



TOURISM KWAZULU-NATAL INVITES ELIGIBLE SERVICE PROVIDERS TO SUBMIT A WRITTEN QUOTATION FOR THE GOODS/SERVICES REQUIRED AS STIPULATED IN THIS REQUEST FOR QUOTATION	
REQUEST FOR QUOTATION	
REQUISITION NUMBER	10874
DESCRIPTION	REQUEST FOR QUOTATIONS FOR THE PROVISION OF BOARD SECRETARIAL SUPPORT SERVICES FOR TOURISM KWAZULU-NATAL FOR THE PERIOD OF 12 MONTHS
CLOSING DATE AND TIME	17 APRIL 2024 @ 16H00
CSD No.	<hr/>
SUBMISSION DETAILS	Email Submission: quotes@zulu.org.za OR Hand Delivery: Tourism KwaZulu-Natal 2 nd floor, Ithala Trade Centre Building, 29 CanalQuay, Point, Durban (Document must be inserted into the <u>Bid Box</u>) <i>Late submissions will not be accepted</i>
SCM ENQUIRIES	Contact: Philile Radebe Tel / Email: 031 366 7594 Phililer@zulu.org.za
TECHNICAL ENQUIRIES	Contact: Pinky Radebe Tel / Email: 031 366 7507 radebe@zulu.org.za

NAME OF BIDDER.....

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF TOURISM KWAZULU-NATAL (TKZN)					
BID NUMBER:		CLOSING DATE: 17 April 2024		CLOSING TIME: 16h00	
DESCRIPTION					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
2nd Floor, Ithala Trade Centre Building					
29 Canal Quay Road					
Point Waterfront					
Durban					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON				CONTACT PERSON	
TELEPHONE NUMBER				TELEPHONE NUMBER	
FACSIMILE NUMBER				FACSIMILE NUMBER	
E-MAIL ADDRESS				E-MAIL ADDRESS	
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
<i>ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?</i>		<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		<i>ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?</i>	
				<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]	
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A BRANCH IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.					

**PART B
TERMS AND CONDITIONS FOR BIDDING**

1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED (NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
- 1.4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**

2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
- 2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

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

SIGNATURE OF BIDDER:

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

DATE:

TERMS AND CONDITIONS

1.DESCRPTION	Yes	No	Noted	If no, indicate deviation
1.1 Quotations must be delivered by the stipulated time to the correct address. Late quotations will not be accepted for consideration				
1.2 All quotations must be submitted on the official forms provided– (not to be re-typed) or online				
1.3 Quotations above R2000 will be evaluated based on functionality (where applicable)				
1.4 This quotation is subject to the Preferential Procurement Policy Framework Act 2000 and, the General Conditions of Contract (GCC) and, if applicable, any other legislation or special conditions of contract				
1.5 TKZN reserves the right to enter negotiations with a prospective contractor regarding any terms and conditions, including price(s), of a proposed contract.				
1.6 TKZN shall not be obliged to accept the lowest or any financial offer or proposal.				
1.7 TKZN will disregard the bid of any bidder if that bidder or any of its directors have abused the institutions supply chain management system and or committed fraud or any other improper conduct in relation to such system.				
1.8 TKZN will list bidders / directors in the list of restricted suppliers and they will not conduct any business with an organ of state				
<p>1.9 Tax Compliance Requirements:</p> <p>1.9.1 Bidders must ensure compliance with their tax obligations. Bidders are required to submit their unique personal identification number (pin) issued by sars to enable the organ of state to view the taxpayer’s profile and tax status.</p> <p>1.9.2 Application for tax compliance status (tcs) or pin may also be made via e-filing. In order to use this provision, taxpayers will need to register with sars as e-filers through the website www.sars.gov.za.</p> <p>1.9.3 In quotations where consortia / joint ventures / sub-contractors are involved, each party must submit a separate proof of tcs / pin / csd number.</p>				

<p>1.9.4 Where No Tax Compliance status (TSC) or pin is availablebut the bidder is registered on the Central Supplier Database (CSD), a CSD number must be provided.</p>				
<p>1.10 The bidder has examined the information provided in the bid documents and x sizeer to undertake the work prescribed in accordance with the requirements as set out in the bid document. The prices quoted in this bid are valid for the stipulated period. Bidder must confirm the availability of the proposed team members. The bidder confirm that this bid will remain binding upon us and may be accepted by you at any time before the expiry date</p>				
<p>1.11 TKZN's business of conduct and ethics: 1.11.1 Relationships with customers and suppliers - To ensure that they remain objective, employees should not accept any bribes offered by any customer or supplier of TKZN, should report such offers to management and refrain from having any vested interest, financial or otherwise, with any customer or supplier.</p>				

B. ADMINISTRATIVE COMPLIANCE

<u>2.STAGE ONE: ADMINISTRATION COMPLIANCE</u>	Yes	No	Noted	If no,indicate deviation
<p><i>All quotations duly lodged will be examined to determine compliance with bidding requirements and conditions. Quotations with obvious deviations from the requirements/conditions, will be eliminated from further adjudication.</i></p> <p>2.1 Mandatory</p> <p>Quotations will be considered compliant if the following documents have been submitted or condition met (whichever is applicable)</p> <p>2.1.1 The bidder must be registered as a vendor on the National Treasury Central Supply Database (CSD), which can be found at https://secure.csd.gov.za/ in compliance with National Treasury compliance paragraph 4.2 with instruction note 4a of 2016/2017</p> <p>2.1.2 The bidder must be in good standing with SARS and such information will be verified through Central Supply Database using SARS e-filing pin in National Treasury compliance (CSD) or u with instruction note 9 of 2017/2018 prior to the award of the bid;</p> <p>2.1.3 SBD 4 - A completed and duly signed declaration of Interest. Should a conflict of interest be declared or identified, the bid would be declared non- responsive. NB Bidder must ensure all pages are complete and all questions answered, you are to indicate not applicable (N/A) where appropriate.</p> <p>2.1.4 The Bidder must have a minimum of three (3) positive reference letters/testimonials not older than five years from previous clients for similar projects (these reference letters /testimonials should be in their client's letterhead).</p> <p>2.1.5 The bidder should have at least five (5) years' experience as a Company/ Board Secretariat (governance and compliance industry).</p> <p>Failure to provide any mandatory information as requested above will result in the submission being deemed non-responsive.</p>				

<p>3. <u>STAGE TWO: PRICE AND PREFERENTIAL/SPECIFIC GOALS</u> – 20 points for preference are allocated on the basis of specific goals in line with the framework set out in the PPPFA. This bid will be evaluated using the 80/20 preference point system. 80 for price and 20 for preferential/specific goals.</p>				
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3.1 Price and Preferential/Specific goals evaluation will be carried out on bidders who qualified in stage Stage 1 of the evaluation (Mandatory requirements)				
<p>3.2 In line with Preferential Procurement Regulations 2022 and TKZN Supply Chain Management Policy, A bidder will qualify for preference points (where applicable). Bidders are required to submit the following documentation to claim points for specific goals in terms Historically Disadvantaged Individuals:</p> <p style="padding-left: 40px;">a) 100% Black Ownership- 5 points</p> <p style="padding-left: 40px;">b) 100% Black Women Ownership – 10 points</p> <p style="padding-left: 40px;">c) 100% Black Youth Ownership – 5 points</p> <p>The following may be used as proof for claiming preference points:</p> <ul style="list-style-type: none"> • BBEE Affidavit • BBEE Certificate • CIPC • CSD Full Registration Report • SA ID document • A stamped letter from the local councillor or municipal utility bill or Lease Agreement 				
4. ADJUDICATION OF BID				
4.1 The quotation shall be awarded at the sole and absolute discretion of TKZN. TKZN hereby represents that it is not obliged to award this quotation to any bidder. TKZN is entitled to retract this quotation at any time as from the date of issue. TKZN is not obliged to award this quotation to the bidder that quotes the lowest.				
4.2 A bidder shall be disqualified from bidding if any attempt is made either directly to solicit and/or canvass any information from any employee or agent of TKZN regarding this quotation from the date the x sizeer is submitted until the date of award of the quotation.				
5. Awarding of contract				
5.1 The TKZN Service Level Agreement will be the only contract signed by both parties and will form the basis of this contract. TKZN's standard terms and conditions will not be negotiated.				
5.2 TKZN reserves the right to award this quotation in full or part				

C. SPECIFICATION/ TERMS OF REFERENCE

REQUEST FOR QUOTATIONS FOR THE PROVISION OF BOARD SECRETARIAL SUPPORTSERVICES FOR THE PERIOD OF 12 MONTHS (1 YEAR)

TERMS OF REFERENCE: PROVISION OF BOARD AND BOARD COMMITTEE SECRETARIAT SERVICES FOR TOURISM KWAZULU-NATAL

1. BACKGROUND

The KwaZulu-Natal Tourism Authority, trading as Tourism KwaZulu-Natal (TKZN), was established in terms of the KwaZulu-Natal Tourism Act, 1996, as amended by Act No. 2 of 2002. In terms of the aforementioned Act, TKZN is responsible directly and indirectly for the development, promotion and marketing of tourism into and within the province.

In terms of best practice, the Board should employ a Board/Company Secretary to assist in the provision of the governance, legal and compliance roles and responsibilities of the Board. The nature of work within the Board Secretariat, Risk and Compliance Services has increased and the service provider will give primarily focus on coordinating Board and Committee matters while the Board Secretary focuses on risk governance and compliance matters. The Board Secretariat Office within the CEO's Department therefore wishes to source a service provider for a period of 12 months. The entity wishes to strengthen the function of the Board Secretariat Office given the significant legislative compliance requirements of a public entity.

2. Purpose of the Terms of Reference

The purpose of the TOR is to call for proposals for the provision of Board Secretarial Support Services to TKZN for a period of 12 months.

3. SCOPE OF SERVICES AND OBJECTIVES OF THE CONTRACT

3.1 The overall objective of this contract is to procure the services of a consultant to fulfil the duties and responsibilities of a Board and Committee Secretary for at least 12 months.

3.2 Scope of work

The Board Secretariat Support reports operationally to the Board Secretary. This office reports directly to the CEO and is also accountable to the Board and reports to the Chairperson for the Board in this capacity.

The Board Secretariat Supports the Board by providing resources and information links among the Board, management and the shareholder, with particular emphasis on facilitating the flow of information.

The duties and responsibilities of the Board Secretariat Support is *inter alia* to:

- a) Attend Board and Committee meetings, and act as a Board Secretariat support at such meetings.
- b) Prepare minutes of the Board and Board Committee meetings and ensure that decisions taken by the Board and Committees are communicated to Management in a timely manner.
- c) Advise the Board Secretary, CEO and Board on all matters of procedure.
- d) Administer the Code of Conduct and Conflict of Interest Guidelines.
- e) Advice in respect of any matters where conflict, potential or real, may occur between the Board and the CEO/ Management.

- f) Keep the register of annual declarations for the Board and Senior Management Ensure, where applicable, that the standards and disclosures required by the applicable legislative framework are observed and where applicable are reflected on the Annual Report.
- g) Keep under close review all legislative, regulatory and corporate governance developments that might affect the entity's operations, and ensure the CEO is fully briefed on these and that it has regard to them when taking decisions.
- h) Assist the Board Secretary in acting as a point of contact and source of advice and guidance for directors as regards the entity and its activities in order to support the decision making process.
- i) Safe and secure filing and storage of all minutes and electronic recordings.
- j) Correct and up to date maintenance of a records register of all the resolutions taken at meetings.
- k) Ensure effective and efficient preparation of all Board and Committee meeting.

The Bidder's proposal should effectively and adequately, without ambiguity demonstrate how it is able to provide these services to the TKZN.

4. TIME FRAMES

12 Months.

5. REPORTING

The Service provider will be directly accountable to the **Acting Chief Executive Officer: Mr Sibusiso Gumbi**

6. QUOTATION REQUIREMENT

6.1. Standard quotation documentation

- 6.1.1 Experience of the service provider including relevant track record with verifiable references, record of affiliation and experience of conducting similar work.
- 6.1.2 The proposed Board Secretariat Support must have a relevant qualification and at least 5 years of relevant experience relating to the position.
- 6.1.3 Proposed Board Secretariat Support's detailed profile and CV to be provided and the proposed individual must also sign statements of availability.

6.4. Financial proposal: The financial offer must contain:

- 6.4.1 A Budget breakdown and a cash flow forecast to include the number of hours for writing minutes, attending meetings, administration, incidental and disbursement costs (including travel, stationery, etc) including outsourced or in-sourced costs not covered on an hourly rate and a total price inclusive of VAT for all services to be rendered as Board Secretariat Support.

8. Staffing

- 8.1 The nature of this project requires that a Company/Board Secretariat be appointed to this project. The credentials of the incumbent should be included in the presentation.

9 COMPETENCIES AND CAPABILITIES:

- 9.1 Excellent communication

- 9.2 Working knowledge of the PFMA, the Companies Act
- 9.3 Knowledge of corporate governance practises
- 9.4 Computer literacy
- 9.5 Knowledge of King IV
- 9.6 Analytical Skills
- 9.7 Report/ Minute Writing
- 9.8 Interpersonal Skills
- 9.9 Project Management experience and demonstrable capability to deliver on a project within set deadlines.
- 9.10 Performance and service excellence driven;
- 9.11 Monitoring and evaluation skills, and
- 9.12 Proven track record in the Company/ Board Secretariat, governance and compliance industry.

10. APPLICATION RULES

11.1 Expenses incurred:

Neither Tourism KwaZulu-Natal nor any organ of state will be held liable for any expense incurred by the applicants.

11.2 Confidentiality:

The contents of the quotation will be kept strictly confidential by the Authority and its advisors.

11.5 Information Contained in this document:

The information/data provided in this document, together with any subsequent issue of addenda of information/data is given in good faith for the guidance of applicants. No warranties or representations are given regarding accuracy or completeness of such information.

11.6 Where suppliers are unable to provide all services, it shall be permissible to undertake joint ventures with suitably qualified service providers. In such case all parties will be jointly and severably liable as a single entity in fulfilling the required services. Details of joint ventures must be clearly referenced.

11.7 Further information

The Tourism KwaZulu-Natal reserves the right to seek further information from the applicants, as it considers necessary.

For Technical Enquiries Contact: Ms Pinky Radebe on **email:** radebe@zulu.org.za

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

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

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

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state? **YES/NO**

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

Full Name	Identity Number	Name of State institution

2.2 Do you, or any person connected with the bidder, have a relationship

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

with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....
.....

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

2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

I, _____ the _____ undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

- 3.1 I have read, and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring.

² 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.

SBD4

institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

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

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

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

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

SBD 6.1

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

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

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

1. GENERAL CONDITIONS

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

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

1.2 To be completed by the organ of state

(delete whichever is not applicable for this tender).

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

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

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

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	
SPECIFIC GOALS	
Total points for Price and SPECIFIC GOALS	100

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

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

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

Where

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

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

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

$$Ps = 80 \left(1 + \frac{Pt - Pmax}{Pmax} \right) \text{ or } Ps = 90 \left(1 + \frac{Pt - Pmax}{Pmax} \right)$$

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
 - (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
100% Black Ownership	5 points	
100% Black Women Ownership	10 points	
100% Black Youth Ownership	5 points	

DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

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

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;

iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –

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

..... SIGNATURE(S) OF TENDERER(S)	
SURNAME AND NAME:
DATE:
ADDRESS:

