

TERMS OF REFERENCE

FOR

THE DEVELOPMENT OF A FILE PLAN AND THE PROVISION OF RECORDS STORAGE & MANAGEMENT SERVICES TO ALL NATIONAL DEVELOPMENT AGENCY (NDA)'S OFFICES OVER A PERIOD OF FIVE (5) YEARS

BID NUMBER: NDA05/CS03/20

BRIEFING SESSION	A COMPULSORY BRIEFING SESSION WILL BE HELD ON THE 30 th OCTOBER 2020 @ 10H00.
VENUE	MICROSOFT TEAMS: Bidders who are interested in joining the compulsory briefing session MUST send their e-mail addresses to: ElizabethM@nda.org.za / MuziM@nda.org.za by 15h00 on the 29 th October 2020 so that a link can be sent to them for joining the Microsoft Teams meeting.
CLOSING DATE CLOSING TIME	13th NOVEMBER 2020 12H00
SUBMISSION OF DOCUMENTS	All proposals must be delivered at the NDA Head Office on or before the closing date and time. The Head Office address is: 26 Wellington Road, Parktown, Johannesburg, 2193. Submissions must be strictly submitted inside the tender box, which is at the main entrance and accessible 24/7. <i>Service providers outside of Gauteng are advised to send their documents by courier. NDA will not take responsibility for documents sent via postal services.</i>
SUPPLIER ENVELOPES	The supplier's envelope/s MUST clearly have the description of the BID " Development of a File Plan and the Provision of Records Storage & Management Services for all NDA Offices " A TWO-ENVELOPE system will be used for the submission of quotations: Commercial Envelope This envelope must contain price quotations plus all the mandatory documents as listed in section 8 of this document. Technical Envelope This envelope must contain all info listed in section 4.1 & 4.2 of this document.
LATE BIDS	Bids received after the closing date and time will not be accepted for consideration and where practicable, will be returned unopened to the Bidder(s).

Contact person for Commercial Queries is Ms Elizabeth Mngqabashe or Muzi Matsenjwa on 011 018-5546/5562 between 08h30 to 17h00 on weekdays. Queries can also be sent in writing to

ElizabethM@nda.org.za/MuziM@nda.org.za.

Contact person for Technical Queries is Ms Lerato Dhlamini on +27 78 464 6047 or LeratoDH@nda.org.za.

OVERVIEW OF NDA

The National development Agency is a public entity listed under Schedule 3A of the Public Finance Management Act (PFMA). It was established in terms of the National Development Agency Act No 108 of 1998 as amended.

Our mandate

In terms of the National Development Agency (NDA) Act (Act No 108 of 1998 as amended), NDA was mandated to contribute towards the eradication of poverty and its causes by granting funds to civil society organizations (CSOs) to:

- Implement development projects in poor communities, and
- Strengthen the institutional capacity of other CSOs that provide services to poor communities.

Impact Statement:

Reduced levels of poverty in South Africa.

Mission:

A premier development agency that coordinates and integrates development initiatives to break the cycle of poverty in the country.

Vision:

Championing development for a society free from poverty.

Organisational values:

- Integrity
- Accountability and Responsibility
- Transparency
- Respect
- Ubuntu
- Innovation
- Excellence

1. BACKGROUND

1.1. Introduction

The National Development Agency (NDA) is required by section 13 of the National Archives and Records Service of South Africa Act No. 43 of 1996, as Amended, to manage its records in a well-structured record keeping system, and to put the necessary policies and procedures in place to ensure that its record keeping and records management practices comply with the requirements of the Act.

The NDA requires adherence to privacy legislation and effective implementation of information security and is required to protect its Information and Information resources to avoid a disruption in service delivery and to minimize business continuity risks and liabilities. Challenges currently experienced are listed below but are not limited to this list:

Current Records Management Challenges, especially at provincial and district office:

- a) Poor management and control for movement of documents between NDA offices.
- b) Poor Document and Records Management System.
- c) Documents are not easily available, searchable or destroyed.
- d) No proper registries and records are stored in open offices or where access can be obtained.
- e) No back-ups or disaster prevention in place (physical paper files).
- f) Scanning not done according to procedures.
- g) There is no approved File Plan implemented.
- h) Poor uniformed document management system for the entire organisation.

2. PURPOSE OF THE BID

The purpose of the request for bids is to appoint suitable service providers for the development of file plan and the provision of records and storage services for all NDA offices over a period of five (5) years

3. SCOPE OF WORK

3.1. Development of the File Plan

- 3.1.1. The bidder is requested to development File Plan according to the National Archives and Records Service of South Africa Act No. 43 of 1996, as Amended and related ISO standards.
- 3.1.2. The bidder will be required to consults and present the File plan to the NDA management and governance structures for recommendation.
- 3.1.3. The bidder is required to facilitate the approval of the File Plan by the National Archive Office/ Department.

3.2. Provision of Records Management Services

- 3.2.1. Review and amend the current NDA Records Management Policy.
- 3.2.2. Conduct records management analysis and recommend tools, guidelines and procedures for further implementation.
- 3.2.3. Train the indemnified records management champions.

3.3. Storage Service

- 3.3.1. The bidder's storage environment should comply with the National Archive requirements and include, but not limited to restricted access to the building, fireproof features, environmentally controlled and constantly monitored by CCTV cameras.
- 3.3.2. Provide archive management services.
- 3.3.3. The bidder must provide relevant National Archive certification for the storage services.
- 3.3.4. The bidder must provide necessary physical files with classifications according to the File Plan (e.g. red for Finance, yellow for personal/HR files, etc.).
- 3.3.5. Destruction of documents in align with the File Plan and the Record Management policy.
- 3.3.6. A provision of packaging material is required as and when the authorised NDA staff requests.
- 3.3.7. The bidder must ensure business continuity, therefore a confirmation of an approved Disaster Recovery Plan should be provided.

3.4. Bidder's Footprint

The participating bidders must have a national footprint. The NDA has 13 offices and the required services will be provided to all NDA offices. The current location of the offices is as follows:

Head Office		Office State
Parktown	26 Wellington Road, Parktown	Active office
Gauteng	Johannesburg	
Provincial Offices		
Mpumalanga	16 Branders Street, Nelspruit	Active office, possible relocation in October 2021

Eastern Cape	Vincedon Office Park, 08 Donald Road, East London	Active office, possible relocation in November 2021
Northern Cape	NG Meyer building, Corner Tyburn and Duncan street, Kimberley	Active office
	Matanzima street, Galeshewe, Kimberley	
KwaZulu-Natal	22 Dorothy Nyembe Street, 6 th Floor, Marine Building, Durban	Active office
Limpopo	66A Market Street, Polokwane	Active office
Western Cape	Golden Acre, Adderley Street, CBD, Cape Town.	File currently in the temporally storage.
Free State	53 Charlotte Maxeke Street, Bloemfontein.	Active office
Northwest	4059 Joules Street, 1st Floor, Mafikeng	Active office, possible relocation in June 2021
District Office		Status
Jane Furse	24 Jane Furse, Sekhukhune District, Limpopo	Active office
George	62 York Road, Unit 22, George	Active office
King Cetshwayo District	Corner Pearce Crescent and Turn Bull Road Empangeni	Active office

**** Kindly note that some of the NDA's offices may relocate in future, therefore the addresses will change, the bidder should use the provided addresses for proposals and the NDA will notify the bidder of any changes that may arise.**

4. TECHNICAL CRITERIA

Technical Evaluation will be scored as follows:

Description		Weight
Development of the File Plan	The bidder is required to provide a concept document for development of the File Plan (Section 4.1), which will include but not limited to the consultation approach and the approval thereof by the National Archive.	20
Records Management Services	The bidder is required to provide the record management services as stipulated in section 4.2: <ul style="list-style-type: none"> - Review and amend the current NDA Records Management Policy. <p style="color: red; margin-top: 10px;">Reference from client confirming having undertaken the above task</p>	10

	<p>Signed confirmation that bidder will undertake the above task</p>	
	<ul style="list-style-type: none"> - Records management analysis, recommend and develop tools and guidelines. (section 3.2.2) <p>Sample of tools and guidelines documents are required for the allocation of points.</p>	
	<ul style="list-style-type: none"> - Training (Section 4.2.3): The bidder must provide a framework on training the records management to the identified champions, in order to continue with the implementation. The training framework should include but not limited to the following: Scope (curriculum), Duration, Methodology, etc. 	10
Storage Services	<p>The bidder is required to provide the storage services as stipulated in section 4.3:</p> <ul style="list-style-type: none"> - The bidder is required to provide good quality pictures as evidence to the storage environment under section 4.3.1. - The bidder is required to provide a narrative two pages on their archive management solution (Section 4.3.2). - The bidder must provide valid National Archive certification for the storage services. - Physical files with classifications according to the file plan (Sample to be provided in a form of a picture). - The bidder to provide the framework for the destruction of document. - Provision of packaging materiel (Sample to be provided as a picture). - The bidder must ensure business continuity, therefore a written confirmation of an approved Disaster Recovery Plan should be provided. 	21

Detailed Work plan	The bidder is requested to provide a detailed work plan with activities, timelines, deliverables and possible risks with mitigations to provide assurance on service delivery.	10
	Furthermore, the bidder needs to provide a separate plan on how to take over the current services from the current service provider with minimum interruptions of NDA's operation, concept of Business Continuity .	05
Bidder's Footprint	The participating bidders must have a national footprint, premises in all the provinces in South Africa. Physical addresses must be provided for the allocation of points.	09
Experience & References	Bidders should have at least five (5) years of experience in Records and storage management services. (One page business profile)	05
	The Bidders should provide five (5) written reference letters. <i>Written references from suppliers' clients, detailing the nature of work done, duration of contract. The references should be on the referee's official letterhead with full contact details and designation of the person signing the reference letter.</i>	10
Threshold		80
Total Score		100

Clarification of the above score system

- Development of file plan = Total of 20 points (section 4.1)**
 Service providers should provide a responsive file plan concept document ensuring that the important issues are approached in an innovative and efficient way and, indicating that the tenderer has outstanding knowledge of state-of-the-art approaches thus scoring the full **20 points**.
10 points will be allocated for a document which is generic and not tailored to address the specific project objectives and requirements.
Zero points will be allocated for a non-compliance file plan concept.
- Records Management Services = Total of 5 points (4.2.1)**
 Bidders should provide Reference letter from client confirming having undertaken the task to review or develop the Records Management Policy and provide a signed confirmation that the bidder will undertake the task. Full 5 points will be allocated to

bidders who submit both documents required. Bidders who only provide a signed confirmation will score 5 points. Bidders who fail to comply with any of the above conditions will score zero (0)

- **Records Management Analysis = Total of 5 points (section 3.2.2)**
Bidders should provide relevant sample of tools and guideline documents to attain a full score of 5 points. Bidders who fail to provide the above condition will score zero (0)

- **Training = Total of 10 points (section 4.2.3)**
A total of **10 points** will be allocated to a detailed training framework that covers all the important issues and ensure that training is approached in an innovative and efficient way and, indicates that the tenderer has outstanding knowledge of state-of-the- art approaches. **5 points** will be allocated for a training framework which is generic and not tailored to address the specific project objectives and requirements. A score of **zero (0) points** will be allocated for failure to submit this training framework.

- **Storage Services = Total of 21 points (section 4.3)**
A score of three (3) points will be allocated for each deliverable. Failure to provide the deliverable will result in a score of zero (0)

- **Detailed Work plan = Total of 10 points**
Bidders should provide a detailed work plan that covers all the important issues and ensure that the project is approached in an innovative and efficient way and, indicates that the tenderer has outstanding knowledge of state-of-the- art approaches to score full score of **ten (10) points**. A score of **zero (0) points** will be attained for failure to provide the work plan.

- **Business Continuity Plan = Total of 5 points**
Bidders should provide a detailed Business Continuity Plan to attain a full score of **five (5) points**. A score of **zero (0) points** will be attained for failure to provide the Business Continuity Plan.

- **Footprint = Total of 9 points**
Participating bidders must have a national footprint (An office per province), confirmation should be by providing physical addresses of these offices. A total of 9 points will be allocated to this. Zero points will be allocated for non-compliance to this requirement.

- **Experience = Total of 5 points**
Bidders should provide a one-page business profile confirming their experience in the sector for a period of not less than five (5) years, in order to attain a full score of five points. A score of zero will be allocated for failure to meet the above requirement.

- **References = Total of 10 points**

The Bidders should provide five (5) written references from suppliers' clients, detailing the nature of work done, duration of contract. The references should be on the referee's official letterhead with full contact details and designation of the person signing the reference letter. Each reference letter will be allocated 2 points.

Note: Shortlisted service providers might be invited for presentations at the NDA head office.

5. COMMERCIAL EVALUATION

- 5.1. Bids will be evaluated in accordance with the Preferential Procurement Regulations, 2017, using the 80/20 preference points system as prescribed in the Preferential Procurement Policy Framework Act (PPPFA, Act 5 of 2000). The lowest acceptable bid will score 80 points for price and maximum of 20 points will be awarded for attaining the Broad-Based Black Economic Empowerment (B-BBEE) status level of contribution.
- 5.2. The bid proposals received will be evaluated in two (2) phases. On the first phase bids will be evaluated on functionality and on the second phase in accordance with the 80/20 preference points system respectively.
- 5.3. Bid proposal must score a minimum of eighty (80) points or more out of hundred (100) points on functionality in order to qualify for advancement to the next phase of evaluation. Second phase, a bid proposal scoring less than 80 out of 100 will not be considered for further evaluation and will be disqualified.
- 5.4. Phase two: During this phase, bid proposals that passed the first phase will be further evaluated based on the 80/20 preference points system in accordance with the PPPFA Act, where 80 points will be attained in respect of price (the lowest acceptable bid will score 80 points and bidders that quoted higher prices will score lower points for price on a pro-rata basis) and 20 points will be awarded for attaining the Broad-Based Economic Empowerment (B-BBEE) status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4

8	2
Non-compliant contributor	0

- 5.5. In order to claim the B-BBEE Status Level of Contributor, bidders must submit Sworn Affidavits or original and valid B-BBEE Status Level Verification Certificates or certified copies thereof, issued by accredited Verification Agencies such as SANAS or Registered Auditor approved by the IRBA together with their bids, to substantiate their B-BBEE claims. Exempted Micro Enterprises must submit a letter from the Accounting Officer who is appointed in terms of the Close Corporation Act.
- 5.6. Bidders who do not submit B-BBEE Status Level Verification Certificate or are non-compliant contributors to B-BBEE do not qualify for preference points for B-BBEE, but will not be disqualified from the bidding process. They will score points out of 80 for price only and zero (0) points out of 20 for B-BBEE.
- 5.7. Bidders are requested to complete the preference claim form (SBD 6.1 and 6.2) in order to claim preference points.
- 5.8. The highest ranked bidder will be awarded the bid. It should be noted also that the NDA reserves the right not to appoint any service provider and no service provider will be reimbursed for any costs incurred whilst participating in this bid.

6. PRICING

- 6.1. Service providers must give a detailed cost breakdown for all applicable costs e.g. Initial setup costs, Escalation costs and any other additional charges.
- 6.2. Service providers must indicate if their prices will be fixed and firm for the duration of the proposed contract period, if not, the proposed escalations should be clearly indicated on the proposal/quotation. All prices submitted must be inclusive of VAT.
- 6.3. Service Providers must ensure that the quotes submitted have no arithmetic errors as NDA will not rectify any errors and no adjustments to quotations received will be permitted after the closing date. The quotes should include all activities/services that will be required for the required services as no variations will be accepted unless mutually agreed by NDA and the service provider prior to contract acceptance.
- 6.4. Service providers will carry the responsibility of ensuring that the proposals submitted have been signed by a dully authorised person. Should it be established after the submission of proposals that the signatory authorising the proposal is not legally appointed by the service provider, the offer/proposal will be disqualified from the evaluation process.
- 6.5. All prices submitted should be typed in black ink or written in pen. No proposals written in pencil will be accepted or evaluated. Prices must show the total bid amount with vat included.

7. NDA PAYMENT TERMS

Invoices will be paid 30-days from the date of submission.

8. MANDATORY DOCUMENTS

- 8.1. Price offer.
- 8.2. Valid Tax Clearance Certificate issued by the South African Revenue Services (SARS) --- SARS tax pin and compliant CSD Report.
- 8.3. A letter/resolution authorising the person signing the bid documents and contracts.
- 8.4. Company registration documents (CIPC).
- 8.5. Certified Sworn Affidavits or BEE verification certificate (Issued by an approved verification agency).
- 8.6. Completed and signed SBD documents.
- 8.7. ID copies of directors

Failure to submit the above requirements with the bid document will lead to the disqualification. There will be no disqualification for none submission of a BEE certificate/sworn affidavit but service providers who do not submit will be scored zero (0) points for B-BBEE.

9. OTHER CONDITIONS

- 9.1 The Agency reserves the right not to accept the lowest bid during the bidding process.
- 9.2 The Agency reserves the right to return late bid submissions unopened.
- 9.3 The Agency reserves the right to cancel or not to award the bid to any supplier and participating service providers will not be reimbursed for expenses incurred while participating in the bid process.
- 9.4 The bid documents will be valid for 150-days from the date of submission. No regret letters will be issued to any participating service providers. The successful service provider will be announce on the NDA website and on the newspaper where the Ad was published.

10. TENDER VALIDITY

All submitted bids must be valid for 150-days from date of submission.

11. CONTRACTING

- 11.1 Upon the finalization of the property selection process. NDA's legal department shall sign the lease agreement herein referred to as Annexure "C".
- 11.2 All discussions and negotiations regarding the contents of the lease agreement shall be done with NDA's legal department.

12. DISCLAIMER

- 12.1 If a bidder finds or reasonably believes it has found any discrepancy, ambiguity, error or inconsistency in the bid or any other information provided by the NDA (other than minor clerical matters), the bidder must promptly notify NDA in writing of such discrepancy, ambiguity, error or inconsistency in order to afford the NDA an opportunity to consider what corrective action is necessary (if any).
- 12.2 Any actual discrepancy, ambiguity, error or inconsistency in this bid or any other information provided by the NDA will, if possible, be corrected and provided to all bidders without attribution to the bidder who provided the written notice.

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	<p>Signed confirmation that bidder will undertake the above task</p>	
	<ul style="list-style-type: none"> - Records management analysis, recommend and develop tools and guidelines. (section 3.2.2) <p>Sample of tools and guidelines documents are required for the allocation of points.</p>	
	<ul style="list-style-type: none"> - Training (Section 4.2.3): The bidder must provide a framework on training the records management to the identified champions, in order to continue with the implementation. The training framework should include but not limited to the following: Scope (curriculum), Duration, Methodology, etc. 	10
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Threshold		80
Total Score		100

Clarification of the above score system

- Development of file plan = Total of 20 points (section 4.1)**
 Service providers should provide a responsive file plan concept document ensuring that the important issues are approached in an innovative and efficient way and, indicating that the tenderer has outstanding knowledge of state-of-the-art approaches thus scoring the full **20 points**.
10 points will be allocated for a document which is generic and not tailored to address the specific project objectives and requirements.
Zero points will be allocated for a non-compliance file plan concept.
- Records Management Services = Total of 5 points (4.2.1)**
 Bidders should provide Reference letter from client confirming having undertaken the task to review or develop the Records Management Policy and provide a signed confirmation that the bidder will undertake the task. Full 5 points will be allocated to

bidders who submit both documents required. Bidders who only provide a signed confirmation will score 5 points. Bidders who fail to comply with any of the above conditions will score zero (0)

- **Records Management Analysis = Total of 5 points (section 3.2.2)**
Bidders should provide relevant sample of tools and guideline documents to attain a full score of 5 points. Bidders who fail to provide the above condition will score zero (0)

- **Training = Total of 10 points (section 4.2.3)**
A total of **10 points** will be allocated to a detailed training framework that covers all the important issues and ensure that training is approached in an innovative and efficient way and, indicates that the tenderer has outstanding knowledge of state-of-the- art approaches. **5 points** will be allocated for a training framework which is generic and not tailored to address the specific project objectives and requirements. A score of **zero (0) points** will be allocated for failure to submit this training framework.

- **Storage Services = Total of 21 points (section 4.3)**
A score of three (3) points will be allocated for each deliverable. Failure to provide the deliverable will result in a score of zero (0)

- **Detailed Work plan = Total of 10 points**
Bidders should provide a detailed work plan that covers all the important issues and ensure that the project is approached in an innovative and efficient way and, indicates that the tenderer has outstanding knowledge of state-of-the- art approaches to score full score of **ten (10) points**. A score of **zero (0) points** will be attained for failure to provide the work plan.

- **Business Continuity Plan = Total of 5 points**
Bidders should provide a detailed Business Continuity Plan to attain a full score of **five (5) points**. A score of **zero (0) points** will be attained for failure to provide the Business Continuity Plan.

- **Footprint = Total of 9 points**
Participating bidders must have a national footprint (An office per province), confirmation should be by providing physical addresses of these offices. A total of 9 points will be allocated to this. Zero points will be allocated for non-compliance to this requirement.

- **Experience = Total of 5 points**
Bidders should provide a one-page business profile confirming their experience in the sector for a period of not less than five (5) years, in order to attain a full score of five points. A score of zero will be allocated for failure to meet the above requirement.

- **References = Total of 10 points**

The Bidders should provide five (5) written references from suppliers' clients, detailing the nature of work done, duration of contract. The references should be on the referee's official letterhead with full contact details and designation of the person signing the reference letter. Each reference letter will be allocated 2 points.

Note: Shortlisted service providers might be invited for presentations at the NDA head office.

5. COMMERCIAL EVALUATION

- 5.1. Bids will be evaluated in accordance with the Preferential Procurement Regulations, 2017, using the 80/20 preference points system as prescribed in the Preferential Procurement Policy Framework Act (PPPFA, Act 5 of 2000). The lowest acceptable bid will score 80 points for price and maximum of 20 points will be awarded for attaining the Broad-Based Black Economic Empowerment (B-BBEE) status level of contribution.
- 5.2. The bid proposals received will be evaluated in two (2) phases. On the first phase bids will be evaluated on functionality and on the second phase in accordance with the 80/20 preference points system respectively.
- 5.3. Bid proposal must score a minimum of eighty (80) points or more out of hundred (100) points on functionality in order to qualify for advancement to the next phase of evaluation. Second phase, a bid proposal scoring less than 80 out of 100 will not be considered for further evaluation and will be disqualified.
- 5.4. Phase two: During this phase, bid proposals that passed the first phase will be further evaluated based on the 80/20 preference points system in accordance with the PPPFA Act, where 80 points will be attained in respect of price (the lowest acceptable bid will score 80 points and bidders that quoted higher prices will score lower points for price on a pro-rata basis) and 20 points will be awarded for attaining the Broad-Based Economic Empowerment (B-BBEE) status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4

8	2
Non-compliant contributor	0

- 5.5. In order to claim the B-BBEE Status Level of Contributor, bidders must submit Sworn Affidavits or original and valid B-BBEE Status Level Verification Certificates or certified copies thereof, issued by accredited Verification Agencies such as SANAS or Registered Auditor approved by the IRBA together with their bids, to substantiate their B-BBEE claims. Exempted Micro Enterprises must submit a letter from the Accounting Officer who is appointed in terms of the Close Corporation Act.
- 5.6. Bidders who do not submit B-BBEE Status Level Verification Certificate or are non-compliant contributors to B-BBEE do not qualify for preference points for B-BBEE, but will not be disqualified from the bidding process. They will score points out of 80 for price only and zero (0) points out of 20 for B-BBEE.
- 5.7. Bidders are requested to complete the preference claim form (SBD 6.1 and 6.2) in order to claim preference points.
- 5.8. The highest ranked bidder will be awarded the bid. It should be noted also that the NDA reserves the right not to appoint any service provider and no service provider will be reimbursed for any costs incurred whilst participating in this bid.

6. PRICING

- 6.1. Service providers must give a detailed cost breakdown for all applicable costs e.g. Initial setup costs, Escalation costs and any other additional charges.
- 6.2. Service providers must indicate if their prices will be fixed and firm for the duration of the proposed contract period, if not, the proposed escalations should be clearly indicated on the proposal/quotation. All prices submitted must be inclusive of VAT.
- 6.3. Service Providers must ensure that the quotes submitted have no arithmetic errors as NDA will not rectify any errors and no adjustments to quotations received will be permitted after the closing date. The quotes should include all activities/services that will be required for the required services as no variations will be accepted unless mutually agreed by NDA and the service provider prior to contract acceptance.
- 6.4. Service providers will carry the responsibility of ensuring that the proposals submitted have been signed by a dully authorised person. Should it be established after the submission of proposals that the signatory authorising the proposal is not legally appointed by the service provider, the offer/proposal will be disqualified from the evaluation process.
- 6.5. All prices submitted should be typed in black ink or written in pen. No proposals written in pencil will be accepted or evaluated. Prices must show the total bid amount with vat included.

7. NDA PAYMENT TERMS

Invoices will be paid 30-days from the date of submission.

8. MANDATORY DOCUMENTS

- 8.1. Price offer.
- 8.2. Valid Tax Clearance Certificate issued by the South African Revenue Services (SARS) --- SARS tax pin and compliant CSD Report.
- 8.3. A letter/resolution authorising the person signing the bid documents and contracts.
- 8.4. Company registration documents (CIPC).
- 8.5. Certified Sworn Affidavits or BEE verification certificate (Issued by an approved verification agency).
- 8.6. Completed and signed SBD documents.
- 8.7. ID copies of directors

Failure to submit the above requirements with the bid document will lead to the disqualification. There will be no disqualification for none submission of a BEE certificate/sworn affidavit but service providers who do not submit will be scored zero (0) points for B-BBEE.

9. OTHER CONDITIONS

- 9.1 The Agency reserves the right not to accept the lowest bid during the bidding process.
- 9.2 The Agency reserves the right to return late bid submissions unopened.
- 9.3 The Agency reserves the right to cancel or not to award the bid to any supplier and participating service providers will not be reimbursed for expenses incurred while participating in the bid process.
- 9.4 The bid documents will be valid for 150-days from the date of submission. No regret letters will be issued to any participating service providers. The successful service provider will be announce on the NDA website and on the newspaper where the Ad was published.

10. TENDER VALIDITY

All submitted bids must be valid for 150-days from date of submission.

11. CONTRACTING

- 11.1 Upon the finalization of the property selection process. NDA's legal department shall sign the lease agreement herein referred to as Annexure "C".
- 11.2 All discussions and negotiations regarding the contents of the lease agreement shall be done with NDA's legal department.

12. DISCLAIMER

- 12.1 If a bidder finds or reasonably believes it has found any discrepancy, ambiguity, error or inconsistency in the bid or any other information provided by the NDA (other than minor clerical matters), the bidder must promptly notify NDA in writing of such discrepancy, ambiguity, error or inconsistency in order to afford the NDA an opportunity to consider what corrective action is necessary (if any).
- 12.2 Any actual discrepancy, ambiguity, error or inconsistency in this bid or any other information provided by the NDA will, if possible, be corrected and provided to all bidders without attribution to the bidder who provided the written notice.

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/PUBLIC ENTITY)			
BID NUMBER:	NDA05/CS3/20	CLOSING DATE: 13 NOVEMBER 2020	CLOSING TIME: 12H00 PM
DESCRIPTION	THE DEVELOPMENT OF A FILE PLAN AND THE PROVISION OF RECORDS STORAGE AND MANAGEMENT SERVICES TO ALL NATIONAL DEVELOPMENT AGENCY (NDA)S OFFICES OVER A PERIOD OF FIVE (5) YEARS		
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)			
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO		TECHNICAL ENQUIRIES MAY BE DIRECTED TO:	
CONTACT PERSON	Muzi Matsenjwa	CONTACT PERSON	Lerato Dlamini
TELEPHONE NUMBER	011 018 5500/5562	TELEPHONE NUMBER	011 018 5500
FACSIMILE NUMBER		FACSIMILE NUMBER	
E-MAIL ADDRESS	MuziM@nda.org.za	E-MAIL ADDRESS	LeratoDH@nda.org.za
SUPPLIER INFORMATION			
NAME OF BIDDER			
POSTAL ADDRESS			
STREET ADDRESS			
TELEPHONE NUMBER	CODE	NUMBER	
CELLPHONE NUMBER			
FACSIMILE NUMBER	CODE	NUMBER	
E-MAIL ADDRESS			
VAT REGISTRATION NUMBER			
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:	OR	CENTRAL SUPPLIER DATABASE No: MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]			
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS			
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO		
DOES THE ENTITY HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO		
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO		
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO		
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	<input type="checkbox"/> YES <input type="checkbox"/> NO		
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.			

**PART B
TERMS AND CONDITIONS FOR BIDDING**

1. BID SUBMISSION:
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED—(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.
1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).
2. TAX COMPLIANCE REQUIREMENTS
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

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

SIGNATURE OF BIDDER:

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

DATE:

TAX CLEARANCE CERTIFICATE REQUIREMENTS

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

- 1 In order to meet this requirement bidders are required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
- 2 SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
- 3 The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
- 4 In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
- 5 Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website www.sars.gov.za.
- 6 Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za.



PRICING SCHEDULE
(Professional Services)

NAME OF BIDDER:	BID NO.:
CLOSING TIME 11:00	CLOSING DATE.....

OFFER TO BE VALID FORDAYS FROM THE CLOSING DATE OF BID.

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

Bid No.:

Name of Bidder:

.....	.....	R.....
.....	.....	R.....
.....	.....	R.....

TOTAL: R.....

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

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

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

TOTAL: R.....

6. Period required for commencement with project after acceptance of bid

7. Estimated man-days for completion of project

8. Are the rates quoted firm for the full period of contract? *YES/NO

9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index.

*[DELETE IF NOT APPLICABLE]

Any enquiries regarding bidding procedures may be directed to the –

(INSERT NAME AND ADDRESS OF DEPARTMENT/ENTITY)

Tel:

Or for technical information –

(INSERT NAME OF CONTACT PERSON)

Tel:

Name of Bidder:



SBD 4

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, 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, shareholder²):

.....

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.

¹"State" means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

"Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

2.7 Are you or any person connected with the bidder presently employed by the state? **YES / NO**

2.7.1 If so, furnish the following particulars:

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

Name of state institution at which you or the person connected to the bidder is employed :

Position occupied in the state institution:

Any other particulars:

.....

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

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

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

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

.....

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

2.8.1 If so, furnish particulars:

.....

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

2.9.1 If so, furnish particulars.

.....

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid?

YES/NO

2.10.1 If so, furnish particulars.

.....

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract?

YES/NO

2.11.1 If so, furnish particulars:

.....

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

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

4 DECLARATION

I, THE UNDERSIGNED
 (NAME).....
 CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT. I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
 Signature

.....
 Date

.....
 Position

.....
 Name of bidder

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

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

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

1. GENERAL CONDITIONS

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

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

1.2

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

1.3 Points for this bid shall be awarded for:

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

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

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

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
- 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

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

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

80/20

or

90/10

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

P_{\min} = Price of lowest acceptable bid

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

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

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5. BID DECLARATION

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

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

6.1 B-BBEE Status Level of Contributor: . =(maximum of 10 or 20 points)
 (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.)

7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

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

7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

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

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

Designated Group: An EME or QSE which is at 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		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name _____ of
company/firm:.....

8.2 VAT _____ registration
number:.....

8.3 Company _____ registration
number:.....

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

8.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

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

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a

fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

- (a) disqualify the person from the bidding process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution.

WITNESSES
1.
2.

.....
SIGNATURE(S) OF BIDDERS(S)
DATE:
ADDRESS
.....
.....



CONTRACT FORM - RENDERING OF SERVICES

THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SERVICE PROVIDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SERVICE PROVIDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.

PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)

1. I hereby undertake to render services described in the attached bidding documents to (name of the institution)..... in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid .

2. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (i) Bidding documents, viz
 - Invitation to bid;
 - Tax clearance certificate;
 - Pricing schedule(s);
 - Filled in task directive/proposal;
 - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
 - Declaration of interest;
 - Declaration of bidder's past SCM practices;
 - Certificate of Independent Bid Determination;
 - Special Conditions of Contract;
 - (ii) General Conditions of Contract; and
 - (iii) Other (specify)

3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.

4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.

5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.

6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES	
1	.....
2	.....
DATE:	

CONTRACT FORM - RENDERING OF SERVICES

PART 2 (TO BE FILLED IN BY THE PURCHASER)

1. I..... in my capacity as..... accept your bid under reference numberdated.....for the rendering of services indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating service delivery instructions is forthcoming.
3. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice.

DESCRIPTION OF SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	COMPLETION DATE	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

4. I confirm that I am duly authorised to sign this contract.

SIGNED ATON.....

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

1

2

DATE:



SBD 8

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
 - a. abused the institution's supply chain management system;
 - b. committed fraud or any other improper conduct in relation to such system; or
 - c. failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	<p>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 public sector?</p> <p>(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).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
4.1.1	If so, furnish particulars:		

4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME).....
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Js365bW



SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ 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).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

_____ (Bid Number and Description)

in response to the invitation for the bid made by:

_____ (Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: _____ that:
(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder.
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:

- (a) prices;
- (b) geographical area where product or service will be rendered (market allocation)
- (c) methods, factors or formulas used to calculate prices;
- (d) the intention or decision to submit or not to submit, a bid;
- (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
- (f) bidding with the intention not to win the bid.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.

9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

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

.....

Signature

.....

Date

.....

Position

.....

Name of Bidder

Js914w 2