



**NDA**  
National  
Development  
Agency

<b>TERMS OF REFERENCE</b> <b>THE PROVISION, SUPPORT, MAINTANANCE AND MANAGEMENT OF MULTI PROTOCOL LABEL SWITCHING (MPLS) AND INTERNET SOLUTION TO ALL NDA OFFICES OVER A PERIOD of 60 - MONTHS</b>	
<b>BID REF: NDA01/CS01/20</b>	
<b>BRIEFING SESSION</b>	A COMPULSORY BRIEFING SESSION WILL BE HELD ON THE <b>11<sup>th</sup> SEPTEMBER 2020 @ 10H00</b>
<b>VENUE</b>	Microsoft Teams Meeting
<b>CLOSING DATE</b>	<b><u>28<sup>th</sup> SEPTEMBER 2020</u></b>
<b>CLOSING TIME</b>	12H00
<b>SUBMISSION OF DOCUMENTS</b>	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>
<b>SUPPLIER ENVELOPES</b>	The supplier's envelope/s MUST clearly have the description of the " The provision, support, maintenance and management of multi-protocol label switching (MPLS) and internet solution

	to all NDA offices over a period of 60-months".
	<p>A TWO-ENVELOPE system will be used for the submission of bids:</p> <p>Commercial Envelope This envelope must contain price quotations plus all the mandatory documents as listed in section 11 of this document.</p> <p>Technical Envelope This envelope must contain all info listed in section 4 of this document.</p>
<b>LATE BIDS</b>	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).
<p>Contact person for Commercial Queries is Ms Elizabeth Mnqabashe or Muzi Matsenjwa on 011 018-5546/5562 between 08h30 to 17h00 on weekdays. Queries can also be sent in writing to <a href="mailto:ElizabethM@nda.org.za">ElizabethM@nda.org.za</a>/<a href="mailto:MuziM@nda.org.za">MuziM@nda.org.za</a>.</p> <p>Contact person for Technical Queries is Mr Thabang Moloi on +27 72 435 0832 or <a href="mailto:ThabangM1@nda.org.za">ThabangM1@nda.org.za</a>.</p>	

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## **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

The National Development Agency (NDA) is a public entity entrusted with the mandate to contribute towards eradication of poverty and its causes by providing financial and non-financial assistance to Civil Society Organizations involved in direct service provision to poor communities throughout South Africa.

The NDA currently has an office in each of the nine (9) Provinces, with the head office in Parktown where the datacentre is located. The NDA's ICT is centralised but provides support to all NDA offices nationally. One of the major requirements of the NDA's ICT is the availability of Internet services and interconnectivity of offices for information sharing.

The current solution deployed at NDA offers a converged Multiprotocol Label Switching (MPLS) network, connecting the offices, including the head office. The MPLS network allows each site to be connected directly into the Current Service Provider's (CSP) Telecom network and deliver services from the core network to the respective branches.

The NDA currently has nine offices (1 x Head Office + 8 x Provincial Offices) which are all connected by an MPLS network through Fibre and/or wireless connection. We use a combination of Cisco routers (owned and managed by Network Service Providers).

The NDA owns the full POE FortiGate switches (224D) that support fibre uplink and a centralised Fortinet firewall 500D hosted at the current service provider's premises and managed by the service provider. The NDA also has FortiGate Firewall 100E located at the NDA Head Office and the 60E's at the Provincial and District Offices (all these are maintained and managed by the NDA). The line capacities range from 4Mbps to 10Mbps for all the sites with central 20Mbps internet breakout. The District Offices are currently connected to the APN network via the Point-Point Connection (3G). The Huawei LTE routers are used in the office based configuration at the District Offices.

NDA has a separate VoIP network with an existing Service provider. The current Internet service provider did routing to permit the VOIP IP addresses per NDA office.

## 2. THE NDA CURRENT OFFICE ADDRESSES:

Head Office		Office State	Current Capacity
<b>Parktown</b>	26 Wellington Road, Parktown	Active office	10 MB primary
<b>Gauteng</b>	Johannesburg		2 MB secondary
<b>Provincial Offices</b>			
<b>Mpumalanga</b>	16 Branders Street, Nelspruit	Active office, possible relocation in October 2021	2 MB primary 1MB secondary
<b>Eastern Cape</b>	Vincedon Office Park, 08 Donald Road, East London	Active office, possible relocation in November 2021	4 MB primary 1 MB secondary
<b>Northern Cape</b>	NG Meyer building, Corner Tyburn and Duncan street Kimberley	Active office	Point-Point (3G)
	Matanzima street, Galeshewe, Kimberley		
<b>KwaZulu-Natal</b>	22 Dorothy Nyembe Street, 6 <sup>th</sup> Floor, Marine Building, Durban	Active office	Point-Point (3G)
<b>Limpopo</b>	66A Market Street, Polokwane	Active office	Point-Point (3G)
<b>Western Cape</b>	62 York Road, Unit 22, George	Possible relocation	Point-Point (3G)
<b>Free State</b>	53 Charlotte Maxeke Street, Bloemfontein	Active office	Point-Point (3G)
<b>Northwest</b>	4059 Joules Street, 1st Floor, Mafikeng	Active office, possible relocation in June 2021	Point-Point (3G)
<b>District Office</b>		<b>Status</b>	<b>Capacity</b>
<b>Jane Furse</b>	24 Jane Furse, Sekhukhune District, Limpopo	Active office	Point-Point (3G)
<b>George</b>	62 York Road, Unit 22, George	Active office	Point-Point (3G)
<b>King Cetshwayo District</b>	Corner Pearce Crescent and Turn Bull Road Empangeni	Active office	Point-Point (3G)

**\*\* 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.**

### 3. PURPOSE OF THE BID

The purpose of the bid is to solicit proposals from a suitable bidder to render the following required services to the NDA over a period of 60-months:

#### 3.1. Specifications

- Provision, support, maintenance and management of MPLS services with high availability and failover to achieve redundancy.
- Provision, support, maintenance and management of Internet Services with high availability and failover to achieve redundancy.

Bidders to respond in the following way:

- Demonstrate both the ability and the proposed solution with respect to the element(s) concerned;
- Demonstrate the track record with respect to the element(s) concerned;
- Demonstrate compliance with the Agency's requirement

### 4. SCOPE OF WORK

The provision, support, maintenance and management of MPLS and Internet Solution to all NDA offices over a period of 60-Months should include the minimum specification as presented below:

#### 4.1. Provision of MPLS requirements:

Office	Physical Address	Primary Connection Requirements	Failover with high availability (Secondary Connection)
Parktown (HO)	26 Wellington Road,	80 Mbps Fibre	8 Mbps Microwave
Gauteng	Parktown Johannesburg		Wireless link
<b>Provincial Offices</b>			
Mpumalanga	16 Branders Street, Nelspruit	10 Mbps Fibre	220Gig 4G LTE Mobile connection

<b>Office</b>	<b>Physical Address</b>	<b>Primary Connection Requirements</b>	<b>Failover with high availability (Secondary Connection)</b>
<b>Eastern Cape</b>	Vincedon Office Park, 08 Donald Road, East London	10 Mbps Fibre	220Gig 4G LTE Mobile connection
<b>Northern Cape</b>	NG Meyer building, Corner Tyburn and Duncan street Kimberley	220Gig 4G LTE Mobile connection	No Failover
	Matanzima street, Galeshewe, Kimberley	220Gig 4G LTE Mobile connection	No Failover
<b>KwaZulu-Natal</b>	22 Dorothy Nyembe Street, 6 <sup>th</sup> Floor, Marine Building, Durban	20 Mbps Fibre	4 Mbps Microwave Wireless link
<b>Limpopo</b>	66A Market Street, Polokwane	220Gig 4G LTE Mobile connection	No Failover
<b>Western Cape</b>	62 York Road, Unit 22, George	220Gig 4G LTE Mobile connection	No Failover
<b>Free State</b>	53 Charlotte Maxeke Street, Bloemfontein	10 Mbps Fibre	220Gig 4G LTE Mobile connection
<b>Northwest</b>	4059 Joules Street, 1st Floor, Mafikeng	220Gig 4G LTE Mobile connection	No Failover
<b>District Office</b>		<b>Status</b>	<b>Capacity</b>
<b>Jane Furse</b>	24 Jane Furse, Sekhukhune District, Limpopo	220Gig 4G LTE Mobile connection	No Failover
<b>George</b>	62 York Road, Unit 22, George	220Gig 4G LTE Mobile connection	No Failover
<b>King Cetshwayo District,</b>	Corner Pearce Crescent and Turn Bull Road Empangeni	220Gig 4G LTE Mobile connection	No Failover

#### 4.2. Internet Solution Requirements:

- 4.2.1. **Provision of internet solution of 80Mbps Primary** – (50:50 Split between Local and International traffic):



#### 4.2.2. **Connection Specification**

- The bidder must provide industrial routers, equivalent to cisco and minimum of 10 public IP addresses

4.2.3. The solution should provide central point for internet access (Internet-breakout) across the entire NDA offices.

#### 4.3. **Service Management Requirements:**

- 4.3.1. Provision of a report portal that will be accessible to the NDA. Portal example to be attached e.g. screenshot, (Confirmation of the report portal).
- 4.3.2. The report types must include the following, but not limited to scheduled utilization reports with graphs, monitoring of link quality report and bandwidth utilization report. (The bidder must indicate types of reports, therefore sample of three reports to be attached).
- 4.3.3. Voice and video to run across the same network. (Written confirmation must be provided).
- 4.3.4. The bidder must provide bandwidth management for voice, data and video (Hardware and software configuration). Provide written confirmation.
- 4.3.5. The solution must be easily scalable to increase the bandwidth in accordance with NDA's future requirements (written confirmation must be provided).
- 4.3.6. The solution must be easily scalable to in accordance to the NDA's future change in the number of offices (written confirmation must be provided).
- 4.3.7. The solution must provide the NDA with a secure private network (Indicate security features of the solution, but not limited to the hardware to be used).
- 4.3.8. Provision of 24x7 support services. The bidder must provide call centre contact numbers and operating hours. (Written confirmation must be provided).
- 4.3.9. Entering into a Service Level Agreement that defines parameters of rebates for non-performance, etc. (Penalty formula to be provided)
- 4.3.10. The bidder is expected to provide 98% uptime of the service (written confirmation).

#### **4.4. Security Requirements:**

- 4.4.1. The bidder is expected to maintain and administer the FortiGate firewall 500D that will be located at the bidder's data centre. (It should be presented to the Network diagram).
- 4.4.2. The bidder is required to include both the 65E and 100D on the solution architecture; however, they are not responsible for the configuration. (It should be presented to the Network diagram).

#### **5. AD HOC SERVICES (NON SCORABLE REQUIREMENTS)**

- 5.1.1. The Ad Hoc Services will not exceed 15% of the Contract Value for the contract period. Both the Agency and the successful bidder will be required to keep account of the Ad Hoc Services and the costs thereof such that the specified variation percentage is not exceeded.
- 5.1.2. All service requests requirements will be classified as Ad Hoc Services, except for the Change Requests that result from Incident Management, Problem Management and Maintenance processes, which will be part of the baseline services.
- 5.1.3. The Successful bidder will invoice only on approved and completed Ad Hoc Services on one-month arrear bases. Bidder to indicate acceptance with this arrangement.
- 5.1.4. Ad hoc services to be agreed in advance with the successful bidder and price list to be documented in advance.
- 5.1.5. In case in the course of this contract new offices are opened by the NDA, the successful bidder shall be required to provide a quotation for the additional works. The quotation costs are expected to be consistent with the average costs of the similar service in the contract and such additional works shall make an Addendum to the existing contract.

## 6. TECHNICAL EVALUATION (PHASE 1)

### 6.1. Technical Evaluation will be scored as follows:

Description		Weight
MPLS Requirements	<p>Ability to provide the solution that meets the requirements stated in <b>section 4.1 Provision of MPLS requirements</b> as presented. The bidder must utilize the provided ANNEXURE A and the Network Diagram in response to the requirements.</p> <p>NB* The bidder will be allocated points only if they submit these TWO documents:</p> <p style="text-align: center;"><b>1. Annexure A</b> <b>2. Network Diagram</b></p> <p><b>Failure to provide these two documents will result into a zero score.</b></p>	70
Internet Solution Requirements	<p>Ability to provide the solution that meets the requirements stated in <b>section 4.2 Internet Solution requirements</b> as presented. The bidder must utilize the Network Diagram in response to the requirement.</p> <p><b>NB* The bidder will be allocated points only if the requirements are represented on the Network Diagram</b></p>	5
Service Management Requirements	<p>Ability to meet the requirements stated in <b>section 4.3</b> of this document.</p> <p><i>** Bidders must provide sample reports, screenshots, call-logging procedures or any form of evidence to support current ability to meet such requirements.</i></p>	10
Security Requirements:	<p>Ability to provide the solution that meets the requirements stated in <b>section 4.4 Security Requirement</b></p> <p><b>NB* The bidder will be allocated points only if the requirements are represented on the Network Diagram.</b></p>	5

Description		Weight
Service Take-on	The bidder must provide a detailed work plan with activities, timelines and deliverables within the scope of work on how to take over the current services from the current service provider with minimum interruptions of NDA's operation.	5
Experience	Bidders should have a minimum of five (5) years' experience in Internet & Networking Service provisioning.	2
	The Bidders should provide three (3) 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>	3
<b>Total Score</b>		<b>100</b>
<b>Minimum qualifying score for functionality</b>		<b>80</b>

#### 6.2. Clarification of the above Score System

- **MPLS & Internet Solution requirements (Section 4.1) = Total of 70 points**

Bidders should have the requirements detailed in section 4.1 of this document to get the full seventy (70) points. The table below serve as a guide to the allocation of points:

Office	Physical Address	Primary Connection Requirements	Failover with high availability (Secondary Connection)	Point Allocation (Weight)
<b>Parktown (HO)</b>	26 Wellington Road, Parktown Johannesburg	80 Mbps Fibre	8 Mbps Microwave Wireless link	15
<b>Gauteng</b>				
<b>Provincial Offices</b>				
<b>Mpumalanga</b>	16 Branders Street, Nelspruit	10 Mbps Fibre	220Gig 4G LTE Mobile connection	10
<b>Eastern Cape</b>	Vincedon Office Park, 08	10 Mbps Fibre	220Gig 4G LTE	10

<b>Office</b>	<b>Physical Address</b>	<b>Primary Connection Requirements</b>	<b>Failover with high availability (Secondary Connection)</b>	<b>Point Allocation (Weight)</b>
	Donald Road, East London		Mobile connection	
<b>Northern Cape</b>	NG Meyer building, Corner Tyburn and Duncan street Kimberley	220Gig 4G LTE Mobile connection	No Failover	2
	Matanzima street, Galeshewe, Kimberley	220Gig 4G LTE Mobile connection	No Failover	2
<b>KwaZulu-Natal</b>	22 Dorothy Nyembe Street, 6 <sup>th</sup> Floor, Marine Building, Durban	20 Mbps Fibre	4 Mbps Microwave Wireless link	10
<b>Limpopo</b>	66A Market Street, Polokwane	220Gig 4G LTE Mobile connection	No Failover	2
<b>Western Cape</b>	62 York Road, Unit 22, George	220Gig 4G LTE Mobile connection	No Failover	2
<b>Free State</b>	53 Charlotte Maxeke Street, Bloemfontein	10 Mbps Fibre	220Gig 4G LTE Mobile connection	10
<b>Northwest</b>	4059 Joules Street, 1st Floor, Mafikeng	220Gig 4G LTE Mobile connection	No Failover	2
<b>District Office</b>		<b>Status</b>	<b>Capacity</b>	
<b>Jane Furse</b>	24 Jane Furse, Sekhukhune District, Limpopo	220Gig 4G LTE Mobile connection	No Failover	2
<b>George</b>	62 York Road, Unit 22, George	220Gig 4G LTE Mobile connection	No Failover	2
<b>King Cetshwayo District,</b>	Corner Pearce Crescent and Turn Bull Road Empangeni	220Gig 4G LTE Mobile connection	No Failover	1

**Failure to provide the above, as per the ANNEXURE A and the Network diagram, the bidder will be allocated a zero.**

- **Internet Solution Requirements (Section 4.2) = Total of 5 points**

The bidder will be allocated points only if the requirements are represented on the same Network Diagram used to respond to section 4.1. A total points of five (5) will be allocated for this section. The points will be split as follows:

Section 4.2.1 allocation is 2 points,

Section 4.2.2 allocation is 2 points, and

Section 4.2.3 allocation is 1 points.

Failure to present the requirements will result in points being lost.

- **Service Management Requirements (Section 4.3) = Total of 10 points**

A single point per line item will be allocated. Failure to submit evidence or written confirmation where required will result in points being lost. Only a full one (1) point or zero will be allocated per item.

- **Security Requirements (Section 4.4) = Total of 5 points**

The bidder will be allocated points only if the requirements are represented on the same Network Diagram used to respond to section 4.1. A total points of five (5) will be allocated for this section. The points will be split as follows:

Section 4.4.1 allocation is 3 points, and

Section 4.4.2 allocation is 2 points.

Failure to present the requirements will result in points being lost.

- **Service Take-on (Project Plan) = Total of 5 points**

The bidders must provide a detailed work plan with activities, timelines and deliverables within the scope of work on how to take over the current services from the current service provider with minimum interruptions of NDA's operation. Full five (5) point will be allocated for the submission of a work plan with activities, timelines and deliverables. Failure to provide a work plan with those elements will score a zero.

- **Experience and References = Total of 5 points**

Bidders must submit the company profile with their experience documented in a maximum of two pages. Full two (2) points will be allocated to a bidder with five years

of experience and above. Zero will be allocated to bidders with less than five years' experience.

Bidders will be allocated a zero, if they **do not specify** in writing the years of experience in the provision, support, maintenance and management of MPLS and Internet Solution.

The bidders must provide three (3) reference letter submitted. Written references from bidders' clients should detail the nature of work done, duration of contract and it should be on the referee's official letterhead with full contact details and designation of the person signing the reference letter. Failure to prove a letter with these details, a bidder will be allocated a zero per letter.

**Note:** Only one copy of the bid document is required by the NDA. Bidders must keep their own copy of the bid document submitted to the NDA as no copies will be made for any bidder by the NDA.

## **7. COMMERCIAL EVALUATION (PHASE 2)**

- 7.1. 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.
- 7.2. 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.
- 7.3. 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.
- 7.4. 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>B-BBEE Status Level of Contributor</b>	<b>Number of points (80/20 system)</b>
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

- 7.5. 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.
- 7.6. 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.
- 7.7. Bidders are requested to complete the preference claim form (SBD 6.1) in order to claim preference points.
- 7.8. A tender will be awarded to the tenderer who scored the highest total number of points in terms of the preference point systems (price and B-BBEE points). It should be noted that the NDA reserves the right not to appoint any bidder and no bidder will be reimbursed for any costs incurred whilst participating in this bid.



## **8. PRICING**

- 8.1. 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
- 8.2. 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 clearly indicated.
- 8.3. 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.
- 8.4. Bidders 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.
- 8.5. All prices submitted should be typed in black ink or written in pen, proposals written in pencil will not be accepted and evaluated.
- 8.6. A two-envelope system will be used for the submission of proposals.

## **9. TENDER VALIDITY**

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

## **10. NDA PAYMENT TERMS**

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

## **11. MANDATORY DOCUMENTS**

- 11.1. Valid Tax Clearance Certificate issued by the South African Revenue Services (SARS). Where consortium/joint ventures/sub-contractor are involved each party to the association must submit a separate valid original Tax Clearance Certificate or SARS tax Pin or a CSD report.
- 11.2. Company registration documents (CIPC).
- 11.3. A letter/resolution authorising the person signing the bid documents and contracts.
- 11.4. All participating bidders must complete, sign and return ALL the attached SBD forms (SBD1, SBD2, SBD4, SBD6.1 SBD 6.2 and relevant Annexure, SBD8 and SBD9) declaration forms, together with their proposals.

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

- 11.5. Bidders to make sure that they are registered on the SITA transversal contract RFB 1183/2013, for the following ICT service:
  - 81112011-0057
  - 81112011-0058
  - 81112011-0059
  - 81112011-0060
  - 81112011- 0061

**Bidders who are not on the SITA transversal contract RFB 1183/2013 for the above-mentioned ICT services will be disqualified.**

## **12. CENTRAL SUPPLIER DATABASE**

- 12.1. 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

### **13. 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 basis to finalise contract terms and conditions.

### **14. DISCLAIMER**

- 14.1. 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 with respect to any information communicated which is not accurate, current or complete.
- 14.2. 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).
- 14.3. 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.
- 14.4. No representations made by or on behalf of NDA in relation to 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.

**15. ADDITIONS AND AMENDMENTS TO THE BID**

15.1. The NDA reserves the right to change any information in, or to issue any 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.

15.2. If the NDA exercises its right to change information in terms of clause 14.1 all amendments will be communicated to all bidders.

**16. CONTENT PAGE**

16.1. Participating bidders are required to submit a detailed content page that clearly state (**cross-reference**) where each technical requirement as per section 6.2 of this document is placed in their bid documents. Any additional information that we might have missed must be clearly referenced in the content page.

**ANNEXURE A: CONFIRMATION OF SERVICES**

<b>Office</b>	<b>Physical Address</b>	<b>Proposed Primary Connection</b>	<b>Proposed Failover with high availability</b>	<b>Confirmation with a signature</b>
<b>Parktown (HO)</b>	26 Wellington Road, Parktown Johannesburg			
<b>Gauteng</b>				
<b>Provincial Offices</b>				
<b>Mpumalanga</b>	16 Branders Street, Nelspruit			
<b>Eastern Cape</b>	Vincedon Office Park, 08 Donald Road, East London			
<b>Northern Cape</b>	NG Meyer building, Corner Tyburn and Duncan street Kimberley			
	Matanzima street, Galeshewe, Kimberley			
<b>KwaZulu-Natal</b>	22 Dorothy Nyembe Street, 6 <sup>th</sup> Floor, Marine Building, Durban			
<b>Limpopo</b>	66A Market Street, Polokwane			
<b>Western Cape</b>	62 York Road, Unit 22, George			

<b>Office</b>	<b>Physical Address</b>	<b>Proposed Primary Connection</b>	<b>Proposed Failover with high availability</b>	<b>Confirmation with a signature</b>
<b>Free State</b>	53 Charlotte Maxeke Street, Bloemfontein			
<b>Northwest</b>	4059 Joules Street, 1st Floor, Mafikeng			
<b>District Office</b>				
<b>Jane Furse</b>	24 Jane Furse, Sekhukhune District, Limpopo			
<b>George</b>	62 York Road, Unit 22, George			
<b>King Cetshwayo District,</b>	Corner Pearce Crescent and Turn Bull Road Empangeni			

## PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	NDA01/CS01/20	CLOSING DATE: 28 <sup>TH</sup> SEPTEMBER 2020		CLOSING TIME:	12:00
DESCRIPTION	THE PROVISION, SUPPORT, MAINTENANCE AND MANAGEMENT OF MULTI PROTOCOL LABEL SWITCHING (MPLS) AND INTERNET SOLUTION TO ALL NDA OFFICES OVER A PERIOD OF 60 MONTHS				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
26 WELLINGTON ROAD					
PARKTOWN					
2193					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	ELIZABETH MNQABASHE OR MUZI MATSENJWA		CONTACT PERSON	THABANG MOLOI	
TELEPHONE NUMBER	011 081 5546/5562		TELEPHONE NUMBER	072 435 0832	
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	ELIZABETHM@NDA.ORG.ZA/MUZIM@NDA.ORG.ZA		E-MAIL ADDRESS	THABANGM1@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: <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	CENTRAL SUPPLIER DATABASE No: MAAA	<input type="checkbox"/>
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX]  Yes <input type="checkbox"/> No <input type="checkbox"/>		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX]  Yes <input type="checkbox"/> No <input type="checkbox"/>	
[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?	Yes <input type="checkbox"/> No <input type="checkbox"/> [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	Yes <input type="checkbox"/> No <input type="checkbox"/> [IF YES, ANSWER THE QUESTIONNAIRE BELOW]	
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					

**PART A**

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



**PART B  
TERMS AND CONDITIONS FOR BIDDING**

<b>1. BID SUBMISSION:</b>
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. 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).
<b>2. TAX COMPLIANCE REQUIREMENTS</b>
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), ACSDNUMBER 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](http://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](http://www.sars.gov.za).



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

**NOTE: PRICE ADJUSTMENTS WILL BE ALLOWED AT THE PERIODS AND TIMES SPECIFIED IN THE BIDDING DOCUMENTS.**

**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.....
Closing Time 11:00 .....	Closing date.....

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

-----  
-----

ITEM CURRENCY NO. INCLUDED)	QUANTITY	DESCRIPTION	BID PRICE IN RSA  **(ALL APPLICABLE TAXES
--------------------------------------	----------	-------------	---

-----  
-----

- Required by:  
.....
- At:  
.....
- Brand and model  
.....
- .....
- Country of origin  
.....

- Does the offer comply with the specification(s)? \*YES/NO
- If not to specification, indicate deviation(s)  
.....
- Period required for delivery  
.....
- Delivery: \*Firm/not firm

\*\* "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

### PRICE ADJUSTMENTS

#### A NON-FIRM PRICES SUBJECT TO ESCALATION

1. IN CASES OF PERIOD CONTRACTS, NON FIRM PRICES WILL BE ADJUSTED (LOADED) WITH THE ASSESSED CONTRACT PRICE ADJUSTMENTS IMPLICIT IN NON FIRM PRICES WHEN CALCULATING THE COMPARATIVE PRICES
2. IN THIS CATEGORY PRICE ESCALATIONS WILL ONLY BE CONSIDERED IN TERMS OF THE FOLLOWING FORMULA:

$$Pa = (1-V)Pt \left( D1 \frac{R1t}{R1o} + D2 \frac{R2t}{R2o} + D3 \frac{R3t}{R3o} + D4 \frac{R4t}{R4o} \right) + VPt$$

Where:

Pa	=	The new escalated price to be calculated.
(1-V)Pt	=	85% of the original bid price. <b>Note that Pt must always be the original bid price and not an escalated price.</b>
D1, D2..	=	Each factor of the bid price eg. labour, transport, clothing, footwear, etc. The total of the various factors D1, D2...etc. must add up to 100%.
R1t, R2t.....	=	Index figure obtained from new index (depends on the number of factors used).
R1o, R2o	=	Index figure at time of bidding.
VPt	=	15% of the original bid price. This portion of the bid price remains firm i.e. it is not subject to any price escalations.



2. Adjustments for rate of exchange variations during the contract period will be calculated by using the average monthly exchange rates as issued by your commercial bank for the periods indicated hereunder: (Proof from bank required)

AVERAGE MONTHLY EXCHANGE RATES FOR THE PERIOD:	DATE DOCUMENTATION MUST BE SUBMITTED TO THIS OFFICE	DATE FROM WHICH NEW CALCULATED PRICES WILL BECOME EFFECTIVE	DATE UNTIL WHICH NEW CALCULATED PRICE WILL BE EFFECTIVE



SBD 4

**DECLARATION OF INTEREST**

1. Any legal person, including persons employed by the state<sup>1</sup>, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-
  - the bidder is employed by the state; and/or
  - the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.
  
2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**
  - 2.1 Full Name of bidder or his or her representative:  
.....
  
  - 2.2 Identity Number:  
.....
  
  - 2.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>):  
.....
  
  - 2.4 Company Registration Number:  
.....
  
  - 2.5 Tax Reference Number:  
.....
  
  - 2.6 VAT Registration Number:  
.....
  
  - 2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

<sup>1</sup>"State" means --

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

<sup>2</sup>"Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

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

2.7.1 If so, furnish the following particulars:

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

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

Position occupied in the state institution: .....

Any other particulars: .....

.....

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

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

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

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

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

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

2.8.1 If so, furnish particulars:

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

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



2.9.1 If so, furnish particulars.

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

2.10 Are you, or any person connected with the bidder, **YES/NO**  
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?

2.10.1 If so, furnish particulars.

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

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

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 / Number	Employee Peral 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
<b>PRICE</b>	
<b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>	
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

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

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

## 2. DEFINITIONS

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

## 3. POINTS AWARDED FOR PRICE

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

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

**80/20**

or

**90/10**

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

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		
<b>OR</b>		
Any EME		
Any QSE		

**8. DECLARATION WITH REGARD TO COMPANY/FIRM**

8.1 Name \_\_\_\_\_ of  
company/firm:.....

8.2 VAT \_\_\_\_\_ registration  
number:.....

8.3 Company \_\_\_\_\_ registration  
number:.....

**8.4 TYPE OF COMPANY/ FIRM**

- Partnership/Joint Venture / Consortium
  - One person business/sole propriety
  - Close corporation
  - Company
  - (Pty) Limited
- [TICK APPLICABLE BOX]

**8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

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

**8.6 COMPANY CLASSIFICATION**

- Manufacturer
  - Supplier
  - Professional service provider
  - Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]

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

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

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

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

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

<p>WITNESSES</p> <p>1. ....</p> <p>2. ....</p>
--

<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE: .....</p> <p>ADDRESS .....</p> <p>.....</p> <p>.....</p>
--



SBD 6.2

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

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

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

### 1. General Conditions

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

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

Where

- x is the imported content in Rand  
y is the bid price in Rand excluding value added tax (VAT)

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

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

1.6 A bid may be disqualified if –

- (a) this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation; and
- (b) the bidder fails to declare that the Local Content Declaration Templates (Annex C, D and E) have been audited and certified as correct.

## **2. Definitions**

2.1. **“bid”** includes written price quotations, advertised competitive bids or proposals;

2.2. **“bid price”** price offered by the bidder, excluding value added tax (VAT);

2.3. **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;

2.4. **“designated sector”** means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;

2.5. **“duly sign”** means a Declaration Certificate for Local Content that has been signed by the Chief Financial Officer or other legally responsible person nominated in writing by the Chief Executive, or senior member / person with management responsibility (close corporation, partnership or individual).

2.6. **“imported content”** means that portion of the bid price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad (this includes labour or intellectual property costs), plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;

2.7. **“local content”** means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;

2.8. **“stipulated minimum threshold”** means that portion of local production and content as determined by the Department of Trade and Industry; and

2.9. **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.



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

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
_____	_____ %
_____	_____ %
_____	_____ %

4. Does any portion of the services, works or goods offered have any imported content?  
(Tick applicable box)

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

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

The relevant rates of exchange information is accessible on [www.reservebank.co.za](http://www.reservebank.co.za).

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

<b>Currency</b>	<b>Rates of exchange</b>
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

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

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

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

- 5.1. If yes, provide the following particulars:

- (a) Full name of auditor: .....
- (b) Practice number: .....
- (c) Telephone and cell number: .....
- (d) Email address: .....

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

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

**LOCAL CONTENT DECLARATION**  
**(REFER TO ANNEX B OF SATS 1286:2011)**

**LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)**

**IN RESPECT OF BID NO. ....**

**ISSUED BY:** (Procurement Authority / Name of Institution):  
.....

NB

1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.

2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on <http://www.thdti.gov.za/industrialdevelopment/ip.jsp>. Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

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

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
  - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
  - (ii) the declaration templates have been audited and certified to be correct.

(c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

Bid price, excluding VAT (y)	R
Imported content (x), as calculated in terms of SATS 1286:2011	R

# Annex C

## Local Content Declaration - Summary Schedule

(C1) Tender No. \_\_\_\_\_  
(C2) Tender description: \_\_\_\_\_  
(C3) Designated product(s) \_\_\_\_\_  
(C4) Tender Authority: \_\_\_\_\_  
(C5) Tendering Entity name: \_\_\_\_\_  
(C6) Tender Exchange Rate: \_\_\_\_\_ Pula  EU  GBP   
(C7) Specified local content % \_\_\_\_\_

Note: VAT to be excluded from all calculations

			Calculation of local content				
Tender item no's	List of items	Tender price - each (excl VAT)	Exempted imported value	Tender value net of exempted imported content	Imported value	Local value	Local content % (per item)
(C8)	(C9)	(C10)	(C11)	(C12)	(C13)	(C14)	(C15)

			Tender summary		
Tender Qty	Total tender value	Total exempted imported content	Total tender value	Total exempted imported content	Total Imported content
(C16)	(C17)	(C18)	(C17)	(C18)	(C19)

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

(C20) Total tender value  
(C21) Total Exempt imported content  
(C22) Total Tender value net of exempt imported content  
(C23) Total Imported content  
(C24) Total local content  
(C25) Average local content % of tender

Annex D

Imported Content Declaration - Supporting Schedule to Annex C

(D1) Tender No. \_\_\_\_\_  
 (D2) Tender description: \_\_\_\_\_  
 (D3) Designated Products: \_\_\_\_\_  
 (D4) Tender Authority: \_\_\_\_\_  
 (D5) Tendering Entity name: \_\_\_\_\_  
 (D6) Tender Exchange Rate: \_\_\_\_\_

Note: VAT to be excluded from all calculations

EU R 9.00 GBP R 12.00

A. Exempted imported content

Tender Item no's	Description of imported content	Local supplier	Overseas Supplier	Calculation of imported content						Summary	
				Foreign currency value as per Commercial Invoice	Tender Exchange Rate	Local value of imports	Freight costs to port of entry	All locally incurred landing costs & duties	Total landed cost excl VAT	Tender Qty	Exempted imported value
(D7)	(D8)	(D9)	(D10)	(D11)	(D12)	(D13)	(D14)	(D15)	(D16)	(D17)	(D18)

(D19) Total exempt imported value

This total must correspond with Annex C - C.21

B. Imported directly by the Tenderer

Tender Item no's	Description of imported content	Unit of measure	Overseas Supplier	Calculation of imported content						Summary	
				Foreign currency value as per Commercial Invoice	Tender Rate of Exchange	Local value of imports	Freight costs to port of entry	All locally incurred landing costs & duties	Total landed cost excl VAT	Tender Qty	Total imported value
(D20)	(D21)	(D22)	(D23)	(D24)	(D25)	(D26)	(D27)	(D28)	(D29)	(D30)	(D31)

(D32) Total imported value by tenderer

C. Imported by a 3rd party and supplied to the Tenderer

Description of imported content	Unit of measure	Local supplier	Overseas Supplier	Calculation of imported content						Summary	
				Foreign currency value as per Commercial Invoice	Tender Rate of Exchange	Local value of imports	Freight costs to port of entry	All locally incurred landing costs & duties	Total landed cost excl VAT	Quantity Imported	Total imported value
(D33)	(D34)	(D35)	(D36)	(D37)	(D38)	(D39)	(D40)	(D41)	(D42)	(D43)	(D44)

(D45) Total Imported value by 3rd party

D. Other foreign currency payments

Type of payment	Local supplier making the payment	Overseas beneficiary	Calculation of foreign currency payments		Summary of payments
			Foreign currency value paid	Tender Rate of Exchange	
(D46)	(D47)	(D48)	(D49)	(D50)	(D51)

(D52) Total of foreign currency payments declared by tenderer and/or 3rd party

(D53) Total of Imported content & foreign currency payments - (D32), (D45) & (D52) above

This total must correspond with Annex C - C.23

Signature of tenderer from Annex B

Date:

## Annex E

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

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

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

Local Products (Goods, Services and Works)	Description of Items purchased	Local suppliers	Value
	(E6)	(E7)	(E8)
<b>(E9) Total local products (Goods, Services and Works)</b>			

(E10)	<b>Manpower costs</b> (Tenderer's manpower cost)	
(E11)	<b>Factory overheads</b> (Rental, depreciation & amortisation, utility costs, consumables etc.)	
(E12)	<b>Administration overheads and mark-up</b> (Marketing, insurance, financing, interest etc.)	
<b>(E13) Total local content</b>		

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

Signature of tenderer from Annex B

\_\_\_\_\_

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><b>The Database of Restricted Suppliers now resides on the National Treasury's website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b></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)? <b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

#### CERTIFICATION

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

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

.....  
**Signature**

.....  
**Date**

.....  
**Position**

.....  
**Name of Bidder**

Js365bW



**SBD 9**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Standard Bidding Document (SBD) must form part of all bids<sup>1</sup> invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
  - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
  - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

**<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.**

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



**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

\_\_\_\_\_

(Bid Number and Description)

in response to the invitation for the bid made by:

\_\_\_\_\_

(Name of Institution)

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

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

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

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

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

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

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

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

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

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

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