



INKOMATI-USUTHU CATCHMENT MANAGEMENT AGENCY

REQUEST FOR QUOTATION (RFQ)

APPOINTMENT OF A SUITABLE AND QUALIFIED SERVICE PROVIDER FOR THE PROVISION OF MIMECAST SOFTWARE LICENSING RENEWALS FOR IUCMA FOR A PERIOD OF FIVE (5) YEARS

RFQ REFERENCE	RFQ/012/MIMECAST/2022
RFQ DESCRIPTION	APPOINTMENT OF A SUITABLE AND QUALIFIED SERVICE PROVIDER FOR THE PROVISION OF MIMECAST SOFTWARE LICENSING RENEWALS FOR IUCMA FOR A PERIOD OF FIVE (5) YEARS
RFQ ISSUE DATE	20 OCTOBER 2022
CLOSING DATE & TIME	28 OCTOBER 2022 AT 16:00
LOCATION OF SUBMISSIONS	BID BOX SITUATED AT IUCMA OFFICES, SUITE 801, THE MAXSA BUILDING, 13 STREAK STREET, MBOMBELA, 1200

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

QUOTATION SUBMITTED by:

Supplier's Name: _____

Registered Name: _____

CSD Number: MAAA _____

Physical Address: _____

Postal Address: _____

Telephone No. _____

Email. _____

1. CHECKLIST

The Checklist below is attached hereto to assist bidders with the completion of the bid document. Please ensure that the following forms have been completed and signed and that all documents, as requested, are attached to the tender document. Bidders are required to **TICK** the relevant boxes for verification purposes.

No	Description	Bidder to Tick (√)	For Official Use Only	
1.	SBD 1 - Invitation to Bid Is the form duly completed and signed?		D	
2.	Has the CSD Supplier Number been submitted with the bid document?			
3.	Is the full CSD report not more than 10 days before the bid closing date attached?			
4.	Declaration of POPI Act Is the form duly completed and signed?		D	
5.	Has the bid document been completed in a non-erasable Black Ink Pen and all corrections counter-signed? - No retype and correction fluid/tape used - Bid document completed and returned without missing page/s - No unauthorised alteration in the bid document		D	
6.	Has the compulsory "Tender Briefing Session" been attended?	N/A	N/A	N/A
7.	Pricing Schedule Is the pricing schedule fully completed?			
8.	SBD 4 - Bidder's Disclosure Is the form duly completed and signed?		D	
9.	SBD 6.1 - Preference Points Claim Form Is the form duly completed in its entirety and signed?			
10.	Is a valid B-BBEE certificate (accredited by SANAS) or a sworn affidavit attached?			
11.	SBD 7.2 Contract Form for Rendering of Services Is the form duly completed and signed?			

***** D: Failure to comply with these sections will result in the disqualification of the RFQ.**

Name of Bidder: _____

Signature: _____

Date: _____

2. REQUEST FOR QUOTATION INVITATION

RFQ/012/MIMECAST/2022

CLOSING DATE: 28 OCTOBER 2022

Inkomati-Usuthu Catchment Management Agency (IUCMA) requests your quotation for the below services:

APPOINTMENT OF A SUITABLE AND QUALIFIED SERVICE PROVIDER FOR THE PROVISION OF MIMECAST SOFTWARE LICENSING RENEWALS FOR IUCMA FOR A PERIOD OF FIVE (5) YEARS

Quotations will be adjudicated in terms of the Preferential Procurement Regulations as amended, pertaining to the Preferential Procurement Policy Framework Act, 5/2000 and other applicable legislation and will be based on 80/20 points system. Preference points will be awarded to service providers using their B-BBEE status level of contribution. BIDS shall remain valid for the period of days as indicated in the bid document from the date of closing. The IUCMA reserves the right to accept all, part, or none of the bids submitted, either wholly or in part and it is not obliged to accept the lowest bid.

Quotations submitted on the official bid document are to be submitted in a sealed envelope clearly marked **“APPOINTMENT OF A SUITABLE AND QUALIFIED SERVICE PROVIDER FOR THE PROVISION OF MIMECAST SOFTWARE LICENSING RENEWALS FOR IUCMA FOR A PERIOD OF FIVE (5) YEARS”** must be deposited in the official bid box provided at the IUCMA Offices, Suite 801, The Maxsa Building, 13 Streak Street, Mbombela before 16:00 on the closing date. Late quotations or tenders received by way of facsimile or e-mail will under no circumstances be considered.

For technical enquiries, contact Mr Lington Skhosana at 078 346 8976 or skhosanal@iucma.co.za and for SCM enquiries, contact Mr N Hlatshway at 013 753 9039/066 549 8618 or hlatshway@iucma.co.za.

Only prospective suppliers who are registered on the National Treasury Supplier database are legible to bid. To register on the CSD log onto www.csd.gov.za

**Mr LC Mohalaba
Chief Executive Officer**

PART A

INVITATION TO BID

SBD 1

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE IUCMA					
BID NUMBER:	RFQ/012/MIMECAST/2022	CLOSING DATE:	28 October 2022	CLOSING TIME:	16:00
DESCRIPTION	PROVISION OF MIMECAST SOFTWARE LICENSING RENEWALS FOR FIVE (5) YEARS				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT					
IUCMA, SUITE 801, THE MAXSA BUILDING, 13 STREAK STREET, MBOMBELA, 1200 (DURING OFFICE HOURS BETWEEN 07H30 TO 16H00)					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Mr L Skhosana		CONTACT PERSON	Mr N Hlatshwayo	
TELEPHONE NUMBER	013 753 9000		TELEPHONE NUMBER	013 753 9039	
FACSIMILE NUMBER	N/A		FACSIMILE NUMBER	N/A	
E-MAIL ADDRESS	skhosanal@iucma.co.za		E-MAIL ADDRESS	hlatshwayon@iucma.co.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:		O R	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN-BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]	
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS (Not applicable to South African 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

SBD1

TERMS AND CONDITIONS FOR BIDDING

3. BID SUBMISSION:
<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED – (NOT TO BE RE-TYPED) OR ONLINE.</p> <p>1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS AS AMENDED, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.</p> <p>1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</p> <p>1.5. THE BOX IS GENERALLY OPEN DURING OFFICE HOURS: 07:30 – 16:00 MONDAYS TO FRIDAYS.</p>
4. TAX COMPLIANCE REQUIREMENTS
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER’S PROFILE AND TAX STATUS.</p> <p>2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.</p> <p>2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p> <p>2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE.”</p>

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

SIGNATURE OF BIDDER:

.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:

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

.....

DATE:

.....

3. DECLARATION OF POPI ACT

THE BIDDER WILL BE DISQUALIFIED IF THE FORM IS NOT FULLY COMPLETED AND SIGNED

PERMISSION BY BIDDER:

On behalf of Company/Close Corporation/Trust/Joint Venture/Consortium/Juristic Person/Partnership

_____ (Name of bidder)

I, Mr/Ms _____ (duly authorised), hereby grant permission, in terms of the Protection of Personal Information Act, 2013 (Act 4 of 2013), POPI Act, to the Inkomati-Usuthu Catchment Management Agency, to utilise all information contained in the tender documents submitted to the Inkomati-Usuthu Catchment Management Agency, for purposes of procurement.

Capacity: _____

Signed: _____

Date: _____

4. CONDITIONS TO BE OBSERVED WHEN BIDDING

1. QUOTATION CONDITIONS

NOTE: Quotations for the supply of goods or services described in this document are invited in accordance with the provision of Government Procurement: General Conditions of Contract available for download from <http://www.treasury.gov.za/divisions/ocpo/sc/GeneralConditions/>

- a. IUCMA does not bind itself to accept the lowest or any RFQ, nor shall it be responsible for or pay any expenses or losses which may be incurred by the bidder in the preparation and delivery of the RFQ.
- b. No RFQ shall be deemed to have been accepted unless and until a purchase order/letter of appointment is prepared and executed.
- c. Quotation shall remain open for acceptance by IUCMA for a period of **90 days** from the closing date of the RFQ enquiry.

1.1. IUCMA reserves the right to:

- a. Not evaluate and award RFQ that do not comply strictly with the requirements of this RFQ.
- b. Make a selection solely on the information received in the RFQs and enter into negotiations with any one or more of the preferred bidder(s) based on the criteria specified in the evaluation of this RFQ.
- c. Contact any bidder during the evaluation process to clarify any information without informing any other bidders and no change in the content of the RFQ shall be sought, offered or permitted.
- d. Award a contract to one or more bidder(s).
- e. Withdraw the RFQ at any stage.
- f. Accept a separate RFQ or any RFQ in part or whole at its discretion.
- g. Cancel this RFQ or any part thereof at any stage as prescribed in the PPPFA regulation.
- h. Should bidder(s) be selected for further negotiations, they will be chosen based on cost-effectiveness and the principle of value for money not necessarily based on the lowest costs. The IUCMA, therefore, reserves the right not to appoint the lowest bidder.

2. COST OF BIDDING

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

3. COMPLETION OF QUOTATION DOCUMENTS

- 3.1. The original quotation document without missing pages must be completed entirely.
- 3.2. Paragraph 2.1.1, 2.2.1, 2.3.1 of the SBD 4 and SBD 6.1 paragraph 7.1.1 is excluded from the condition of 7.1 if the chosen answer is no.
- 3.3. The use of correction fluid/tape on the quotation documents including returnable documents is not allowed. If there is an error, draw a line through it, initial next to it and make the correction directly above/below/next to it.

Failure to comply with the completion of documents will result in disqualification.

5. SPECIFICATION

APPOINTMENT OF A SUITABLE AND QUALIFIED SERVICE PROVIDER FOR THE PROVISION OF MIMECAST SOFTWARE LICENSING RENEWALS FOR IUCMA FOR A PERIOD OF FIVE (5) YEARS

1. BACKGROUND

The Inkomati-Usuthu Catchment Management Agency (IUCMA) is a statutory body established in terms of section 78 (1) of the National Water Act, No. 36 of 1998, as amended (the Act). The IUCMA is a schedule 3(A) Public Entity and is required as such to manage its resources in compliance with the Public Finance Management Act, any other relevant legislation, and the Constitution.

The IUCMA is currently using the Mimecast application for securing and archiving its email logs. The Mimecast M2A and Mimecast Legacy Data Management have a user complement of 92 and 150 residing with the current service provider, respectively. Therefore, the institution seeks a competent Mimecast service provider with proof of accreditation to manage its Mimecast domain.

2. PURPOSE

The IUCMA hereby invite suitably qualified service providers to submit quotations and price offers for the provision of Mimecast email archiving services and the provision of annual renewal of the application for the term of five (5) years.

3. SCOPE OF THE SERVICE REQUIRED

Bidders are required to provide the following as per the list below:

Description	Quantity
Mimecast M2A-Annual fee	92
Mimecast Legacy Data Management (LDM)-Annual Fee	150

4. DURATION

The duration of the contract will be for a period of five (5) years from the date of appointment.

5. CONTRACTUAL OBLIGATION

- Bidder must comply with any relevant legislative framework including but not limited to POPI Act 4 2013.
- Bidder will be subjected to annual review in terms of measuring satisfactory performance.

6. BRIEFING SESSION

There will be no compulsory briefing session.

7. EVALUATION CRITERIA

The quotation will be evaluated and adjudicated in phases as follows:

- Phase 1 – Compliance/Mandatory requirements
- Phase 2 – Functional requirements
- Phase 3 – Price and B-BBEE evaluation

Phase 1: Compliance/ Mandatory Requirements

Without limiting the generality of the IUCMA's other critical requirements for this bid, the bidder(s) must submit the documents listed in the table below. All documents must be completed and signed by the duly authorized representative of the prospective bidder(s). During this phase Bidders' responses will be evaluated based on compliance with the listed administration and mandatory bid requirements. The bidder(s) proposal will be disqualified for non-submission of any of the documents.

Documents that must be submitted for Compliance/ Mandatory Requirements

A document that must be submitted	Yes/No	Non-submission will result in disqualification?
Permission in terms of POPI Act to utilize the information contained in documents for procurement purposes	Yes	Complete and sign the supplied pro forma document.
Invitation to Bid – SBD 1	Yes	Complete and sign the supplied pro forma document.
Bidder`s Disclosure – SBD 4	Yes	Complete and sign the supplied pro forma document.
Preference Point Claim Form – SBD 6.1	No	Complete and sign the supplied pro forma document. Incomplete form will lead to a zero (0) score on BBBEE
Valid BBBEE certificate (accredited by SANAS) or Sworn affidavit (DTI or CIPC Template).	No	Non-submission will lead to a zero (0) score on BBBEE
Registration on Central Supplier Database (CSD).	Yes No	The bidder must be registered as a service provider on the CSD. Submit CSD full registration report (CSD full registration report must NOT be older than 10 days from the closing date and a summary report will NOT be considered)
Mimecast partnership proof- a letter from Mimecast or Mimecast Distributor/Reseller.	Yes	The bidder must attach a partnership letter from Mimecast or Mimecast Distributor/Reseller. NB: IUCMA reserves the right to verify if the partnership is valid at the time of the bid.

NB: No Bid will be awarded to any person whose tax matters have not been declared in order by South African Revenue Service.

NB: No award will be made to an entity which is not registered on the CSD (Central Supplier Database) with National Treasury.

Phase 2: Functionality Requirements

The functional evaluation will be based on a threshold, where bidders who fail to achieve a minimum threshold will not be considered further in the evaluation. The criteria of the evaluation are expressed in the table below.

Points allocated for functionality shall be evaluated in accordance with the criteria listed below. The total points allocated shall be 50.

Bidders who obtain less than the minimum threshold of 35 points will be declared non-responsive and therefore will not be eligible for evaluation in terms of phase 3 (Price & BBEE Preference)

Item	Criteria	Points
References	<p>Bidders to provide positive references letters where licenses were supplied:</p> <ul style="list-style-type: none"> • Five (5) or more reference letters = 50 points • Three (3) to four (4) reference letters = 35 points • Less than three (3) reference letters = 20 points • No reference = no points <p>NB Proof: Reference letters on client letterhead with contactable references indicating the name of the client, service description, referee name, position, contactable email, and contactable phone number. <i>IUCMA reserves the right to conduct due diligence against the reference letters provided.</i></p>	50
TOTAL		50

Phase 3: Price and BBEE Evaluation in terms of 80/20 Preference Points System

Evaluation in terms of 80/20 Preference Points System. Only bids that achieve the minimum qualification score for functionality will be evaluated further in accordance with the 80/20 preference points system.

B-BBEE Status level of Contributor	Number of Points (80/20) System
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non – compliant contributor	0

8. PRICING SCHEDULE

It is acknowledged that the Mimecast License Pricing is according to foreign currency and is presented on an annual basis. It is there required that the service provider present a firm price for the 1st year. The outer year's (i.e. 2nd year to 5th year) process will be confirmed based on the rand value at the time of renewal. The bidder must complete the tables below in a Rand value.

Pricing Schedule for Year 1

NO	SERVICE DESCRIPTION	QTY	UNIT PRICE	TOTAL
1	Mimecast M2A-Annual fee	92		
2	Mimecast Legacy Data Management (LDM)-Annual Fee	150		
	SUB-TOTAL EXCLUDING VAT			
	VAT			
	TOTAL INCLUDING VAT			

Pricing Schedule for Year 2

NO	SERVICE DESCRIPTION	QTY	UNIT PRICE	TOTAL
1	Mimecast M2A-Annual fee	92		
2	Mimecast Legacy Data Management (LDM)-Annual Fee	150		
	SUB-TOTAL EXCLUDING VAT			
	VAT			
	TOTAL INCLUDING VAT			

Pricing Schedule for Year 3

NO	SERVICE DESCRIPTION	QTY	UNIT PRICE	TOTAL
1	Mimecast M2A-Annual fee	92		
2	Mimecast Legacy Data Management (LDM)-Annual Fee	150		
	SUB-TOTAL EXCLUDING VAT			
	VAT			
	TOTAL INCLUDING VAT			

Pricing Schedule for Year 4

NO	SERVICE DESCRIPTION	QTY	UNIT PRICE	TOTAL
1	Mimecast M2A-Annual fee	92		
2	Mimecast Legacy Data Management (LDM)-Annual Fee	150		
	SUB-TOTAL EXCLUDING VAT			
	VAT			
	TOTAL INCLUDING VAT			

Pricing Schedule for Year 5

NO	SERVICE DESCRIPTION	QTY	UNIT PRICE	TOTAL
1	Mimecast M2A-Annual fee	92		
2	Mimecast Legacy Data Management (LDM)-Annual Fee	150		
	SUB-TOTAL EXCLUDING VAT			
	VAT			
	TOTAL INCLUDING VAT			

SUMMARY

No	YEAR	TOTAL (INCLUDING VAT)
1	Year 1	
2	Year 2	
3	Year 3	
4	Year 4	
5	Year 5	
	TOTAL BID PRICE	

9. SERVICE LEVEL AGREEMENT

The acceptance of any proposal is only valid upon the conclusion of a written SLA between the IUCMA and the successful Service Provider, in terms of which the rights and duties of the parties are recorded, and which agreement shall regulate the relationship between the IUCMA and the successful Service provider.

Until such time that an appropriate SLA has been concluded between the IUCMA and the successful Service Provider, no rights shall be conferred, nor shall any legitimate expectations be conferred to the successful service provider to carry out the works or services provided for in this document.

This document is not to be edited or altered as it forms part of the contract. Any contract amendments are to be raised with the IUCMA for legal consideration.

10. CONTACT PERSONS

Technical Enquiries	SCM Enquiries
Information Technology Mr L Skhosana Tel: 013 753 9000 E-mail: skhosanal@iucma.co.za	Supply Chain Management Mr N Hlatshwayo Tel: 013 753 9000 E-mail: hlatshwayon@iucma.co.za

6. SBD 4: BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. BIDDER'S DECLARATION

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state? **YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

2.3.1 If so, furnish particulars:

.....

1 the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

3 DECLARATION

I, the undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 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 consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.5 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.
- 3.6 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.7 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.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

² 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.

7. SBD 6.1: PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS

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 AS AMENDED.

1. GENERAL CONDITIONS

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

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

1.2

- a) The value of this bid is estimated not to exceed R50 000 000 (all applicable taxes included) and therefore the **80/20** preference point system shall be applicable; or
- b) Either the 80/20 preference point system will be applicable to this tender.

1.3 Points for this bid shall be awarded for:

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

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

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

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

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

2. DEFINITIONS

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

3. POINTS AWARDED FOR PRICE

3.1 THE 80/20 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

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

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

B-BBEE Status Level of Contributor	Number of points (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

5. BID DECLARATION

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

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

6.1 B-BBEE Status Level of Contributor: . =(maximum of 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.

7. SUB-CONTRACTING

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

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

7.1.1 If yes, indicate:

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

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

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

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

Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

8.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

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

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 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:

ADDRESS

.....

8. SBD 7.2 CONTRACT FORM - RENDERING OF SERVICES

THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SERVICE PROVIDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SERVICE PROVIDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.

PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)

1. I hereby undertake to render services described in the attached bidding documents to **INKOMATI-USUTHU CATCHMENT MANAGEMENT AGENCY** in accordance with the requirements and task directives/proposals specifications stipulated in **RFQ/012/MIMECAST/2022** at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid

2. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (i) Bidding documents, viz
 - Invitation to bid;
 - Tax clearance certificate;
 - Pricing schedule(s);
 - Filled in task directive/proposal;
 - Preference claims for Broad-Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations as amended;
 - Bidder`s Disclosure;
 - Special Conditions of Contract;
 - (ii) General Conditions of Contract; and
 - (iii) Other (specify)

3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.

4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfilment of this contract.

5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.

6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES	
1
2
DATE:

**CONTRACT FORM - RENDERING OF SERVICES
PART 2 (TO BE FILLED IN BY THE PURCHASER)**

1. I in my capacity as Chief Executive Officer accept your bid under reference number **RFQ/012/MIMECAST/2022** dated for the rendering of services indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating service delivery instructions is forthcoming.
3. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice.

DESCRIPTION OF SERVICE	NAME OF THE COMPANY	PRICE (ALL APPLICABLE TAXES INCLUDED)	CONTRACT DURATION	B-BBEE STATUS LEVEL OF CONTRIBUTION

I confirm that I am duly authorised to sign this contract.

SIGNED AT... **MBOMBELA**.....ON.....

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

1

2

DATE: