

RFQ NUMBER	RFQ/MICT/50/2024
RFQ DESCRIPTION	APPOINTMENT OF COMPETENT AND ACCREDITED SERVICE PROVIDER FOR THE PROVISION OF SUBSCRIPTION SERVICES FOR AN ONLINE DECLARATION OF INTEREST SOLUTION FOR A PERIOD OF TWELVE (12) MONTHS.
RFQ RE-ISSUE DATE	20 SEPTEMBER 2024
BRIEFING SESSION	N/A
EXTENDED CLOSING DATE & TIME	02 OCTOBER 2024 @ 11:00 AM RFQ submitted after the stipulated closing date and time will not be considered.
LOCATION FOR SUBMISSIONS	rfqs@mict.org.za
NO: OF DOCUMENTS	1 SOFT COPY

For queries, please contact 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, list below serve as a checklist of your RFQ submission.

(Tick in the relevant block below)

DESCRIPTION	YES	NO
CSD Central Supplier Database (CSD) Registration Report		
CIPC registration documents and/or share certificate		
Pricing Schedule		
Valid Tax Clearance Certificate(s) and/or proof of application endorsed by SARS and/or SARS issued verification PIN		
SBD 4 – Bidder's Disclosure		
SBD 6.1 – Preference Procurement Claim Form		
Certified ID copies of company Directors		

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 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 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

APPOINTMENT OF COMPETENT AND ACCREDITED SERVICE PROVIDER FOR THE PROVISION OF SUBSCRIPTION SERVICES FOR AN ONLINE DECLARATION OF INTEREST SOLUTION FOR A PERIOD OF TWELVE (12) MONTHS.

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

2.1. In line with the approved MICT SETA Code of Ethics and in an effort to minimise probable conflict of interest risks, MICT SETA internal stakeholders and members of governance structures, are required to formally declare their direct personal interests in writing, through the disclosure of interests' form, on an annual basis. These declarations include but are not limited to the following:

- 2.1.1. Shares and other financial interests in a business entity;
- 2.1.2. Non-executive directorship; and / or
- 2.1.3. Remunerative work, consultancy, sponsorships and retainerships.

2.2. In instances where internal stakeholders have actual or perceived indirect interest, declaration of such interests in writing for submission to internal structures in accordance with the Code of Ethics referred to herein is required. Employees shall recuse themselves from any discussions relating to entities or individuals in whom they have direct or indirect personal interests.

2.3. The MICT SETA conducts evaluations of submitted disclosures of interest forms by considering the following, at a minimum:

- 2.3.1. Verifying employee directorship on CIPC for completeness of the declaration;

- 2.3.2. Verifying whether the declared or undeclared companies reflecting on the MICT SETA employees as directors are registered on the National Treasury's Central Supplier Database (CSD), and if so, whether such registrations are active;
 - 2.3.3. Verify such information with other Organs of State, where deemed necessary;
 - 2.3.4. Development of the report on the evaluation of the disclosure of interests for reporting to oversight structures; and
 - 2.3.5. Ensuring that the MICT SETA does not conduct any business with the companies declared by its employees.
- 2.4. In consideration of the above, the MICT SETA seeks to automate the declaration of interests' process, including its evaluation and reporting.
- 2.5. Considering permanent, fixed-term, and vacant positions, the user base of MICT SETA ranges between 175 and 220 including different internal stakeholders as follows:
- 2.5.1. Members of the Accounting Authority
 - 2.5.2. Member of the Audit and Risk Committee
 - 2.5.3. Chairperson of Risk Management Committee
 - 2.5.4. Management Committee
 - 2.5.5. Staff members including both permanent and fixed-term contractors

3. PURPOSE AND OBJECTIVES

3.1. Purpose

To appoint an accredited and competent service provider for the provision of subscription services for an online declaration of interest solution for a period of twelve (12) months.

It is expected that only accredited, competent, and reputable service providers with the relevant expertise will submit proposals in response to this RFQ to enable the MICT SETA to achieve the above-stated purpose, project objectives and minimum requirements of this RFQ as detailed hereinunder.

3.2. Project Objectives

The following are the specific objectives:

- a) Provide and implement subscription services for an online Declaration of Interest solution with workflows that are compliant with regulatory prescripts and provide for legal permissibility.
- b) The solution should integrate with the CIPC system and /or other systems for eased evaluation of the disclosures.
- c) End-user training for efficient use of the system.
- d) Data is confidential, safe, and securely stored.
- e) Personal information is protected.
- f) Effectively track declarations.
- g) Manage real / perceived conflicts proactively.
- h) Time efficient.
- i) Real-time reporting.

4. PROJECT SCOPE AND REQUIREMENTS

Scope of Work (Minimum Requirements)

4.1. Technical / Functional Requirements of the solution

The solution must comply with the below functional requirements:

- a) User-Friendly Interface: Our intuitive interface makes it easy for employees to submit and update their declarations.
- b) Automated Notifications: Effortlessly route reminders and initial submission requests which significantly reduces administrative burdens.
- c) Compliance Checks: Robust checks ensure that declarations adhere to MICT SETA policies and relevant regulations i.e., integration with the CIPC and National Treasury's Central Supplier Database (CSD) and/or supplier databases.

- d) Two-factor and / or multi-factor authentication and provide for AD and LDAP integration.
- e) Full document analytics and data insights.
- f) Data Security: Rest easy with top-notch security measures to protect sensitive information.
- g) Reporting: Gain valuable insights into MICT SETA employee declaration trend analysis compliance status.
- h) Integration Capabilities: Seamlessly integrate with MICT SETA existing systems and other third-party applications. i.e., Digital Signatures, Microsoft Active Directory, Office 365 etc for a smoother workflow.
- i) The solution must allow the MICT SETA to upload documents via a Secure Platform.
- j) The solution must be web-based, with standard workflows and mobile compatibility for all well-known operating systems such as iOS, Android OS, and Harmony OS, and allow scalability for any future mobile OS.
- k) The solution must be compatible with current browsers such as Microsoft Edge, Internet Explorer, Firefox, Safari, Chrome, and Opera and scalable for any future browsers.
- l) Secure audit logs must be written and sealed into documents using steganography.
- m) The solution should have the capability to upload documents e.g., PDFs.
- n) The solution should be dynamic and have an administrative site for system administrators to make changes on the system/template.
- o) Customer branding on the landing page and email notification.

4.2. Non-functional Requirements

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

- a) High global legal acceptance.
- b) 24/7 customer support services.
- c) The Solution Should follow the corporate identity of MICSETA.
- d) The solution must be cloud-hosted within a highly secure platform.

4.3. 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) Promotion of access to information 2 of 2000 (as amended).
- c) Electronic Communication and Transaction Act (ECTA), Act No. 25 of 2002.
- d) ISO 27001.
- e) ISO 9001.
- f) Cyber Essentials Scheme.
- g) Protected Disclosure Act 26 of 2000 (as amended).
- h) 256-bit Advanced Encryption Standards (AES).
- i) HIPAA and HITECH compliant.

4.4. Training

Key Training must be provided for the below groups:

- a) User training
- b) System Administrator training
- c) First-line ICT support team training

4.5. 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.
- c) The bidder must offer responsive technical support for the solution in cases of downtime and address any reported bugs or issues.
- d) The support team must resolve the ticket in less than 48 hours.

4.6. End of contract processes

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

- a) Data should belong to MICT SETA.
- b) The appointed service provider will be responsible for data extraction to the format usable by any other service provider appointed by MICT SETA at the end of the contract at no additional cost to MICT SETA.
- c) The service provider must provide support and maintenance for the solution to ensure the continued functionality, security, availability, and reliability of the service.
- d) The support team must resolve all tickets within 48 hours.
- e) The MICT SETA may opt for continued utilisation of the system with a service provider of its choice through continued licencing of the system.
- f) The MICT SETA may opt to extract the entire database of the system for migration into a new system of its choice. Should this be the case, the bidder will be expected to assist with the extraction of data to the new system.
- g) The service provider 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.

5. PROJECT DURATION

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

6. COSTING MODEL

The costing model provided below shall guide bidders on how their costing shall be indicated. The below model is for illustration only. Bidders may include all deliverables required for this project, which must be linked to the project deliverables.

- a) The solution objectives together with the scope of work should be considered when compiling the pricing for the delivery of the services.
- b) All costing must be projected inclusive of any applicable taxes.
- c) Costing must be done inclusive of any applicable travel or allowances of any kind and should therefore be inclusive of all foreseeable costs to achieve the project objectives.

7. PRICING SCHEDULE

Name of bidder: _____

RFQ number: _____

Closing date: _____

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

Bidders to provide further cost breakdown where necessary under each line item, and sub-total and the overall RFQ price (Total) should be included. The below table is for illustration only:

Requirement Description				
APPOINTMENT OF COMPETENT AND ACCREDITED SERVICE PROVIDER FOR THE PROVISION OF SUBSCRIPTION SERVICES FOR AN ONLINE DECLARATION OF INTEREST SOLUTION FOR A PERIOD OF TWELVE (12) MONTHS.				
Prices are to be quoted at an all-inclusive rate				
Item	Requirement Description	Quantity	Unit Price	Total
	Solution Subscription			
1.	Licencing, configuration, customisation, hosting, and installation for twelve (12) months	12	R	R
	Training and Awareness			
2.	Including all groups, i.e., user training, system administrator training, and first-level ICT support training	150	R	R
	Value-added Products / Services			
3.	Maintenance, support services, query resolutions, updates of the solution	12	R	R
Sub-Total				R
VAT@15%				R
TOTAL PRICE (INCLUDING VAT)				R

Complete below:

1. Delivery Address: **MICT SETA Head Office**
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:

8. 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 mandatory and technical/functionality criteria, price and specific goals comparison.

8.1. STAGE 1(A): MANDATORY CRITERIA

Bidder/s must be accredited by the original equipment manufacturer (OEM) of their proposed solution.

Evidence required:

Bidder/s must submit valid OEM Certificate(s) or letter(s) endorsed by the OEM indicating value-added partner status in the provision of online declaration of interest solution. Letters should be on the company letterhead signed by the authorised signatory of the (OEM).

8.2. STAGE 1(B): TECHNICAL/ FUNCTIONALITY CRITERIA

Only bidder/s that have met the requirements of the Mandatory Criteria will be evaluated on technical/ functionality criteria out of a maximum of 100 points. A minimum threshold of 75 out of the 100 points has been set.

Only bidder/s that have met or exceeded the minimum threshold on technical/ functionality criteria of 75 points will qualify for further evaluation on Price and Specific Goals.

Note: All bidders achieving less than the set minimum threshold will be declared non-responsive.

FUNCTIONAL CRITERIA		
Category	Description	Maximum Points
Solution Proposal	<p>Bidder/s proposal must cover the minimum requirements of the proposed solution as detailed in the bid and summarised below. The proposal must comprehensively cover the following minimum requirements, detailing how the bidder intends to implement the following:</p> <ul style="list-style-type: none">• Technical / Functional requirements,• Non-functional requirements,• System security standards,• Training,	40

	<ul style="list-style-type: none"> • Value-added products / services, and • End of contract processes. <p>Points on solution proposal will be allocated as follows:</p> <ul style="list-style-type: none"> • Proposal that meets or exceeds all components of the minimum requirements of the proposed solution = 40 points • Proposal that does not meet all the minimum requirements of the proposed solution/ not detailed = 0 points <p>NB: All components of the minimum requirements must be covered in detail. Non-compliance with the minimum requirements will be declared non-responsive.</p>	
References Letters	<p>Bidder/s must submit at least five (05) reference letters from different clients within the RSA, indicating experience in providing Disclosure of interest software installation, support, and maintenance services rendered in the past five (05) years.</p> <p>NB: Reference Letters must be fully signed on the client's letterhead, with contact details, project description and project duration/ period. Award letters or purchase orders will not be accepted.</p> <p>Points on reference letters will be allocated as follows:</p> <ul style="list-style-type: none"> • Points for Experience and References will be allocated as follows: • Five (05) or more signed reference letters from different clients = 10 points • Four (04) signed reference letters from different clients = 08 points • Three (03) signed reference letters from different clients = 06 points • Two (02) signed reference letters from different clients = 04 points • One signed reference letter = 02 points • No reference letters submitted = 0 points <p>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 the award.</p>	10
Approach and Methodology	<p>Bidder/s must provide a detailed Project Implementation Plan and Methodology as per the MICT SETA Disclosure of Interest software requirements in executing the project and support services. The Project Implementation Plan and Methodology should include the following:</p> <ul style="list-style-type: none"> • Project Plan activities clearly defined with timelines. • Project Resources to be allocated for each activity. 	20

	<ul style="list-style-type: none"> Processes for onboarding of users. <p>Points on approach & methodology will be allocated as follows:</p> <ul style="list-style-type: none"> Detailed implementation plan that meets all three (03) requirements = 10 points Detailed implementation plan that meets only two (02) requirements = 05 points Detailed implementation plan that meets only one (01) requirement = 03 points No implementation plan submitted/ not detailed implementation plan = 0 points <p>Bidder/s must provide a detailed Training Plan for end-users and system administrators, clearly indicating the training method, content, and duration, that will be conducted to all MICT SETA offices.</p> <p>Points on training plan will be allocated as follows:</p> <ul style="list-style-type: none"> Detailed Training Programme / Plan including types of training to different user groups that meets all three (03) requirements = 10 points Detailed Training Programme / Plan including types of training to different user groups that meets only two (02) requirements = 05 points Detailed Training Programme / Plan including types of training to different user groups that meet only one (01) requirement = 03 points No detailed Training Programme / Plan submitted = 0 points <p>NB: All elements of approach and methodology must be covered in detail (not a brief/summary).</p>	
Qualifications and Experience of the Project Manager (PM)	<p>Bidder/s must submit profile/ CV and certified qualifications of the Project Manager. The profile/ CV must reflect the experience in managing similar projects.</p> <p>Points on profile/ CV of the PM will be allocated as follows:</p> <ul style="list-style-type: none"> 10 years' experience in project management = 10 points 	20

	<ul style="list-style-type: none"> • 07 to 09 years' experience in project management = 08 points • 05 to 06 years' experience in project management = 06 points • 03 to 04 years' experience in project management = 04 points • 01 to 02 years' experience in project management = 02 points • Less than 01-year experience in project management = 0 points <p>Bidder/s must clearly indicate the profile/ CV of the Project Manager, profiles/ CVs not indicating will not be evaluated.</p> <p>Bidder/s must submit certified copies of the qualifications of the Project Manager. Certified documents should not be older than six (06) months. Bachelor's degree or Diploma/ equivalent qualification in Information Technology/Computer Science.</p> <p>Points on qualifications of the PM will be allocated as follows:</p> <p>1.</p> <ul style="list-style-type: none"> • Certified copy of Bachelor's degree (NQF L7) and above = 05 points • Certified copy of National Diploma (NQF L6) = 03 points • Certified copy of Certificate (NQF L4 & 5) = 01 point • No certified qualification provided/ qualification provided not IT/ computer Science related = 0 points <p>2.</p> <ul style="list-style-type: none"> • Prince2 (Minimum Foundation) or PMBOK (Minimum CAPM) = 05 points • Non-submission of Prince2 (Minimum Foundation) or PMBOK (Minimum CAPM) = 0 points <p>Certified copies must not be older than six (06) months.</p>	
Qualifications and Experience of the Support Services Lead (SSL)	<p>Bidder/s must submit profile/ CV and certified qualifications of the Support Services Lead. The profile/ CV must reflect the experience in experience in leading the implementation of ICT systems projects.</p> <p>Points on profile/ CV of the SSL will be allocated as follows:</p> <ul style="list-style-type: none"> • 10 years' experience in project management = 05 points • 07 to 09 years' experience in project management = 04 points • 05 to 06 years' experience in project management = 03 points • 03 to 04 years' experience in project management = 02 points • 01 to 02 years' experience in project management = 01 points • Less than 01-year experience in project management = 0 points 	10

	<p>Bidder/s must clearly indicate the profile/ CV of the Support Services Lead, profiles/ CVs not indicating will not be evaluated.</p> <p>Bidder/s must submit certified copies of the qualifications of the Support Services Lead. Certified documents should not be older than six (06) months. A minimum of NQF L6 qualification in Information Technology/Computer Science.</p> <p>Points on qualifications of the SSL will be allocated as follows:</p> <ul style="list-style-type: none"> • Certified copy of the SSL NQF L6 qualification = 05 points • Certified copy of the SSL NQF L5 qualification or less = 03 points • No certified qualification provided/ qualification provided not IT/ computer Science related = 0 points <p>Certified copies must not be older than six (06) months.</p>	
TOTAL SCORE		100
MINIMUM THRESHOLD		75

Bids that do not meet the required minimum threshold of 75 points out of 100 points will be eliminated from the evaluation process.

8.3. STAGE 2: PRICE AND SPECIFIC GOALS

Only bidder/s who have met the required technical/functionality minimum threshold of 75 points 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**:

Special Goal Criteria	Points
Enterprise which is at least 51% owned by historically disadvantaged persons.	10
Enterprise which is at least 51% owned by historically disadvantaged women.	05
Enterprise which is at least 51% owned by historically disadvantaged youth.	05
Total	20

**** 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 (06) months).
- CIPC Documents and/or share certificate (for companies with more than one (01) Director).

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 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

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:

.....

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.

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

2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

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

- 3.1 I have read, and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement, or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements, or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements, or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition

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.

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

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
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

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

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

2 DEFINITIONS

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

3 FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \\ \mathbf{Ps} = \mathbf{80} \left(\mathbf{1} - \frac{\mathbf{Pt} - \mathbf{Pmin}}{\mathbf{Pmin}} \right) & \mathbf{or} & \mathbf{Ps} = \mathbf{90} \left(\mathbf{1} - \frac{\mathbf{Pt} - \mathbf{Pmin}}{\mathbf{Pmin}} \right) \end{array}$$

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:

80/20

or

90/10

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

or

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

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)
Enterprise owned by historically disadvantaged persons.	10	
Enterprise owned by historically disadvantaged women.	05	
Enterprise owned by historically disadvantaged youth.	05	

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.

..... SIGNATURE(S) OF TENDERER(S)	
SURNAME AND NAME:
DATE:
ADDRESS:

