



## **TERMS OF REFERENCE**

**APPOINTMENT OF THE SERVICE PROVIDER TO PROVIDE DISINFECTION SERVICES TO SIXTEEN (16) PUBLIC PROTECTOR SOUTH AFRICA (PPSA) VARIOUS OFFICES ON AS AND WHEN REQUIRED BASIS WHEN THERE IS COVID-19 CASE IN THE OFFICE**

**QUOTATIONS MUST BE EMAILED ONLY TO:**

**[PPSAQUOTATIONS@pprotect.org](mailto:PPSAQUOTATIONS@pprotect.org)**

**ISSUE DATE: 29 JUNE 2021**

**CLOSING DATE AND TIME OF SUBMISSION OF RFQ: 05 JULY 2021 @ 11H00**

## **1. BACKGROUND**

1. Currently PPSA has contracts with various service providers for the supply of cleaning, hygiene and pest control in all eighteen (18) offices.
2. Due to the outbreak of coronavirus in the country, PPSA offices are required to be disinfected on regular basis to mitigate risks of infection in our offices.
3. The disinfection will be conducted as and when there is confirmed Covid-19 positive case in our offices in one of the sixteen (16) offices.

## 2. Objective of the bid

- 2.1 The appointment of the service provider to provide disinfection services to sixteen (16) PPSA offices on as and when required basis when there is confirmed Covid-19 case in the office.
- 2.2 Below is the summary of the offices where the services will be required
- 2.3 **(NB: Bidders are allowed to quote for one or more offices and the appointment will be done as such)**

| ID  | Office name      | Delivery address   | Office size                                 | Staff compliment | Unit price per square metre including VAT, labour, transport and chemicals |
|-----|------------------|--|---|------------------|--|
| 1.  | Bisho            | Unathi House<br>Independent Avaneue  | 718.55m <sup>2</sup><br>08 parking bays     | 19 staff members |  |
| 2.  | Mthatha          | No. 6 Knorf Street,<br>Mthatha   | 229m <sup>2</sup><br>04 parking bays        | 04 staff members |  |
| 3.  | Durban           | 22 <sup>nd</sup> Floor<br>Suite 2114<br>Commercial City Building<br>Durban | 1099m <sup>2</sup><br>07 parking bays       | 20 staff members |  |
| 4.  | Pietermaritzburg | 221 Pietermaritz Street<br>Pietermaritzburg                                | 255.6m <sup>2</sup><br>08 parking bays      | 02 staff members |  |
| 5.  | Polokwane        | 18A Landros Mare Polokwane   | 771.25m <sup>2</sup><br>07 parking bays     | 26 staff members |  |
| 6.  | Sibasa           | Embassy PTN 1 Farm Mpapuli<br>278 LT Sibasa                                | 291m <sup>2</sup><br>02 parking bays        | 04 staff members |  |
| 7.  | Nelspruit        | Nelspruit Pinnacle Building  | 640m <sup>2</sup> and 20<br>parking bays    | 23 staff members |  |
| 8.  | Kimberley        | Dean Snyder House Kimberley  | 728.6m <sup>2</sup><br>11 parking bays      | 15 staff members |  |
| 9.  | Upington         | Vloere Building Upington   | 181.82m <sup>2</sup><br>04 parking bays     | 03 staff members |  |
| 10. | Cape Town        | 51 Wale Street Cape Town   | 847,50m <sup>2</sup> and 09<br>parking bays | 22 staff members |  |

|                                |                |                                |   |                  |  |
|--------------------------------|----------------|--------------------------------|---|------------------|--|
| 11.                            | George         | Bateleur Park<br>George        | 222.5m <sup>2</sup><br>02 parking bays  | 03 staff members |  |
| 12.                            | Mafikeng       | 06 Martin Street<br>Mafikeng   | 649.81m <sup>2</sup><br>15 parking bays | 21 staff members |  |
| 13.                            | Rustenburg     | Rustenburg VAT Offices         | 287.49m <sup>2</sup><br>00 parking bays | 06 staff members |  |
| 14.                            | Klerksdorp     | PC Pelsier Building Klerksdorp | 333.11m <sup>2</sup><br>00 parking bays | 03 staff members |  |
| 15.                            | Bloemfontein   | Engen House<br>Bloemfontein    | 754.75m <sup>2</sup><br>20 parking bays | 17 staff members |  |
| 16.                            | Phuthaditjhaba | Naledi Mall<br>Phuthaditjhaba  | 287.49m <sup>2</sup><br>00 parking bays | 04 staff members |  |
| <b>Total average unit cost</b> |                |                                |   |                  |  |

### 3. Scope of work

#### 3.1 Bisho Provincial Office

| Description                                   | Quantity |
|---|----------|
| Number of floors with offices                 | 1        |
| Female rest rooms                             | 2        |
| Gentlemen rest rooms                          | 2        |
| Number of cubicles                            | 8        |
| Courtyard                                     | 0        |
| Offices                                       | 20       |
| Number of kitchens                            | 1        |
| Boardroom                                     | 1        |
| Entrance foyers                               | 1        |
| Open plan offices                             | 1        |
| Store-Rooms                                   | 2        |
| Library                                       | 0        |
| Floor covered with either carpets or tiles    | 20       |
| Windows fitted with either blinds or curtains | 20       |

#### 3.2 Mthatha Regional Office

| Description                                   | Quantity     |
|---|--------------|
| Number of floors with offices                 | Ground Floor |
| Female rest rooms                             | 2            |
| Gentlemen rest rooms                          | 2            |
| Number of cubicles                            | 0            |
| Courtyard                                     | 1            |
| Offices                                       | 4            |
| Number of kitchens                            | 1            |
| Boardroom                                     | 1            |
| Entrance foyers                               | 2            |
| Open plan offices                             | 1            |
| Storerooms                                    | 1            |
| Library                                       | 0            |
| Floor covered with either carpets or tiles    | 8            |
| Windows fitted with either blinds or curtains | 18           |

### 3.3 Durban Provincial Office

| Description                                  | Quantity                                  |
|--|---|
| Number of floors with offices                | 1   |
| Female rest rooms                            | 0   |
| Gentlemen rest rooms                         | 0   |
| Number of cubicles                           | 0   |
| Lapa   | 0   |
| Offices                                      | 28  |
| Number of kitchens                           | 1   |
| Meetings / conference rooms                  | 1   |
| Entrance foyers                              | 1   |
| Open plan offices                            | 0   |
| Security control room                        | 0   |
| Server Room                                  | 0   |
| Floor covered with either carpets or tiles   | Kitchen-Tiles<br>Offices & passage-carpet |
| Windows fitted with either blinds or curtain | All windows fitted with blinds            |
| Filing rooms                                 | 2   |
| Store room                                   | 1   |

### 3.4 Pietermaritzburg Regional Office

| Description                                | Quantity                      |
|--|-------------------------------|
| Number of floors with offices              | 1                             |
| Female rest rooms                          | 1                             |
| Gentlemen rest rooms                       | 1                             |
| Number of cubicles/urinal                  | 1                             |
| Disability rest room                       | 1                             |
| Lapa                                       | 0                             |
| Offices                                    | 9                             |
| Number of kitchens                         | 1                             |
| Meetings / conference rooms                | 1                             |
| Entrance foyers                            | 1                             |
| Open plan offices                          | 0                             |
| Security control room                      | 0                             |
| Server Room                                | 1                             |
| Floor covered with either carpets or tiles | Tiles in all offices          |
| Windows fitted with blinds                 | 30 windows fitted with blinds |
| Store-room                                 | 1                             |
| Strong-room                                | 1                             |

### 3.5 Limpopo Provincial Office

| Description                                   | Quantity                                 |
|---|--|
| Number of floors with offices                 | 2  |
| Female rest rooms                             | 4  |
| Gentlemen rest rooms                          | 3  |
| Number of cubicles                            | 0  |
| Courtyard                                     | 0  |
| Offices                                       | 27                                       |
| Number of kitchens                            | 1  |
| Boardroom                                     | 1  |
| Entrance foyers                               | 2  |
| Open plan offices                             | 1  |
| Store-Rooms                                   | 2  |
| Library                                       | 0  |
| Floor covered with either carpets or tiles    | The whole building is covered with tiles |
| Windows fitted with either blinds or curtains | 11                                       |

### 3.6 Sibasa Regional Office

| Description                                | Quantity                      |
|--|-------------------------------|
| Number of floors with offices              | 1                             |
| Female rest rooms                          | 2                             |
| Gentlemen rest rooms                       | 2                             |
| Number of cubicles                         | 0                             |
| Lapa                                       | 0                             |
| Offices                                    | 8                             |
| Number of kitchens                         | 1                             |
| Meetings / conference rooms                | 1                             |
| Entrance foyers                            | 2                             |
| Open plan offices                          | 0                             |
| Security control room                      | 0                             |
| Server Room                                | 1                             |
| Floor covered with either carpets or tiles | Tiles in all offices          |
| Windows fitted with blinds                 | 30 windows fitted with blinds |
| Store-room                                 | 1                             |

### 3.7 Nelspruit Provincial Office

| Description                   | Quantity |
|-------------------------------|----------|
| Number of floors with offices | 1        |
| Female rest rooms             | 0        |
| Gentlemen rest rooms          | 0        |
| Number of workstations        | 23       |
| Courtyard                     | 0        |
| Offices                       | 1        |

|   |   |
|---|---|
| Number of kitchens                            | 1 |
| Boardroom                                     | 1 |
| Consultation Room                             | 1 |
| Entrance foyers                               | 1 |
| Open plan offices                             | 8 |
| Store-Rooms                                   | 3 |
| Library                                       | 0 |
| Floor covered with either carpets or tiles    | 1 |
| Windows fitted with either blinds or curtains | 6 |

### 3.8 Kimberley Provincial Office

| Description                                   | Quantity                                 |
|---|--|
| Number of floors with offices                 | 2  |
| Female rest rooms                             | 3  |
| Gentlemen rest rooms                          | 2  |
| Number of cubicles                            | 0  |
| Lapa  | 0  |
| Offices                                       | 27                                       |
| Number of kitchens                            | 2  |
| Meetings / conference rooms                   | 2  |
| Entrance foyers                               | 2  |
| Open plan offices                             | 0  |
| Security control room                         | 0  |
| Server Room                                   | 1  |
| Floor covered with either carpets or tiles    | 27 offices – carpets<br>Tiles - passages |
| Windows fitted with either blinds or curtains | All windows fitted with blinds           |
| Store-room                                    | 1  |

### 3.9 Upington Regional Office

| Description                   | Quantity |
|-------------------------------|----------|
| Number of floors with offices | 1        |
| Female rest rooms             | 1        |
| Gentlemen rest rooms          | 1        |
| Number of cubicles            | 0        |
| Courtyard                     | 0        |
| Offices                       | 3        |
| Number of kitchens            | 1        |
| Boardroom                     | 1        |
| Entrance Foyers               | 1        |

|   |                                     |
|---|-------------------------------------|
| Open plan offices                             | 0                                   |
| Store Rooms                                   | 1                                   |
| Library                                       | 0                                   |
| Floor covered with either carpets or tiles    | All floors are covered with tiles.  |
| Windows fitted with either blinds or curtains | All windows are fitted with blinds. |

### 3.10 Cape Town Provincial Office

| Description                                   | Quantity  |
|---|---|
| Number of floors with offices                 | 2   |
| Female rest rooms                             | 1   |
| Gentlemen rest rooms                          | 1   |
| Number of cubicles                            | 5   |
| Courtyard                                     | 0   |
| Offices                                       | 17  |
| Number of kitchens                            | 1   |
| Boardroom                                     | 1   |
| Reception                                     | 1   |
| Open plan offices                             | 0   |
| Store Room                                    | 2   |
| Library                                       | 1   |
| Floor covered with either carpets and tiles   | Kitchen, Reception and Restrooms are covered with tiles. Offices are covered with carpets |
| Windows fitted with either blinds or curtains | 8   |

### 3.11 George Regional Office

| Description                                   | Quantity    |
|---|-------------|
| Number of floors with offices                 | 1           |
| Female rest rooms                             | 0           |
| Gentlemen rest rooms                          | 0           |
| Number of cubicles                            | 0           |
| Courtyard                                     | 0           |
| Offices                                       | 5           |
| Number of kitchens                            | 1           |
| Boardroom                                     | 1           |
| Reception                                     | 1           |
| Open plan offices                             | 0           |
| Store Room                                    | 0           |
| Library                                       | 0           |
| Floor covered with either carpets or tiles    | 1 (Kitchen) |
| Windows fitted with either blinds or curtains | 8           |

### 3.12 Mafikeng Provincial Office

| Description                                   | Quantity                                  |
|---|---|
| Number of floors with offices                 | 1   |
| Female rest rooms                             | 5   |
| Gentlemen rest rooms                          | 3   |
| Number of cubicles                            | 0   |
| Courtyard                                     | 2   |
| Offices                                       | 21  |
| Number of kitchens                            | 1   |
| Boardroom                                     | 1   |
| Entrance foyers                               | 1   |
| Open plan offices                             | 0   |
| Store-rooms                                   | 7   |
| Library                                       | 1   |
| Floor covered with either carpets or tiles    | 19 – carpets, 5 Office Tiles and passages |
| Windows fitted with either blinds or curtains | (51) All windows fitted with blinds       |

### 3.13 Rustenburg Regional Office

| Description                                   | Quantity   |
|---|--|
| Number of floors with offices                 | 1  |
| Female rest rooms                             | 1  |
| Gentlemen rest rooms                          | 1  |
| Disability toilet                             | 1  |
| Number of cubicles                            | 0  |
| Lapa  | 0  |
| Offices                                       | 08   |
| Number of kitchens                            | 1  |
| Meetings / conference rooms                   | 1  |
| Entrance foyers                               | 0  |
| Open plan offices                             | 0  |
| Security control room                         | 0  |
| Server Room                                   | 0  |
| Floor covered with either carpets or tiles    | 08 offices – carpets<br>Tiles – passage, toilets and kitchen |
| Windows fitted with either blinds or curtains | All windows fitted with blinds                               |
| Store-room                                    | 1  |

### 3.14 Klerksdorp Regional Office

| Description                                   | Quantity                       |
|---|--------------------------------|
| Number of floors with offices                 | 1                              |
| Female rest rooms                             | 1                              |
| Gentlemen rest rooms                          | 0                              |
| Number of cubicles                            | 0                              |
| Lapa  | 0                              |
| Offices                                       | 4                              |
| Number of kitchens                            | 1                              |
| Meetings / conference rooms                   | 0                              |
| Entrance foyers                               | 1                              |
| Open plan offices                             | 1                              |
| Security control room                         | 0                              |
| Server Room                                   | 0                              |
| Floor covered with either carpets or tiles    | Tiles                          |
| Windows fitted with either blinds or curtains | All windows fitted with blinds |
| Store-room                                    | 0                              |

### 3.15 Bloemfontein Provincial Office

| Description                                   | Quantity  |
|---|---|
| Number of floors with offices                 | 1   |
| Female rest rooms                             | 1   |
| Gentlemen rest rooms                          | 1   |
| Number of cubicles                            | 7 (3 in males and females each, and 1 disabled separate from the two) |
| Lapa  | 0   |
| Offices                                       | 29  |
| Number of kitchens                            | 2   |
| Meetings / conference rooms                   | 4 (3 consultation rooms and 1 Boardroom)                              |
| Entrance foyers                               | 1   |
| Open plan offices                             | 0   |
| Security control room                         | 0   |
| Server Room                                   | 1   |
| Floor covered with either carpets or tiles    | 29 offices – carpets<br>Tiles - passages                              |
| Windows fitted with either blinds or curtains | All windows fitted with blinds  |
| Store-room                                    | 1   |

### 3.16 Phuthaditjhaba Regional Office

| Description                                   | Quantity                               |
|---|--|
| Number of floors with offices                 | Ground floor                           |
| Female rest rooms                             | 1                                      |
| Gentlemen rest rooms                          | 1                                      |
| Number of cubicles                            | 0                                      |
| Courtyard                                     | 0                                      |
| Offices                                       | 11                                     |
| Number of kitchens                            | 1                                      |
| Boardroom/meeting                             | 3 (1 boardroom & 2 consultation rooms) |
| Entrance Foyers                               | 1                                      |
| Open plan offices                             | 0                                      |
| Store Rooms                                   | 1                                      |
| Library                                       | 0                                      |
| Floor covered with either carpets or tiles    | Tiles                                  |
| Windows fitted with either blinds or curtains | Blinds                                 |

#### 4. Required service intervals

| AREA OF SERVICE             | FREQUENCIES                    | SERVICES REQUIRED |
|-----------------------------|--------------------------------|-------------------|
| <b>Office area</b>          |                                |                   |
| • Disinfection of offices   | During Covid-19 confirmed case | Disinfection      |
| • Main entrance / foyer     |                                |                   |
| • Passages                  |                                |                   |
| • Kitchens / eating area    |                                |                   |
| • All toilets and ablutions |                                |                   |

NB: The above specifications are standard and all additions/ omissions will be done by mutual consent of both parties.

#### 5. The bid will be evaluated in three (3) phases as outlined below:

**5.1 Phase1 evaluation :** 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:

- 5.1.1 Signed SBD 1: Invitation to Bid letter
- 5.1.2 Signed SBD 4: Declaration of interest
- 5.1.3 Signed SBD 8: Declaration of bidder's past supply chain management practices
- 5.1.4 Signed SBD 9: Certificate of independent bid determination
- 5.1.5 Signed SBD 6.1: Preference Points claim form in terms of the Preferential Procurement Regulations 2017
- 5.1.6 Original or certified **valid** BBBEE certificate

**5.2 Phase 2 evaluation:** Below is mandatory required documents which must be submitted with the bid document and only bidders that have submitted all the documents will be evaluated for functionality. Non submission of all mandatory documents may disqualify the bidder.

- 5.2.1 Submission of proof that the bidder is registered with **Unemployment Insurance Fund (UIF)** (submit valid certificate or letter).
- 5.2.2 **Submit a letter of good standing** from the office of the **Compensation Commissioner** and a certified copy of the Compensation for Occupational Injuries and Diseases Act (COIDA) **registration certificate (submit valid certificate)**.
- 5.2.3 Submit proof of public liability (certified copy of insurance or a letter of intention for insurance),
- 5.2.4 **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).
- 5.2.5 Signed SBD 3.1: Pricing schedule – firm prices

**5.3 Phase 3 evaluation:** Only bidder that have submitted all required mandatory documents as outlined in phase 2 will qualify for phase 3 (**Pricing and BBEE**).

**5.3.1 Pricing and BBEE**

In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations 2017, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

| Criteria                   | Weight | Sub-criteria   |
|----------------------------|--------|--|
| Total Price                | 80/100 | Benchmark against lowest quote   |
| Contribution to BBEE       | 20/100 | Points will be awarded to bidders according to their BBEE status level of contributor as indicated in the BBEE accreditation certification as indicated below: |
| BBEE 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  |

5.4.2 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.

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

5.4.4 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.

- 5.4.5 Failure on the part of the bidder to comply with paragraphs 5.4.3 and 5.4.4 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).
- 5.4.6 The points scored will be rounded off to the nearest 2 decimals.
- 5.4.7 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.
- 5.4.8 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.
- 5.4.9 A contract may, on reasonable and justifiable grounds, be awarded to a bid that did not score the highest number of points.

All information provided will be considered valid until such time that new or revised information is provided to the PPSA.



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(DECLARATION MADE BY THE SUPPLIER/ SERVICE PROVIDER SHALL REMAIN VALID AND BINDING UNTIL AN ALTERNATIVE DECLARATION IS SUBMITTED TO THE PPSA)

8. DECLARATION OF INTEREST (SBD4)

1. Any legal person, including persons employed by the state<sup>1</sup>, 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, shareholder?): .....

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.

"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.

"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: .....

All information provided will be considered valid until such time that new or revised information is provided to the PPSA.



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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 the evaluation and or adjudication of this bid? YES / NO

2.9.1 If so, furnish particulars.  
 .....  
 .....

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

2.10.1 If so, furnish particulars.  
 .....  
 .....

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies YES/NO

All information provided will be considered valid until such time that new or revised information is provided to the PPSA.



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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 Tax Reference Number | State Employee Number / Persal Number |
|-----------|-----------------|-------------------------------|---------------------------------------|
|           |                 |                               |                                       |
|           |                 |                               |                                       |
|           |                 |                               |                                       |

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     |
|--|------------|
| <b>PRICE</b>   |            |
| <b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>                |            |
| <b>Total points for Price and B-BBEE must not exceed</b> | <b>100</b> |

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

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

## 2. DEFINITIONS

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

## 3. POINTS AWARDED FOR PRICE

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

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

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

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  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Black people who are youth                                      | <input type="checkbox"/>            | <input type="checkbox"/>            |
| Black people who are women                                      | <input type="checkbox"/>            | <input type="checkbox"/>            |

|   |  |  |
|---|--|--|
| 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                            |  |  |
| <b>OR</b>   |  |  |
| 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.

|  |
|--|
| <p>WITNESSES</p> <p>1. ....</p> <p>2. ....</p> |
|--|

|  |
|--|
| <p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE: .....</p> <p>ADDRESS .....</p> <p>.....</p> <p>.....</p> |
|--|

All information provided will be considered valid until such time that new or revised information is provided to the PPSA.



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**7. DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES (SBD8)**

- 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?<br><br>(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<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.1.1 | If so, furnish particulars:  |                                 |                                |
| 4.2   | Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?<br><b>this Register enter the National Treasury's website, <a href="http://www.treasury.gov.za">www.treasury.gov.za</a>, 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.</b> | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.2.1 | If so, furnish particulars:  |                                 |                                |
| 4.3   | Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?   | Yes<br><input type="checkbox"/> | No<br><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<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.4.1 | If so, furnish particulars:  |                                 |                                |

**CERTIFICATION**

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

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

Signature: .....

Date: .....

Name of Bidder: .....

Position: .....



**SBD 9**

## **CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Standard Bidding Document (SBD) must form part of all bids<sup>1</sup> 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).<sup>2</sup> 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:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> 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.



**SBD 9**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

---

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;



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- (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

#### **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 consortium<sup>3</sup> 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.



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<sup>a</sup> 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.

**SBD 9**

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