



# TSHWANE AUTOMOTIVE SPECIAL ECONOMIC ZONE

AFRICA'S FIRST AUTOMOTIVE CITY

<b>REQUEST FOR PROPOSALS</b>	
<b>RFP Description:</b>	<b>Supply, Delivery, Offloading and Distribution of 500 000 Litres of Diesel to Tshwane Automotive Special Economic Zone (TASEZ) for a Period of 9 Months on an as and when required basis</b>
<b>RFP Number:</b>	<a href="#">TASEZ/RFP007/2021</a>
<b>Closing Date:</b>	<a href="#">29 October 2021</a>
<b>Closing Time:</b>	<a href="#">12h00</a>
<b>RFP Validity Period:</b>	120 Days
<b>Compulsory Briefing:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Compulsory Briefing Session Details: Date: Time: Venue:
<b>TASEZ Enquiry Details:</b>	
<b>Name:</b>	Lucia Buda
<b>Contact Numbers:</b>	012 564 3174
<b>Email Address:</b>	<a href="mailto:luciab@tasez.co.za">luciab@tasez.co.za</a>
<b>Delivery Address:</b>	The Procurement Officer Tshwane Automotive Special Economic Zone Automotive Supplier Park 30 Helium Road Rosslyn Ext 2

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## 1. Introduction

The Department of Trade and Industry (the *dtic*) in collaboration with the Gauteng Province, and the City of Tshwane, through the Tshwane Economic Development Agency (TEDA) have established a Special Economic Zone (SEZ) in Silverton, Tshwane. Tshwane Automotive Special Economic Zone (TASEZ) was established and registered in terms of the Companies Act No 71 of 2008 to be the Operator of this SEZ and for the implementation of the construction scope with the SEZ campus. The SEZ is established for the purpose of accommodating mainly the automotive component manufacturers that will supply the Ford Motor Company. It is also aimed at offering a diversity of appropriate land uses and other economic activities.

This Phase of the SEZ development is meant to accommodate 12 supplier factories and this is being constructed in a two (2) phased approach, that is, phases 1 and 1A. The two phases are in different sites which are adjacent to each other. The project is currently underway and includes planning, design, supply, construction, commissioning and handover of the supplier factories in the SEZ. It was however established that there would be a shortfall in the bulk electricity supply to the SEZ which will affect the operation of the SEZ. The estimated shortfall is 20 MVa as from June 2021 to June 2025. The estimated shortfall is caused by Eskom needs to undertake network strengthening to its high voltage network to fully supply the SEZ.

This Request for Proposals (RFP) is for soliciting solutions that can be implemented to meet the electrical demand during and after construction. It includes the supply and delivery of diesel for generators that supply power to TASEZ.

This document covers the general, technical and all other requirements related to the supply and delivery of diesel. The responsibility lies with the Bidder to determine and provide material, equipment and labour not mentioned in this document but are necessary for the successful completion and operation of the installation.

## 2. Invitation to Submit a Proposal

TASEZ hereby invites proposals from suitably qualified Bidders for the **Supply, Delivery, Offloading of 500 000 litres and Distribution of Diesel to Tshwane Automotive Special Economic Zone (TASEZ) for the period of 9 months on an as and when basis.**

The bidder must also monitor the diesel tank levels and ensuring that the tank does not operate below 25% capacity.

The Scope of Work is detailed in Clause 3 below.

### **3. Scope of Work**

Bidders to provide proposal for the Supply and Delivery of Diesel to TASEZ.

The scope includes the following: -

#### **3.1. General Requirements**

This specification for the supply, delivery, offloading an estimated **500 000-litre diesel tank** stationed on site and distribution from the tank to the different delivery points (500m radius) within the TASEZ premises.

- 3.1.1.** Supplying of diesel to the bulk tank (30 000 litres) located at Phase 1, opposite the graveyard site
- 3.1.2.** Monitoring of the diesel tank levels and ensuring that the tank does not operate below 25% capacity
- 3.1.3.** Distribution of diesel from the Bulk Tank to the individual tenant's tanks, within a radius of 500m
- 3.1.4.** Be on 24-hour standby for any requests for the filling up of tanks
- 3.1.5.** Rental of 3000 litre movable bowser
- 3.1.6.** A Generator to power the pumps
- 3.1.7.** Provide a Diesel dispenser & Generator Pump Attendant
- 3.1.8.** Supply LDV rental with towbar.

#### **3.2. Sub-Contracting**

- 3.2.1.** Bidders are allowed to subcontract where applicable.

#### **3.3. Compliance and Regulations**

- 3.3.1.** The supply and delivery shall be carried out in compliance with the following Acts and Regulations:
  - 3.3.1.1.** Petroleum Products Act 120 of 1977
  - 3.3.1.2.** Petroleum Products Amendment Act No 58 of 2003
  - 3.3.1.3.** Petroleum Products Amendment Act No 2 of 2005
  - 3.3.1.4.** Regulations regarding petroleum products wholesale licenses as per Government Gazette No 28665 dated 27 March 2006
  - 3.3.1.5.** Occupational Health & Safety Act on regulation, 85 of 1993 Major Hazard Regulation Section 3 (1) read with section 5 (1) and 5 (5)(a)

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- 3.3.1.6. National Environmental Management Act (NEMA), 1998, Listed Activities under notice 1 R166 of the Act, including regulation 1R; section 24(4)(a); section 24(2)(a) or (b).
- 3.3.1.7. Environment Conservation Act, 1989 (Act No. 73 of 1989), section 21 (Government Notice No. R. 1182).
- 3.3.2.** The service provider must be able to supply fuel at short notice should the need arise (within 48 hours after an order has been issued).
- 3.3.3.** All materials offered in terms of this tender shall comply with the latest relevant Codes of the South African Petroleum Products Amendment Act (PPA), issued by the Department of Energy in June 2006 and (SANS) South African National Standards specifications. 8. Service provider must supply compliance certificates with each delivery in respect of specified items to determine whether these comply with the relevant SABS Codes. The district municipality reserves the right to test the goods at any time and should the tests fail to meet the specification, the service provider will be liable to remove, at his cost, all defective items that may have been delivered and will also be liable for replacement items as well as the cost of delivery thereof in compliance with his obligations in terms thereof.
- 3.3.4.** The service provider must be in possession of a **Valid Trade Licence** issued by the **Gas Regulator** for the supply of fuel. This certificate in the name of the service provider must be attached to this tender.
- 3.3.5.** The bidder must provide **Wholesale Licence** as issued by the Department of Minerals and Energy. **An agreement with the Wholesale Licence owner must be submitted if the bidder is not the owner of the Wholesale Licence.**
- 3.3.6.** The bidder must submit a proof of **Vehicle Registration** and road worthy certificate of at least two (2) vehicle and a two (2) trailer bowser licensed to carry fuel with all safety equipment required by law. **A rental agreement must be provided if the bidder is not the owner of the vehicles.**
- 3.3.7.** This contract is covered under the **General Conditions of Contract.**
- 3.3.8.** The service provider shall not be entitled to cede or assign any of its rights or delegate any of its obligations or duties, nor any part of thereof acquired without the written consent of the district municipality.

### **3.4. Minimum Requirements**

#### **3.4.1. Supply of diesel**

All materials offered in terms of this tender shall comply with the latest relevant codes of the National Association of Automobile Manufacturers of South Africa (NAAMSA) and South African Bureau of Standards (SABS) wherever applicable.

- 3.4.1.1. Supply of 50 pp Diesel
- 3.4.1.2. Price to include diesel cost, labour cost and transport cost, distribution cost (Submit price breakdown)
- 3.4.1.3. The vehicles and tankers to comply with all necessary road permits (Dangerous Goods Transportation Permit) as per the National Road Traffic Act.
- 3.4.1.4. Drivers to have valid drivers' licences and all necessary training certificates to transport and handle dangerous goods (diesel).
- 3.4.1.5. Tankers to have a meter reading and a minimum of 2-meter hose pipe to be able to reach the generators.
- 3.4.1.6. Tankers and vehicles to be able to fit at the office park gates and parking bays.
- 3.4.1.7. Be able to supply 30000 litres of diesel per order.
- 3.4.1.8. Clean the area of any spills.
- 3.4.1.9. Be available for 48-hours.
- 3.4.1.10. It shall be assumed that the bidder is fully conversant with the above regulations and requirements. Should any regulation, requirement or by-law which contradicts the requirements of this Specification apply or become applicable during execution is necessary to complete the delivery satisfactorily, such regulation, requirement or by-law shall overrule the requirements of this document and the Contractor shall immediately inform the client of such a contradiction.
- 3.4.1.11. Under no circumstances shall the Contractor carry out any variations to the delivery in terms of such contradiction without obtaining the written permission to do so from the client.
- 3.4.1.12. The Contractor shall indemnify client against any losses, costs or expenditures as well as culpability which may arise as result of Contractor's negligence in complying with the requirements of the above regulations, requirements, by-laws and standards. The client will not entertain any claims for extra costs in

respect of failure by the Contractor to comply with any of the above regulations, requirements, by-laws, and standards.

#### **3.4.2. Occupational Health and Safety Act**

3.4.2.1. The Contractor shall meet the requirements of the Occupational Health and Safety Act as well as any other requirements stipulated in the client's Health and Safety Specification and any additional requirements by the client.

#### **3.4.3. Tools, Equipment and Material Storage**

3.4.3.1. The Contractor shall provide for all the correct tools, equipment, appliances, materials, and all sundries necessary in good order for the proper execution of the works, whether mentioned in the specification or not.

3.4.3.2. The Contractor must make their own arrangements regarding transport and off-loading of labour and materials.

3.4.3.3. The Contractor will be responsible for the safe storage of all equipment, plant, and materials. The client will not be held responsible for any loss by theft or damage in any way.

3.4.3.4. The storage of combustible materials on site shall be kept to a minimum. The Contractor shall ensure that such combustible materials are safely stored. Suitable firefighting equipment shall be provided by the Contractor, who shall further ensure that staff capable of using the equipment is at hand.

#### **3.4.4. Transport**

3.4.4.1. It is the responsibility of the Contractor to fully inform themselves of the requirements and limitations laid down by the South African Transport Services regarding the transport of the equipment, and to comply with these requirements where applicable.

3.4.4.2. Where the equipment is to be transported by road only, the requirements of the Provincial Road Authority shall be complied with.

#### **3.4.5. Co-operation with other Trades**

3.4.5.1. It is the Contractor's responsibility to familiarise themselves with any current and/or future projects at the site that may impact the Contractor's delivery.

**3.4.6. Permits, Certificates and Approvals from Authorities**

- 3.4.6.1. The Contractor shall determine all relevant permits, certificates and approvals required to ensure successful completion of the delivery in compliance with the Specification and all the relevant Codes and Standards.
- 3.4.6.2. The Contractor shall complete and submit all permit applications to the appropriate authorities and the cost shall be paid from the permit fee allowed for by the Contractor.

**3.4.7. Pricing Schedule**

- 3.4.7.1. The Bidder shall submit the Pricing Schedule as part of the Returnable Schedules.

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#### 4. Submission of Responses

- 4.1. All submissions must be clearly marked: "For attention: Supply Chain Management" with the RFP Number included and hand delivered. The Tender Box is situated at the **Main Gate**. The address is:  
**The Procurement Officer**  
**Tshwane Automotive Special Economic Zone**  
**Automotive Supplier Park**  
**30 Helium Road**  
**Rosslyn Ext 2**
- 4.2. Bid documents shall only be considered when received on or before the closing date and time which is **29<sup>th</sup> October 2021** at **12h00**. **The closing date and time include electronically submitted documents.** Late proposals will not be considered. RFP documents will not be opened in Bidder; however, the results will be published on the TASEZ website.
- 4.3. The bidder(s) are required to submit as follows: -
- 4.3.1. **Option 1: Hand Delivered**
- Three (3) Copies will be submitted as follows: -**
- 4.3.1.1. **One (1) Original**
- One original of the completed RFP document shall be placed in a sealed envelope clearly marked: "**TASEZ/RFP007/2021 – Supply, Delivery, Offloading of 500 000 litre and Distribution of Diesel at Tshwane Automotive Special Economic Zone (TASEZ) for a period of 9 months on an as and when basis**".
- 4.3.1.2. **One (1) Copy – Separate Envelope**
- One copy of the completed RFP document shall be placed in a sealed envelope clearly marked: "**TASEZ/RFP007/2021 – Supply, Delivery, Offloading of 500 000 litre and Distribution of Diesel at Tshwane Automotive Special Economic Zone (TASEZ) on an as and when basis**".
- 4.3.1.3. **Flash Disk**
- A copy of the tender shall be scanned and saved in a flash disk that will resemble the original signed hardcopy. The flash disk must be secured in the file.
- 4.3.2. **Electronically Submission**
- 4.3.2.1. Bidders may submit their bids electronically via email to TASEZ.
- 4.3.2.2. Bids must be completed and signed in **black ink**. **No electronically completed documents are allowed.**

- 4.3.2.3. Folders in the electronic submitted files must be correctly indexed and signed as applicable
- 4.3.2.4. Bids must be emailed to [luciab@tasez.co.za](mailto:luciab@tasez.co.za) as per the closing date and time requirements. No late submissions shall be allowed. Bidders to ensure that their emails have been transmitted before the closing time. No cloud-based submissions shall be allowed.
- 4.4. The submission must be marked correctly and sealed for ease of reference during the evaluation process.
- 4.5. **Bidders are requested to initial each page of the RFP document on the right-hand side at the bottom of each page.**
- 4.6. This RFP 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.
- 4.7. No responses 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.

## 5. Contact and Communication

- 5.1. All communication and enquiries shall be in writing (via email), to the following email address, [luciab@tasez.co.za](mailto:luciab@tasez.co.za). TASEZ will communicate with all Bidders where clarity regarding this RFP is sought.
- 5.2. Clarification questions from bidders will be closed **three (3) DAYS** before date of closure of the RFP.
- 5.3. Any communication to an official in respect of the RFP between the closing date and the award of the contract by the Bidders is prohibited.
- 5.4. If a Bidders finds or reasonably believes it has found any discrepancy, ambiguity, error or inconsistency in this RFP or any other information provided by TASEZ (other than minor clerical matters), the Bidders must promptly notify TASEZ in writing of such discrepancy, ambiguity, error or inconsistency in order to afford TASEZ an opportunity to consider what corrective action is necessary (if any).
- 5.5. Any actual discrepancy, ambiguity, error, or inconsistency in the RFP or any other information provided by TASEZ will, if possible, be corrected and provided to all Bidders without attribution to the Bidders who provided the written notice.

- 5.6. All persons (including Bidders) obtaining or receiving the RFP and any other information in connection with the RFP must keep the contents of the RFP and other such information confidential, and not disclose or use the information except as required for the purpose of developing a response to the RFP.

## 6. Late Submission

- 6.1. Late responses to the RFP will not be accepted.
- 6.2. All dates and times in this RFP are in accordance with the South African standard calendar and time.
- 6.3. Any time or date in this RFP is subject to change at TASEZ's discretion. The establishment of a time or date in this RFP does not create an obligation on the part of TASEZ to take any action or create any right in any way for any Bidders to demand that any action be taken on the date established.
- 6.4. The Bidders accepts that, if TASEZ extends the deadline for the RFP submission (the closing date) for any reason, the requirements of this RFP otherwise apply equally to the extended deadline.

## 7. Instruction to Bidders

### 7.1. Price Declaration Form

7.1.1. Please indicate your total RFP price including VAT here: R \_\_\_\_\_  
**(compulsory).**

7.1.2. It is mandatory to indicate the total RFP price as requested above. This price must be the same as the total RFP price in the pricing schedule. Should the total RFP prices differ, the one indicated above shall be considered the correct price.

7.1.3. The following must be noted:

7.1.3.1. All prices must be VAT inclusive and must be quoted in South African Rand (ZAR).

7.1.3.2. All prices must be firm and fixed from the RFP closing date and for the duration of the contract.

7.1.3.3. All bidders must cost according to the costing template provided or this will lead to disqualification.

7.1.3.4. The cost of delivery, labour etc. must be included in the proposal.

7.1.3.5. Preference will be given to respondents who comply with the TASEZ's Procurement Policy & Procedures. Bidder Finance Management Act (PFMA) shall apply.

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- 7.1.3.6. The bidders must have a minimum B-BBEE status level of contributor 3 or higher.
- 7.1.3.7. As per amended construction codes, companies with less than 51% black shareholding (QSEs & Generics) are to submit a valid SANAS Accredited B-BBEE Verification Certificate (with the full applicable B-BBEE elements). QSE with at least 51% or 100% black shareholding and EMEs with an annual turnover of above R3 Million are required to submit a B-BBEE verification certificate from a SANAS accredited verification agency as they have to comply with the 40% sub-minimum requirement on the QSE Skills Scorecard to avoid being discounted a level. EMEs with a turnover of less than R3 Million are exempt from complying with the subminimum requirement and may submit an affidavit or a certificate issued by CIPC, confirming their ownership and annual turnover.
- 7.1.3.8. The appointed service provider may sub-contract practitioners from previously disadvantaged groups (black, female, youth and people with disability) and/or local (within NMBM) black-owned companies (with a turnover of less than R50 mil), where scope and credentials permit.
- 7.1.3.9. Proof of registration with Treasury's Centralised Supplier Database (CSD) not older than **three (3) months** old.
- 7.1.3.10. TASEZ will only award the tender to a bidder who is tax compliant. The tax compliance status of the bidders will be verified through CSD and SARS website via the provided pin. The prospective bidders must ensure that they are Tax Compliant throughout the validity period of the bid in review.
- 7.1.3.11. Bidders will be evaluated on functionality and are expected to meet the minimum of **70%** threshold in order to be evaluated further. The evaluation criteria for measuring functionality and weight of each criterion are provided in the tables below.
- 7.1.3.12. Bidder servants are prohibited from doing any form of business with organs of state, whether in their own capacity as individuals or through companies in which they are directors. Verification will be done, and bidders will be disqualified should they be found to be in contravention with the regulations. If the bidder has been granted permission by Treasury, the letter must be provided with the bid document.

**7.2. Tender Returnables Requirements**

Bidders shall submit all tender returnables documents as indicated in the **Table 1** below for evaluation purposes. Failure to submit these documents by the Bidder shall be regarded as non-responsive / mandatory non-performance / non-compliance and the Bidder’s submission shall be disqualified.

**7.2.1. Tender Returnables Requirements**

**Table 1: Tender Returnables Requirements to be submitted for Evaluation.**

<b>Document that must be Submitted</b>	<b>Returnables for the RFP</b>	<b>Non-Submission will Result in Disqualification</b>
Tax Pin	Yes	The Bidder must submit a valid Tax Pin
B-BBEE Certificate or Certified Copy	Yes	The Bidder must submit an original or certified copy of the B-BBEE certificate
<b>SBD 1 – Invitation to Bid</b>	Yes	Completed and signed SBD 1 form. In case of a Joint Venture / Consortium, a separate SBD 1 form in respect of each party to the JV must be completed and submitted.
Letter of Intent to enter into Joint Venture / Consortium	Yes	A Letter of Intent to enter into Joint Venture / Consortium must be signed by all parties in the JV.
Letter of Authority for JV / Consortium	Yes	The Letter of Authority to sign JV / Consortium documents must be signed by all parties in the JV.
<b>SBD 4 – Declaration of Interests</b>	Yes	Complete & sign the supplied document. In case of a Joint Venture / Consortium, a separate declaration of interest form in respect of each party to the JV must be completed and submitted.
<b>SBD 6.1 – Preference Points Claim Form</b>	Yes	Preference Points Claim Form – Complete and sign the supplied document.
<b>SBD 6.2 – Local Content Declaration</b>	Yes	Bidders to submit their proposed local content declaration on SBD 6.2 as attached in the Annexures of this document.
<b>SBD 8 – Declaration of Bidder’s Past Supply Chain Management Practices</b>	Yes	Complete & sign the supplied document. In case of a Joint Venture / Consortium, a separate SBD 8 in respect of each party to the JV must be completed and submitted.
<b>SBD 9 – Certificate of Independent Bid Determination</b>	Yes	Complete & sign the supplied document

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Document that must be Submitted	Returnables for the RFP	Non-Submission will Result in Disqualification
Pricing Schedule	Yes	Completed, priced and signed pricing schedule for the solution to be implemented / Pricing Schedule clearly legible with permanent ink
Bidders Experience	Yes	Bidders must provide at least 3 references for similar projects completed within the past 3 years. <b>(Bidder must provide proof in the form of Referral Letters and/or Completion Certificate issued by their client.</b>  All these must have been issued and signed by the client on the <b><u>client company letterheads.</u></b>  Contact details of the client shall be in the documents to allow TASEZ to conduct verifications or reference checks.
Trade Licence	Yes	The service provider must be in possession of a Valid Trade Licence issued by the Fuel/Gas Regulator for the supply of fuel. This certificate in the name of the service provider must be attached to this tender.
Wholesale Licence/ A written agreement with a wholesaler.	Yes	The bidder must provide Wholesale License as issued by the Department of Minerals and Energy.  <b><u>A signed written agreement with the Wholesale Licence owner must be submitted if the bidder is not the owner of the Wholesale Licence.</u></b>
Vehicle and Bowser Registration or A rental agreement of Delivery Trucks Trailer Bowser	Yes	The bidder must submit a proof of Vehicle Registration and Road Worthy Certificate of a vehicle and a trailer bowser licensed to carry fuel with all safety equipment required by law.  <b><u>A signed written rental agreement must be provided if the bidder is not the owner of the vehicles.</u></b>

Failure to submit all mandatory requirements as above (completed and signed including attachments), will result in submissions being deemed null and void and shall be considered “non-responsive” and therefore not considered further.

Name of Bidder: \_\_\_\_\_.

Signature of Bidder: \_\_\_\_\_ Date: \_\_\_\_\_.

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## 8. Evaluation of Bids

The bid evaluation process will consist of the following **three (3) Stages**:

### 8.1. Responsiveness Assessment

The following criteria will be used in assessing the responsiveness of bids:

#### 8.1.1. Stage 1 – Mandatory Administrative Requirements Criteria

This is the assessment of compliance with the minimum Mandatory Administrative Requirements as detailed in **Table 2** below. No points or score will be allocated in criteria. **Noncompliance with any of these Mandatory Administrative Requirements will result in disqualification.**

**Table 2: Mandatory Administrative Requirements**

Description	Compliant	Non-Compliant
1) CIPC Registration Documents		
2) Valid CSD report (Not older than three (3) months)		
3) Valid Letter of Good Standing issued by the Department of Labour or RMA.		
4) SBD 1		
5) SBD 4		
6) SBD 6.1		
7) SBD 6.2		
8) SBD 8		
9) SBD 9		
10) Trade Licence		
11) Wholesale Licence		
12) Vehicle and Bowser Registration		

### 8.2. Stage 2 - Technical / Functionality Evaluation

**8.2.1.** Only bids that comply with the indicated Mandatory Administrative Requirements will be considered for the Technical / Functional Evaluation Stage.

**8.2.2.** The Technical / Functional Evaluation criteria for this bid is indicated in tables below including the scoring system and weight allocation that will be used for the evaluation of the bids. Bidders are required to achieve a minimum of **70 points** out of **100 points** to proceed to **Stage 3** (Price and B- BBEE).

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**Table 3: Company Trade References**

References Letters	No. of Letters	Points Claimed
Bidders must provide references for similar projects completed within the past 3 years. <b>(Bidder must provide proof in the form of Referral Letters and/or Completion Certificate issued by their client.</b> All these must have been issued and signed by the bidder's client on the <u>client company letterheads</u> .  Contact details of the client shall be in the documents to allow TASEZ to conduct verifications or reference checks. Projects should have been completed within the past 3 years.  The Bidders must have completed works similar in nature to the required scope.	4 or more References for similar completed projects	55
	3 References of similar completed project	40
	2 References of similar completed project	25
	1 Reference of similar completed project	15
	No reference provided	0
<b>Total Points Claimable</b>		<b>55</b>

**Table 4: Number of Years of Experience of the Pump Attendant**

Number of Years of Experience of the Pump Attendant	No. of Letters	Points Claimed
Bidders must provide a Pump Attendant experience in the fuel supply industry. <b>A CV of the Pump Attendant must be submitted.</b>	2 or more Years of Experience	5
	1 Years of Experience	3
	0 Year of Experience	0
<b>Total Points Claimable</b>		<b>5</b>

**Table 5: Project Response and Management Plan**

Project Implementation Methodology Requirements	Level of Details	Points Claimed
Project Response and Management Plan	Detailed project plan with a clear description of how the bidder will deliver the diesel.	40

Provide a detailed project response and management plan for the execution of the project with clear description of how the bidder will deliver diesel to TASEZ	Plan submitted but lack clear milestones and description of how the bidder will deliver diesel.	20
	No plan submitted	0
<b>Total Points Claimable</b>		<b>40</b>

**8.3. Stage 3 – Price and B-BBEE**

Bidders must fully complete the Pricing Schedule in **Table 5** below. The bid will be evaluated on the 80/20 principle. Risk assessment **MAY** be conducted on the top **three (3)** bidders using the Bidders’ audited financial statement. Bidders may be requested to submit 3 years audited financial statements. **The bidder should be able to supply diesel for one month without payment from TASEZ.**

**9. Validity Period of the RFP**

The validity period of this RFP shall be **120 days** from the closing date.

**10. Duration of the Contract**

The contract shall be **9 months** with an option to renew. Bidders to indicate their duration in the proposal.

**11. Pricing Schedule**

Bidders must complete the Pricing Schedule for all resources included. The bid will be evaluated on the 80/20 principle.

The prices offered must be fixed and firm for the duration of the contract.

**RFP No: TASEZ/RFP007/2021: Supply, Delivery, Offloading of 500 000 litre and Distribution of Diesel at Tshwane Automotive Special Economic Zone (TASEZ) for a period of 9 Months on an as and when basis”.**

Bidders Name: \_\_\_\_\_

Price Offer: \_\_\_\_\_

--

**Table 6: Price Schedule**

Item	Unit	Quantity	Rate	Amount
50 PPM diesel (Estimated quantity of 500 000 litre)	Litre	500 000		R
Rental of diesel bowser	Month	9		R
Diesel dispenser & Generator Pump Attendant	Month	9		R
Generator to power the pumps	Month	9		R
LDV Rental with towbar	Month	9		R
<b>Total for 9 Months</b>				<b>R</b>

--

**12. Form of Offer and Acceptance**

<b>Project Title</b>	<b>Supply, Delivery, Offloading of 500 000 litre and Distribution of Diesel at Tshwane Automotive Special Economic Zone (TASEZ) for a period of 9 Months on an as and when basis</b>
<b>RFP Number</b>	<b>RFP007/2021</b>

**12.1. OFFER**

The employer, identified in the acceptance signature block, has solicited offers to enter into a contract for the procurement of:

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

The Bidder, identified in the offer signature block, has examined the documents listed in the tender data and addenda thereto as listed in the returnable schedules, and by submitting this offer has accepted the conditions of tender.

By the representative of the Bidder, deemed to be duly authorized, signing this part of this form of offer and acceptance, the Bidder offers to perform all of the obligations and liabilities of the contractor under the contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the conditions of contract identified in the contract data.

**THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF VALUE ADDED TAX IS**  
 .....  
 .....  
 .....  
 ..... **Rand (in words).**

**R**..... (in figures) (or other suitable wording).

This offer may be accepted by the employer by signing the acceptance part of this form of offer and acceptance and returning one copy of this document to the Bidder before the end of the period of validity stated in the tender data, whereupon the Bidder becomes the party named as the contractor in the conditions of contract identified in the contract data.

--

Signature .....  
Name .....  
Capacity .....  
**for the Bidder**.....  
.....  
.....

(Name and Address of Organisation)

Name and Signature  
of Witness ..... Date .....

**12.2. ACCEPTANCE**

By signing this part of this form of offer and acceptance, the employer identified below accepts the Bidder’s offer. In consideration thereof, the employer shall pay the contractor the amount due in accordance with the conditions of contract identified in the contract data. Acceptance of the Bidder’s offer shall form an agreement between the employer and the Bidder upon the terms and conditions contained in this agreement and in the contract that is the subject of this agreement.

The terms of the contract, are contained in:

**12.2.1. Part 3 – Scope of work.**

Deviations from and amendments to the documents listed in the tender data and any addenda thereto as listed in the returnable schedules as well as any changes to the terms of the offer agreed by the Bidder and the employer during this process of offer and acceptance, are contained in the schedule of deviations attached to and forming part of this form of offer and acceptance. No amendments to or deviations from said documents are valid unless contained in this schedule.

The Bidder shall within 3 weeks after receiving a completed copy of this agreement, including the schedule of deviations (if any), contact the employer’s agent (whose details are given in the contract data) to arrange the delivery of any securities, bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the conditions of contract identified in the contract data. Failure to fulfil any of these obligations in accordance with those terms shall constitute a repudiation of this agreement.

Notwithstanding anything contained herein, this agreement comes into effect on the date when the Bidder receives one fully completed original copy of this document, including the schedule of deviations (if any). Unless the Bidder (now contractor) within five working days of the date of such receipt notifies the employer in writing of any reason why he cannot accept the contents of this agreement, this agreement shall constitute a binding contract between the parties.1

Signature .....  
Name .....  
Capacity .....  
**for the**  
**Employer** .....

(Name and address of organization)

Name and Signature  
of Witness ..... Date .....

**12.3. SCHEDULE OF DEVIATIONS**

Subject: .....  
Details: .....  
.....  
Subject: .....  
Details: .....  
.....  
Subject: .....  
Details: .....  
.....  
Subject: .....  
Details: .....  
.....

--

By the duly authorised representatives signing this agreement, the employer and the Bidder agree to and accept the foregoing schedule of deviations as the only deviations from and amendments to the documents listed in the tender data and addenda thereto as listed in the tender schedules, as well as any confirmation, clarification or changes to the terms of the offer agreed by the Bidder and the employer during this process of offer and acceptance.

It is expressly agreed that no other matter whether in writing, oral communication or implied during the period between the issue of the tender/ quotation documents and the receipt by the Bidder of a completed signed copy of this Agreement shall have any meaning or effect in the contract between the parties arising from this agreement.

<sup>1</sup>As an alternative, the following wording may be used:

*Notwithstanding anything contained herein, this agreement comes into effect two working days after the submission by the employer of one fully completed original copy of this document including the schedule of deviations (if any), to a courier-to-*

*counter delivery / counter-to-counter delivery / door-to-counter delivery /door-to-door delivery /courier service (delete that*

*which is not applicable), provided that the employer notifies the Bidder of the tracking number within 24 hours of such submission. Unless the Bidder (now contractor) within seven working days of the date of such submission notifies the*

*employer in writing of any reason why he cannot accept the contents of this agreement, this agreement shall constitute a binding contract between the parties*

--

**13. Record of Addendum to the Bid Documents**

<b>Project Title</b>	<b>Supply, Delivery, Offloading of 500 000 litre and Distribution of Diesel at Tshwane Automotive Special Economic Zone (TASEZ) for a period of 9 Months on an as and when basis.</b>		
<b>RFP Number</b>	<b>RFP007/2021</b>		
I / We confirm that the following communications received from the TASEZ before the submission of this tender offer, amending the tender documents, have been taken into account in this bid offer: (Attach additional pages if more space is required)			
<b>Item</b>	<b>Date</b>	<b>Title or Details</b>	<b>No. of Pages</b>
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

Attach additional pages if more space is required.

Signed: .....

Date: .....

Name: .....

Position: .....

Bidder: .....

--

**14. Proposed Amendments and Qualifications**

The Tenderer should record any deviations or qualifications he may wish to make to the tender documents in this Returnable Schedule. Alternatively, a tenderer may state such deviations and qualifications in a covering letter to his tender and reference such letter in this schedule.

The Tenderer’s attention is drawn to clause 5.8 of SANS 10845-3 regarding the employer’s handling of material deviations and qualifications.

<b>Project Title</b>	<b>Supply, Delivery, Offloading of 500 000 litre and Distribution of Diesel at Tshwane Automotive Special Economic Zone (TASEZ) for a period of 9 Months on an as and required basis.</b>
<b>RFP Number</b>	<b>RFP007/2021</b>

Page	Clause /Item	Proposal

The undersigned, who warrants that she/ he is duly authorised to do so on behalf of the enterprise, confirms that the content of this schedule that presented by the tenderer are within my personal knowledge and are to the best of my knowledge both true and correct

Attach additional pages if more space is required.

Signed: ..... Date: .....  
 Name: ..... Position: .....  
 Bidder: .....

**15. Resolution for Signatory**

**CERTIFICATE OF AUTHORITY FOR SIGNATORY**

Signatory for companies shall confirm their authority hereto by attaching a duly signed and dated copy of therelevant resolution of the board of directors to this form or on company letter head.

An example is given below:

“By resolution of the board of directors passed at a meeting held on \_\_\_\_\_.

Mr/Ms \_\_\_\_\_, whose signature appears below, has been duly authorised to sign all documents in connection with the tender for Contract No. \_\_\_\_\_

and any Contract which may arise there from on behalf of (Block Capitals)

SIGNED ON BEHALF OF THE COMPANY: \_\_\_\_\_

IN HIS/HER CAPACITY AS: \_\_\_\_\_

DATE: \_\_\_\_\_

SIGNATURE OF SIGNATORY: \_\_\_\_\_

**WITNESSES:**

<b>Director (Names)</b>		Signature	

If you cannot complete this form, attach a separate sheet (in a company letter head, project specific and signed by all directors):

--

**16. Certificate of Authority for Joint Ventures**

This Returnable Schedule is to be completed by joint ventures.  
 We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise Mr / Ms. ...., authorised signatory of the company ....., acting in the capacity of leadpartner, to sign all documents in connection with the tender offer and any contract resulting from it on our behalf.

<b>Project Title</b>	<b>Supply, Delivery, Offloading of 500 000 litre and Distribution of Diesel at Tshwane Automotive Special Economic Zone (TASEZ) for a period of 9 Months on an as and when basis</b>	
<b>RFP Number</b>	RFP007/2021	
<b>Name of Firm</b>	<b>Address</b>	<b>Duly Authorised Signatory</b>
<b>Lead Partner:</b>		Signature: ..... Name: ..... Designation: .....
Partner:		Signature: ..... Name: ..... Designation: .....
Partner:		Signature: ..... Name: ..... Designation: .....
Partner:		Signature: ..... Name: ..... Designation: .....

Attach additional pages if more space is required.

Signed: ..... Date: .....

Name: ..... Position: .....

Bidder: .....

**17. Schedule of Proposed Sub-Contractors**

<b>Project Title</b>	<b>Supply, Delivery, Offloading of 500 000 litre and Distribution of Diesel at Tshwane Automotive Special Economic Zone (TASEZ) for a period of 9 Months on an as and when required basis</b>
<b>RFP Number</b>	<b>RFP007/2021</b>

We notify you that it is our intention to employ the following Subcontractors for work in this contract. The Subcontractors will all be CIDB registered and their CIDB Registration number shall be submitted below. This should also be declared on **SBD 6.1 form**.

If we are awarded a contract we agree that this notification does not change the requirement for us to submit the names of proposed subcontractors in accordance with requirements in the contract for such appointments. If there are no such requirements in the contract, then your written acceptance of this list shall be binding between us.

We confirm that all subcontractors who are or to be contracted are registered on Central Supplier Database (CSD).

No.	Name and Address of the Proposed Sub-Contractor	Nature and Extent of Work	Value	Contact details
1				
2				
3				
4				

The undersigned, who warrants that she/ he is duly authorised to do so on behalf of the enterprise, confirms that the content of this schedule that presented by the tenderer are within my personal knowledge and are to the best of my knowledge both true and correct

--

**18. SBD 1 Form**

**PART A: INVITATION TO BID**

<b>You are Hereby Invited to Bid for Requirements of the (Name of Department/ Bidder Entity)</b>					
<b>Bid Number:</b>	<b>TASEZ/ RFP007/2021</b>	<b>Closing Date:</b>	<b>29 October 2021</b>	<b>Closing Time:</b>	<b>12h00</b>
<b>Description:</b>	<b>Supply, Delivery, Offloading of 500 000 litre and Distribution of Diesel at Tshwane Automotive Special Economic Zone (TASEZ) for a period of 9 Months on an as and required basis</b>				
<b>The Successful Bidder will be Required to Fill in and Sign a Written Contract Form (SBD7).</b>					

Bid Response Documents May Be Deposited in the Bid Box Situated at (Street Address):

<b>Tshwane Automotive Special Economic Zone (Main Gate)</b> <b>Automotive Supplier Park</b> <b>30 Helium Road. Rosslyn Ext 2</b> <b>THE BID BOX IS AVAILABLE BETWEEN: 08h00 – 16h00 Weekdays.</b>
--

<b>Supplier Information</b>					
Name Of Bidder					
Postal Address					
Street Address					
Telephone Number	Code		Number		
Cellphone Number					
Facsimile Number	Code		Number		
E-Mail Address					
Vat Registration Number					
	TCS PIN:		OR	CSD No:	
B-BBEE Status Level Verification Certificate [Tick Applicable Box]	<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE Status Level Sworn Affidavit	<input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, who was the Certificate Issued by?					
An accounting officer as contemplated in the Close Corporation Act (CCA) and name the applicable in the tick box	<input type="checkbox"/>	An Accounting Officer as Contemplated in the Close Corporation Act (CCA)			
	<input type="checkbox"/>	A Verification Agency Accredited by the South African Accreditation System (SANAS)			
	<input type="checkbox"/>	A Registered Auditor			
		Name:			

**[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 Below]
<b>Signature of Bidder</b>	.....	<b>Date</b>	.....
Capacity under which this Bid is Signed. (Attach Proof of Authority to Sign this Bid, e.g., Resolution of Directors, etc.)		.....	
Total Number of Items Offered		Total Bid Price (All Inclusive)	R.....

<b>Bidding Procedure Enquiries may be Directed to:</b>		<b>Technical Information may be Directed to:</b>	
Department/ Bidder Entity	SCM TASEZ	Contact Person	Lucia / Hlamulo
Telephone Number	012 564 3174	Facsimile Number	012 564 3174
Facsimile Number	N/A	E-Mail Address	<a href="mailto:luciab@tasez.co.za">luciab@tasez.co.za</a>
E-Mail Address	<a href="mailto:luciab@tasez.co.za">luciab@tasez.co.za</a>		

--

**PART B: TERMS AND CONDITIONS FOR BIDDING**

<p><b>1. Bid Submission:</b></p> <p>Bids must be delivered by the stipulated time to the correct address. Late bids will not be accepted for consideration.</p> <p>All bids must be submitted on the official forms provided– (not to be re-typed) or online.</p> <p>Bidders must register on the central supplier database (CSD) to upload mandatory 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 to bidding institution.</p> <p>Where a bidder is not registered on the CSD, mandatory information namely: (Business Registration/ Directorship/ Membership / Identity Numbers; Tax Compliance Status may not be submitted with the bid documentation. B-BBEE Certificate or Sworn Affidavit for B-BBEE must be submitted to bidding institution.</p> <p>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 legislation or special conditions of contract.</p>
<p><b>2. Tax compliance requirements</b></p> <p>Bidders must ensure compliance with their tax obligations.</p> <p>Bidders are required to submit their unique personal identification number (pin) issued by SARS to enable the organ of state to view the taxpayer’s profile and tax status.</p> <p>Application for tax compliance status (TCS) or pin may also be made via e-filing. In order to use this provision, taxpayers will need to register with SARS as e-filers through the website <a href="http://www.sars.gov.za">www.sars.gov.za</a></p> <p>Bidders may also submit a printed TCS together with the bid.</p> <p>In bids where consortia / joint ventures / sub-Bidders are involved; each party must submit a separate proof of TCS / Pin / CSD Number.</p> <p>Where no TCS is available, but the bidder is registered on the central supplier database (CSD), a CSD Number must be provided.</p>
<p><b>3. Questionnaire to Bidding Foreign Suppliers</b></p> <p>Is The Bidder a Resident of the ReBidder of South Africa (RSA)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Does the Bidder have a Branch in the RSA? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Does the Bidder have a Permanent Establishment in the RSA? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Does the Bidder have any Source of Income in the RSA? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If the answer is “no” to all of the above, then, it is not a requirement to obtain a Tax Compliance Status / Tax Compliance system pin code from the South African Revenue Service (SARS) and if not register as per 2.3 above.</p>

--

**NB: FAILURE TO PROVIDE 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: \_\_\_\_\_

--

**PART C: COMPULSORY ENTERPRISE QUESTIONNAIRE**

The following particulars must be furnished. In the case of a joint venture, separate enterprise questionnaires in respect of each partner must be completed and submitted.

**Section 1: Name of Enterprise:** \_\_\_\_\_

**Section 2: VAT Registration Number, if any:** \_\_\_\_\_

**Section 3: CIDB Registration Number, if any:** \_\_\_\_\_

**Section 4: Particulars of Sole Proprietors and Partners in Partnerships**

Name*	Identity number*	Personal Income Tax Number*

*\* Complete only if sole proprietor or partnership and attach separate page if more than 3 partners*

**Section 5: Particulars of Companies and Close Corporations**  
 Company Registration Number: \_\_\_\_\_  
 Close Corporation Number: \_\_\_\_\_  
 Tax Reference Number: \_\_\_\_\_

**Section 6: The attached SBD 4 must be completed for each tender and be attached as a tender requirement.**

**Section 7: The attached SBD 6.1 must be completed for each tender and be attached as a requirement.**

**Section 8: The attached SBD 8 must be completed for each tender and be attached as a requirement.**

**Section 9: The attached SBD 9 must be completed for each tender and be attached as a requirement.**

--

The undersigned, who warrants that he / she is duly authorized to do so on behalf of the enterprise:

- i) authorizes the Employer to obtain a tax clearance certificate from the South African Revenue Service that my / our tax matters are in order;
- ii) Confirms that the neither the name of the enterprise or the name of any partner, manager, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears on the Register of Tender Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act of 2004;
- iii) Confirms that no partner, member, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears, has within the last five years been convicted of fraud or corruption;
- iv) Confirms that I / we are not associated, linked or involved with any other tendering entities submitting tender offers and have no other relationship with any of the Bidders or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest; and
- v) Confirms that the contents of this questionnaire are within my personal knowledge and are to the best of my belief both true and correct.

Signed

\_\_\_\_\_

Date

\_\_\_\_\_

Name

\_\_\_\_\_

Position

\_\_\_\_\_

--

**19. SBD 4 Form**

**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. Full Name of bidder or his or her 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.

2.6.2. <sup>1</sup>“State” means –

- a) any national or provincial department, national or provincial Bidder entity or constitutional institution within the meaning of the Bidder 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.

--

2.6.3. "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**

2.8. 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:

.....

.....

.....

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

2.9.1. 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.

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

.....

.....

.....

2.10. 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**

2.10.1. If so, furnish particulars:

.....

.....

.....

2.11. 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**

2.11.1. If so, furnish particulars.

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

2.12. 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**

2.12.1. If so, furnish particulars.

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

2.13. 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**

2.13.1. If so, furnish particulars:

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

--

**Table 7: Full details of Directors / Trustees / Members / Shareholders**

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

**3. 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 Bidder

--

20. SBD 6.1 Form

**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:
  - 1.1.1. the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
  - 1.1.2. the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).
- 1.2. Price and B-BBEE Points
  - 1.2.1. If the value of this bid does not exceed **R50 000 000.00** (all applicable taxes included), the **80/20** preference point system shall be applicable; or
  - 1.2.2. If the value of this bid exceeds **R50 000 000.00** (all applicable taxes included), the **90/10** preference point system will be applicable.
- 1.3. Points for this bid shall be awarded for:
  - 1.3.1. Price; and
  - 1.3.2. B-BBEE Status Level of Contributor.
- 1.4. The maximum points for this bid are allocated as follows:

**Table 8: Price and B-BBEE Points Allocations**

Description	Points
Price	
B-BBEE Status Level of Contributor	
<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**

- 2.1. "B-BBEE" means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 2.2. "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;
- 2.3. "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;
- 2.4. "Broad-Based Black Economic Empowerment Act" means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.5. "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;
- 2.6. "functionality" means the ability of a Bidder to provide goods or services in accordance with specifications as set out in the tender documents.
- 2.7. "Prices" includes all applicable taxes less all unconditional discounts;
- 2.8. "Proof of B-BBEE status level of contributor" means:
  - 2.8.1. B-BBEE Status level certificate issued by an authorized body or person;
  - 2.8.2. A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 2.8.3. Any other requirement prescribed in terms of the B-BBEE Act;
- 2.9. "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;

2.10. “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:

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

Where

- P<sub>s</sub> = Points scored for price of bid under consideration
- P<sub>t</sub> = Price of bid under consideration
- P<sub>min</sub> = Price of lowest acceptable bid

**4. Points Awarded for B-BBEE Status Level of Contributor**

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

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:

--

**5. Bid Declaration**

5.1. Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

**B-BBEE Status Level of Contributor Claimed in Terms of Paragraphs 5.**

- 5.2. B-BBEE Status Level of Contributor: \_\_\_\_ . \_\_\_\_ = \_\_\_\_ (maximum of 10 or 20 points)
- 5.3. (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4 and must be substantiated by relevant proof of B-BBEE status level of contributor.

**6. Sub-Contracting**

6.1. Will any portion of the contract be sub-contracted? (Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

6.1.1. If yes, indicate:

6.1.1.1. What percentage of the contract will be sub-contracted ..... %

6.1.1.2. The name of the sub-contractor  
 .....

6.1.1.3. The B-BBEE status level of the sub-contractor  
 .....

6.1.1.4. Whether the sub-contractor is an EME or QSE

*(Tick applicable box)*

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

6.1.2. 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 least 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		

**7. Declaration with Regard to Company / Firm**

7.1. Name of Company / Firm: .....

7.2. VAT Registration Number: .....

7.3. Company Registration Number: .....

7.4. Type of Company / Firm

- Partnership / Joint Venture / Consortium
- One person business / sole propriety
- Close corporation
- Company
- (Pty) Limited

**[TICK APPLICABLE BOX]**

7.5. Describe Principal Business Activities

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

7.6. Company Classification

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g., transporter, etc.

**[TICK APPLICABLE BOX]**

7.7. Total number of years the company/firm has been in business: .....

7.8. 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

--

- 7.9. 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:
- 7.9.1. The information furnished is true and correct;
  - 7.9.2. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
  - 7.9.3. In the event of a contract being awarded as a result of points claimed as shown in paragraphs
  - 7.9.4. 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;
  - 7.9.5. 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 –
    - 7.9.5.1. disqualify the person from the bidding process;
    - 7.9.5.2. recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
    - 7.9.5.3. 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;
    - 7.9.5.4. 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
    - 7.9.5.5. forward the matter for criminal prosecution.

**Witnesses**

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_

\_\_\_\_\_

**Signature**

**Date:** \_\_\_\_\_

**Address:** \_\_\_\_\_

\_\_\_\_\_

--

## 21. SBD 6.2 Form

### **DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS**

This Standard Bidding Document (SBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2011, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

#### **1. General Conditions**

- 1.1. Preferential Procurement Regulations, 2011 (Regulation 9) makes provision for the promotion of local production and content.
- 1.2. Regulation 9. (1) prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for bids referred to in paragraph 1.2 above, a two-stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract 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.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

--

$$LC = [1 - x / y] * 100$$

Where

x is the imported content in Rand.

y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as indicated in paragraph 4.1 below.

**The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial development/ip.jsp](http://www.thedti.gov.za/industrial%20development/ip.jsp) at no cost.**

- 1.6. A bid may be disqualified if –
  - 1.6.1. this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation; and
  - 1.6.2. the bidder fails to declare that the Local Content Declaration Templates (Annex C, D and E) have been audited and certified as correct.

## **2. Definitions**

- 2.1. “bid” includes written price quotations, advertised competitive bids or proposals;
- 2.2. “bid price” price offered by the bidder, excluding value added tax (VAT);
- 2.3. “contract” means the agreement that results from the acceptance of a bid by an organ of state;
- 2.4. “designated sector” means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;
- 2.5. “duly sign” means a Declaration Certificate for Local Content that has been signed by the Chief Financial Officer or other legally responsible person nominated in writing by the Chief Executive, or senior member / person with management responsibility (close corporation, partnership or individual).
- 2.6. “imported content” means that portion of the bid price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the

supplier or its sub-contractors) and which costs are inclusive of the costs abroad (this includes labour or intellectual property costs), plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;

- 2.7. “local content” means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;
- 2.8. “stipulated minimum threshold” means that portion of local production and content as determined by the Department of Trade and Industry; and
- 2.9. “sub-contract” means the primary Bidder’s assigning, leasing, making out work to, or employing another person to support such primary Bidder in the execution of part of a project in terms of the contract.

**3. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is / are as follows:**

No.	Description of Service / Works / Goods	Unit (e.g., m <sup>2</sup> , m <sup>3</sup> , ton, etc.)	Qty	Stipulated Minimum Threshold
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

**4. Does any portion of the services, works or goods offered have any imported content?**

(Tick applicable box)

YES		NO	
-----	--	----	--

- 4.1. If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.

--

- 4.2. The relevant rates of exchange information is accessible on [www.reservebank.co.za](http://www.reservebank.co.za).
- 4.3. Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

**NB: Bidders must submit proof of the SARB rate (s) of exchange used.**

5. **Were the Local Content Declaration Templates (Annex C, D and E) audited and certified as correct?**

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

- 5.1. If yes, provide the following particulars:
- 5.1.1. Full name of auditor: .....
- 5.1.2. Practice number: .....
- 5.1.3. Telephone and cell number: .....
- 5.1.4. Email address: .....

(Documentary proof regarding the declaration will, when required, be submitted to the satisfaction of the Accounting Officer / Accounting Authority)

6. **Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the DTI must be informed accordingly in order for the DTI to verify and in consultation with the AO/AA provide directives in this regard.**

--

**Local Content Declaration**

**(Refer To Annex B of SATS 1286:2011)**

**Local content declaration by Chief Financial Officer or other legally responsible person nominated in writing by the Chief Executive or Senior Member/Person with management responsibility (close corporation, partnership, or individual)**

In \_\_\_\_\_ respect \_\_\_\_\_ of \_\_\_\_\_ bid \_\_\_\_\_ no. \_\_\_\_\_

Issued BY: (Procurement Authority / Name of Institution): \_\_\_\_\_

**NB**

- 1) The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.
- 2) Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on [http://www.thedti.gov.za/industrial\\_development/ip.jsp](http://www.thedti.gov.za/industrial_development/ip.jsp). Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below. Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, \_\_\_\_\_ (full names), do hereby declare, in my capacity as \_\_\_\_\_ of \_\_\_\_\_ (name of bidder entity), the following:

- a) The facts contained herein are within my own personal knowledge.
- b) I have satisfied myself that:
  - the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
  - the declaration templates have been audited and certified to be correct.
- c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

Bid price, excluding VAT (y)	R
Imported content (x), as calculated in terms of SATS 1286:2011	R
Stipulated minimum threshold for local content (paragraph 3 above)	
Local content %, as calculated in terms of SATS 1286:2011	

If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.

The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.

d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.

e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2011 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

WITNESS No. 1 \_\_\_\_\_ DATE: \_\_\_\_\_

WITNESS No. 2 \_\_\_\_\_ DATE: \_\_\_\_\_

**7. Process When Requesting Exemption Letters**

- 7.1. For exemption requests on designated products and the minimum threshold for local content cannot be met for various reasons, bidders must apply for exemption per tender. After checking with the industry, the dti will decide whether to grant an exemption or not.
- 7.2. In the official request (signed letter), the following information should be included:
  - 7.2.1. Procuring entity/government department/state owned company.
  - 7.2.2. Tender/bid number.
  - 7.2.3. Closing date.
  - 7.2.4. Item(s) for which the exemption is being requested for.
  - 7.2.5. Description of the goods, services or works for which the requested exemption item will be used for and the local content that can be met.
  - 7.2.6. Reason(s) for the request.
  - 7.2.7. Supporting letters from local manufacturers and suppliers.

**NB – Exemption letters are tender specific and applications are not transferrable.**

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7.3. The turnaround time in response to exemption letters for all designated products is five working days with the exception of rail and boats/vessels which is seven working days.

7.4. Request for exemption letters are to be directed to:

**Dr Tebogo Makube**

**Chief Director:** Industrial Procurement

**Tel:** 012 394 3927

**E-mail:** [tmakube@thedti.gov.za](mailto:tmakube@thedti.gov.za).

7.5. The turnaround time in response to textile, clothing, leather and footwear exemption letters request is two working days and requests are to be directed to:

**Patricia Khumalo Tel: 012 394 1390**

**E-mail:** [khumaloP@thedti.gov.za](mailto:khumaloP@thedti.gov.za)

**22. SBD 8 Form**

**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 –
  - 3.1. abused the institution’s supply chain management system;
  - 3.2. committed fraud or any other improper conduct in relation to such system; or
  - 3.3. 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 of Restricted Suppliers as companies or persons prohibited from doing business with the Bidder sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).  The Database of Restricted Suppliers now resides on the National Treasury’s website( <a href="http://www.treasury.gov.za">www.treasury.gov.za</a> ) and can be accessed by clicking on its link at the bottom of the home page.	Yes	No
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)? The Register for Tender Defaulters can be accessed on the National Treasury’s website ( <a href="http://www.treasury.gov.za">www.treasury.gov.za</a> ) by clicking on its link at the bottom of the home page.	Yes	No
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 ReBidder of South Africa) for fraud or corruption during the past five years?	Yes	No
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	No
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

--

## 23. SBD 9 Form

### 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:
  - 3.1. 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.
  - 3.2. 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.

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**Certificate of Independent Bid Determination**

I, the undersigned, in submitting the accompanying bid:

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**(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:
  - 5.1. has been requested to submit a bid in response to this bid invitation;
  - 5.2. could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - 5.3. 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:
  - 7.1. prices;
  - 7.2. geographical area where product or service will be rendered (market allocation)
  - 7.3. methods, factors or formulas used to calculate prices;
  - 7.4. the intention or decision to submit or not to submit, a bid;
  - 7.5. the submission of a bid which does not meet the specifications and conditions of the bid; or
  - 7.6. 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.
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 Bidder 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

<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.

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## **24. General Conditions of Contract**

**24.1.** The GCC shall apply.

## **25. Service Level Agreement**

**25.1.** Upon award TASEZ and the successful Bidders will conclude a Service Level Agreement (SLA) regulating the specific terms and conditions applicable to the services being procured by TASEZ.

**25.2.** TASEZ reserves the right to accept or reject any or all amendments or additions proposed by a Bidders if such amendments or additions are unacceptable to TASEZ or pose a risk to the organisation.

## **26. Special Conditions of this RFP**

**26.1.** Bidders to take note that the award of the RFP may be subject to price negotiation with the preferred bidder and that this bid is subject to the PP Regulations of 1 April 2017.

**26.2.** Additionally, Regulation 13 (c) of the Bidder Service Regulations 2016 determines that an employee shall not conduct business with an organ of state or be a director of a Bidder or private company conducting business with an organ of state unless such employee is in an official capacity a director of a company listed in schedule 2 and 3 of the Bidder Finance Management Act.

**26.3.** As this regulation prohibits Bidder service employees from conducting business with an organ of state; either in a personal capacity or as a director of a private or Bidder company, non-compliance with this regulation will lead to automatic disqualification of a bid.

**26.4.** The TASEZ will not pay commission to the successful bidder regardless of the subcontracting conditions.

**26.5.** The TASEZ reserves the right – without prejudice and limitations to its any other rights and privileges in law:

**26.5.1.** Not to appoint a Bidders and is also not obliged to provide reasons for the rejections of any proposal;

**26.5.2.** To request further information from any Bidders after the closing date, for clarity purposes;

**26.5.3.** To carry out site inspections, product evaluations or explanatory meetings to verify the nature and quality of the services offered by the Bidders, whether before or after adjudication of the responses received;

- 26.5.4.** To correct any mistakes at any stage of the RFP process that may have been in the RFP documents or occurred at any stage of the RFP process;
- 26.5.5.** To award this RFP to a bidder that did not score the highest total number of points, only in accordance with section 2(1)(f) of the PPPFA (Act 5 of 2000);
- 26.5.6.** To negotiate with one or more preferred bidder(s) identified in the evaluation process, regarding any terms and conditions, including price without offering the same opportunity to any other bidder(s) who has not been awarded the status of the preferred bidder(s);
- 26.5.7.** To accept part of a RFP rather than the whole RFP;
- 26.5.8.** To correct any mistakes at any stage of the RFP that may have been in the RFP documents or occurred at any stage of the RFP process;
- 26.5.9.** To cancel and/or terminate the RFP process at any stage, including after the Closing Date and/or after quotations have been evaluated and/or after the preferred bidder(s) have been notified of their status as such; and
- 26.5.10.** Award to multiple bidders based justifiable reasons including but not limited to the bidder's expertise, the complexity of the scope per bidder, any on the bidder's size and TASEZ's geographic consideration.

## **27. Misrepresentation During the Lifecycle of the Contract**

- 27.1.** The Bidders should note that the terms of its proposal will be incorporated in the proposed contract by reference and that TASEZ relies upon the Bidders' response as a material representation in making an award to a successful Bidders and in concluding an agreement with the Bidders.
- 27.2.** It follows therefore that misrepresentations in the proposal may give rise to service termination and a claim by TASEZ against the Bidders notwithstanding the conclusion of the Service Level Agreement (SLA) between TASEZ and the Bidders for the provision of the service in question.
- 27.3.** In the event of a conflict between the Bidders' proposal and the SLA concluded between the parties, the SLA will prevail.

## **28. Preparation Costs**

- 28.1.** The Bidders will bear all its costs in preparing, submitting, and presenting any response to this RFP and all other costs incurred by it throughout the RFP process.

- 28.2.** Furthermore, no statement in this RFP will be construed as placing TASEZ or its employees under any obligation whatsoever, including in respect of costs, expenses or losses incurred by the Bidders in the preparation of their response to this RFP.

## **29. Indemnity**

- 29.1.** If a Bidders breaches the conditions of this RFP and, as a result of that breach, TASEZ incurs costs or damages (including, without limitation, the cost of any investigations, procedural impairment, repetition of all or part of the RFP process and/or enforcement of intellectual property rights or confidentiality obligations), then the Bidders indemnifies and holds TASEZ harmless from any and all such costs which TASEZ may incur and for any damages or losses TASEZ may suffer.

## **30. Precedence**

- 30.1.** This document will prevail over any information provided whether oral or written, unless such written information provided, expressly amends this document by reference.

## **31. Limitation Of Liability**

- 31.1.** A Bidders participates in this RFP process entirely at its own risk and cost. TASEZ shall not be liable to compensate a Bidders on any grounds whatsoever for any costs incurred or any damages suffered because of the bidders' participation in this RFP process.

## **32. Tax Compliance**

- 32.1.** It is essential to ensure that persons conducting business with the State are tax compliant at the time of awarding of price proposals or competitive bids. No price quotations or competitive bids shall be awarded to businesses or persons who are not tax compliant.
- 32.2.** The successful Bidders will be notified of their non-compliance statutes in writing and will have seven (7) working days to submit written proof from SARS of their tax compliance status or proof that they have made an arrangement to meet their outstanding tax obligations. The Bidders should thereafter provide the procurement officer with proof of their tax compliance status which will be verified by the procurement office via the CSD.
- 32.3.** TASEZ reserves the right to withdraw an award made, or cancel a contract concluded with a successful Bidders if it is established that such Bidders has submitted a fraudulent Tax Clearance Certificate to TASEZ, or whose verification against the Central Supplier Database (CSD) proves non-compliant.

**32.4.** TASEZ further reserves the right to cancel a contract with a successful Bidders if such Bidders do not remain tax compliant for the full term of the contract.

### **33. RFP Defaulters and Restricted Suppliers**

**33.1.** No contract shall be awarded to a Bidders whose name (or any of its members, directors, partners or trustees) appear on the Register of RFP Defaulters kept by National Treasury, or who have been placed on National Treasury's List of Restricted Suppliers.

**33.2.** TASEZ reserves the right to withdraw an award, or cancel a contract concluded with a Bidders should it be established, at any time, that a Bidders has been blacklisted with National Treasury by another government institution.

### **34. Governing Law**

**34.1.** South African law governs this RFP and the RFP response process. The Bidders agrees to submit to the exclusive jurisdiction of the South African courts in any dispute of any kind that may arise out of or in connection with the subject matter of this RFP, the RFP itself and all processes associated with the RFP.

### **35. Confidentiality**

**35.1.** Except as may be required by operation of law, by a court or by a regulatory authority having appropriate jurisdiction, no information contained in or relating to this RFP will be disclosed by any Bidders or other person not officially involved with TASEZ's examination and evaluation.

**35.2.** No part of the RFP may be distributed, reproduced, stored, or transmitted, in any form or by any means, electronic, photocopying, recording or otherwise, in whole or in part except for the purpose of preparing a response. This RFP and any other documents supplied by TASEZ remain proprietary to TASEZ and must be promptly returned to TASEZ upon request together with all copies, electronic versions, excerpts, or summaries thereof or work derived there from.

**35.3.** Throughout this RFP process and thereafter, Bidders must secure TASEZ's written approval prior to the release of any information that pertains to the

**35.4.** potential work or activities to which this RFP relates; or

**35.5.** the process which follows this RFP.

**35.6.** Failure to adhere to this requirement may result in disqualification from the RFP process and civil action.

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## **36. Legislative Frameworks of the RFP**

**36.1.** As TASEZ is established within the laws associated with all other SEZ's under the dtic's SEZ Programme, its development, management and operations have (as a minimum) to comply with the requisite and relevant provisions of the SA Constitution (41(1)h & 288), the PFMA (49(3)), Treasury Regulations (16A6.5 & 16A6.6), the FIDPM Note 3 of 2019/2020 and the IDMS. Additionally, TASEZ must comply with the following:

### **36.1.1. Tax Legislation**

- 36.1.1.1. It is a condition of this RFP that the tax matters of the successful Bidders are in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidders' tax obligations.
- 36.1.1.2. The tax compliance status requirements are also applicable to foreign Bidders/ individuals who respond to the RFP.
- 36.1.1.3. It is a requirement that Bidders grant written confirmation when submitting their response that SARS may on an ongoing basis during the tenure of the contract disclose the bidders' tax compliance status and by submitting a response to this RFP such confirmation is deemed to have been granted.
- 36.1.1.4. Bidders are required to be registered on the Central Supplier Database and TASEZ shall verify the bidders' tax compliance status through the Central Supplier Database.

### **36.1.2. Procurement Legislation**

- 36.1.2.1. TASEZ has a detailed evaluation methodology premised on Treasury Regulation 16A3 promulgated under Section 76 of the Bidder Finance Management Act, 1999 (Act, No. 1 of 1999), the Preferential Procurement Policy Framework Act 2000 (Act, No.5 of 2000) and the Broad-Based Black Economic Empowerment Act, 2003 (Act, No. 53 of 2003).

## **37. Supplier Due Diligence**

**37.1.** TASEZ reserves the right to conduct supplier due diligence prior to final award or at any time during the contract period. This may include site visits and requests for additional information.

### **38. Requirements After Award**

The following process will be followed **Two Weeks (14 Days)** after contract award: -

**38.1.** Kick Off Meeting

**38.2.** Submission of the following Documents before commencement of the works

**38.2.1.** SHE File as per the attached TASEZ SHE Specification

**38.2.2.** Qualification of Key Personnel if changed from the bid submission.

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**Annexure C: Local Content Declaration (Annex E)- Supporting Schedule to Annex C**

SATS 1286.2011

**Annex E**

**Local Content Declaration - Supporting Schedule to Annex C**

(E1)	Tender No.	
(E2)	Tender description:	
(E3)	Designated products:	
(E4)	Tender Authority:	
(E5)	Tendering Entity name:	

**Note: VAT to be excluded from all calculations**

Local Products (Goods, Services and Works)	Description of items purchased	Local suppliers	Value
	(E6)	(E7)	(E8)
	(E9) Total local products (Goods, Services and Works)		R 0

(E10) **Manpower costs** (Tenderer's manpower cost) R 0

(E11) **Factory overheads** (Rental, depreciation & amortisation, utility costs, consumables etc.) R 0

(E12) **Administration overheads and mark-up** (Marketing, insurance, financing, interest etc.) R 0

(E13) **Total local content** R 0

**This total must correspond with Annex C - C24**

Signature of tenderer from Annex B  
  
 \_\_\_\_\_  
 Date: \_\_\_\_\_