



REQUEST FOR QUOTATION (RFQ)

RFQ REF	PMU-15/05/2024
RFQ DESCRIPTION	REQUEST FOR QUOTATION FOR THE APPOINTMENT OF PROFESSIONAL REGISTERED ARCHITECT AND QUANTITY SURVEYOR FOR COLESBURG LOCAL OFFICE TENANT INSTALLATION PROJECT
RFQ ISSUE DATE	4 July 2024
CLOSING DATE & TIME	12 July 2024 AT 11H00am

Submissions must be submitted:

Completed bid documents with the relevant bid description must be submitted not later than 11h00am on the 12 July 2024 by e-mail to NyakoT@legal-aid.co.za. Late responses will not be accepted.

ENQUIRIES WITH REGARD TO THIS ADVERT MAY BE DIRECTED TO

<p><u>SCM Specific enquiries</u> Enquiries: Ms Merriam Rasetsoke Email Address: MerriamR@legal-aid.co.za Tel No.: 011 877 2000</p>	<p><u>Technical/Project specific enquiries</u> Enquiries: Mr Nyako Tshukudu Email Address: NyakoT@legal-aid.co.za Tel No.: 011 877 2000</p>
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SUPPLIER NAME : _____

POSTAL ADDRESS : _____

TELEPHONE NO : _____

E MAIL ADDRESS : _____

CONTACT PERSON : _____

CELL NO : _____

SPECIFICATION FOR APPOINTMENT OF PROFESSIONALLY REGISTERED FIRM/TEAM OF ARCHITECTURE AND QUANTITY SURVEYOR

1. INTRODUCTION AND BACKGROUND

- 1.1 Legal Aid South Africa is an independent statutory body established in terms of Legal Aid Act, 1969 (Act 22 of 1969), replaced by the Legal Aid South Africa Act 39 of 2014. Its aim is to render legal aid to indigent persons as widely as possible within its financial means, including providing legal representation and advice at state expense as contemplated in the constitution. Legal Aid South Africa is a high-performance organization delivering its constitutional mandate to provide legal assistance to the poor.
- 1.2 Legal Aid SA has property portfolio consists with one (1) National Office, six (6) Provincial Offices, sixty-four (64) Local Offices and sixty-four (64) Satellite Offices. Out of these offices, eight (8) properties are owned by Legal Aid SA, one hundred and twenty-four (124) are leased from various landlords and three (3) rent-free court office spaces are provided by the Government.
- 1.3 The Legal Aid SA hereby invites suitably qualified and reputable Professionally Registered firm/team of Architects and Quantity Surveyors to submit proposals for stage 1 to 6 of Tenant Installation Project in Colesburg Local Office.

2. TERMS OF REFERENCE

- 2.1 The terms of reference are for all stages of implementation (stage 1 to 6) and the Professionally Registered firm/team of Architects and Quantity Surveyors may **ONLY** be appointed for certain stages that will be stipulated upon appointment by the Legal Aid SA.
- 2.2 Failure to adhere to any of these requirements will result in disqualification: Bid documents received after closing date and time will not be considered.

3. OBJECTIVE OF THE REQUEST FOR QUOTATION

To appoint Professional Registered firm/team of Architects and Quantity Surveyor who comply with requirements stated in this request for quotation and who will respond within the prescribed time.

4. EVALUATION PROCESS

The evaluation process will be in three (3) phases, namely: -

4.1 Phase 1: Pre-qualification evaluation:

During this phase, potential service providers will be pre-screened to determine mandatory compliance as indicated below:

Document to be submitted	Requirement	Submitted	
		Yes	No
Registration with industry body and Qualifications	<ul style="list-style-type: none"> • Architect • Quantity Surveyor <ul style="list-style-type: none"> ➢ Architectural Profession Act, 2000 (as amended) ➢ Quantity Surveying Profession Act, 2000 (as amended) 		
Professional Indemnity insurance	Proof of Professional Indemnity Insurance to be attached (minimum of Two Million Rand)		
Fully completed and signed hard copy of the RFQ	Non-submission of the completed hardcopy RFQ will lead to disqualification.		

Note: Failure to submit the above will result in the bid being disqualified and will not be evaluated further

4.2 Phase 2: Functionality Evaluation

Functionality will be evaluated in accordance with the functionality criteria and values illustrated below. The applicable values that will be utilized when scoring.

Evaluation Criteria	Weight	Score
1. Number of Years of Experience as a Professional Architect. <i>Evidence: CV, relevant qualification and proof of registration as an Architect (refer to 4.2.1)</i>	35	
<ul style="list-style-type: none"> • No information or irrelevant information provided = (0 Points) 		
<ul style="list-style-type: none"> • The Architect has 1-2 years' experience as a registered professional = (5 Points) 		
<ul style="list-style-type: none"> • The Architect has more than 2 years' - 4 years' experience as a registered professional = (10 Points) 		

Evaluation Criteria	Weight	Score
<ul style="list-style-type: none"> The Architect has more than 4 years'- 6 years' experience as a registered professional = (15 Points) 		
<ul style="list-style-type: none"> The Architect has more than 6 years - 8 years' experience as a registered professional = (25 Points) 		
<ul style="list-style-type: none"> The Architect has more than 8 years' experience as a registered professional = (35 Points) 		
<p>2. Number of Years of Experience as a Professional Quantity Surveyor (QS). <u>Evidence: CV, relevant Qualification and proof of registration as a QS (refer to 4.2.1</u></p>	35	
<ul style="list-style-type: none"> No information or irrelevant information provided = (0 Points) 		
<ul style="list-style-type: none"> The QS has 1-2 years' experience as a registered professional = (5 Points) 		
<ul style="list-style-type: none"> The QS has more than 2 years - 4 years' experience as a registered professional = (10 Points) 		
<ul style="list-style-type: none"> The QS has more than 4 - 6 years' experience as a registered professional = (15 Points) 		
<ul style="list-style-type: none"> The QS has more than 6 - 8 years' experience as a registered professional = (25 Points) 		
<ul style="list-style-type: none"> The QS has more than 8 years' experience as a registered professional = (35 Points) 		
<p>3. Two (2) projects completed where a firm/professional has performed same work as Principal Agent <u>Evidence: Not older than 3 years Reference Letters, Letters on the client letter head, Project Cost, Name of the client and contact number, email address and must be signed.</u></p>	30	
<ul style="list-style-type: none"> No information or irrelevant information provided = (0 Points) 		
<ul style="list-style-type: none"> 2 x Similar work of less than R 500,000.00 = (5 Points) 		
<ul style="list-style-type: none"> 2 x Similar work of less than R 800,000.00 = (10 Points) 		
<ul style="list-style-type: none"> 2 x Similar work of less than R 1,100,000.00 = (15 Points) 		
<ul style="list-style-type: none"> 2 x Similar work of less than R 1,400,000.00 = (20 Points) 		
<ul style="list-style-type: none"> 2 x Similar work of greater than R 1,400,000.00 = (30 Points) 		
<p>NB: Legal Aid SA reserve rights to verify the reference letters and the information contained therein.</p>		

Evaluation Criteria	Weight	Score
<ul style="list-style-type: none"> The reference letter with the lowest contract value will guide on which category the points are allocated. 		
Total Score	100	

4.2.1 Proposed professional team qualifications outlined below

PROPOSED PROFESSIONAL QUANTITY SURVEYORS' QUALIFICATION- INDICATE OFFICE WHERE RESOURCE(S) ARE AVAILABLE						
DESCRIPTION OF WORKS	Name of Proposed Key Personnel	Qualification (Proof must be attached)	Professional Registration Number (Professional Registration Certificate must be attached)	No. of years post qualification (CV must be attached)	No. of years post Professional registration	Base town of operation
Quantity Surveying						
Space Planning and interior design						

Bidder shall score **70 or more** points on functionality in order to be evaluated in terms of price preferential points system. For this procurement the 80/20 preference point system will apply.

All RFQ documents will also be assessed for compliance with the administrative requirements of the evaluation criteria and due diligence will be conducted prior to appointment to ensure capability and capacity to undertake the required services:

Legal Aid SA reserves the right to clarify proposals that are not submitted where the information presented is illegible or incomplete.

4.3 Phase 3: Legal Aid SA will evaluate the bidders on price and preference of 80/20.

- i) Bidders will be evaluated strictly in accordance with the request for proposal evaluation criteria stipulated in the terms of reference
- ii) Bidders must, as part of their bid proposals, submit supportive documentation for all technical requirements. The evaluation panel responsible for scoring the respective bid response will evaluate and score all bid proposals based on the information provided.

- iii) Bidders will not rate themselves, but must ensure that all information is supplied as required. The evaluation panel will evaluate and score all responsive bid proposals and will verify all documents submitted by the bidders.
- iv) The panel members will individually evaluate the received against the criteria as set out in the RFQ.

Preferential Procurement Policy Framework Act (PPPFA) Specific Goals on B-BBEE points will be awarded as follows:

Maximum points on price	-	80 points
Specific goals on B-BBEE	-	20 points
TOTAL	-	100 points

5. PRICING

PRICING SCHEDULE - AS PER GUIDELINE TARIFF OF PROFESSIONAL FEES

Fee Calculation	Primary Charge - R				
(Amount that fees are based on)	Marginal Rate - %				
Estimated Value of Works	Marginal Fee - R				
R 1,000,000.00	Adjustment Factor - %				
	Adjustment Amount - R				
	Fee QS				
	Fee Architect				
	Fee PA				
Quantity Surveyor					
Stage	% Tariff	% Discount	Amount		
Stage 1- Inception					
Stage 2- Concept and Viability					
Stage 3- Design Development					
Stage 4- Documentation and Procurement					
Stage 5- Documentation and procurement					
Stage 6- Close-Out					
Sub-Total	100,00%				

Architecture					
Stage 1- Inception					
Stage 2- Concept and Viability					
Stage 3- Design Development					
Stage 4- Documentation and Procurement					
Stage 5- Documentation and procurement					
Stage 6- Close-Out					
Sub-Total	100,00%				
Principal Agent					
Stage 3- Design Development					
Stage 4- Documentation and Procurement					
Stage 5- Documentation and procurement					
Stage 6- Close-Out					
Sub-Total	100,00%				
Disbursements (travelling, accommodation, printing, etc.)					
Contingencies	10,00%				
Sub-Total					
VAT	15,00%				
TOTAL					
Offer to be valid for 120 days from the closing date of bid					

Please note that this is not an instruction to proceed with supply of any goods or services unless the quotation is approved and a purchase order is supplied to you.

6. TERMS AND CONDITIONS

- The full costs must be disclosed (all applicable services) and no variances will be entertained;
- The SDB 1, 3.1, 3.3, 4 and 6.1 (to claim for preference points including supporting documents) must be completed and submitted with the proposal;
- Bidders will be evaluated on the Legal Aid SA SCM Policy: Specific goals will be evaluated using the Preferential Points System Evaluation: 80/20: Price = 80 and B-BBEE status level of contribution = 20 points;
- The service provider will not be entitled to a retainer fee;

- Awarded bidder must use the proposed Key Staff, or those equally or more experienced and/ or qualified for the duration of the contract;
- All work must be executed by competent and qualified personnel in the most time saving and effective manner possible;
- Bidders must be registered on National Treasury's Central Supplier Database prior to appointment and relevant industry body (failure to submit proof/valid registration numbers will invalidate your proposal);
- The successful service provider will be required to sign a Service Level Agreement (SLA); and
- Payments will be made within 30 days of the invoice date as per agreed milestones in the contract.

7. **DELIVERY ADDRESS:**

Legal Aid South Africa – Colesburg Office (address to be shared with successful bidder)

LEGAL AID SOUTH AFRICA RESERVES THE RIGHT NOT TO MAKE ANY APPOINTMENT AND SHALL NOT ENTERTAIN ANY CLAIM FOR COSTS THAT MAY HAVE BEEN INCURRED IN THE PREPARATION AND THE SUBMISSION OF THE PROPOSALS.

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	PMU-15/05/2024	CLOSING DATE:	12 July 2024	CLOSING TIME:	11:00am
DESCRIPTION	THE APPOINTMENT OF PROFESSIONAL REGISTERED ARCHITECT AND QUANTITY SURVEYOR FOR COLESBURG LOCAL OFFICE TENANT INSTALLATION PROJECT				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
ONLY EMAILED RESPONSES WILL BE ACCEPTED					
By E-mail to NyakoT@legal-aid.co.za					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Merriam Rasetsoke		CONTACT PERSON	Nyako Tshukudu	
TELEPHONE NUMBER	011 877 2000		TELEPHONE NUMBER	011 877 2000	
FACSIMILE NUMBER	N/A		FACSIMILE NUMBER	N/A	
E-MAIL ADDRESS	MerriamR@legal-aid.co.za		E-MAIL ADDRESS	NyakoT@legal-aid.co.za	
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 PART B:3]	
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**

1. BID SUBMISSION:	
1.1.	BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2.	ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.
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.	THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).

2. TAX COMPLIANCE REQUIREMENTS	
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 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:

**PRICING SCHEDULE – FIRM PRICES
(PURCHASES)**

NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED

IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of bidder.....	Bid number: PMU-15/05/2024
Closing Time: 11:00am	Closing date: 12 July 2024.

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

ITEM NO.	QUANTITY	DESCRIPTION	BID PRICE IN RSA CURRENCY ** (ALL APPLICABLE TAXES INCLUDED)
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- Required by:
- At:
- Brand and model
- Country of origin
- Does the offer comply with the specification(s)? *YES/NO
- If not to specification, indicate deviation(s)
- Period required for delivery
- *Delivery: Firm/not firm
- Delivery basis

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination.

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

*Delete if not applicable

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state? **YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

2.2 Do you, or any person connected with the bidder, have a relationship

¹ the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....
.....

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

2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

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

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring

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

institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature Date

.....
Position Name of bidder

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

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

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

1. GENERAL CONDITIONS

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

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

1.2 To be completed by the organ of state

- a) The applicable preference point system for this tender is the **80/20** preference point system.
- b) Either the **90/10 or 80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

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

- (a) Price; and
- (b) Specific Goals.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

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

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

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

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

3.2.1. POINTS AWARDED FOR PRICE

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

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

Where

- P_s = Points scored for price of tender under consideration
 P_t = Price of tender under consideration
 P_{max} = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

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

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender: B-BBEE Status Level of Contributor	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
1	N/A	20	N/A	
2	N/A	18	N/A	
3	N/A	14	N/A	
4	N/A	12	N/A	
5	N/A	8	N/A	
6	N/A	6	N/A	
7	N/A	4	N/A	
8	N/A	2	N/A	
Non-compliant contributor	N/A	0	N/A	

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One-person business/sole propriety
- Close corporation
- Public Company
- Personal Liability Company
- (Pty) Limited
- Non-Profit Company
- State Owned Company

[TICK APPLICABLE BOX]

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

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

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

