

REQUEST FOR PROPOSALS

FOR

Venue for the Team-Building of the Technology Innovation Agency (TIA)

RFP NUMBER: CAE 001/06



Issue Date: 16 June 2013

Compulsory Briefing Session: 27 June 2013

Response Deadline: 08 July 2013 at 12:00

1. Introduction and Background

The Technology Innovation Agency (TIA) is a schedule 3A public entity of the Department of Science and Technology, in terms of the Public Finance Management Act, 1999 and established in terms of the Technology Innovation Agency Act, 2008. The Agency is set up as a public entity with the aim to enhance the country's capacity to translate a greater proportion of local research and development into commercial technology products and services.

The ultimate goal of TIA is to use South Africa's science and technology base to develop new industries, create sustainable jobs and help diversify the economy. The aim of the aforementioned is to move away from commodity exports towards knowledge based industries that are equipped to address modern global challenges.

2. Services Required

TIA requires a venue in the KZN area that will be able to accommodate 250 employees for three days and two nights for their teambuilding function.

The appointed bidder will be expected to:

- Comfortably accommodate 250 TIA employees in 3 a Star accommodation.
 - The venue should have 10 rooms to accommodate executives and sharing rooms for approximately 240 colleagues.
- Provide two separate conference facilities that will be able to accommodate 250 TIA employees seated school room style / banqueting style.
- Cater for all meals on-site including special dietary requirements such as halaal, vegan, kosher and vegetarian.
- Have braai facilities on site that will be able to comfortably accommodate 250 TIA employees.

- Host corporate team building activities on site or be at a walking distance for all 250 TIA employees at once.
- Host a themed awards ceremony in a banquet setting on site for 250 TIA employees. This should include a professional disc jockey.
- Professional photographer and videographer on site.

3. Request for Proposals

The Agency would like to invite service providers to submit their proposals for this year's Team-building function that will be hosted during one of the following dates:

20th – 22nd November 2013

4th – 6th December 2013

Bidders are advised to indicate their availability and send us rates for the proposed dates.

4. Compulsory Briefing Session

A briefing session will be held on the following date:

Venue: TIA Offices in KZN

Address: Pods 7 & 8 Inthuthuko Junction
750 Francois Road
Durban

Date: 27 June 2013

Time: 11h00 -13h00

5. Proprietary Information

TIA considers this Request for Proposal (RFP) and all related information, either written or verbal, which is provided to the Bidder, to be proprietary to TIA. It shall be kept confidential by the Bidder and its officers, employees, agents and representatives.

The Bidder shall not disclose, publish, or advertise this specification or related information in part or as a whole to any third party without the prior written consent of TIA. This applies, regardless of whether the recipient of this RFP responds with a proposal or not.

6. Enquiries & Responses

All communication and attempts to solicit information of any kind relative to this RFP should be submitted in writing to noluthando.nyoka@tia.org.za with “**TIA CAE 001/06: TEAM BUILDING**” as the subject.

7. Medium of Communication

All documentation submitted in response to this RFP must be in English.

8. Verification of Documents

Respondents should check the numbers of the pages to ensure that none are missing or duplicated. No liability will be accepted by TIA in regards to anything arising from the fact that pages are missing or duplicated.

9. Submission of RFPs

The proposal should be delivered at the following address:

**83 Lois Avenue
Cnr Lois Avenue and Atterbury Road
Menlyn, Pretoria
Tel: (012) 472 2700**

It is the responsibility of the prospective supplier to ensure that the proposal is deposited at the above address before **08 July 2013**.

Four copies of each proposal must be submitted, including the original. In the event of a contradiction between the submitted copies, the original shall take precedence. Telegraphic, telefax and e-mail proposals will not be accepted.

If a courier service company is being used for delivery of the proposal document, the RFP description must be endorsed on the delivery note/courier packaging to ensure that documents are delivered to the correct recipient, as mentioned above.

10. General Terms and Conditions

The Respondent is responsible for all costs incurred in the preparation and submission of the proposal.

A copy/s of any affiliations, memberships and/or accreditations that support your submission must be included in the proposal.

Kindly note that TIA is entitled to:

- a) Amend any RFP conditions, validity period, specifications, or extend the closing date and/or time of RFPs before the closing date. All Respondents, to whom the RFP documents have been issued, will be advised in writing of such amendments in good time;
- b) Verify any information contained in a proposal;
- c) Not to appoint any bidder;
- d) Vary, alter, and/or amend the terms of this RFP, at any time prior to the finalisation of its adjudication hereof;
- e) An omission to disclose material information, a factual inaccuracy, and/or a misrepresentation of fact may result in the disqualification of a proposal, or cancellation of any subsequent contract.
- f) TIA reserves the right not to accept the lowest proposal or any proposal in part or in whole. TIA will award the contract to the Bidder who proves to be fully capable of

handling the contract and whose Proposal is technically acceptable and/or financially advantageous to TIA. Appointment as a successful contractor shall be subject to the parties agreeing to mutually acceptable contractual terms and conditions. In the event of the parties failing to reach such agreement within 30 days from the appointment date, TIA shall be entitled to appoint the contractor who was rated second, and so on.

- g) TIA also reserves the right to award this RFP as a whole or in part without furnishing reasons.
- h) TIA also reserves the right to cancel or withdraw from this RFP as a whole or in part without furnishing reasons and without attracting any liability.
- i) The Bidder hereby offers to render all of the services described in the attached documents (if any) to TIA on the terms and conditions and in accordance with the specifications stipulated in this RFP documents (and which shall be taken as part of, and incorporated into, this proposal at the prices inserted therein).
- j) This proposal and its acceptance shall be subject to the terms and conditions contained in this RFP document.
- k) The Respondent shall prepare for a possible presentation should TIA require such and the Respondent shall be notified thereof no later than 4 (four) days before the actual presentation date.

11. Project Programme

The Project Programme, as currently envisaged, incorporates the following key dates:

DATE	ACTIVITY
16 June 2013	Issue date
27 June 2013	Compulsory Briefing Sessions
08 July 2013	Closing date for proposals
24 – 26 July 2013	Site Inspections

Proposals will be submitted at the address mentioned above **no later than 12h00 on 08 July 2013**. TIA reserves the right to disregard proposals received after the specified due date.

12. Scope of work

Bidders to this RFP are expected to amongst other things, to fulfil the following responsibilities:

- Ensure that there are sufficient staff members to take care of the TIA employees.
- The facilities have to be in excellent working condition. The conference facilities must have the following:
 - Electricity points
 - Wi-Fi
 - Professional AV system
 - Stage including Podium
 - Lighting
- The conference facility must be able to accommodate 250 people in a banquet setting and should be air conditioned.
- Cater for all meals on-site including special dietary requirements such as halaal, vegan, kosher and vegetarian.
- Have braai facilities on site that will be able to comfortably accommodate 250 TIA employees.
- Host corporate team building activities on site or be at a walking distance for all 250 employees all at once.
- Host a themed awards ceremony in a banquet setting on site including a professional disc jockey.
- A professional photographer a videographer on site.

13. Evaluation Criteria

The proposal will be evaluated in terms of the preferential Procurement Policy Framework Act (Act 5 of 2000) and Applicable regulations. The evaluation will have 3 phases namely, technical evaluation, inspection and the 80/20 Preferential Point system

Phase 1: Technical evaluation:

Function/Technical Evaluation Criteria	Weight	Score
<p>1. 3 star Accommodation</p> <ul style="list-style-type: none"> • Sufficient number of rooms that comfortably sleep 250 people <ul style="list-style-type: none"> ○ 10 people in single rooms and 240 people in sharing rooms <p>5= Facility can accommodate 250 people or more, 1 = Facility can accommodate less than 250 people.</p>	0.2	
<p>2. 2 separate Conference facilities with an AV system and is air conditioned:</p> <ul style="list-style-type: none"> • That will comfortably accommodate 250 people in a school room setting during the day. • That will comfortably accommodate 250 people seated banqueting style for a gala dinner in the evening. <p>5 = Two separate facilities that caters for 250 people or more; 4= One Conference facility that carters for 250 people or more, 1 = Conference facility carters for less than 250 people/ or No conference facility.</p>	0.15	
<p>3. Corporate team building activities</p> <p>5= Corporate activities catered for, 1=Corporate activities not catered for</p>	0.15	
Total weighted score/Maximum possible score	0.5	5
Minimum qualifying score (expressed as percentage)		80%

Phase 2: Site Inspection:

TIA will conduct site inspections for shortlisted bidders to confirm the following:

- **Infrastructure** - The facilities will be checked for compliance in terms of accommodation rooms, conference rooms and the plot for teambuilding activities.
- **Hygiene and safety elements** - Cleanliness of the facilities, health and safety and securities checks.
- **Route to the venue**- Accessibility of the venue by bus.

The following evaluation will be used for the Site Inspections:

Site Inspection Evaluation Criteria	Weight	Score
<p>4. 3 star Accommodation</p> <ul style="list-style-type: none"> • Sufficient number of rooms that comfortably sleep 250 people <ul style="list-style-type: none"> ○ 10 people in single rooms and 240 people in sharing rooms <p>5= Facility can accommodate 250 people or more, 1 = Facility can accommodate less than 250 people</p>	0.2	
<p>5. 2 separate Conference facilities with an AV system and is air conditioned:</p> <ul style="list-style-type: none"> • That will comfortably accommodate 250 people in a school room setting during the day. • That will comfortably accommodate 250 people seated banqueting style for a gala dinner in the evening. <p>5 = Two separate facilities that caters for 250 people or more; 4= One Conference facility carters for 250 people or more, 1 = Conference facility carters for less than 250 people or no conference facility.</p>	0.15	
<p>6. Corporate team building activities</p>	0.15	

5= Corporate activities catered for, , 1=Corporate activities not catered for		
Total weighted score/Maximum possible score	0.5	5
Minimum qualifying score (expressed as percentage)		80%

Phase 3: 80/20 Preferential Point system:

The shortlisted bidders will be further evaluated based on pricing and B-BBEE status level contributor.

B-BBEE status level Contributor	20
Points for Price	80
Maximum Points	100

14. Conclusion

- 14.1 Failure to comply with any of the terms and conditions as set out above will validate the proposal.
- 14.2 TIA's decision on proposals received shall be final and binding.

15. Mandatory Requirements

The bidder will submit a cover letter addressing the proposal package to Technology Innovation Agency with

- a) A valid original tax clearance certificate.
- b) A valid BEE scorecard.
- c) Completed SBD 4, SBD 9, SBD 6.1 and SBD 8 forms as attached.
- d) Pricing schedule as attached.
- e) Registration on the TIA Supplier database if not already registered. Registration forms can be downloaded from www.tia.org.za under "Supplier registration".

16. Pricing Schedule

Name of Bidder:
Offer to be valid for 120 days from closing date of bid.

Prices should be Vat inclusive

Venue and Accommodation	R.....
Conference facilities	R.....
Teambuilding	R.....
Photography and Videography	R.....
Other costs	R.....
Total (all inclusive)	R.....

Bidders are required to indicate full costs. A separate package breakdown may be attached if required.

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 **YES / NO**
presently employed by the state?

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 **YES / NO**
to undertake remunerative work outside employment in the public sector?

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) **YES / NO**

(family, friend, other) **YES / NO**

NO
with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid?

2.9.1If 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

2.10.1If so, furnish particulars.

.....
.....

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any **YES/NO**
 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 Tax Reference Number	State Number	Employee / 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

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 *per 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

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.
 - 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? Item Question **Yes / No**

(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the audi alteram partem rule was applied). Item Question **Yes / No**
 - 4.1.1 If so, furnish particulars:
 - 4.2 Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? Yes / No
 - 4.2.1 If so, furnish particulars:
 - 4.3 Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years? Yes / No
 - 4.3.1 If so, furnish particulars:
 - 4.4 Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract? Item Question **Yes / No**
 - 4.4.1 If so, furnish particulars:

CERTIFICATION

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

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS
TRUE AND CORRECT.

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

.....

Signature Date

.....

Position Name of Bidder

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

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

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

1. GENERAL CONDITIONS

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

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

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

1.3 Preference points for this bid shall be awarded for:

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

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

	POINTS
1.3.1.1 PRICE	80.
1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION	20.
Total points for Price and B-BBEE must not exceed	100

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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

2. DEFINITIONS

- 2.1 “**all applicable taxes**” includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- 2.2 “**B-BBEE**” means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 2.3 “**B-BBEE status level of contributor**” means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.4 “**bid**” means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 “**Broad-Based Black Economic Empowerment Act**” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 “**comparative price**” means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 “**consortium or joint venture**” means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract;
- 2.8 “**contract**” means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 “**EME**” means any enterprise with an annual total revenue of R5 million or less.
- 2.10 “**Firm price**” means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 “**functionality**” means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 “**non-firm prices**” means all prices other than “firm” prices;
- 2.13 “**person**” includes a juristic person;
- 2.14 “**rand value**” means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 “**sub-contract**” means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.16 “**total revenue**” bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9

February 2007;

- 2.17 “**trust**” means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.18 “**trustee**” means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ADJUDICATION USING A POINT SYSTEM

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

4. POINTS AWARDED FOR PRICE

4.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

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

Where

- P_s = Points scored for comparative price of bid under consideration
- P_t = Comparative price of bid under consideration
- P_{\min} = Comparative price of lowest acceptable bid

5. Points awarded for B-BBEE Status Level of Contribution

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

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

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

6. BID DECLARATION

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

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

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

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

8 SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 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? YES / NO (delete which is not applicable)

9 DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of company/firm
:

9.2 VAT registration number :.....

9.3 Company registration number
.....
:

9.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....
.....
.....
.....
.....

9.6 COMPANY CLASSIFICATION

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.
[TICK APPLICABLE BOX]

9.7 Total number of years the company/firm has been in business?
.....

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

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

WITNESSES:

1.

.....

2.

DATE:.....

ADDRESS:.....

.....

.....

<p>SIGNATURE(S) OF BIDDER(S)</p>
