



**GAUTENG**  
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## REQUEST FOR PROPOSAL

**APPOINTMENT OF A PROFESSIONAL SERVICE PROVIDER TO UNDERTAKE TECHNICAL DUE DILIGENCE (TDD) INVESTIGATIONS OF MAYIBUYE PRIMARY SCHOOL FOR GAUTENG PROVINCIAL LEGISLATURE**

**RFQ NO:** PR 10057088

**CLOSING DATE:** 26 JANUARY 2021

**TIME:** 11:00 AM

**RFQ SUBMISSION:** [Bmaduna@gpl.gov.za](mailto:Bmaduna@gpl.gov.za)



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**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 PROFESSIONAL SERVICE PROVIDER TO UNDERTAKE  
TECHNICAL DUE DILIGENCE (TDD) INVESTIGATIONS OF MAYIBUYE PRIMARY  
SCHOOL FOR GAUTENG PROVINCIAL LEGISLATURE**

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## 1. INTRODUCTION

The Portfolio Committee on Infrastructure Development and Property Management in the Gauteng Provincial Legislature seeks to conduct an Inquiry on the construction of the Mayibuye Primary school situated in Thembisa. This Inquiry is invoked from the Committee Inquiries Act 8 of 2009 read with Section 115 of the Constitution of the Republic of South Africa, 1996, which empowers the Legislature to summon witnesses to appear before it to provide information on any matter.

The R82 million state of the art Mayibuye Primary School in Ekurhuleni municipality under CoJ Metropolitan has been unoccupied for the past three years. The school was built by the Gauteng Department of Infrastructure Development and Property Management (GDID) previously known as Public Works (PW) on behalf of the Gauteng Department of Education (GDE). The school is a modern information technology-based facility with a design based on a prototype, however the size of the school was not provided to the Committee.

The Committee is of the view that the school was built on a wetland and there is a sewage leaks running from outside the facility throughout the school. The CoJ reported to the Committee that the occupancy certificate cannot be issued since the building plans were not submitted and approved. It was further reported that the school was constructed in contravention of the National Building Regulations and Building Standard Act 103,1977 as amended. The occupancy will not be issued due to building plans that were not submitted nor approved.

## 2. OBJECTIVES

Gauteng Provincial Legislature (GPL) seeks to appoint certified, experienced, and reputable professional service provider to undertake an impartial and professional assessment of the school / property and provides a balanced and professional opinion of the condition of the property in the form of a technical due diligence report.

The objectives of this ToR include:

- a) To provide prospective professional service providers / consultants with adequate information to understand and respond to GPL's requirements in respect of professional services.
- b) To provide prospective professional service providers / consultants with opportunity to present GPL with best suitable options, both in terms of price and quality.

## 3. SERVICE REQUIRED

Gauteng Provincial Legislature seeks to appoint a professional service provider , to undertake technical due diligence of the school, consists of the systematic review, analysis, discovery and gathering of information about the physical characteristics of a property and/or land (the property).

During the process of undertaking technical due diligence, consulting firm should establish defects or deficiencies in the property that could have an impact on the asset and the life safety of occupants in its immediate, short-, medium- or long-term performance.

The defects may include the need for repairs arising from:

- Deficiencies in design and construction quality
- Insufficient capacity in services items approaching, at or beyond the end of them

useful or economic life

- deleterious materials and
- non-compliance with statutory or mandatory requirements such as planning and Building Regulations or Building Codes.
- gaining an understanding of the condition and design of the property
- establishing the suitability of the property for its intended use
- providing a level of protection for the occupier.
- providing a basis for the allocation of risk
- providing a basis to improve life safety and
- providing a basis for performance improvement, improved sustainability and better decision making.

This report will enable the committee to make an informed assessment of the risks associated with the occupation of the school from a technical perspective.

#### **4. SCOPE OF WORK**

Undertake the technical due diligence (TDD) investigation to determine if the school/property can be used for the purpose intended for:

Attend committee meeting on “as and when required” to present the findings and recommendations.

To assist the committee in analysing the responds, reports and other material submitted by the project professional team and witness.

The TDD should includes but not limited to the following

1. Building Inspection –
2. Statutory compliance
3. Building services inspections
4. Environmental and site factors -
5. Access and sustainability etc.

#### **4.1 KEY DELIVERABLES**

##### **REPORTS TO BE DELIVERED BY THE PROFESSIONAL SERVICE PROVIDER**

##### **Phase I—Technical Due Diligence**

- Draft Technical Evaluation Report
- Final Technical Evaluation Report.

##### **Phase II—Construction Monitoring and Project Completion Verification**

- Project Completion Verification

Phase III—analyse responds of the school project professional service provider team and advise the oversight committee accordingly.

## 5. REQUIRED COMPETENCIES

The Service Provider / Contractor must be adequately experienced and capable of undertaking the requisite scope of works.

Details of previous work undertaken as well as staff complement with the requisite qualifications, registration and experience must be provided.

## 6. KEY ASSUMPTIONS

The Professional Service Provider must have the requisite skills, capacity, and expertise to undertake the works as outlined in the scope of works provided.

**Phase 1:** Consultant report with findings and recommendations reported to the Committee.

**Phase 2:** Consultant preliminary report with findings reported to the Committee, on the responses provided by the witnesses and recommendations.

**Phase 3:** Consultant preliminary report with findings reported to the Committee, on the responses provided by the witnesses and recommendations; and

**Phase 4:** Consultant comprehensive report with findings and recommendations reported to the Committee.

## 7. PERIOD OF THE ASSIGNMENT

The GPL envisage that the works will be completed within a period of one month three weeks 18 January-28 February 2021.

The consultant will be expected to provide a detailed programme with the submissions to ensure completion within prescribed timeframes.

## 8. MINIMUM REQUIREMENTS

Registration with Engineering Council of South Africa (ECSA).

## 9. 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
- Evaluation Stage Two: Pre-qualification functionality criteria
- Evaluation Stage Three: 80/20 preference point system

### 9.1.1 **Stage One Evaluation: 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.

### 9.1.2 **Stage Two Evaluation: 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 points and above will be considered for further evaluation. Failure to meet the minimum.

FUNCTIONALITY EVALUATION CRITERIA	DESCRIPTION	SCORE	WEIGHT								
<b>Quality performance – list of previous consultancy services undertaken and completed in the past five years - Project description Value Contactable reference on each project</b>	The following scoring matrix will be used to evaluate this Criterion: Company profile submitted =5 List of current and relevant projects details for last 5 years = 5 points	10									
<b>Quality - performance Testimonial from previous clients on the similar projects completed</b>	The following scoring matrix will be used to evaluate this Criterion: One (1) relevant reference in the past five years = 2 points Two (2) references in the past five years =5 points Three (3) references in the past five years = 10 points Four (4) references in the past five years =15 points Five (5) references and above in the past five years =20 points	20									
<b>Project Management Develop high level project management plan for this project</b>	The following scoring matrix will be used to evaluate this Criterion: <table border="1" data-bbox="470 694 1244 1131"> <thead> <tr> <th data-bbox="470 694 1117 795">Proposed detailed project program for the entire scope of work</th> <th data-bbox="1117 694 1244 795">Score</th> </tr> </thead> <tbody> <tr> <td data-bbox="470 795 1117 907">Project plan submitted indicating assignment program period of more than 2 months no program</td> <td data-bbox="1117 795 1244 907">10</td> </tr> <tr> <td data-bbox="470 907 1117 1019">Project plan submitted indicating assignment program period between 1 and 2 months</td> <td data-bbox="1117 907 1244 1019">20</td> </tr> <tr> <td data-bbox="470 1019 1117 1131">Project plan submitted indicating assignment program period of 1 months or less</td> <td data-bbox="1117 1019 1244 1131">30</td> </tr> </tbody> </table>	Proposed detailed project program for the entire scope of work	Score	Project plan submitted indicating assignment program period of more than 2 months no program	10	Project plan submitted indicating assignment program period between 1 and 2 months	20	Project plan submitted indicating assignment program period of 1 months or less	30	30	
Proposed detailed project program for the entire scope of work	Score										
Project plan submitted indicating assignment program period of more than 2 months no program	10										
Project plan submitted indicating assignment program period between 1 and 2 months	20										
Project plan submitted indicating assignment program period of 1 months or less	30										
<b>Capacity – Number of staff allocated to this project and their seniority (provided organogram)</b>	The following scoring matrix will be used to evaluate this Criterion: No details submitted=0 Details of staff submitted=4 Details of role on the project =4 Organogram submitted=2	10									
<b>Capacity -Experience of key personnel (provide abridged CV's of personnel and certificates)</b>	The following scoring matrix will be used to evaluate this Criterion: Not submitted = 0 CV and certificates for the Project Manager =10 CV and certificates for Civil/Structural Engineers =10	20									
<b>Registration – Service Provider compliance with Professional body (Provide proof of valid registration)</b>	The Following scoring matrix will be used to evaluate this Criterion: Consulting Engineers of South Africa (CESA) 10	10									
<b>TOTAL POINTS</b>		<b>100</b>									
<b>THRESHOLD</b>		<b>70</b>									

### 9.1.3 Stage Three Evaluation: Preferential Score 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 points and above will be considered for further evaluation. Failure to meet the minimum threshold of 70 points will result in automatic disqualification.

<b>EVALUATION CRITERIA</b>	<b>SUB-CRITERIA</b>	<b>WEIGHTING/ POINTS</b>
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	Terms of Reference		
3	Pricing Schedule (Firm Pricing) SBD 3.3		
4	Did you submit the Price Breakdown (Excel Sheet provided by you)		
5	Did you submit a total RFQ price including vat, For the duration of the contract?		
7	Did you submit any proof of registration to relevant professional bodies :Engineering Council of South Africa (ECSA)		
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	Joint Venture / Consortium agreement / Trust Deed (if applicable)		
17	<ul style="list-style-type: none"> <li>▪ Certified copies of shareholders certificates</li> <li>▪ Certified copy of Company Registration documents that reflect Company name,</li> <li>▪ Registration number, date of registration and active Directors or Members</li> <li>▪ Certified copy of ID documents of the Directors or Members</li> </ul>		
18	<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:**.....



**SBD 3.3**

**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.....	.....
5.	PHASES ACCORDING TO WHICH THE PROJECT WILL BE		

COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT

-----	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]**

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Any enquiries regarding bidding procedures may be directed to the –

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

**Department:** Gauteng Provincial Legislature  
**Contact Person:** Mr Bongani Maduna  
**Tel:** 011 498-6493  
**E-mail address:** [Bmaduna@gpl.gov.za](mailto:Bmaduna@gpl.gov.za)

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

**Contact Person:** Ms Maureen Tshabalala  
**Tel:** 011 498-6495  
**E-mail address:** [Mtshabalala@gpl.gov.za](mailto:Mtshabalala@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 80/20 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
<b>PRICE</b>	80
<b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>	20
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

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

- Ps = Points scored for price of bid under consideration
- Pt = Price of bid under consideration
- Pmin = 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:

<b>Designated Group: An EME or QSE which is at last 51% owned by:</b>	<b>EME</b>	<b>QSE</b>
	√	√
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.

<p>WITNESSES</p> <p>1. ....</p> <p>2. ....</p>
--

<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE: .....</p> <p>ADDRESS .....</p> <p>.....</p>
---

### 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>	<input type="checkbox"/>	<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>	<input type="checkbox"/>	<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?	<input type="checkbox"/>	<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?	<input type="checkbox"/>	<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**