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## INVITATION TO BID

**APPOINTMENT OF A SERVICE PROVIDER FOR THE PROVISION OF MOBILE BUSINESS TOOLS FOR A PERIOD OF TWO (2) YEARS ON BEHALF OF GPL**

**BID NO: GPL 003/2020**

**CLOSING DATE: 29 SEPTEMBER 2020**

**TIME: 11:00 AM**



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# INVITATION TO BID (SBD1)

**Section 1**  
*(p.g. 2-3)*

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE GAUTENG PROVINCIAL LEGISLATURE (GPL)</b>					
BID NUMBER:	GPL 003/2020	CLOSING DATE:	29 SEPTEMBER 2020	CLOSING TIME:	11H00 AM
DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER FOR THE PROVISION OF MOBILE BUSINESS TOOLS FOR A PERIOD OF TWO (2) YEARS ON BEHALF OF GPL				
<b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>					
<b>NO. 10 FRASER STREET, SAGE BUILDING (CORNER HELEN JOSEPH &amp; FRASER STREET), 1<sup>ST</sup> FLOOR, SAGE CENTRE, JOHANNESBURG</b>					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>			<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>		
CONTACT PERSON	Ms AMUKELANI MALULEKE		CONTACT PERSON	Ms BUHLE MPHUTHI	
TELEPHONE NUMBER	(011) 498-5859		TELEPHONE NUMBER	(011) 498-5626	
FACSIMILE NUMBER	N/A		FACSIMILE NUMBER	N/A	
E-MAIL ADDRESS	<a href="mailto:amaluleke@gpl.gov.za">amaluleke@gpl.gov.za</a>		E-MAIL ADDRESS	<a href="mailto:bmphuthi@gpl.gov.za">bmphuthi@gpl.gov.za</a>	
<b>PLEASE NOTE THAT ALL ENQUIRIES SHOULD BE IN WRITING. NO TELEPHONIC ENQUIRIES WILL BE ATTENDED TO. E-MAILS SHOULD BE FORWARDED TO BOTH Ms MALULEKE AND Mr NDLOVU FOR WRITTEN RESPONSES</b>					
<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		<b>OR</b>	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX]  <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	TICK APPLICABLE BOX]  <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					
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 THE QUESTIONNAIRE BELOW ]	
<b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A BRANCH IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?				<input type="checkbox"/> YES <input type="checkbox"/> NO	

**IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.**

**PART B**

**TERMS AND CONDITIONS FOR BIDDING**

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

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

SIGNATURE OF BIDDER: .....

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

DATE: .....

Due to the rapid spread of COVID – 19 and following on from President Cyril Ramaphosa’s announcement declaring the pandemic a national disaster, the GPL is introducing the following precautionary measures in relation to submissions of tender documents.

### BID SUBMISSIONS

The potential Bidders must submit one (1) Bid proposal and (1) USB (branded with company name).  
The Bid proposal must be properly bonded.

### TENDER BOX SUBMISSION

Bidders must adhere to social distancing rules of 1M.  
Bidders must wear facial mask when entering GPL premises.  
Physical documentation that is received will be kept in isolation for a period of 4 days post tender closing.  
Bid submission register will be made available at Reception however Bidders must use their own black pens to complete the register to avoid physical contact.



The graphic features a circular inset of the Gauteng Legislature building on the left. The background shows a city skyline with a prominent tower. The text 'WE SHALL OVERCOME' is written in large, bold, white letters across the middle. Below this, the slogan 'Help flatten the curve. Stay at home. Keep washing your hands often.' is displayed. At the bottom, the 'CORONAVIRUS HOTLINE NUMBER: 0800 02 99 99' and the website 'www.gpl.gov.za' are provided in white text on a dark green background.

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### 3.1 DOCUMENTS

- 3.1.1. Specify name, position, address and other contact details (e-mail, telephone, and fax) of the person within the service provider organisation responsible for leading the bid process and to whom all correspondence should be directed.
- 3.1.2. The bid shall be signed by a relevant company or close cooperation (CC) representative who has the relevant authority to sign legal and binding contracts on behalf of the company or CC.
- 3.1.3. If any part of this bid is not duly filled in and signed in ink it may invalidate the bid.
- 3.1.4. Where alterations have been made to any part of the bid, the bidder must sign next to (Correction ink/Tippex is not allowed).
- 3.1.5. All bids must be submitted on the official forms (not to be re- typed or altered). The bidder must initial all the pages of this bid to acknowledge acceptance of understanding. The signed bid must be returned with the proposal.
- 3.1.6. The company, its Directorship and personnel assigned will be subject to vetting by GPL's Security Services. A register of will be requested of the successful company.
- 3.1.7. The bidder must certify that the personnel identified in its response to this bid will be the persons assigned to GPL. Any changes in the personnel from those identified in the response to the Bid must be approved by GPL. GPL may, at its discretion, require the removal and replacement of any of the bidder's personnel who do not perform adequately.

### 3.2 SUBMISSION OF BID PROPOSAL

- 3.2.1 This bid must be submitted in accordance with the format, times and place as prescribed in the bid document.
- 3.2.2 All responses must conform to instructions. Failure to provide relevant information, signatures or any other requirements of this bid will be considered appropriate cause for rejection of the response and will result in instant disqualification.
- 3.2.3 Proposals must be submitted with the sections and/or subsections clearly marked. All pages must be numbered consecutively.
- 3.2.4 No faxed or e-mailed copies will be accepted.

### 3.3 BID RESPONSES

- 3.3.1 Bidders' responses must be laid out in the format prescribed in this section.
- 3.3.2 Sections must be clearly labelled as follows:

#### 3.3.2.1 Service Provider Contact Details

- Specify name, position, address and other contact details (e-mail, telephone, and fax) of the person within the bidding organisation responsible for leading the bid process and to whom all correspondence should be directed.
- Who, within the service provider's organisation, will be authorised to conduct the contract negotiations and sign the eventual contract?

#### 3.3.2.2 Service Provider Profile

- Bidder's name and address
- Company / organisation structure
- Commencement date of business
- Certificate of Incorporation

#### 3.3.2.3 Pricing Structure

- Prices must be quoted in South African currency and must be inclusive of Value Added Tax (VAT).
- Bidders are further requested to indicate their price in all elements listed on the pricing schedule below.
- Pricing on the pricing schedule is for comparative purposes.
- Prices must remain fixed for the duration of the contract. The pricing schedule must be completed. (SBD 3.3 pricing schedule to be downloaded with the bid documents)
- The total costs must be inclusive of all costs such as delivery, labour rates,
- Transfer of skills etc.

### 3.3.3 **Quantity of Bids to be Submitted**

3.3.3.1 Every prospective bidder must submit one (01) Original proposal and 1 USB.

3.3.3.2 This Bid document, proposal and all other relevant documentation requested must be submitted in one sealed envelope or sealed box. (except for Financial proposal and all references where bidders' costs are displayed in this document, please put this in a separate envelope)

Bids must be clearly marked **on the front** as follows: **Bid No: GPL003/2020**

Bids must be clearly marked **on the back** as follows:

- **Bidders Name & Bidders Address**
- **Bidders Contact Numbers**

Bid documents may be couriered by registered mail or deposited in the tender box situated at:

**No 10 FRASER STREET, SAGE BUILDING  
(CORNER HELEN JOSEPH & FRASER STREET)  
1<sup>ST</sup> FLOOR, JOHANNESBURG**

### 3.4 **ACCESSIBILITY OF THE TENDER/BID BOX**

3.4.1 The Bid box can be accessed for twenty-four (24 hours). Monday to Friday (including Week-ends and Public Holidays), at, **No 10 FRASER STREET, SAGE BUILDING (CORNER HELEN JOSEPH & FRASER STREET) 1<sup>ST</sup> FLOOR, JOHANNESBURG**

3.4.2 Bidders must ensure that bids are delivered in a timely manner and to the correct address. If the bid is late, it will not be accepted for consideration. Bidders must allow sufficient time to access the tender box in the GPL through the visitor's entrance and other security checkpoints.

### 3.5 **TIME FRAMES**

3.5.1 Bidders are advised that GPL reserves the right to change any of the dates indicated in the bid document.

### 3.6 **OWNERSHIP OF PROPOSALS**

3.6.1 All proposals in response to this bid, whether successful or unsuccessful, will become the property of GPL.

3.6.2 Any costs incurred by the service providers in preparing and submitting their response will be the sole responsibility of the service provider.

### 3.7 **BID VALIDITY PERIOD**

3.7.1 This bid and all proposals (costs included) shall remain binding and valid for a period of ninety (90) days calculated from the closing date of the Bid. Gauteng Provincial Legislature (GPL) reserves the right to notify bidders in writing to extend the above validity period for another sixty (60) days if deemed in the interest of Gauteng Provincial Legislature (GPL). Any additional extension after the above days, Gauteng Provincial Legislature (GPL) will request approval from bidders.

### 3.8 **JOINT VENTURES OR CONSORTIUM**

3.8.1 A Copy of the Trust, Consortium or Joint Venture agreement, duly signed must be attached.

3.8.2 Ensure one responsible lead Bidder in the case of a consortium or joint venture.

3.8.3 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 consolidated B-BBEE status level certificate.

### 3.9 **DISCOUNTS**

3.9.1 When calculating comparative prices, GPL will consider any discounts which have been offered unconditionally.

3.9.2 A discount which has been offered conditionally will be implemented when payment is effected despite not being taken into account for evaluation purposes.

### **3.10 GENERAL REQUIREMENTS**

- 3.10.1 Prospective bidders may submit their questions to [Amaluleke@gpl.gov.za](mailto:Amaluleke@gpl.gov.za) or contact the person assigned to deal with enquiries on the advertisement for this bid.
- 3.10.2 Any costs incurred by the bidders in preparing and submitting their response to the Request for Bids (RFB) will be the sole responsibility of the bidder.
- 3.10.3 GPL may request bidders to provide additional pricing information to be utilised for comparative purposes during evaluations.
- 3.10.4 GPL reserves the right to invite short-listed bidders to make a presentation to GPL's bids evaluation committee to further clarify or substantiate their submissions.
- 3.10.5 GPL reserves the right not to award this bid in total, or part thereof.
- 3.10.6 GPL reserves the right, for purposes of promoting the values of competitiveness and fairness, not to award the bid to the highest scoring bidder if such bidder has been awarded a bid by GPL or has performed services for GPL during the last 12 months prior to the closing date of the bid.
- 3.10.7 GPL reserves the right to re-appoint or extend the service of the service provider where there is a natural continuation of assignments.
- 3.10.8 The successful bidder/s will enter into a stipulated contract with GPL for the provision of the required service.
- 3.10.9 The successful bidders, their employees and their sub-contractors must comply with GPL security clearance.
- 3.10.10 The successful bidders must be willing to sign confidentiality or non-disclosure agreement.
- 3.10.11 All items supplied by the successful bidder/s must meet the minimum approved requirements of the South African National Standards.
- 3.10.12 All items supplied by the successful bidder/s must be manufacturer guaranteed.
- 3.10.13 All relevant clearances and/or memberships must be submitted to GPL upon the renewal throughout the duration of the contract.
- 3.10.14 In the event where the order was wrongly printed, the service provider must be able to exchange goods or cancel the order as per the GPL's request.

### **3.11 CENTRAL SUPPLIER DATABASE REQUIREMENTS**

- 3.11.1 Bidders should register on the Central Supplier Database (CSD) to upload 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.
- 3.11.2 Where a bidder is not registered on the CSD, 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.
- 3.11.3 This bid is subject to the preferential procurement policy framework act and the preferential procurement regulations, 2017, financial management of parliament and provincial legislature act and the financial management of parliament and provincial legislature regulations, 2015, the general conditions of contract (GCC) and, if applicable, any other special conditions of contract (SCC)
- 3.11.4 GPL cannot award contracts to provide goods and/or services to a Member of GPL or Cabinet, a Member of a Provincial Legislature or Member of a Provincial Executive Council, a municipal councillor, a person in the employ of the state/government whose participation in bidding for the contract may result in a conflict of interest, or any entity in which any of the mentioned persons is a Director or has controlling or other substantial interest.

### **3.12 VISITS / MEETINGS / INSPECTION**

- 3.12.1 A part of the adjudication process GPL may request certain providers to organize a visit to an existing facility under the management of the service provider to gain an understanding of the provider's service standards.
- 3.12.2 GPL may require presentations or meetings with bidders, at the cost of bidders, as part of the evaluation process to provide further information, submission of substantiating documentation or clarification to GPL as deemed necessary.

### **3.13 AWARD OF BID**

- 3.13.1 The award of this Bid by the Secretary to GPL shall constitute a binding contract, and such acceptance by a letter or e-mail message.
- 3.13.2 The Secretary to GPL may award this Bid to more than one successful Bidder, either in full or in part.
- 3.13.3 GPL reserves the right not to award this contract.
- 3.13.4 Service Level Agreements will be concluded with the successful service provider.

### **3.14 SUBCONTRACTING**

- 3.14.1 A bidder shall not be awarded the points claimed for B-BBEE status level of contribution if it is indicated in the bid documents that such a bidder intends subcontracting more than 25% of the contract value to any other enterprise that does not qualify for at least the same number of points that the bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 3.14.2 A contractor is not allowed to sub-contract more than 25% of the contract value to another enterprise that does not have equal or higher B-BBEE status level, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 3.14.3 In relation to a designated sector, a contractor must not be allowed to subcontract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.



### **3.15 SUBCONTRACTING AFTER AWARD OF TENDER**

- 3.15.1 A person awarded a contract may only enter into a subcontracting arrangement with the approval of the organ of state.
- 3.15.2 A person awarded a contract in relation to a designated sector, may not subcontract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 3.15.3 A person awarded a contract may not subcontract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level of contributor than the person concerned, unless the contract is subcontracted to an EME that has the capability and ability to execute the subcontract.

### **3.16 FRONTING**

- 3.16.1 The GPL supports the spirit of broad based black economic empowerment and recognizes that real empowerment can only be achieved through individuals and businesses conducting themselves in accordance with the Constitution and in an honest, fair, equitable, transparent and legally compliant manner. Against this background the GPL condemns any form of fronting.
- 3.16.2 The GPL, in ensuring that bidders conduct themselves in an honest manner will, as part of the bid evaluation processes, conduct or initiate the necessary enquiries/investigations to determine the accuracy of the representation made in bid documents. Should any of the fronting indicators as contained in the Guidelines on Complex Structures and Transactions and Fronting, issued by the Department of Trade and Industry, be established during such enquiry / investigation, the onus will be on the bidder / contractor to prove that fronting does not exist. Failure to do so within a period of 14 days from date of notification may invalidate the bid / contract and may also result in the restriction of the bidder /contractor to conduct business with the public sector for a period not exceeding ten years, in addition to any other remedies the GPL may have against the bidder / contractor concerned.

### **3.17 SECURITY AND OCCUPANCY**

- 3.17.1 Where applicable, All the areas covered by this contract fall within areas defined in the relevant Security and Access Acts as "Restricted Areas" and all of the provisions of these Acts will apply to this contract.
- 3.17.2 Where applicable, all buildings involved in this contract are subject to stringent access control for all personnel and for materials delivered to and removed from the site. In addition all workmen and staff on site or in any way involved in this contract are subject to prior security clearance. Bidders will be required to submit a list of the minimum sufficient persons required affecting the work on site plus those directly involved on site with this contract. If any person is rejected for security reasons Bidders will be required to replace them on their list. If the Bidder is ultimately unable to offer personnel with satisfactory security clearance his Bid may be rejected on such grounds.
- 3.17.3 Any person rejected by the SAPS for failing to meet the security requirements, inclusive of security clearance, wandering away from an escort or from the immediate contract area, or any misconduct on the site will immediately, without any recourse by the Contractor, be removed from site and refused re-entry to site. This refusal to site shall be in addition to any legal action the SAPS may institute.
- 3.17.4 Successful Bidder will be required to hand in to the GPL Security Unit within Forty- Eight (48) hours after being requested, following formal acceptance of the Bid, the following information:
  - Full names of each of the persons intended to be utilized on site, including supervisory staff.
  - Position in firm plus service to be performed.
  - Intended areas they will be working in.
  - A copy of Identification Document, certified as a true copy of the original by the SAPS. Such document shall be the original certified copy.
  - Home address.
- 3.17.5 Bidders are recommended to have such documentation, both for their own staff and for their Sub-contractors, if applicable, available prior to the closing date of Bids so as to minimise delays in security clearance of personnel once the Bid is awarded.
- 3.17.6 Any time lost due to delays in submitting the called for list of personnel required entering site, the rejection of personnel on the list, or the subsequent removal and banning from site of personnel will not be accepted as motivation for extension of the contract period.
- 3.17.7 Such clearance shall remain valid for a period not exceeding 12 months and shall only apply for one project at a time.

### **3.18 SAFEGUARDING OF DOCUMENTS**

- 3.18.1 All documents will be individually numbered on issue and records kept as to what documents have been issued to whom.
- 3.18.2 All documents issued to sub-contractors or suppliers must be signed for, and such sub-contractors and suppliers must also accept responsibility for the safeguarding of such documents while they are in their possession.
- 3.18.3 All documentation shall be strictly handled as set out in the SSA Minimum Information Security Standards (MISS), a copy of which shall be provided to the successful contractor at the time of site hand over.
- 3.18.4 It will be the main contractor's responsibility to familiarise themselves with the MISS document and make sure his personnel and sub-contractors are advised accordingly.



### **3.19 BID CANCELLATION**

3.19.1 GPL may amend or cancel this Bid before the award should it deem it necessary.

3.19.2 GPL may before the award of a bid, cancel a bid if – but not limited to:

- due to changed circumstances there is no longer need for the goods and services specified in the invitation.
- funds are no longer available to cover the total envisaged expenditure
- no acceptable bid is received; or
- there is a material irregularity in the bidding process

### **3.20 DELIVERY ADHERENCE**

3.20.1 Delivery of goods must be made in accordance with the instructions appearing on the official Purchase Order issued by GPL.

3.20.2 All deliveries or dispatches must be accompanied by a delivery note stating the official order number against which the delivery/milestone has been affected.

3.20.3 Deliveries not complying with the order forms will be returned to the supplier or service provider's expense

**1) IF THE BIDDER IS IN PARTNERSHIP / JOINT VENTURE / CONSORTIUM.**

We the undersigned partners / joint ventures / consortium, tendering as

.....  
.....

hereby authorize .....

to sign this Bid as well as any contract resulting from this Bid and any other documents correspondence in connection with this Bid and/or contract on our behalf.

FULL NAMES:..... CAPACITY .....

SIGNATURE .....

**2) IF THE BIDDER IS A ONE PERSON BUSINESS / SOLE TRADER.**

I, the undersigned .....

hereby confirm that I am the sole owner of the business trading as .....

.....

**3) IF THE BIDDER IS SUB-CONTRACTING.**

I, the undersigned .....

hereby confirm that I will be sub-contracting work to the following company/companies

.....

.....

If more than 25% of the contract/work you enter into GPL is to be subcontracted, indicate the following details:

Sub-contractor's name	Value of work to be sub-contracted	% of work to be sub-contracted	BBBEE Level of the sub-contractor

**I/WE, THE UNDERSIGNED, WHO WARRANTS THAT HE/SHE IS DULY AUTHORISED TO DO SO ON BEHALF OF THE FIRM ACKNOWLEDGE THAT:**

- 1) The information furnished is true and correct.
- 2) In the event of a contract being awarded as a result of points claimed, the contractor may be required to furnish documentary proof to the satisfaction of GPL that the claims are correct.
- 3) If the claims are found to be incorrect, GPL may, in addition to any other remedy it may have –:
  - a) recover all 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;
- 4) Impose a financial penalty more severe than the theoretical financial preference associated with the claim which was made in the Bid.
- 5) I hereby undertake to render services described in the attached Bidding documents to GPL in

- 6) accordance with the requirements and task directives / proposals specifications stipulated in this Bid proposal at the price/s quoted. My offer/s remains binding upon me and open for acceptance by GPL during the validity period indicated and calculated from the closing date of the Bid.
- 7) I confirm that I have satisfied myself as to the correctness and validity of my Bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
- 8) I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfilment of this contract.
- 9) Declare that I have no participation in any collusive practices with any Bidder or any other person regarding this or any other Bid.
- 10) I confirm that I am duly authorised to sign this contract.

**DECLARATION**

I hereby agree that, in the event of false, incorrect or misleading information being provided in this declaration, the Secretary to GPL shall have the right to:

- recover any losses or damages sustained by GPL under such agreement
- restrict the supplier from further business with GPL depending on the materiality of the misrepresentation and the degree of prejudice suffered.

Name of Representative: \_\_\_\_\_

Identity number: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**COMMISSIONER OF OATHS**

*I certify that the above has acknowledged that he/she knows and understands the contents of this document, that he/she does not have any objection to taking the oath, and that he/she considers it to be binding on his/her conscience, and which was sworn to and signed before me at \_\_\_\_\_ on this the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, and that the administering oath complied with the regulations contained in Government Gazette No. R 1258 of 21 July 1972, as amended.*

\_\_\_\_\_ (Sign – SERVICE PROVIDER)

\_\_\_\_\_ (Name – SERVICE PROVIDER)

<b>COMMISSIONER OF OATHS STAMP AND DETAILS OF PERSON</b>
<b>STAMP</b>
NAME & SURNAME:
DESIGNATION/RANK:
PERSAL/EMPLOYEE NO/SERVICE NUMMBER:
PLACE/DATE:

**The Gauteng Provincial Legislature (Gauteng Legislature, GPL) is one of nine provincial legislatures in South Africa**, which are a product of extensive negotiations that gave shape to the 1996 Constitution. The Constitution empowers the Legislature to make laws for Gauteng, oversee that the Gauteng government works efficiently and honestly, and ensure that the people of Gauteng participate in the running of their province.

**The Legislature moved from Pretoria to Johannesburg in 1994** after the first democratic elections in 1994 and following a decision to move the Government of the Gauteng Province. The Johannesburg City Hall opened as the Gauteng Legislature's new home on 21 October of 1995.

### HOW THE GAUTENG LEGISLATURE IS COMPOSED

**The Legislature is a House comprising the speaker (who heads up the organisation) and Members of the Provincial Legislature (MPLs) from various political parties**, allocated per the vote of the Gauteng Province. Political parties get seats in the Legislature through a system of proportional representation – meaning, the party with most votes gets the majority of MPLs in the House.

**The Constitution empowers each of the nine provincial legislatures to make laws that apply uniquely to each of their provinces.** MPLs divided into portfolio committees conduct the business of the House. Each committee is attached to a provincial government department (or cluster of departments) in the Provincial Government and enhances the department's ability to deliver services through advisory, monitoring and oversight.

**Standing committees deal with diverse issues** (other than government departments). These committees consider Bills and other matters referred to them either by the Speaker or the House.

**Ad hoc committees work with various experts to matters that need specialised expertise. The Legislature's administration staff complement gives operational support to the committees.** The administrative wing of the Legislature is headed by the provincial secretary (or secretary to the legislature).

### LEGISLATURE OVERSIGHT'S ROLE

MPLs consider Bills placed before them by the provincial executive, comprised of the Premier of Gauteng and the Members of the Executive Council (MECs). MPLs debate Bills, budgets, statements and speeches by MECs in committee meetings or in plenary sessions of the Legislature. Committees have the power to summon MECs and Department officials to answer questions relating to service delivery in the Province. The MECs must be prepared to answer hard questions on how they are delivering a better life to the people of Gauteng. Committees can also undertake investigations into activities by government departments and such investigations are often open to public scrutiny.

The Legislature allows the people of Gauteng to participate in law-making and oversight processes. **It is a Constitutional requirement that the Provincial Legislature affords Citizens an opportunity to partake in legislative processes – and this is an obligation that the Gauteng Provincial Legislature has vigorously embraced.**

### LAW MAKING

**New legislation starts out as a Bill**, which is carefully discussed to ensure that it is relevant to the needs of the Province, clear, practical and in line with the Constitution. MPLs also receive submissions from the people of Gauteng on matters of concern to the Province, which may require specific legislation to be instituted. MPLs can also initiate legislation individually, as can any of the Legislature's standing committees.

## **SPECIFICATIONS & TERMS OF REFERENCE**

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### **APPOINTMENT OF A SERVICE PROVIDER FOR THE PROVISION OF MOBILE BUSINESS TOOLS FOR A PERIOD OF TWO (2) YEARS ON BEHALF OF GPL**

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## **1. BACKGROUND**

- 1.1. The Mobile Business Tool Solution for the Gauteng Provincial Legislature seeks to give Members and employees the tools and the very latest, state-of-the-art, cutting edge technology to work effectively and efficiently while they are out of the office. Thus, it is viewed as a powerful tool in the success of the institution. It is aimed at providing Members and employees with mobile connectivity and providing access to a wide range of enterprise software applications.
- 1.2. In keeping with its vision statement of a dynamic Legislature in the 21st Century the Legislature requires that strategic decision-makers and key personnel are always contactable to facilitate instantaneous decision-making. It, therefore, becomes imperative for GPL to equip its strategic decision-makers as well as those charged with leading the operations with the requisite tools to ensure continuous information flow and to facilitate quick decision-making.

## **2. INTRODUCTION**

- 2.1. The Gauteng Provincial Legislature has identified a need to provide members and staff with mobile tools.
- 2.2. The Legislature's current business tool contract is expiring on 31 December 2020
- 2.3. There is a continuous need to provide functional business mobile tools to Members and Staff for a period of two-years commencing from date of appointment of the successful service provider.

## **3. OBJECTIVES**

- 3.1. The objective of the Terms of Reference (TOR) is to source proposals from competent and qualified service providers to provide required goods and service as per specifications and scope of work provided.
- 3.2. Provide mobile tools that are compatible with the current GPL infrastructure (Office 365 and SAP)

## **4. THE ROLE OF THE SERVICE PROVIDERS**

- 4.1. To provide fully functional (data, voice minutes, insurance, value added services), mobile business tools and services to Gauteng Provincial Legislature, in accordance with the mobile tools policy (see Annexure A) for the duration of the contract.
- 4.2. Comprehensive insurance cover on business tools should be put in place on a worldwide basis in the case of damage, theft, or loss of any business tools.
- 4.3. The obligation to enter into a contract and SLA with the Gauteng Provincial Legislature.
- 4.4. Provide an approved porting plan with timelines in line with ICASA regulations.
- 4.5. No lines should exceed the 24 months period starting from 01 January 2021 -31 December 2022.

## SCOPE OF WORK

- 5.1. The solution should provide users with an interactive and seamless connectivity experience across devices and mobile devices operating platforms to the extent possible in consideration of the latest technology available in the Mobile Phones and Tablet space.
- 5.2. The prospective service provider should provide GPL with the following solution: -not limited to the following

### **Required Technology Infrastructure**

- 5.1.1. Allows for Collaboration between technologies.
- 5.1.2. Be compatible with the GPL Technology infrastructure such as Office 365 and SAP, without compromising the security of the ICT infrastructure environment at no additional cost to the GPL for any infrastructural investment that may be required.
- 5.1.3. Requirement to enable members and staff that are on the move or working remotely to stay connected including internet connectivity
- 5.1.4. Single communication device: Single, integrated device for all data and voice communication needs (tablet and cell phone)
- 5.1.5. Push e-mail facility on the handset (i.e.) e-mails to find the receiver: messages should automatically be pushed to Members and staff and outside the office environment
- 5.1.6. In Sync: the devices should be compatible to Outlook, in order to synchronize data on their handheld gadgets with their PC and combine all their calendars into one that is mobile and reliable
- 5.1.7. Allow members and staff to call each other using the close user group allowance for all GPL Lines.

### **Bulk SMS**

- 5.1.8. Service that will send bulk sms' up to 1000 sms' at a time to any network service provider number for GPL stakeholders

### **Required Brand and Model**

- 5.1.9. Provide the latest, state-of-the-art, cutting edge technology-based devices in the market within the policy approved limits of the GPL.

### **Customer Service**

- 5.1.10. Keeping users informed at all times on data and airtime usage with advice on maximisation
- 5.1.11. Ability to set limits and soft-lock in line with agreed packages or policy prescripts.
- 5.1.12. Dedicated customer service desk for the GPL for fast and effective response to queries
- 5.1.13. 24/7 customer services desk for urgent queries beyond normal working ours
- 5.1.14. A dedicated Account Manager shall advice GPL on user trends and on appropriate tariffs as well as observable patterns pointing to-any form of abuse

### **Insurance**

- 5.1.15. Affordable and comparative insurance premiums
- 5.1.16. Maximum five (5) days turn around period for processing insurance claims
- 5.1.17. Local and international cover on all phones and tablets.

### **Repairs**

- 5.1.18. The solution must incorporate a clear maintenance, insurance and repair option with clear turn-around times that are aligned to industry norms and standards
- 5.1.19. Service provider to provide a list of their dedicated repairs centres within South Africa (per province)
- 5.1.20. Dedicated repair centres with maximum fourteen (14) working days for any repairs and replacements
- 5.1.21. Provide minimum ten(10) loan cell phones per contract cycle (i.e. 24 months).

## 6. REQUIRED COMPETENCIES

- 6.1. It is a requirement that prospective service providers will submit, together with their bids: -



- 6.2. Quotations of their flagship business telecommunication packages, together with their terms and conditions, in order to fully inform the internal decision-making processes. Such packages should be premised on the flexibility and maximisation of voice and data usage, noting the latest trend in terms of which usage is increasingly around data:
- 6.2.1. The successful service provider may be required to buy out a maximum of sixty-seven (67) contracts which still form part of the current contract. These contracts are expiring on the 31<sup>st</sup> December 2020
  - 6.2.2. The packages shall indicate flexibility of tariff structures across the spectrum from entry level to the top end business tariffs
  - 6.2.3. The service provider shall indicate their experience in operating in the public sector and demonstrate their experience in handling similar operations
  - 6.2.4. The service provider shall assign GPL with a dedicated Account Manager who will attend to and resolve all GPL related queries
  - 6.2.5. There shall be a single point of contact between the service provider and GPL via the Administration Unit or the Supply Chain Unit (with respect to the sourcing of the contract only)
  - 6.2.6. The contract would be one that is entered into between the GPL and the appointed service provider decided through the institution's procurement processes, and would, therefore, be a direct charge to the institution
  - 6.2.7. The service provider must have a system that will debit any amount in excess directly from user's personal bank account, and only bill the GPL the policy approved limit.
  - 6.2.8. The service provider should have an inhouse insurance for all handsets purchased through them, and a repair centre in all major cities throughout the country
  - 6.2.9. The service provider shall make available any combination offerings (combos) of mobile phones and tablets that would represent the best value for money while allowing increased mobility
  - 6.2.10. The service provider must specify the latest available business tools on offer in the market from 16GB - 256GB on both devices (tablet and cell phone)
  - 6.2.11. Provision of an Executive-type facility offered by the network service provider, and the need to enrol all Members and Senior Management onto the facility. The number is currently standing at 91 and is subject to review in line with relevant developments within the GPL.
  - 6.2.12. Specify the average data provision for Members and Senior Management Staff from 20GB to limitless data per month. **Refer to Annexure A**
  - 6.2.13. Specify the average data provision for Staff from 4G to 20G per month. **Refer to Annexure A**
  - 6.2.14. Provide packages that offer limitless call, sms' for Senior Management packages
  - 6.2.15. An indication should be given of specific packages that are designed for Executive offering in terms of regularity of upgrades, priority service and other benefits associated with membership of their flagship programmes
  - 6.2.16. The contract will be for a for a period of two (2) years during which the GPL will go out on tender for a subsequent corresponding period

## 7. KEY ASSUMPTIONS

- 7.1. The proposals/packages offered must be in line with GPL approved policy limits -**Annexure A**. Any additional amounts will be paid by the individual users through the split billing instruction via the service provider.
- 7.2. Monthly performance meetings will seek to address challenges, changes and improvements experienced and required by GPL
- 7.3. The extent and strength of the network coverage across the RSA-South
- 7.4. Value added services to be provided

## 8. PERIOD OF THE ASSIGNMENT

- 8.1. The successful bidder will be contracted for a period of two (2) years.

## 9. MINIMUM REQUIREMENTS

- 9.1. The successful bidder must have a minimum of five (5) years' experience in the telecommunication industry. The bidder must have previous public-sector experience with a minimum of 10 (ten) clients, providing similar service during its existence.
- 9.2. The bidder must have managed a minimum of three (3) similar clients within a calendar year with a minimum of 300 lines per contract.
- 9.3. All bidders must submit valid and certified:
  - (i) Individual Electronic Communications Network Service Licence (IECS)

- (ii) Service Licence (IECNS), issued by the Independent Communications Authority of South Africa (ICASA), at closing date and time of bid.

## 10. EVALUATION CRITERIA

The evaluation criteria are weighted to reflect the importance of project requirements noted in all Specifications: All proposals submitted shall be evaluated based on the following criteria:

- Evaluation Stage One: Administrative Compliance/Pre-Qualification
- Evaluation Stage Two: Technical /functionality criteria
- Evaluation Stage Three: 80/20 preference point system

### 1.1. Administrative Compliance

This is the evaluation criteria that measures compliance of service providers with the administrative requirements of this request and mandatory functional requirements as listed in the Terms of Reference. Service providers who fail to meet all requirements will be disqualified from further evaluation.

### 1.2. Functionality Evaluation Criteria

The evaluation criteria for measuring functionality and the weighting attached to each criterion is listed in the table below. Service Providers who score 70 (average) points and above will be considered for phase 2 of the evaluation. Failure to meet the minimum threshold of 70 points will result in an automatic disqualification.

FUNCTIONALITY EVALUATION CRITERIA	DESCRIPTION	SCORE	WEIGHT
<b>CAPABILITY Experience</b> A minimum of five (5) years' experience in the provision of services of a similar nature	5 to 7 Years	5	10
	7 Years	10	
Minimum of 10 (ten) clients providing similar service during service existence.	Previous public-sector experience	5	10
	5-7 years	10	
	7 + years		
Efficiency of the network environment inclusive of but not limited to the frequency of dropped calls	The extent and strength of the network coverage across the RSA-South Africa should not be less than 98%	10	20
	Availability of features in the offering which will provide for the Executive facility for annual upgrade and seats no less than 150 in number	10	
<b>PROJECT MANAGEMENT PLAN</b> Develop high level Project Management Plan based on any of the recognised project management methodologies in relation to roll out & porting out line plan	Project management plan should reflect the following: Scope of Work, Milestones, Schedule, Key tasks, Resource (human capital, cost etc.) allocation	20	20
<b>QUALITY OF PERFORMANCE</b> Experience of contractor in successfully executing projects of a similar nature (Indicate project name/description, duration/period, value, client organisation)	3 – 5 successfully completed projects, with a minimum of 300 lines per calendar year	10	20
	5+ successfully completed projects, with a minimum of 300 lines per calendar year	10	

<b>PROJECT REFERENCES</b> Testimonials from previous clients on similar projects completed in the past five (5) years.	5 -7 contactable references  Service provider to submit a minimum of ten (10) referrals letters from previous customers, serviced with the past 5 years indicating contract duration, number of lines managed, and testimonials from clients	5	10
GPL reserves the right to verify the testimonials	7+ contactable references	10	
<b>Total Points</b>			<b>100</b>
<b>Threshold</b>			<b>70</b>
<b>PRESENTATION</b> Service Providers will be evaluated out of 10 points and are required to achieve a minimum threshold of five (5) points out of ten (10) points. Presentations will be conducted after closure of the tender/bid, and questions for presentations will be made available to qualifying bidders only, One (1) week before presentation date.			
<b>Total Points</b>			<b>10</b>
<b>Threshold</b>			<b>5</b>
<b>OVERALL COMBINED POINTS</b>			<b>100</b>
<b>OVERALL COMBINED THRESHOLD</b>			<b>70</b>

## 2. Preference Point System

EVALUATION CRITERIA	SUB-CRITERIA	WEIGHTING/ POINTS
Price	Detailed budget breakdown	80
B-BBEE (Status Level Verification Certificate)	B-BBEE Level Contributor	20
<b>TOTAL</b>		<b>100</b>

These are compulsory documents required for this bidding. Should the bidder fail to submit the following **MANDATORY/COMPULSORY** documents your bid will be disqualified automatically:

Item	Description	Yes	No
1	Technical Proposal		
2	Invitation to bid (SBD1): completed and signed		
3	Terms of Reference		
4	Pricing Schedule (Firm Pricing) SBD 3.3		
5	Did you submit the Price Breakdown (Excel Sheet provided by you)		
6	Did you submit a total bid price including vat, For the duration of the contract?		
7	Did you submit any proof of registration to relevant professional bodies, Individual Electronic Communications Network Service Licence (IECS) Service Licence (IECNS), issued by the Independent Communications Authority of South Africa (ICASA)		
8	Declaration of interest (SBD 4) Original completed and signed.		
9	Preference points claim (SBD 6.1) Original completed and signed		
10	Declaration of Bidder's past SCM Practices (SBD 8) Original completed and signed.		
11	Certificate of independent bid determination (SBD 9) Original completed and signed.		
12	Did you submit proof of shareholding for HDI points (CK documents)?		
13	Did you submit copies of South African IDs' for shareholders?		
14	Did you submit a consortium/joint venture agreement, if applicable?		
15	Original and valid tax clearance certificate. Or SARS Issued PIN?		
16	Did you submit <b>one (1)</b> original and USB of the bid documents?		
17	Did you take note of and understand the Bid Instructions/Special Conditions?		
18	Did you submit your management and contact details?		
19	Did you submit contact details for references?		
20	Did you submit your company profile, brief financial information, concerning turnover and asset value, and details of any BEE Shareholding?		
21	Did you submit your companies financial statements? Compulsory and must be latest		
	Joint Venture / Consortium agreement / Trust Deed (if applicable)		
22	<ul style="list-style-type: none"> <li>▪ Certified copies of shareholders certificates</li> <li>▪ Certified copy of Company Registration documents that reflect Company name, Registration number, date of registration and active Directors or Members</li> <li>▪ Certified copy of ID documents of the Directors or Members</li> </ul>		
23	<ul style="list-style-type: none"> <li>▪ Original or Certified copy of Valid B-BBEE Certificate (from SANAS accredited Verification Agency) or from the Auditors approved by the Independent Regulatory Body of Auditors (IRBA);</li> <li>▪ Any EME (Exempt Micro Enterprise) or QSE (Qualifying Small Enterprise) is only required to obtain a sworn affidavit on an annual basis, confirming the following:               <ul style="list-style-type: none"> <li>• B-BBBEE Level of contribution</li> <li>• The percentage of Black Ownership</li> <li>• The percentage of ownership by women</li> <li>• Whether or not Bidder's Annual income exceeded R10,000,000 (ten million rand) based on Management Accounts and other information available on the past financial year</li> </ul> </li> </ul>		

**Service Provider's Name:**.....

**Completed by:**.....

**Signature:**.....



**PRICING**

**SCHEDULE**

**(Professional Services)**

NAME OF BIDDER: .....	BID NO.:
CLOSING TIME :	CLOSING DATE :

OFFER TO BE VALID FOR 90 DAYS FROM THE CLOSING DATE OF BID.

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)	
1.	The accompanying information must be used for the formulation of proposals.		
2.	Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project.	R.....	
3.	PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)		
4.	PERSON AND POSITION	HOURLY RATE	DAILY RATE
	.....	R.....	.....
	.....	R.....	.....
	.....	R.....	.....
	.....	R.....	.....
	.....	R.....	.....
5.	PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT		
	.....	R.....	..... days
	.....	R.....	..... days
	.....	R.....	..... days
	.....	R.....	..... days
5.1	Travel expenses (specify, for example rate/km and total km, class of airtravel, etc). Only actual costs are recoverable. Proof of the		

expenses incurred must accompany certified invoices.

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

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

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

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

- 6. Period required for commencement with project after acceptance of bid .....  
.....
- 7. Estimated man-days for completion of project .....  
.....
- 8. Are the rates quoted firm for the full period of contract? \*YES/NO
- 9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index. ....  
.....  
.....  
.....

**\*[DELETE IF NOT APPLICABLE]**

Any enquiries regarding bidding procedures may be directed to the –

**ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:**

**Department:** Supply Chain Management  
**Contact Person:** Amukelani Maluleke  
**Tel:** 011 498-5859  
**E-mail address:** [Amaluleke@gpl.gov.za](mailto:Amaluleke@gpl.gov.za)

**ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:**

**Contact Person:** Buhle Mphuthi  
**Tel:** 011 498-5626  
**E-mail address:** [Bmphuthi@gpl.gov.za](mailto:Bmphuthi@gpl.gov.za)

### DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state<sup>1</sup>, 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.**

2.1.1 Full Name of Company: .....

2.1.2 Name of Representative: .....

2.2 Identity Number: .....

2.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>): .....

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.

<sup>1</sup>"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
- (e) Parliament.

<sup>2</sup>"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 YES / NO  
presently employed by the state?

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 Company

## PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

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

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

### 1. GENERAL CONDITIONS

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

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

1.2

- a) The value of this bid is estimated to **exceed/not exceed** R50 000 000 (all applicable taxes included) and therefore the ..... preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

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

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

1.5 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.

1.6 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 quotations, 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 OR 90/10 PREFERENCE POINT SYSTEMS

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \\
 P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right) & \mathbf{or} & P_s = 90 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)
 \end{array}$$

Where

- P<sub>s</sub> = Points scored for price of bid under consideration
- P<sub>t</sub> = Price of bid under consideration
- P<sub>min</sub> = 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 (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12

5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

**5. 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		
<b>OR</b>		
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
- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

[TICK APPLICABLE BOX]

**8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

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

**8.6 COMPANY CLASSIFICATION**

- Manufacturer
- Supplier
- Professional service provider
- 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) disqualify the person from the bidding process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) 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
- (e) forward the matter for criminal prosecution.

WITNESSES

1. ....

2. ....

.....

SIGNATURE(S) OF BIDDERS(S)

DATE: .....

ADDRESS .....

.....



### 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 as companies or persons prohibited from doing business with the public sector? <b>(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).</b>	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)? <b>To access this Register enter the National Treasury's website, <a href="http://www.treasury.gov.za">www.treasury.gov.za</a>, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445.</b>	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 bids<sup>1</sup> 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).<sup>2</sup> 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. disregard 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:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> 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:

---

(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 consortium<sup>3</sup> 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.

<sup>3</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.

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



**GAUTENG**  

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**LEGISLATURE**  
*Your View ~ Our Vision*

**THE END**