

TERMS OF REFERENCES AND SPECIAL CONDITIONS OF THE BID

GAAL/114/2023/2024

APPOINTMENT OF PROFESSIONAL SERVICE PROVIDER (CIVIL ENGINEERING CONSULTANTS) FOR THE REHABILITATION OF RUNWAYS 05/23 AND 01/19 AT POLOKWANE INTERNATIONAL AIRPORT

A COMPULSORY BRIEFING SESSION TO BE HELD ON

26 JULY 2024 AT 10H00

CLOSING DATE AND TIME OF BID

16 AUGUST AT 11H00

BID VALIDITY PERIOD: 150 DAYS FROM THE CLOSING DATE

1. INTRODUCTION

1.1 This section of the Contract Document is to be read in conjunction with:

- a) Committee of Transport Officials (COTO) that approves standards for road and bridge projects in South Africa
- b) International Civil Aviation Organisation (ICAO) Annexure 14 (Aerodromes Design and Operational)
- c) International Civil Aviation Organisation (ICAO) doc 9157 Aerodrome design manual part 1 (Runways)
- d) International Civil Aviation Organisation (ICAO) Airport service manual part 2 (Pavement Surface Condition)
- e) South Africa National Standards SANS
- f) Occupational Health and Safety OHSAct 85 of 1993
- g) Drawings issued for Construction
- h) Other instructions/documentation issued by the Employer / Employer's Agent

2. DESCRIPTION OF THE WORKS

2.1 GAAL'S OBJECTIVES

2.1.1 The objective of the GAAL is to appoint an experienced Consultant for the execution of the Rehabilitation of the Runway 01/19 (RWY 01/19) and Runway 05/23 (RWY 05/23) at the Polokwane International Airport. These upgrades are aimed at improving the overall operation of the airport runways, in order to protect and extend the life of the runway as well as reduce the risk to airside operations.

2.2 OVERVIEW OF THE WORKS

2.2.1 The description of the project contained in the scope of work is merely an outline of the contract works and shall not limit the work to be carried out by the contractor under this contract. The project section consists of two work zones located airside at Polokwane International airport within the Polokwane Municipality.



3. SCOPE OF WORK

3.1 General

3.1.1 The scope of the works to be undertaken by the consultancy firm includes the following:

- Site survey and development inception project reports
- Master plans and engineering studies or investigations
- Detailed design specifications for appropriate project.
- Ensure compliance with all regulation and legislation of construction.
- Detailed cost estimate, BOQ and rate analysis where necessary
- Provide Competent personnel for given project preferable registered with professional affiliation or Regulatory body (i.e ECSA)
- Issue certificate of works, as built drawings, manuals and close out reports

- Forms part of the procurement process which will include specification, evaluation and adjudication.

3.1.2 It shall also be the responsibility of the consultancy firm to:

- Provide competent construction monitoring personnel on site should it be a necessity
- Carry out inspection or physical verification of the site for assessing the scope of work; and
- Ensure quality control by conducting all necessary tests to determine the design parameters.

3.2 Establishment

3.2.1 Establishment includes, but not limited to:

- The establishment on site, including the provision of facilities for the GAAL's Agent, including a material testing laboratory facility (commercial laboratory).
- Completion of safety training including but not limited to AVSEC awareness, Airside Inductions, AVOP, PARTAC and Security Permits.
- The supply of plant, labour, tools, equipment and materials necessary to complete the work.
- Topographical survey and setting out of the Works.
- Completion of relevant OHS and labour requirements applications.
- Compliance with the GAAL Environmental Specifications
- Compile and submit a quality management plan for approval by the GAAL's Agent.
- Cleaning of the construction area after each work shift to the satisfaction of AM staff.

4. EVALUATION CRITERIA

All bids will be evaluated in terms of administrative & mandatory requirements, functionality, and preference point system.

Administrative (mandatory) Criteria (Gate 0)	Functionality Evaluation Criteria (Gate 1)	Price and Specific Goals Evaluation Criteria (Gate 2)
Bidders must submit all documents as outlined in paragraph 4.1 (Table 1) below. Only bidders that comply with all these criteria will proceed to Gate 1.	Bidder(s) are required to achieve a minimum of 100 points out of 145 points to proceed to Gate 2 (Price and Specific goals).	Bidder(s) will be evaluated on price (weighted price) and Specific goals claimed points

4.1 Gate 0: Administrative (mandatory) requirements

Supplier (s) must submit the documents listed in **Table 1** below. All documents must be completed and signed in black ink by the duly authorised representative of the prospective bidder(s). Correction fluid is not allowed and any cancellation on the bid document must be initialled by the authorized signatory. During this phase, Bidders' responses will be evaluated based on compliance with the listed administration and mandatory bid requirements. The bidder(s) quotation will be disqualified for non-submission of any of the documents.

Table 1: Documents that must be submitted for administrative/mandatory requirements.

Document that must be submitted	Non-submission will result in disqualification.	
Invitation to Bid – SBD 1	YES	Complete and sign the supplied pro forma document with a fixed physical address for their business operations for in-loco inspection.
Pricing Schedule – SBD 3.3	YES	Complete and sign the supplied pro forma document.
Declaration of Interest – SBD 4	YES	Complete and sign the supplied pro forma document.
Preference Point Claim Form – SBD 6.1	YES	Non-submission of below documents/information for verification will lead to a zero (0) score on Specific goals. <ul style="list-style-type: none"> ▪ Full CSD Report ▪ Medical certificate for disability ▪ Proof of address not older than three months.
Proof of registration on Central Supplier Database (CSD) (detailed CSD report) or MAAA.... on SBD1	YES	Bidder must be registered as a service provider on the Central Supplier Database (CSD).
Professional Affiliation or Regulatory body	YES	Bidder must be registered with related regulatory body (i.e ECSA).
Pricing Schedule / Quotation	YES	Pricing structure must be completed in full for all service quotation. Where bidder has omitted to put price for certain price categories the price offer will not be accepted and will be disqualified as it will not be comparable with others who have quoted for all service categories.

4.2 Gate 1: Functionality Evaluation Criteria

All bidders are required to respond to the functionality evaluation criteria.

Only Bidders that have met the Administrative and/or Mandatory Criteria in (Gate 0) will be evaluated in Gate 1 for functionality as per below table:

Functionality Evaluation – Bidders will be evaluated out of 145 points and are required to achieve minimum threshold of 115 points to proceed to Gate 2 for Price and Specific goals evaluations; and

As part of due diligence, the entity may conduct a site visit at the bidders' place of business (as per the physical address provided by the bidder on SBD1) and/or at client of the Bidder (reference) for validation of the services previously rendered.

Evaluation Criteria for Functionality is as Follows:

Criteria	Sub-Criteria	Weight of Criterion	Bidder Score
<p>Consultancy firms are expected to have executed similar and have a consistently satisfactory performance record</p> <p>Attach Contactable Reference Letters (not older than 6 months)</p>	Reference letters covering construction, Rehabilitation of RWY.	<p>5 years' experience or more = 25 Points</p> <p>Less than 5 to 3 years = 15 Points</p> <p>Less than 3 to 2 years = 10 Points</p> <p>Less than 2 years = 5 Points</p> <p>No experience = 0 Points</p>	
<p>Number of projects completed for Similar Project.</p>	Reference letters covering construction, Rehabilitation of RWY.	<p>5 or more Letters = 25 Points</p> <p>4 Letters = 20 Points</p> <p>3 Letters = 15 Points</p>	

Attach Reference Letters (not older than 6 months)	Contactable Letters (not older than 6 months)	2 Letters = 10 Points 1 Letter = 05 Points No Letter = 0 Points	
The consultancy firm shall engage the following key personnel whose CV and experience shall be evaluated, form part of support staff to carry out services			
Team Leader / Project Manager	<ul style="list-style-type: none"> • Must have successfully managed atleast Ten (10) similar scale construction projects, 10 years of experience in construction project management. • Must have minimum BSc /BEng/BTech Civil Engineering. • Must have a Project Management Diploma or Degree <p>Ideal Knowledge on:</p> <ol style="list-style-type: none"> a) Pavements engineering b) Contract management c) Maintenance management d) Project management e) Engineering compliance management (i.e., OHS, PFMA, Aviation law) f) Airport engineering <ul style="list-style-type: none"> • Must be Registered as professional with ECSA as per the Engineering Profession Act, 46 of 2000 	<p>10 years' experience or more = 25 Points</p> <p>Less than 10 to 5 years = 15 Points</p> <p>Less than 5 to 1 years = 10 Points</p> <p>Less than 1 years = 5 Points</p> <p>0 experience = 0 Points</p>	

<p>Civil Engineer</p>	<ul style="list-style-type: none"> • Must have successfully designed at least Ten (10) similar scale construction projects, 10 years of experience in construction project management. • Must have a minimum BSc /BEng/BTech in Civil Engineering. <p>Ideal Knowledge on:</p> <ol style="list-style-type: none"> Pavements engineering Contract management Maintenance management Project management Engineering compliance management (i.e., OHS, PFMA, Aviation law) Airport engineering <ul style="list-style-type: none"> • Must be Registered as professional with ECSA as per the Engineering Profession Act, 46 of 2000 	<p>10 years' experience or more = 25 Points</p> <p>Less than 10 to 5 years = 15 Points</p> <p>Less than 5 to 1 years = 10 Points</p> <p>Less than 1 years = 5 Points</p> <p>0 experience = 0 Points</p>	
<p>Civil Technologist or Technician</p>	<ul style="list-style-type: none"> • Must have successfully designed at least Five (5) similar scale construction projects and at least 5 years of experience in construction project management. • Must have minimum BSc/BEng/BTech in Electrical/Civil/Mechanical Engineering. <p>Ideal Knowledge on:</p> <ol style="list-style-type: none"> Pavements engineering Airport engineering Engineering planning and inspection. 	<p>Less than 10 to 5 years = 15 Points</p> <p>Less than 5 to 1 years = 10 Points</p> <p>Less than 1 years = 5 Points</p> <p>No experience = 0 Points</p>	

	<ul style="list-style-type: none"> • Must be Registered as professional with ECSA as per the Engineering Profession Act, 46 of 2000 		
Resident Engineer	<ul style="list-style-type: none"> • Must have successfully monitored at least Five (5) similar scale construction projects, and 5 years of experience in construction project management. • Must have minimum BSc /BEng/BTech/National Diploma in Civil Engineering. <p>Ideal Knowledge on:</p> <ol style="list-style-type: none"> a) Pavements engineering b) Airport engineering c) Engineering planning and inspection. <ul style="list-style-type: none"> • Must be Registered as professional with ECSA as per the Engineering Profession Act, 46 of 2000 	<p>Less than 10 to 5 years = 15 Points</p> <p>Less than 5 to 1 years = 10 Points</p> <p>Less than 1 years = 5 Points</p> <p>0 experience = 0 Points</p>	
Company Demographic address/Company's proof of address/residence	Provide a valid Company's proof of address/residence (e.g. Municipal bill document for rates and taxes, letter from traditional council/Chief authority/lease agreement or any other valid proof of address not less than 12 months.	<p>Outside of Limpopo Province = 5</p> <p>Outside Capricorn District = 10</p> <p>Capricorn District = 15</p>	
Total		145	

Gate 1: Preference Point System,

Preference Points System where the 80 points are awarded for the price and the 20 points are awarded for specific goals as follows.

FINAL EVALUATION CRITERIA	POINTS
Price	80
Specific goals	20
TOTAL	100

All quotations and supporting documents must be placed in the bid box OR couriered to the address on or before the stipulated closing date and time as indicated in the SBD1.

Quotations will only be considered if received by the entity on or before the closing date and time.

Suppliers are required to submit their quotations and supporting documents in a clearly marked envelopes as follows.

REQUIRED DOCUMENTS	PRICE & SPECIFIC GOALS
Exhibit 1: Administrative and mandatory documents <i>(Refer to Section 4.1 - Gate 0: Administrative requirements (Table 1))</i>	Exhibit 3: SBD 6.1: Preference Points Claim Form in terms of the Preferential Procurement Policy 2022.
Exhibit 2: Technical requirements criteria (Refer to section 4.2 – Gate 1: Functionality Evaluation criteria)	Exhibit 4: Pricing Schedule/Quotation

5. TERMS AND CONDITIONS

5.1 Supplier Due Diligence

5.1.1 GAAL reserves the right to conduct supplier due diligence prior to final award or at any time during the contract period and this may include pre-announced/ non-announced site visits.

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During the due diligence process the information submitted by the bidder will be verified and any misrepresentation thereof may disqualify the bid in whole or parts thereof.

5.2 Counter Conditions

- 5.2.1 Bidders' attention is drawn to the fact that amendments to any of the bid conditions or setting of counter conditions by bidders may result in the invalidation of such bids.

5.3 Negotiation

- 5.3.1 GAAL reserves the right to negotiate with the preferred bidders prior to award and with the successful bidders(s) post award.

5.4 Bid Enquiries

- 5.4.1 All enquiries should be in writing to scmgroupp@gaal.co.za . The closing date for receipt of all enquiries is 8 August 2024. All enquiries beyond the closing date will not be considered.

5.5 Communication and Confidentiality

- 5.5.1 If a bidder finds or reasonably believes it has found any discrepancy, ambiguity, error or inconsistency in this bid or any other information provided by GAAL (other than minor clerical matters), the bidder must promptly notify GAAL in writing of such discrepancy, ambiguity, error or inconsistency in order to afford GAAL an opportunity to consider what corrective action is necessary (if any).
- 5.5.2 Any actual discrepancy, ambiguity, error or inconsistency in this bid or any other information provided by the GAAL will, if possible, be corrected and provided to all bidders without attribution to the bidder who provided the written notice.
- 5.5.3 All communication between the bidder and Supply Chain Management office must be done in writing.

**PART A
INVITATION TO BID**

SBD 1

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	GAAL/114/2024/2025	CLOSING DATE:	16 AUGUST 2024	CLOSING TIME:	11:00
DESCRIPTION	APPOINTMENT OF PROFESSIONAL SERVICE PROVIDER (CIVIL ENGINEERING CONSULTANT) FOR THE REHABILITATION OF RUNWAY 05/23 AND 01/19.				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
ADMIN BLOCK					
N1 NORTH TO MAKHADO					
GATEWAY WEG					
POLOKWANE, 0700					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	JULIUS RAMATJIE		CONTACT PERSON	KGABO MANAMELA	
TELEPHONE NUMBER	087-291-1088		TELEPHONE NUMBER	087-291-1054	
FACSIMILE NUMBER	015-288-0125		FACSIMILE NUMBER	015-288-0122	
E-MAIL ADDRESS	scmgroup@gaal.co.za		E-MAIL ADDRESS	kgabo.manamela@gaal.co.za	
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]	
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A BRANCH IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	

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DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	<input type="checkbox"/> YES <input type="checkbox"/> NO
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.	

PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED (NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.</p> <p>1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.</p> <p>1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</p>
2. TAX COMPLIANCE REQUIREMENTS
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.</p> <p>2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.</p> <p>2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p> <p>2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."</p>

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:.....
(Proof of authority must be submitted e.g. company resolution)

DATE:.....

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SBD 3.3

PRICING SCHEDULE
(Professional Services)

NAME OF BIDDER:	BID NO.: GAAL/114/2024/2025
CLOSING TIME 11:00	CLOSING DATE: 16 AUGUST 2024

OFFER TO BE VALID FOR **150** DAYS FROM THE CLOSING DATE OF BID.

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)
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1. The accompanying information must be used for the formulation of proposals.
2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project. R.....

3. PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)

4. PERSON AND POSITION	HOURLY RATE	DAILY RATE
-----	R-----	R-----
-----	R-----	R-----
-----	R-----	R-----

5. PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT

-----	R-----	-----days
-----	R-----	-----days
-----	R-----	-----days
-----	R-----	-----days

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5.1 Travel expenses (specify, for example rate/km and total km, class of airtravel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
.....	R.....
.....	R.....
.....	R.....
.....	R.....

TOTAL: R.....

all applicable taxes” includes value- added tax, pay as you earn, income tax, unemployment insurance contributions and skills development levies.

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Bid No.:

Name of Bidder:

5.2 Other expenses, for example accommodation (specify, eg. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
.....	R.....
.....	R.....
.....	R.....
.....	R.....

TOTAL: R.....

6. Period required for commencement with project after acceptance of bid

7. Estimated man-days for completion of project

8. Are the rates quoted firm for the full period of contract? *YES/NO

9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index.

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

BIDDER'S DISCLOSURE

SBD 4

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise,

employed by the state?

YES/NO

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

¹ the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

Full Name	Identity Number	Name of State institution

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....
.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

I, _____ the _____ undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

3.1 I have read and I understand the contents of this disclosure;

3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;

- 3.3 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 consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 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.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 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

² 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.

Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....

Signature

Date

.....

Position

Name

SBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- 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 To be completed by the organ of state

a) The applicable preference point system for this tender is the **80/20** preference point system.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and Specific Goals	100

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 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

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

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

$$Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right) \quad \text{or} \quad Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/documentation stated in the conditions of this tender:

4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point

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system applies, an organ of state must, in the tender documents, stipulate in the case of—

- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
- (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system, then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Enterprises with ownership of 51% or more by person/s who are black	4	
Enterprises with ownership of 51% or more by person/s who are women	4	
Enterprises with ownership of 51% or more by person/s who are youth	4	
Enterprises with ownership of 51% or more by person/s with disability	2	

Small, Medium and Micro Enterprises (SMMEs and QSEs)	2	
Enterprises located in rural/township areas	4	
Total	20	

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One-person business/sole propriety
- Close corporation
- Public Company
- Personal Liability Company
- (Pty) Limited
- Non-Profit Company
- State Owned Company

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I 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 4.2, the contractor may be required to

furnish documentary proof to the satisfaction of the organ of state that the claims are correct;

iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –

- (a) disqualify the person from the tendering 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 tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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, if deemed necessary.

<p>SURNAME AND NAME:</p> <p>DATE:</p> <p>ADDRESS:</p> <p>.....</p> <p>.....</p> <p>.....</p>	<p>SIGNATURE(S) OF TENDERER(S)</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
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