Independent Communications Authority of South Africa (ICASA)

INVITATION TO BID

BID NUMBER	ICASA 15/2018
CLOSING DATE	10 September 2018
CLOSING TIME	11h00 (no late, electronic and or facsimile will be accepted)
COMPULSORY BRIEFING SESSION	31 August 2018 11: 00 ICASA 350 Witch-Hazel street, Eco-Park, Centurion Failure to attend the briefing session will result in the disqualification of a bidder's response.
BID VALIDITY PERIOD	90 days (commencing from 10 September 2018)
DESCRIPTION:	Appointment of a service provider at the Independent Communications Authority of South Africa for the supply and installation of additional security Systems at its new office in Centurion on an 80/20 PPPFA 2000, Preferential Procurement Regulation: 2017.

BID DOCUMENTS MAY BE ADDRESED TO:
The Bid Administration Office
ICASA
Block B Pinmill Farm
164 Katherine Street
2146

OR

DEPOSITED IN THE BID BOX SITUATED AT:
Block B Reception
Pinmill Farm
164 Katherine Street
Sandton
2146

Bidders should ensure that bids are delivered on time to the correct address. Late proposals shall not be accepted for consideration.

All bids must be submitted on the official forms – (not to be re-typed). This bid is inter alia subject to the general conditions of contract (GCC) and, if applicable, any other special conditions of contract

PROSPECTIVE BIDDERS MUST BE REGISTERED ON THE CENTRAL SUPPLIER DATABASE WITH THE NATIONAL TREASURY PRIOR TO SUBMITTING BIDS.

THE FOLLOWING MUST BE FURNISHED (FAILURE TO DO SO SHALL RESULT IN YOUR BID BEING DISQUALIFIED)

BIDDING STRUCTURE

Indicate the type of Bidding structure by marking with an **'X'**	
Individual Bidder	
Joint Venture	
Consortium	
With Sub Contractors	
Other	

If Individual:	
Name of Bidder	
Registration Number	
Vat registration Number	
Contact Person	
Telephone Number	
E-mail Address	
Fax Number	
Postal Address	
Physical Address	

If Joint Venture or Consortium, indicate the name/s of the partners:	
Company Name	
Registration Number	
Vat registration Number	
Contact Person	
Telephone Number	
Cell phone Number	
Fax Number	
Postal Address	

Physical Address	
HAS AN ORIGINAL VALID TAX CLEARANCE CERTIFICATE/S BEEN SUBMITTED OF CONSORTIUM, JOINT VENTURE AND/OR SUB CONTRACTORS	

Yes		No	

PLEASE INDICATE THE TYPE OF YOUR COMPANY E.G. PRIVATE COMPANY OR CLOSED CORPORATION OR OTHER

Indicate the type of Company	

SIGNATURE OF BIDDER: …….

DATE: ……..……..…….

CAPACITY UNDER WHICH THIS BID IS SIGNED:

TABLE OF CONTENTS:

1. *INTRODUCTION*	
1.1 Purpose of bid	***5***
1.2 Enquiries	***5***
1.3 Confidential Information Disclosure Notice	***5***
2. DEFINITIONS AND ICASA MANDATE	***5***
3. ACRONYMS AND ABBREVIATIONS	***7***
4. GENERAL RULES AND INSTRUCTIONS	***8***
4.1 Confidentiality	***8***
4.2 News and Press Releases	***9***
4.3 Precedence of Documents	***9***
4.4 Preferential Procurement Reform	***9***
4.5 Language	***10***
4.6 Gender	***10***
4.7 Headings	***10***
4.8 Formal Contract	***10***
4.9 Procedure for the submission of a proposal	***10***
5. RESPONSE FORMAT	***11***
6. REASONS FOR DISQUALIFICATION	***12***
7. BID PREPARATION	***12***
8. GENERAL COMMERCIAL CONDITIONS OF CONTRACT/BID	***13***

1.1. Purpose of the bid

The purpose of this bid is to appoint a service provider at the Independent Communications Authority of South Africa for the supply and installation of additional security Systems at its new office in Centurion on an 80/20 PPPFA 2000, Preferential Procurement Regulation: 2017

1.2. Enquiries

Should it be necessary for a bidder to obtain clarity on any matter arising from or referred to in this RFB document, your enquiries can be referred in writing to the contact person(s) listed below:
ICASA reserves the right to place responses to such queries on the website.

Mmatabane Bid Administration Office	Telephone	(011) 566 3095
	E-mail	MHlapisi@icasa.org.za

1.3. Confidential Information Disclosure Notice

(i) This document contains information that is the property of the Independent Communication Authority of South Africa.
(ii) No part of the contents may be used, copied, disclosed or conveyed in whole or in part to any party in any manner whatsoever other than for proposal building purposes without prior written permission from ICASA.
(iii) All copyright and Intellectual Property herein vests with ICASA.

2. DEFINITIONS AND ICASA's MANDATE

2.1. The Independent Communications Authority of South Africa [hereinafter referred to as "ICASA"] is the regulator of telecommunications and the broadcasting sectors. It was established in July 2000 in terms of the Independent Communications Authority of South Africa Act No.13 of 2000. It took over the functions of two previous regulators, the South African Telecommunications Regulatory Authority (SATRA) and the Independent Broadcasting Authority (IBA). The two bodies were merged into ICASA to facilitate effective and seamless regulation of telecommunications and broadcasting and to accommodate the convergence of technologies.

2.2. ICASA derives its mandate from two statutes. These are the ICASA Act 13 of 2000, and the Electronic Communications Act 36 of 2005

Functions of ICASA:

The Authority regulates the telecommunications and broadcasting industries in the public interest. Its key functions are:

- to make regulations and policies that govern broadcasting and telecommunications
- issue licenses to providers of telecommunication services and broadcasters
- monitor the environment and enforce compliance with rules, regulations and policies
- hear and decide on disputes and complaints brought by industry or members of the public against licensees
- Plan, control and manage the frequency spectrum and
- Protect consumers from unfair business practices, poor quality services and harmful or inferior

products.

"Acceptable Bid" - means any bid, which, in all respects, complies with the specifications and conditions of the request for proposal as set out in this document.

"*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 services or goods.

"Bidders" - means any enterprise, consortium or person, partnership, company, close corporation, company or any other form of enterprise or person, legal or natural, which has been invited by ICASA to submit a proposal in response to this invitation.

.

"*Client"* - means all internal clients of ICASA procurement processes.

"Comparative Price" - means the price after deduction or addition of non-company price factors, unconditional discounts.

***"Content Partners"* -** means any successful bidder that enters into a partnership agreement with ICASA to provide the goods and services stipulated in the Bid document.

"Consortium" - means several entities join force under a large project umbrella to gain a strategic collaborative advantage

"Company Price" - means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition or abolition of customs or excise duty and any other duty, levy or tax which, in terms of a law or regulation is binding on the contractor and demonstrably has an influence on the price of any supplies or the rendering cost of any service, for the execution of a contract.

"Goods" – means any work, equipment, machinery, tools, materials or anything of whatever nature to be rendered to ICASA or ICASA' s delegate by the successful bidder in terms of the proposal.

"Internal Collaboration" - means collaborative arrangements within a group of companies or within various strategic business units/subsidiaries/operating divisions in order to gain a strategic position whilst sharing resources, profits and losses as well as risks.

"Joint Ownership" - (also known as equity JV's) means the establishment by two parent companies of a child company for a specific task within which both parents invest in order to overcome the limited capabilities vested within them in order that they can both benefit from the combined investment.

"Joint Venture" - (Project) means two or more businesses joining together under a contractual agreement to conduct a specific business enterprise with both parties sharing profit and losses. The venture is for one specific project only, rather than for a continuing business relationship as in a strategic alliance. It is about sharing risk with others and providing one or more missing and needed assets and competencies.

"Licenses" - means conditional use of another party's intellectual property rights.

"Management" - in relation to an enterprise or business, means an activity inclusive of control, and performed on a daily basis, by any person who is a principal executive officer of the company, by whatever name that person may be designated, and whether or not that person is a director.

"***Non-company Price (s)***" - means all price (s) other than "company" price (s).

"***Organ of State"*** - means a constitutional institution defined in the Public Finance Management Act, Act 1 of 1999.

"***Person (s)"*** - refers to a natural and/or juristic person (s).

"***Rand Value"*** - means the total estimated value of a contract in Rand denomination, which is calculated at the time of proposal invitations and includes all applicable taxes and excise duties.

"Successful Bidder" - means the organization or person with whom the order is placed or who is contracted to execute the work as detailed in the proposal.

"Prime Bidder" – means any person (natural or juristic) who forwards an acceptable proposal in response to this RFB with the intention of being the main contractor should the proposal be awarded to him/her.

***"Bidder Agent"* -** means any person mandated by a prime bidder or consortium/joint venture to do business for and on behalf of, or to represent in a business transaction, the prime bidder and thereby acquire rights for the prime bidder or consortium/joint venture against ICASA or an organ of state and incur obligations binding the prime bidder or consortium/joint venture in favor of ICASA or an organ of state.

***"SMME"* –** bears the same meaning assigned to this expression in the National Small Business Act, 1996 (Act No. 102 of 1996)

"***Service Partners"*** - means any successful bidder who is awarded the proposal or who entered into an agreement with ICASA and/or its clients to offer consulting services in areas such as but not limited to, strategic e-business consulting, evaluation, implementation and continuous improvement or system integration.

"***Support Partners"* -** means any successful bidder who entered into partnership agreement with ICASA and/or its clients for the provision of support services to a specific solution.

"Sub-Contracting" - means the primary contractor's assigning or leasing or making out work to, or employing another person to support such primary contractor in executing part of a project in terms of a contract.

"***Trust" -*** *means* the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person.

"***Trustee" -*** *means* any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ACRONYMS AND ABBREVIATIONS

The following acronyms and abbreviations are used in this proposal and must be similarly used in the proposal submitted in response and shall have the meaning ascribed thereto below.

Abbreviations/Acronyms	Description
BBBEE	Broad Based Black Economic Empowerment.
CPI	Consumer Price Index.
FDS	Functional Design Specification
PPPFA	Preferential Procurement Policy Framework Act
RFB	Request for Bid
RFP	Request for Proposal
RSA	Republic of South Africa
ICASA	Independent Communications Authority of South Africa
SLA	Service Level Agreement

4. GENERAL RULES AND INSTRUCTIONS

4.1. Confidentiality

4.1.1. Some of the information contained in this document may be of a confidential nature, and must only be used for purposes of responding to this RFB. This confidentiality clause extends to bidder partners and/ or implementation agents, whom you may decide to involve in preparing a response to this RFB.

4.1.2. For purposes of this process, the term "Confidential Information" shall include all technical and business information, including, without limiting the generality of the foregoing, all secret knowledge and information (including any and all financial, commercial, market, technical, functional and scientific information, and information relating to a party's strategic objectives and planning and its past, present and future research and development), technical, functional and scientific requirements and specifications, data concerning business relationships, demonstrations, processes, machinery, know-how, architectural information, information contained in a party's software and associated material and documentation, plans, designs and drawings and all material of whatever description, whether subject to or protected by copyright, patent or trademark, registered or un-registered, or otherwise disclosed or communicated before or after the date of this process.

4.1.3. The receiving party shall not, during the period of validity of this process, or at any time thereafter, use or disclose, directly or indirectly, the confidential information of ICASA (even if received before the date of this process) to any person whether in the employment of the receiving party or not, who does not take part in the performance of this process.

4.1.4. The receiving party shall take all such steps as may be reasonably necessary to prevent ICASA's confidential information coming into the possession of unauthorized third parties. In protecting the receiving party's confidential information, ICASA shall use the same degree of care, but no less than a reasonable degree of care, to prevent the unauthorized use or disclosure of the

confidential information as the receiving party uses to protect its own confidential information.

4.1.5. Any documentation, software or records relating to confidential information of ICASA, which comes into the possession of the receiving party during the period of validity of this process or at any time thereafter or which has so come into its possession before the period of validity of this process:

- shall be deemed to form part of the confidential information of ICASA,
- shall be deemed to be the property of ICASA;
- Shall not be copied, reproduced, published or circulated by the receiving party unless and to the extent that such copying is necessary for the performance of this process and all other processes as contemplated in; and
- shall be surrendered to ICASA on demand, and in any event on the termination of the investigations and negotiations, and the receiving party shall not retain any extracts.

4.2. News and Press Releases

Bidders or their agents shall not make any news releases concerning this RFB or the awarding of the same or any resulting agreement(s) without the consent of, and then only in co-ordination with ICASA.

4.3. Precedence of Documents

4.3.1. This RFB consists of a number of sections. Where there is a contradiction in terms between the clauses, phrases, words, stipulations or terms and herein referred to generally as stipulations in this RFB and the stipulations in any other document attached hereto, or the RFB submitted hereto, the relevant stipulations in this RFB shall take precedence.

4.3.2. Bidders shall refrain from incorporating any additional stipulations in its proposal submitted in terms hereof other than in the form of a clearly marked recommendation that ICASA may in its sole discretion elect to import or to ignore. Any such inclusion shall not be used for any purpose of interpretation unless it has been so imported or acknowledged by ICASA.

4.3.3. It is acknowledged that all stipulations in the PPPFA are not equally applicable to all matters addressed in this RFB. It however remains the exclusive domain and election of ICASA as to which of these stipulations are applicable and to what extent. Bidders are hereby acknowledging that the decision of ICASA in this regard is final and binding. The onus to enquire and obtain clarity in this regard rests with the bidder (s). The bidder (s) shall take care to restrict its enquiries in this regard to the most reasonable interpretations required to ensure the necessary consensus.

4.4. Preferential Procurement Reform

The Preferential Procurement Regulations, 2017 pertaining to the Preferential Procurement Policy Framework Act, Act No 5 of 2000.
In accordance with this Act, bidders are required to submit original and valid BBBEE Status Level Verification Certificates or certified copies thereof together with their bids, to substantiate their BBBEE rating claims.

4.5. Language

Bids shall be submitted in English.

4.6. Gender

Where applicable any word implying any gender shall be interpreted to imply all other genders.

4.7. Headings

Headings are incorporated into this proposal and submitted in response thereto, for ease of reference only and shall not form part thereof for any purpose of interpretation or for any other purpose.

4.8. Formal contract

This RFB, all the appended documentation and the proposal in response thereto read together, forms the basis for a formal contract to be negotiated and finalized between ICASA and the successful service provider to whom ICASA will award the bid to ,either in whole or in part.

4.9. Procedure for the submission of a proposal

4.9.1. One (1) original, three (3) hard copies and 1 (one) electronic copy (on CD) in ***PDF format*** of the Bid shall be submitted on the date of closure of the Bid. **NB: Pricing must be submitted in a separate sealed envelope**.

The original copy **MUST BE SIGNED IN INK** by an authorised employee, agent or representative of the bidder and initialed on each and every page of the bid proposal.

4.9.2. Bidders shall submit proposal responses in accordance with the prescribed manner of submission as specified above.

4.9.3. Bids must be submitted in a prescribed response format herewith reflected as **Response Format,** and be sealed in an envelope.

4.9.4. Bids must be deposited into ICASA's proposal box on or before **10 September 2018** not later than **11h00**. The tender box is situated at the reception area of ICASA Head Office in Sandton.

4.9.5. The physical size of the envelope must be limited to **750mm x 300mm x 90mm** as the proposal box aperture cannot accommodate larger sizes.

4.9.6. All Bids in this regard shall only be accepted if they have been placed in the proposal box before or on the closing date and stipulated time.

4.9.7. Bid responses sent by post or courier must reach this office at least **36 hours,** before the closing date to be deposited into the proposal box. Failure to comply with this requirement will result in your proposal being treated as a "late proposal" and will not be entertained. Such proposal will be returned to the respective bidders.

4.9.8. No proposal shall be accepted by ICASA if submitted in any manner other than as prescribed above.

5. RESPONSE FORMAT

Bidders shall submit response in accordance with the response format specified below; failure to do so may result in a disqualification of bidder's response.

SCHEDULE 1: Mandatory Documents

CSD registration number or valid tax clearance certificate or Tax Clearance Pin as issued by SARS. If a Consortium or Joint Venture, either one of the aforementioned must be submitted for each member.

SCHEDULE 2: Executive Summary

The executive summary must cover the following:

- **Paragraph 1**The Bidder needs to indicate to us that he is responding as a Prime contractor, joint venture, consortium or partnership and list the parties concerned
- **Paragraph 2**The Bidder needs to inform us that as the executive committee of the company we have duly designated the following employee name and surname to act on our behalf for the consortium, joint venture, partnership or Prime contractor.
- **Paragraph 3**The Bidder markets themselves by informing us that they have done similar work for other companies and must provide us with contact details as references.
- **Paragraph 4**The Bidder gives us a short summary or clarification of their response.

SCHEDULE 3: Functional response

SCHEDULE 4: Price

SCHEDULE 5: PPPFA Points

SCHEDULE 6: Standard Bid documents

The following attached SBD documents must be completed:

- SBD 1 – Invitation to Bid
- SBD 2 (Tax Clearance Certificate Requirements)
- SBD 3.1 - (Pricing schedule)
- SBD 4 - (Declaration of Interest)
- SDB 6.1 - (Preference Points claim form)
- SBD 6.2 Declaration Certificate for local Content
- SBD 7.1 – Contract form (rendering of services)
- SBD 8 - (Declaration of bidder's past Supply Chain Management practices)
- SBD 9 – (Certification of Independent Bid Determination)
- Declaration in terms of Fronting

SCHEDULE 7: Bidders profile

- Individual company/joint venture/consortium shareholders certificate(s)
- Credentials of the company/consortium members etc.
- Structure of the company/ consortium members etc.
- Legal agreement between Partners, sub-contractors, joint venture or consortium

Bidder background information materials:

- Bidder Operating Organization – Provide an overview of the operating structure and geographical locations of the company at the national, regional, and local levels.
- Company Contact(s) –Provide the name, title, street address, city, state, telephone and fax numbers and e-mail of the primary company's contact person, and for any sub-Contractors.

6. REASONS FOR DISQUALIFICATION

ICASA reserves the right to disqualify any bidders who do not comply with one or more of the following bid requirements, and such disqualification may take place without prior notice to the offending bidder:

- Bidders who submitted incomplete information and documentation as per the requirements of this RFB.
- **Bidders who are not registered on the Central Supplier Database**
- Bidders who submitted information that is fraudulent, factually untrue or inaccurate, for example memberships that do not exist, BBBEE credentials, experience, etc.
- Bidders who do not meet the cut-off mark on functional/technical requirements as stipulated in this RFB.
- Bidders who do not provide the required number of bid responses i.e. one (1) original hard copy, three (3) hard copies and one (1) electronic copy (on CD) in *PDF format*.
- Bidders who have been blacklisted as per the National treasury database.
- Bidders who do not comply with the special conditions or any other condition set out in the bid document

6.1. There will be no discussions with any enterprise until evaluation of the proposal has been completed. Any subsequent discussions shall be at the discretion of ICASA. Unless specifically provided for in the proposal document, proposal submitted by means of telegram, telex, facsimile or similar means will not be considered.

All questions in respect of this proposal must be addressed to Supply Chain Unit by e-mail address: MHlapisi@icasa.org.za

7. BID PREPARATION

All additions to the proposal documents i.e. appendices, supporting documentations, technical specifications and other support documentation covering the equipment offered etc. shall be neatly bound as part of the schedule concerned.

8. GENERAL COMMERCIAL CONDITIONS OF CONTRACT/BID

Bidders shall provide full and accurate answers to the questions posed in this document, and, are required to explicitly state either "Comply/Accept (with a√)" or "Do not comply/Do not accept (with an X)" regarding compliance to the requirements. Where necessary the bidder shall substantiate their response to a specific question.

8.1.

	Accept	Do not accept
The laws of the Republic of South Africa shall govern this RFB and any agreement entered. Bidders accept hereby that the courts of the Republic of South Africa shall have jurisdiction.		
Comment		

8.2.

	Accept	Do not accept
ICASA shall not be liable for any costs incurred by the bidder in the preparation of response to this RFB. The preparation of response will be made without obligation to acquire any of the items included in any bidder's proposal or to select any proposal, or to discuss the reasons why such bidder's or any other proposal was accepted or rejected.		
Comment		

8.3.

	Accept	Do not accept
ICASA may request written clarification or further information regarding any aspect of this proposal. The bidders must supply the requested information in writing within two **(2) days** after the request has been made, otherwise the proposal may be disqualified.		
Comment		

8.4.

	Accept	Do not accept
In the case of consortium, Joint Venture or subcontractors, bidders are required to provide copies of signed agreements stipulating the work split and Rand value.		
Comment		

8.5.

	Accept	Do not accept
ICASA reserves the right to; cancel/reject any proposal and not to award the proposal to the lowest bidder or award parts of the proposal to different bidders, or not to award the proposal at all.		
Comment		

8.6.

	Accept	Do not accept
By submitting a proposal in response to this RFB, the bidders accept the evaluation criteria as it stands.		
Comment		

8.7.

	Accept	Do not accept
The bidder should not qualify the proposal with own conditions.		

Caution: If the bidder does not specifically withdraw its own conditions of proposal when called upon to do so, the bid response may be disqualified.		
Comment		

8.8.

Should the bidder withdraw the proposal before the proposal validity period expires, ICASA reserves the right to recover any additional expense incurred by ICASA having to accept any less favorable proposal or the additional expenditure incurred by ICASA in the preparation of a new RFB and by the subsequent acceptance of any less favorable proposal.	**Accept**	**Do not accept**
Comment		

8.9.

Delivery of and acceptance of correspondence between ICASA and the bidder sent by prepaid registered post (by air mail if appropriate) in a correctly addressed envelope to either party's postal address or address for service of legal documents will be deemed to have been received and accepted after (2) two days from the date of postage to the South African Post Office Ltd.	**Accept**	**Do not accept**
Comment		

8.10.

Should the parties at any time before and or after the award of the proposal and prior to, and or after conclusion of the contract fail to agree on any significant product price or service price adjustments, change in technical specification, change in services, etc. ICASA shall be entitled within 14 (fourteen) days of such failure to agree, to recall the letter of award and cancel the proposal. Such cancellation shall mean that ICASA reserves the right to award the same proposal to next best bidders as it deems fit.	**Accept**	**Do not accept**
Comment		

8.11.

In the case of a consortium or JV each of the authorized enterprise's members and/or partners of the different enterprises must co-sign this document.	**Accept**	**Do not accept**
Comment		

8.12.

Any amendment or change of any nature made to this RFB shall only be	**Accept**	**Do not accept**

of force and effect if it is in writing, signed by ICASA authorized signatory and added to this RFB as an addendum.		
Comment		

8.13.

	Accept	Do not accept
Failure or neglect by either party to (at any time) enforce any of the provisions of this proposal shall not, in any manner, be construed to be a waiver of any of that party's right in that regard and in terms of this proposal. Such failure or neglect shall not, in any manner, affect the continued, unaltered validity of this proposal, or prejudice the right of that party to institute subsequent action.		
Comment		

8.14.

	Accept	Do not accept
Bidders who make use of sub-contractors. The proposal will however be awarded to the bidder as a primary contractor who will be responsible for the management of the awarded proposal. No separate contract will be entered into between ICASA and any such sub-contractors. Copies of the signed agreements between the relevant parties must be attached to the proposal responses.		

8.15.

	Accept	Do not accept
No interest shall be payable on accounts due to the successful bidder in an event of a dispute arising on any stipulation in the contract.		
Comment		

8.16.

	Accept	Do not accept
ICASA will not be held liable for any expenses incurred by bidders, in preparing and submitting the proposal.		
Comment		

8.17.

	Accept	Do not accept
If the successful bidder disregards contractual Specifications, this action may result in the termination of the contract.		
Comment		

8.18.

	Accept	Do not accept
The bidders' response to this bid or parts of the response may be included as a whole or by reference in the final contract.		

Comment

8.19.

Public entities and tertiary institutions must also submit BBBEE status level verification certificates together with their bids as per the Preferential Procurement regulations 2017, pertaining to the PPPFA Act No 5 of 2000	Accept	Do not accept
Comment		

8.20.

All bidders' who do not sign the declaration forms will not be considered for preference points.	Accept	Do not accept
Comment		

8.21.

In the evaluation of proposal, the Authority reserves the right to conduct independent reference checks.	Accept	Do not accept
Comment		

8.22.

ICASA will not respond to any enquiries seventy-two (72) hours before the closing date of the bid	Accept	Do not accept
Comment		

8.23.

Should the bidder change any wording or phrase in this document, the bid will be evaluated as though no change has been effected and the original wording or phrasing will be used.	Accept	Do not accept
Comment		

8.24.

Should the evaluation of this bid not be completed within the validity period of the bid, ICASA has discretion to extend the validity period.	Accept	Do not accept
Comment		

8.25.

Upon receipt of the request to extend the validity period of the bid, the bidder must respond within the required timeframes and in writing on whether or not s/he agrees to hold his/her original bid responses valid under the same terms and conditions for a further period.	Accept	Do not accept
Comment		

8.26.

ICASA will not make any upfront/deposit payments to a successful service provider. Payments will only be made in accordance to the deliverables that will be agreed upon by the both parties.	Accept	Do not accept
Comment		

8.27.

All bidders must make disclosure of any potential conflict of interests. The Authority will make the final determination as to whether the potential conflict of interest precludes the award of the tender to the service provider.	**Comply**	**Do not comply**
Comment		

8.28.

Respondents may not alter the wording of any criterion/question posed in this document. During the evaluation, it shall be assumed that all criteria/questions are worded as they were in the original document and the answers shall be evaluated on this basis	**Accept**	**Do not accept**
Comment		

SPECIAL REQUIREMENTS

8.29.

International companies are encouraged to partner with local companies. International companies are requested to provide an agreement between themselves and the local entity.	**Comply**	**Do not comply**
Bidders wishing to claim points for BBBEE contribution Status are required to submit a BBBEE rating Certificate from SANAS accredited BBBEE rating agency or a sworn affidavit due to exempted micro enterprise status if their annual turnover is less than R10m.	**Comply**	**Do not comply**
Comment		

8.30.

Bidders are required to submit a BBBEE Rating Certificate from SANAS Or a sworn affidavit due to exempted micro enterprise (EME) status if their annual turnover is less than R10 million	**Comply**	**Do not comply**
Comment		

8.31.

ICASA reserves the right not to accept the lowest bid price from a service provider. Similarly the Authority reserves the right not to select any of the prospective service providers submitting proposals. The Authority will take into consideration Broad Based Black Economic Empowerment, proof of this to accompany the bid response (BBBEE Certificate).	**Accept**	**Do not Accept**
Comment		

9. EVALUATION OF THE BID

9.1. The following evaluation approach will be applied:

- **Phase 1** will be the screening of mandatory documents, ensuring compliance thereof and evaluation on local content.
- **Phase 2** will be evaluation on functionality on a scoring factor; as explained below
- **Phase 3** will be Price and B-BBEE.

The below mentioned threshold will be used when evaluating the bid responses:

Pre-qualification criteria

Description (cable products)	Minimum threshold
Low voltage	90%
Low cost reticulation	90%
Medium and high Voltage	90%
ACR	90%

List of specific cables designated include;

Category	Type
Low voltage	Housewire, Flat Twin and Earth, Surface Cable, Rip Cord, Cab Tyre, Bells Cable, 1,55mm² -16 mm², 2-37 cores, Fire Retardant, Low Halogen and Low Smoke Zero Halogen (LSOH) Main cable 25mm²-100mm², 1-4 cores, Fire Retardant, Low Halogen and Low Smoke Zero Halogen, Flexible Cables, Aerial Cables, ACSR, Split Concentric & Aerial Bundled Conductor (ABC)
Medium Voltage	3,3kV-22kV, 1-3 cores, Cross linked Polyethylene (XLPE) and Paper Insulated Lead Covered (PILC), Fire Retardant, Low Halogen and Low Smoke Zero Halogen
High Voltage	132 kV, single Core, Corrugated Seamless Aluminium (CSA) Sheathed

No.	Functionality Criteria per Category	Weight
A	Price	80
B.	B-BBEE	20
	TOTAL	100

No	Category (Cut-off 70)	Points
	Functional Proposal	
1.	**Experience and knowledge of Key personnel** i.e. Project Manager & two Technicians in performing a similar work, at least 2-5 years of experience in relevant project	30

No	Functionality	Score
1.	Attached all CVs of Project Manager and two Technicians with qualifications for technical installation with 5 years or more of experience.	5
2.	Attached CVs of Project Manager and two Technicians with qualifications for technical installation with 3-4 years of experience.	4
3.	Attached CVs of a project Manager and two Technicians with qualifications for technical installation with 2 years of experience.	3
4.	Attached CV of only Project Manager and two technicians with qualifications for Technical installation with less than 2 years of experience.	2
5.	Irrelevant information/ no response	1

2.	**Bidder's experience in installation of the security systems** i.e. Attach three (3) contactable references where bidder performed similar work:	30

No	Functionality	Score
1.	Attached 3 references where similar work was done	5

2.	Attached 2 references where similar work was done	4	
3.	Attached 1 reference where similar work was done	3	
4.	No attachment of references but bidder has experience in doing similar work	2	
5.	No attachment of references and bidder don't have any experience in doing similar work	1	

3. 30

Attach proof of Company & Directors' PSIRA registration and Company's accreditation certificate as security systems installer i.e. Attach proof of PSIRA registration and accreditation certificate as security systems installer.

No	Functionality	Score
1.	Attached proof of both Company's and Directors' PSIRA registration and Company's accreditation certificate as security systems installer	5
2.	Attached proof of Company's PSIRA registration and Company's accreditation certificate as security systems installer only	4
3.	Attached only proof of company's accreditation certificate as security systems installer	3
4.	Attached proof of company's PSIRA registration only	2
5.	Did not attach any proof of PSIRA registration and accreditation certificate as security systems installer	1

***A cut off mark of 70 points will be applied for functionality**

Only bidders who passed the threshold of 70/100 for functionality will be evaluated further for price and B-BBEE.

The PPPFA preference points will contribute 20 points towards the evaluation criteria as per the below table:

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

FUNCTIONAL PRE-QUALIFICATION CRITERIA

Only locally produced/manufactured cables with a minimum threshold for local production/ content will be considered.

PURPOSE OF BID

The purpose of this bid is to appoint a service provider at the Independent Communications Authority of South Africa for the supply and installation of additional security Systems at its new office in Centurion on an 80/20 PPPFA 2000, Preferential Procurement Regulation: 2017

BACKGROUND AND SCOPE

ATTACHED AS ANNEXURE A

ANNEXURE B (To be submitted in a separate envelope)

Name of Company:

Financials and price structure

B1. Please indicate your **TOTAL BID** price here: R…… in words)……..…… ……..…… **(Mandatory)**

B2. Important: It is mandatory to indicate your total bid price as requested above. This price must be the same as the total bid price you submit in your pricing schedule. Should the total bid prices differ, the one indicated above will be taken into consideration.

B3. NB: All prices must be VAT inclusive and must be quoted in South African Rand (ZAR).

B4 Are the rates quoted firm for the full period of the contract?

B5 Mandatory: If not firm for the full period, provide details of the basis on which adjustments will be applied for. E.g. CPI, and also details of the cost breakdown:

B6 Important: all the consortium or joint venture partners must submit a complete set of the latest audited financial statements.

B7

No price adjustments that are 100% linked to exchange rate variations will be allowed.	**Comply**	**Do not comply**
Comment		

B8

The bidder must indicate CLEARLY which portion of the purchase price as well as the monthly costs is linked to the exchange rate.	**Comply**	**Do not comply**
Comment		

B9

All additional costs must be clearly specified.	**Comply**	**Do not comply**
Comment		

B10

The applicable rate of exchange for this bid shall be the spot rate	**Accept**	**Do not Accept**
Comment		

CHECKLIST OF BIDDING DOCUMENTATION BEFORE SUBMITTING

NB!! PLEASE TAKE NOTE THAT ALL STANDARD BIDDING (SBD) FORMS MUST BE COMPLETED, SIGNED AND SUBMITTED WITH YOUR PROPOSAL. FAILURE TO DO SO MAY INVALIDATE YOUR BID

NB: Has the following forms been completed, signed and submitted with your proposal?

Documentation	Checked by bidder	Checked by SCM Officials
Registration on CSD		
Invitation to Bid SBD 1		
Pricing schedule (Non-firm Price's Professional services) SBD 3.1		
Declaration of interest – SBD 4		
Preference point claim – SBD 6.1		
Declaration Certificate for local Content SBD 6.2 Annexure C Annexure D Annexure E		
Contract form (rendering of services) – SBD 7.1		
Declaration of bidder's past Supply Chain Management Practices – SBD 8		
Certification of Independent Bid Declaration – SBD 9		
ID documents of Directors		
Company registration documents		
Company profile		
Declaration in terms of fronting Practices		

SBD 1

PART A
INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (*NAME OF DEPARTMENT/ PUBLIC ENTITY*)					
BID NUMBER:	ICASA 15/2018	CLOSING DATE:	10 September 2018	CLOSING TIME:	11:00
DESCRIPTION	Appointment of a service provider at the Independent Communications Authority of South Africa for the supply and installation of additional security Systems at its new office in Centurion on an 80/20 PPPFA 2000, Preferential Procurement Regulation: 2017.				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT *(STREET ADDRESS)*					
Block B Reception					
Pinmill Farm					
164 Katherine Street					
Sandton					

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO		**TECHNICAL ENQUIRIES MAY BE DIRECTED TO:**	
CONTACT PERSON	**Mmatabane Hlapisi**	CONTACT PERSON	**Mmatabane Hlapisi**
TELEPHONE NUMBER	**011 566 3095**	TELEPHONE NUMBER	**011 566 3095**
FACSIMILE NUMBER	**011 566 3095**	FACSIMILE NUMBER	**011 566 3095**
E-MAIL ADDRESS	**MHlapisi@icasa.org.za**	E-MAIL ADDRESS	**MHlapisi@icasa.org.za**

SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		**OR**	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] ☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] ☐ Yes ☐ 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?	☐Yes ☐No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR **THE GOODS /SERVICES /WORKS OFFERED?**	☐Yes ☐No [IF YES, ANSWER PART B:3]

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 ☐ 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

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

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

SIGNATURE OF BIDDER: ……

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

DATE: ……...

SBD 2

TAX CLEARANCE CERTIFICATE REQUIREMENTS

It is a condition of the bid that the taxes of the successful bidder**must** be in order, or that satisfactory arrangements have been made with the Receiver of Revenue to meet his / her tax obligations.

1. In order to meet this requirement bidders are required to complete in full the attached form TCC 001 "Application for 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 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 Tax Clearance Certificate" form are available at any SARS branch office nationally or on the website www.sars.gov.za.

6. Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.z

SBD 3.1

PRICING SCHEDULE

(Professional Services)

NAME OF BIDDER: …… BID NO.: **ICASA 15/2018**

CLOSING TIME **11:00** ON: **10 September 2018**

OFFER TO BE VALID FOR **90** DAYS FROM THE CLOSING DATE OF BID.

ITEM No.	DESCRIPTION	BID PRICE IN RSA CURRENCY INCLUSIVE OF VALUE ADDED TAX

1. T he accompanying information must be used for the formulation of proposals.
2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of VAT for the project.
   R……..……...
3. PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)

4. PERSON AND POSITION RATE HOURLY RATE DAILY

---------- R---------- ----------
-

---------- R---------- ----------

---------- R---------- ----------

---------- R---------- ----------

5. PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT

---------- R----------
days

---------- R---------- ----------
-days

---------- R---------- ----------
-days

---------- R---------- ----------
-days

5.1 Travel expenses (specify, for example rate/km and total km, class of air travel, etc.). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
----------	----------	……	R……
----------	----------	……	R……
----------	----------	……	R……

TOTAL: R……

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

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
----------	----------	……	R……
----------	----------	……	R……
----------	----------	……	R……

TOTAL: R……

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

…….

7. Estimated man-days for completion of project\

…….

8. Are the rates quoted firm for the full period of contract? \

…….

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

……..……

SBD4

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state[1], 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 an advertised competitive bid, a limited bid, a proposal or written price quotation). In view of possible allegations of favoritisms, 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 authorized 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[2], member): ……

2.4 Registration number of company, enterprise, close corporation, partnership agreement or trust: ……..……..……..…

2.5 Tax Reference Number: ……

2.6 VAT Registration Number: ……....

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / PERSAL numbers must be indicated in paragraph 3 below.

[1]"State" means –

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

[2]"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 attach proof of such authority to the bid document? **YES / NO**

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

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

……
……

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

2.8.1 If so, furnish particulars:
……..
……..

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

2.9.1 If so, furnish particulars.
……...
……..….

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

2.10.1 If so, furnish particulars**.**

……

……

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

2.11.1 If so, furnish particulars:

……

……

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

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

4 DECLARATION

I, THE UNDERSIGNED (NAME)……

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT. I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME 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 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

The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable.

1.3 Points for this bid shall be awarded for:

(a) Price; and

(b) B-BBEE Status Level of Contributor.

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

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE must not exceed	**100**

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

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

2. DEFINITIONS

(a) **"B-BBEE"** means broad-based black economic empowerment as defined in section

1 of the Broad-Based Black Economic Empowerment Act;

(b) "**B-BBEE status level of contributor"** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

(c) **"bid"** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;

(d) **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

(e) "EME" means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;

(f) **"functionality"** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.

(g) **"prices"** includes all applicable taxes less all unconditional discounts;

(h) **"proof of B-BBEE status level of contributor"** means:

1) B-BBEE Status level certificate issued by an authorized body or person;

2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;

3) Any other requirement prescribed in terms of the B-BBEE Act;

(i) **"QSE"** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;

(j) **"rand value"** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

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

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

80/20 **or** **90/10**

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

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmin = 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 (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	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		NO	

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		NO	

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 last 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

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

8.1 Name of company/firm:……..

8.2 VAT registration number:……

8.3 Company registration number:……..……..……

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

……
……
……
……
……..

8.6 COMPANY CLASSIFICATION

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

[*TICK APPLICABLE BOX*]

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

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

i) The information furnished is true and correct;

ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;

iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;

iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

(a) disqualify the person from the bidding process;

(b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;

(c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;

(d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and

(e) forward the matter for criminal prosecution.

WITNESSES 1. …….. 2. ……	…… SIGNATURE(S) OF BIDDERS(S) DATE: ……..

SBD 6.2

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS (APPLICABLE FOR FURNITURE AND PROTECTIVE CLOTHING 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, 2017, 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, 2017 (Regulation 8) make provision for the promotion of local production and content.

1.2. Regulation 8.(2) prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.

1.3. Where necessary, for tenders 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 at no cost.

1.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;

2. 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:

Description of services, works or goods	Stipulated minimum threshold
_____	_____%
_____	_____%
_____	_____%

3. Does any portion of the goods or services offered

have any imported content?

(***Tick applicable box***)

YES		NO	

3..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

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

Currency	**Rates of exchange**
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

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

4. 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/industrial development/ip.jsp. Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, ... (full names),

do hereby declare, in my capacity as ....

of .....

(name of bidder entity), the following:

(a) The facts contained herein are within my own personal knowledge.

(b) I have satisfied myself that:

(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

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

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

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

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

(d) I accept that the Procurement Authority / Institution has the right to request that the local

content be verified in terms of the requirements of SATS 1286:2011.

(e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017

(f) promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____ **DATE:** _____

WITNESS No. 1 _____ **DATE:** _____

WITNESS No. 2 _____ **DATE:** _____

SBD 7.1

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

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

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

2. The following documents shall be deemed to form and be read and construed as part of this agreement:

   (i) Bidding documents, *viz*
   - Invitation to bid;
   - Tax clearance certificate;
   - Pricing schedule(s);
   - Filled in task directive/proposal;
   - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
   - Declaration of interest;
   - Declaration of bidder's past SCM practices;
   - Certificate of Independent Bid Determination;
   - Special Conditions of Contract;

   (ii) General Conditions of Contract; and

   (iii) Other (specify)

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

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

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

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

NAME (PRINT)…….

CAPACITY…….

SIGNATURE……

……

NAME OF

FIRM…….

DATE…….

WITNESSES

1 ……..…….

2 ……..…….

SBD 7.2

CONTRACT FORM - RENDERING OF SERVICES

PART 2 (TO BE FILLED IN BY THE PURCHASER)

1. I……. in my capacity as……...…….. accept your bid under reference number ……dated……for the rendering of services indicated hereunder and/or further specified in the annexure(s).

2. An official order indicating service delivery instructions is forthcoming.

3. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice.

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

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

SIGNED AT ……ON……..

NAME (PRINT)……

SIGNATURE……

OFFICIAL STAMP

WITNESSES

1 ……

2 ……

DATE: ……

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

a) This Standard Bidding Document must form part of all bids invited.

b) 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.

c) The bid of any bidder may be disregarded if that bidder, or any of its directors have-

i) abused the institution's supply chain management system;
ii) committed fraud or any other improper conduct in relation to such system; or
iii) failed to perform on any previous contract.

d) **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? **(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the *audi alteram partem* rule was applied).** The Database of Restricted Suppliers now resides on the National Treasury's website (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
4.1.1	If so, furnish particulars:	☐	☐
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? **The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.**	Yes	No
4.2.1	If so, furnish particulars:	☐	☐

4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes	No
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes ☐	No ☐
4.4.1	If so, furnish particulars:		

SBD 8

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

SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

1 This Standard Bidding Document (SBD) must form part of all bids[1] invited.

2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).[2] Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.

3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:

a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.

b. cancels a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.

4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.

5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

_____

(Bid Number and Description)

In response to the invitation for the bid made by:

_____

(Name of Institution)

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

I certify, on behalf of: _____that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:

    (a) Has been requested to submit a bid in response to this bid invitation;

    (b) Could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and

    (c) Provides the same goods and services as the bidder and/or is in the same line of business as the bidder

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium[3] will not be construed as collusive bidding.

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
   (a) Prices;
   (b) Geographical area where product or service will be rendered (market allocation)
   (c) Methods, factors or formulas used to calculate prices;
   (d) The intention or decision to submit or not to submit, a bid;
   (e) The submission of a bid which does not meet the specifications and conditions of the bid; or
   (f) Bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

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

…… ……

Signature Date

……

Position Name of Bidder

DECLARATION IN TERMS OF FRONTING PRACTICES

I, the undersigned, in submitting the accompanying tender/bid:

_____

(Tender Number and Description)

In response to the invitation for bid made by:

_____

(Name of Company)

Do hereby declare that:

1. I have read and understand the general conditions of tender in respect of fronting practices;

2. I understand that the accompanying bid will be disqualified if the required documents are not duly submitted in terms of the bid conditions;

3. I hereby certify that the information furnished in the tender and supporting documents is correct.

4. I accept that the ICASA may report fronting practices to the DTI if detected from my bid response.

5. I accept that the ICASA may disregard my tender from the evaluation process if the additional documentation relating to fronting is not submitted in accordance with the ICASA timeframes.

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