

## INVITATION TO BID

**APPOINTMENT OF A SERVICE PROVIDER FOR THE MAINTENANCE AND SERVICE HVAC INSTALLATIONS FOR THE CITY HALL BUILDING FOR THE PERIOD OF THREE (3) YEARS ON BEHALF OF GPL**

**BID NO:** GPL 005/2022

**COMPULSORY BRIEFING SESSION:** 11 JUNE 2021 @ 12:00PM

**CLOSING DATE:** 30 JUNE 2022

**TIME:** 11:00 AM



**GAUTENG**  
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# INVITATION TO BID (SBD1)

## Section 1

### YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE GAUTENG PROVINCIAL LEGISLATURE (GPL)

BID NUMBER:	GPL 005/2022	CLOSING DATE:	30 JUNE 2021	CLOSING TIME:	11H00 AM
DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER FOR THE MAINTENANCE AND SERVICE HVAC INSTALLATIONS FOR THE CITY HALL BUILDING FOR THE PERIOD OF THREE (3) YEARS ON BEHALF OF GPL				

### BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)

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

### BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO

### TECHNICAL ENQUIRIES MAY BE DIRECTED TO:

CONTACT PERSON	Ms AMUKELANI MALULEKE	CONTACT PERSON	Mr LESEBELELE SETENO
TELEPHONE NUMBER	(011) 498-5859	TELEPHONE NUMBER	(011) 498-5959
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:iseteno@gpl.gov.za">iseteno@gpl.gov.za</a>

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 SETENO FOR WRITTEN RESPONSES

### SUPPLIER INFORMATION

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:		OR	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	

### [A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW ]
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### QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

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.  
The Bid proposal must be properly bonded.

### TENDER BOX SUBMISSION

Bidders must adhere to social distancing rules of 1,5M.  
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 on the left showing the Gauteng Legislature building. To its right is a stylized silhouette of the Johannesburg skyline, including the Tower of the Sun. The background is a gradient of yellow and orange. The text 'WE SHALL OVERCOME' is written in large, bold, red capital letters across the middle. Below this, in white text on a dark green background, are the instructions: 'Help flatten the curve. Stay at home. Keep washing your hands often.' At the bottom, the 'CORONAVIRUS HOTLINE NUMBER: 0800 02 99 99' is displayed in large white capital letters, followed by the website 'www.gpl.gov.za' in white lowercase letters.

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## Compulsory Briefing Session (Declaration of Attendance)

### Section 3

**BID NUMBER:** GPL005/2022

**BID DESCRIPTION:** APPOINTMENT OF A SERVICE PROVIDER FOR THE MAINTENANCE AND SERVICE HVAC INSTALLATIONS FOR THE CITY HALL BUILDING FOR THE PERIOD OF THREE (3) YEARS ON BEHALF OF GPL

**BID CLOSING DATE:** 30 JUNE 2021      **CLOSING TIME:** 11H00am

**BRIEFING SESSION:** YES

**Applicable:** YES

**Compulsory:** YES

**Venue:** City Hall Helen Joseph St,  
Johannesburg, 2006

**Date:** 11 JUNE 2021      **Time:** 12h00pm

I/We hereby declare that I/we attended the compulsory briefing session to understand the requirements of the GPL to supply all or any of the supplies and/or to render all or any of the services described in the attached bid documents, on the terms and conditions and in accordance with the specifications stipulated in the bid documents.

I, THE UNDERSIGNED (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED AT THE SITE INSPECTION WAS UNDERSTOOD.

**SIGNATURE OF BIDDER OR ASSIGNEE(S)**

.....

**DATE:** .....

Position .....

Name Bidder .....

Name of Company.....

SIGNATURE OF GPL OFFICIAL

DATE:

### 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 (1) Bid 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: GPL005/2021**

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>
<p><b>STAMP</b></p>  <p>NAME &amp; SURNAME:</p> <p>DESIGNATION/RANK:</p> <p>PERSAL/EMPLOYEE NO/SERVICE NUMMBER:</p> <p>PLACE/DATE:</p>

**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  
MAINTENANCE AND SERVICE HVAC INSTALLATIONS  
FOR THE CITY HALL BUILDING FOR THE PERIOD OF  
THREE (3) YEARS ON BEHALF OF GPL**

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## 1. BACKGROUND

The Gauteng Provincial Legislature is housed in the City Hall Building. The building is located on the corner of Helen Joseph and Rissik Street. The building is a heritage building which is more than 100 years old. The building is a 5 storey building approximately 45,000 m<sup>2</sup> in size.

The precinct comprises of the following: -

5 storeys building

City Hall – The area is still under construction expectantly will be completed before the contract expires.

West Wing

Duncan Hall & offices

Harry Hofmeyr Parking – 3 levels basement parking

Sage building – Ground Floor and Lower basement

It is envisaged that the service provider will ensure that the following benefits are achieved for the GPL in respect of the service rendered: -

- Energy and utilities efficiency
- Better capacity to service the building.
- Greater occupant comfort thus increasing stakeholder satisfaction
- Compliance to OHSA
- Conducive working environment
- Wellness of staff and improved staff morale.

The project is aligned to GPL strategic objective of enhanced public confidence in the governance and leadership of the GPL.

## 2. INTRODUCTION

The building is comprised of 4 OFF basement areas (approximate area 34 645 m<sup>2</sup>) with 6 OFF floors above (approximate area 37 219 m<sup>2</sup>).

The primary means of air conditioning the Centre is by means of a chilled water generating plant, associated chilled water air handling units and some split and variable refrigerant volume (VRF) units.

The chilled water plant was upgraded in 2016 under a limited refurbishment, with the air handling units (AHUs) being replaced/installed in 1994. The BMS system and controls were similarly installed in 1994, with a minor upgrade being done to the BMS PC in 2016.

The chilled water plant has only been partially “commissioned”, and similarly requires connection to the buildings BMS system.

The AHUs are in relatively good condition considering their age.

The BMS and Controls are of 1994 vintage, however mostly operational. This is very limited in its current functionality, and requires an upgrade to ensure better control and management of the HVAC system in its entirety. Safeties need to be urgently addressed, specifically interlock mechanisms.

The air distribution and control is by far the biggest problem causing poor system performance. This needs to be addressed in its entirety with consideration for a new energy efficient control philosophy.

Similarly, ventilation in certain areas needs to be addressed along with fire system integration and interlock.

An on-site team carries out the day-to-day maintenance of the plant, to include minor repairs and adjustments. Major repairs and general remedial work is attended to on a call-out basis.

The toilets are mechanically ventilated. This is operational.

The institution is also leased office space in the Sage building 500m away from City Hall. In this building the institution is responsible for maintenance of units they have installed. Four splits units (18000 BTU) has been installed to cool UPS and Server room. And cassette units in meeting rooms.

### **3. OBJECTIVE**

The objectives of this ToR include:

- a) To provide prospective service providers / contractors with adequate information to understand and respond to GPL's requirements in respect of the HVAC Preventative and Corrective Maintenance Service.
- b) To provide prospective service providers / contractors with opportunity to present GPL with best suitable options to enable service provision, both in terms of price and quality.

### **4. SERVICE REQUIRED**

The Gauteng Provincial Legislature (GPL) seeks to appoint certified, experienced and reputable Service Providers / Contractors to undertake all relevant works in respect of HVAC Preventative and Corrective Maintenance Service.

### **5. SCOPE OF WORK**

To provide a fulltime capacity at the GPL (City Hall) to carryout both Preventative and Corrective Maintenance Services on a continuous basis at a fixed monthly service rate.

The required outcome is to appoint a Service Provider / Contractor for a complete HVAC Preventative and Corrective Maintenance Service for a period of 36 months.

For the purpose of this tender, HVAC is defined as all the installations providing heating, ventilation and air conditioning, also including refrigeration equipment of industrial and domestic type.

Included as an integral part of the HVAC system, is a building management system (BMS).

Technical specification, floor plans and pricing schedule will form part of this TOR.

### **6. REQUIRED COMPETENCIES**

Given the specialist nature of this service a single preferred Service Provider / Contractor will be appointed.

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.

### **7. KEY ASSUMPTIONS**

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

The Service Provider / Contractor must comply with all requirements in respect of safety requirements

### **8. PERIOD OF THE ASSIGNMENT**

In order to ensure optimal service provision to our stakeholders, the GPL seeks to appoint a Service Provider / Contractor through a tender process to provide a complete Preventative and Corrective Maintenance Services on a continuous basis for a period of 3 years (36 months).



## 9. MINIMUM REQUIREMENTS

- (a) Each Service Provider / Contracting Company must be a member of SARACCA (South African Refrigeration and Air-conditioning Contractors Association) and must submit certified copy of registration
- (b) Each Service Provider / Contracting Company must be a member of South African Qualification & Certification Committee – Fire Detection / Gas Suppression (SAQCC)

## 10. EVALUATION CRITERIA

### Phase 1: Pre- Qualification

During this phase, submissions will be reviewed for purposes of assessing compliance to prescribed GPL Supply Chain Management Policy and submission of all requisite documentation

Failure to comply with the prescribed Supply Chain Management Requirements in phase 1 will lead to disqualification of submission.

### Phase 2: Mandatory Compliance

All submissions that do not meet the Mandatory Requirements will be disqualified and will not be considered for further evaluation on the Non Mandatory Functional Requirements.

The Mandatory Requirements are as follows: -

OCCUPATIONAL HEALTH AND SAFETY	COMPLY	NOT COMPLY								
<p>The Contractor must ensure compliance to Occupational, Health and Safety Act for the duration of contract.</p> <p>COIDA – Letter of good standing must be submitted with the proposal.</p> <p>Safety practices – must be submitted with the proposal</p> <p>An OHS file must be prepared and handed in on appointment of successful contractor.</p>										
Substantiate / Comments										
Risk Insurance	COMPLY	NOT COMPLY								
<p>The Contractor must, at his own expense, take out sufficient insurance against any claims, costs, loss and/or damage ensuing from its obligation and shall ensure that such insurance remains operative for the duration of this project.</p> <p>A copy of such insurance must be handed to GPL upon commencement of the project by the successful contractor.</p> <p>Minimum cover amounts:</p> <table><tr><th>Risk Insurance description Insurance</th><th>Cover</th></tr><tr><td>Theft &amp; Malicious Damage</td><td>R 500,000</td></tr><tr><td>Works Insurance</td><td>R 1, 000,000</td></tr><tr><td>Public Liability Limit</td><td>R 2, 000, 000</td></tr></table>	Risk Insurance description Insurance	Cover	Theft & Malicious Damage	R 500,000	Works Insurance	R 1, 000,000	Public Liability Limit	R 2, 000, 000		
Risk Insurance description Insurance	Cover									
Theft & Malicious Damage	R 500,000									
Works Insurance	R 1, 000,000									
Public Liability Limit	R 2, 000, 000									

Substantiate / Comments		
<b>REGISTRATION WITH PRESCRIBED BODIES</b>	<b>COMPLY</b>	<b>NOT COMPLY</b>
<p>The Contractor and prescribed staff member / s must be registered and be in good standing with the South African Qualification &amp; Certification Committee Gas installation (SAQCC)</p> <p>The Contractor and prescribed staff member / s must provide proof of registration with SAQCC</p> <p>Note: The GPL reserves the right to verify the Contractor's and staff status of registration directly with SAQCC</p>		
<p>The Contractor must be registered and be in good standing with the South African Refrigeration and Air Conditioning Contractors Association (SARACCA).</p> <p>The Contractor must provide proof of registration with SARACCA.</p> <p>Note: The GPL reserves the right to verify the Contractor's status of registration directly with SARACCA</p>		
Substantiate / Comments		

## 11. 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

### 11.1. 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.

## 11.2. 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>Key Personnel CV and Qualifications</b>	<p>A trade Tested Air-conditioning and Refrigeration technician with 3 to 5 years' experience (20 Points)</p> <p>A trade Tested Aircon Electrician with 1- 2 years' experience equivalent Air conditioners (10 Points)</p> <p>NB! A copy of a trade test certificate and comprehensive CV must be submitted as proof. Failure will result in no points.</p>	20	20
<b>Air conditioning services service approaches and methodologies</b>	<p>Detailed proposed air-conditioning service approach and methodology.</p> <p>Project Plan (10)</p> <p>Method Statement (10)</p> <p>Execution Plan (10)</p>	30	30
<b>Proven Track record</b> The service provider must provide evidence of good quality work done before,	<p>Experience of 3 years or more on maintenance work contract of similar nature (Servicing, maintenance, and testing Air Conditioners equipment) indicating the contract value and service rendered.</p> <ul style="list-style-type: none"> <li>• <u>3 letters – 25</u></li> <li>• <u>2 letters- 15</u></li> <li>• <u>1 letter - 10</u></li> </ul> <p>Please Note:</p> <p><u>The reference letter should not be older than 5 years. Reference will be checked, to ensure that the project was performed at the agreed time, quality and within budget. Failure to submit the above may result in reference letter being discarded or scored lower points</u></p> <p><u>Please include company name, contact person, and contact details (telephone number and e-mail).</u></p>	25	25
<b>Company Experience:</b> Must have 3 Number of years in a similar business:		25	25

	The service provider must provide GPL with the: Company profile indicating the number of years in the similar business- 5+ years-25 4 +years- 15 3+ years - 10		
<b>Total Points</b>			<b>100</b>
<b>Threshold</b>			<b>70</b>

### 11.3. 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, SARACCA , SAIRAC , SAQCC		
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 one (1) Bid proposal and (1) USB.		
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		
22	Joint Venture / Consortium agreement / Trust Deed (if applicable)		
23	<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>		
24	<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-BBEE 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]

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

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

**Contact Person:** Lesebelele Seteno  
**Tel:** 011 498-5959 and **E-mail address:** [Lseteno@gpl.gov.za](mailto:Lseteno@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  
presently employed by the state? **YES / NO**

2.7.1 If so, furnish the following particulars:

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

Name of state institution at which you or the person

connected to the bidder is employed : .....  
Position occupied in the state institution: .....

Any other particulars:

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

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

2.7.2.1 If yes, did you attached proof of such authority to the bid document? **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

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

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

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

2.8.1 If so, furnish particulars:

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

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

2.9.1 If so, furnish particulars.

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

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

2.10.1 If so, furnish particulars.

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

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

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

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

Full Name	Identity Number	Personal Tax Reference Number	State Employee Number / Persal Number

4. DECLARATION

I, THE UNDERSIGNED (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 AND 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of 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
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	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:

80/20	or	90/10
$P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$	or	$P_s = 90 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$

Where

- $P_s$  = Points scored for price of bid under consideration
- $P_t$  = Price of bid under consideration
- $P_{\min}$  = Price of lowest acceptable bid

### 4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

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

B-BBEE Status Level of Contributor	Number of points (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		NO	
-----	--	----	--

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		NO	
-----	--	----	--

- 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**