



**BID NO: NGB 003 (2021/2022)**

# **REQUEST FOR PROPOSAL**

**APPOINTMENT OF A SERVICE PROVIDER TO RENDER  
MAINTENANCE SERVICES FOR NATIONAL REGISTERS  
FOR A PERIOD OF THREE (03) YEARS**

19 September 2021

NGB 003 (2021/2022): Appointment of a service provider to render maintenance services for national registers for a period of three (03) years

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## 1. PART A: INVITATION TO BID

**YOU ARE HEREBY INVITED TO BID FOR THE PROVISION OF MAINTENANCE SERVICES FOR NATIONAL REGISTERS FOR A PERIOD OF THREE (03) YEARS FOR THE NATIONAL GAMBLING BOARD (NGB)**

1.1 **Description of services:** Suitable and qualified service providers are hereby invited to submit a proposal and quote for the provision of maintenance services for National Registers for a period of three (03) years. This bid seeks to conclude a contract with a service provider capable of providing the services for the National Gambling Board (NGB). Bidders must prepare a detailed proposal and quote based on the specifications outlined in Part B, as well as within the guidelines provided in the Evaluation Criteria (Part C).

### 1.2 Pertinent Bid Information:

1.2.1 Bid number	Bid No: NGB 003 (2021/2022)
1.2.2 Closing date	19 October 2021
1.2.3 Closing time	11H00 Central African Time (CAT)
1.2.4 Compulsory briefing session	There will be no briefing session held for this bid.
1.2.5 Description	Appointment of a service provider to render maintenance services for the national registers system for a period of three (03) years
1.2.6 Bid validity period	Offer to be valid for one hundred and eighty (180) days from the closing date of the tender
1.2.7 Contract duration	Three (03) years

1.3 The successful bidder will be required to sign a written Service Level Agreement (SLA). The SLA will be drawn up by the NGB.

1.4 The project shall commence after appointment of the preferred service provider is confirmed, on a date determined by the NGB and as stipulated in the SLA to be concluded.

1.5 Bid documents must be submitted to: The National Gambling Board, 420 Witch-Hazel Avenue, Eco-Glades 2, Block C, Eco-Park, Centurion, 0144.

1.6 Only bids submitted directly to the NGB on / before the closing date as indicated above shall be accepted (no faxes or emailed bids will be accepted).

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- 1.7 Bidders should ensure that bids are delivered before the closing date and time and to the correct address. If the bid is late, it will not be accepted for consideration.
- 1.8 COVID-19 protocols **must** be observed when submitting a bid. Bidders must arrive early to cater for adherence to these protocols.
- 1.9 Bids must be delivered between 08H30 and 16H00 (CAT), Mondays to Fridays, prior to the closing date, and between 08H30 and 11H00 (CAT) on the closing date.
- 1.10 A **two envelope system** will apply. Therefore, technical and financial proposals must be submitted in separate, sealed envelopes clearly marked “Technical Proposal” and “Financial Proposal” at the same time.
- 1.11 Bids will be **evaluated** in accordance with the **80/20 preference point system** contemplated in the Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000).
- 1.12 Technical proposals will be opened at **11H30 (CAT)** on the **19 October 2021**.
- 1.13 Financial Proposals will be opened only after the technical proposals have been evaluated and only with respect to the proposals that achieve the minimum qualifying score for functionality. Subsequent to this, a list of all bidders, along with their Bid Prices only for those bids that were opened as these bids would have passed the technical evaluation stage, will be published on the NGB’s website and the National Treasury E-Tender Portal.
- 1.14 All bids must be submitted on the NGB official forms.
- 1.15 This bid is subject to the General Conditions of Contract (GCC), as well as Special Conditions of Contract (SCC).
- 1.16 There will be **no** compulsory briefing session held. The **deadline** for queries is **05 October 2021 at 16H00**.
- 1.17 Bids that do not comply with the mandatory aspects of this document shall not be considered for evaluation.
- 1.18 Bids submitted that do not comply with the following, will be considered non-responsive, and **will not be considered for evaluation**:
  - 1.18.1 A bid that is not in the format prescribed.

- 1.18.2 A bid without some or all of the required documents.
  - 1.18.3 Pricing schedules not in the required format.
  - 1.18.4 Bid proposals that do not include a company resolution authorising a particular person to sign bid documents. Failure to provide such proof of authority to sign the bidder's proposal will render the bid materially incomplete and thus non-responsive.
  - 1.18.5 Proposals that are not submitted in 2 separate, clearly marked/ labelled and sealed envelopes / packages as indicated under PART C of this Request for Proposal (RFP).
- 1.19 Furthermore, any alterations, changes, supplements to the tender document will be published on [www.ngb.org.za](http://www.ngb.org.za).
- 1.20 **Confidentiality:** The bid and all related information shall be held in strict confidence by bidders and usage of such information shall be limited to the preparation of the bid. All bidders are bound by a confidentiality agreement preventing the unauthorised disclosure of any information regarding the NGB or of its activities to any other organisation or individual. The bidders may not disclose any information, documentation or products to other clients without written approval of the Accounting Authority or the delegated official.
- 1.21 **Intellectual Property, Inventions and Copyright:** Copyright of all documentation relating to this assignment belongs to the NGB. The successful bidders may not disclose any information, documentation or products to other clients without the written approval of the Accounting Authority (AA) or the person delegated. All the intellectual property rights arising from the execution of this Agreement remain with the NGB which shall be entitled to cede and assign such to the Department of Trade, Industry and Competition (**the dtic**) and the service provider undertakes to honour such intellectual property rights and all future rights by keeping the know-how and all published and unpublished material confidential. In the event that the service provider would like to use any information or data generated in terms of the services rendered, prior written permission must be obtained from the NGB. The NGB shall own all material produced by the service provider during the course of or as part of rendering the services.
- 1.22 Neither the bidder, nor any of the members of the specification, evaluation adjudication committee and / or the opening team, shall have any existing or potential conflict of interest during the course of undertaking the tendered project.
- 1.23 Any conflict of interest which can or have the potential to harm the integrity of the evaluation shall be explicitly disclosed by the bidder, providing detailed information on the scope and factors of such association with any or either object of the

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evaluation or any person involved in the intervention. In such cases the bidder must elaborate on how this conflict of interest would be handled by the bidder.

1.24 Based on the information provided by the bidder, the evaluation committee will make a recommendation regarding the bidder's conflict of interest to Bid Adjudication Committee (BAC) and AA for final decision.

1.25 Any queries regarding bidding process and technical information may be directed to:

**Name:** Procurement Practitioner

**Email:** [scm@ngb.org.za](mailto:scm@ngb.org.za)

1.26 The closing date and time for **written queries** is **05 October 2021 at 16H00**. Only written queries will be considered and responded to.

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## 2. PART B: TERMS OF REFERENCE

### 2.1 INTRODUCTION & MANDATE

The NGB (National Gambling Board) was established in terms of the National Gambling Act (NGA), 2004 (Act 7 of 2004). It is the NGB's purpose to make provision for the regulation and co-ordination of certain matters relating to casinos, racing, betting and wagering. The NGB is also responsible for the regulation of bingo in South Africa. The NGB is authorised to, amongst others, advise the Minister of Trade and Industry on policy issues that might impact on the current and future regulation of gambling.

### 2.2 NATIONAL REGISTERS SYSTEM MAINTENANCE SERVICES

#### 2.2.1 PROJECT OBJECTIVE

NGB seeks to appoint a service provider for the maintenance and support of NGB's National Registers system. Currently, NGB's web based systems are hosted by different service providers. The appointed service provider will be responsible for maintenance and support of the NGB's National Registers system.

The following detailed requirements are listed below for the attention of the bidder:

<b>SCOPE</b>
<b>Project duration is three (03) years</b>
<b>1. NATIONAL REGISTERS</b>
1. The service provider must have the following development skills: <ul style="list-style-type: none"><li>• C#;</li><li>• Angular JS;</li><li>• JavaScript;</li><li>• Bootstrap;</li><li>• ASP BoilerPlate;</li><li>• Microsoft MVC;</li><li>• Fuse Components; and</li><li>• SQLServer</li></ul>
2. The proposed team with previous software development work experience within the gambling industry (attach CVs).

## 3. PART C: PROCEDURAL REQUIREMENTS

### 3.1 LEGAL REQUIREMENTS

3.1.1 In its procurement of goods and services, the NGB observes the Constitution of the Republic of South Africa, 1996, Public Finance Management Act, 1999 (Act 1 of 1999) (PFMA), Broad Based Black Economic Empowerment Act, 2003 (Act 53 of 2003) (B-BBEE), Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000) (PPPFA), Preferential Procurement Regulations of 2017 and all relevant statutory requirements.

### 3.2 TENDER SUBMISSION

3.2.1 All prospective bidders **must** be registered on National Treasury's Central Supplier Database (CSD) prior to submission of bids.

3.2.2 COVID-19 protocols **must** be observed when submitting a bid. Bidders must arrive early to cater for adherence to these protocols.

3.2.3 Proposals **must** be submitted in 2 separate, clearly marked / labelled and sealed envelopes / packages as follows:

- **Envelope / Package 1 – Technical Proposal:** 1 original plus 5 copies of the original technical proposal and 1 CD containing the technical proposal must be submitted to the NGB.
- **Envelope / Package 2 – Financial Proposal:** 1 original plus 5 copies of the original financial proposal and 1 CD containing the financial proposal must be submitted to the NGB.

3.2.4 Bidders **must** initial on each page, sign and date on the last page of the following documents:

- General Conditions of Contract;
- Special Conditions of Contract (RFP)

3.2.5 Prospective bidders **must not submit** the following documentation as this information will be verified through the CSD:

- 3.2.5.1** Business registration
- 3.2.5.2** Bank account holder information
- 3.2.5.3** In the service of the state status



**3.2.5.4** Tax Compliance status (tax clearance certificate), **however**, your SARS Tax Pin **must** be submitted.

**3.2.5.5** Identity Documents of Directors

### **3.3 BID EVALUATION, ADJUDICATION AND FINAL AWARD**

3.3.1 Bids will be **evaluated** in accordance with the **80/20 preference point system** contemplated in the PPPFA.

3.3.2 The **evaluation of the bids** will be **conducted in four (4) phases**, namely:

**3.3.2.1** Phase 1: Pre-qualification Stage: Administrative and Substantive Responsiveness.

**3.3.2.2** Phase 2: Functional evaluation in accordance with the technical specifications

**3.3.2.3** Phase 3: Price and B-BBEE evaluation in accordance with the PPPFA

**3.3.2.4** Phase 4: Adjudication of bid and Final Award

3.3.3 The NGB will evaluate and compare only the Bids determined to be substantially responsive in Phase 1.

3.3.4 During Phase 2, the NGB will conduct a detailed evaluation of the Bids in order to determine whether the Bidders are qualified and if the functional aspects are substantially responsive to the requirements outlined in the RFP.

3.3.5 Bidders are required to quote a price and provide a breakdown of the price in the manner and detail called for in the pricing schedules, SBD 3.3, as well as, of Part B as per paragraphs 2 and 3 of this RFP.

3.3.6 The NGB reserves the right to accept or reject any variation, deviation, or alternative offer.

3.3.7 Variations, deviations, and alternative offers and other factors, which are in excess of the requirements of the Bidding documents or otherwise result in unsolicited benefits for the NGB will not be taken into account in the Bid evaluation.

3.3.8 The **evaluation process** is broken down into four phases as follows:

#### **3.3.8.1 Phase 1: Pre-Qualification Stage: Administrative and Substantive Responsiveness**

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- a) During Phase 1 all bids will be evaluated to ensure compliance with minimum requirements.
- b) Proposals submitted that do not comply with the following, will be considered non-responsive, and will not be considered for evaluation:
  - i. A Proposal that is not in the format prescribed.
  - ii. A Proposal without some or all of the required documents.
  - iii. Pricing schedules not in the required format.
  - iv. Bid proposals that do not include a company resolution authorising a particular person to sign bid documents. Failure to provide such proof of authority to sign the bidder's proposal will render the bid materially incomplete and thus non-responsive.
  - v. Proposals that are not submitted in 2 separate, clearly marked/ labelled and sealed envelopes / packages as follows:
    - **Envelope / Package 1 – Technical Proposal.**
    - **Envelope / Package 2 – Financial Proposal.**
- c) Bids that comply with the minimum requirements will be regarded as responsive and such bids will advance to Phase 2 of the evaluation process.
- d) Non-responsive bids will not advance to Phase 2 of the evaluation process.

### **3.3.8.2 Phase 2: Functional Evaluation in Accordance with the Functional Requirements of the Bid**

- a) All bids that advance to Phase 2 will be evaluated by the NGB to determine compliance with the functional requirements of the bid.
- b) During Phase 2 all bids will be evaluated for functionality which will account for 100% of the functional evaluation criteria score.
- c) Under Technical Evaluation, bidders who score 70% or above will qualify for further consideration in Phase 3.
- d) Points will therefore not be awarded for their Price or B-BBEE credentials at this juncture in the process.
- e) The percentage scored for functionality shall be calculated as follows:

- i. Each panel member shall award values (between 1 and 5) for each individual criterion on a score sheet. The value scored for each criterion shall be multiplied with the specified weighting for the relevant criterion to obtain the percentage scored for the various criteria. These percentages should be added to obtain the total score.
  - ii. The percentages of each panel member shall be added together and divided by the number of panel members to establish the average percentage obtained by each individual bidder for functionality.
- f) The NGB reserves the right, prior to conclusion of Phase 2 of evaluation, to call in bidders that receive a score for Technical evaluation of 70% and above, to make a presentation to the NGB.
  - g) In such instances, the presentation will be scored using the same functional evaluation criteria that was utilised for the technical evaluation.
  - h) The scores for presentations will then be calculated for each member as indicated above.
  - i) Scores for technical evaluation and presentations will be allocated 50% and 50% respectively. Bidders must achieve a combined minimum score of 70% out of 100% on the functionality evaluation in order to advance to Phase 3.
  - j) The preparation costs and all expenses associated with presentation will be for the bidders' own account.

### **3.3.8.3 Phase 3: Awarding of Points for Price and Broad-Based Black Economic Empowerment**

- a) The bidders that have successfully progressed through to Phase 3 will be evaluated in accordance with the 80/20 preference point system contemplated in the Preferential Procurement Policy Framework Act, 2000 and the Preferential Procurement Regulations of 2017.
- b) 80 points will be awarded for price while 20 points will be allocated for preference points for B-BBEE as prescribed in the regulations.

### 3.3.8.4 Phase 4: Adjudication and Final Award of Bid

- a) The Bid Adjudication Committee will consider the recommendations of the evaluation committee and recommend the preferred bidder for appointment by the Accounting Authority.
- b) The successful bidder will usually be the service provider scoring the highest number of points or it may be a lower scoring bid on justifiable grounds or no award at all.

**3.3.8.5 Evaluation criteria:** All qualifying bids will be evaluated in accordance with the criteria as stipulated in the table below:

EVALUATION CRITERIA	Rating					Weight	Total
	1	2	3	4	5		
<p>The Bids will be evaluated on a scale of 1 – 5 in accordance with the criteria below. The rating will be as follows: 1 = Very poor, 2 = Poor, 3 = Good, 4 = Very good, 5 = Excellent</p>							
<b>1. Functionality</b>							
<p><b><u>Company track record:</u></b></p> <p>A proven track record of the service provider substantiated by reference to letters from at least three (3) organisations for which similar services have been provided during the past five (05) years. The reference letters shall include the following information for each project undertaken:</p> <ul style="list-style-type: none"> <li>• Entity name;</li> <li>• Contact name and telephone number;</li> <li>• Date when service was rendered;</li> <li>• Description of service;</li> <li>• Duration of project; and</li> <li>• Contract price.</li> </ul> <p>The reference letter <u>must</u> be on the <u>letterhead</u> of the entity providing the reference. NB: A list of references will not be accepted.</p> <p>If more than three (03) letters are provided; the first three (03) letters will be considered.</p>						<b>30</b>	

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EVALUATION CRITERIA	Rating					Weight	Total
	1	2	3	4	5		
<p><b><u>Expertise of proposed team:</u></b></p> <p>The service provider must propose a team with the following development skills (attach CVs):</p> <ul style="list-style-type: none"> <li>• C#;</li> <li>• Angular JS;</li> <li>• JavaScript;</li> <li>• Bootstrap;</li> <li>• ASP BoilerPlate;</li> <li>• Microsoft MVC;</li> <li>• Fuse Components; and</li> <li>• SQLServer</li> </ul> <p>I. A team proposed with less than three (3) development skills stated above = 1</p> <p>II. A team proposed with four (4) development skills stated above = rating of 2</p> <p>III. A team proposed with five (5) development skills stated above = rating of 3</p> <p>IV. A team proposed with six (6) development skills stated above = rating of 4</p> <p>V. A team proposed with all eight (8) development skills stated above = rating of 5</p>						<b>35</b>	
<p><b><u>Experience of proposed team:</u></b></p> <p>Each proposed team member with software development work experience within the gambling industry (attach CVs).</p> <p>2 years or less experience = 1</p> <p>3 years' experience = rating of 2</p> <p>4 years' experience = rating of 3</p> <p>5 years' experience = rating of 4</p> <p>6 years' and above experience = rating of 5</p>						<b>35</b>	
<b>TOTAL POINTS FOR FUNCTIONALITY</b>						<b>100</b>	
<b>A threshold of 70% is applicable</b>							

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## 4 PART D: SPECIAL CONDITIONS OF CONTRACT

### 4.1 GUIDELINES ON COMPLETION

- 4.1.1 Bidders must indicate compliance or non-compliance in a paragraph in each section. Indicate compliance with the relevant bid requirements by marking the YES box and non-compliance by marking the NO box.
- 4.1.2 If the contents of the paragraph only need to be noted, please mark the NOTED box.
- 4.1.3 The bidder must clearly state if a deviation from these requirements is offered and the reason therefore.
- 4.1.4 If an explanatory note is provided, the paragraph reference must be attached as an appendix to the bid submission.
- 4.1.5 Should bidders fail to indicate agreement / compliance or otherwise, the NGB will assume that the bidder is not in compliance or agreement with the statement(s) as specified in this bid.
- 4.1.6 Bids not completed in the required manner will be considered incomplete and thus rejected.

No.	Conditions	Confirmation			
		Yes	No	Noted	If no, indicate deviation
<b>1. GENERAL CONDITIONS OF CONTRACT</b>					
1.1	The General Conditions of Contract must be signed.				
<b>2. SPECIAL CONDITIONS</b>					
2.1	During the evaluation of the bids, additional information may be requested in writing from bidders. Replies to such requests must be submitted within two (2) working days or as otherwise indicated. Failure to comply may lead to your bid being disregarded.				
<b>3. BIDDERS RESPONSE</b>					
3.1	All bidders will be required to provide a response to the Bid and submit their organisation's complete profile.				

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No.	Conditions	Confirmation			
		Yes	No	Noted	If no, indicate deviation
3.2	Bidders will be held to their bids submitted.				
<b>4. USE AND PROCESSING OF PERSONAL INFORMATION</b>					
4.1	All bidders, including their personnel (as data subjects), hereby consent to the processing of personal information for the completion of the tender process and confirms that:				
4.1.1	the personal information is supplied voluntarily, without undue influence from any party and not under any duress;				
4.1.2	the personal information which is supplied herewith is mandatory for the purposes of this tender process and without such personal information, the NGB would not be able to evaluate the bid proposal;				
4.1.3	they are aware of the right to access personal information at any reasonable time for purposes of rectification thereof.				
<b>5. CONFIDENTIALITY</b>					
5.1	The bid and all related information shall be held in strict confidence by bidders and usage of such information shall be limited to the preparation of the bid.				
5.2	All bidders are bound by a confidential agreement preventing the unauthorised disclosure of any information regarding the NGB or of its activities to any other organisation or individual. The bidders may not disclose any information, documentation or products to other clients without written approval of the accounting authority or the delegated official.				
<b>6. INTELLECTUAL PROPERTY, INVENTIONS AND COPYRIGHT</b>					
6.1	Copyright of all documentation relating to this assignment belongs to the NGB. The successful bidders may not disclose any information, documentation or products to other clients without the written approval of the accounting authority or the person delegated.				

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No.	Conditions	Confirmation			
		Yes	No	Noted	If no, indicate deviation
6.2	All the intellectual property rights arising from the execution of this Agreement remain with the NGB who shall be entitled to cede and assign such to the Department of Trade, Industry and Competition ( <b>the dtic</b> ) and the service provider undertakes to honour such intellectual property rights and all future rights by keeping the know-how and all published and unpublished material confidential.				
6.3	In the event that the service provider would like to use any information or data generated in terms of the services rendered, the prior written permission must be obtained from the NGB.				
6.4	The NGB shall own all material produced by the service provider during the course of or as part of rendering the services.				
6.5	Clause 6 shall survive termination of this Agreement.				
<b>7. COST STRUCTURE &amp; PROJECT PLAN</b>					
	The bid price shall be based on the actual cost of time spent and expenses incurred. In this regard, the following information shall be provided:				
7.1	The estimated time to be spent on the project, limited to 3 years.				
7.2	The hourly charge-out rates as set out in the "Guide on Hourly Fee Rates for Consultants" issued by the Department of Public Service and Administration (DPSA).				
7.3	The bid price for the project, inclusive of VAT.				
<b>8. PAYMENTS</b>					
8.1	No advance payments will be made in respect of this bid. Payments shall be made in terms of the deliverables as agreed upon and shall be made strictly in accordance with the prescripts of the PFMA (Public Finance Management Act, 1999. Act 1 of 1999).				
8.2	The contractor shall from time to time, during the duration of the contract, invoice the NGB for the				

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No.	Conditions	Confirmation			
		Yes	No	Noted	If no, indicate deviation
	services rendered. No payment will be made to the contractor unless an invoice complying with section 20 of VAT Act, 1991 (Act 89 of 1991) has been submitted to the NGB.				
8.3	Payment shall be made into the bidder's bank account normally within 30 days of receipt of an acceptable, valid invoice. (Banking details must be submitted as soon as this bid is awarded).				
8.4	The contractor shall be responsible for accounting to the appropriate authorities for its Income Tax, VAT or other moneys required to be paid in terms of applicable law.				
8.5	Prices charged by the bidder for goods delivered or services rendered under the contract shall not vary from the prices quoted by the bidder, with the exception of any price adjustments relating to rate of exchange or other unforeseen or incidental services (valid proof must be submitted).				
<b>9. NON-COMPLIANCE WITH DELIVERY TERMS</b>					
9.1	<p>The successful bidder must ensure that the work is confined to the scope as defined and agreed to.</p> <p>As soon as it becomes known to the contractor that they will not be able to deliver the goods/services within the delivery period and/or against the quoted price and/or as specified, the NGB must be given immediate written notice to this effect. The NGB reserves the right to implement remedies as provided by the law.</p>				
<b>10. WARRANTS AND SECURITIES</b>					
	The bidder warrants that:				
10.1	It is able to conclude this Agreement to the satisfaction of the NGB subject to selection as the preferred bidder.				
10.2	Although the bidder will be entitled to provide services to persons other than the NGB, the bidder shall not without the prior written consent of the NGB, be involved in any manner				

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No.	Conditions	Confirmation			
		Yes	No	Noted	If no, indicate deviation
	whatsoever, directly or indirectly, in any business or venture which competes or conflicts with the obligations of the contractor to provide the services.				
10.3	The successful bidder (company, directors or members and project team shall be subjected to a security screening/ vetting process conducted by the State Security Agency (SSA) or a service provider appointed by the NGB, if necessary.				
10.4	In the event the successful bidder sub contracts, the sub-contractor appointed to render services in respect to this bid may be subjected to the security screening / vetting process conducted by SSA or a service provider appointed by the NGB, if necessary.				
10.5	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.				
10.6	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.				
10.7	A trust, consortium or joint venture (including unincorporated consortia and joint ventures) must submit a consolidated B-BBEE Status Level Verification Certificate for every separate tender.				

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No.	Conditions	Confirmation			
		Yes	No	Noted	If no, indicate deviation
10.8	<p>Tenderers are required to submit proof of B-BBEE Status Level of contributor. Proof includes original and valid B-BBEE Status Level Verification Certificates or certified copies thereof together with their tenders or price quotations, to substantiate their B-BBEE rating claims.</p> <p>Tenderers who do not submit B-BBEE Status Level Verification Certificates or who are non-compliant contributors to B-BBEE do not qualify for preference points for B-BBEE but should not be disqualified from the tendering process. They will score points out of 90 or 80 for price only and zero (0) points out of 10 or 20 for B-BBEE.</p>				
<b>11. PARTIES NOT AFFECTED BY WAIVER OR BREACHES</b>					
11.1	The waiver (whether express or implied) by any Party of a condition of contract and/or any breach of the terms or conditions of this Agreement by the other Party shall not prejudice any remedy of the waiving party in respect of any continuing or other breach of the terms and conditions hereof.				
11.2	No favour, delay, relaxation or indulgence on the part of any Party in exercising any power or right conferred on such Party in terms of this Agreement shall operate as a waiver of such power or right nor shall any single or partial exercise of any such power or right under this Agreement.				
<b>12. RETENTION</b>					
12.1	Upon completion of the project and /or termination of the agreement, the successful bidder shall on demand hand over to the NGB all documentation, information, software, etc., without the right of retention.				
12.2	No agreement to amend or vary a contract or order or the conditions, stipulations or provisions thereof shall be valid and of any force and effect unless such agreement to amend or vary is entered into in writing and signed by the contracting parties. Any waiver of the				

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No.	Conditions	Confirmation			
		Yes	No	Noted	If no, indicate deviation
	requirement that the agreement to amend or vary shall be in writing, shall also be in writing.				
<b>13. COSTS</b>					
13.1	The bidder will bear all the costs associated with the preparation of the response and no costs or expenses incurred by the bidder will be borne by the NGB.				
<b>14. CANCELLATION OF BID</b>					
	The NGB may, prior to the award of the bid, have the right to cancel the bid if:				
14.1	Due to changed circumstances, there is no longer a need for the service; or				
14.2	Funds are no longer available to cover the part and/or total envisaged expenditure; or				
14.3	No acceptable bids are received.				
14.4	The NGB reserves the right to withdraw this bid, to amend the term or to postpone this work by email notice to all parties who have received this RFP document or via notice published on the NGB's website and/or the National Treasury's e-Tender Portal.				
<b>15. SUBMISSION OF BIDS</b>					
15.1	<p><b>Proposals must be submitted in 2 separate, clearly marked / labelled and sealed envelopes / package as follows:</b></p> <p><b>I. <u>Envelope / Package 1 – Technical Proposal:</u></b> 1 original plus 5 copies of the original technical proposal and 1 CD containing the technical proposal must be submitted as indicated below; and</p> <p><b>II. <u>Envelope / Package 2 – Financial Proposal:</u></b> 1 original plus 5 copies of the original financial proposal and 1 CD containing the financial proposal must be submitted as indicated below.</p> <p><b><u>Both Envelopes / Packages must be hand delivered to:</u></b></p>				

Initial:

No.	Conditions	Confirmation			
		Yes	No	Noted	If no, indicate deviation
	National Gambling Board 420 Witch-Hazel Avenue Eco Glades 2 Block C Eco Park Centurion Pretoria  <b>NB: Bidders are to indicate on the cover of each document whether it is the original or a copy.</b>				
15.2	Bids should be in 2 sealed <u>envelopes / packages</u> (as indicated in 14.1), <u>marked</u> with: - Financial <u>OR</u> Technical proposal, as applicable; - Bid number <b>NGB 003 (2021/2022)</b> ; - Bid name / description; and - The name and address of the bidder Closing date and time ( <b>19 October 2021 at 11H00 CAT</b> )				
<b>16. LATE BIDS</b>					
16.1	Late submissions will not be accepted. A submission will be considered late if it arrived only one second after 11H00 or any time thereafter. Bids that are submitted after the closing date and time will not be accepted under any circumstances. Bidders are therefore strongly advised to ensure that bids are hand-delivered to the NGB's reception and recorded on a bid register.				
<b>17. BRIEFING SESSION AND CLARIFICATIONS</b>					
17.1	There will be <b>no</b> compulsory briefing session held. The <b>deadline</b> for written queries is <b>05 October 2021 at 16H00</b> .				
17.2	Any clarification required by a bidder regarding the meaning or interpretation of the Terms of Reference, or any other aspect concerning this				

Initial:

No.	Conditions	Confirmation			
		Yes	No	Noted	If no, indicate deviation
	<p>bid, is to be requested in writing to the <b>Procurement Practitioner</b> of the NGB.</p> <p>The bid number should be mentioned in all correspondence.</p>				
<b>18. FORMAT OF BIDS</b>					
18.1	<p>Bidders must complete all the necessary bid documents and undertakings required in this bid document. Bidders are advised that their proposals should be concise, written in plain English and simply presented. Proposals must be in the same order as indicated in 18.2 and 18.3 below.</p>				
18.2	<p><b>Financial Proposal</b> – the following documents/information must be placed in an envelope / package marked “Financial Proposal”:</p> <ul style="list-style-type: none"> <li>i. Cost breakdown of the project</li> <li>ii. Total value of the project over the stated period</li> <li>iii. Completed SBD 3.3</li> </ul>				
18.3	<p><b>Technical Proposal</b> - the following documents/information must be placed in an envelope marked “Technical Proposal”:</p> <ul style="list-style-type: none"> <li>i. Response to the Terms of Reference, ensuring that all the aspects of the Evaluation Criteria are clearly covered. Value-adds must be separately labelled as such;</li> <li>ii. Acknowledgement and response to the Evaluation Criteria and Special Conditions of Contract;</li> <li>iii. An organogram of the proposed key personnel that will be assigned to the project and their CV's;</li> <li>iv. Company profile;</li> <li>v. List of references;</li> <li>vi. Completed SBD forms (<b>excluding SBD 3.3</b>) and General Conditions of Contract (<b>the General and Special Conditions of Contract must be initialled on each page and signed fully and dated on the last page</b>);</li> </ul>				

Initial:

No.	Conditions	Confirmation			
		Yes	No	Noted	If no, indicate deviation
	<p><b>In summary the following information will be required under the technical proposal:</b></p> <p>1. Bidders response to Parts A, B, C, and D of the RFP; <u>and</u></p> <p>2. Bidders response to the RFP on the following aspects of Part E must only be included:</p> <p>a) SBD 1;  b) SBD 4;  c) SBD 6.1;  d) SBD 8; and  e) SBD 9.</p>				
<b>19. PRESENTATIONS</b>					
19.1	The NGB reserves the right to invite bidders for presentations before awarding the bid.				
19.2	Bidders will be given a minimum of 3 days' notification where presentation will be required.				
<b>20. NEGOTIATION</b>					
20.1	The NGB has the right to enter into negotiation with a prospective bidder regarding any terms and conditions, including price(s) of a proposed contract.				
20.2	Similarly, the NGB reserves the right not to select any of the prospective bidders submitting proposals.				
20.3	The NGB shall not be obliged to accept the lowest of any quotation, offer or proposal.				
20.4	Despite preferential procurement regulations 3(4), 4(4), 5(4), 6 (4) and 8 (8) that state that only the proposal with the highest number of points may be selected, a contract may, on reasonable and justifiable grounds, be awarded to a bidder that did not score the highest number of points.				
20.5	All bidders will be informed whether they have been successful or not. A contract will only be deemed to be concluded when reduced to writing in form of a service level agreement				

Initial:

No.	Conditions	Confirmation			
		Yes	No	Noted	If no, indicate deviation
	signed by the designated responsible persons of both parties.				
20.6	Documents submitted by bidders will not be returned.				
<b>21. DOMICILIUM</b>					
21.1	<p>The NGB hereto choose domicilia citandi et executandi for all purposes of and in connection with the final contract as follows:</p> <p>National Gambling Board  420 Witch-Hazel Avenue  Eco-Glades 2  Block C  Eco-Park  Centurion, 0144</p>				

**SIGNATURE OF BIDDER:**

**(Delegated official)**

**Initial:**



## 5 PART E: BIDDING DOCUMENTS (SBD FORMS)

The attached Standard Bidding Documents (SBD forms) form part of the bid documents and must all be completed or adhered to.

SBD 1

### PART A INVITATION TO BID

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>					
BID NUMBER:	<b>NGB 003 (2021/2022)</b>	CLOSING DATE:	<b>19 October 2021</b>	CLOSING TIME:	<b>11H00 CAT</b>
DESCRIPTION	<b>Appointment of a service provider to render maintenance services for national registers for a period of three (03) years</b>				
<b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>					
<b>The National Gambling Board</b>					
<b>420 Witch-hazel Avenue</b>					
<b>Eco Glades 2, Block C</b>					
<b>Eco Park</b>					
<b>Centurion</b>					
<b>0144</b>					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>			<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>		
CONTACT PERSON	<b>Procurement Practitioner</b>	CONTACT PERSON	<b>Procurement Practitioner</b>		
TELEPHONE NUMBER		TELEPHONE NUMBER			
FACSIMILE NUMBER	<b>N/A</b>	FACSIMILE NUMBER	<b>N/A</b>		
E-MAIL ADDRESS	<b><a href="mailto:scm@ngb.org.za">scm@ngb.org.za</a></b>	E-MAIL ADDRESS	<b><a href="mailto:scm@ngb.org.za">scm@ngb.org.za</a></b>		
<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					

Initial:

SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA xxxxx
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX]  <input type="checkbox"/> Yes No <input type="checkbox"/>			B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX]  <input type="checkbox"/> Yes No <input type="checkbox"/>

**[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]**

<i>ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</i>	<input type="checkbox"/> Yes No  [IF YES ENCLOSE PROOF]	<input type="checkbox"/>	<i>ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No  [IF YES, ANSWER THE QUESTIONNAIRE BELOW ]
--	--	--------------------------	---	--

**QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?  
 YES  NO

DOES THE ENTITY HAVE A BRANCH IN THE RSA?  
 YES  NO

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?  
 YES  NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?  
 YES  NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?  
 YES  NO

**IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.**

Initial:

**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 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)**

Initial:

**Appointment of a service provider to render maintenance services for national registers for a period of three (03) years**

**BID NUMBER: NGB 003 (2021/2022) CLOSING DATE: 19 October 2021**  
**CLOSING TIME: 11:00 CAT**

OFFER TO BE VALID FOR **180 DAYS** FROM THE CLOSING DATE OF BID.

ITEM	DESCRIPTION	BID PRICE IN RSA CURRENCY
NO	** (ALL APPLICABLE TAXES INCLUDED)	

1. The accompanying information must be used for the formulation of proposals.
  
2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project

R\_\_\_\_\_

3. PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE IN TERMS HEREOF)

	R_____	
	R_____	
	R_____	
	R_____	

**\*\* "all applicable taxes" includes value- added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.**

**Initial:**

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

_____	R_____	_____ days
_____	R_____	_____ days
_____	R_____	_____ days
_____	R_____	_____ days

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

DESCRIPTION OF EXPENSE TO BE

INCURRED	RATE	QUANTITY	AMOUNT
_____	_____	_____	R_____
_____	_____	_____	R_____
_____	_____	_____	R_____
_____	_____	_____	R_____

TOTAL: R\_\_\_\_\_

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

Initial:
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DESCRIPTION OF EXPENSE TO BE

INCURRED	RATE	QUANTITY	AMOUNT
----------	------	----------	--------

_____	_____	_____	R_____
_____	_____	_____	R_____
_____	_____	_____	R_____
_____	_____	_____	R_____

TOTAL: R\_\_\_\_\_

5. Period required for commencement with project after acceptance of bid \_\_\_\_\_
6. Estimated man-days for completion of project \_\_\_\_\_
7. Are the rates quoted firm for the full period of contract?  
\*YES/NO
8. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Any queries regarding bidding procedures and technical information may be directed to:

Name : Procurement Practitioner

Email : [scm@ngb.org.za](mailto:scm@ngb.org.za)

Initial:
----------

1. Any legal person, including persons employed by the state<sup>1</sup>, 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 a price quotation, advertised competitive bid, limited bid or proposal). 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:

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2.2 Identity Number:

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<sup>1</sup>“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.

Initial:
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2.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>):

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2.4 Company Registration Number:

---

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2.5 Tax Reference Number:

---

---

2.6 VAT Registration Number:

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---

2.7

2.7.1 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.

2.8 Are you or any person connected with the bidder presently employed by the state?

**YES / NO**

2.8.1 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:

---

**Initial:**



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*”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.*

2.8.2 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**

2.8.2.1 If yes, did you attached 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.)

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

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2.9 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**

2.9.1 If so, furnish particulars:

---

---

---

Initial:

2.10 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid?

**YES / NO**

2.10.1 If so, furnish particulars.

---

---

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2.11 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**

2.11.1 If so, furnish particulars.

---

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2.12 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**

2.12.1 If so, furnish particulars:

---

---

---

**Initial:**

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

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

**4. DECLARATION**

I, THE UNDERSIGNED (NAME) \_\_\_\_\_  
 CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 OF  
 SBD 4 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN  
 TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT  
 SHOULD THIS DECLARATION PROVE TO BE FALSE.

\_\_\_\_\_  
 Signature Date

\_\_\_\_\_  
 Position Name of bidder

Initial:

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

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

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

**1. GENERAL CONDITIONS**

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

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

1.2

- a) The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

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

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

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

Initial:

- 1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
- 1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

## 2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
- 1) B-BBEE Status level certificate issued by an authorized body or person;
  - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

### 3. POINTS AWARDED FOR PRICE

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

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

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

$$P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

$P_s$  = Points scored for price of bid under consideration

$P_t$  = Price of bid under consideration

$P_{\min}$  = Price of lowest acceptable bid

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

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

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

### 5. BID DECLARATION

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

### 6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

Initial:

6.1 B-BBEE Status Level of Contributor: . = .....(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

**7. SUB-CONTRACTING**

7.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

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

7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

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

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

Designated Group: An EME or QSE which is at last 51% owned by:	EME	QSE
	√	√
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
<b>OR</b>		
Any EME		
Any QSE		

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

8.1 Name \_\_\_\_\_ of  
company/firm:.....

Initial:
----------

8.2 VAT registration  
number:.....

8.3 Company registration  
number:.....

- 8.4 TYPE OF COMPANY/ FIRM
- Partnership/Joint Venture / Consortium
  - One person business/sole propriety
  - Close corporation
  - Company
  - (Pty) Limited
- [TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

- 8.6 COMPANY CLASSIFICATION
- Manufacturer
  - Supplier
  - Professional service provider
  - Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]

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

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

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General  
Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed  
as shown in paragraphs 1.4 and 6.1, the contractor may be required  
to furnish documentary proof to the satisfaction of the purchaser that

Initial:



the claims are correct;

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

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

WITNESSES	
1.	.....
2.	.....

.....	
SIGNATURE(S) OF BIDDERS(S)	
DATE:	.....
ADDRESS	.....
	.....
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**DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES - SBD 8**

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?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the audi alteram partem rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury’s website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) 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:          		

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Item	Question	Yes	No
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)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <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>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	<p>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?</p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

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**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

\_\_\_\_\_

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1. This Standard Bidding Document (SBD) must form part of all bids<sup>1</sup> 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).<sup>2</sup> 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:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> 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.

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## CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

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(Bid Number and Description)

in response to the invitation for the bid made by:

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(Name of Institution)

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

I certify, on behalf of: \_\_\_\_\_ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - (a) has been requested to submit a bid in response to this bid invitation;
  - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> will not

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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.
  
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.

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Signature

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Date

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Position

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Name of bidder

<sup>3</sup> 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.

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**GENERAL CONDITIONS OF CONTRACT**

**Refer to Annexure A**

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