

**YOU ARE HEREBY INVITED TO BID FOR REQUIRMENTS OF THE MEDIA
INFORMATION AND COMMUNICATIONS TECHNOLOGIES SECTOR
EDUCATION AND TRAINING AUTHORITY**

REQUEST FOR BID REF: MICT/SETA/DBN/001/2021

REQUIREMENT DESCRIPTION:

**APPOINTMENT OF SERVICE PROVIDER FOR THE PROVISIONING OF OFFICE
ACCOMODATION TO MICT SETA DURBAN REGIONAL OFFICE FOR A PERIOD OF
THREE (3) YEARS.**

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BID CLOSING DATE: 02 JUNE 2021 at 11:00 AM

REQUIREMENT DESCRIPTION:

APPOINTMENT OF SERVICE PROVIDER FOR THE PROVISIONING OF OFFICE ACCOMODATION TO MICT SETA DURBAN REGIONAL OFFICE FOR A PERIOD OF THREE (3) YEARS.

Bid Reference Number	MICT /SETA/DBN/001/2021
Supplier Briefing Session	N/A
Bid Closing date & time	02 June 2021 @ 11:00 am South African Time. <i>*Note: A bid will not be considered if it arrives a second after 11:00 am or any time thereafter. Bidders are therefore strongly advised to ensure that bids are dispatched allowing enough time for any unforeseen events that may delay the delivery of the bid.</i>
Instruction for submission of Bid	Bid must be received in a sealed envelope (1 hard copy) marked with this RFB reference number deposited in a tender box at the location indicated hereunder.
Location for Bid submissions	MICT SETA Head Office: Reception 19 Richards Drive, Gallagher Convention Centre West Wing, level 3 Midrand
Bid Validity Period	Bids received shall remain valid for acceptance for a period of 120 counted from the closing date of the bid.

CLARIFICATION AND COMMUNICATION

- All enquiries relating to this bid must be addressed in writing to bidqueries@mict.org.za three days **before the closing date and time**. Queries received after this period will not be entertained.
- The bid reference number must be mentioned in all correspondences.

Note: Bidders are advised that a response will be disqualified should any attempt be made by a bidder either directly or indirectly to canvass any officer(s) or employees of MICT- SETA in respect of the RFB, between the closing and award date of the business.

SUPPLIER REGISTRATION ON CSD

Prospective suppliers must register on the National Treasury Central Supplier database in terms of National Treasury circular no 4A of 2016/17. The bidder shall register prior submitting a proposal/bid.

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RETURNABLE DOCUMENTS CHECKLIST

Bid invitation document must be completed, signed and submitted as a whole by the authorised Company representative. All forms must be properly completed, list below serve as a checklist of your RFB submission.

(Tick in the relevant block below)

DESCRIPTION	YES	NO
CSD Central Supplier Database (CSD) Registration Report		
SBD 1 - Fully completed with required proof (Where applicable)		
Pricing Schedule		
Annexure A to Pricing Schedule		
Valid Tax Clearance Certificate (S) and or proof of application endorsed by SARS / and or SARS issued verification pin		
Designated Sectors: Local production and content (Where applicable)		
SBD 4 - Declaration of interest		
SBD 6.1 - Preferential Procurement Claim form and copy of the B-BBEE Verification Certificate(s) for a bidder and its subcontractor (s) issued by an authorised body or person, or a sworn affidavit prescribed by the B-BBEE Codes of Good Practice.		
Copy of joint venture/ consortium or sub-contracting agreement duly signed by all parties. (Where applicable)		
SBD 8: Declaration of Bidder's Past Supply Chain Practices		
SBD9: Certificate of Independent Bid Determination		

SBD 1: PART A: INVITATION TO BID

SUPPLIER INFORMATION				
NAME OF BIDDER				
POSTAL ADDRESS				
STREET ADDRESS				
TELEPHONE NUMBER	CODE		NUMBER	
CELLPHONE NUMBER				
FACSIMILE NUMBER	CODE		NUMBER	
E-MAIL ADDRESS				
COMPANY REGISTRATION NUMBER				
DATE OF REGISTRATION				
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	Refer to pricing schedule/costing		TOTAL BID PRICE (ALL INCLUSIVE)	Refer to pricing schedule/costing

PART B: TERMS AND CONDITIONS FOR BIDDING

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.

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.

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- 3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? YES NO
- 3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA? YES NO
- 3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? YES NO
- 3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? YES NO

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.

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

BIDDING STRUCTURE

Bidding structure

Indicate the type of bidding structure by marking with an 'X':

Individual bidder	
Joint Venture	
Consortium	
Subcontractors	
Other	

If the bid is submitted as a Consortium or Joint Venture or Sub Contracting Arrangement list the members of such Consortium or Joint Venture and Sub Contractors below:

Bidder's Information (includes bids submitted Individual or as a Consortium or Joint Venture)

Supplier size type (Large or QSE or EME)	
First time business with MICT SETA (Yes/No)	
Number of existing running contracts and total value	
Total number of Employees	

Entity ownership

Ownership category	% of ownership
Black or historically disadvantage individual owned	
Black women owned	
Black youth owned	
People living with disability	
Military veteran	
Other ownership	
Total (100%)	

MICT SETA -BID CONDITIONS

1. BID CONDITIONS

NOTE: Bids for the supply of goods or services described in this document are invited in accordance with the provision of Government Procurement: General Conditions of Contract available for download from <http://www.treasury.gov.za/divisions/ocpo/sc/GeneralConditions/>

- a. **MICT SETA** does not bind itself to accept the lowest or any RFB, nor shall it be responsible for or pay any expenses or losses which may be incurred by the bidder in the preparation and delivery of the RFB.
- b. No RFB shall be deemed to have been accepted unless and until a formal contract / letter of intent is prepared and executed.

1.1 **MICT SETA** reserves the right to:

- a. Not evaluate and award RFB that do not comply strictly with the requirements of this RFB.
- b. Make a selection solely on the information received in the RFBs and Enter into negotiations with any one or more of preferred bidder(s) based on the criteria specified in the evaluation of this RFB.
- c. Contact any bidder during the evaluation process, in order to clarify any information, without informing any other bidders and no change in the content of the RFB shall be sought, offered or permitted.
- d. Award a contract to one or more bidder(s).
- e. Withdraw the RFB at any stage
- f. Accept a separate RFB or any RFB in part or full at its own discretion.
- g. Cancel this RFB or any part thereof at any stage as prescribed in the PPPFA regulation.
- h. Select the bidder(s) for further negotiations on the basis of the greatest benefit to MICT SETA and not necessarily on the basis of the lowest costs

2. COST OF BIDDING

The bidder shall bear all costs and expenses associated with preparation and submission of its RFB or RFB, and the MICT SETA shall under no circumstances be responsible or liable for any such costs, regardless of, without limitation, the conduct or outcome of the bidding, evaluation, and selection process.

PRICING SCHEDULE

Name of bidder _____

Bid number: _____

Closing date _____

Bid shall remain valid for acceptance for a period of **120 days** counted from the closing date.

Item	Requirement Description	Number of years	Price per Year	Sub-Total
1	<p>APPOINTMENT OF SERVICE PROVIDER FOR THE PROVISIONING OF OFFICE ACCOMODATION TO MICT SETA DURBAN REGIONAL OFFICE FOR A PERIOD OF THREE (3) YEARS.</p> <p>NB: Detailed price breakdown including escalations for applicable years shall be submitted separately as Annexure A to Pricing schedule.</p>	3 YEARS		
				-
Sub-Total				-
VAT@15%				-
TOTAL PRICE (INCLUDING VAT)				-

I/We, the undersigned, agree that this bidding price shall remain binding on me/us and open for acceptance for the period stipulated above;

Authorised Company Representative:

Capacity under which this bid is signed.....

Signature:

Date:

TERMS OF REFERENCE

**APPOINTMENT OF SERVICE PROVIDER FOR THE
PROVISIONING OF OFFICE ACCOMODATION TO
MICT SETA DURBAN REGIONAL OFFICE FOR A
PERIOD OF THREE (3) YEARS.**

1. BACKGROUND

MICT SETA, one of the Sector Education and Training Authorities (SETA's), was established in March 2000 to transform the skills profile of the Media, Information and Communications Technology (MICT) sector. It operates within the context of the National Skills Development Plan to raise the levels, quality and relevance of the education and training in the sector and encourages partnerships between the public and private organisations to benefit employers, employees and the unemployed.

2. OBJECTIVE

MICT SETA seeks to find a suitable service provider within the Durban area for office accommodation for a period of three (3) years.

3. SCOPE OF WORK

The proposal submitted by bidders must include the following MICT SETA requirements and MICT SETA will not incur any fit out costs:

3.1 Building- General Requirements

- 3.1.1. The office space must be within an office park or stand-alone building, must be in the Durban area or within 10km radius within CBD
- 3.1.2. Close proximity to public transportation.
- 3.1.3. The actual building size proposed must be between a range of 300-400m².
- 3.1.4. Proposals must be submitted according to the Grade of the building.
- 3.1.5. The building should allow for comfortable entrance / exit to and from the building by staff, clients and service providers.
- 3.1.6. The building and office space must make provision for access control which must be accessible to both staff and stakeholders.
- 3.1.7. The building should have access for people with special needs/ disability (e.g. wheel chair ramp)
- 3.1.8. The building must be an existing building (complete built structure) within a complex of other offices/ business.
- 3.1.9. B or C Grade office accommodation
- 3.1.10. Approximately 300-400m² Gross Lettable Area (GLA)
- 3.1.11. Exterior signage must be allowable.
- 3.1.12. Building insurance is the responsibility of the landlord.
- 3.1.13. A building with a green rating would be advantageous.
- 3.1.14. Minimum of ten (10) Secure on-site parking and sufficient parking for visitors parking, must be available for visitors and stakeholders.
- 3.1.15. Provision of a boardroom and a mini boardroom within the parameters of the rental space (300-400 sqm).
- 3.1.16. Provision of two (2) meeting rooms, an open area kitchen space and eating area, sick bay, a provision for (2) storeroom and a printing area. There must be a strong (server) room, in addition to the storeroom. Only managers will have offices (glass cubicles) and the rest of the staff have open plan area. Currently there is one (1) Manager
- 3.1.17. The service provider must supply workstations that allows for a sitting of 6 people, the furniture must consist of 6 chairs, lockable credenza's and the working station cubicle at least

90 cm high from the workable/table area. The working station must cater for Covid -19 social distancing of 1,5m. The provision of the furniture should be provided as rental cost to MICT SETA.

3.1.19. General safety within the complex: An outside surveillance cameras and controlled access an active alarm system, etc.

3.1.20. The bidder will be required to provide office layout plans including.

3.1.21. The landlord must provide the open plan workstations furniture and also paint wherever required using the MICT Colours.

3.1.22. The open plan arrangement should have power points.

3.2. Building Services

3.2.1. The building must make provision for goods and passengers lifts (if applicable)

3.2.2. Ablution facilities accommodating MICT SETA staff and visitors, including facilities for the physically disabled as required by MICT SETA.

3.2.3. The accommodation must provide lighting as per building regulations.

3.2.4. The office accommodation must be fully air-conditioned and ventilated.

3.2.5. Uninterrupted power supply (UPS) and back-up generator power supply must be available in the event of power failure for the entire building.

3.2.6. The space(s) on offer must have its own electric distribution board(s).

3.2.7. The accommodation must have existing fire detection and prevention services.

3.2.8. A floor plan of the building drawn to scale with a detailed entrance and exits routes.

3.2.9. Provision of one (1) storeroom

3.2.10. The lease offered must be for 36 months. The lease offered must also allow for further extension of the building if required which will mainly cater for ablution and office space.

3.2.11. The lease offered must provide a termination option.

3.2.12. The lease offered must provide the MICT SETA with right of first refusal

3.2.13. The lease offered must indicate the tenant installation requirements

3.2.14. The lease offered must provide an option for building maintenance by the lessor / landlord as part of the lease.

3.2.15. The lease contract should be signed with the owner of the building/ landlord not an agency or third party.

Note: The successful bidder will be responsible for the cost of alterations necessary to adapt the offered accommodation to the specific needs of MICT SETA in accordance with the norm document and/or specified and minimum requirements

4. BID EVALUATION CRITERIA

4. EVALUATION CRITERIA

Bids received will be evaluated against the following set evaluation criteria.

4.1. PRE-QUALIFICATION CRITERIA (Regulation 4)

a) Bidder shall have a minimum BBBEE status of level 3 or better.

Proof of compliance

Bidder must submit a valid proof of BBBEE status (BBBEE verification certificate issued by a SANAS accredited agency verification agency or CIPC B-BBEE certificate or B-BBEE affidavit duly sworn and commissioned).

Bidders please take note:

The duly sworn and commissioned BBBEE affidavits must be based on the Audited Financial Statements /Financial Statements and other information available on the latest financial year end DD/MM/YYYY. Kindly contact the DTI for more information with regards to applicable latest financial year end.

4.2. MANDATORY CRITERIA

a) Bidder must own the property / building or has the sole rights to rent out as an agent.

Proof of compliance

- If the bidder is the owner of the property /building, a documented proof indicating ownership of the specified building must be submitted, or
- If the bidder has the sole rights to rent out as an agent, a documented proof or memorandum of agreement for the specified building must be submitted.

b) The existing premises including all equipment and installations, must comply with the requirements of the Occupational Health and Safety Act, (OHSA) 1993 emergency evacuation process.

Proof of compliance

Bidder must submit with the bid a certified copy of Certificate of Compliance with the Occupational Health and Safety Acts (OHSA) issued by the Department of Labour.

Note: Bidders that do not meet the requirements of set pre-qualification and mandatory criteria will be eliminated from further evaluation process.

4.3. FUNCTIONAL CRITERIA

4.3.1. Technical Evaluation

Only bidders that have met the set pre-qualification and mandatory criteria will be considered for functionality evaluation.

The RFB submission will be technically evaluated out of a maximum of **100 points**. A threshold of **70** out of the **100 points** has been set. Only bidders that have met or exceeded the minimum threshold of **70** points for functionality will be evaluated and scored in terms of price and B-BBEE Preference points.

Note: All bidders achieving less than the set threshold will be declared non-responsive. Assessment of evaluation of the functional/ technical criteria will be based on the table below.

NB!! Site inspection will be conducted for the first three (3) bidders with the highest points on functional criteria.

FUNCTIONAL CRITERIA WEIGHING

	Functional Criteria	Max Points
1. Building / Premises - General Requirements		
	<p>a). Minimum of ten (10) Secured on-site parking for staff. Sufficient Secured on- site visitors parking must also be available. Confirmation of which should be included in the proposal.</p> <p>Minimum of 10 secured parking for staff= 5 Points More than 10 secured parking for staff= 10 points</p>	10
	b) Proof of Property insurance certificate	10
	<p>c). The existing premises including all equipment and installations, must comply with the National Building Regulations and the requirements of the Occupational Health and Safety Act, (OHSA) 1993, emergency evacuation process.</p> <p>Certified copy of Certificate of Compliance with the Occupational Health and Safety Acts (OHSA) issued by the Department of Labour.</p>	15
	d). Audited financial statement for 2020/2021 financial year.	5
2. Building Services		
	a) Uninterrupted power supply (UPS) and back-up generator power supply must be available in the event of power failure for the entire building.	15
	b) The accommodation must have existing fire detection and prevention services, must be fully air-conditioned and ventilated.	15
3. Site Accessibility		
	a) The building must be an existing building (complete built structure) within a complex of offices/businesses, proof of current property report must be submitted.	15
	b) The building should allow for secure entry/ exit and make provision for access control for staff, clients, service providers and stakeholders.	5
	c) Office Accommodation must be in the Durban area or within 10km radius within Durban CBD. Accommodation must be accessible to public transport. Radius to public transport route from the office may not exceed 800m.	5
	d) Office building plans (including 3D depiction or sketches of the office)	5
TOTAL		100

PREFERENCE POINT SYSTEM

4.4. PREFERENCE POINT SYSTEM

- a. The bidder obtaining the highest number of total points will be awarded the contract unless objective criteria justify the award to another bidder.
- b. In the event that two or more tenderers have scored equal total points, the successful tenderer must be the one that scored the highest points for B-BBEE.
- c. If two or more tenderers have equal points, including equal preference points for B-BBEE, the successful tenderer must be the one scoring the highest score for functionality, if functionality is part of the evaluation process.
- d. In the event that two or more tenderers are equal in all respects, the award must be decided by the drawing of lots

4.4.1 POINTS AWARDED FOR PRICE

Maximum 80 points for price will be allocated as per paragraph 3.1 of Preferential Procurement Regulations 2011, refer to Preferential Procurement Claim form on **SBD 6.1**.

4.4.2 POINTS AWARDED FOR B-BBEE

Maximum 20 points for B-BBEE will be allocated as per paragraph 4.1 of Preferential Procurement Regulations 2011, refer to Preferential Procurement Claim form on **SBD 6.1**.

- a. Bidders who qualify as EME's and QSE's in terms of the B-BBEE Act must submit a Sworn affidavit. Misrepresentation of information, constitutes a criminal offence.
- b. Bidders other than EME's or QSE's must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by SANAS.
- c. 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.
- d. 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.
- e. 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.
- f. A Bidder will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended Sub-contractor is an EME that has the capacity and the ability to execute the sub-contract.
- g. A Bidder awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capacity and the ability to execute the sub-contract.

PREFERENTIAL PROCUREMENT CLAIM FORM SBD 6.1

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

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

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1 GENERAL CONDITIONS

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

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

a) The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable.

1.2 Points for this bid shall be awarded for:

Price; and B-BBEE Status Level of Contributor.

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

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE must not exceed	100

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

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

2 DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price Bid, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;

- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3 POINTS AWARDED FOR PRICE

3.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

P_{\min} = Price of lowest acceptable bid

4 POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

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

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

5 BID DECLARATION

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

6 B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

6.1 B-BBEE Status Level of Contributor: =(maximum of 10 or 20 points)
 (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.)

7 SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

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

8 DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:.....

8.2 VAT registration number.....

8.3 Company registration number.....

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

8.6 COMPANY CLASSIFICATION

- Manufacturer
- Professional service provider
- Supplier
- Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

8.7 Total number of years the company/firm has been in business:.....

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
 - (b) 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;
 - (c) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and forward the matter for criminal prosecution.

WITNESSES

1.

2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....

.....

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-
- the bidder is employed by the state; and/or
 - the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

2.1 Full Name of bidder or his or her representative:

2.2 Identity Number:

2.3 Position occupied in the Company (director, trustee, shareholder²):

2.4 Company Registration Number:

2.5 Tax Reference Number:

2.6 VAT Registration Number:

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

¹"State" means –

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

²"Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

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

2.7.1 If so, furnish the following particulars:

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

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

Position occupied in the state institution:

Any other particulars:
.....

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

2.7.2.1 If yes, did you attached proof of such authority to the bid document? **YES / NO**
(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

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

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

2.8.1 If so, furnish particulars:
.....

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

2.9.1 if so, furnish particulars.
.....

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

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

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

2.11.1 If so, furnish particulars:
.....
.....
.....

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

Full name	Identity number	Personal tax reference number	State employee number / Persal number

4 DECLARATION

I, the undersigned (name).....

certify that the information furnished in paragraphs 2 and 3 above is correct. I accept that the state may reject the bid or act against me in terms of paragraph 23 of the general conditions of contract should this declaration prove to be false.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector Companies or person who are listed on this database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied. The Database of Restricted Suppliers now resides on the National Treasury's website (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

CERTIFICATION

I, the undersigned (full name).....

certify that the information furnished on this declaration form is true and correct. I accept that, in addition to cancellation of a contract, action may be taken against me should this declaration prove to be false.

.....

Signature

.....

Date

.....

Position

.....

Name of bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by: **MICT SETA**

(Name of Institution)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
- (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid;
- or
- (f) bidding with the intention not to win the bid.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.

9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

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

.....

Signature

.....

Date

.....

Position

.....

Name of Bidder

Sworn Affidavit – B-BBEE Exempted Micro Enterprise

I, the undersigned,

Full name and Surname	
Identity number	

Hereby declare under oath as follows:

1. The contents of this statement are to the best of my knowledge a true reflection of the facts.
2. I am a member / director / owner of the following enterprise and am duly authorised to act on its behalf:

Enterprise Name:	
Trading Name	
Registration Number:	
Enterprise Address:	
Entity Type (CC, (Pty) Ltd, etc.):	
Nature of Business:	
Definition of “Black People”	As per the Broad-Based Black Economic Empowerment Act 53 of 2003 as Amended by Act No 46 of 2013 “Black People” is a generic term which means Africans, Coloureds and Indians – (a) who are citizens of the Republic of South Africa by birth or descent; or (b) who became citizens of the Republic of South Africa by naturalisation- i. before 27 April 1994; or ii. on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalization prior to that date;”
Definition of “Black Designated Groups”	“Black Designated Groups means: (a) unemployed black people not attending and not required by law to attend an educational institution and not awaiting admission to an educational institution; (b) Black people who are youth as defined in the National Youth Commission Act of 1996; (c) Black people who are persons with disabilities as defined in the Code of Good Practice on employment of people with disabilities issued under the Employment Equity Act; (d) Black people living in rural and under developed areas; (e) Black military veterans who qualifies to be called a military veteran in terms of the Military Veterans Act 18 of 2011;”

3. I hereby declare under Oath that:

- The Enterprise is ____% Black Owned using the flow-through principle as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013,
- The Enterprise is ____% Black Female Owned as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 (1) of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013,
- The Enterprise is ____% Black Designated Group Owned as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 (1) of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013,
- Black Designated Group Owned % Breakdown as per the definition stated above:
 - Black Youth % = %
 - Black Disabled % = ____%
 - Black Unemployed % = ____%
 - Black People living in Rural areas % = ____%
 - Black Military Veterans % = ____%

- Based on the Audited Financial Statements/Financial Statements and other information available on the latest financial year-end of _____ DD/MM/YYYY, the annual Total revenue did not exceed R10,000,000.00 (Ten Million Rands)
- Please Confirm on the below table the B-BBEE Level Contributor, **by ticking the applicable box.**

100% Black Owned	Level One (135% B-BBEE procurement recognition level)	
At least 51% Black Owned	Level Two (125% B-BBEE procurement recognition level)	
Less than 51% Black Owned	Level Four (100% B-BBEE procurement recognition level)	

4. I know and understand the contents of this affidavit and I have no objection to take the prescribed oath and consider the oath binding on my conscience and on the owners of the enterprise which I represent in this matter
5. The sworn affidavit will be valid for a period of 12 months from the date signed by commissioner.

Deponent Signature:

Deponent Designation:.....

Date:

.....
Commissioner of Oaths
Signature & stamp
Date:.....

Sworn Affidavit – B-BBEE Qualifying Small Enterprise

I, the undersigned,

Full name and Surname	
Identity number	

Hereby declare under oath as follows:

1. The contents of this statement are to the best of my knowledge a true reflection of the facts.
2. I am a member / director / owner of the following enterprise and am duly authorised to act on its behalf:

Enterprise Name:	
Trading Name	
Registration Number:	
Enterprise Address:	
Entity Type (CC, (Pty) Ltd, etc.):	
Nature of Business:	
Definition of “Black People”	As per the Broad-Based Black Economic Empowerment Act 53 of 2003 as Amended by Act No 46 of 2013 “Black People” is a generic term which means Africans, Coloureds and Indians – (c) who are citizens of the Republic of South Africa by birth or descent; or (d) who became citizens of the Republic of South Africa by naturalisation- i. before 27 April 1994; or ii. on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalization prior to that date;”
Definition of “Black Designated Groups”	“Black Designated Groups means: (f) unemployed black people not attending and not required by law to attend an educational institution and not awaiting admission to an educational institution; (g) Black people who are youth as defined in the National Youth Commission Act of 1996; (h) Black people who are persons with disabilities as defined in the Code of Good Practice on employment of people with disabilities issued under the Employment Equity Act; (i) Black people living in rural and under developed areas; (j) Black military veterans who qualifies to be called a military veteran in terms of the Military Veterans Act 18 of 2011;”

3. I hereby declare under Oath that:

- The Enterprise is ____% Black Owned using the flow-through principle as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013,
- The Enterprise is ____% Black Female Owned as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 (1) of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013,
- The Enterprise is ____% Black Designated Group Owned as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 (1) of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013,
- Black Designated Group Owned % Breakdown as per the definition stated above:
 - Black Youth % = %
 - Black Disabled % = ____%
 - Black Unemployed % = ____%
 - Black People living in Rural areas % = ____%
 - Black Military Veterans % = ____%

- Based on the Audited Financial Statements/ Financial Statements and other information available on the latest financial year-end of _____ DD/MM/YYYY, the annual Total Revenue did not exceed R50,000,000.00 (Fifty Million Rands).
- Please confirm on the table below the B-BBEE level contributor, **by ticking the applicable box.**

100% Black Owned	Level One (135% B-BBEE procurement recognition level)	
At Least 51% black owned	Level Two (125% B-BBEE procurement recognition level)	

4. I know and understand the contents of this affidavit and I have no objection to take the prescribed oath and consider the oath binding on my conscience and on the owners of the enterprise which I represent in this matter

5. The sworn affidavit will be valid for a period of 12 months from the date signed by commissioner.

Deponent Signature:

Deponent Designation.....

Date:

.....

Commissioner of Oaths

Signature & stamp

Date: