



## TERMS OF REFERENCE

**THE APPOINTMENT OF A SERVICE PROVIDER/SERVICE PROVIDERS FOR THE SUPPLY AND DELIVERY OF AGRICULTURAL EQUIPMENT TO THE MCVA CO-OPERATIVE IN BOLATA VILLAGE (QWA QWA) - FREE STATE PROVINCE**

**BID REF: NDA09/COO01/23**

<b>BRIEFING SESSION</b>	<b>THERE WILL BE NO BRIEFING</b>
<b>VENUE</b>	<b>N/A</b>
<b>CLOSING DATE</b>	<b>02<sup>nd</sup> FEBRUARY 2024</b>
<b>CLOSING TIME</b>	<b>12H00</b>
<b>SUBMISSION OF DOCUMENTS</b>	<p>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 of the NDA building and accessible day and night.</p> <p><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></p>
<b>SUPPLIER ENVELOPES</b>	<p>The supplier's envelope/s MUST clearly have the description "<b>The appointment of a service provider/service providers to supply and deliver Agricultural Equipment to the MCVA Co-operative in Bolata Village (Qwa Qwa) – Free State Province</b>".</p> <p>A Two-envelope system will be used for the submission of bids:</p> <ul style="list-style-type: none"> <li>• <b>Commercial Envelope:</b> This envelope must contain price quotations plus all the mandatory documents as listed in <b>section 13</b> of this document.</li> <li>• <b>Technical Envelope:</b> This envelope must contain all information listed in <b>section 5</b> of this document.</li> </ul>

**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).

**Commercial Queries:** Contact Mr Muzi. Matsenjwa/Ms Zibuyile Zulu +27 11 018 5500 or [MuziM@nda.org.za](mailto:MuziM@nda.org.za)/[ZibuyileZ@nda.org.za](mailto:ZibuyileZ@nda.org.za).

**Technical Queries:** Contact Mr L. Piki/Mr J. Du Toit +27 51 430 2024/+27 82 375 9815 or [Lesedip@nda.org.za](mailto:Lesedip@nda.org.za)/[johan.dutoit@dard.gov.za](mailto:johan.dutoit@dard.gov.za).

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## 1. OVERVIEW OF NDA

- 1.1 The National Development Agency (NDA) reports to Parliament through the Department of Social Development. The NDA is classified as a public entity under schedule 3A of the Public Finance Management Act, 1999 (Act No. 1 of 1999), and was established in November 1998 by the National Development Act, 1998 (Act No. 108 of 1998) (NDA Act) as government's response to the challenge of poverty and its causes in South Africa.
- 1.2 The NDA derives its mandate from the National Development Agency Act, 1988 (Act No. 108 of 1998). In terms of the Act, the primary objective of the NDA is to contribute towards the eradication of poverty and its causes by granting funds to CSOs for the purposes of:
  - (a) carrying out projects or programmes aimed at meeting the development needs of poor communities; and
  - (b) strengthening the institutional capacity of other CSOs involved in direct service provision to poor communities.
- 1.3 The secondary objects of the NDA in terms of the Act are-
  - (a) to promote-
    - (i) consultation, dialogue and sharing of development experience between CSOs and relevant organs of State; and
    - (ii) debate on policy development
  - (b) to undertake research and publication aimed at providing the basis for development policy.
- 1.4 The NDA plays a critical role in contributing towards poverty eradication. Through the Act and various policies, the NDA contributes to – but not limited to – the advancement of economic development, social cohesion, access to basic human rights and skills development. This contribution of the NDA supports the National Development Plan (NDP) 2030 outcomes for a greater and better South Africa.
- 1.5 The National Development Plan (NDP), the Medium-Term Strategic Framework (MTSF), Sector Plans and the United Nations Sustainable Development Goals (SDGs) guide the NDA's functions. The aim of the NDP is in line with the NDA's mandate. The NDP aims to reduce inequality and eliminate poverty by 2030.

## 2. BACKGROUND

- 2.1. The National Development Agency (NDA) approved an application for funding from a Civil Society Organization (CSO) based in Kestell in the Free State province. The application included among others, a request for agricultural equipment in the form of tractor, potatoes planter, and potatoes harvester.
- 2.2. The NDA thus require the services of a service provider to supply and deliver the said equipment to the current address of the project in Bolata Village (Qwa Qwa).
- 2.3. Procurement is subjected to a tendering process by which all interested parties are required to tender their proposals before the closing date as stipulated in the advertisement.

## 3 PURPOSE OF THE REQUEST FOR PROPOSAL (RFP)

The purpose of this RFP is to procure agricultural equipment as follows:

Description	Product Specification	Quantity
Tractor	<p>The specifications given are the minimum specifications that the tractor should comply with. Any variations made to the specifications should be clearly indicated, communicated and specified.</p> <p>One (1), new 78 kW, four wheel drive <b>CAB</b> Tractor should be <b>supplied, delivered and commissioned</b> to a site that will be indicated near Qwa Qwa with the following minimum specifications per tractor:</p> <ul style="list-style-type: none"><li>• Supply the make and model number of <b>tractor</b> offered. <b>If the make and model is not supplied the quotation will not be considered.</b></li><li>• Clearly indicate the delivery period after order issuing.</li><li>• The quotation should be inclusive of 15 % VAT.</li><li>• The tractor should be road worthy and all registration documents should be supplied to the National Development Agency to enable licensing thereof. Costing and licensing will be for the merchants account.</li></ul>	1

	<ul style="list-style-type: none"> <li>• The tractor should be supplied with a full tank of fuel.</li> <li>• <b>Minimum <u>rated</u> kilowatt of not less than 78 kW per tractor.</b></li> <li>• Four Wheel drive, per tractor.</li> <li>• It must be automatically equipped with three-point linkage and with power take off (PTO) unit of at least 540 rev/min. (Give the exact specifications of the PTO unit).</li> <li>• <b>The tractor should be fitted with a CAB.</b></li> <li>• The tractor's hydraulic system should consist of at least two (2) auxiliary remote spool valves fitted with all the necessary returns.</li> <li>• The hydraulic system should deliver at a rate of 50 l/min at 200 bar open circuit.</li> <li>• The rear lift capacity should not be less than 3 500 kg at ball ends. CAT II ball ends. Top link included.</li> <li>• The minimum requirement for the transmission: 12 forward gears and 2 reverse gears with diff lock. (Give the exact specifications of the transmission)</li> <li>• The pricing schedule should include an all-inclusive (all spares, oil, sundries, labor and travelling cost to be included) maintenance plan. The duration of the maintenance plan should be one year or until the first major service, whichever comes first. If a "run-in" service is scheduled e.g. at 50 hours, the maintenance plan should include the "run-in" service as well as the next service e.g. 250 hours.</li> <li>• Training is a necessity and the merchant should give comprehensive training on the tractor. This should be included in the pricing schedule. Example of training required: <ul style="list-style-type: none"> <li>1. Daily / routine tractor maintenance and Service intervals in writing and verbally explained to the beneficiaries.</li> <li>2. The correct use of tractor and equipment combinations i.e. setting of implements, correct engine and ground speeds.</li> </ul> </li> </ul>	
<p><b>2 Row Potato Planter</b></p>	<p>The specifications given are the minimum specifications that the Potato planter should comply with. Any variations made to the specifications should be clearly indicated and specified.</p> <p>One (1), new two (2) row potato planter should be <b>supplied, delivered and commissioned</b> to a site that will be indicated near Qwa Qwa with the following minimum specifications:</p>	<p>1</p>

	<ul style="list-style-type: none"> <li>• The potato planter should be compatible with the 78 kW tractor as specified.</li> <li>• Total width- 2030 mm</li> <li>• Total length- 1630 mm</li> <li>• Total height- 1650 mm</li> <li>• Working depth -160-170 mm</li> <li>• Space between rows -620-850 mm</li> <li>• Working width -1240-1700 mm</li> <li>• Working speed - 4-5 km/h</li> <li>• Distance between seed - 150-450 mm</li> <li>• Fertilizer hopper – included and must be able to calibrate.</li> <li>• Seed hopper capacity - 450 kg</li> <li>• Tyre size - 6.00 x 16</li> <li>• Tractor power - 45-70 hp</li> <li>• Weight with shaping board - 645 kg</li> <li>• Spare must be readily available in South Africa</li> <li>• Training is a necessity and the merchant should give comprehensive training on the potato planter. This should be included in the pricing schedule. Example of training required: <ul style="list-style-type: none"> <li>- Daily / routine potato planter maintenance in writing and verbally explained to the beneficiaries.</li> <li>- The correct use of tractor and potato planter combinations i.e. setting of implements, correct engine and ground speeds.</li> <li>- Calibration of seed and fertilizer.</li> </ul> </li> </ul>	
<p><b>2 Row Potato Harvester</b></p>	<p>The specifications given are the minimum specifications that the Potato Harvester should comply with. Any variations made to the specifications should be clearly indicated and specified.</p> <p>One (1), new two (2) row potato harvester should be <b>supplied, delivered and commissioned</b> to a site that will be indicated near Qwa Qwa with the following minimum specifications:</p> <ul style="list-style-type: none"> <li>• The potato harvester should be compatible with the 78 kW tractor as specified.</li> <li>• Powered by PTO @ 540 rpm</li> <li>• Mounted.</li> <li>• Total width- 1 750 mm</li> <li>• Total length- 2 500 mm</li> <li>• Total height- 1 200 mm</li> </ul>	<p>1</p>

	<ul style="list-style-type: none"> <li>• Working depth -200 - 250 mm</li> <li>• Space between rows -700 - 750 mm</li> <li>• Working width – 1 400 mm</li> <li>• Working speed - 4-5 km/h</li> <li>• Tractor power - 45-70 hp</li> <li>• Weight - 750 kg</li> <li>• Spare parts must be readily available in South Africa.</li> <li>• Training is a necessity and the merchant should give comprehensive training on the potato harvester. This should be included in the pricing schedule. Example of training required: <ul style="list-style-type: none"> <li>○ Daily / routine potato harvester maintenance in writing and verbally explained to the beneficiaries.</li> <li>○ The correct use of tractor and potato harvester combinations i.e. setting of implements, correct engine and ground speeds.</li> </ul> </li> </ul>	
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**3.1 Service providers must adhere to the latest National Treasury Guidelines to regulated pricing.**

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

The appointed service providers will be expected to:

- 4.1 Supply and deliver the procured agricultural equipment in correct quantities and specifications.
- 4.2 Suppliers shall have knowledge of the technical specifications and usability of the equipment and will transfer such knowledge upon delivery to the CSO.
- 4.3 Preference will be given to Free State Province based suppliers.

#### **5. CRITERIA FOR EVALUATING FUNCTIONALITY (PHASE 1)**

DESCRIPTION	WEIGHT
<p><b>Eligibility:</b> The supplier shall be an organization duly registered as a business in South Africa. Registration documents should be submitted with tender documents.</p>	



<p>(a) Describe in a Company Profile two (2) similar projects similar carried out in the last five years. <i>(20 points will be allocated to each project)</i></p> <p>b) Two (2) reference letters of previous supply of any agricultural equipment in the past five years. The reference letters must be on the client letterhead with contactable details, signed by the client, detailing the type of work previously done. <i>Failure to adhere to the requirements in this section will lead to a score of zero.</i></p> <p><i>(15 points will be allocated for each valid reference letter).</i></p>	<p>40</p> <p>30</p>
<p><b>Bidder's Footprint in the District/Province</b></p> <p>The bidder must submit proof of local presence within the Thabo Moufu Tsanyana District.</p> <p>= 30 points</p> <p><i>The bidder must confirm their footprint in a copy of a lease agreement or proof of business address.</i></p>	<p>30</p>
<p><b>Total score</b></p>	<p>100</p>
<p><b>Minimum qualifying score</b></p>	<p>70</p>

**Note:** Bidders who score less than 70 on functionality evaluation will not be evaluated further to phase 2 (commercial evaluation)

## 6. COMMERCIAL EVALUATION

- (a) Bids will be evaluated in accordance with the NDA's Supply Chain Management Policy and Preferential Procurement Policy, 2023, 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 (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).

- (b) 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.
- (c) Bid proposal must score a minimum of seventy (70) points 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 seventy (70) out of 100 will not be considered for further evaluation and will be disqualified.
- (d) 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), 10 points will be awarded for Enterprises owned by black people, 4 points for enterprise located in a specific Rural/Underdeveloped/Township (should the required locality merely be the Province, the full points will be applied to the Province), 2 points for Enterprises owned by black African women and 4 points for Enterprises owned by black African youth. **The CSD I AM register report** will be used to allocate points and the (80/20 system) will be applied in accordance with the table below:

Specific Goal	Number of points (80/20 system)
Enterprises owned by black people <i>(must be included as a specific goal)</i>	<p style="text-align: center;"><b>10 points</b></p> <p style="text-align: center;">% shareholding by black people will determine the points</p>
<p><b>Enterprises located in Free State Province:</b></p> <ul style="list-style-type: none"> <li>• Rural / Underdeveloped/Township for work to be done or services to be rendered in that area.</li> </ul> <p><i>(SBD 1 must be completed with full location and must be accompanied by proof of address to claim points).</i></p>	<p style="text-align: center;"><b>4 points</b></p> <ul style="list-style-type: none"> <li>• Rural/Underdeveloped/Township/: = 4 points</li> </ul> <p>Should no declaration or proof be supplied, the bidder will score zero but will not be disqualified.</p> <p><b>Should the required locality be the province, the full points will be applied to the Province.</b></p> <p><i>Points will be given if the enterprise has its registered head office or registered operational office in that location</i></p>
<ul style="list-style-type: none"> <li>• Enterprises owned by black African women.</li> </ul>	<p style="text-align: center;"><b>2 points</b></p>

	% shareholding by the targeted group will determine the points that are scored
• Enterprises owned by black African with disability.	<b>2 points</b> % shareholding by the targeted group will determine the points that are scored
• Enterprises owned by black African youth.	<b>2 points</b> % shareholding by the targeted group will determine the points that are scored

- (e) 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.

## 7. JOINT VENTURES, CONSORTIUMS AND TRUSTS

A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.

A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity if the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.

Bidders must submit concrete proof of the existence of joint ventures and/or consortium arrangements. The NDA will accept signed agreements as acceptable proof of the existence of a joint venture and/or consortium arrangement.

When bidding through a Joint Venture, the Joint Ventures must submit a Consolidated B-BBEE certificate if it is not an incorporated entity when responding to tenders. This means that the bidder will have to obtain a new B-BBEE certificate for the Joint Venture, which consolidates each participant's B-BBEE status level.

## **8. CLIENT BASE**

The NDA reserves the right to contact references during the evaluation and adjudication process to obtain information.

## **9. PACKAGING OF THE BID DOCUMENTS**

The bidder shall place both the sealed Technical Proposal and Price/ Commercial Proposal envelopes into an outer sealed envelope or package, and must be clearly marked as follows:

### **9.1. Functionality/Technical Envelope**

**Bid Ref: NDA09/COO01/23**

**The appointment of a service provider/service providers to supply and deliver Agricultural Equipment to the MCVA Co-operative in Bolata Village (Qwa Qwa) – Free State Province**

**Bid closing date and time: 02<sup>nd</sup> FEBRUARY 2024 at 12h00**

**Name and address of the bidder:**

In this envelope, the bidder shall only address the technical aspects of the bid as per Section 6 of this document.

### **9.2. Pricing/Commercial Envelope**

**Bid Ref: NDA09/COO01/23**

**The appointment of a service provider/service providers to supply and deliver Agricultural Equipment to the MCVA Co-operative in Bolata Village (Qwa Qwa) – Free State Province**

Bid closing date and time: **02<sup>nd</sup> FEBRUARY 2024 at 12h00**

**Name and address of the bidder:**

In this envelope, the bidder shall only provide the price/commercial proposal and the Mandatory documents outlined in section 14 of this document.

**10. PRICING**

- (a) Bidders must submit a detailed cost breakdown for all applicable costs e.g. Initial setup costs, monthly costs, and any other applicable costs. All prices submitted must be inclusive of VAT.
- (b) Bidders 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 indicated.
- (c) Bidders 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.
- (d) Bidders will carry the responsibility of ensuring that the proposals submitted have been signed by a duly 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.
- (e) All prices submitted should be typed in black ink or written in pen, proposals written in pencil will not be accepted and evaluated.
- (f) A two-envelope system will be used for the submission of proposals.

**11. TENDER VALIDITY**

All submitted bids must be valid for 150-days from the closing date of this bid.

**12. NDA PAYMENT TERMS**

Invoices will be paid 30-days from the date of submission and approval. All invoices must be sent to the following e-mail address: [Invoices@nda.org.za](mailto:Invoices@nda.org.za)

### **13. MANDATORY DOCUMENTS**

- (a) Valid Tax Clearance Certificate issued by the South African Revenue Services (SARS). Where consortium/joint ventures/sub-contractor are involved in each party to the association must submit a separate valid original Tax Clearance Certificate or SARS tax Pin or a CSD report. Alternatively, service providers must fully complete Standard Bid Document 1 (SBD 1) to give effect to the tax compliance status system.
- (b) Signed agreements for joint ventures and/or consortium arrangements.
- (c) Company registration documents (CIPC).
- (d) A letter/resolution authorising the person signing the bid documents and contracts.
- (e) All participating bidders must complete, sign and return ALL the attached SBD forms (SBD1, 3.1, 4&6.1) together with their proposals.

***Failure to complete and submit any of the attached documents will result in immediate disqualification.***

### **14. CENTRAL SUPPLIER DATABASE**

The NDA will not appoint any supplier who is not registered as a prospective supplier on the central supplier database as required in terms of National Treasury Circular No. 3 of 2015/2016 and National Treasury SCM Instruction note 4 of 2016/2017.

### **15. CONTRACT AWARD**

A binding contract will be signed after both parties have fully agreed to the scope of work and all terms and conditions. The NDA legal department will develop a draft contract that shall be used as the basis to finalise contract terms and conditions.

## **16. DISCLAIMER**

- (a) Whilst all due care has been taken in connection with the preparation of this bid, the NDA makes no representations or warranties that the content in this bid or any information communicated to or provided to bidders during the bidding process is, or will be, accurate, current or complete. The NDA and its officers and employees will not be liable for any information communicated which is not accurate, current or complete.
- (b) 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 to allow the NDA to consider what corrective action is necessary (if any).
- (c) 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.
- (d) No representations made by or on behalf of NDA about this bid will be binding on the NDA unless that representation is expressly incorporated into the contract ultimately entered into between NDA and the successful bidder.

## **17. ADDITIONS AND AMENDMENTS TO THE BID**

- (a) The NDA reserves the right to change any information in, or to issue an addendum to this bid before the closing date and time. The NDA its officers and employees will not be liable in connection with either the exercise of or failure to exercise this right.
- (b) Should the NDA exercise its right to change the information in terms of clause 22.1 all amendments will be communicated to all bidders.

## **18. CONTENT PAGE**

Participating bidders are required to submit a detailed content page and page dividers clearly indicating (cross-referencing) where each of the technical requirements is placed in their bid documents exactly as outlined in **section 5** (technical evaluation criteria) of this TORs. Any additional information that the supplier would like to provide should be referenced as well on the content page.

## **19. PRICE NEGOTIATIONS**

- (a) Where the bidder that scored the highest total points did not quote a reasonable or a market-related price, the NDA may negotiate with the bidder to offer a reasonable or market-related price, should the adjudicator agree to this;
- (b) Should the bidder scoring the highest total points not agree on a reasonable or market-related price, the NDA may cancel the bid or negotiate with the bidder that scored the second highest total points or the third highest total points, in that order.

## **20. SPECIAL COMMERCIAL CONDITIONS OF THIS BID**

NDA reserves the right to;

- (a) To accept part of a tender rather than the whole tender.
- (b) To carry out site inspections, product evaluations or explanatory meetings in order to verify the nature and quality of the services offered by the bidder(s), whether before or after adjudication of the Bid.
- (c) To correct any mistakes at any stage of the tender that may have been in the Bid documents or occurred at any stage of the tender process.



- (d) To cancel and/or terminate the tender process at any stage, including after the Closing Date and/or after presentations have been made, and/or after tenders have been evaluated and/or after the preferred bidder(s) have been notified of their status as such.
- (e) Award to multiple bidders based either on size or geographic considerations.

## PART A INVITATION TO BID

**YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)**

<b>BID NUMBER:</b>	<b>NDA09/COO01/23</b>	<b>CLOSING DATE:</b>	<b>02<sup>nd</sup> FEBRUARY 2024</b>	<b>CLOSING TIME:</b>	<b>12H00</b>
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**THE APPOINTMENT OF A SERVICE PROVIDER/SERVICE PROVIDERS FOR THE SUPPLY AND DELIVERY OF AGRICULTURAL EQUIPMENT TO THE MCVA CO-OPERATIVE IN BOLATA VILLAGE (QWA QWA) - FREE STATE PROVINCE**

DESCRIPTION

**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:**

<b>CONTACT PERSON</b>	Mr Muzi. Matsenjwa	<b>CONTACT PERSON</b>	Mr L. Piki/Mr J. Du Toit
<b>TELEPHONE NUMBER</b>	+27 11 018 5500	<b>TELEPHONE NUMBER</b>	+27 51 430 2024/+27 82 375 9815
<b>FACSIMILE NUMBER</b>		<b>FACSIMILE NUMBER</b>	
<b>E-MAIL ADDRESS</b>	<a href="mailto:MuziM@nda.org.za">MuziM@nda.org.za</a> / <a href="mailto:ZibuyileZ@nda.org.za">ZibuyileZ@nda.org.za</a>	<b>E-MAIL ADDRESSES</b>	<a href="mailto:Lesedip@nda.org.za">Lesedip@nda.org.za</a> / <a href="mailto:johan.dutoit@dard.gov.za">johan.dutoit@dard.gov.za</a>

**SUPPLIER INFORMATION**

<b>NAME OF BIDDER</b>					
<b>POSTAL ADDRESS</b>					
<b>STREET ADDRESS</b>					
<b>TELEPHONE NUMBER</b>	CODE		NUMBER		
<b>CELLPHONE NUMBER</b>					
<b>FACSIMILE NUMBER</b>	CODE		NUMBER		
<b>E-MAIL ADDRESS</b>					
<b>VAT REGIST</b>					

RATION NUMBER				
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	MAAA [TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No

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

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

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?  
YES      NO

DOES THE ENTITY HAVE A BRANCH IN THE RSA?  
YES      NO           

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?  
YES           

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?  
YES      NO       NO     

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?      YES      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.

**SBD1**

**PART B  
TERMS AND CONDITIONS FOR BIDDING**

<p><b>1. BID SUBMISSION:</b></p> <p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>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.</p> <p>1.3. THE BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE NDA'S SUPPLY CHAIN MANAGEMENT POLICY AND PREFERENTIAL PROCUREMENT POLICY 2023, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF THE CONTRACT.</p> <p>1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM SBD7 (WHERE APPLICABLE)</p> <p><b>2. TAX COMPLIANCE REQUIREMENTS</b></p>
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- 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 BIDDERS MAY ALSO SUBMIT A CSD REPORT TOGETHER WITH THE BID
- 2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.7 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
- 2.8 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, UNLESS THE PERSON HAS PERMISSION TO PERFORM OTHER REMUNERATIVE WORK OUTSIDE OF THEIR EMPLOYMENT, WHERE THE PUBLIC ADMINISTRATION MANAGEMENT ACT, 2014 DOES NOT APPLY TO SUCH EMPLOYEE.

**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 (IF REQUIRED))

DATE: .....



SBD 3.1

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

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

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

Name of bidder.....	Bid number <b>NDA09/COO01/23</b> .....
Closing Time <b>12:00</b>	Closing date... <b>02 FEBRUARY 2024</b> .....

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

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

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

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

\*Delete if not applicable



**SBD4**

## **BIDDER'S DISCLOSURE**

### **1. PURPOSE OF THE FORM**

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

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

### **2. Bidder's declaration**

**2.1** Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> in the enterprise, employed by the state? **YES/NO**

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

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



**NDA**

National  
Development  
Agency

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Full Name	Identity Number	Name of State institution

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....  
.....

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

2.3.1 If so, furnish particulars:

.....  
.....

**3 DECLARATION**

I, \_\_\_\_\_ the \_\_\_\_\_ undersigned,  
(name)..... in  
submitting the accompanying bid, do hereby make the following



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statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>2</sup> will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for

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<sup>2</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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criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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

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

..... Signature	..... Date
..... Position	..... Name of bidder



SBD 6.1

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

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

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

**1. GENERAL CONDITIONS**

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

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

**1.2 To be completed by the organ of state**

*(delete whichever is not applicable for this tender).*

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

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

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

**1.4 To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

## 2. DEFINITIONS

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

## 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

### 3.1. POINTS AWARDED FOR PRICE

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

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \\
 \mathbf{Ps} = \mathbf{80} \left( \mathbf{1} - \frac{\mathbf{Pt} - \mathbf{Pmin}}{\mathbf{Pmin}} \right) & \mathbf{or} & \mathbf{Ps} = \mathbf{90} \left( \mathbf{1} - \frac{\mathbf{Pt} - \mathbf{Pmin}}{\mathbf{Pmin}} \right)
 \end{array}$$

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmin = Price of lowest acceptable tender



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

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
QSE/EME B-BBEE level 1		10		
QSE/EME B-BBEE level 2		09		
B-BBEE level 3, 4, 5, 6, 7, 8, or non-compliant contributor		0		
<b>Enterprises located in a specific:</b> <ul style="list-style-type: none"> <li>• Rural / Underdeveloped/Township</li> <li>• for work to be done or services to be rendered in that area.</li> </ul>		10		

**DECLARATION WITH REGARD TO COMPANY/FIRM**

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

4.4. Company registration number: .....

4.5. TYPE OF COMPANY/ FIRM

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

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

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

.....	
<b>SIGNATURE(S) OF TENDERER(S)</b>	
<b>SURNAME AND NAME:</b>	.....
<b>DATE:</b>	.....
<b>ADDRESS:</b>	.....
	.....
	.....
	.....