relating to his bid, from the time of the bid opening until the Contract has been awarded.
- 32.2 Any effort by a Bidder to influence the Purchaser in the Purchaser's bid evaluation, bid comparison or contract award decisions will result in the rejection of the bid.

33 PURCHASER'S RIGHT TO ACCEPT AND REJECT ANY OR ALL BIDS

- 33.1 The Purchaser reserves the right to accept or reject any bid, and to annul the bidding process and reject all bids at any time prior to contract award without thereby incurring any liability to the affected Bidder or Bidders.

34 NOTIFICATION OF AWARD

- 34.1 Prior to the expiration of the period of bid validity, the Purchaser will notify the successful Bidder in writing, by registered letter or fax, that his bid has been accepted.
- 34.2 The notification of award will constitute the formation of the Contract.

35 SIGNING OF THE CONTRACT

- 35.1 At the same time as the Purchaser notifies the successful Bidder that his bid has been accepted the Purchaser will send the Bidder the Contractual Agreement (Part G – Form No.10) provided in the Tender Documents, incorporating all agreements between the parties.
- 35.2 Within 14 days of receipt of the Contract Form, the successful Bidder shall sign and date the Contract and return it to the Purchaser.

PART C: BID STRATEGY

THE BID CALLS FOR AN URGENT RENTAL SUPPLY AND COMISSIONING OF A HYSTER FOR A PERIOD OF 12 MONTHS AT PE PHARMACEUTICAL DEPOT

The Purchaser reserves the right to split-award contracts to more than one preferred bidder for the same equipment type or item.

- For multiple bidders bidding for the same item Make and/or Model, the item will only be awarded to the bidder scoring the highest number of points.
- All equipment that are grouped as a series in the specifications can be treated as a group series and can be evaluated and awarded as such for standardization.
- Where two or more bidders have scored equal points including equal preference points for B-BBEE, the contract will be awarded to the bidder scoring the highest for functionality.
- Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.
- A contract may, on reasonable and justifiable technical benefits, be awarded to a bid that did not score the highest number of points.
- The successful bidder will be requested to supply, install, commission and maintain the rental equipment ordered directly to where the equipment is required.
- The contract is rate based for 8 hrs per day excluding week-end / item price based and will be utilized on an as and when required principle.
- Provisions will be made in writing if the machinery will be required for more than 8 hours a day.

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 the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

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

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:

.....

.....

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:

.....

.....

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

2.9.1 If so, furnish particulars: -

.....

.....

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid? **YES/NO**

2.10.1 If so, furnish particulars:-

.....

.....

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract? **YES/NO**

2.11.1 If so, furnish particulars:-

.....

.....

3. Full details of directors / trustees / members / shareholders.

Full Name:	Identity Number:	Personal Income Tax Reference Number:	State Employee Number / Persal Number:

4. DECLARATION

I, THE UNDERSIGNED (FULL 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

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	Is the bidder or any of its directors listed on the National Treasury's database as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the audi alteram partem rule was applied).	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)? To access this Register enter the National Treasury's website, www.treasury.gov.za, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445.	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:		

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.

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.

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.
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

FORM No.7: PERSONNEL STRENGTH ASSESSMENT FORM

All Bidders shall furnish resume of their key personnel whose role and function are directly and indirectly relevant to the project for each position below. The number of position below does not reflect the number of engineers/technician required for the service contract but shall demonstrate that the Bidder has already qualified manpower available. The bidder shall propose a brief introduction as well as a structure of a project team in implementing this project with the personnel listed below.

Type of Designation	Responsibility	Proposed Candidate (Full Name, Surname and ID Number)
1. Application Specialist	Training to users on equipment operation, functional set-up and testing, proper application, appropriate handling, cleaning and storage	
2. Technician	Maintenance and repairs to equipment for continued operation such that downtime is prevented.	

For all the available candidates proposed above, please provide/submit their resume detailing the minimum required information below in the following format:

Resume of Candidate		
Name:		
Surname:		
Designation:		
ID Number:		
Sex (Male/Female):		
Cell No.:		
Professional Qualifications:		
Name of Present Employer:		
Employer Address:		
Telephone:		
Fax:		
Email:		
Date Joined:		
Direct Supervisor		
Working Experience over the Past Years in reverse chronological order		
From (Month/Year)	To (Month/Year)	Employer/ Position/ Project name and work scope, and or relevant experience obtained.

Please attach all copies of qualification certificates as evidence or proof.

PART H: SCHEDULES

SUMMARY LIST OF SCHEDULES:

- Schedule A: Functionality Evaluation Criteria
- Schedule B: Response Times for Reactive Maintenance
- Schedule C: Proposed Personnel Fees
- Schedule D: Equipment Specifications
- Schedule E: Pricing Schedule

A. FUNCTIONALITY EVALUATION CRITERIA

- 1) The functionality evaluation will be conducted in terms of the evaluative dimensions set-out hereunder where bidders must score a minimum threshold of eighty (80) out of one hundred points to qualify for stage 3 (Price and BEE) evaluation. Bidders who fail to meet the minimum threshold will be disqualified.

☐ **Technical Specifications (TS)**

The composition of the technical specifications includes the equipment specification and the related equipment pricing schedule. All equipment being tendered for must comply with specification requirements, failure to comply with any of the conditions set out in returnable Equipment Specifications and Pricing Schedule (Part H – Schedule D and E) will result in bid disqualification. Please note that where the specification calls for “certification”, this certification must accompany the bid, failure to provide such certification will result in immediate disqualification.

☐ **Maintainability and Serviceability (MS)**

The bidder must propose a Technician for the equipment technology offered available to perform commissioning and maintenance services. The returnable personnel strength assessment form (Part G – Form No.7) must be completed, duly signed and submitted with the bid. Qualification certificate/s must be attached and submitted with the bid as proof. Personnel experience records or resumes and on the job proof of certification must be submitted together with minimum (3) contactable references.

☐ **Training Plan and Approach (TA)**

The bidder must describe plans and approaches to training and support that must be provided for this contract in order to deliver the service specification and honour terms and conditions of this contract.

☐ **Accessibility and Service Support (AS)**

The bidder must validate to the Purchaser accessibility of the services offered by submitting proof of address in reference to the Purchaser's health service region.

2) The criteria and scores in respect to each evaluative dimension for functionality are set-out as follows:

Criteria	Scoring Matrix and Points	Maximum Score	Evidence or Proof
Technology Specifications (TS)	Compliance to total equipment specifications in Part H, Schedule D <ul style="list-style-type: none"> ✓ 100% compliance = 60 ✓ 95% to 99% compliance = 40 ✓ Zero (0) to 94% compliance = 10 	60	Responsiveness to items of specification specifications, and can be referenced to OEM Brochures and Specification documents
Maintainability and Serviceability (MS) = 20	Experience and manufacturer registration certification for performing repairs and maintenance on the equipment: <ul style="list-style-type: none"> ✓ Above five and certified = 10 ✓ 2 to 4 years and certified = 7 ✓ Below 2 years and certified = 5 ✓ Not certified = 1 	10	Attach SANAS Approved Accreditation Certificate with the bid and complete in full returnable Form No.7; Submission of relevant job proof of certification must be submitted together with minimum (3) contactable references.
Training Plan and Approach (TA) = 10	Proposed staff training plan and methodology on the equipment or technology offered: In order to achieve full marks we would expect to see; <ul style="list-style-type: none"> ✓ Submission of a planned approach to training and support with the allocated personnel for the delivery of training staff (on a train the trainer basis) providing training activity descriptions, intervals, durations and key milestones = 3 ✓ Submit provisions and methods for ensuring that all staff are trained in the proper use of the equipment and technology = 2 ✓ Submit evidence of suitable training and educational materials and resources to support the contract = 3 ✓ Submit evidence of the use of a systematic approach to reviewing training effectiveness and maintaining records = 2 	10	Submission of relevant information that demonstrate fully the training plans, the approach and material/resources as proof
Accessibility and Support (AS)	Service support location and access to spare-parts: <ul style="list-style-type: none"> ✓ Representation with direct access to Manufacturer spare parts within EC = 20 ✓ EC Representation without direct access to Manufacturer spare parts = 10 ✓ Representation is outside EC = 5 	20	Attach and submit proof of Address for local representation in the form of a Municipal Account/Telkom/Eskom/Lease agreement; And Attach and submit a Letter from the Manufacturer confirming direct availability of spare parts in the region by the Bidder.
Maximum possible functionality score (FS):		100	

3) The total score for functionality points will be calculated using the following formula:

- a) $FS = TS + MS + TA + AS$, where:
- b) FS: represents the total functionality score
- c) TS: represents the points scored for compliance to specification
- d) MS: represents the points scored for maintainability and serviceability
- e) TA: represents the points scored for submitted plans and approaches to training
- f) AS: represents accessible service support and manufacturer spare-parts

4) A minimum score of **80** out of the possible **100** is required in order to qualify on functionality into Stage 3.

5) A tenderer not achieving this threshold will be disqualified.

B. RESPONSE TIMES FOR REACTIVE MAINTENANCE

The response time is the time it takes for contractor to be onsite after receiving a request for maintenance and repairs. The Contractor shall provide an on call services 7 days a week for emergency repairs of Lifting and Handling Equipment and will follow the response time as indicated in the TABLE below. In addition, Tactical equipment must be repaired within 1 day of the original work order request date or a replacement machinery be provided immediately. Equipment designated as Critical must be repaired within 1 days. If the equipment is not repaired within this time frame the Employer has the right to impose penalties and seek other repair options elsewhere.

Equipment Type	PERFORMANCE INDICATORS			
	Priority (Critical = C /Tactical = T/ Other = O)	Response Time (hrs)	Coverage Hours (hrs)	Completion Time (Days)
Battery Charger	Critical	8 hrs	Working hrs	1 day
Power (Electrical)	Critical	8 hrs	Working hrs	1 day
Battery Cells	Critical	8 hrs	Working hrs	1 day

C. EQUIPMENT SPECIFICATIONS

RENTAL SUPPLY AND COMMISSIONING OF A HYSTER AT PE PHARMACEUTICAL DEPOT FOR A PERIOD OF 12 MONTHS			COMPLIANCE	
			Yes	No
<ul style="list-style-type: none"> Machinery Capacity – 1500kg – 1800kg OR (1.5 ton to 1.8 ton) 				
Powered – Electric Hyster (with installed Charger)				
Dimensions	Qty	Maintenance /Repair/Replacement Frequency		
Total no. of Capital Machinery	2	Inclusive on Lease /Rental Agreement		
Model Numbers				
Lift Height – 3m – 4m				
Fork Length – 1m				
Battery Charger		When necessary (Covered with warrantee)		
Battery				
N.B. Maintenance and repairs will be the responsivity of the service provider within 8hrs of the call-out while the replacement machine is delivered on site for continuity of daily operations without fail.				

D. PRICING SCHEDULE

3.2 P.E. Pharmaceutical Depot.

NO.	ITEM DESCRIPTION	QUANTITY	UNIT COST	TOTAL COST (EXC. VAT)	TOTAL COST (VAT INCLUSIVE)
1.	Rental of Hyster (with installed battery charger)	2	R	R	R
	SUB TOTAL (Inclusive of delivery costs)				R
	GRAND TOTAL {Contract Value (12 MONTHS)}				R

Note Well:-

It is compulsory for service providers to complete the above pricing schedules for a Total Bid Price as failure to do so will invalidate your Bid.

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

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

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

4. GENERAL CONDITIONS

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

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

4.2

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

b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

4.3 Points for this bid shall be awarded for:

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

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

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

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

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

5. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

6. POINTS AWARDED FOR PRICE

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

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

80/20

or

90/10

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

P_{\min} = Price of lowest acceptable bid

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

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

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

8. BID DECLARATION

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

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

9.1 B-BBEE Status Level of Contributor: . =(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

10. SUB-CONTRACTING

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

(Tick applicable box)

YES		NO	
-----	--	----	--

10.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE
(***Tick applicable box***)

YES		NO	
-----	--	----	--

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

Designated Group: An EME or QSE which is at last 51% owned by:

EME

QSE

√

√

Black people

Black people who are youth

Black people who are women

Black people with disabilities

Black people living in rural or underdeveloped areas or townships

Cooperative owned by black people

Black people who are military veterans

OR

Any EME

Any QSE

11. DECLARATION WITH REGARD TO COMPANY/FIRM

11.1 Name of company/firm:.....

11.2 VAT registration number:.....

11.3 Company registration number:.....

11.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

[TICK APPLICABLE BOX]

11.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

11.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

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

11.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

WITNESSES

1.

2.

.....

SIGNATURE(S) OF BIDDERS(S)

DATE: