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SPECIAL CONDITIONS / MANDATORY BID CONDITIONS

1. The forms in the Table of Contents and on the PA-03(GS): Notice and Invitation for Quotation should be properly completed and signed and returned on or before the due date and time.
2. **NB:** Revised PA11: Bidder's Disclosure should be properly/duly completed, dated and signed. *Bidders or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise must disclose any interest in any other related enterprise whether or not they are bidding for this contract.*
3. The profit & mark-up percentage must be indicated on the pricing schedule or the quote will be deemed as non-responsive and will not be evaluated further.
4. No late, incomplete or quotations with correctional fluid will be accepted.
5. Delivery address is the Tender box on the Ground Floor, Customs House, Lower Heerengracht, Cape Town.
6. Alternatively quotations may be emailed to CPT.Quotations@dpw.gov.za
7. The quotation is valid for 30 days from the closing date.
8. The bidder must make provision for exchanges and or changes in sizes where applicable at no additional cost to the Department.
9. Failure to comply with product specifications & inability to meet delivery times will render the quote non-compliant and will not be evaluated further.
10. If the bidder is a VAT vendor /registered the bidder is required to explicitly state the VAT amount.
11. VAT vendor must include VAT at 15% in their bid offers.
12. Resolution to sign/resolution of signatures is mandatory in the event where a delegation to sign the bid document to someone other than a director or member or shareholder (where applicable).

13. The evaluation criteria will be based on price and preference and mandatory bid conditions.
14. In the event that one or more bidders are equal in all respects the award will be decided by drawing of lots.

OTHER BID CONDITIONS

1. The Department reserves the right to negotiate the offer where it is found not to be market related.
2. All goods supplied must be approved by the South African Bureau of Standards (SABS) if applicable.
3. The Department reserves the right to request any additional information and / or samples of items quoted before mass production is undertaken at no cost to the Department if applicable.
4. Bidders are required to have an office/branch in the Western Cape
5. Bidders must be registered on the CSD and tax matters should remain compliant throughout the procurement process.
6. Due to a high volume of quotations received it is advisable to hand deliver your quotation to ensure receipt thereof.
7. Specification / technical enquiries must be directed to the Project Leader as indicated on the PA-03 (GS)
8. The Department will contract with the successful bidder with an official order.
9. No work may commence without an official Departmental order.

PA-03 (GS): NOTICE AND INVITATION FOR QUOTATION

THE DEPARTMENT OF PUBLIC WORKS INVITES BIDDERS FOR THE PROVISION OF

Project description:	APPOINTMENT OF PANEL OF TACTICAL SECURITY SERVICE PROVIDERS FOR WESTERN CAPE REGION AS AND WHEN NEEDED ON AN URGENT BASIS FOR A PERIOD OF 6 MONTHS ON A MONTH-TO-MONTH BASIS		
Quote no:	RFD 117800	Closing date:	24/06/22
Closing time:	11:00	Validity period:	30 days

Only bidders who are responsive to the following responsiveness criteria are eligible to submit bids:

<input checked="" type="checkbox"/>	Bid offer must be properly received on the bid closing date and time specified on the invitation, fully completed and signed in ink.
<input type="checkbox"/>	Submission of applicable (PA-15.1, PA-15.2, PA-15.3): Resolution by the Legal Entity, or consortium / joint venture, authorising a dedicated person(s) to sign documents on behalf of the firm / consortium / joint venture.
<input type="checkbox"/>	Submission of other compulsory returnable schedules / documents as per (PA-09 (GS)): List of returnable documents.
<input checked="" type="checkbox"/>	Submission of (PA-11): Declaration of Interest and Bidder's Past Supply Chain Management Practices.
<input checked="" type="checkbox"/>	Submission of (PA-29): Certificate of Independent Bid Determination.
<input type="checkbox"/>	Copy of joint venture agreement if bidder is a joint venture and / or consortium.
<input checked="" type="checkbox"/>	Registration on National Treasury's Central Supplier Database (CSD)
<input checked="" type="checkbox"/>	Compliance with Pre-qualification criteria for Preferential Procurement
<input checked="" type="checkbox"/>	Compliance to Local Production and Content requirements
<input checked="" type="checkbox"/>	Use of correction fluid is prohibited
<input checked="" type="checkbox"/>	-Full completed pricing schedule
<input checked="" type="checkbox"/>	Certified copy of PSIRA Company Registration Certificate (by the Commissioner of Oath) Certified copy of valid PSIRA Letter of Good Standing (by the Commissioner of Oath) Certified copy of valid PSIRA Grade A/B certificates for all Directors (by the Commissioner of Oath) Certified copy of COIDA letter of Good Standing from the Department of Labour (by the Commissioner of Oath) Proof of the physical address where the control room with the base radio is situated(utility bill or a lease agreement signed by both the lessor or lessee or any other proof of address OR in the absence of the above, an original sworn affidavit by the Commissioner of Oath, not in the employment of the bidder, indicating their intent to open an office within five(05)calendar days of awarded.

Compliance with Pre-qualification criteria for Preferential Procurement (Tick where applicable)

<input type="checkbox"/>	A tenderer having stipulated minimum B-BBEE status level of contributor; <input checked="" type="checkbox"/> Level 1 or AND <input checked="" type="checkbox"/> Level 2
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Points scoring system applicable for this bid:

<input checked="" type="checkbox"/> 80/20 points scoring system

Indicate the Price weighting applicable to this bid:

	Weighting percentage (must add up to 100 %)
Price:	100% of 80 points
Total:	100%

Preference Points awarded according to the B-BBEE Status Level of Contribution

In terms of Regulation 6(2) and /or 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 (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

- In the case of Exempted Micro Enterprises (EME) and Qualifying Small Business Enterprise (QSE) a valid Sworn Affidavit must be submitted with the bid offer
- bidders other than EME or QSE must submit an original or certified copy of the B-BBEE Status Level Verification Certificate in order to qualify for preference points for B-BBEE
- A tender must submit its proof of its B-BBEE status level of contributor
- A tender failing to submit proof of B-BBEE status level of contributor or is a non-compliant contributor to B-BBEE may not be disqualified
- A tenderer may not be awarded points for B-BBEE status level of contributor if the tender documents indicate that the tenderer intends subcontracting more than 25% of the tender value of the contract to any other person not qualifying for at least the points that the tenderer qualifies for; unless the intended subcontractor is an EME that has the capability to execute the subcontract.

COLLECTION OF BID DOCUMENTS:

All quotations must be completed on the official forms provided with this invitation and completed in ink, preferably black. Completed forms must be delivered to the Department of Public Works at the following address or faxed to the fax number below.

This quotation is subject to the General Conditions of Contract (GCC) and, if applicable, any other special conditions of contract. Attached Terms and Conditions should be signed and submitted with the official documents.

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	REQ 11800	CLOSING DATE:	24/06/2022	CLOSING TIME:	11:00
DESCRIPTION	APPOINTMENT OF PANEL FOR TACTICAL SUPPORT SERVICE FOR THE PERIOD OF 6 MONTHS AS AND WHEN NEEDED ON A URGENT BASIS				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (DPW04.1 GS or DPW04.2 GS).					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
GROUND FLOOR: CUSTOM HOUSE . PUBLIC WORKS					
OR POSTED TO: FAX 021 419 9394 OR FAX TO EMAIL 086 272 6107 OR EMAIL TO CPT.Quotations@dpw.gov.za. DO NOT RETURN TO THE SENDER PLEASE					
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					
		TCS PIN:		OR	CSD No:
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE (TICK APPLICABLE BOX)		<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT <input type="checkbox"/> Yes <input type="checkbox"/> No	
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX		<input type="checkbox"/> AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) <input type="checkbox"/> A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS) <input type="checkbox"/> A REGISTERED AUDITOR NAME:			
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT (FOR EMEs & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ANSWER PART B:3 BELOW]	
SIGNATURE OF BIDDER		DATE		
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)					
TOTAL NUMBER OF ITEMS OFFERED			TOTAL BID PRICE (ALL APPLICABLE TAXES)		
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			TECHNICAL INFORMATION MAY BE DIRECTED TO:		
DEPARTMENT/ PUBLIC ENTITY		W. D. D. D.	CONTACT PERSON		LINDILE MGOLOLO
CONTACT PERSON		021 402 2037	TELEPHONE NUMBER		021 402 2199

TELEPHONE NUMBER		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	
E-MAIL ADDRESS			

PART B TERMS AND CONDITIONS FOR BIDDING

1.	BID SUBMISSION:	
1.1.	BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.	
1.2.	ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR ONLINE	
1.3.	BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.	
1.4.	WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.	
1.5.	THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.	
2.	TAX COMPLIANCE REQUIREMENTS	
2.1.	BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.	
2.2.	BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.	
2.3.	APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.	
2.4.	BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.	
2.5.	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.	
2.6.	WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.	
3.	QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS	
3.1.	IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.2.	DOES THE BIDDER HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.3.	DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.4.	DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
<p>IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.</p>		

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID. AN ORIGINAL OR CERTIFIED COPY OF THE B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE.

Note Well:

- | | |
|----|--|
| a) | In respect of non VAT vendors the bidders may not increase the bid price under Section 67(1) of the Value Added Tax Act of 1991 where the relevant transaction would become subject to VAT by reason of the turnover threshold being exceeded and the bidder becomes liable for VAT. |
| b) | All delivery costs must be included in the bid price, for delivery at the prescribed destination. |
| c) | The price that appears on this form is the one that will be considered for acceptance as a firm and final offer . |
| d) | The grand total in the pricing schedule(s), inclusive of VAT, attached to the bid offer must correlate and be transferred to this form (PA32). |
| e) | Where there are inconsistencies between the grand total price offer in the pricing schedule(s) and the PA32 price offer, the price offer on the PA32 shall prevail and deemed to be firm and final. No further correspondence shall be entered into in this regard. |

¹ All applicable taxes" includes value- added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies



TERMS OF REFERENCE

1. PURPOSE OF THIS BID

The purpose of this bid is to invite security service providers for **THE APPOINTMENT OF A PANEL OF TACTICAL SECURITY SERVICE PROVIDERS FOR WESTERN CAPE REGION AS AND WHEN NEEDED FOR A PERIOD OF SIX (06) MONTHS, ON A MONTH-TO-MONTH BASIS.**

2. PROJECT OBJECTIVES

The objective of this bid is to appoint a panel of Tactical security service providers for the Western Cape Region ensure the safeguarding of the Department of Public Works & Infrastructure state properties situated in the Western Cape Region for preventing the land invasion and illegal occupation of state property

3. THE PANEL

The panel will consist of all bidders who meet all the requirements and criteria as stipulated in this terms of reference as well as on the PA03 (GS) Notice & Invitation to Bid.

Bidders on the panel will be selected based on the highest point scoring bidder and BBBEE and work will be allocated accordingly.

If all bidders are utilized from the panel, the Department will begin with the highest scoring bidder once again to allocate work if there is a need of the service.

The Department cannot determine the amount of work upfront and the allocation of work is not guaranteed.

4. SCOPE OF WORK

The successful bidders appointed onto the panel will be responsible to prevent land invasion and illegal occupation of all DPWI occupied or unoccupied state properties as follows:

- 4.1 Safeguard DPWI occupied or unoccupied state properties and vacant land 24/7, including weekends and public holidays
- 4.2 The turnaround time to place guards on the identified site is within 24 hours from request or shorter in the case of emergencies
- 4.3 Perform access and egress control after hours, on weekends and public holidays
- 4.4 Patrol around the premises of guarded buildings by foot and by patrol vehicle
- 4.5 Conduct safety and security inspections inside and outside the DPWI properties and vacant land
- 4.6 Assist during emergency situations
- 4.7 Report any irregularities to the department
- 4.8 Ensure searching of persons, vehicles and goods, monitoring movement of people
- 4.9 Compile a technical site report on a weekly basis

5. SECURITY GUARDS & SUPERVISORS

- 5.1 Tactical security guards must be PSIRA registered with Grade A or B with a minimum qualification of Grade 12 (Standard 10) and minimum working experience of 2 years in the Security Industry
- 5.2 Site Managers must be PSIRA Registered with Grade A with a minimum qualification of Grade 12 (Standard 10) and minimum working experience of 5 years in the Security Industry
- 5.3 Site Managers and tactical security guards must be South African Citizens
- 5.4 Possess good communication, reading and writing skills in English, Afrikaans and 1 other official language
- 5.5 Tactical security guards must have sober habits and portray a professional attitude at all the times
- 5.6 Site Managers (Grade A) must have valid driving license (Minimum code 8/ EB)
- 5.7 Tactical security guards must not be younger than 18 years of age
- 5.8 Site Managers and tactical security guards shall comply with the functions and duties as per the bid

6. SECURITY CLEARANCE

- 6.1 The successful bidders shall be subject to a positive security clearance obtained from the State Security Agency (SSA), if the results are negative bidder will be removed from the panel.

7. WORKING SHIFTS

Working shifts will commence as follows:

Dayshift (06:00 to 18:00) and nightshift (18:00 to 06:00); Mondays to Sundays and public holidays.

8. INFRASTRUCTURE REQUIREMENTS

- 8.1 The successful bidders must have a control room or access to a control room with a base radio which must be programmed to contractors' frequency. The successful bidders will be given a period of **7 working days** to establish the office in the Western Cape Province after the award. If the office is not established within 7 working days, the contract with the bidder will be cancelled.
- 8.2 Site inspection will take place before the award to ensure bidders have the required resources/infrastructure requirement.
- 8.3 The bidders must ensure that security guards are equipped with the following service aids:
- b) Bidders must provide its own original or valid certified copy of ICASA license certified by Commissioner of Oath, **OR**
The lease agreement signed by both leaser and lessee together with the original or valid certified copy of ICASA license (certified by the commissioner of oath) from the company the bidder is leasing.
 - c) Riot gear and dress standard, jacket, shirt, pants, company PSIRA name tags, pull over jerseys and appropriate shoes
 - d) Tactical response vehicles
 - e) Tactical crew vehicle/s
 - f) Quad bikes
 - g) Hand shield for protection
 - h) Handheld radios / two-way radio/ PTT (push to talk)
 - i) Torches
 - j) Occurrence book
 - k) Pocket Books and pens
 - l) Hand cuffs
 - m) Hand held metal detectors
 - n) Fire-fighting equipment
 - o) Body cameras for recording footage in the event of incidents

9. GENERAL REQUIREMENTS

- 9.1 A Contingency and Crisis Management plan must be in place and available on request
- 9.2 The exchange of security officers should be done in consultation with the DPWI Security Manager
- 9.3 Bidders must be a legal entity or partnership. In the event of a consortia/joint ventures a signed agreement by all parties must be submitted with the bid. Also see notes to the "Authority to Sign".

10. SITE PROCEDURE MANUAL

The successful bidders will be required to submit a detailed site procedures manual immediately after appointment that *inter alia* address the following:

- 10.1 How tactical security guards will be monitored and managed on a 24/7 basis depending the departmental structural plan
- 10.2 How rapid reactions to alerts by tactical security guard/s will be executed in terms of capacity and other relevant security structures.

11. OTHER CONDITIONS OF BID

MINIMUM SPECIFICATION

These specifications are only minimum specifications. Any shortcomings in the specifications should be pointed out in the quote/bid. Any additional costs incurred by the service provider because of shortcomings in the bid specifications will be for the service provider's own account

COMPLIANCE

Failure to provide sufficient information may disqualify the bidder. Any condition imposed by the bidder that is restrictive or contrary to any part of this bid will automatically disqualify the bidder

CLARIFICATION

The Department may request clarification or further information regarding any critical aspect of the bid. The bidder must supply the requested information within 72 hours after the request has been made otherwise the bidder may be disqualified.

ACCESS CONTROL SYSTEM (IF ANY)

The tactical security personnel must be able to operate the access control system (if it is available).

If any suspicious activities are depicted in any other manner, it should be reported to the Security Manager and noted in the occurrence book immediately

The information on the access control system must be recorded by the security staff and made available to the client for consolidating the site report and storage in line with the Archive prescripts.

As part of access control tactical team officers must open and close the access gates in of the building.

Access to the premises must be strictly controlled by the tactical team officers

A Contingency and Crisis Management plan must be in place and available on request

LOST ARTICLES:

DEFINITION: Lost articles are articles found on the premises and for which ownership cannot be established immediately.

All lost articles must be recorded in the occurrence book, after which they must be handed to the Security Manager immediately.

DELIVERIES/ DESPATCHING

No deliveries by any person will be received by security staff on behalf of the Department. No dispatching by any person will be done by security staff on behalf of the Department.

LABOUR UNREST INCIDENTS:

DEFINITION: When the Department's personnel on the site or the security personnel engage in illicit personnel practices such as strikes, unrest and intimidation.

LABOUR UNREST AT THE SITE

If the service is interrupted or temporarily deferred because of any labour unrest, labour dispute, civilian disorder, a local or national disaster or any other cause beyond the control of the contractor, the parties must come to an agreement on the methods to ensure continuation of the security service.

HR/INDUSTRIAL RELATIONS

Ensure that all problems experienced by tactical team officers on site including labour disputes are resolved amicably.

Adhere to the provisions relating to salaries, wages and remuneration as envisaged in the Basic Conditions of Employment Act.

Tactical team officers must ensure order during strikes/lock-outs.

EVALUATION OF SERVICE

The Department reserves right to assess the conduct, behaviour and performance on site, should it be deemed necessary.

Evaluation of service shall be done by DPWI representative at the site as well as by the service provider as when the need arises

The Department reserves the right to evaluate the service rendered by the service provider at any time, in order to ensure that the service is rendered in accordance with the conditions of contract and the site specification.

The Department reserves the right to require from the service provider that any of his/her employees be replaced, in which case the employee must leave the site forthwith. The Department will not be held responsible for any damage or claims, which may arise because of this and is indemnified against any such claims and legal expenses.

NOTE: The Departmental representative will have the right to check daily whether sufficient personnel are available at the site in terms of the conditions.

All personnel shortages must be noted down in the occurrence book.

LIABILITY

The service provider hereby indemnifies the Client against all legal liability with regard to any claims that may arise as a result of a breach of contract or negligence on the part of the service provider in respect of its obligations in terms of this Agreement.

The service provider will be held liable for any damages or loss suffered by the Department, as a result of the contractor's own employees' negligence or intent, which originated on the site.

The Department shall not be liable for any loss or damage of any nature to any of the Service providers' properties or any items kept at the Department's sites, even in cases where the loss originated as a result of negligence or intent on the part of the department.

The Department and other beneficiaries shall not bring any claim personally against any individual employed by or providing services on behalf of the contractor but only against the contractor in respect of loss or damage suffered by the Department or by other beneficiaries arising out of or in connection with the services. This restriction shall not operate to limit or exclude the liability of the contractor as a company for the acts or omissions of its, directors, employees and agents. Any claim from the Department or other beneficiaries must be made (for these purposes a claim shall be made when court or other dispute resolution proceedings are commenced) within three years of the date on which the Department became aware, or ought reasonably to have become aware, of circumstances giving rise to a claim or potential claim against the contractor.

INDEMNIFICATION

The service provider hereby indemnifies the Department against any liability which the Department may incur as a result of any claim against the Department by any third party in respect of personal loss, death, injury or damage directly arising from any wilful or negligent acts or omissions by the service provider, its employees, agents or independent contractors in performing its obligations under this Agreement

OCCUPATIONAL HEALTH AND SAFETY

The service provider must comply with occupational Health and Safety Regulations

DAMAGE OR DESTRUCTION

The Department will not be held liable for any damage to or destruction of any equipment or property of the contractor during the execution of their duties.

PUBLIC LIABILITY

The Department will not be liable for any claims and legal costs which might ensue from the failure by or acts committed by the security personnel against third persons, which act include illicit frisking, illicit arrest and other illicit or wrongful deeds.

INSURANCE

The service provider must, at his/her own expenses, take out sufficient insurance against any claims, costs, loss and/or damage following from his/her obligations and shall ensure that such insurance remains operative for the duration of this agreement.

A copy of such insurance contract must be handed to the Departmental representative on commencement of the service.

Evidence that such insurance premiums have indeed been paid, must be furnished on request

USE OF STATE ASSETS

The service provider may not, unless otherwise specified, make use of any of the State's equipment aids and/or property, for purposes of compliance with the conditions, which equipment, aids and/or property include *inter alia* stationery, rooms and furniture unless designated by the Department.

TRADING

Under no circumstances is security personnel allowed to carry on any trading.

DISPLAYS

The service provider shall not erect or display any sign, printed matter, painting, name plates, advertisement, and article or object of any nature whatsoever, in, or against the State buildings or sites or any part thereof without written consent.

The service provider shall not publicly display at the site any article or object which might be regarded as objectionable or undesirable. Any sign, printed matter, painting, name plate, advertisement, article or object displayed without written consent or which is regarded as objectionable or undesirable will immediately be removed. The service provider shall be held responsible for the costs of such removal and for damages or claims which might be incurred.

PRO-RATA DECREASE OF PAYMENT:

If at any time the service is not rendered in accordance with the conditions of contract or the specification (for example number of guards are incomplete), the right is reserved to adjust payment pro-rata.

Similarly, no departure from or breach of or failure to comply with any of the conditions shall be deemed to be a condonation, waiving or ratification of such departure, breach or failure to comply, unless such condonation, waiving or non-fulfilment has been agreed to in writing, through the Departmental Bid Committee.

TERMINATION OF SERVICE:

The stipulations of the Supply Chain Management's General Conditions of Contract (GCC) apply in particular to cases of any failure to comply with any of the conditions of contract, or where an unsatisfactory service is rendered.

The successful Bidder/s must take note that the contract will be terminated if a trend of poor performance is observed. (See terms and conditions of service level agreement).

The service provider shall be terminated immediately should the contractor no longer qualify as security service provider in terms of the PSIRA, (Act 56 of 2001).

The service provider must notify the Department immediately should he/she or any member of his/her security personnel no longer meet the qualifications or conditions of the PSIRA, (Act 56 of 2001).

The service provider must immediately remove from the site and replace any of his/her employees who no longer qualify as security officers in terms of the PSIRA, (Act 56 of 2001).

AMENDMENT IN CONTRACT

Any amendment or waiving of the stipulations of the contract must occur in writing by mutual consent through the Departmental Bid Committee.

TRANSFER OF CONTRACT

Should the service provider alienate his/her rights and liabilities in terms of this contract, he/she must notify the Department immediately so that the necessary steps for the transfer of the contract can be taken

PRE-QUALIFICATION

Bidders are required to submit a valid original or valid certified BBEE certificate by the commissioner or valid sworn affidavit for level 1 and 2 (as explained under BBEE hereunder) in order to pass pre-qualification stage.

BB-BEE

For bidders to qualify for BBBEE points, the bidders are required to be submit with the bid:

- a) A valid original or valid certified copy of the bidder's BBEE certificate by the commissioner of Oath (submission uncertified copy by the commissioner of Oath will result to non-awarding of BBEE points)

OR

- (a) A valid original or valid certified copy of the bidder's "Sworn Affidavit" by commissioner of Oath as prescribed by the B-BBEE Codes of Good Practice. (submission uncertified copies by the commissioner of Oath will result to non-awarding of BBEE points)
- (b) Failure to submit any of the above (a or b) will result in zero points scored for B-BBEE status level.
- (c) Should the bidder intend to sub-contract more than 25%, it is compulsory to submit a valid certified BBEE certificate for all propose sub-contractors. Failure will automatically result in no points awarded for BBEE, irrespective if the main bidder submitted an original or certified copy of its BBEE certificate.
- (d) The PA16 must be properly completed. Failure to do so, will result in the non-awarding of BEE points

- (e) Further, failure to complete section 8: SUB-CONTRACTING as per the PA16, will automatically results in the non-awarding of points for BBBEE

SPECIAL CONDITIONS

1. Site inspection will take place before the award to ensure bidders have the required resources / infrastructure requirements
2. Before award the successful bidders will be required to submit proof of valid Public Liability Insurance of at least not less than R5 000 000.00
3. The Department reserves the right to negotiate with bidders should the prices be found to be not market related and/or higher than the average
4. Bidders must have an active registration with Private Security Industry Regulatory Authority (PSIRA) and need to submit a copy of their PSIRA Registration certificate with the bid document (certified by the Commissioner of Oath).
5. Certified copy of a valid PSIRA company registration certificate (certified by the Commissioner of Oath).
6. Certified copy of a valid PSIRA Letter of Good Standing (certified by the Commissioner of Oath).
7. Certified copy of a valid PSIRA Grade A certificates for all Directors (certified by the Commissioner of Oath).
8. Certified copy of valid COIDA Letter of Good Standing from Department of Labour (Certified by the Commissioner of Oath).
9. Director/s of a company must be a South African Citizen
10. Proof of physical address of the Service Provider's operational Office and 24 Hour Operational Control Room in the Western Cape must be provided to the satisfaction of the Department (i.e. in the form of a municipal account, electricity account or lease agreement signed by both leaser and lessee,
OR
In the absence of the above, an original sworn affidavit by a Commissioner of oath, not in the employment of the bidder intending to open an office within **five (05) calendar days** if awarded.)
11. Proof of ownership and roadworthiness of at least one of ALL the following vehicles must be provided by submitting a valid motor vehicle licence and licence disk which will be accepted for both ownership and roadworthiness or / and any other valid proof to support ownership & roadworthiness; or a letter of intent to buy or a lease agreement signed by both parties (lessor and lessee) for Tactical response vehicle, Crew vehicle, Quad bikes (Not all sites may require Quad bikes, however bidders will be required to avail the Quad bikes if necessary depending on the risk of the site). Bidders are require to submit with their bids proof of ownership of Quad bike or intent to buy or lease agreement).
12. Bidders should submit with their bid document ICASA licence certificate (for two way radio) or a letter of intent to buy or a lease agreement signed by both parties (lessor and lessee)

Signature of Bidder:

Date:.....



public works
& infrastructure

Department:
Public Works and Infrastructure
REPUBLIC OF SOUTH AFRICA

TACTICAL SECURITY PRICING SCHEDULE

NO	DESCRIPTION	UNIT PRICE
1.	Tactical team leader	R
2.	Tactical response officers for day shift	R
3.	Tactical response officers for night shift	R
4.	Tactical response vehicle	R
5.	Crew vehicle	R
6	Quad bike	R
ADD VAT (15%) If vat Vendor		
OVERHEADS Indicate Percentage (_____ %)		

All items indicated on the Pricing Schedule must be quoted in full and as per market value, in the event the bidder under quote, the Department is not compelled to award high risk bidders and risk analysis or commercial risk may be performed.

All direct cost e.g. uniform, hand shield protection, handheld radios, torches, occurrence book, pocket books & pens, hand cuffs, handheld metal detectors, fire- fighting equipment & body cameras must be covered by the allocated overheads.

No additional claims for whatever reason except increase or decrease in VAT will be entertained.

AUTHORIZED SIGNATURE: _____ DATE: _____

BIDDER'S NAME: _____



REVISED PA-11: BIDDER'S DISCLOSURE

BIDDER'S DISCLOSURE

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.

Full Name	Identity Number	Name of State institution

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.



REVISED PA-11: BIDDER'S DISCLOSURE

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,

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.



REVISED PA-11: BIDDER'S DISCLOSURE

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 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 of bidder

PA-15.1: RESOLUTION OF BOARD OF DIRECTORS

RESOLUTION of a meeting of the Board of *Directors / Members / Partners of:

_____ (Legally correct full name and registration number, if applicable, of the Enterprise)

Held at _____ (place)

on _____ (date)

RESOLVED that:

1. The Enterprise submits a Bid / Tender to the Department of Public Works in respect of the following project:

_____ (Project description as per Bid / Tender Document)

Bid / Tender Number: _____ (Bid / Tender Number as per Bid / Tender Document)

2. *Mr/Mrs/Ms: _____

in *his/her Capacity as: _____ (Position in the Enterprise)

and who will sign as follows: _____

be, and is hereby, authorised to sign the Bid / Tender, and any and all other documents and/or correspondence in connection with and relating to the Bid / Tender, as well as to sign any Contract, and any and all documentation, resulting from the award of the Bid / Tender to the Enterprise mentioned above.

	Name	Capacity	Signature
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			

17			
18			
19			
20			

The bidding enterprise hereby absolves the Department of Public Works from any liability whatsoever that may arise as a result of this document being signed.

Note:

- * Delete which is not applicable.*
- NB:** This resolution must, where possible, be signed by all the Directors / Members / Partners of the Bidding Enterprise.
- In the event that paragraph 2 cannot be complied with, the resolution must be signed by Directors / Members / Partners holding a majority of the shares / ownership of the Bidding Enterprise (attach proof of shareholding / ownership hereto).
- Directors / Members / Partners of the Bidding Enterprise may alternatively appoint a person to sign this document on behalf of the Bidding Enterprise, which person must be so authorized by way of a duly completed power of attorney, signed by the Directors / Members / Partners holding a majority of the shares / ownership of the Bidding Enterprise (proof of shareholding / ownership and power of attorney are to be attached hereto).
- Should the number of Directors / Members / Partners exceed the space available above, additional names and signatures must be supplied on a separate page.

ENTERPRISE STAMP

PA-15.2: RESOLUTION OF BOARD OF DIRECTORS TO ENTER INTO CONSORTIA OR JOINT VENTURES

RESOLUTION of a meeting of the Board of *Directors / Members / Partners of:

(Legally correct full name and registration number, if applicable, of the Enterprise)

Held at _____ (place)

on _____ (date)

RESOLVED that:

1. The Enterprise submits a Bid /Tender, in consortium/Joint Venture with the following Enterprises:

(List all the legally correct full names and registration numbers, if applicable, of the Enterprises forming the Consortium/Joint Venture)

to the Department of Public Works in respect of the following project:

(Project description as per Bid /Tender Document)

Bid / Tender Number: _____ (Bid / Tender Number as per Bid / Tender Document)

2. *Mr/Mrs/Ms: _____

in *his/her Capacity as: _____ (Position in the Enterprise)

and who will sign as follows: _____

be, and is hereby, authorised to sign a consortium/joint venture agreement with the parties listed under item 1 above, and any and all other documents and/or correspondence in connection with and relating to the consortium/joint venture, in respect of the project described under item 1 above.

3. The Enterprise accepts joint and several liability with the parties listed under item 1 above for the due fulfilment of the obligations of the joint venture deriving from, and in any way connected with, the Contract to be entered into with the Department in respect of the project described under item 1 above.
4. The Enterprise chooses as its *domicilium citandi et executandi* for all purposes arising from this joint venture agreement and the Contract with the Department in respect of the project under item 1 above:

Physical address: _____

_____ (code)



Postal Address: _____

_____ (code)

Telephone number: _____

Fax number: _____

	Name	Capacity	Signature
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

The bidding enterprise hereby absolves the Department of Public Works from any liability whatsoever that may arise as a result of this document being signed

Note:

- * Delete which is not applicable.
- NB:** This resolution must, where possible, be signed by *all* the Directors / Members / Partners of the Bidding Enterprise.
- In the event that paragraph 2 cannot be complied with, the resolution must be signed by Directors / Members / Partners holding a majority of the shares / ownership of the Bidding Enterprise (attach proof of shareholding / ownership hereto).
- Directors / Members / Partners of the Bidding Enterprise may alternatively appoint a person to sign this document on behalf of the Bidding Enterprise, which person must be so authorized by way of a duly completed power of attorney, signed by the Directors / Members / Partners holding a majority of the shares / ownership of the Bidding Enterprise (proof of shareholding / ownership and power of attorney are to be attached hereto).
- Should the number of Directors / Members / Partners exceed the space available above, additional names and signatures must be supplied on a separate page.

ENTERPRISE STAMP



PA-15.3: SPECIAL RESOLUTION OF CONSORTIA OR JOINT VENTURES

RESOLUTION of a meeting of the duly authorised representatives of the following legal entities who have entered into a consortium/joint venture to jointly bid for the project mentioned below: *(legally correct full names and registration numbers, if applicable, of the Enterprises forming a Consortium/Joint Venture)*

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

Held at _____ *(place)*

on _____ *(date)*

RESOLVED that:

RESOLVED that:

- A. The above-mentioned Enterprises submit a Bid in Consortium/Joint Venture to the Department of Public Works in respect of the following project:

(Project description as per Bid /Tender Document)

Bid / Tender Number: _____ *(Bid / Tender Number as per Bid /Tender Document)*

PA-15.3: Special Resolution of Consortia or Joint Ventures

- B. *Mr/Mrs/Ms: _____
in *his/her Capacity as: _____ (Position in the Enterprise)
and who will sign as follows: _____

be, and is hereby, authorised to sign the Bid, and any and all other documents and/or correspondence in connection with and relating to the Bid, as well as to sign any Contract, and any and all documentation, resulting from the award of the Bid to the Enterprises in Consortium/Joint Venture mentioned above.

- C. The Enterprises constituting the Consortium/Joint Venture, notwithstanding its composition, shall conduct all business under the name and style of:

- D. The Enterprises to the Consortium/Joint Venture accept joint and several liability for the due fulfilment of the obligations of the Consortium/Joint Venture deriving from, and in any way connected with, the Contract entered into with the Department in respect of the project described under item A above.
- E. Any of the Enterprises to the Consortium/Joint Venture intending to terminate the consortium/joint venture agreement, for whatever reason, shall give the Department 30 days written notice of such intention. Notwithstanding such decision to terminate, the Enterprises shall remain jointly and severally liable to the Department for the due fulfilment of the obligations of the Consortium/Joint Venture as mentioned under item D above.
- F. No Enterprise to the Consortium/Joint Venture shall, without the prior written consent of the other Enterprises to the Consortium/Joint Venture and of the Department, cede any of its rights or assign any of its obligations under the consortium/joint venture agreement in relation to the Contract with the Department referred to herein.
- G. The Enterprises choose as the *domicilium citandi et executandi* of the Consortium/Joint Venture for all purposes arising from the consortium/joint venture agreement and the Contract with the Department in respect of the project under item A above:

Physical address: _____

_____ (Postal code) _____

Postal Address: _____

_____ (Postal code) _____

Telephone number: _____

Fax number: _____



PA-15.3: Special Resolution of Consortia or Joint Ventures

	Name	Capacity	Signature
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

The bidding enterprise hereby absolves the Department of Public Works & Infrastructure from any liability whatsoever that may arise as a result of this document being signed.

Note:

1. * Delete which is not applicable.
2. **NB:** This resolution must be signed by all the Duly Authorised Representatives of the Legal Entities to the consortium/joint venture submitting this tender, as named in item 2 of Resolution PA-15.2.
3. Should the number of the Duly Authorised Representatives of the Legal Entities joining forces in this tender exceed the space available above, additional names, capacity and signatures must be supplied on a separate page.
4. Resolution PA-15.2, duly completed and signed, from the separate Enterprises who participate in this consortium/joint venture, must be attached to this Special Resolution (PA-15.3).

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 AND THE AMENDED B-BBEE CODES.

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. The value of this bid is estimated to **Not Exceed** R50 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 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. An Exempted Micro Enterprise (EME) is only required to obtain a sworn affidavit or a certificate issued by Companies and intellectual property Commission (CIPC) confirming their annual turnover of R10 Million or less and level of black ownership to claim points.
- 1.6. Qualifying Small Enterprise (QSE) is only required to obtain a sworn affidavit or a certificate issued by Companies and intellectual property Commission (CIPC) confirming their annual turnover of R10 Million or less and level of black ownership to claim points.

Any reference to words "Bid" or Bidder" herein and/or in any other documentation shall be construed to have the same meaning as the words "Tender" or "Tenderer".

For Internal Use

Effective date April 2017

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 Version: 1.3



Preference Points Claim for Bids: PA-16

- 1.7 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.
- 1.8 CERTIFICATES ISSUED BY IRBA AND ACCOUNTING OFFICER HAVE BEEN DISCONTINUED; HOWEVER VALID CERTIFICATES ALREADY ISSUED BEFORE 01 JANUARY 2017 MAY BE USED UNTIL THEY PHASE OUT COMPLETELY BY DECEMBER 2017

2. DEFINITIONS

- (a) **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- (b) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (c) **“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;
- (d) **“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;
- (e) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (f) **“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;
- (g) **“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;
- (h) **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- (i) **“EME”** means an Exempted Micro Enterprise as defines by Codes of Good Practice under section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (j) **“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;
- (k) **“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;
- (l) **“non-firm prices”** means all prices other than “firm” prices;
- (m) **“person”** includes a juristic person;
- (n) **“QSE”** means a Qualifying Small Enterprise as defines by Codes of Good Practice under

Any reference to words “Bid” or Bidder” herein and/or in any other documentation shall be construed to have the same meaning as the words “Tender” or “Tenderer”.

For Internal Use

Effective date April 2017

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Preference Points Claim for Bids: PA-16

Pmin = Comparative price of lowest acceptable bid

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

5.1 In terms of Regulation 6(2) and /or 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

- 5.2 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.
- 5.3 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.
- 5.4 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.
- 5.5 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 10 or 20 points)



Preference Points Claim for Bids: PA-16

(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 Sworn Affidavit for EME's and QSE's.

8 SUB-CONTRACTING (relates to 5.5)

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/ a QSE? YES / NO (delete which is not applicable)

Designated Group: An EME or QSE which is at least 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

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]



Preference Points Claim for Bids: PA-16

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-BBEE status level of contribution indicated in paragraph 7 of the foregoing certificate/ Sworn Affidavit, 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.

.....
.....

SIGNATURE(S) OF BIDDER(S)

DATE:.....

ADDRESS:.....



PA- 40: DECLARATION OF DESIGNATED GROUPS FOR PREFERENTIAL PROCUREMENT

Name of Tenderer EME¹ QSE² Non EME/QSE (tick applicable box)

1. LIST ALL PROPRIETORS, MEMBERS OR SHAREHOLDERS BY NAME, IDENTITY NUMBER, CITIZENSHIP AND DESIGNATED GROUPS.

Name and Surname #	Identity/ Passport number and Citizenship##	Percentage owned	Black	Indicate if youth	Indicate if woman	Indicate if person with disability	Indicate if living in Rural (R) / Under Developed Area (UD) / Township (T) / Urban (U).	Indicate if military veteran
1.		%	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> R <input type="checkbox"/> UD <input type="checkbox"/> T <input type="checkbox"/> U	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.		%	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> R <input type="checkbox"/> UD <input type="checkbox"/> T <input type="checkbox"/> U	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.		%	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> R <input type="checkbox"/> UD <input type="checkbox"/> T <input type="checkbox"/> U	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.		%	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> R <input type="checkbox"/> UD <input type="checkbox"/> T <input type="checkbox"/> U	<input type="checkbox"/> Yes <input type="checkbox"/> No
5.		%	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> R <input type="checkbox"/> UD <input type="checkbox"/> T <input type="checkbox"/> U	<input type="checkbox"/> Yes <input type="checkbox"/> No
6.		%	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> R <input type="checkbox"/> UD <input type="checkbox"/> T <input type="checkbox"/> U	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.		%	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> R <input type="checkbox"/> UD <input type="checkbox"/> T <input type="checkbox"/> U	<input type="checkbox"/> Yes <input type="checkbox"/> No
8.		%	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> R <input type="checkbox"/> UD <input type="checkbox"/> T <input type="checkbox"/> U	<input type="checkbox"/> Yes <input type="checkbox"/> No
9.		%	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> R <input type="checkbox"/> UD <input type="checkbox"/> T <input type="checkbox"/> U	<input type="checkbox"/> Yes <input type="checkbox"/> No
10.		%	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> R <input type="checkbox"/> UD <input type="checkbox"/> T <input type="checkbox"/> U	<input type="checkbox"/> Yes <input type="checkbox"/> No
11.		%	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> R <input type="checkbox"/> UD <input type="checkbox"/> T <input type="checkbox"/> U	<input type="checkbox"/> Yes <input type="checkbox"/> No
12.		%	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> R <input type="checkbox"/> UD <input type="checkbox"/> T <input type="checkbox"/> U	<input type="checkbox"/> Yes <input type="checkbox"/> No

Where Owners are themselves a Company, Close Corporation, Partnership etc, identify the ownership of the Holding Company, together with Registration number
State date of South African citizenship obtained (not applicable to persons born in South Africa)

¹ EME: Exempted Micro Enterprise
² QSE: Qualifying Small Business Enterprise



PA- 40: DECLARATION OF DESIGNATED GROUPS FOR PREFERENTIAL PROCUREMENT

2. DECLARATION:

The undersigned, who warrants that he/she is duly authorized to do so on behalf of the Tenderer, hereby confirms that:

- 1 The information and particulars contained in this Affidavit are true and correct in all respects;
- 2 The Broad-based Black Economic Empowerment Act, 2003 (Act 53 of 2003), Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000), the Preferential Procurement Regulations, 2017, National Small Business Act 102 of 1996 as amended and all documents pertaining to this Tender were studied and understood and that the above form was completed according to the definitions and information contained in said documents;
- 3 The Tenderer understands that any intentional misrepresentation or fraudulent information provided herein shall disqualify the Tenderer's offer herein, as well as any other tender offer(s) of the Tenderer simultaneously being evaluated, or will entitle the Employer to cancel any Contract resulting from the Tenderer's offer herein;
- 4 The Tenderer accepts that the Employer may exercise any other remedy it may have in law and in the Contract, including a claim for damages for having to accept a less favourable tender as a result of any such disqualification due to misrepresentation or fraudulent information provided herein;
- 5 Any further documentary proof required by the Employer regarding the information provided herein, will be submitted to the Employer within the time period as may be set by the latter;

Signed by the Tenderer

Name of representative	Signature	Date