

<b>RFQ NUMBER</b>	<b>RFQ/MICT/131/2023</b>
<b>RFQ DESCRIPTION</b>	<b>APPOINTMENT OF COMPETENT AND ACCREDITED SERVICE PROVIDER FOR THE PROVISION OF DIGITAL / ELECTRONIC SIGNATURES FOR A PERIOD OF TWELVE (12) MONTHS.</b>
<b>RFQ ISSUE DATE</b>	<b>27 March 2024</b>
<b>BRIEFING SESSION</b>	<b>N/A</b>
<b>CLOSING DATE &amp; TIME</b>	<b>05 April 2024 @ 11:00 AM RFQ submitted after the stipulated closing date and time will not be considered.</b>
<b>LOCATION FOR SUBMISSIONS</b>	<a href="mailto:rfqs@mict.org.za">rfqs@mict.org.za</a>
<b>NO: OF DOCUMENTS</b>	<b>1 SOFT COPY</b>

For queries, please contact [rfqs@mict.org.za](mailto:rfqs@mict.org.za) before the closing date of this RFQ.

The MICT SETA requests your quotation on the services listed above. Please furnish us with all the information as requested and return your quotation on the date and time stipulated above. **Late and incomplete submissions will invalidate the quote submitted.**

SUPPLIER NAME: \_\_\_\_\_

NATIONAL TREASURY (CSD) SUPPLIER NUMBER: \_\_\_\_\_

POSTAL ADDRESS: \_\_\_\_\_

TELEPHONE NO: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_

CELL NO: \_\_\_\_\_

SIGNATURE OF BIDDER: \_\_\_\_\_

### **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.



**RETURNABLE DOCUMENTS CHECKLIST**

**Quotation invitation document must be completed, signed, and submitted as a whole** by the authorised Company representative. All forms must be properly completed, the list below serves as a checklist for your RFQ submission.

(Tick in the relevant block below)

DESCRIPTION	YES	NO
<b>CSD</b> Central Supplier Database (CSD) Registration Report		
Pricing Schedule		
Valid Tax Clearance Certificate (S) and or proof of application endorsed by <b>SARS</b> and/or <b>SARS-issued</b> verification pin		
<b>SBD 4 – Bidder’s Disclosure</b>		
<b>SBD 6.1 - Preference Procurement Claim Form</b>		
CIPC registration documents		
Director(s) Certified ID copy		
Shareholder Certificate		

**Note: This RFQ must be completed and signed by the authorised company representative**

**MICT SETA – QUOTATION CONDITIONS****1. QUOTATION CONDITIONS**

NOTE: Quotation 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 RFQ, 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 RFQ.
- b. No RFQ 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 RFQ that do not comply strictly with the requirements of this RFQ.
- b. Make a selection solely on the information received in the RFQs and Enter into negotiations with any one or more of the preferred bidder(s) based on the criteria specified in the evaluation of this RFQ.
- 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 RFQ shall be sought, offered, or permitted.
- d. Award a contract to one or more bidder(s).
- e. Withdraw the RFQ at any stage
- f. Accept a separate RFQ or any RFQ in part or full at its own discretion.
- g. Cancel this RFQ or any part thereof at any stage as prescribed in the PPPFA regulation.
- h. Select the bidder(s) for further negotiations based on 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 the preparation and submission of its RFQ or RFQ, 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 processes.

## TERMS OF REFERENCE

### **1. INTRODUCTION**

The Media, Information and Communication Technologies Sector Education and Training Authority (MICT SETA) is a public entity established in terms of Section 9(1) of the Skills Development Act (Act No. 97 of 1998). The MICT SETA plays a pivotal role in achieving South Africa's skills development and economic growth within the 5 distinct sub-sectors it operates in, i.e., Advertising, Film and Electronic Media, Electronics, Information Technology, and Telecommunications.

### **2. BACKGROUND**

The MICT SETA processes documents from multiple sources in order to execute its mandate in terms of the Skills Development Act no 97 of 1998, in order to implement the National Skills Development Plan.

Documents are currently processed and shared through different platforms. For documents requiring a signature, e-mails are used as the main application for circulation of those documents to relevant signatories.

The above process presents several challenges:

- Electronic signatures are not secure and can be copied and used fraudulently.
- There is no audit trail.
- There is no document repository for future reference of all documents signed by a specific user.
- Non-adherence to ISO standards in terms of electronic signatures.

In order to move with trends and improve on digitisation, and thus implement its Digital Strategy, the MICT SETA seeks to acquire a secure Digital Signatures solution which complies with the minimum requirements of this bid. Experienced and competent service providers are invited to submit proposals in this regard.

### **3. PURPOSE AND OBJECTIVES**

#### **3.1. Purpose**

The purpose of this bid is to appoint a reputable and experienced service provider for the provision of a secure Digital Signatures system with electronic signature capabilities.

The bidder should enable the organisation to achieve project objectives as detailed hereinunder and achieve the minimum requirements of this bid.

#### **3.2. Project Objectives**

The following are the specific objectives:

- a) Supply, and implementation of a secure Digital Signatures solution with workflows, and that can provide for legal permissibility.
- b) Migration of the solution into Microsoft SharePoint and integration with Azure Active Directory.
- c) End-user training for efficient use of the solution.

## 4. SCOPE OF WORK

### 4.1. Scope of Work (Minimum Requirements)

#### 4.1.1. Technical / Functional Requirements of the solution

The solution must comply with the below functional requirements:

- a) Digital signatures should be created using digital X.509 standards for public key certificates.
- b) The solution must offer digital signatures and embedded electronic signatures.
- c) The solution must allow the MICT SETA to share documents via a Secure Platform.
- d) The solution must be web-based, with standard workflows and mobile compatibility for all operating systems.
- e) Long-term validation records of the state of the certificate at the time of signing should be embedded.
- f) Full auditable X.509 trusted Adobe Approved Trust List (AATL). must be embedded for every signatory in the workflow.
- g) Secure audit logs must be written and sealed into documents using steganography.
- h) Must have multi-factor authentication (MFA), Active Directory (AD) and Light Weight Directory Access Protocol (LDAP) integration.
- i) Time stamping must be applied through a trusted Timestamping Authority (TSA).
- j) Documents and contents must be tamper-proof and protected from start to finish using cryptography algorithms.
- k) Automated history of events must be logged against a unique document ID to maintain an Audit Trail.
- l) Support and embed AATL.
- m) Geo-location embedded auditable record of the geographical location of signatories.
- n) Documents merging
- o) Customer branding on the landing page and email notification in line with the MICT SETA branding standards.
- p) Integration into the following applications:
  - Active Directory (AD) for single sign-on
  - Office 365 Add-in
  - SharePoint Add-in
- q) The solution must allow the creator to be in control of the workflow and must support signing in:
  - Parallel
  - Sequential
  - Or a combination of both
- r) The solution must allow a maximum of hundred (100) external users who are only going to sign without having to be registered on AD and pay any additional user fees.
- s) The solution must allow scalability to be tailored to accommodate special business process requirements.

#### 4.1.2. Non-functional Requirements

The solution must comply with the below non-functional requirements:

- a) High global legal acceptance
- b) Strong non-repudiation
- c) Strong identity of signatories
- d) Strong content protection
- e) 24/7 customer support services.
- f) Unique embedded e-signatures that cannot be replicated.
- g) Unlimited signatures.
- h) Unlimited portfolio folders/envelopes.
- i) Supports external qualified certificate authorities.
- j) Geo location for signatures.
- k) PDF embedded Audit Trail.
- l) Built-in document validation with QR Code / barcode.
- m) White-label e-mail and system branding (in line with MICT SETA corporate identity standards.
- n) Two-factor and multi-factor authentication.
- o) Full document analytics and insights to cover the following at a minimum:
  - Document workflow timeframes per user.

- Monthly total number of documents signed.
  - The category of document signed.
  - Application performance
  - The number of documents approved, deferred, or declined.
  - The statistics of division/business units requesting signatures.
- p) The solution must have location support within the Republic of South Africa
- q) The Solution must offer an Audit Trail linked to a specific document with a unique identifier.

#### 4.1.3. System Security Standards

The solution must comply with the below minimum security standards:

- a) Protection of Personal Information Act (POPIA), Act No. 04 of 2013 (As amended).
- b) Electronic Communication and Transaction Act (ECTA), Act No. 25 of 2002 (As amended).
- c) National Archive and Record Service Act no 43 of 1996 (As amended)
- d) ISO 27001.
- e) ISO 9001.
- f) Cyber Essentials Scheme.
- g) 256-bit Advanced Encryption Standards (AES).

#### 4.1.4 Training

*Key Training must be provided for the below groups:*

- a) User training
- b) Administrator training

#### 4.1.5. Value-added Products / Services

The bidder must detail any included value-added products and/or services for the project:

- a) The service provider must take responsibility for all after-sales support services.
- b) Updates, support, and maintenance of the system will be the responsibility of the service provider.

#### 4.2. End of contract processes

The following processes shall apply during expiry/termination of the contract:

- a) All Intellectual Property (IP) of MICT SETA processed through the system will remain the IP of MICT SETA. The service provider will not claim any ownership of such IP as it belongs to MICT SETA.
- b) The MICT SETA may opt for continued utilisation of the system with a service provider of its choice through continued licencing of the system.
- c) The MICT SETA may opt to extract the entire database of the system for migration into a new system of its choice.
- d) The bidder will not claim any ownership of any personalised property of the MICT SETA resulting from this bid as such shall remain the sole property of the MICT SETA.
- e) Bidder to provide a close-out report at the end of the contract.

#### 5. PROJECT DURATION

The services will commence upon the signing of the Service Level Agreement for a duration of Twelve (12) Months.

## PRICING SCHEDULE

Name of bidder \_\_\_\_\_

RFQ number: \_\_\_\_\_

Closing date \_\_\_\_\_

RFQ submission shall remain valid for acceptance for a period of **90 days** counted from the closing date.

Item	Requirement Description	Quantity (Months)	Unit Cost	Total Cost (Incl. VAT)
	APPOINTMENT OF A COMPETENT AND ACCREDITED SERVICE PROVIDER FOR THE PROVISION OF DIGITAL/ELECTRONIC SIGNATURES FOR A PERIOD OF TWELVE (12) MONTHS.			
1.	<b>Subscription</b> (200 officials) Licencing, configuration, customisation, hosting, and installation for 12 months.	12	R	R
2.	<b>Training and Awareness</b> (200 officials) Hours required for the training of all parties are as follows: • 7 ICT officials for admin level and support. • 193 for normal user profiles.	12	R	R
3.	Other related Costs	1	R	R
<b>Sub-Total</b>				
<b>VAT@15%</b>				
<b>TOTAL PRICE (INCLUDING VAT)</b>				

**\*\* Bidders are requested to submit a separate cost breakdown that covers the entire scope of work.**

Complete below:

1. Delivery Address: **MICT SETA Head office**  
**Level 3 West wing, Gallagher House**  
**19 Richards Drive, Halfway House**  
**Midrand**
2. Indicate Delivery period after order receipt.....
3. Is delivery period fixed? **Yes/No**
4. Is the price(s) fixed? **Yes/No**
5. Is the quote strictly to specification? **Yes/No**

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 quote is signed.....

Signature: .....

Date: .....

## EVALUATION CRITERIA

### EVALUATION CRITERIA

The MICT SETA complies with the provisions of the Public Finance Management Act, Act No. 1 of 1999 as amended; Treasury Regulations of 2005; the Preferential Procurement Policy Framework Act, Act No. 5 of 2000; Preferential Procurement Regulations of 2022; and MICT SETA Supply Chain Management (SCM) Policy.

RFQs received will be evaluated on functional criteria, and price & specific goals comparison.

### FUNCTIONAL EVALUATION CRITERIA

RFQ proposals submitted will be evaluated on technical functionality out of a maximum of **100 points**. A threshold of **75 points** out of **100 points** has been set.

Only bidders who meet or exceed the qualification threshold on technical functionality of **75 points** will be evaluated further on price and specific goals.

**Note:** All bidders achieving less than the set threshold of **75 points** will not move to the next stage of evaluations.

Assessment of evaluation of the functional/ technical criteria will be based on the table below:

FUNCTIONAL CRITERIA WEIGHING		
Category	Description	Maximum Points
<b>Solution Proposal</b>	<p>The Bidder must submit a proposal for the required solution. The proposal must cover the minimum requirements of the proposed solution as detailed in the bid and summarised below:</p> <ul style="list-style-type: none"> <li>• <b>Technical / Functional requirements</b></li> <li>• <b>Non-functional requirements</b></li> <li>• <b>System security standards</b></li> <li>• <b>Value-added products/services</b></li> </ul> <p><b>Points submission of solution proposal for all minimum requirements to substantiate functionality of the system will be allocated as follows:</b></p> <ul style="list-style-type: none"> <li>• Bidder submitted a proposal that meets or exceeds all components of the minimum requirements of the proposed solution = <b>40 points</b></li> <li>• Bidder submitted a proposal that does not meet all the minimum requirements of the proposed solution = <b>0 points</b></li> <li>• Bidder did not submit a proposal of the proposed solution = <b>0 points</b></li> </ul> <p><b>NB: Non-compliance with the minimum requirements will be declared non-responsive.</b></p>	<b>40</b>
<b>Experience and Qualification of Team Leader</b>	<p>The Bidder must submit the CV of the Team Leader, showcasing experience in the provision of a Digital Signatures solution to support the MICT SETA when required.</p> <p><b>Experience (05 Points)</b></p> <p><b>Points on submission of the CV of the Team Leader with experience in the provision of a Digital Signatures solution will be allocated as follows:</b></p> <ul style="list-style-type: none"> <li>• Bidder submitted CV of Team Leader with seven (07) years and above experience in the provision of Digital Signatures solution = <b>05 points</b></li> <li>• Bidder submitted CV of Team Leader with six (06) years' experience in the provision of Digital Signatures solution = <b>04 points</b></li> </ul>	<b>15</b>



	<ul style="list-style-type: none"> <li>• Bidder submitted CV of Team Leader with Five (05) years' experience in the provision of Digital Signatures solution = <b>03 points</b></li> <li>• Bidder submitted CV of Team Leader with Four (04) years' experience in the provision of Digital Signatures solution = <b>02 points</b></li> <li>• Bidder submitted CV of Team Leader with three (03) years' experience in the provision of Digital Signatures solution = <b>01 point</b></li> <li>• Bidder submitted CV of Team Leader with below three (03) years' experience in the provision of Digital Signatures solution = <b>0 points</b></li> </ul> <p><b>Qualifications (10 Points)</b></p> <p>Team Leader must have an NQF Level 8 qualification in Project Management.</p> <p><b>Points on submission of Qualification of Team Leader will be allocated as follows:</b></p> <ul style="list-style-type: none"> <li>• Bidder submitted NQF Level 8 qualification in Project Management = <b>10 points</b></li> <li>• Bidder submitted NQF Level 7 qualification in Project Management = <b>08 points</b></li> <li>• Bidder submitted NQF Level 6 qualification in Project Management = <b>05 points</b></li> <li>• Bidder submitted qualification below NQF level 6 in Project Management = <b>0 point</b></li> </ul>	
<p><b>Experience and Qualification of the Senior Developer</b></p>	<p>The Bidder must submit the CV of the Senior Developer, showcasing experience in the provision of a Digital Signatures solution to support the MICT SETA when required.</p> <p><b>Experience (05 Points)</b></p> <p><b>Points on submission of CV of Senior Developer with experience in the development/programming of Digital Signatures solutions will be allocated as follows:</b></p> <ul style="list-style-type: none"> <li>• Bidder submitted CV of Senior Developer with seven (07) years' and above of experience in the development/programming of Digital Signatures solutions = <b>05 points</b></li> <li>• Bidder submitted CV of Senior Developer with six (06) years' experience in the development/programming of Digital Signatures solutions = <b>04 points</b></li> <li>• Bidder submitted CV of Senior Developer with Five (05) years' experience in the development/programming of Digital Signatures solutions = <b>03 points</b></li> <li>• Bidder submitted CV of Senior Developer with Four (04) years' experience in the development/programming of Digital Signatures solutions = <b>02 points</b></li> <li>• Bidder submitted CV of Senior Developer with Three (03) years' experience in the development/programming of Digital Signatures solutions = <b>01 point</b></li> <li>• Bidder submitted CV of Senior Developer with below three (03) years' experience in the development/programming of Digital Signatures solutions = <b>0 points</b></li> </ul> <p><b>Qualifications (10 Points)</b></p> <p>Senior Developer must have an NQF Level 7 qualification in Information Technology (Software/Application development) with a cloud computing certificate (Preferably on the Microsoft platform)</p> <p><b>Points on submission of Qualification of Senior Developer will be allocated as follows:</b></p> <ul style="list-style-type: none"> <li>• Bidder submitted NQF Level 7 qualification in Information Technology (Software/Application development) and cloud certificate = <b>10 points</b></li> <li>• Bidder submitted NQF Level 6 qualification in Information Technology (Software/Application development) and cloud certificate = <b>05 points</b></li> </ul>	<p><b>15</b></p>

	<ul style="list-style-type: none"> <li>• Bidder submitted qualification equivalent to and below NQF level 5 in Information Technology (Software/Application development) and cloud certificate = <b>0 point</b></li> </ul> <p><b>NB: A formal qualification must be accompanied by a cloud certificate.</b></p>	
<b>Approach and Methodology</b>	<p>The bidder must provide a detailed Project Implementation Methodology and Approach, with a Project Plan as per the MICT SETA Digital Signatures solution requirements in executing the project and support services.</p> <p><b>Methodology (10 Points)</b></p> <p>The methodology and approach should include the following.</p> <ul style="list-style-type: none"> <li>• Project Plan activities clearly defined with timelines.</li> <li>• Project Resources</li> <li>• On-boarding of users</li> </ul> <p><b>Points on submission of methodology and Approach will be allocated as follows:</b></p> <ul style="list-style-type: none"> <li>• Bidder submitted methodology and approach that meet the three (03) elements = <b>10 Points</b></li> <li>• Bidder submitted methodology and approach that meet the two (02) elements = <b>05 Points</b></li> <li>• Bidder submitted methodology and approach that meet the one (01) element = <b>0 Point</b></li> </ul> <p><b>Training Plan (10 Points)</b></p> <p>The bidder/s must provide a detailed end-user <b>Training Plan</b> clearly indicating the training method, content, and duration, that will be conducted in all MICT SETA offices.</p> <p><b>Points on submission of the Training Programme/ Plan will be allocated as follows:</b></p> <ul style="list-style-type: none"> <li>• Bidder submitted a detailed Training Programme / Plan including types of training to different user groups = <b>10 Points</b></li> <li>• Bidder submitted High-level Training Programme / Plan = <b>05 Points</b></li> <li>• Bidder did not submit Training Programme / Plan = <b>0 Point</b></li> </ul>	<b>20</b>
<b>Reference Letters</b>	<p>Bidder must submit at least Five (05) reference letters from different clients indicating experience in providing Digital Signatures solutions or similar services in the past five (05) years. The letters should not be older than five (05) years.</p> <p><b>NB: Reference Letters must be fully signed on the client's letterhead, with contact details, project description and duration. (No recommendation letters or purchase orders will be accepted. Only Reference Letters.)</b></p> <p><b>Points on provisions of signed reference letters from bidder's clients indicating experience in providing Digital Signatures solutions in the past (05) years will be allocated as follows:</b></p> <ul style="list-style-type: none"> <li>• Five signed reference letters from different clients submitted = <b>10 points</b></li> <li>• Four signed reference letters from different clients submitted = <b>08 points</b></li> <li>• Three signed reference letters from different clients submitted = <b>06 points</b></li> <li>• Two signed reference letters from different clients submitted = <b>04 points</b></li> <li>• One signed reference letter submitted = <b>02 points</b></li> <li>• No reference letters submitted = <b>0 points</b></li> </ul> <p><b>Important: In the event of sub-contracting, the bidder must furnish the above reference letters of the main bidder. MICT SETA reserves the right to contact references prior to award.</b></p>	<b>10</b>
<b>TOTAL SCORE</b>		<b>100</b>
<b>MINIMUM SCORE</b>		<b>75</b>

**N.B: Only bidders who meet the threshold of 75 points out of 100 points on functional criteria will be further evaluated for price & specific goals.**

**PRICE AND SPECIFIC GOALS EVALUATION**

Only bidders that have met the requirements of the functional Criteria will qualify for further evaluation on Price and Specific Goals according to the 80/20 preference point system in terms of the Preferential Procurement Regulations 2022, where 80 points will be for Price and 20 points will be for Specific Goals.

Specific Goal to be evaluated out of **20 Points**:

<b>Special Goal Criteria</b>	<b>Points</b>
Enterprises which are at least 51% owned by historically disadvantaged persons.	10
Enterprises which are at least 51% owned by historically disadvantaged women.	5
Enterprises which are at least 51% owned by historically disadvantaged youth.	5
<b>Total</b>	<b>20</b>

**\*\* Enterprises that are not owned by historically disadvantaged persons will be allocated 0 points.**

**Bidder must submit the following documents:**

- Certified ID copies of the company's directors as per the CIPC documents. (Certified copies must not be older than six (6) months)
- CIPC Documents and/or Shareholder Certificate (for companies that have two or more directors as per CIPC document)

**Failure on the part of a service provider to submit proof or documentation required in terms of this RFQ to claim points for specific goals will be interpreted to mean that preference points for specific goals are not claimed.**

**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 interest<sup>1</sup> 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

2.1.2. 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:  
 .....  
 .....

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<sup>1</sup> 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.

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 consortium<sup>2</sup> will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not

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<sup>2</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

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

## PREFERENCE PROCUREMENT CLAIM FORM

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

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

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

#### 1 GENERAL CONDITIONS

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

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

#### 1.2 To be completed by the organ of state

- a) The applicable preference point system for this tender is the **80/20** preference point system.
- b) the **80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

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

(a) Price; and

(b) Specific Goals.

#### 1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
<b>PRICE</b>	<b>80</b>
<b>SPECIFIC GOALS</b>	<b>20</b>
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

## 2 DEFINITIONS

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

## 3 FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

### 3.1. POINTS AWARDED FOR PRICE

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

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

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

Where

Ps = Points scored for price of tender under consideration  
 Pt = Price of tender under consideration  
 Pmin = Price of lowest acceptable tender

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

#### 3.2.1. POINTS AWARDED FOR PRICE

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

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

Where



- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmax = Price of highest acceptable tender

**4. POINTS AWARDED FOR SPECIFIC GOALS**

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
  - (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
  - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
 then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

**Table 1: Specific goals for the tender and points claimed are indicated per the table below. Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)**

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Enterprises which are at least 51% owned by historically disadvantaged persons.	10	
Enterprises which are at least 51% owned by historically disadvantaged women.	5	
Enterprises which are at least 51% owned by historically disadvantaged youth.	5	

**DECLARATION WITH REGARD TO COMPANY/FIRM**

- 4.3. Name of company/firm.....
- 4.4. Company registration number: .....
- 4.5. TYPE OF COMPANY/ FIRM
  - Partnership/Joint Venture / Consortium
  - One-person business/sole propriety

- Close corporation
- Public Company
- Personal Liability Company
- (Pty) Limited
- Non-Profit Company
- State Owned Company

[TICK APPLICABLE BOX]

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

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
  - (a) disqualify the person from the tendering process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
  - (e) forward the matter for criminal prosecution, if deemed necessary.

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