



SCM /Tender Ref #:	DPME 12-2016/17
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Request for proposals for:	Supply and hand delivery of newspaper and magazines on daily/weekly/monthly basis to the Department of Planning, Monitoring and Evaluation (DPME) for a period of 24 months	
Closing date and time:	10 March 2017, 12:00 at 330 Grosvenor Street, Hatfield Pretoria with provision of one electronic and six hard copies of the proposal	
Compulsory briefing session:	Date: 27 February 2017	Time: 10:00
	Place: Boardroom GO1A, 330 Grosvenor Street, Hatfield, Pretoria	

Planned date of award of bid:	Expected project start date:	Expected project end date:
30 March 2017	1 July 2017	30 June 2019

1. BID INFORMATION

Information on the format and delivery of bids is contained in the attached bid documents. Please take note of the closing date and date of compulsory briefing session (if any).

2. PROPOSAL FORMAT

A detailed proposal in response to this ToR must be submitted. The proposal should contain all the information required to evaluate the bid against the requirements stipulated in this terms of reference. The following should be attached to the proposal as annexures

- **Annexure A:** Summary of past experience (Use attached template)
- **Annexure B:** Summary details of proposed team (Use attached template)
- **Annexure C:** Pricing information. Price proposals should include VAT and should be fully inclusive to deliver the outputs indicated in the terms of reference and must be submitted in a separate envelope.
- **Annexure D:** The published terms of reference (this document).
- **Annexure E:** All other forms / certificates required (see bid documents).

3. CONDITIONS OF BID

Detailed conditions applicable to all bids are contained in the bid documents accompanying this Terms of Reference. Only suppliers that meet all the requirements stipulated in the terms of reference and bid documents will be considered.

No late bids will be accepted. Only bids from service providers that attended the compulsory briefing session (if specified above) will be considered. Bids must be valid for a minimum period of 120 days after the closing date.

SCM Contact person	Name: Ziyanda Mtwu-Modupe Tel: 012 312 0416 e-mail: Ziyanda@dpme.gov.za
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1. PROBLEM STATEMENT / PURPOSE

To acquire services for the supply and delivery of newspapers and magazines on a daily/weekly/monthly basis to the Department of Planning, Monitoring and Evaluation (DPME) at agreed times and places for a period of 24 months (2 years).

2. OBJECTIVES AND SCOPE OF PROJECT

The daily/weekly/monthly provision and delivery of newspapers and magazines to DPME.

The service provider will be provided with a list of newspapers and magazines to be delivered during a particular month by the 15th of the preceding month. If no list is received by the 15th of the preceding month, the list of the previous month will apply.

a) Delivery address

- East Wing reception, Union Buildings, Government Avenue ,Arcadia , Pretoria
- 330 Grosvenor Street, Hatfield, Pretoria
- Tuynhuys, Parliament Street, Cape town
- Week-end deliveries to employees private residents as required (Gauteng only)

b) Time Frames

- All deliveries must be made before 7:30am
- Short deliveries must be corrected by 9:00am
- Weekend deliveries must be made before 7:30am
- Weekend short deliveries must be made before 9:00am
- Late and non-deliveries may not be invoiced

c) Method

- All newspapers/Magazines must be labeled with the recipient's name according to the list that will be provided
- Newspapers must be neatly wrapped in plastic to protect against weather and sealed when delivered.

d) Contingency plan

- Stipulate what measures will be in place should non delivery occur
- Time frame for delivery emergencies

3. PROPOSED METHODOLOGY / APPROACH

- 3.1. Effective Time management
- 3.2. Professional deliveries
- 3.3. Willingness to resolve any issues outside of working hours
- 3.4. Problem solving skills and be able to adjust or react to urgent requests
- 3.5. Fast and effective deliveries at the physical addresses in Gauteng and Cape Town

4. DELIVERABLES AND TIME FRAMES

- 4.1. Hand deliver newspapers/magazines on a daily basis to the physical addresses provided in both Gauteng and Cape Town.

5. EXPERIENCE / SKILLS / TEAM COMPOSITION REQUIRED

The attached templates must be used to summarise qualifications, skills and experience.

5.1. Experience required

Bidders will demonstrate adequate experience through the number, types and geographical spread of projects/assignments undertaken. The attached template must be used to summarise experience. The proposal should contain letters of reference, CVs of proposed team members or other means of verifying past experience. Also refer to paragraph 8.1 and 8.2.

A detailed management structure of the company and management structure relative to the provision of this service to the DPME as well as full contact details must be submitted. The dedicated account manager needs to be immediately contactable at all times.

6. COSTING METHODOLOGY

The service provider will invoice the Department on a monthly basis in arrears for deliveries made. The Department will pay invoices within 10 working days on average and within 30 calendar days at the least. Bidders must provide a pricing schedule provided as part of Annexure C attached.

Prices must be inclusive of VAT (if VAT registered) and must address all deliverables indicated in this TOR.

7. EVALUATION OF BIDS

7.1. Administrative requirements

Only bids / quotes that comply with all administrative requirements and that submitted all required bid documents (acceptable bids) will be considered during the functional evaluation phase. Only acceptable bids / quotes will be scored by the Bid Evaluation Committee against the functional criteria indicated in this Terms of Reference.

7.2. Functional evaluation

MANDATORY EVALUATION CRITERIA (Bidders failing to meet all the mandatory requirements below will be disqualified) The Departmental Bid Evaluation Committee reserves the right to conduct a due diligence based on the mandatory requirements below.

MANDATORY EVALUATION CRITERIA	Comply: YES	Comply: NO
1. Proven track record in distribution and delivery of newspapers (minimum three years). Proof to be attached to bid proposal		
2. Minimum three contactable references regarding newspaper deliveries from three different clients. Proof to be attached to bid proposal		
3. Capacity to deliver in both Gauteng and Cape Town (resources, vehicles, experienced staff) Proof to be attached to bid proposal		
4. Reliable and roadworthy delivery vehicle/s.		
5. Bidder quoted on the provided template under Annexure C1.		

7.3. PRICE / BBBEE / PPPFA

Only bids that meet the minimum administrative and functional requirements / specifications indicated in the TOR will be evaluated in terms of the Preferential Procurement Framework Act and related regulations – see attached bid documents.

8. SPECIAL CONDITIONS APPLICABLE TO THIS BID

- 8.1 Minimum of three (3) years' experience in the field of newspaper deliveries
- 8.2 At least 3 contactable references regarding newspaper deliveries must be provided from three different clients
- 8.3 Delivery vehicle/s must be reliable, roadworthy for the full duration of the contract
- 8.4 The Department reserves the right not to award the contract.
- 8.5 The successful bidder must have offices in Gauteng and means of delivery in Cape Town.
- 8.6 The successful bidder must have appointed dedicated drivers with cellphones.
- 8.7 A constant high standard work quality shall be maintained.
- 8.8 It is the responsibility of the successful bidder to keep an electronic record of the distribution lists and to update the list every time changes are made.
- 8.9 An updated list must be provided on request in excel format.
- 8.10 The Department reserves the right to award this bid to more than one company if this deemed appropriate.
- 8.11 The Bid Evaluation committee reserves the right to do due diligence based on the mandatory requirements.
- 8.12 The successful bidder will be required to enter into a service level agreement with the Department.
- 8.13 Bidders failing to meet all mandatory requirements will be pre-disqualified.
- 8.14 Bidders failing to attend the compulsory briefing session will be pre-disqualified.
- 8.15 Bidders must submit their prices on the pricing schedule provided in Annexure C attached.
- 8.16 Bidders must be able to work irregular hours.
- 8.17 Main bidder will be 100% liable if there is any subcontracting done.
- 8.18 The Department reserves the right to make changes as needs requirements change for newspaper/magazines (as the quantity may change from time to time.)

9. GENERAL

9.1. The Service Provider undertakes to:

- 9.1.1. Conduct business in a courteous and professional manner.
- 9.1.2. Provide the necessary documentation as requested prior to the awarding of the contract.
- 9.1.3. Comply with all relevant employment legislation and applicable bargaining council agreements, including UIF, PAYE, etc. DPME may monitor compliance for the duration of the contract and implement penalties for non-compliance.
- 9.1.4. Manage internal disputes among his/her staff in such a way that DPME is not affected by those disputes.
- 9.1.5. Comply with the DPME security and emergency policies, procedures and regulations at DPME premises.
- 9.1.6. Ensure that all work performed and all equipment used at DPME facilities are in compliance with the Occupational Health and Safety Act, 1993 (Act no. 85 of 1993) and any regulations promulgated in terms of this Act and the standard instructions of DPME;
- 9.1.7. Ensure that all staff working on this project are adequately trained prior to the commencement of the project.
- 9.1.8. Ensure that DPME is informed of any changes in staff related to the execution of the project. For security reasons, DPME reserves the right to vet all persons working on this project.
- 9.1.9. Undertakes to store and handover all data generated by the project to DPME in an accessible and confidential manner.

9.2. DPME undertakes to:

- 9.2.1. Manage the contract in a professional manner.
- 9.2.2. Provide appropriate information as and when required and only in situations where it is required by the service provider to fulfil their duties.

DPME TERMS OF REFERENCE

- 9.2.3. Not accept any responsibility for any damages suffered by the service provider or their staff for the duration of the project.
- 9.2.4. Not tolerate any unfair labour practices between the service provider and their staff that happen during the execution of the project activities.
- 9.2.5. Not accept any responsibility for accounts/expenses incurred by the service provider that was not agreed upon by the contracting parties.

DPME TERMS OF REFERENCE

ANNEXURE A: SUMMARY OF PAST EXPERIENCE (Attach reference letters or other means of verification)					
Project description	Client name	Client contact name, number, e-mail address	Contract start date	Contract end date	Contract value

DPME TERMS OF REFERENCE

ANNEXURE B: DETAILS OF PROPOSED TEAM (Attach copies of qualifications)						
Name	Role	Qualifications	Experience	Race	Gender	Days allocated to this project

DPME TERMS OF REFERENCE

ANNEXURE C1: COSTING OF GOODS (The Department reserves the right to make changes as needs requirements change for newspaper/magazines and the quantity may change from time to time per paper/ magazine.)

Price to include all expenses (overhead costs, delivery etc.) and VAT

Description	Estimated quantities of units per day	Unit cost (VAT incl.)	Total cost (VAT Incl.)	
Business Day(Mon-Fri)-1month (Gauteng and Cape Town)	23			
Citizen(Mon-Fri)-1Month (Gauteng)	4			
City Press(Sun)-1Month (Gauteng)	14			
Daily Sun(Mon-Fri)-1Month (Gauteng)	1			
Economist(Weekly)-1month (Gauteng)	14			
Engineering News (Weekly)- 1Month (Gauteng)	4			
Financial Mail(Thur)-1month (Gauteng)	11			
Leadership (monthly) -1monthly (Gauteng)	1			
Mail &Guardian (Fri)-1monthly (Gauteng & Cape Town)	55			
The new age(Mon-Fri) (Gauteng)	4			
Pretoria News(Mon-Fri)- 1Month (Gauteng)	5			
Sowetan (mon-Fri) (Gauteng & Cape Town)	9			
Sunday Independent (Sun) -1month (Gauteng)	6			
Sunday Times (Sun) -1month (Gauteng)	21			
Sunday world(Sun) -1month (Gauteng)	2			
The Star (Mon-Fri) -1month (Gauteng)	25			
Time Magazine(Weekly)- 1monthly (Gauteng)	2			
Cape Times (Mon-Fri)- 1 Month (Gauteng & Cape Town)	2			
		TOTAL C1		

TOTAL BID PRICE incl. VAT and all expenses Please ensure that this price matches the price indicated on SBD 1	R
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Kindly note: The Department reserves the right to make changes as needs requirements change for newspaper/magazines and the quantity may change from time to time.



The term "Bid" Includes price quotations, advertised competitive bids, limited bids and proposals.

Document	Check Bidder	Verified SCM Unit
Invitation to bid (SBD 1)		
Declaration of interest (SBD 4)		
Preference Points Claim (SBD 6.1)		
Declaration of past supply chain management practices (SBD 8)		
Certificate of Independent Bid Determination (SBD 9)		
Valid B-BBEE Status Level Verification Certificate (Original or Certified Copy) bearing SANAS logo. EMEs: Sworn affidavit / CIPC confirmation of turnover.		
Central Suppliers Database Registration Report Attached – Not older than 30 days		
Additional documentation required for certain types of bids. If applicable the additional documents will be distributed as part of the tender / bid documentation	Check Bidder	Verified SCM Unit
Declaration certificate for local production and content for designated sectors (SBD 6.2)		

Declaration			
<ul style="list-style-type: none">I have read and agree to the General Conditions of Contract related to Government procurement (Available on DPME tenders web page or from National Treasury)I have read the DPME standard Service Level Agreement (SLA) and have included in my (our) proposal and material changes that may be required to the SLA.I have completed and submitted all the documents indicated in the above checklistI have read and agree with the conditions applicable to all bidsI have noted and will comply with the delivery time frames indicated in the specifications / terms of ReferenceI am the authorised signatory of the applicantFor the purposes of section 256 of the Tax Administration Act of 2011 I authorise the South African Revenue Service to disclose "taxpayer information" as contemplated under the provisions of Chapter 6 of the Act in relation to the compliance status of tax registration, tax debt and filing requirements to the Department of Planning, Monitoring and Evaluation.			
Signature		Date	
Name of Signatory			
Designation of Signatory			
Name of bidder (if different)			

CONDITIONS APPLICABLE TO ALL BIDS

1. GENERAL

This request is issued in terms of the Public Finance Management Act 1 of 1999 as amended (PFMA), Treasury Regulations, the Preferential Procurement Policy Framework Act 5 of 2000 (PPPFA), the Preferential Procurement Regulations, 2011 (PPR), Supply Chain Management regulations issued by the National Treasury and the B-BBEE Act as well as applicable Departmental Policies.

- Lead times / delivery periods should be clearly indicated in the quotation / proposal where applicable. The Department reserves the right to cancel any order where the delivery period indicated in the quotation / proposal is extended.
- The Department reserves the right to require delivery of the goods as specified, at the price quoted, regardless of any differences in specifications contained in the quotation.
- The department reserves the right NOT to appoint any Service Provider or to withdraw this request for bids.
- The department reserves the right to split the award of the bid between two or more Service Providers or to award only a part of the bid.
- The Department reserves the right to call bidders that meet the minimum functional requirements to present their proposals. The Bid Evaluation Committee may decide to amend the scoring assigned to a particular bid based on the presentation made.

2. ADMINISTRATIVE COMPLIANCE

Only proposals that comply with all administrative requirements will be considered acceptable for further evaluation. Incomplete and late bids may be rejected. All documents indicated on page 1 must be submitted with each bid.

All quoted prices should be valid (firm) for at least 90 days from the closing date indicated on SBD 1 and must be **inclusive of VAT**. Prices dependent on the **exchange rate** should include reference to the exchange rate used. Price escalations and the conditions of escalation should be clearly indicated. No variation of contract price or scope creep will be permitted unless specifically allowed in the ToR.

3. FUNCTIONAL EVALUATION

Functional criteria and/or specifications are contained in the specifications sheet or Terms of Reference. Unless otherwise indicated in the ToR, only service providers that submitted acceptable bids and that scored at least the minimum for each element as well as the overall minimum score (75%) will proceed to the PPPFA evaluation phase.

4. PRICE EVALUATION: THE PPPFA

Only bids that meet the minimum functional requirements / specifications indicated in the ToR will be evaluated in terms of the Preferential Procurement Framework Act and related regulations. Points will be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table contained in SBD 6.1. The applicable evaluation method is indicated in SBD 6.1.

Consortia or joint ventures must take note of SBD 6.1, paragraphs 5.4 and 5.5 regarding requirements for B-BBEE certificates.

In the application of the 80/20 preference point system, if all bids received exceed R1,000,000, the bid will be cancelled. If one or more of the acceptable bid(s) received are within the R1,000,000 threshold, all bids received will be evaluated on the 80/20 preference point system.

In the application of the 90/10 preference point system, if all bids received are equal to or below R1,000,000, the bid will be cancelled. If one or more of the acceptable bid(s) received are above the R1,000,000 threshold, all bids received will be evaluated on the 90/10 preference point system.

5. REJECTION OF QUOTES / PROPOSALS

CONDITIONS APPLICABLE TO ALL BIDS

Any effort by a bidder to influence the evaluation, comparisons or award decisions in any manner, may result in rejection of the quote / proposal concerned.

DPME shall reject a quote / proposal if the bidder has committed a proven corrupt or fraudulent act in competing for a particular contract. DPME may disregard any quote / proposal if the bidder or any of its subcontractors:

- a) Have abused the Supply Chain Management (SCM) system of the Department or any other government department.
- b) Have committed proven fraud or any other improper conduct in relation to such system.
- c) Have failed to perform on any previous contract.
- d) Supplied incorrect information in the bid documentation.

6. VETTING

The Department reserves the right to approach the relevant authorities to verify the following for each bidder:

- Citizenship status (individuals)
- Company information
- Criminal records (individuals)
- Previous tender and government contract track records
- Government employment status (individuals)
- Company / closed corporation ownership / membership status (individuals)
- Suitability to handle confidential government information
- Qualifications of bidders / contractors / team members
- Any other information contained in bid documents

7. REGISTRATION ON DPME SUPPLIERS DATABASE

If not already registered, the successful bidder will be registered on the DPME suppliers database. The following terms and conditions apply:

1. All suppliers must be registered on the central suppliers database managed by National Treasury (www.csd.gov.za) before they can register on the DPME suppliers database.
2. All information will be treated confidentially.
3. Applications that are incomplete or that are not accompanied by the required documents will be disqualified. The included checklist should be completed to ensure completeness of the application.
4. Completed application forms should be posted to or hand delivered at the above mentioned addresses. No e-mail or fax copies can be accepted
5. The Department of Planning, Monitoring and Evaluation's (DPME) Service Provider Database will be used mainly for the purposes of identifying entities (individuals or juristic persons) when price quotations for goods and services are to be invited. Requests for quotations / proposals are normally sent by e-mail to the address provided on the supplier registration form. The fact that an entity is registered as a supplier does not constitute any contractual relationship between the entity and the Department of Planning, Monitoring and Evaluation.
6. Suppliers may list a maximum of 5 categories of goods and services offered (Section 4). Where a supplier lists more than 5 categories, the DPME may at its own discretion reject the application or select the 5 most applicable categories.
7. For procurement above the financial limit applicable to price quotations, as determined from time to time by National Treasury, the DPME will normally invite competitive bids by means of advertisements in the Government Tender Bulletin. The onus is on entities to monitor the tender bulletin and to ensure that they obtain copies of the bidding documents that are available on the DPME when bids are advertised.

CONDITIONS APPLICABLE TO ALL BIDS

8. The Department reserves the right to approach potential service providers not on the database in cases where an insufficient number of suppliers are registered for a particular commodity or service or an insufficient number of quotations are received in response to a particular request for quotations or proposals.
9. It is the responsibility of a registered entity to inform the DPME immediately in writing of any changes in the particulars as stated in the application, especially changes in respect of contact details, ownership, B-BBEE and the SMME or EME status of the entity. Should a contract be awarded to an entity based on incorrect particulars provided by that entity, the DPME shall have the right to, in addition to any other remedy that it may have in terms of applicable legislation, cancel the contract and to claim damages.
10. The DPME reserves the right to cancel the registration of an entity if that entity has given incorrect or false information in the application form or any correspondence relating to the application or:
 - Failed to inform the Department of any changes to the particulars as furnished in the application;
 - Failed to comply with the conditions of any contract that might have been awarded to the entity;
 - The entity has been included on the list of restricted suppliers maintained by National Treasury; or
 - The entity has acted in an improper, fraudulent or corrupt manner.
11. The DPME reserves the right to cancel the registration of an entity if that entity fails to respond to three or more consecutive requests for quotations / proposals.
12. The following documentation must accompany this application:
 - All documents included in this application form.
 - Original or certified copy of a valid B-BBEE Status level certificate (must bear SANAS logo) or sworn affidavit or letter signed by accounting officer or registered auditor attached in cases of EMEs.
 - Printout from Central Suppliers Database (www.csd.gov.za) with supplier unique registration reference.
13. For the purposes of section 256 of the Tax Administration Act of 2011 the bidder / supplier authorises the South African Revenue Service to disclose "taxpayer information" as contemplated under the provisions of Chapter 6 of the Act in relation to the compliance status of tax registration, tax debt and filing requirements to the Department of Planning, and Evaluation.

INVITATION TO BID (SBD 1)

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE
DEPARTMENT OF PLANNING, MONITORING AND EVALUATION

BID NUMBER	DPME 12/2016-17	CLOSING DATE	10 March 2017	CLOSING TIME	12:00
COMPULSORY BRIEFING SESSION	Date	27 February 2017	Time	10:00	
DESCRIPTION	Supply and delivery of newspapers and magazines on a daily/weekly/monthly basis to the Department of Planning, Monitoring and Evaluation for a period of 24 months				

The successful bidder may be required to conclude a service level agreement or fill in and sign a written Contract Form (SBD 7).

BID DOCUMENTS MAY BE POSTED TO: Department of Planning, Monitoring and Evaluation Deputy Director: Supply Chain Management Private Bag X944 PRETORIA 0001	OR DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS): 330 Grosvenor Street Hatfield Pretoria The bid box is generally open 24 hours a day, 7 days a week.
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Bids may be forwarded by e-mail or fax only when specifically requested so by the SCM unit.

If the two envelope system applies (see ToR), an envelope for Price Proposal and an envelope for Project Proposal must be in one package. The envelopes must be clearly marked "Pricing" or "Project Proposal" on top and must clearly indicate the bid number.

All bids must be sent / delivered in a sealed envelope, bearing the Bid number indicated above. Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.

ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – (NOT TO BE RE-TYPED)

THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

THE FOLLOWING PARTICULARS MUST BE FURNISHED
(FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)

CENTRAL SUPPLIERS DATABASE REGISTRATION REPORT NOT OLDER THAN 30 DAYS MUST BE ATTACHED
(www.csd.gov.za)

MAIN CONTACT PERSON (AUTHORISED CONTACT PERSON IN CASE OF COMPANIES)

Title	Initials	Surname	Position
Telephone No.	Cell no.	Fax no.	
e-mail address of main contact person			
e-mail address to be used for account enquiries			

INVITATION TO BID (SBD 1)

SALES CONTACT PERSON

Title	Initials	Surname	Position
Telephone No.	Cell no.	Fax no.	e-mail address for requests for quotations

BEE STATUS I.T.O PPPFA REGULATIONS OF 2011

B-BBEE Status Level	Documentation attached
	1. Certified copy of B-BBEE Status Level verification certificate issued by SANAS accredited verification agency; OR 2. Sworn affidavit or letter by an accounting officer or registered auditor in case of Emerging Micro Enterprise (EME)

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS / SERVICES / WORKS OFFERED? [IF YES ENCLOSE PROOF]	YES	NO
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TOTAL BID PRICE (VAT INCLUDED)	R
TOTAL NUMBER OF ITEMS OFFERED	

Signature		Date	
Name of Signatory			
Designation of Signatory			
Name of bidder (if different)			

ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:

Contact persons indicated on the bid documents; or

Head of Supply Chain Management: Mr Kevin Du Plooy, Tel: 012 312 0413, e-mail: kevin@dpme.gov.za

SCM Offices: 330 Grosvenor Street, Hatfield, Pretoria. Tel 012 312 0000

NOTE:

- 1. ALL SUPPLIERS MUST BE REGISTERED ON THE SOUTH AFRICAN GOVERNMENT CENTRAL SUPPLIERS DATABASE (CSD) – www.csd.gov.za**
- 2. THIS FORM IS AVAILABLE FREE OF CHARGE FROM THE DPME WEBSITE OR DPME OFFICES AND MAY THEREFORE NOT BE SOLD**

DECLARATION OF INTEREST (SBD 4)

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 an invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). 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.

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

1.1 Full Name of bidder or his or her representative:

1.2 Identity Number:

1.3 Position occupied in Company (director, trustee, shareholder², member):

1.3.1 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 2 below.

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

1.4.1 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:

1.4.2 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

1.4.2.1 If yes, did you attached 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.

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

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.

DECLARATION OF INTEREST (SBD 4)

1.5 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

1.5.1 If so, furnish particulars:

1.6 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

1.6.1 If so, furnish particulars:

1.7 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

1.7.1 If so, furnish particulars:

1.8 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

1.8.1 If so, furnish particulars:

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

See CSD report

3. DECLARATION

I, THE UNDERSIGNED CERTIFY THAT THE INFORMATION FURNISHED 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	
Name of Signatory			
Designation of Signatory			
Name of bidder (if different)			

PREFERENCE POINTS CLAIM (SBD 6.1)

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

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

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011.

1. GENERAL CONDITIONS

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

- the 80/20 system for requirements with a Rand value of up to R1 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R1 000 000 (all applicable taxes included).

1.2 The value of this bid is estimated to ~~exceed~~/not exceed R1 000 000 (all applicable taxes included) and therefore the 80/20 system shall be applicable. Preference points for this bid shall be awarded for:

	<u>80/20</u>
(a) Price; and	80
(b) B-BBEE Status Level of Contribution.	<u>20</u>
TOTAL	<u>100</u>

1.4 Failure on the part of a bidder to submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS), or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or a sworn affidavit confirming annual turnover and level of black ownership in case of an EME and QSE together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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

2. DEFINITIONS

2.1 **"all applicable taxes"** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;

2.2 **"B-BBEE"** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

2.3 **"B-BBEE status level of contributor"** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

2.4 **"bid"** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;

2.5 **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

2.6 **"comparative price"** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;

2.7 **"consortium or joint venture"** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract;

PREFERENCE POINTS CLAIM (SBD 6.1)

- 2.8 “**contract**” **Error! Bookmark not defined.** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 “**EME**” means an Exempted Micro Enterprise as defines by Codes of Good Practice under section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.10 “**Firm price**” means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 “**functionality**” means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 “**non-firm prices**” means all prices other than “firm” prices;
- 2.13 “**person**” includes a juristic person;
- 2.14 “**QSE**” means a Qualifying Small Enterprise as defines by Codes of Good Practice under section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.15 “**rand value**” means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.16 “**sub-contract**” means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.17 “**total revenue**” bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the Government Gazette on 9 February 2007;
- 2.18 “**trust**” means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.19 “**trustee**” means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ADJUDICATION USING A POINT SYSTEM

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

PREFERENCE POINTS CLAIM (SBD 6.1)

4. POINTS AWARDED FOR PRICE : THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

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

Where:

- Ps = Points scored for comparative price of bid under consideration
- Pt = Comparative price of bid under consideration
- Pmin = Comparative price of lowest acceptable bid

5. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTION

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

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

- 5.2 A bidder who qualifies as a EME in terms of the B-BBEE Act must submit a sworn affidavit confirming Annual Total Revenue and Level of Black Ownership.
- 5.3 A Bidder other than EME or QSE must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

6. BID DECLARATION

PREFERENCE POINTS CLAIM (SBD 6.1)

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

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3 AND 5.1

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

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

8. SUB-CONTRACTING

Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable). If yes, indicate:

- (I) (what percentage of the contract will be subcontracted?%)
- (II) the name of the sub-contractor?
- (III) the B-BBEE status level of the sub-contractor?
- (IV) whether the sub-contractor is an EME? YES / NO (delete which is not applicable)

9. DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Details completed as part of SBD 1 are complete and correct

9.2 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-BBEE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- (I) The information furnished is true and correct;
- (II) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.
- (III) In the event of a contract being awarded as a result of points claimed as shown in paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- (IV) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution

Signature		Date	
Name of Signatory			
Designation of Signatory			
Name of bidder (if different)			

DECLARATION OF PAST SUPPLY CHAIN MANAGEMENT PRACTICES (SBD 8)

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 <i>audi alteram partem</i> rule was applied)	Yes	No
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	No
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	No
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	No
4.4.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED 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 Signatory			
Designation of Signatory			
Name of bidder (if different)			

CERTIFICATE OF INDEPENDENT BID DETERMINATION (SBD 9)

- 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.

I, the undersigned, in submitting the accompanying bid:

[_____]

(Bid Number and Description)

in response to the invitation for the bid made by:

The Department of Planning, Monitoring and Evaluation

(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 authorised 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 authorised 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

CERTIFICATE OF INDEPENDENT BID DETERMINATION (SBD 9)

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	
Name of Signatory			
Designation of Signatory			
Name of bidder (if different)			

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.