



**TERMS OF REFERENCE FOR THE APPOINTMENT OF SERVICE PROVIDER
FOR THE PROVISION OF MEDIA MONITORING SERVICES
FOR PUBLIC PROTECTOR SOUTH AFRICA (PPSA) HEAD OFFICE
(COMMUNICATION UNIT) FOR A PERIOD OF **TWO (2) YEARS****

ISSUE DATE: 21 JUNE 2021

VIRTUAL COMPULSORY BRIEFING SESSION LINK:

Join Zoom Meeting:

<https://pprotect-org.zoom.us/j/94549091740?pwd=K25MNTNML0kybXZibVI4aXgxbTh0dz09>

Meeting ID: 945 4909 1740

Passcode: 223918

COMPULSORY BRIEFING SESSION DATE **02 July 2021 @ 12h00 PM TO 13H00 PM**

CLOSING DATE AND TIME OF SUBMISSION OF RFQ: **14 JULY 2021 @ 11H00 AM**

1. BACKGROUND

1.1 Public Protector South Africa (PPSA) is a Chapter 9 institution constituted under Section 181 of the Constitution of the Republic of South Africa, in which the PPSA has the power to:

1.1.1 Investigate any conduct in state affairs or in the public administration in any sphere of government that is alleged or suspected to be improper or that will result in impropriety or prejudice;

1.1.2 Report on that conduct; and

1.1.3 Take appropriate remedial action.

PPSA is independent and subject only to the Constitution and the law, always impartial and must exercise its powers and perform its functions without fear, favour or prejudice. PPSA is accountable to the National Assembly and must report on its activities and performance to the National Assembly at least once a year. PPSA has the power as regulated by the national legislation to investigate any conduct in state affairs, or in the public administration in any sphere of government that is alleged or suspected to be improper or to result in any impropriety or prejudice.

1.2 Currently PPSA is looking for the service provider for provision of media monitoring services.

2. OBJECTIVE OF THE BID

2.1 Appointment of the service provider for the provision of media monitoring services for PPSA Head Office (Communication unit) for a period of two (2) years.

3. SCOPE OF WORK

3.1 Print media /newspapers and magazine

3.1.1 The bidder must read all mainstream newspapers available in South Africa, including national and regional titles. Digital clippings in this regard should be presented to the PPSA on email three times daily, taking into account that some publications, particularly daily titles, print several editions a day on weekdays and fewer times on the weekend.

3.2 Broadcast media/Television and radio

3.2.1 The bidder must monitor selected radio and television news, current affairs, eventually and related programmes nationally and regionally. The information should be converted into short overviews and downloadable audio and video clips, showing the name of the station, time of broadcast, duration of the item, type of programme, content, programme participants and listenership. The overviews and downloadable audio clips and video footage should be presented to the PPSA on email three times a day on weekdays and fewer times on the weekend.

3.3 Online /news websites

3.3.1 The bidder must monitor mainstream news websites. Links to news items published on such websites should be forwarded on email to the PPSA three (3) times a day on weekdays and fewer times on the weekend.

3.4 Electronic access to media coverage.

3.4.1 The bidder must ensure that all the media clippings, broadcast media overviews and downloadable audio and video clips and links to mainstream, particularly, news websites referred to above are accessible to the PPSA via a web-based platform. Two users from the PPSA must have password-protected access to the platform. PPSA users must be able to email a batch of clippings, clips and links to other internal parties.

3.5 Analysis

3.5.1 The bidder must avail a detailed statistical analysis of coverage weekly. This shows total coverage for the week, divided across print, broadcast online. It should illustrate the positivity, negativity and neutrality of coverage. Analysis

4. EVALUATION PROCESS

4.1 Bidders must **ensure that they** complete and sign documents as indicated below, and the documents must be submitted as part of the bid document by the closing date and time:

4.1.1 Signed SBD 1: Invitation to Bid

4.1.2 Signed SBD 4: Declaration of interest

4.1.3 Signed SBD 8: Declaration of bidder's past supply chain management practices

4.1.4 Signed SBD 9: Certificate of independent bid determination

4.1.5 Signed SBD 6.1: Preference Points claim form in terms of the Preferential Procurement Regulations 2017

4.1.6 Original or certified **valid** BBEE certificate

Mandatory requirements. Bidders must submit all the mandatory requirements as indicated below and non-submission may disqualify the bidder.

4.1.6.1 The bidder must be registered on Central Supplier Database (CSD): The bidder must ensure that their company is registered on CSD (attach the CSD report with the bid document or provide bidder CSD registration number)

4.1.6.2 All bidders must provide proof that they have rendered similar services for organs of state or similar before for an uninterrupted two (2) year-period.

4.1.6.3 All bidders must produce letters of recommendation from previous clients, with the clients contact details.

4.1.6.4 Bidders to attended virtual compulsory briefing session (briefing session certificate to be submitted with the quotation / proposal which will also be verified against the attendance register).

4.2. Functional/Technical Evaluation

4.2.1. In this phase, the evaluation will be based on the bidders' responses in respect of the proposal. Prospective Service Providers who score a minimum of 70 points or more will be considered for the next Phase 4 (Price and B-BBEE status level contributor).

Criteria	Weight 100	Sub-criteria
<p>References: The bidder must have a proven track record substantiated by references in respect of state entities/government departments where media monitoring services across print, online and broadcast media platforms were provided. This shall include the following information for each project undertaken.</p> <ul style="list-style-type: none"> • Scope of work and scale of current and past projects undertaken in media monitoring across print, online and broadcast media platforms. • Current and previous state entities/government departments where media monitoring services across print, online and broadcast media platforms were provided. <p>The reference letter must have the following details:</p> <ul style="list-style-type: none"> ✓ Contact person; ✓ Designation; ✓ State entity/government department name; and ✓ Office telephone / mobile number as well as email address. 	30/100	<ul style="list-style-type: none"> • If the bidder submitted at least five (5) and more reference letters where media monitoring services across print, online and broadcast media platforms were provided = 5 • If the bidder submitted at least four (4) reference letters where media monitoring services across print, online and broadcast media platforms were provided = 4 • If the bidder submitted at least three (3) reference letters where media monitoring services across print, online and broadcast media platforms were provided = 3 • If the bidder submitted at least two (2) reference letters where media monitoring services across print, online and broadcast media platforms were provided = 2 • If the bidder submitted one (1) reference letter where media monitoring services across print, online and broadcast media platforms were provided = 1
<p>BIDDERS ENGAGEMENT TEAM Experience of team leader and qualifications</p>	30/100	<ul style="list-style-type: none"> • If the bidders team leader with post graduate degree in Communications /Marketing /Journalism/ Public Relations/ Media Studies or equivalent with above eight (8) years' experience in similar environment = 5 • If the bidders team leader with post graduate degree in Communications /Marketing

		<p>/Journalism/ Public Relations/ Media Studies or equivalent with above seven (7) up to eight (8) years' experience in similar environment = 4</p> <ul style="list-style-type: none"> • If the bidders team leader with post graduate degree in Communications /Marketing /Journalism/ Public Relations/ Media Studies or equivalent with above six (6) up to seven (7) years' experience in similar environment = 3 • If the bidders team leader with post graduate degree in Communications /Marketing /Journalism/ Public Relations/ Media Studies or equivalent with above five (5) up to six (6) years' experience in similar environment = 2 • If the bidders team leader with post graduate degree in Communications /Marketing /Journalism/ Public Relations/ Media Studies or equivalent with five (5) years' experience in similar environment = 1 • If the bidders team leader with post graduate degree in Communications /Marketing /Journalism/ Public Relations/ Media Studies or equivalent with less than five (5) years' experience in similar environment = 0
Experience of staff and qualification	20/100	<ul style="list-style-type: none"> • If the bidders professional associates with degree in Communications /Marketing /Journalism/ Public Relations/ Media Studies or equivalent with above four (4) years' experience or more in similar environment = 5

		<ul style="list-style-type: none"> • If the bidders professional associates with degree in Communications /Marketing /Journalism/ Public Relations/ Media Studies or equivalent with more than three (3) up to four (4) years' experience in similar environment = 4 • If the bidders professional associates with degree in Communications /Marketing /Journalism/ Public Relations/ Media Studies or equivalent with above two (2) up to three (3) years' experience in similar environment = 3 • If the bidders professional associates with degree in Communications /Marketing /Journalism/ Public Relations/ Media Studies or equivalent with above one (1) year up to two (2) years' experience in similar environment = 2 • If the bidders professional associates with degree in Communications /Marketing /Journalism/ Public Relations/ Media Studies or equivalent with one (1) year experience in similar environment = 1
<p>Bidders to submit a detailed project plan with proper timelines, milestones and the methodology on how the project will be implemented and managed. The bidder must demonstrate thorough understanding of the objectives and deliverables of this project. The bidder must provide a comprehensive action plan for the implementation including</p>	<p>20/100</p>	<ul style="list-style-type: none"> • If the bidder's proposal clearly demonstration expertise in all 6 project stages which will be outlined through a synopsis = 5 • If the bidder's proposal clearly demonstration expertise in 5 project stages which will be outlined through a synopsis

<p>turnaround times on how this will be achieved.</p> <p>The plan and methodology should outline but not limited to the following:</p> <p>✓ Stage 1 Project initiation: Initial meeting with the project manager to discuss their needs and expectations (understanding of terms of reference), and establish baselines for project scope, budget, and timeline.</p> <p>✓ Stage 2 Project planning: How the needs, will be prioritized, setting out the roadmaps, acceptance plan and how project goals will be accomplished.</p> <p>✓ Stage 3 Project implementation: How milestones for essential deadlines and deliverables will be set and this must also outline how the progress will be tracked / monitored once work begins to ensure you complete key tasks on time.</p> <p>✓ Stage 4 Project scheduling: Which must outline each deliverable and define the series of tasks that need to be completed in order to accomplish each one including timelines and dependencies.</p> <p>✓ Stage 5: Outline how issues and risk will be identified upfront that will affect the project.</p> <p>✓ Stage 6: Clear communication process and the project close up process</p>		<p style="text-align: right;">= 4</p> <ul style="list-style-type: none"> • If the bidder's proposal clearly demonstration expertise only in 4 project stages which will be outlined through a synopsis = 3 • If the bidder's proposal clearly demonstration expertise only in 3 project stages which will be outlined through a synopsis = 2 • If the bidder's proposal clearly demonstration expertise only 2 project stages which will be outlined through a synopsis = 1
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The minimum qualifying score for functionality is 70 points. All bids that fail to achieve the minimum qualifying score on functionality shall not be considered for further evaluation on Price and BBEE, in Phase 4.

5. PHASE 2 EVALUATIONS

5.1 PRICING AND BBBEE

Criteria	Weight	Sub-criteria
Total Price	80/100	Benchmark against lowest quote
Contribution to BBBEE	20/100	Points will be awarded to bidders according to their BBBEE status level of contributor as indicated in the BBBEE accreditation certification as indicated below:
BBBEE LEVELS		SCORES
Level 1		20
Level 2		18
Level 3		14
Level 4		12
Level 5		8
Level 6		6
Level 7		4
Level 8		2
Non-compliant Contributor		0

- 5.1.1 Bidders are required to complete the preference claim form (SBD 6.1), and submit their original and valid B-BBEE status level verification certificate or a certified copy thereof at the closing date and time of the bid in order to claim the B-BBEE status level point.
- 5.1.2 The points scored by a bidder in respect of the level of B-BBEE contribution will be added to the points scored for price.
- 5.1.3 Only bidders who have completed and signed the declaration part of the preference claim form and who have submitted a B-BBEE status level certificate issued by a registered auditor, accounting officer (as contemplated in section 60(4) of the Close Corporation Act, 1984 (Act no. 69 of 1984)) or an accredited verification agency will be considered for preference points.
- 5.1.4 Failure on the part of the bidder to comply with paragraphs 5.1.2 and 5.1.3 above will be deemed that preference points for B-BBEE status level of contribution are not claimed and will therefore be allocated a zero (0).
- 5.1.5 The points scored will be rounded off to the nearest 2 decimals.

5.1.6 In the event that two or more bids have scored equal total points, the contract will be awarded to the bidder scoring the highest number of preference points for B-BBEE.

6.1.7 However, when functionality is part of the evaluation process and two or more bidders have scored equal points including equal preference points for B-BBEE, the contract will be awarded to the bidder scoring the highest for functionality.

5.1.8 A contract may, on reasonable and justifiable grounds, be awarded to a bid that did not score the highest number of points.

6. DELIVERY ADDRESS:

6.1 The service will be rendered at the below indicated address:

**Public Protector South Africa
175 Lunnon Street
Hillcrest Office Park
Pretoria**

7. Proposal documents

7.1 **Bidders are allowed to submit the quotations through an email.** It is the bidder's sole responsibility to ensure that the complete bid has been received by the Closing Date and Time. Giving the bid to a courier prior to the Closing Date without actual receipt by PPSA before the Closing Date and Time will not excuse the late delivery of a bid.

7.2 If a courier service company is being used for delivery of the bid response, the bid description must be endorsed on the delivery note/courier packaging and the courier must ensure that documents are placed / deposited into the bid box. **The PPSA will not be held responsible for any delays where bid documents are handed to the PPSA Receptionist; switchboard operator or security personnel.**

8. Consultation prior to submission of the bid documents

8.1 Bidders shall consult, **in writing**, with the PPSA's officials indicated below should there appear to be any discrepancy, ambiguity or uncertainty pertaining to the meaning or effect of any description, dimension, quality, quantity or any other information contained in this bid. PPSA undertakes to provide clarification in writing to all Bidders, provided that the request is received prior to the closing date and time for clarifications.

Officials	Location	Contact Details
Kgomotso Kgopotse /Nkele Nemusimbori	Public Protector South Africa 175 Lunnon Street Hillcrest Office Park Pretoria	Tel: 012 366 7008/ 7014 Email: kgomotsok@pprotect.org nkelen@pprotect.org

9. Clarifications and communication

- 9.1 Bidders are encouraged to submit clarification questions in writing to Public Protector South Africa (PPSA) officials mentioned above not later than on **7th of July 2021 at 11H00** No further questions will be entertained after this period.
- 9.2 The PPSA will respond in writing to queries and distribute to all bidders who attended the briefing session after receipt of questions.
- 9.3 The PPSA may respond to any enquiry in its absolute discretion and the bidder acknowledges that it will have no claim against the PPSA on the basis that its bid was disadvantaged by lack of information, or inability to resolve ambiguities.
- 9.4 Oral communication or instruction by PPSA or its representative shall have no standing in this bid unless and until they have been confirmed in writing.
- 9.5 PPSA accepts no responsibility for the failure of any bidder not receiving notifications or correspondence relating to this bid.
- 9.6 Whilst all due care has been taken in connection with the preparation of this bid, PPSA makes no representations or warranties that the content of the bid or any information communicated to or provided to Bidder(s) during the bidding

process is, or will be, accurate, current or complete. PPSA, and its employees and advisors will not be liable with respect to any information communicated which may not accurate, current or complete.

- 9.7 If Bidder(s) finds or reasonably believes it has found any discrepancy, ambiguity, error or inconsistency in this bid or any other information provided by PPSA (other than minor clerical matters), the Bidder(s) must promptly notify PPSA in writing of such discrepancy, ambiguity, error or inconsistency in order to afford PPSA an opportunity to consider what corrective action is necessary (if any).
- 9.8 Any actual discrepancy, ambiguity, error or inconsistency in the bid or any other information provided by PPSA will, if possible, be corrected and provided to all Bidder(s) without attribution to the Bidder(s) who provided the written notice.
- 9.9 All persons (including Bidder(s)) obtaining or receiving the bid and any other information in connection with the Bid or the Tendering process must keep the contents of the Bid and other such information confidential, and not disclose or use the information except as required for the purpose of developing a proposal in response to this Bid.

10. BIDDER DECLARATION

The bidder hereby declares the following:

We confirm that _____
(Bidder's Name) will:

- a. Provide media monitoring services to PPSA Head Office;
- b. Act honestly, fairly, and with due skill, care and diligence, in the interests of the PPSA;
- c. Employ effectively the resources, procedures and appropriate technological systems for the proper performance of the services;
- d. Act with circumspection and treat PPSA fairly in a situation of conflicting interests;
- e. Comply with all applicable statutory or common law requirements applicable to the conduct of business;

- f. Make adequate disclosures of relevant material information including disclosures of actual or potential own interests, in relation to dealings with PPSA;
- g. Avoid fraudulent and misleading advertising, canvassing and marketing;
- h. Conduct business activities with transparency and consistently uphold the interests and needs of PPSA as a client before any other consideration; and
- i. Ensure that any information acquired by the bidder(s) from PPSA will not be used or disclosed unless the written consent of the client has been obtained to do so.

Signature:

_____ Date: _____

Print Name of Signatory:

_____ Designation _____

FOR AND ON BEHALF OF

CONTENTS OF THIS DOCUMENT IS NOTED:

.....

SERVICE PROVIDERS INITIALS / SIGNATURE Important: Failure to complete/sign/initial this document in original ink will invalidate your tender!! Failure to sign/initial any alterations or corrections made may also invalidate your tender!! The use of any correction fluid, tape or similar products

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 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.

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):
.....

2.4 Company Registration Number:
.....

2.5 Tax Reference Number:
.....

2.6 VAT Registration Number:
.....

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

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

²“Shareholder” means a person who owns shares in the company and is actively involved in the management of the enterprise

or business and exercises control over the enterprise.

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

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:

.....

Name of state institution at which you or the person connected to the bidder is employed :

.....

Position occupied in the state institution:

.....

Any other particulars:

.....

.....

.....

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

2.7.2.1 If yes, did you 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.

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

.....

.....

.....

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

2.8.1 If so, furnish particulars:

.....

.....

.....

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

the evaluation and or adjudication of this bid?
 2.9.1 If so, furnish particulars.

.....

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

2.10.1 If so, furnish particulars.

.....

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

2.11.1 If so, furnish particulars:

.....

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

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

4 DECLARATION

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

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

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

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

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	
B-BBEE STATUS LEVEL OF CONTRIBUTOR	
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
$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$	or	$P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$

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,2017:

Designated Group: An EME or QSE which is at least 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

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<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?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

SBD 8

CERTIFICATION

**I, THE UNDERSIGNED (FULL NAME).....
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION
FORM IS TRUE AND CORRECT.**

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Js365bW

CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

I certify, on behalf

of: _____ that:

(Name of Bidder)

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

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

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....

.....

Signature

Date

.....

.....

Position

Name of Bidder