

REQUEST FOR QUOTATIONS FOR SUPPLY AND DELIVERY OF TENABLE NESSUS PROFESSIONAL ANNUAL SOFTWARE LICENSE

REQUEST FOR QUOTATION [RFQ] NO	RFQ-2024-009-003
RFQ DESCRIPTIONS	REQUEST FOR QUOTATIONS FOR SUPPLY AND DELIVERY OF TENABLE NESSUS PROFESSIONAL ANNUAL SOFTWARE LICENSE
SUBMISSIONS	All submissions Must be addressed to Supply Chain Management, National Lotteries Commission Submission of Quotation: quotation@nlcsa.org.za cc maureen@nlcsa.org.za
ISSUE DATE	11 September 2024
CLOSING DATE	16 September 2024
CLOSING TIME	11:00
RFQ VALIDITY PERIOD	The validity period of the quotation requested must be 90 days.
E-MAIL ADDRESS	Quotation@nlcsa.org.za cc maureen@nlcsa.org.za 18 mb maximum space
NO HAND DELIVERED RFQ RESPONSES WILL BE ACCEPTED	

SECTION 1: BACKGROUND, OVERVIEW AND RFP SCOPE OF REQUIREMENTS

1. Background

The NLC seeks to appoint a reliable service provider to supply and deliver Tenable Nessus Professional annual software license.

2. RFQ Scope of requirements

No	Scope of Tenable Nessus Professional License		Comply / Do not comply
1.	Quantity	The service provider must supply and deliver 1(one) Tenable Nessus Professional annual software license.	
2.	License Type	Provision of Tenable Nessus Professional License We currently have version 10.6.2 (#9) and would like the latest version which is 10.8.x.	

SECTION 2: TERMS AND CONDITIONS OF THE REQUEST FOR QUOTATIONS

- 1.1 This document may contain confidential information that is the property of NLC.
- 1.2 No part of the contents may be used, copied, disclosed or conveyed in whole or in part to any party in any manner whatsoever other than for preparing a quotation in response to this RFQ without prior written permission from NLC.
- 1.3 All copyright and intellectual property herein vests with NLC.
- 1.4 Late and incomplete submissions will not be accepted.
- 1.5 No services must be rendered, or goods delivered before an official NLC Purchase Order form has been received.
- 1.6 Suppliers are required to register on the Central Supplier Database at www.csd.gov.za, Suppliers must provide their CSD registration number (and attach a CSD Summary report) and ensure that the Tax Matters are compliant.
- 1.7 All questions regarding this RFQ must be forwarded to quotation@nlcsa.org.za and maureen@nlcsa.org.za

2. General rules and instructions

- 2.1 News and press releases
 - 2.1.1 Bidders or their agents shall not make any news releases concerning this RFQ or the awarding of the same or any resulting agreement(s) without the consent of, and then only in co-ordination with, NLC.
- 2.2 Precedence of documents
 - 2.2.1 This RFQ consists of several sections (see list). Where there is a contradiction in terms between the clauses, phrases, words, stipulations, or terms and herein referred to generally

as stipulations in this RFQ and the stipulations in any other document attached here to, or the RFQ submitted hereto, the relevant stipulations in this RFQ shall take precedence,

2.2.2 Where this RFQ is silent on any matter, the relevant stipulations addressing such matter and which appear in the PPPFA shall take precedence. Bidders shall refrain from incorporating any additional stipulations in its proposal submitted in terms hereof other than in the form of a clearly marked recommendation that NLC may in its sole discretion elect to import or to ignore. Any such inclusion shall not be used for any purpose of interpretation unless it has been so imported or acknowledged by NLC.

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

2.3 Preferential procurement reform

2.3.1 NLC supports B-BBEE as an essential ingredient of its business. In accordance with government policy, NLC insists that the private sector demonstrates its commitment and track record to B-BBEE in the areas of ownership (shareholding), skills transfer, employment equity and procurement practices (SMME Development) etc.

2.3.2 NLC shall apply the principles of the Preferential Procurement Policy Framework Act, (Act No. 5 of 2000) to this proposal read together with the Preferential No. 5 of 2000) to this proposal read together with the Preferential Procurement Regulations published with effect from 16 January 2023 ("the Preferential Procurement Regulations, 2022").

2.4 National Industrial Participation Programme,

2.4.1 The Industrial Participation policy, which was endorsed by Cabinet on 30 April 1997, is applicable to contracts that have an imported content. The NIP is obligatory and therefore must be complied with. Bidders are required to sign and submit the Standard Bidding Document (SBD).

2.5 Language

2.5.1 Bids shall be submitted in English.

2.6 Gender

2.6.1 Any word implying any gender shall be interpreted to imply all other genders.

2.7 Headings

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

2.8 Occupational Injuries and Diseases Act 13 of 1993

2.8.1 The Bidder warrants that all its employees (including the employees of any sub-contractor that may be appointed) are covered in terms of the Compensation for Occupational Injuries and Diseases Act 13 of 1993 and that the cover shall remain in force for the duration of the adjudication of this RFQ and/or subsequent agreement. NLC reserves the right to request the Bidder to submit documentary proof of the Bidder's registration and "good standing" with the Compensation Fund, or similar proof acceptable to NLC.

2.9 Processing of the Bidder's Personal Information

2.9.1 All Personal Information of the Bidder, its employees, representatives, associates and sub-contractors ("Bidder Personal Information") required under this RFQ is collected and processed for the purpose of assessing the content of its tender proposal and awarding the bid. The assessment and award of the bid shall be conducted in accordance with applicable legislation including the PPPFA read with the Preferential Procurement Regulations, 2022. The Bidder is advised that Bidder Personal Information may be passed on to third parties to whom NLC is compelled by law to provide such information. For example, where appropriate, NLC is compelled to submit information to National Treasury's Database of Restricted Suppliers.

2.9.2 All Personal Information collected will be processed in accordance with POPIA and with the NLC Data Privacy Policy.

2.9.3 The following persons will have access to the Personal Information collected:

2.9.3.1 NLC personnel participating in procurement/award procedures; and

2.9.3.2 Members of the public: within seven working days from the time the bid is awarded, the following information will have to be made available on National Treasury's e-Tender portal.

2.10. Rejection of all Bids/Quotation and Disclaimer

The NLC reserves the right to reject all bids when deemed necessary. This is justified when there is lack of effective competition, or bids/quotation are not substantially responsive.

2.10.1. The NLC reserves the right not to appoint a bidder;

2.10.2. The NLC may appoint more than one bidder;

2.10.3. Award the contract or any part thereof to one or more bidders;

2.10.4. Request further information from any bidder after the closing date for clarity purpose.

2.10.7 Cancel this tender or any part thereof at any time;

2.10.8 Should any of the above occur, it will be communicated in writing to the bidders; and

2.10.9 Fraudulent practices shall result in immediate disqualification.

2.10.10 Costs

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.

2.10.11 Disqualification

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

3. Supplier Performance

- 3.1. The National Lotteries Commission conducts regular performance reviews in accordance with the requirements for the classification of the contract and or stakeholder by making use of supplier evaluation forms. The evaluation is conducted against the deliverables or scope of the contract with a minimum of an annual review done for contracts longer than a year and a review at completion of contract for those contracts less than a year.
- 3.2. Ad-hoc performance reviews shall be conducted where non-performance is identified outside the review period.
- 3.3. Non-performance will be addressed with at least a formal letter advising specific non-performing areas and stating remedial action/s required within specific time frames. Non-adherence to remedial actions shall lead to escalating performance management actions.
- 3.4. Any party to this agreement may request to participate in a joint performance review where appropriate and seek continuous improvement opportunities.

SECTION 3: EVALUATION CRITERIA

The NLC will evaluate all quotations in terms of the Preferential Procurement Regulation 2022 (PPR2022) using the price quoted and specific goal stated on this specification,

Phase 1: Administrative Requirements

The Administrative Compliance Evaluation will include the following:

Administrative responsiveness check	RFQ Reference
1. All Standard Bid Documents were completed and returned by the closing date and time.	SBD 1, SBD 6.1
2. BBBEE Certificate or Sworn Affidavit as per the BEE Code of Good Practice	Copy of BEE Certificate / Sworn Affidavit
3. Consent Form	Fully Completed POPIA Form

Phase 2: Mandatory Requirements

All bid respondents must submit mandatory documents that comply with all mandatory requirements. Bids that do not fully comply with the mandatory requirements will be disqualified and will not be considered for further evaluation.

Mandatory Responsiveness	RFQ Reference
Bid Documents were completed and returned by the closing date and time.	SBD 4

Phase 3: The 80/20 Principle based on Price and Specific goal stated below.

Evaluation on Price and Specific Goals as Per PPR2022 The 80/20 Principle based on Price and special goals for the NLC.

The following formula to be used to calculate the points out of 80 for price inclusive of all applicable taxes. A maximum of 80 points is allocated for price on the following basis:

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

P_{max} = Price of highest acceptable bid

A maximum of 20 points to be awarded to a tenderer for the specific goal specified for the RFP as follows:-

1. Procurement from entities who are black Owned	Sub - points for specific goals	Maximum points for specific goals	Relevant Evidence
Tenderer who have 100% black Ownership	8	8	Copies of ID's/3 months CIPC Report from the closing date of the bid/ CSD Recent Report
Tenderer who have 51% to 99% black ownership	4		
Tenderer who have less than 51% black ownership	0		
2. Procurement from entities who are women Owned			
Tenderer who have 100% women ownership	4	4	B-BBEE Certificate / B-BBEE Sworn Affidavit
Tenderer who have 30% to 99% women ownership	2		
Tenderer who have less than 30% women ownership	0		
3. Black Youth Ownership			
Tenderer who have 100% black youth ownership	4	4	B-BBEE Certificate / B-BBEE Sworn
Tenderer who have 30% to 99% black youth ownership	2		

Tenderer who have less than 30% black youth ownership	0		Affidavit
4.Procurement from Disabilities			
Tenderer who have 20% or more owners with disability	4	4	Letter from the Doctor confirming disability and CSD report

Phase 4: Due Diligence and Contract Management

The NLC reserves the right to undertake a due diligence exercise on the preferred bidder/s as part of a material risk evaluation aimed at determining to its satisfaction, the validity of the information provided by the Bidder.

SECTION 4: CLARIFICATION / ENQUIRIES

Telephonic request for clarification will not be considered. Any clarification required by a prospective service provider regarding the meaning or interpretation of the Specification or any other aspects concerning the request is to be requested in writing (letter or e-mail) from the following contact persons.

Request Enquiries and Quotations to:

Name and Surname: SCM

E-mail: quotation@nlcsa.org.za and maureen@nlcsa.org.za

Tel: 012 432 1470

SCM: CONSENT REQUEST FORM

REQUEST FOR THE CONSENT OF A DATA SUBJECT FOR PROCESSING OF PERSONAL INFORMATION
FOR THE PURPOSE OF PROCUREMENT OF GOODS AND SERVICES
APPLICATION, IN LINE WITH THE NLC's SUPPLY CHAIN MANAGEMENT POLICY, IN TERMS OF SECTION
11(1)(a) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013) ("POPIA").

TO: _____

FROM: _____

ADDRESS: _____

Contact number: _____

Email address: _____

PART A

1. In terms of the PROTECTION OF PERSONAL INFORMATION ACT, consent for processing of personal information of a data subject (the person/entity to whom personal information relates) must be obtained for the purpose of processing of application for procurement of goods and services, in line with the NLC's supply chain management policy, and storage of your personal data by means of any form of electronic communication, including automatic calling machines, facsimile machines, SMSs or e-mail, which is prohibited unless written consent to the processing is given by the data subject. You may only be approached once for your consent by us (NLC). After you have indicated your wishes in Part B,
2. you are kindly requested to submit this Form either by post, facsimile or e-mail to the address, facsimile number or e-mail address as stated above.
3. "Processing" means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including—
 - 3.1 the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
 - 3.2 dissemination by means of transmission, distribution or making available in any other form; or

- 3.3 merging, linking, as well as restriction, degradation, erasure or destruction of information.
4. “Personal information” means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to—
- 4.1 information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
 - 4.2 information relating to the education or the medical, financial, criminal or employment history of the person;
 - 4.3 any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
 - 4.4 the biometric information of the person;
 - 4.5 the personal opinions, views or preferences of the person;
 - 4.6 correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
 - 4.7 the views or opinions of another individual about the person; and
 - 4.8 the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

Full names of the designated person on behalf of the Responsible Party

Signature of Designation person

PART B

I, _____ (full names), duly authorized, hereby: Consent to the processing of my/our personal information for the application of procurement of goods and services, in line with the NLC supply chain management policy, in terms of section 11(1)(a) of POPIA.

SPECIFY GOODS AND SERVICES (Edit/Click on services not required):

- ☐ Product Information
- ☐ Product Updates
- ☐ Industry Newsletters
- ☐ Price Changes

Method of Communication will be via: Email/Postal

☐ Give my consent.

By Ticking the next box, I am aware that I am Digitally Signing this Consentrequest Form

☐

Full Name:

Date:

WITHDRAWAL OF CONSENT ONCE GIVEN

You may withdraw your consent at any time.

Write or email us at the address above, advising us of your consent withdrawal.

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS FOR THE NATIONAL LOTTERIES COMMISSION

BID NUMBER:	RFQ-2024-009 003	ISSUE DATE	11 September 2024	CLOSIN G DATE:	16 September 2024	CLOSING TIME:	11H00
DESCRIPTION	REQUEST FOR QUOTATIONS FOR SUPPLY AND DELIVERY OF TENABLE NESSUS PROFESSIONAL ANNUAL SOFTWARE LICENSE						

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)

Bid proposals OR Quotation MUST be submitted the below address:

quotation@nlcsa.org.za and maureen@nlcsa.org.za

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO		TECHNICAL ENQUIRIES MAY BE DIRECTED TO:	
CONTACT PERSON	SCM	CONTACT PERSON	ICT
TELEPHONENUMBER	012 432 1470	TELEPHONE NUMBER	012 432 1300
FACSIMILENUMBER		FACSIMILE NUMBER	
E-MAIL ADDRESS	quotation@nlcsa.org.za	E-MAIL ADDRESS	quotation@nlcsa.org.za

SUPPLIER INFORMATION

NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONENUMBER	CODE		NUMBER		
CELLPHONENUMBER					
FACSIMILENUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIA NCE SYSTEM PIN:		OR	CENTR A L SUPPLI E R DATAB A S E	UNIQUE REGISTRATION REFERENCE NUMBER: MAAA
B-BBEE STATUSLEVEL VERIFICATION CERTIFICATE	[TICK APPLICABLE BOX] ☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX] Yes ☐ No ☐

[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]

1. ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THEGOODS / SERVICES / WORKS OFFERED?	Yes No [IF YES ENCLOSE PROOF]	2. ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	Yes No [IF YES, ANSWER QUESTIONNAIRE BELOW]
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QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	YES ☐	NO ☐
DOES THE ENTITY HAVE A BRANCH IN THE RSA?	YES ☐	NO ☐
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	YES ☐	NO ☐
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	YES ☐	NO ☐
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION	YES ☐	NO ☐
IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FORA TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 1.3 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 PIN IS AVAILABLE BUT BIDDER IS REGISTERED WITH 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:

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

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

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

2. Bidder's declaration

- 2.1** Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state? **YES/NO**
- 2.2** If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

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

2.3 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.3.1 If so, furnish particulars:

.....

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

2.4.1 If so, furnish particulars:

.....

3 DECLARATION

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

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

² Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

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

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

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

1. GENERAL CONDITIONS

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

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

1.2 To be completed by the organ of state

(delete whichever is not applicable for this tender).

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

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

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

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

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

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

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

Where

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

4. POINTS AWARDED FOR SPECIFIC GOALS

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

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

(Note to organs of state: Where the 80/20 preference point system is applicable, corresponding points must also be indicated as such. Note to tenderers: The tenderer must indicate how they claim points for each preference point system.) Please complete this table for claiming of points.

1. Procurement from entities who are black Owned	Sub - points for specific goals	Maximum points for specific goals	Relevant Evidence	Number of points claimed (80/20 system) (To be completed by the tenderer)
Tenderer who have 100% black Ownership	8	8	Copies of ID's/ CIPC Report CSD Recent Report	
Tenderer who have 51% to 99% black ownership	4			
Tenderer who have less than 51% black ownership	0			
2. Procurement from entities who are women Owned		4	B-BBEE Certificate / B-BBEE Sworn Affidavit	
Tenderer who have 100% women ownership	4			
Tenderer who have 30% to 99% women ownership	2			
Tenderer who have less than 30% women ownership	0			
3. Black Youth Ownership		4	B-BBEE	
Tenderer who have 100% black youth ownership	4			

Tenderer who have 30% to 99% black youth ownership	2		Certificate / B-BBEE Sworn Affidavit	
Tenderer who have less than 30% black youth ownership	0			
4. Procurement from Disabilities				
Tenderer who have 20% or more owners with disability	4	4	Letter from the Doctor confirming disability and CSD report	
Tenderer who have less than 20% but more than 10% owners with disability	2			
Tenderer who have less than 10% owners with disability	0			
Total points for specific goals		20		

5. DECLARATION WITH REGARD TO COMPANY/FIRM

5.1. Name of company/firm.....

5.2. Company registration number:

5.3. TYPE OF COMPANY/ FIRM

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

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

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;

- (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution, if deemed necessary.

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

ANNEXURE A

PRICING SCHEDULE - SUPPLY AND DELIVERY OF FOR SUPPLY AND DELIVERY OF TENABLE NESSUS PROFESSIONAL ANNUAL SOFTWARE LICENSES

NAME OF BIDDER:.....

SIGNATURE:.....

DATE:.....

Item No.	Description	Quantity	Price (ZAR per Unit)
1	Tenable Nessus Professional annual software license	1	
Price			
VAT (ZAR)			
Total Price including VAT (ZAR)			