

**TERMS OF REFERENCE FOR THE
APPOINTMENT OF A SERVICE PROVIDER TO
LEASE FLEET WITH FULL MAINTENANCE FOR
THE NATIONAL LOTTERIES COMMISSION**

NLC/2018 – 17

**CLOSING DATE: 14 DECEMBER 2018
CLOSING TIME: 11H00 (South African Standard Time)**

1.	Assignment	The National Lotteries Commission (NLC) requires suitably qualified and experienced service providers to submit proposals to lease fleet with full maintenance for the NLC
2.	Name of the responsible office	SCM & Facilities Management
3.	Address for submitting proposals & other correspondence	Attention: The Supply Chain Senior Manager National Lotteries Commission Block D, Hatfield Gardens 333 Grosvenor Street Hatfield, Pretoria 0083 Telephone: 012-432 1300/1344/1414 Email: TOR1@nlcsa.org.za for the attention of Penelope Soyingwa
4.	Compulsory briefing session	29 November 2018 @10:00 Address: National Lotteries Commission Block D, Hatfield Gardens 333 Grosvenor Street Hatfield, Pretoria
	Closing date & time for submission of bid proposals	14 December 2018 @11:00
5.	Bid description:	Appointment of a service provider to lease fleet with full maintenance for the NLC
6.	Bid number:	NLC/2018 -17

1. BACKGROUND AND CONTEXT

The National Lotteries Commission (NLC), is a public entity established by Lotteries Act No. 57 of 1997 as amended to regulate the South African lotteries industry. The functions of the Commission can be divided into two categories, namely “regulation of National Lottery and other Lotteries” and “administration of the National Lottery Distribution Trust Fund (NLDTF)”.

The NLC currently is leasing a fleet of twenty-one (21) vehicles to support its operations in all nine (9) provinces. The tender seeks to address the travelling needs of the NLC, through the provision of a fleet vehicle service that is reliable, efficient, accountable, cost effective and safe.

The NLC invites suitably qualified and experienced bidders to submit proposals. In line with the requirements of the Public Finance Management Act (PFMA) No. 1 of 1999 and Treasury Regulations, the NLC seeks to engage the services of a duly qualified bidder.

2. PURPOSE

The purpose of the terms of reference (TOR) is to appoint a suitably qualified and experienced service provider for provision of fleet management services with full maintenance lease to NLC for a period of five (5) years.

3. OBJECTIVES

The primary objective of the service required is to appoint a suitably qualified and experienced service provider through the provision of a fleet service that is reliable, efficient, accountable, cost effective and safe.

4. SCOPE OF WORK

The services required entails the following:

4.1 Provision of 30 vehicles with the following descriptions:

Vehicle Type	Engine Capacity	Quantity	Additional requirements
Double cab Bakkie Automatic Transmission (with canopy)	2.0L – 3.0L	15	<ul style="list-style-type: none"> • Automatic transmission • Built-in Navigation System • Automatic Tracking system • Cruise control • Vehicle branding as per NLC standards • Vehicle colour: white
Light motor vehicles	1.6L	13	<ul style="list-style-type: none"> • 6X Automatic gear transmission • 7X Manual gear transmission • Navigation System • Automatic Tracking system • Cruise control • Vehicle branding as per NLC standards • Vehicle colour: white
8-10-seater passenger carrier	2.0L	2	<ul style="list-style-type: none"> • Automatic gear transmission • Built in navigation system • Cruise Control • Vehicle branding as per NLC standards • Vehicle colour: white

Based on the above table, the vehicles will be delivered as follows:

Provincial Office	Car types	Delivery Address

Head Office	<ul style="list-style-type: none"> • 3 x Double Cab vehicle • 3 x Light Motor Vehicles • 2 x 8-10 passenger carrier vehicle 	Block D Hatfield Gardens 333 Grosvenor Street Hatfield, Pretoria
KwaZulu-Natal	<ul style="list-style-type: none"> • 2 x Double Cab • 1 x Light motor vehicle X1 	Smartxchange Building 5 Walnut Road Durban
Mpumalanga	<ul style="list-style-type: none"> • 2 x Double Cab • 1 x Light motor vehicle 	25 Roodt Street Sonheuwel Dorp Nelspruit
Eastern Cape	<ul style="list-style-type: none"> • 2 x Double Cab • 1 x Light motor vehicle 	Waverly Office Park 3 33 Phillip Frame Road Chiselhurst East London Eastern Cape
Limpopo Province	<ul style="list-style-type: none"> • 2 x Double Cab • 1 x Light motor vehicle 	5 Landros Mare Street Polokwane Limpopo
Free State	<ul style="list-style-type: none"> • 1 x Double Cab • 1 x Light motor vehicle 	280-282 Stateway Welkom, Free State
Northern Cape	<ul style="list-style-type: none"> • 1 x Double Cab • 2 x Light motor vehicle 	Suite D 11 Roper Street Kimberley Northern Cape
North West	<ul style="list-style-type: none"> • 1 x Double Cab • 2 x Light motor vehicle 	16 Aerodrome Crescent Industrial side Mafikeng North West
Western Cape	<ul style="list-style-type: none"> • 1 x Double Cab • 1 x Light motor vehicle 	Manhattan Place 130 Bree Street Cape Town Western Cape

MINIMUM SPECIFICATION AND TICK SHEET

Bidders are required complete the table below:

	Vehicle 1	Vehicle 2	Vehicle 3
Car Description	Double Cab Bakkie (with Canopy)	Light Motor vehicle	8-10-Seater Passenger carrier
Diesel (Yes/No)			
Engine Capacity			
Gear Transmission (MANUAL /AUTOMATIC)			
Fuel consumption (L/100km)			
Power (kW/rpm)			
Service Plan			
Warranty			
0-100 kph (sec)			
Torque (Nm/rpm)			
Traction Control (Yes/ No)			
Length (mm)			
Width (mm)			
Height (mm)			
GVM (kg)			
Unit Price per vehicle (Vat Incl.)			
Quantity Required	15	13	2
Total Price Vat Inclusive			

4.1 THE NLC REQUIRES A SERVICE OF HIGH QUALITY AND EFFICIENCY IN TERMS OF THE FOLLOWING AREAS:

4.1.1 VEHICLE REPLACEMENT

- All NLC leased vehicles must be replaced with new vehicles upon reaching 120 000 km.
- The delivery period for new vehicles may not exceed 30 days from the date of signing of SLA;
- The delivery period for replacement vehicles may not exceed 30 days from the date of acceptance of quotations;
- Quotations for replacement vehicles shall be valid for a minimum period of 60 days; and
- All initial quotations provided to the NLC must include wear and tear and the NLC shall not be responsible for reconditioning costs associated with wear and tear.

4.1.2 VEHICLE INSPECTION

- The bidders must develop an inspection schedule and inspect all vehicles at least annually to ensure that the vehicles are well maintained.

4.1.3 MAINTENANCE MANAGEMENT

- The bidder must provide a clear service schedule;
- All maintenance must include tyres wear and tear;
- Vehicle maintenance plans must be built into the Fleet Management Lease (FML) agreement;
- The bidder must have a nationwide network of franchised dealers for the servicing of vehicles;
- The service provider must stipulate procedures for emergency repairs and servicing.

4.1.4 INSURANCE

- Must include comprehensive and breakdown and emergency services;
- Must include 24-hour road side assistance, emergency response and breakdown service;
- Road side assistance must include overnight accommodation for affected NLC employees
- Cover must include like for like courtesy vehicle provision.

4.1.5 FINES / LICENCING AND ADMINISTRATION

- The bidder must undertake to register the vehicles and facilitate tolls fees, licence renewals, and deliver new licence disks to the NLC; and
- The administration of traffic fines will be the responsibility of NLC

4.1.6 MANAGEMENT REPORTING

The reports must include but not limited to the following:

- Fleet operating costs;
- Variance reports;
- Fleet management tracking system updates; and
- Monthly Maintenance reports;

4.1.7 ADDITIONAL SERVICES

- Provision of fuel cards and fuel usage report;
- Vehicle tracking and recovery system;
- Driver behaviour systems; and
- Training of fleet administrators, officers and users on various applicable aspects, e.g. vehicle inspection, maintenance, etc.;

5. DELIVERABLES

It is expected that a total number of thirty (30) vehicles as specified above are delivered to support the NLC to ensure organizational efficiencies.

6. DURATION OF APPOINTMENT

The duration of the project is five (5) years after the signing of a service level agreement (SLA).

7. COMPULSORY BRIEFING SESSION

Compulsory information session will be held at the NLC Head Office (Hatfield, Pretoria). Prospective bidders must read the TOR in detail and bring a copy to the information session.

Venue: NLC Offices, Block D, Hatfield Gardens, Hatfield, Pretoria

Date: 29 November 2018

Time: 10H00

Failure to attend the briefing session will disqualify bidders from submitting proposals.

8. EVALUATION CRITERIA

The NLC will evaluate all proposals in terms of the Preferential Procurement Policy Framework Act. No. 5 of 2000 (PPPFA). A three (3) phase evaluation criteria will be considered in evaluating the bid, being:

8.1 Phase 1: Pre - Qualification Criteria (Mandatory Requirements)

Bidders must submit all the mentioned below requirements. The following mandatory requirements must be met to qualify for this bid:

- Original signed standard bidding documents (SBD Forms). It is required that the bidder provide correct information and declaration (where possible) in the SBD Forms.
- In the event of the bidder being in a joint venture, joint venture agreement must be submitted (*where applicable*).
- Company registration certificates (CK).
- Bidders must have a minimum B-BBEE status level of contributor of 1 -2 (If the bidder is level 3 or above they must subcontract at least 30% of the contract to an EME or QSE who is 100% black owned.

The following is a non-mandatory requirement and should be submitted:

- Central Supplier Database (CSD) Summarized Report. Please submit the current CSD Report.

8.2 Phase 2: Functional/Technical Evaluation

Only bidders that have met the pre-qualification criteria will be evaluated for functional evaluation. In this phase the evaluation will be based on the bidders' responses in respect of the bid proposal (evaluated on the minimum functional specifications). Prospective bidders who score a minimum of 70% points or more will be considered for the next phase 3 (Price and B-BBEE status level contributor). To be responsive on functionality, the bidder must score 70% or more on functionality as detailed below:

CRITERIA	WEIGHT
1. Compliance to specification provided	
Technical proposals will be evaluated for 100% compliance to the specifications outlined under Scope of Work.	30
2. Capacity and ability to execute & deliver on the scope of this project	
2.1 The bidder is required to provide a motivation of their company's suitability including:	35

<ul style="list-style-type: none"> • Company profile depicting the entity’s core business, goods sourced and its major suppliers, as well as previous and current major clients are required. The company profile must also contain the entity’s organizational structure, a staff organogram, as well as a profile of core staff, their experience and achievements. • Capacity/ ability to execute and deliver on the project, based on the supplier’s track record of same/similar work undertaken within the scope and scale of this project. Statements made in the motivation must be verifiable. <p>2.2 If the bidder has engaged other third parties to execute any function(s) required, the supplier must provide details of such relationships in terms of scope, expertise and experience of the third party.</p> <p>2.3 The bidder is required to provide no less than two (2) years audited/ signed-off financial statements for the past two (2) years.</p>	
3. Company experience, expertise & ability	
<ul style="list-style-type: none"> • The bidder is required to provide three (3) contactable client references where its services can be verified. References should be presented in a form of a written letter on an official letterhead from clients where similar services (Fleet Management) have been undertaken 	10
9. Project plan	
<p>Respondent’s responsiveness to and understanding of the assignment. The supplier is required to provide a detailed plan depicting how the services will be delivered to the NLC.</p>	25
Total:	100%

10. Phase 3: The 80/20 Principle based on Price and B-BBEE status level contributor.

Points will be awarded to a bidder for attaining the B-BBEE status level of contributor 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

10. GENERAL GUIDELINES

10.1 Submission Instruction

Please note that the Technical and Financial proposals should be submitted in two (2) separate sealed envelopes.

The submission of proposals should be as follows:

<i>Technical</i>	<i>Financial</i>
One (1) original	One (1) original
Four (4) copies	Four (4) copies
One (1) electronic copy (CD/USB) for both technical & financial	
Total submission of copies including original & CD/USB = eleven (11)	

Bidders are requested to indicate on the cover of each document whether it is the original document or a copy.

Take note of the following:

- No costs have been prescribed for the Bidding Document;
- All proposals **must** be costed in South African Rand, inclusive of VAT;
- If the bid does not include all the information required, or is incomplete, this will mean non-compliance and therefore invalidate the bid;
- Any submission received after the deadline will not be considered; and
- The costing must remain valid and open for evaluation for a period of at least six (6) months from the time of submission.

10.2 Late bids

Bids received late shall not be considered. A bid will be considered late if it arrived one second after 11:00 am or any time thereafter. The tender (bid) box shall be locked at exactly 11:00 am and bids arriving late will not be considered under any circumstances. Bidders are therefore strongly advised to ensure that bids are dispatched allowing enough time for any unforeseen events that may delay the delivery of the bid.

The official Telkom time (Dial 1026) will be used to verify the exact closing time.

10.3 Costs to be borne by bidders

All costs and expenses incurred by the bidders in any way associated with the development, preparation and submission of responses and providing any additional information required by the NLC, will be borne entirely and exclusively by the bidders.

10.4 No legal relationship

No binding legal relationship will exist between any of the bidders and the NLC until the execution of a signed contractual SLA. The TOR document will not form part of any such contract or arrangement.

10.5 Evaluation of offers

Each bidder acknowledges and accepts that the NLC may, at its absolute discretion, apply selection criteria specified in this document for the evaluation of proposals for short listing/ selecting the eligible bidder(s).

10.6 Format of your proposal

The proposal should be presented in two (2) sections i.e. Technical Proposal and Financial Proposal.

10.7 Technical proposal format

Bidders are at liberty to structure their Proposals according to any format, as long as it covers all areas specified in this document. The Technical proposals will be evaluated against the criteria detailed below.

10.8 Technical approach

The bidders should adhere to the TOR by elaborating on the services required and demonstrating whether the proposed process meets the requirements. The bidder should demonstrate adherence to the TOR by elaborating on the services required and demonstrating whether the proposed process meets the requirements.

Bidders must, at a minimum, cover the under-mentioned in their technical approach and return as part of their submission:

- How they propose to carry out the requirements to achieve the outcomes identified in the terms of reference including any possible problems that might hinder delivery and how they will avoid, or overcome, such problems.
- The position(s) involved in the direct delivery of the service to be provided and in the overall management of the work and the names of the people who will fill these positions.

10.9 Disclosures

The bidder must disclose:

- If they are or have been the subject of any proceedings or other arrangements relating to bankruptcy/ insolvency.
- If they have been convicted of, or are the subject of any proceedings, relating to:

- A criminal offence or other offence, involving the activities of a criminal nature in its organisation or found by any regulator or professional body to have committed professional misconduct.
- Corruption, including the offer or receipt of any inducement of any kind in relation to obtaining any contract with any contracting authority.
- Failure to fulfil any obligation in any jurisdiction relating to the payment of taxes and other legal obligations.
 - If a bidder or related company or any individual discloses details of any previous misconduct or complaint, the NLC will seek an explanation and background details from them. At the sole discretion of the NLC, an assessment as to whether the bidder will be allowed to continue to the next phase of the evaluation phase will then be made.
 - Disclosure extends to any company in the same group of the bidder, including but not limited to parent, subsidiary and sister companies, companies with common shareholders (whether direct or indirect) and parties with whom the bidder is associated in respect of this tender.

10.11 Disclaimer

The NLC reserves the right not to appoint a service provider.

The NLC also reserves the right to:

- Award the contract or any part thereof to one or more service providers;
- Reject all bids;
- Decline to consider any bids that do not conform to any aspect of the bidding requirements;
- Request further information from any bidder after the closing date for clarity purposes;
- Cancel this tender or any part thereof at any time;
- Should any of the above occur, it will be communicated in writing to the bidders.

10.12 Confidentiality

- Bids submitted will not be revealed to any other bidders and will be treated as contractually binding;

- All information pertaining to the NLC obtained by the bidder as a result of participation in this RFP is confidential and must not be disclosed without written authorisation from the NLC; and
- The successful bidder will be expected to sign a SLA with the NLC.

10.13 Disqualification

- Any form of canvassing/lobbying/influence regarding the short listing will result in disqualification;
- Any non-disclosure of any other information pertaining to this bid will result in disqualification;
- Non-compliance with the bid requirements will invalidate the bid; and
- Non-compliance with all the applicable Acts, Regulations and by-laws will result in the disqualification of the bid.

10.14 Prices

- All services' pricing should be inclusive of all taxes etc. and payment shall be made in South African Rand. Refer to the pricing schedule attached as 'Annexure 2'
- The NLC may require a breakdown of rates on any of the items priced and the bidders are to provide same without any additional cost and provide a "Pricing Grid" or "Transaction Fee Schedule"; and
- The total amount should be carried out on the Standard Bidding Form (SBD1).

10.15 Prices adjustments

- a) Annual price adjustment; and
- b) Application for price adjustments must be accompanied by documentary evidence in support of any adjustment on annual basis.

10.16 Payment Terms

- The NLC undertakes to pay valid tax invoices in full within thirty (30) days from statement date for services rendered;

- All supporting documents for services rendered should be submitted together with the tax invoices by the twentieth (20th) of every month; and
- Valid Tax Invoices for all services rendered are to be submitted to the Chief Financial Officer (CFO) at the NLC's Finance Division at the address on page 2 above or may be sent through an email to the following email address:

Email address: accounts@nlb.org.za.

10.17 Validity

- A Proposal shall remain valid for ninety (90) days after the closing date of the submission for proposals. A proposal which is valid for a shorter period may be rejected by the NLC for non-responsiveness; and
- In exceptional circumstances, the NLC may solicit the bidder's consent to an extension of the period of the validity of the bid. The request and responses thereto shall be made in writing. A bidder that has been granted the request will neither be required nor permitted to modify the Proposal.

10.17 Signatories

All responses to this RFP should be signed off by the authorised signatories of the bidder.

11. SPECIAL TERMS AND CONDITIONS

- a) The NLC reserves the right to accept or reject any submission in full or in part, and to suspend this process and reject all proposals or part thereof, at any time prior to the awarding of the contract, without thereby incurring any liability to the affected bidders;
- b) This bid and the contract will be subject to the General Conditions of Contract issued in accordance with Treasury Regulation 16A published in terms of the PFMA. The special terms and conditions of contract are supplementary to that of the general conditions of the contract;
- c) Where, however, the special conditions of contract conflict with the general conditions of contract, the general conditions of contract will prevail.
- d) The NLC is the sole adjudicator of the suitability of the venue for the purpose for which it is required. Therefore, the NLC's decision in this regard will be final.

- e) No bids sent by the facsimile or email will be accepted.
- f) Bids must only be submitted at the NLC Head Office Tender Box in Pretoria by the specified date and time.
- g) Bidders are welcome to be present at the opening of bids.
- h) The annexures are part of the bid documentation and must be signed by the bidder and attach to the bid document.
- i) The bid forms must not be retyped or re-drafted, but copies may be used. Additional offers may be made but only photocopies of the original documents. Additional offers/submissions are regarded as separate and must be treated as such by the bidder. The inclusion of various offers as part of a single submission in one envelope is not allowed and will not be considered. Additional bid offers must be submitted separately in separate sealed envelopes.
- j) Failure to comply with the above-mentioned conditions will invalidate the bid.
- k) Certified copies of the company registration documents or proof of ownership of the company or agency i.e. Shareholders Certificates.

12. OTHER CONDITIONS:

- i. Only bidders who obtain at least 70% under Functional/Technical Evaluation will be considered to form a panel of of communications support, public relations (PR), marketing and event service providers.
- ii. Bidders are further requested to provide separate financial and technical proposals.
- iii. Bidders are requested to provide a clear agreement regarding joint venture/consortia. The percentage involvement of each company in the joint venture agreement should be indicated on the agreement. A trust, consortium or joint venture must submit a consolidated B-BBEE Status Level Verification Certificate for every separate bid.
- iv. Bidders are required to submit original and valid B-BBEE Status Level Verification Certificates or certified copies thereof together with their bids, to substantiate their B-BBEE rating claims. Current and valid original or certified B-BBEE Certificate or Affidavit for Exempted Micro Enterprise (EME)/Qualifying Small Business Enterprise (QSE) must be submitted. (Failure to submit a certificate will result in scoring 0 for B-BBEE.);
- v. A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of

the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.

- vi. A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.
- vii. Fraudulent practices shall result in immediate disqualification.
- viii. NLC is under no obligation to accept any bid and reserves its right not to proceed with the appointment of any service provider that responded to the invitation to submit proposals, for whatever reasons it may consider appropriate.
- ix. The service provider/s to be appointed must display an unquestionable track record and experience with positive feedback from their existing and previous clients.
- x. The service provider must comply with all the laws and regulations of the Republic of South Africa.

13. PRESENTATIONS/SITE VISITS

14.1 Shortlisted service providers may be required to do a presentation and/or question and answer session.

14.2 The NLC may also conduct site visit/inspection.

14. TAX COMPLIANCE

No tender shall be awarded to a bidder who is not tax compliant. NLC reserves the right to withdraw an award made, or cancel a contract concluded with a successful bidder in the event that it is established that such bidder was in fact not tax compliant at the time of the award or has submitted a fraudulent Tax Clearance Certificate to NLC, or whose verification against the Central Supplier Database (CSD) proves non-compliant. NLC further reserves the right to cancel a contract with a successful bidder in the event that such bidder does not remain tax.

15. CLARIFICATIONS / ENQUIRIES

Telephonic request for clarification will not be considered. Any clarification required by a bidder regarding the meaning or interpretation of the Terms of Reference or any other aspects concerning the bid is to be requested in writing (letter, facsimile or e-mail) from the below contact persons. The bid reference number should be mentioned in all correspondence.

15.1 Bid Enquiries

Name and Surname: Penelope Soyingwa

E-mail: TOR1@nlcsa.org.za

Tel: 012 432 1414

Enquiries received will be responded to within two (2) working days of receiving the enquiry.

THE NLC IS NOT OBLIGED TO ACCEPT THE LOWEST OR ANY BID AND RESERVES THE RIGHT TO ACCEPT ANY BID IN WHOLE OR PART.

ANNEXTURE A

Description for Double Cab (with Canopy)	4x4 2.0 Auto	4x4 2.2 Auto	4x4 2.5 Auto	4x4 2.4 Auto	4x4 2.8 Auto	4x4 3.0 Auto
Diesel (Yes/No)						
Engine Capacity	2.0	2.2	2.5	2.4	2.8	3.0
Fuel consumption (L/100km)						
Power (kW/rpm)						
Service Plan						
Warranty						
0-100 kph (sec)						
Torque (Nm/rpm)						
Length (mm)						
Width (mm)						
Height (mm)						
GVM (kg)						
Unit Price per vehicle (Vat Incl.)						
Total Price Vat Inc. (Automatic)						

ANNEXTURE B

	Vehicle 2
Car Description	Light Motor vehicle (1.6L)
Diesel (Yes/No)	
Engine Capacity	
Gear Transmission (MANUAL /AUTOMATIC)	
Fuel consumption (L/100km)	
Power (kW/rpm)	
Service Plan	
Warranty	
0-100 kph (sec)	
Torque (Nm/rpm)	
Traction Control (Yes/ No)	
Length (mm)	
Width (mm)	
Height (mm)	
GVM (kg)	
Unit Price per vehicle (Vat Incl.)	
Total Price Vat Inclusive	

ANNEXTURE C

	Vehicle 3
Car Description	8-10-Seater Passenger carrier
Diesel (Yes/No)	
Engine Capacity	
Gear Transmission (MANUAL /AUTOMATIC)	
Fuel consumption (L/100km)	
Power (kW/rpm)	
Service Plan	
Warranty	
0-100 kph (sec)	
Torque (Nm/rpm)	
Traction Control (Yes/ No)	
Length (mm)	
Width (mm)	
Height (mm)	
GVM (kg)	
Unit Price per vehicle (Vat Incl.)	
Total Price Vat Inclusive	

BID SUBMISSION CHECKLIST: APPOINTMENT OF A SERVICE PROVIDER TO LEASE FLEET WITH FULL MAINTENANCE FOR THE NATIONAL LOTTERIES COMMISSION

Name of the bidder:			
Item	Description	Yes	No
1.	Mandatory Requirements		
1.1	Company registration certificates (CK)		
1.2	In the event of the bidder being in a joint venture, joint venture agreement must be submitted.		
1.3	B-BBEE status level of contributor of 1 - 3		
1.4	Standard bidding documents Forms Please indicate below if whether the Standard Bidding Document (SBD) Forms are duly completed and signed by the relevant person:		
1.4.1	SBD 1		
1.1.2	SBD 4		
2.1.3	SBD 6.1		
2.1.4	SBD 8		
2.1.5	SBD 9		
*Only the original signed SBD Forms of the above will be accepted. Please do not make copies.			
2.	Non - Mandatory Requirements		
2.1	Central Supplier Database (CSD) Summary Report		
2.2	Valid Tax Clearance Certificate (TCC)		



ANNEXURE 1

NLC/2018 - 17

2.3	Company Profile		
2.4	Provide three (3) letters of reference from the public and/or private institutions which demonstrate having satisfactory delivered on similar services (fleet management services)		
3. Submission of Proposals:			
3.1 Technical Proposal:			
3.1.1	One (1) original		
3.1.2	Four (4) copies		
3.2 Financial (Price) Proposal:			
3.2.1	One (1) original		
3.2.2	Four (4) copies		
3.2.3	One (1) electronic copy (CD/USB) for both technical & financial proposal		
4. Bid Document Responsiveness:			
	Do you adhere to the bid documents and terms of reference?		



Annexure 1: Supplier Ownership Form

Name of the supplier.....

Reference number:

Please furnish the National Lotteries Commission (NLC) with the following details:

Details of ownership	Please provide with the details
1. Percentage (%) of ownership by black people	
2. Percentage (%) of ownership by black women	
3. Percentage (%) of ownership by black youth (age 18 – 35)	
4. Percentage (%) of ownership by black people with disabilities	
5. Percentage (%) of ownership by black people who are military veterans	
6. Is the company a Cooperative owned by black people? <i>Yes/No</i>	
7. Is your company located in urban or rural area? <i>Please indicate</i>	
8. Kindly describe the nature of the area i.e. city/town/township/village	
9. Please provide full address of the city/town/ township/village	

**NLC will refer to the Central Supplier Database (CSD) to verify the details provided.

The supplier hereby declare that the information provided above is true and correct.

.....

Signature

Position

Date



**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	NLC/2018-17	CLOSING DATE:	14 December 2018	CLOSING TIME:	11:00
DESCRIPTION	Appointment of a service provider to lease the fleet of with full maintenance for the National Lotteries Commission for the period of five (5) years.				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
NATIONAL LOTTERIES COMMISSION (NLC), BLOCK D, HATFIELD GARDENS, 333 GROSVENOR STREET, HATFIELD, PRETORIA					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Penelope Soyingwa		CONTACT PERSON		
TELEPHONE NUMBER	012 432 1414		TELEPHONE NUMBER		
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	penelope@nlcsa.org.za		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
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?		<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]
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, 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:

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

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

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

Name of bidder.....	Bid number.....
Closing Time 11:00	Closing date.....

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

BID PRICE IN RSA CURRENCY

** (ALL APPLICABLE TAXES INCLUDED)

Item No.	Item Description	QTY	Unit Price	Total Price (vat exclusive)	Total Price (vat Inclusive)

- Required by:
- At:
- Brand and model
- Country of origin
- Does the offer comply with the specification(s)? *YES/NO
- If not to specification, indicate deviation(s)
- Period required for delivery
- *Delivery: Firm/not firm
- Method of Delivery

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

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 YES / NO

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?

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:

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

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011

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, 2011.

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 R1 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R1 000 000 (all applicable taxes included).

1.2 The value of this bid is estimated to exceed/not exceed R1 000 000 (all applicable taxes included) and therefore the.....system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

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

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

	POINTS
1.3.1.1 PRICE
1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION
Total points for Price and B-BBEE must not exceed	100

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.5 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

- 2.1 “**all applicable taxes**” includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- 2.2 “**B-BBEE**” means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 2.3 “**B-BBEE status level of contributor**” means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.4 “**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, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 “**Broad-Based Black Economic Empowerment Act**” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 “**comparative price**” means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 “**consortium or joint venture**” 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;
- 2.8 “**contract**” means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 “**EME**” means any enterprise with an annual total revenue of R5 million or less .
- 2.10 “**Firm 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 the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 “**functionality**” means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 “**non-firm prices**” means all prices other than “firm” prices;
- 2.13 “**person**” includes a juristic person;
- 2.14 “**rand value**” means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 “**sub-contract**” means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.16 “**total revenue**” bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- 2.17 “**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; and

- 2.18 “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. ADJUDICATION USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;.
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

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

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \\
 P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) & \mathbf{or} & P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)
 \end{array}$$

Where

- Ps = Points scored for comparative price of bid under consideration
- Pt = Comparative price of bid under consideration
- Pmin = Comparative price of lowest acceptable bid

5. Points awarded for B-BBEE Status Level of Contribution

- 5.1 In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	8	16
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

- 5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.
- 5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.



6. BID DECLARATION

6.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

7.1 B-BBEE Status Level of Contribution: =(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

8 SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 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? YES / NO (delete which is not applicable)

9 DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of company/firm :

9.2 VAT registration number :.....

9.3 Company registration number :

9.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

9.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]



9.7 Total number of years the company/firm has been in business?

9.8 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 contribution indicated in paragraph 7 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 paragraph 7, 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 contribution 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) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, 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.

.....
SIGNATURE(S) OF BIDDER(S)

2.

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	<p>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?</p>	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:		

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

Js365bW

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 *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

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

SBD 9

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.

SBD 9

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