



INKOMATI-USUTHU CATCHMENT MANAGEMENT AGENCY

REQUEST FOR QUOTATION (RFQ)

APPOINTMENT OF A SERVICE PROVIDER TO ASSESS AS-IS ICT ENVIRONMENT AND DEVELOP A THREE YEAR-ICT STRATEGIC PLAN AND PERFORM COBIT ASSESSMENT

RFQ REFERENCE	RFQ/006/ICTSTRATEGIC/2021
RFQ ISSUE DATE	11 January 2022
CLOSING DATE & TIME	21 January 2022
LOCATION FOR SUBMISSIONS	mbathas@iucma.co.za

QUOTATION SUBMITTED by:

Supplier's Name: _____

Registered name: _____

Registration Number: _____

Physical Address: _____

Postal Address: _____

Telephone No. _____

Fax No. _____

Email: _____

REQUEST FOR QOUTATION INVITATION

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

APPOINTMENT OF A SERVICE PROVIDER TO ASSESS AS-IS ICT ENVI-RONMENT AND DEVELOP A THREE YEAR-ICT STRATEGIC PLAN AND PER-FORM COBIT ASSESSMENT

Evaluation method:

80/20 Preference Point Scoring system will be applied in terms of the PPPFA of 2000, Preferential Procurement Regulations of 2017 as amended will be used. Submissions will be subjected to verification of compliance with the quotation requirements.

Bidders must submit responses via e-mail at: mbathas@iucma.co.za **or hand deliver to SCM Manager' Office except the following dates 17, 18, 19 and 20 January 2022.**

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.**

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

Registration of bidders on the National Treasury Central Supplier Database (CSD) with compliant tax status is compulsory.

Inkomati-Usuthu Catchment Management Agency
Private Bag X11214
Mbombela
1200

SBD 1

INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE INKOMATI-USUTHU CATCHMENT MANAGEMENT AGENCY				
RFQ NUMBER:	RFQ/006/ICTSTRATEGIC/2021	CLOSING DATE:	CLOSING TIME:	21 January 2022 11h00am
DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER TO ASSESS AS-IS ICT ENVIRONMENT AND DEVELOP A THREE YEAR-ICT STRATEGIC PLAN AND PERFORM COBIT ASSESSMENT			
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)				
Service Providers must email proposals (mbathas@iucma.co.za) or hand deliver to SCM Manager's Office except the following dates 17, 18, 19 and 20 January 2022.				
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:	
CONTACT PERSON	Mr N Hlatshwayo		CONTACT PERSON	Mr. Lington Skhosana
TELEPHONE NUMBER	013 753 9039/066 549 8618		TELEPHONE NUMBER	013 753 9008 / 078 346 8976
FACSIMILE NUMBER	-		FACSIMILE NUMBER	-
E-MAIL ADDRESS	hlatshwayon@iucma.co.za		E-MAIL ADDRESS	skhosanal@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:		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 PART B:3]

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? YES NO
- DOES THE ENTITY HAVE A BRANCH IN THE RSA? YES NO
- DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? YES NO
- DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? YES NO
- IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? YES 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.

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:

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

DATE:



APPOINTMENT OF A SERVICE PROVIDER TO ASSESS AS-IS ICT ENVIRONMENT AND DEVELOP A THREE YEAR-ICT STRATEGIC PLAN AND PERFORM COBIT ASSESSMENT

1. PURPOSE

The Agency seeks the professional service of a well experienced Business acumen to assess the as-is ICT environment and develop a three-year ICT Strategic plan for implementation by the organization inclusive of the MSP, Structure assessment and alignment and COBIT assessment.

2. BACKGROUND

The Inkomati-Usuthu Catchment Management Agency (IUCMA) is a water resource management institution established under Section 78 of the National Water Act (Act 36 of 1998, NWA) having jurisdiction over the Inkomati-Usuthu Water Management Area (WMA). One of the inherent functions of a Catchment Management Agency (CMA) (s80) NWA it to investigate and advise interested persons on water resource protection, use, conservation, and management.

The Agency has a staff complement of 115 with five (5) departments with their associated division ranging at approximately nineteen (19).

Its four programmes namely Administration and Governance, Water Resources Management, Corporate Services and Finance. Within the Core Function there are six divisions, five in corporate services and three in finance. There is also the Governance Division headed by the Board Secretary to support the Governing Board with legal services and committee work while the CEO office has internal audit, monitoring and evaluation, and Strategic support.

The Information Technology unit reports to the Executive: Corporate Services.

3. AIMS AND OBJECTIVES

The aim and objectives of this TOR document is to solicit quotations/proposals from professional ICT Governance professional service providers in the Republic of South Africa to assess the as-is ICT governance status and develop a three-year Strategy inclusive of Master System Plan, ICT structure alignment, COBIT assessment. The strategy should focus on the identification of, and mitigation of risks related to latest technological trends, market analysis, swot analysis,

minimized ICT risks, enhanced operational efficiency, cost implications, and recommend accordingly. That the proposed strategy meets the legislative requirements and compliance with ICT industry generally acceptable practices followed by recommendations to ensure compliance with legislation and ICT industry generally acceptable standards.

4. SCOPE OF WORK/ DELIVERABLES

- 4.1 The scope is to assess as-is ICT environment to develop as strategy inclusive of:
- MSP.
 - Structure alignment.
 - COBIT assessment and implementation plan.

4.2 The below table outlines the scope of work to be performed:

PERFORMANCE INDICATOR		ACTION TO BE PERFORMED
1	Master System Plan (MSP), being the ICT strategy of the IUCMA.	<ul style="list-style-type: none"> • Review and assess ICT environment as-is. • Develop a three-year MSP strategy as per the IUCMA business operating structure and alignment to strategic objectives. • MSP must be inclusive of latest technological trends, Market Analysis, Swot Analysis, minimized ICT risks enhanced operational efficiency, cost implications, and recommend accordingly. • The proposed strategy must meet the legislative requirements and compliance with ICT industry generally acceptable practices. • Recommendations must ensure compliance with legislation and ICT acceptable standards.
2.	Conduct Feasible COBIT Assessment for the organization.	<ul style="list-style-type: none"> • Evaluate and conduct a feasible COBIT assessment for the organization, thus ensuring that all ICT governance inefficiencies are indicated and outlined in a reporting format. • Recommend as per COBIT framework best practices, detail controls which must be implemented.

3.	Assessment of Internal ICT organisational structure.	<ul style="list-style-type: none"> Assess and review internal ICT organisational organogram whether it is aligned or adequate and provide recommendations.
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5. Project Period

The project must be executed within a period of three (3) months effective from the date of acceptance of appointment letter.

6. OWNERSHIP AND INTELLECTUAL PROPERTY

- All products resulting from this contract will remain the property of the IUCMA. The contents of the material will not be altered without the prior permission from the IUCMA.
- All designs are owned by the IUCMA and cannot be modified or shared without prior permission from the IUCMA.
- The service provider may also not use IUCMA material for any advertisements and personal use without the prior permission from the IUCMA.
- Provide all documentation to the institution after implementation.

7. EVALUATION PROCESS

The bid will be evaluated and adjudicated on three (3) different phases as follows:

- i. Phase 1: Mandatory Requirements
- ii. Phase 2: Functionality requirements
- iii. Phase 3: Price and BBEE evaluation

Phase 1: Compliance/ mandatory Requirements

All bids will be examined to determine compliance with bidding requirements and conditions. The proposals will be verified against all administrative requirements of the bid which include the completeness of the Standard Bidding Documents. Bidders who do not fulfil all the requirements or do not submit the required documents will be disqualified and not be evaluated further on compulsory requirements. The compliance requirements include the following:

- There will be compulsory virtual briefing session online.
- Registration on the National Treasury Central Supplier Database (CSD).
- Standard bidding documents must be fully completed and signed, where the answer is not applicable, it must be indicated with N/A, failure to complete will result in disqualification.

- Standard bidding Documents 1, 4, 6.1, 8 and 9.
- Bid documents must be fully completed, where the answer is not applicable, it must be indicated with N/A, failure to complete will result in disqualification.
- The BID document must NOT be altered, only hand-written formal written quotations will be accepted.

Phase 2: Functionality Requirements

The evaluation of bidders of functionality will be done in terms of the evaluation criteria as indicated in Table 1 below. Only bids that meet the minimum threshold of **70 out of 100 points** for functionality will proceed to the next stage. The evaluation of functionality will be evaluated in accordance with the functionality criteria below and applicable values.

Table 1: Functionality Evaluation Criteria

Qualification criteria	Description	Points
Company Experience	<p>Experience in the Development of ICT Strategy which must be substantiated by years of experience.</p> <ul style="list-style-type: none"> • 5 or more positive reference letters for development of ICT strategy=30 • 3-4 positive reference letters for development of ICT strategy =20 • Less than 3 positive reference letters development of ICT strategy=10 <p>Proof: Company profile substantiated by positive reference letters on the development of ICT strategy. (No submission of proof will score zero)</p>	30
Qualifications of Project Leader/ Project manager	<p>Qualifications of a project leader/project manager</p> <ul style="list-style-type: none"> • Bsc Degree in Computer science/information technology =15 • Diploma in Computer science/information technology =8 • Certificate in Computer science/information technology =3 <p>Proof: Attach CV and certified copies of qualifications (No submission of proof will score zero)</p>	15
Experience of the Project Leader/ Manager	<p>Experience of a project leader/Manager</p> <ul style="list-style-type: none"> • 5 and above years' experience in similar services = 15 • 2-4 years' experience in similar services = 8 • 1 or Less in similar services = 3 	15

	Proof: Attach CV and certified copies of qualifications (No submission of proof will score zero)	
Experience in performing COBIT Assessment.	Experience in performing ICT governance assessment in-line with COBIT framework. <ul style="list-style-type: none"> • 5 or more positive reference letters for COBIT assessment. • 3-4 positive reference letters for COBIT assessment. • Less than 3 positive reference letters for COBIT assessment. Attach proof of reference letters on the company letterhead (No submission will score zero)	30
Clearly defined project proposal	Company submits a clear project plan that clearly outlines all deliverables <ul style="list-style-type: none"> • Well-presented and formulated project plan =10 • Satisfactory presented project plan=5 • Poorly presented project plan or no project plan submitted=3 Proof: Project plan must clearly outline important milestones as well as expected output for all milestones. A Gantt chart to be submitted to support the project plan. (No submission will score zero)	10
Total		100
Minimum required score		70

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

Only bids that achieve the minimum qualification score of 70 points for functionality will be evaluated further in accordance with the 80/20 preference points system. Allocation of points for B-BBEE status level is set out in table 2 below.

Phase 3: Preferential Point System	Points
Price	80
B-BBEE status level of contribution	20
Total	100

- Submit valid certified copy of B-BBEE certificate; or affidavit in case of Exempted Micro Enterprise (EME).

Table 2: B-BBEE Status

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

Prices/ rates are to be indicated on per unit/ item basis as required by the table 3 below, which constitute the pricing schedule for this tender. Prices/ rates indicated must be projected for a period of months.

Table 3: Pricing Schedule

Item No.	Description	Pricing Schedule		
		Quantity	Unit Price	Total
1.	Master System Plan (MSP), being the ICT strategy of the IUCMA.	1		
2.	Conduct Feasible COBIT Assessment for the organization.	1		
3.	Assess Internal ICT Capacity and Structure alignment including current human resources within the ICT unit.	1		
4.	SUBTOTAL (1 + 2 + 3)			
5.	VAT @ 15%			
6.	GRAND TOTAL			

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, 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. SPECIAL OF CONDITIONS

- Awarding of the bid will be subject to the service provider's express acceptance of the general conditions of contract.
- The successful service provider agrees to keep confidential all records and information and not to disclose such records or information to any third party without the prior written consent of IUCMA.
- The IUCMA reserves the right to terminate the contract if there is clear evidence of non-performance and/or inability to deliver.
- The successful service provider must at all times abide to the POPI Act.
- No supplier shall use material or designs of other manufacturers without patent rights.
- IUCMA reserves the right not to make any appointment.
- Bidders who are exempted micro enterprises (EME) or qualifying small enterprise (QSE) 51% owned by black people who are youth, women and people living with disabilities are encouraged to submit proposal.

11.SUBMISSION OF PROPOSALS

All formal written quotations and supporting documents should be sent electronically or hand deliver to SCM Manager' Office except the following dates 17, 18, 19 and 20 January 2022 on or before the stipulated closing date and time to:

Miss Silungile Mbatha

Manager: Supply Chain Management

Email: mbathas@iucma.co.za

Contact Persons

Technical Enquiries	SCM Enquiries
Office of the ICT MANAGER MR. Lington Skhosana Tel.013 753 9008 or 078 346 8976 email: skhosanal@iucma.co.za	Supply Chain Management Mr. Ntokozo Hlatshwayo Tel: 013 753 9039 / 066 549 8618 email: hlatshwayon@iucma.co.za

SBD 4: DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes an advertised competitive bid, a limited bid, a proposal or written price quotation). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-
 - the bidder is employed by the state; and/or
 - the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

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

- 2.1. Full Name of bidder or his or her representative:
- 2.2. Identity Number:.....
- 2.3. Position occupied in the Company (director, trustee, shareholder², member):
- 2.4. Registration number of company, enterprise, close corporation, partnership agreement or trust:.....
- 2.5. Tax Reference Number:
- 2.6. VAT Registration Number:
- 2.6.1. The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / PERSAL numbers must be indicated in paragraph 3 below.

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:

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.

4. DECLARATION

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

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

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

SBD 6.1 PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

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

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

1. GENERAL CONDITIONS

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

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- 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 to **not exceed** R50 000 000 (all applicable taxes included) and therefore the **80/20** preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

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

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

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

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

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

2. DEFINITIONS

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

3. POINTS AWARDED FOR PRICE

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

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

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

80/20 **or** **90/10**

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"/>
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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"/>
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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		

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

.....

.....

SBD 8 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.**

Ite	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	<p>Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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

.....
Name of Bidder

.....
Position

SBD 9 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 bid and proposals.

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

I certify, on behalf of: _____

that: (Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;

- (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
- (f) bidding with the intention not to win the bid.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
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

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