



KWAZULU-NATAL PROVINCE
AGRICULTURE AND RURAL DEVELOPMENT
REPUBLIC OF SOUTH AFRICA

INVITATION OF QUOTATION

THIS FORM SHOULD BE COMPLETED IN DETAIL AND SHOULD BE ACCOMPANIED BY A **VALID TAX COMPLIANCE STATUS PIN AND VALID BBBEE VERIFICATION CERTIFICATE/AFFIDAVIT**

| | |
|--|---|
| QUOTATION NUMBER: R/S/2122/1650 | VALIDITY PERIOD OF QUOTATION..... Days (To be completed by the Supplier) |
| CLOSING DATE: 17/11/2021 | CLOSING TIME: 11:00 |
| DESCRIPTION(SPECIFICATION/S) OF ITEMS/ SERVICE REQUIRED: SECURITY AND ICT GOVERNANCE SUPPORT SEE SPEC ATTACHED | COMPANY NAME: TEL NO: FAX NO: CONTACT PERSON: CSD REG NUMBER MAAA..... |
| DOES OFFER COMPLY WITH SPECIFICATION? | YES/NO (DELETE WHICH EVER IS NOT APPLICABLE) |
| DOES ARTICLE COMPLY WITH SABS SPECIFICATION? HAS IT BEEN INSPECTED BY SABS? | YES/NO YES/NO (DELETE WHICH EVER IS NOT APPLICABLE) |
| DELIVERY PERIOD AFTER INITIAL ORDER? | |
| IS THE PRICE FIRM | |
| WHERE ARE THE STOCK HELD? (PHYSICAL ADDRESS , PLEASE) | |
| QUOTATION PRICE INCLUDING VAT (VAT TO BE ADDED BY REGISTERED VAT VENDORS ONLY) | TOTAL: R |
| COMPANY OFFICIAL STAMP (COMPULSORY) | SIGNATURE OF BIDDER DATE |
| Number of pages faxed back to the Department |(Supplier to complete) |
| Quotation to be hand delivered to: 1 Cedara Road SCM Bid box DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT Tel. No: 033 343 8110 Lungani Zondi | |
| NB: ATTACHED SBD FORMS MUST BE COMPLETED IN FULL THIS QUOTATION COVER PAGE MUST BE COMPLETED AND RETURNED WITH ALL YOUR QUOTATION DOCUMENTS. | |

ANNEXURE A

COMPANY NAME : _____
 ADDRESS : _____
 CONTACT PERSON : _____
 CONTACT NUMBER : _____
 FAX NUMBER : _____

| LINE NO. | DESCRIPTION OR SPECIFICATION OF ITEM (Please be very specific and clear) | REQUIRED QUANTITY | UNIT PRICE EXCL. VAT | | TOTAL PRICE | |
|---|---|-------------------|----------------------|---|-------------|---|
| | | | R | C | R | C |
| 1. | Security & ICT governance support | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| * LABOUR (IF APPLICABLE) | | | | | | |
| *DELIVERY (IF APPLICABLE) | | | | | | |
| TOTAL | | | | | | |
| *ONLY APPLICABLE TO VAT REGISTERED SUPPLIERS 15% VAT | | | | | | |
| TOTAL PRICE | | | | | | |

*VAT Registration No. (Supplier) _____
 When Required (Requester) : ~~27 November 2021~~ 31 December 2021
 Where Required (Requester): D217c 1st Floor, Main Building
 Contact details of requester: Ms. OT Ndlovu
 TEL : 033 355 9630

COMPANY STAMP



PRICES ARE VALID FOR 30 60 90 DAYS

SIGNATURE
 DATE



agriculture & rural development

Department:
agriculture
& rural development
PROVINCE OF KWAZULU-NATAL

Request for Proposals (RFP)

ICT GOVERNANCE AND SECURITY

1. INTRODUCTION

The Department of Agriculture and Rural Development requests proposals from suitable qualified consultants on ICT Governance and Security.

2. BACKGROUND

It has been identified that there's a need for additional support in the ICT section to assist with the implementation of Auditor General's findings, Provincial Internal Audit reports, ICT Governance and Security.

The section has a number of vacant positions for a long time and the process of filling the vacant positions has started. While the positions are being filled the consultant will be of assistance in the work of the section.

3. SPECIFIC OBJECTIVES

3.1. The service provider assigned to the project will be responsible for the following:

- Assist the department in developing and implementing IT controls to mitigate weaknesses identified by previous IT audits;
- **Review and/or develop and implement** the department's ICT Governance Framework and supporting instruments, in accordance with recognized IT governance standards;
- **Review and/or development and implement** IT security policy and procedures, including procedures to implement:
 - Physical security of IT for all critical assets;
 - Logical access to systems;
 - Monitoring of IT security events and incidents;
- **Review and/or develop and implement** processes to monitor IT service provider performance (SITA and others) by service level agreement

- **Review and/or develop and implement** IT systems upgrades and patch management policy and procedures;
- **Review and/or develop and implement** IT systems and devices security configuration management processes;
- **Review and/or develop and implement** user access management policy and procedures to cater for granting, modification and termination of access;
- **Review and/or develop and implement** processes to monitor and report on IT unit performance and value delivery;
- **Review and/or develop and implement** IT support and incident management policy and procedures, including IT service requests logging and monitoring;
- **Review** the Department's IT disaster recovery plan to include all critical systems;
- **Perform** investigation including forensic investigation where necessary, and recommend remedial action, on fraudulent emails purported to originate from departmental officials to external parties. This investigation will initially include the following:
 - Email message header analysis;
 - Email server investigation;
 - Network device (router, firewall and switches) investigation;
 - Email software embedded information analysis;
 - Analysis of sender mail fingerprints;
- Submit weekly timesheets detailing activities performed; and
- Senior Consultant will oversee and be responsible for project management of the assignment.
- The assignment is subject to compliance with the POPI Act.

3.2 Competency and Expertise

Relevant qualifications and demonstrable experience in IT Governance, Security and ISO compliance; with a minimum of five (5) years supervisory experience.

The resources assigned to the project must specialise, or have a minimum of five (5) years, in IT Governance and Security.

Specifically, the senior consultants should possess demonstrable knowledge and experience in the following:

- IT governance frameworks and standards;
- IT security frameworks and standards;
- Service management frameworks;
- Service management practices and service level management;
- Techniques for monitoring third-party performance and compliance with service agreements and regulatory requirements;
- Functionality of fundamental technology (e.g., hardware and network components, system software, middleware, database management systems);

- IT asset management, software licensing, source code management and inventory practices;
- Capacity planning and related monitoring tools and techniques;
- Systems performance monitoring processes, tools and techniques (e.g., network analysers, system utilization reports, load balancing);
- Problem and incident management practices;
- Change management, configuration management, release management and patch management practices;
- Operational risk and controls related to end-user computing;
- Regulatory, legal, contractual and insurance issues related to disaster recovery;
- Business impact analysis (BIA) related to disaster recovery and business continuity planning;
- Development and maintenance of disaster recovery plans;
- Disaster recovery testing methods; and
- Processes used to invoke the disaster recovery plans.
- Forensic investigation knowledge

4. PROPOSAL SUBMISSION

Prospective firms should submit detailed proposals on or before 01 November 2021. Proposals should be deposited in the designated bid box at the Hilton Offices, Department of Agriculture and Rural Development (4 Pin Oak Avenue, Hilton, 4532.)

The proposal cover letters should designate who can answer questions concerning the submitted proposals. Another officer to bind the service provider submitting the proposal must sign the proposal.

5. PROPOSAL FORMAT

One original proposal should be submitted in the format outlined in Section iii, *"Proposal Document Instructions."*

6. QUESTIONS AND SITE VISITS

Any questions should be submitted to the Chief Financial Officer.

7. CONTRACT TERMS

The proposal should be on a fee basis as defined in Section iii, *"Proposal Document Instructions."*

All service providers submitting a proposal shall agree not to include a provision into a contract or agreement with the Department requiring the Department to hold

harmless or indemnify any person, partnership, association, corporation or other form of entity.

By responding to the request for proposal (RFP), the service provider is agreeing to the terms, conditions and requirements set forth herein, unless expressly noted in writing in the firm's written submission.

8. SCHEDULE OF KEY DATES FOR THE PROPOSAL

- a. 05 November 2021 submit proposals by 12h00
- b. 12 November 2021 selection and approval
- c. 22 November 2021 planning meeting with Departmental staff
- d. 30 August 2022 completion of the assignment.

The RFP is not to be construed as creating a contractual relationship between the Department and any service provider submitting a response to this RFP.

The Department shall have no obligation or liability to any service provider responding to this RFP. All costs associated with responding to this RFP are borne solely by the respondent.

The Department may require follow-up oral interviews with selected Respondent.

The Department reserves the right to reject any or all responses, to modify the scope with one or more of the respondents, and waive any/all requirements, which the Department deems to be in its or its employees' best interest.

By submitting this information, the service provider represents that it has examined and understands this RFP and has become fully informed of all the requirements of the RFP. All terms and conditions set forth in this document are accepted and must be incorporated in the submission unless explicit exception is made to individual items and accepted by the Department.

By submitting a response, the service provider represents that it has the ability to meet the requirements outlined herein.

After evaluation of the responses, the Department will make its selection based on the response that best meets the needs of the Department, in the sole discretion of the Department. The request for Proposals is not intended to create a public bidding process, and the proposal with the lowest quoted fees will not necessarily be accepted, nor will any reason for rejection of any proposal be indicated. The Department reserves the right to privately negotiate with any service provider with respect to the requirements outlined in this Request for Proposals.

9. EVALUATION AND SELECTION OF PROPOSALS

The evaluation of proposals will be performed in accordance with the criteria set forth at Appendix A. The following criteria will also be considered in the evaluation:

- 9.1 The methodology and approach
- 9.2 The firm is licensed to practise in The Republic of South Africa
- 9.3 The firm is independent
- 9.4 The firm has no conflicts of interest with regard to any other work performed for the Department
- 9.5 The firm adheres to the instructions in this request for proposal on preparing and submitting the proposal
- 9.6 The firm's past experience and performance on comparable engagements (include at least 3 references)
- 9.7 The quality of the firm's professional personnel to be assigned to the engagement and the quality of the firm's management support personnel to be available for consultation
- 9.8 Other criteria as deemed prudent

The Department reserves the right to retain all proposals submitted and use any idea in a proposal regardless of whether that proposal is selected.

10. SUBCONTRACTING

Firms are not permitted to subcontract or assign any part of the work covered under the scope of the engagement, without the express prior written consent of the Department.

11. B-BBEE COMPANIES

Minority-owned firms and women's business enterprises are encouraged to apply.

12. NATURE OF SERVICES REQUIRED

12.1 SCOPE OF WORK

- The scope is reflected in 3.1 above

13. REPORTS TO BE ISSUED

Following the completion of the review, the firm shall issue:

- 13.1 A written report communicating all the findings, its quantification, cause, consequence and recommendations.

- 13.2 A letter to the Head of Department of any reportable conditions found during the review. A reportable condition shall be defined as a significant deficiency in the design or operation of the internal control structure, which could adversely affect the functioning of the department.
- 13.3 Consultants shall be required to make an immediate written report to the Head of Department of all findings which they become aware of and what has been implemented.

14. WORKING PAPER RETENTION AND ACCESS TO WORKING PAPER

All working papers and reports must be retained, at the consultant's expense, for three (3) years, unless the firm is notified in writing by the Department of the need to extend the retention period. Consultants will be required to make working papers available, upon request, to the following parties or the designees:

- 14.1 Executive Authority
- 14.2 Head of Department

In addition, the firm shall respond to the reasonable inquiries of successor consultants and allow successor consultants to review working papers relating to matters of continuing significance.

15. PROPOSAL DOCUMENT INSTRUCTIONS

15.1 GENERAL REQUIREMENTS

Proposals should include the following:

15.1.1 Title page, including:

- The name, address, and phone number of the bidder's contact person
- The name and address of the firm

15.1.2 Table of contents

15.1.3 Transmittal letter, including:

- a. A brief statement as to the proposer's understanding of the work to be performed, the commitment to perform the work within the time period, and a statement as to why the firm believes it to be the best qualified to perform the engagement.
- b. The period of time for which the offer will be honoured, which should be at least one (1) month from the date of the proposal.
- c. A signature of the person authorised to commit the firm.

15.1.4 Body of proposal – see below

15.1.5 Executed copies of Proposer Guarantee and Proposer Warranties, provided in the attachments, Appendix B.

16. BODY OF PROPOSAL

The purpose of the proposal is to demonstrate the qualifications, competence, and capacity of the firms seeking to undertake ICT work as detailed in paragraph 3 above. As such, the substance of proposals will carry more weight than their form or manner of presentation.

The qualifications proposal should demonstrate the qualifications of the firm and of the particular staff to be assigned to this engagement. It should also specify the approach that will meet requirements of the request for proposals.

The proposal should address all the points outlined in the request for proposal. The proposal should be prepared simply and economically, providing a straightforward, concise description of the proposer's capabilities to satisfy the requirements of the request for proposal. While additional data may be presented, responses to items Nos. 1 through 8 must be included. They represent the criteria against which the proposal will be evaluated.

16.1 Independence

The firm should provide an affirmative statement that it is independent of the Department of Agriculture and Rural Development as defined by current professional standards.

16.2 Licensed to Practise in South Africa

An affirmative statement should be included indicating that the firm and all assigned key professional staff are properly registered/licensed to practise in South Africa.

16.3 Firm Qualifications and Experience

The proposal should state the size of the firm, the size of the firm's governmental practitioner staff and the location of the office which the function will be performed.

If the proposer is a joint venture or consortium, the qualifications of each firm comprising the joint venture or consortium should be separately identified and the firm that is to serve, as the principal law practitioner should be noted, if applicable.

16.4 Senior Consultant Junior Consultant, Assistant Consultant and Staff Qualifications and Experience

The firm should identify the principal management and supervisory staff, including engagement Senior Consultant, Junior Consultant and other

specialists, who would be assigned to the engagement and indicate whether each such person is licensed to practise in South Africa.

The firm also should provide information on the government experience of each person, including information on relevant continuing professional education for the past three (3) years and membership in professional organisations relevant performance of this task. Consultants and specialists may be changed if those personnel leave the firm, are promoted or are assigned to other clients or offices. These personnel may also be changed for other reasons. However, the Department retains the right to approve or reject replacements.

16.5 *Similar Engagements with Other Entities*

For the firm's office that will be assigned responsibility for the task required, the most significant engagements (maximum of 5) performed in the last five (5) years that are similar to the engagement described in this request for proposals. (At least (3) of the engagements should be governments.) Indicate the scope of work, dates of the engagements, name of engagement partner, total hours, and the name and telephone number of the principal client contact.

16.6 *Specific Approach*

The proposal should set forth a work plan, including an explanation of the methodology to be followed, to perform the services required for proposal. Proposers will be required to provide the following information on their approach:

- a. Proposed segmentation of the engagement with anticipated time frames for each segment.
- b. Level of staff and number of hours to be assigned to each proposed segment of the engagement.
- c. Approach to be taken to gain and document an understanding of the Department's processes.

16.7 *Identification of Potential Problem Areas*

The proposal should identify and describe any anticipated potential problems, the firm's approach to resolving these problems and any special assistance that will be required by the Department.

16.8 *Cost*

a. Total All-inclusive Price

The proposal should contain all pricing information relative to performing the review engagement as described in this request for proposals. The total all-inclusive price to the bid/ quotation to contain all direct and indirect costs including all out-of-pocket expenses. The proposed total all-inclusive price should be documented in the format included in Appendix B.

The Department will not be responsible for costs incurred in preparing and submitting the technical proposal. Such costs should not be included on the proposal.

b. Rates for Senior Consultant, Junior Consultant, Article, Consultant and Staff

The proposal should include a schedule of professional fees and expenses, presented in the format provided in the Cost Structure below, which supports the total all-inclusive price.

c. Out-of-pocket expenses for firm personnel (e.g. travel, lodging, meals, etc.)

Should be included on the schedule of professional fees and expenses. All reimbursements will be charged against the total all-inclusive price submitted by the firm.

d. Additional Professional Services

If it should become necessary for the Department to request the Investigator or Consultant to render any additional services to supplement the services requested in this request for proposals, then such additional work shall be performed only if set forth in an addendum to the contract between the Department and the firm.

17. SPECIAL PROGRAMS

17.1 Prerogatives

The Department reserves the following prerogatives.

1. To reject any or all proposals
2. To change the report due dates.
3. To terminate the contract following 10 day's written notification to the firm.

17.2 Contract Period

The purchase of professional services contract shall apply to the compilation of the period ending 31 August 2022. Service Level Agreement (SLA) will be drawn with this effect.

17.3 Assignability

The Firm cannot transfer any interest or provide for the assignment of the purchase of professional services contract with any official (other than the Head of Department) either in whole or in part, without the expressed written permission and written consent of the Head of Department.

17.4 Payment

Payment for services rendered based upon receipt of an itemised statement from the firm. The itemised statement shall describe hours spent by each staff

level. All billing amounts should be allocated to departments by the firm for appropriate costing based on actual hours spent or allocated to each section.

All billings should indicate the percentage for work completed. Amounts billed of the maximum price will not exceed the percentage of completion. Not more than 70% of the fee will be paid prior to receipt of a draft copy of the report.

17.5 Ownership

All proposals and reports become the property of the Department upon submission, for use as deemed appropriate. Work papers must be available for references and reproduction by the Department for a period of three years for submission of the reports.

17.6 Confidentiality

All proposals, for the purpose of bidding, will be kept in strict confidence by the firm. The invitees and subsequently selected firm may not issue news releases or other public notification regarding this project without prior approval from the Department.

17.7 Special Meetings

A planning meeting will be held prior to the start of the work. Progress meetings will be held as deemed necessary to gauge the progress and assist in facilitating the timely completion of the review.

An exit meeting will be held at the end of the work performed to discuss findings and recommendations and a draft copy of the report will be provided at this time. Scheduling of these meeting will be the responsibility of the consulting firm.

APPENDIX A

After determining that a proposal satisfies the mandatory requirements stated in the request for services, the comparative assessment of the relative benefits and deficiencies of the proposal in relationship to published evaluation criteria shall be made by using subjective judgement. The award of a contract resulting from this request for ICT services shall be based on the best proposal received in accordance with the evaluation criteria stated below:

After an initial screening process of the RFP, a technical question-and-answer conference or interview may be conducted, if deemed necessary by the Department to clarify or verify the proposer's proposal and to develop a comprehensive assessment of the service.

| EVALUATION MATRIX | | Points % | Means Verification of | Score |
|-------------------|--|----------|---|-------|
| 1 | <p>Locality of the service provider</p> <ul style="list-style-type: none"> ❖ Office Operations within KwaZulu-Natal Borders = 15 points ❖ Office Operations outside KwaZulu Natal = 0 points | 15 | Municipality Bill, Business Letters or Lease Agreements | |
| 2 | <p>Service Providers skills, competencies and experience</p> <p>Knowledge and previous experience <i>experience of Firm and Staff in comparable government engagements</i></p> <p><i>Engagement with State and/or local government activities with similar work</i></p> <ul style="list-style-type: none"> ❖ < 3 years experience = 0 points ❖ = 3 years experience = 5 points ❖ > 3 years experience = 15points | 15 | <i>A short CV and/or Company Profile with specific reference to previous experience also to be included in presentation</i> | |
| 3 | <p>Qualification of key personnel</p> <p>Qualification of staff to be assigned</p> <p>This will be determined from resumes submitted, education, position in firm, years and types of experience will be considered.</p> <p>a. The team makeup.</p> <p>b. Over all supervision.</p> | 20 | <i>CV & related certified certificates/ registration</i> | |
| 4 | <p>Proposal Methodology</p> <p>The bidder must demonstrate the thorough understanding of the service, its tasks and deliverables. This must be through a written proposal of:</p> <ul style="list-style-type: none"> ❖ The methodology to be used to carry out the scope of work outlined above. | 30 | Detailed Proposal document plus Presentation | |

| | | | | |
|---|--|-------------|---|--|
| | <ul style="list-style-type: none"> ❖ Demonstration of an in-depth knowledge of ICT governance, security and how the project deliverables will be achieved. ❖ Demonstrate the understanding of Government and sample through-flow. ❖ Examples of previous plans produced. ❖ The quality of the professional team assembled. | | | |
| 5 | <p>Financial Implications:</p> <p>Service provider should provide the rates of the following:</p> <ul style="list-style-type: none"> ❖ Hourly rate of onsite labour and show increased percentage to be charged ❖ Hourly rate of travel time. ❖ Kilometres driven (NB* The Department will only pay out to a maximum of the rates published by the Department of Transport). | 15 | <i>Detailed Proposal document</i> | |
| 6 | <p>Ability to deliver</p> <ul style="list-style-type: none"> • Financial resources to implement this service. | 5 | <i>Good standing letter from the Bank</i> | |
| | TOTAL | 100% | | |

APPENDIX B

PROPOSER WARRANTIES

- A. Proposer warrants that it is willing and able to comply with a professional body affiliated to.
- B. Proposer warrants that it has errors and omissions insurance policy with coverage of not less than R 1 000,000 for the wilful or negligent acts or omissions of any partners, officers, employees or agents thereof and proof shall be submitted upon award of the contract.

- C. Proposer warrants that all information provided by it in connection with this proposal is true and accurate.

Signature of official: _____

Name: _____

Title: _____

Firm: _____

Date: _____

Cost Structure:

| Level | Hourly rate | Estimated Hours | Amount |
|-------------------|--------------------|------------------------|---------------|
| Senior Consultant | | | |
| Junior Consultant | | | |
| Senior Consultant | | | |
| Consultant | | | |
| Disbursements | | | |
| Other | | | |

SBD 4

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes an advertised competitive bid, a limited bid, a proposal or written price quotation). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

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

2.1 Full Name of bidder or his or her representative:

2.2 Identity Number:.....

2.3 Position occupied in the Company (director, trustee, shareholder², 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**

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

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

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

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

2.8.1 If so, furnish particulars:

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

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

2.9.1 If so, furnish particulars.

.....

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

November 2011

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

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

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

1. GENERAL CONDITIONS

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

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

1.2

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

1.3 Points for this bid shall be awarded for:

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

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

| | POINTS |
|---|--------|
| PRICE | 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 PREFERENCE POINT SYSTEMS

A maximum of 80 points is allocated for price on the following basis:
80/20

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

Where

- P_s = Points scored for price of bid under consideration
- P_t = Price of bid under consideration
- P_{\min} = Price of lowest acceptable bid

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

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

| B-BBEE Status Level of Contributor | Number of points (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 | <input type="checkbox"/> | NO | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|

7.1.1 If yes, indicate:

i) What percentage of the contract will be subcontracted.....%

ii) The name of the sub-contractor.....

iii) The B-BBEE status level of the sub-contractor.....

iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

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

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

| Designated Group: An EME or QSE which is at 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:

ADDRESS

.....

.....

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN-MANAGEMENT PRACTICES

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

| Item | Question | Yes | No |
|-------|--|---------------------------------|-------------------------------------|
| 4.1 | <p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the Institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4.1.1 | If so, furnish particulars: | | |
| 4.2 | <p>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.</p> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4.2.1 | If so, furnish particulars: | | |
| 4.3 | Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4.3.1 | If so, furnish particulars: | | |
| 4.4 | Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract? | Yes <input type="checkbox"/> | No <input type="checkbox"/> + |
| 4.4.1 | If so, furnish particulars: | | |

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME)

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder



CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *per se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Js914w 2

SWORN AFFIDAVIT – B-BBEE EXEMPTED MICRO ENTERPRISE

I, the undersigned,

| | |
|--------------------------------|--|
| Full name & Surname | |
| Identity number | |

Hereby declare under oath as follows:

1. The contents of this statement are to the best of my knowledge a true reflection of the facts.
2. I am a member / director / owner of the following enterprise and am duly authorised to act on its behalf:

| | |
|----------------------------|--|
| Enterprise Name | |
| Trading Name | |
| Registration Number | |
| Enterprise Address | |

3. I hereby declare under oath that:
 - The enterprise is _____ % black owned;
 - The enterprise is _____ % black woman owned;
 - Based on the management accounts and other information available on the _____ financial year, the income did not exceed R10,000,000.00 (ten million rands);
 - Please confirm on the table below the B-BBEE level contributor, by **ticking the applicable box**.

| | | |
|---------------------------|---|--|
| 100% black owned | Level One (135% B-BBEE procurement recognition) | |
| More than 51% black owned | Level Two (125% B-BBEE procurement recognition) | |
| Less than 51% black owned | Level Four (100% B-BBEE procurement recognition) | |

4. The entity is an empowering supplier in terms of the dti Codes of Good Practice.
5. I know and understand the contents of this affidavit and I have no objection to take the prescribed oath and consider the oath binding on my conscience and on the owners of the enterprise which I represent in this matter.
6. The sworn affidavit will be valid for a period of 12 months from the date signed by commissioner.

Deponent Signature: _____

Date: _____

Commissioner of Oaths
Signature & stamp