



Commission for Gender Equality  
A society free from gender oppression and inequality

**COMMISSION FOR GENDER EQUALITY**  
**INVITATION FOR QUOTATION**

**YOU ARE HEREBY INVITED TO SUBMIT BIDS FOR THE REQUIREMENTS OF  
COMMISSION FOR GENDER EQUALITY**

<b>RFQ NUMBER</b>	<b>CGEQ 42/2014/15</b>		
<b>PUBLISHED DATE:</b>	<b>07 December 2014</b>		
<b>CLOSING DATE:</b>	<b>16 January 2015</b>		
<b>CLOSING TIME:</b>			
<b>BID VALIDITY PERIOD:</b>	<b>60 days (commencing from the RFQ Closing Date)</b>		
<b>COMPULSARY SITE VISIT:</b>	<b>N/A</b>		
<b>DURATION</b>	<b>Two years</b>		
<b>DESCRIPTION:</b>	<b>APPOINTMENT OF A SERVICE PROVIDER TO RENDER THE PROVISION OF 3G DATA SERVICES FOR A PERIOD OF TWO YEARS FOR THE COMMISSION FOR GENDER EQUALITY</b>		
<b>BID DOCUMENTS MAY BE POSTED TO:</b>	<b>OR</b>	<b>HAND DELIVERED AT CGE HEAD OFFICE SITUATED AT:</b>	
<b>PO BOX 32175, BRAAMFONTEIN, 2017.</b>		<b>2 KOTZE STREET, WOMENS JAIL, EAST WING, CONSTITUTIONAL HILL, BRAAMFONTEIN.</b>	

Bidders should ensure that Bids are delivered in time to the correct address. If the bid is late, it shall not be accepted for consideration. The bid box is generally accessible between 09:00 and 16h00 on weekdays.

ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – **(NOT TO BE RE-TYPED)**

THIS BID IS SUBJECT TO THE GENERAL CONDITIONS OF THE BID, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

**THE FOLLOWING PARTICULARS MUST BE FURNISHED (FAILURE TO DO SO SHALL RESULT IN YOUR BID BEING DISQUALIFIED)**

**BIDDING STRUCTURE**

Indicate the type of Bidding structure by marking with an 'X':	
Individual bidder	
Joint venture	
Consortium	
Subcontractors	
Other	

<b>If individual bidder, indicate the following:</b>	
Name of bidder	
Registration number	
VAT registration number	
Contact person	
Telephone number	
Fax number	
E-mail address	
Postal address	
Physical address	

<b>If Joint Venture or Consortium, indicate the following:</b>	
Name of prime contractor	
Registration number	
VAT registration number	
Contact person	
Telephone number	
Fax number	
E-mail address	
Postal address	
Physical address	

<b>If Joint Venture or Consortium, indicate the following:</b>	
Name of partners	
Registration number	
VAT registration number	
Contact person	
Telephone number	
Fax number	
E-mail address	
Postal address	
Physical address	

<b>If using other sub- contractors, indicate the following:</b>	
Name of prime contractor	
Registration number	
VAT registration number	
Contact person	
Telephone number	
Fax number	
E-mail address	
Postal address	
Physical address	

<b>If using subcontractors:</b>	
Name of subcontractors:	
Registration number	
VAT registration number	
Contact person	
Telephone number	
Fax number	
E-mail address	
Postal address	
Physical address	

**HAS AN ORIGINAL AND VALID TAX CLEARANCE CERTIFICATE/S BEEN SUBMITTED?**

Yes		No	
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**STATE RFQ/RFB NUMBER WHERE TAX CLEARANCE CERTIFICATE WAS SUBMITTED:**

\_\_\_\_\_

NOTE that if you have submitted an original tax clearance certificate before to CGE for any bid, it is not necessary for you to submit another tax clearance certificate while the company is still in possession of your valid and original tax clearance certificate. It is the duty of the bidder to ensure that each time a bid response is submitted, the tax clearance certificate they submitted previously is still valid on the closing date of the subsequent submission of a response for a particular RFB/RFQ.

**If NO, please indicate the expiry date of the tax clearance certificate that was previously submitted to CGE**

D	D	M	M	Y	Y

**IS THE BIDDING COMPANY A TERTIARY INSTITUTION OR A PUBLIC COMPANY?**

Yes		No	
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**HAS AN ORIGINAL AND VALID B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE OR CERTIFIED COPIES THEREOF BEEN SUBMITTED?**

Yes		No	
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**STATE RFQ/RFB NUMBER WHERE B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE WAS SUBMITTED:** \_\_\_\_\_

NOTE that if you have submitted an original or certified copy of the B-BBEE status level verification certificate before to CGE for any bid, it is not necessary for you to submit another B-BBEE status level verification certificate while the company is still in possession of your valid certificate. It is the duty of the bidder to ensure that each time a bid response is submitted, the certificate they submitted previously is still valid on the closing date of the subsequent submission of a response for a particular RFB.

**If NO, please indicate the expiry date of the the B-BBEE status level verification certificate that was previously submitted to CGE**

D	D	M	M	Y	Y

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

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

**SIGNATURE OF BIDDER (duly authorised): .....**

**DATE: .....**

**CAPACGE UNDER WHICH THIS RFQ IS SIGNED: .....**

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# 1 Confidential information disclosure notice

- 1.1 This document may contain confidential information that is the property of the CGE and the Client.
- 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 proposal in response to this Bid, without prior written permission from CGE and the Client.
- 1.3 All copyright and Intellectual Property herein vests with CGE and its Client.

## 2 Introduction

### 2.1 Purpose

- 2.1.1 The purpose of this request for the RFQ is an invitation to the prospective suppliers on the CGE database to submit a RFQ response for the services as detailed under annex A: Specifications.

### 2.2 Objectives

- 2.2.1 Procurement Services are requested to publish a request for quotation for the advertisement of vacant positions on one (1) local newspaper which is readership base.
- 2.2.2 Based on the Bids submitted and the outcome of the evaluation process according to the set evaluation criteria, CGE intends to select a preferred bidder. The Bid shall be evaluated in terms of the Preferential Procurement Policy Framework Act (PPPFA).

### 2.4 Queries

- 2.4.1 Should it be necessary for a bidder to obtain clarity on any matter arising from or referred to in this RFQ document, please refer queries, in writing, and to the contact person email address number listed below. Under no circumstances may any other employee within CGE be approached for any information. Any such action might result in a disqualification of a response submitted in competition to the RFQ. CGE reserves the right to place responses to such queries on the website.

Supply Chain Management	Telephone	011 403 7182
	E-mail	mxolisi@cge.org.za

All enquiries regarding this RFQ must be forwarded to the Procurement Office as per the contact details as provided above. No enquiries from bidders will be accepted 1 day prior the closing date of this RFQ and during the subsequent evaluation processes  
Bidders must acknowledge receipt of this RFQ within 3 hours on the above contact details.

- 2.5 All responses must be sent to the above mentioned e-mail address. If a response is sent by e-mail the attachment must not exceed 10mb. It is the responsibility of the bidder to ensure that its response reaches CGE on or before the closing date and time of the RFQ.

For hand deliveries of responses, please submit the RFQ document to the CGE Head Office at the Reception Area.

### 3 Definitions

- 3.1 The **Commission for Gender Equality** was established in terms of Section 187 of the Constitution of the Republic of South Africa in order to promote respect for gender equality and the protection, development and attainment of gender equality
- 3.2 **"Acceptable Bid"** - means any bid, which, in all respects, complies with the specifications and conditions of the RFQ as set out in this document.
- 3.3 **"B-BBEE"** – means broad bases black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act.
- 3.4 **"B-BBEE status level of contributor"** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act.
- 3.5 **"Bid"** - means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods through price quotations, advertised bidding processes or proposals.
- 3.6 **"Bidders"** - means any enterprise, consortium or person, partnership, company, close corporation, firm or any other form of enterprise or person, legal or natural, which has been invited by CGE to submit a bid in response to this bid invitation.
- 3.7 **"Broad-Based Black Economic Empowerment Act"** – means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003).
- 3.8 **"Client"** - means Government departments, provincial and local administrations that participate in CGE procurement processes.
- 3.9 **"Comparative Price"** - Means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration.



- 3.10 **"Consortium"** - means several entities joining forces as an umbrella entity to gain a strategic collaborative advantage by combining their expertise, capital, efforts, skills and knowledge for the purpose of executing this tender.
- 3.11 **"Contractor Agent"** - means any person mandated by a Prime Contractor or consortium/joint venture to do business for and on behalf of, or to represent in a business transaction, the Prime Contractor and thereby acquire rights for the Prime Contractor or consortium/joint venture against CGE or an organ of state and incur obligations binding the Prime Contractor or consortium/joint venture in favour of CGE or an organ of state.
- 3.12 **"Disability"** - means, in respect of a person, a permanent impairment of a physical, intellectual, or sensory function, which results in restricted, or lack of, ability to perform an activity in the manner, or within the range, considered normal for a human being.
- 3.13 **"Firm Price"** - means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition or abolition of customs or excise duty and any other duty, levy or tax which, in terms of a law or regulation is binding on the contractor and demonstrably has influence on the price of any supplies or the rendering cost of any service, for the execution of a contract.
- 3.14 **"Goods"** - means any work, equipment, machinery, tools, materials or anything of whatever nature to be rendered to CGE or CGE's delegate by the Successful Bidder in terms of this bid.
- 3.15 **"Historically Disadvantaged Individual"** (HDI) - means a South African citizen:
- 3.15.1 Who, due to the apartheid policy that had been in place, had no franchise in national elections prior to the introduction of the Constitution of the Republic of South Africa, 1983, (Act No. 110 of 1983) or the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993) (the Interim Constitution); and/or;
- 3.15.2 who is a female; and/or;
- 3.15.3 who has a disability;
- 3.15.4 provided that a person who obtained South African citizenship on or after the coming to effect of the Interim Constitution is deemed not to be an HDI.
- 3.16 **"Joint Venture"** - (Project) means two or more businesses joining together under a contractual agreement to conduct a specific business enterprise with both parties sharing profit and losses. The venture is for one specific project only, rather than for a continuing business relationship as in a strategic alliance. It is about sharing risk with others and providing one or more missing and needed assets and competencies.

- 3.17 **"Management"** - in relation to an enterprise or business, means an activity inclusive of control, and performed on a daily basis, by any person who is a principal executive officer of the company, by whatever name that person may be designated, and whether or not that person is a director.
- 3.18 **"Non-firm Price(s)"** - means all price(s) other than "firm" price(s).
- 3.19 **"Organ of State"** - means a National Department or Provincial Administration as stipulated in Schedules 1 and 2 of the Public Service Act, Act 93 of 1994 (as amended).
- 3.20 **"Person(s)"** - refers to a natural and/or juristic person(s).
- 3.21 **"Prime Contractor"** - means any person (natural or juristic) who forwards an acceptable proposal in response to this RFQ with the intention of being the main contractor should the proposal be awarded to him/her.
- 3.22 **"Rand Value"** - means the total estimated value of a contract in South African currency, calculated at the time of invitations and includes all applicable taxes and excise duties.
- 3.23 **"SMME"** - bears the same meaning assigned to this expression in the National Small Business Act, 1996 (Act No. 102 of 1996).
- 3.24 **"Sub-contract"** means the primary contractor's assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract.
- 3.25 **"Subcontractor"** - means any person (natural or juristic) who is subcontracted a portion of an existing contract by a Prime Contractor.
- 3.26 **"Successful Bidder"** - means the organization or person with whom the order is placed and who is contracted to execute the work as detailed in the bid.

## **4 Acronyms and abbreviations**

- 4.1 The following acronyms and abbreviations are used in this proposal and must be similarly used in the proposal submitted in response and shall have the meaning ascribed thereto below.

Abbreviations/Acronyms	Description
BEE	Black Economic Empowerment.
COTS	Commercial off-the-shelf
CPI	Consumer Price Index.
DBE	Department of Basic Education
DDG	Deputy Director-General
DIR	Directorate
DTI	Department Trade and Industry
DWH	Data Warehouse
EDMS	Electronic Document Management System
NAPE	Chief Directorate: National Assessment and Public Examination
EMIS	Education Management Information System
EMIS number	Education Management and Information System generated institution number
FDS	Functional Design Specification
HDI	Historically Disadvantaged Individuals
ICT	Information Communication Technology
IS	Information Systems
ISO	International Standard Organization
IT	Information Technology
ITC	Information Technology Committee
LAN	Local Area Network
LURITS	Learner Unit Record Information and Tracking System
MISS	Minimum Information Security Standard
NEIMS	National Education Infrastructure Management System
NIA	National Intelligence Authority
NSC	National Senior Certificate
OCR/ICR	Optical Character Recognition/Intellectual Character Recognition
OEM	Original Equipment Manufacturer
PED	Provincial Education Department
PERSAL	Personnel Information and Salary system
PPPFA	Preferential Procurement Policy Framework Act
RFQ	Request for Quotations
RFP	Request for Proposal
RSA	Republic of South Africa
SACE	South African Council of Educators
SA-SAMS	South African School Administration and Management System
SBA	School Based Assessment
SDLC	System Development Life Cycle

Abbreviations/Acronyms	Description
SDS	System Delivery Specification
SEAS	SITA Examination Application Support
SLA	Service Level Agreement
SRA	System Requirements Analysis
SW	Software
TDS	Technical Design Specification
URS	User Requirements Specification
WAN	Wide Area Network
WF	Weighing factor

## 5 General rules and instructions

### 5.1 Confidentiality

- 5.1.1 The information contained in this document is of a confidential nature, and must only be used for purposes of responding to this RFQ. This confidentiality clause extends to Bidder partners and/or implementation agents, whom the Bidder may decide to involve in preparing a response to this RFQ.
- 5.1.2 For purposes of this process, the term "Confidential Information" shall include all technical and business information, including, without limiting the generality of the foregoing, all secret knowledge and information (including any and all financial, commercial, market, technical, functional and scientific information, and information relating to a party's strategic objectives and planning and its past, present and future research and development), technical, functional and scientific requirements and specifications, data concerning business relationships, demonstrations, processes, machinery, know-how, architectural information, information contained in a party's software and associated material and documentation, plans, designs and drawings and all material of whatever description, whether subject to or protected by copyright, patent or trademark, registered or un-registered, or otherwise disclosed or communicated before or after the date of this process.
- 5.1.3 The receiving party shall not, during the period of validity of this process, or at any time thereafter, use or disclose, directly or indirectly, the confidential information of CGE (even if received before the date of this process) to any person whether in the employment of the receiving party or not, who does not take part in the performance of this process.
- 5.1.4 The receiving party shall take all such steps as may be reasonably necessary to prevent SITA's confidential information coming into the possession of unauthorised third parties.

In protecting the receiving party's confidential information, CGE shall use the same degree of care, which does not amount to less than a reasonable degree of care, to prevent the unauthorised use or disclosure of the confidential information as the receiving party uses to protect its own confidential information.

- 5.1.5 Any documentation, software or records relating to confidential information of CGE, which comes into the possession of the receiving party during the period of validity of this process or at any time thereafter or which has so come into its possession before the period of validity of this process:
- 5.1.5.1 shall be deemed to form part of the confidential information of CGE;
  - 5.1.5.2 shall be deemed to be the property of CGE;
  - 5.1.5.3 shall not be copied, reproduced, published or circulated by the receiving party unless and to the extent that such copying is necessary for the performance of this process and all other processes as contemplated in; and
  - 5.1.5.4 shall be surrendered to CGE on demand, and in any event on the termination of the investigations and negotiations, and the receiving party shall not retain any extracts.

## **5.2 News and press releases**

- 5.2.1 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, CGE and its Client.

## **5.3 Precedence of documents**

- 5.3.1 This RFQ consists of a number of 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 hereto, or the RFQ submitted hereto, the relevant stipulations in this RFQ shall take precedence.
- 5.3.2 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 CGE 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 CGE.
- 5.3.3 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 CGE as to which of these stipulations are applicable and to what extent. Bidders are hereby acknowledging that the decision of CGE 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.

#### **5.4 Preferential Procurement Reform**

5.4.1 CGE supports B-BBEE as an essential ingredient of its business. In accordance with government policy, CGE 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.

5.4.2 CGE shall apply the principles of the Preferential Procurement Policy Framework Act, (Act No. 5 of 2000) to this proposal.

5.4.3 Bidders shall complete the preference certificate attached to this proposal. In the case of a consortium and sub contractors, the preference certificate must be completed for each legal entity.

#### **5.5 National Industrial Participation Programme**

5.5.1 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 (SBD5, see Annex E).

#### **5.6 Language**

5.6.1 Bids shall be submitted in English.

#### **5.7 Gender**

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

#### **5.8 Headings**

5.8.1 Headings are incorporated into this proposal 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.

#### **5.9 Security clearances**

5.9.1 Employees and subcontractors of the successful bidder may be required to be in possession of valid security clearances to the level determined by the State Security Agency (SSA) and/or CGE commensurate with the nature of the project activities they are involved in. The cost of obtaining suitable clearances is for the account of the bidders. The bidders shall supply and maintain a list of personnel involved on the project indicating their clearance status.

5.9.1 Employees and subcontractors of the successful bidder will be required to sign a non-disclosure agreement.

## **5.10 Occupational Injuries and Diseases Act 13 of 1993**

5.10.1 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 bid and/ or subsequent agreement. CGE 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 CGE.

## **5.11 Formal contract**

5.11.1 This RFQ, all the appended documentation and the proposal in response thereto read together, form the basis for a formal contract to be negotiated and finalised between CGE and/or its clients and the enterprise(s) to whom CGE awards the bid in whole or in part.

5.11.2 Any offer and/or acceptance entered verbally between CGE and any vendor, such offer shall not constitute a contract and thus not binding on the parties.

## **5.12 Instructions for submitting a proposal**

5.12.1 One (1) original, and 2 copies of the Bid shall be submitted on the date of closure of the Bid.

5.12.1.1 **Pricing: One (1) original and 2 copies, Pricing must be submitted in a separate sealed envelope and clearly marked, pricing and name of the bidder.**

5.12.1.2 The original copy must be **signed in ink** by an authorised employee, agent or representative of the bidder and each and every page of the proposal shall contain the initials of same signatories.

5.12.2 Bidders shall submit proposal responses in accordance with the prescribed manner of submissions as specified above.

5.12.3 Bids must be submitted in a prescribed response format herewith reflected as **Response Format**, and be sealed in an envelope.

5.12.5 The physical size of the envelope must be limited to Depth = **750mm x Width = 380mm x Height = 140mm** as the bid box aperture cannot accommodate larger sizes.

5.12.6 All Bids in this regard shall only be accepted if they have been placed in the bid box before or on the closing date and stipulated time.

5.12.7 Bids received after the time stipulated shall not be considered.

5.12.8 Bid responses sent by post or courier must reach this office at least **36 hours** before the closing date to be deposited into the proposal box. Failure to comply with this requirement shall result in your proposal being treated as a "late proposal" and shall not be entertained. Such proposal shall be returned to the respective bidders.

5.12.9 **No proposal shall be accepted by CGE if submitted in any manner other than as prescribed above.**

## 6 Response format

6.1 Bidders shall submit response in accordance with the response format specified below. Failure to do so shall result rejecting vendor's response. No referrals may be made to comment. Failure to comply shall result in the vendor being penalised.

### 6.2 **Schedule Index:**

6.2.1 **Schedule 1:**Pages 1 – 21 of this RFQ document

6.2.2 **Schedule 2:** Mandatory Documents

6.2.2.1 **Original and valid Tax Clearance Certificate (no certified copy or scanned copies shall be accepted).**

**If a Consortium, Joint Venture or Subcontractor, an original and valid Tax Clearance Certificate must be submitted for each member.**

**NOTE If you have submitted an original tax clearance certificate before at SITA for any bid, it is not necessary for you to submit another tax clearance certificate again. It is the duty of the bidder to ensure that each and every time a bid response is submitted, the previously submitted tax clearance certificate is still valid at the closing date of the subsequent submission of a response for a particular RFB or RFQ.**

6.2.3 **Schedule 3:** Executive Summary of proposal

6.2.4 **Schedule 4:** Technical/Functionality

6.2.5 **Schedule 5:** Price. (Please submit the price **in a sealed envelope.**)

6.2.6 **Schedule 6:** Participation goals (Preferential points questionnaire).

6.2.7 **Schedule 7:** Declaration of interest

6.2.8 **Schedule 8:** Bidder Profile:

6.2.8.1 Credentials of the company/consortium members etc.

6.2.8.2 Structure of the company/ consortium members etc.

6.2.8.3 Partnership agreements/contracts

### 6.3 **Bidder background information materials:**

6.3.1 Bidder Operating Organisation – Provide an overview of the operating structure and geographical locations of the firm at the national, regional, and local levels.

6.3.2 Standards – Include information regarding your firm's utilization of widely known Industry Standards and guidelines, as they apply to your firm, your firm's proposal and proposed hardware assets.

6.3.3 Company Contact(s) – Provide the name, title, street address, CGE, state, telephone and fax numbers and e-mail of the primary company's contact person, and for any sub-Contractors.

6.3.4.1 Indicate the percentage of total annual revenue that the proposed service will contribute against the revenue generated for the most recent and the preceding two fiscal years.



## 7 Key personnel

- 7.1 Identify key personnel, by employer (include subcontractor(s), and provide contact information.

## 8 Reasons for disqualification

- 8.1 CGE reserves the right to disqualify any bidder which does any one or more of the following, and such disqualification may take place without prior notice to the offending bidder, however the bidder shall be notified in writing of such disqualification:
  - 8.1.2 bidders who do not submit a valid and original Tax Clearance Certificate on the closing date and time of the bid;
  - 8.1.3 bidders who submitted incomplete information and documentation essential for the adjudication of the requirements of this RFQ;
  - 8.1.4 bidders who submitted information that is fraudulent, factually untrue or inaccurate, for example memberships that do not exist, B-BBEE credentials, experience, etc.;
  - 8.1.5 bidders who received information not available to other vendors through fraudulent means; and/or
  - 8.1.6 bidders who do not comply with **mandatory requirements** as stipulated in this RFQ.

## 9 Bid preparation

- 9.1 All additions to the proposal documents i.e. annexes, supporting documentation pamphlets, photographs, technical specifications and other support documentation covering the goods offered etc. shall be neatly bound as part of the schedule concerned.
- 9.2 All responses regarding questions posed in the annex attached herewith shall be answered in accordance with the prescribed **RFQ Response Format**.
- 9.4 No Bids from any bidder with offices within the Republic of South Africa (RSA) shall be accepted if sent via the Internet or e-mail.
- 9.5 Bids from international bidders with no office or representation in the RSA shall not be accepted.

## 10 Oral presentations and briefing sessions

- 10.1 Bidders who submit Bids in response to this RFQ may be required to give an oral presentation, which may include, but is not limited to, an equipment/service demonstration of their proposal to CGE. This provides an opportunity for the vendor to clarify or elaborate on the proposal. This is a fact finding and explanation session only and does not include negotiation. CGE shall schedule the time and location of these presentations. Oral presentations are an option of CGE and may or may not be conducted.
- 10.2 Any bidder who has reasons to believe that the tender specification is based on a specific brand must inform CGE not later than ten days after the publication of the bid.

## 11. General conditions of RFQ and conditions of contract

**11.1 It is mandatory for bidders to complete or answer this part fully (11.2 to 11.26); otherwise their bid shall be treated as incomplete and shall be disqualified. Refer to paragraph 8 of this document (reasons for disqualification).**

### 11.1

The terms and conditions of <b>AN ADHOC</b> and the signed shall apply to this <b>CGEQ 42/2014/15</b>	<b>Accept</b>	<b>DO Not accept</b>

### 11.2

The Bidder commits to implement and follow all the contract conditions and specifications as agreed to in the MOU. This includes the technical and solution requirements listed in the RFQ document, including up-to-date technical specifications. No services, features or capabilities listed as "standard" (included in the price) in the bid specification (e.g. 3-year on-site warranty) may be excluded from the RFQ, and no RFQ conditions may override or cancel out any bid conditions or specifications.	<b>Accept</b>	<b>DO Not accept</b>

### 11.3

CGE's General conditions of purchase shall apply to any subsequent purchase order.	<b>Accept</b>	<b>DO Not accept</b>

### 11.4

No services must be rendered or goods delivered before an official CGE's Purchase Order form has been received.	<b>Accept</b>	<b>DO Not accept</b>

### 11.5

CGE Procurement Services may request written clarification regarding any aspect of this proposal. The bidders must supply the requested information in writing within the specified time frames after the request has been made, otherwise the proposal shall be disqualified.	<b>Accept</b>	<b>Do not Accept</b>

### 11.6

The bidder should not qualify the proposal with own conditions. <b>Caution:</b> If the bidder does not specifically withdraw its own conditions of proposal when called upon to do so, the proposal response will be declared invalid.	<b>Accept</b>	<b>DO Not accept</b>

**11.7**

The laws of the Republic of South Africa shall govern this RFQ and the bidders hereby accept that the courts of the Republic of South Africa shall have the jurisdiction.	<b>Accept</b>	<b>Do not Accept</b>

**11.8**

CGE shall not be liable for any costs incurred by the bidder in the preparation of response to this RFQ. The preparation of response shall be made without obligation to acquire any of the items included in any bidder's proposal or to select any proposal, or to discuss the reasons why such vendor's or any other proposal was accepted or rejected.	<b>Accept</b>	<b>Do not Accept</b>

**11.9**

CGE reserves the right to; cancel or reject any proposal and not to award the proposal to the lowest bidder or award parts of the proposal to different bidders, or not to award the proposal at all.	<b>Accept</b>	<b>Do not Accept</b>

**11.10**

By submitting a proposal in response to this RFQ, the bidders accept the evaluation criteria as it stands.	<b>Accept</b>	<b>Do not Accept</b>

**11.11**

Where applicable, CGE reserves the right to conduct benchmarks on product/services offered during and after the evaluation.	<b>Accept</b>	<b>Do not Accept</b>

**11.12**

CGE reserves the right to conduct a pre-award survey during the source selection process to evaluate contractors' capabilities to meet the requirements specified in the RFQ and supporting documents.	<b>Accept</b>	<b>Do not Accept</b>

**11.13**

Should the bidder withdraw the proposal before the proposal validity period expires, CGE reserves the right to recover any additional expense incurred by CGE having to accept any less favourable proposal or the additional expenditure incurred by CGE in the preparation of a new RFQ and by the subsequent acceptance of any less favourable proposal.	<b>Accept</b>	<b>Do not Accept</b>

**11.14**

<p>Should the parties at any time before and/or after the award of the proposal and prior to, and-or after conclusion of the contract fail to agree on any significant product price or service price adjustments, change in technical specification, change in services, etc. CGE shall be entitled within 14 (fourteen) days of such failure to agree, to recall the letter of award and cancel the proposal by giving the bidder not less than 90 (ninety) days written notice of such cancellation, in which event all fees on which the parties failed to agree increases or decreases shall, for the duration of such notice period, remain fixed on those fee/price applicable prior to the negotiations.</p> <p>Such cancellation shall mean that CGE reserves the right to award the same proposal to next best bidders as it deems fit.</p>	<b>Accept</b>	<b>Do not Accept</b>

**11.15**

<p>In the case of a consortium or JV, each of the authorised enterprise’s members and/or partners of the different enterprises must co-sign this document.</p>	<b>Accept</b>	<b>Do not Accept</b>

**11.16**

<p>Any amendment or change of any nature made to this RFQ shall only be of force and effect if it is in writing, signed by CGE signatory and added to this RFQ as an addendum.</p>	<b>Accept</b>	<b>Do not Accept</b>

**11.17**

<p>Failure or neglect by either party to (at any time) enforce any of the provisions of this proposal shall not, in any manner, be construed to be a waiver of any of that party’s right in that regard and in terms of this proposal. Such failure or neglect shall not, in any manner, affect the continued, unaltered validity of this proposal, or prejudice the right of that party to institute subsequent action.</p>	<b>Accept</b>	<b>Do not Accept</b>

**11.18**

<p>Bidders who make use of subcontractors.</p> <p><b>The proposal shall however be awarded to the Vendor as a primary contractor who shall be responsible for the management of the awarded proposal. No separate contract shall be entered into between CGE and any such subcontractors. Copies of the signed agreements between the relevant parties must be attached to the proposal responses.</b></p>	<b>Accept</b>	<b>Do not Accept</b>

**11.19**

All services supplied in accordance with this proposal must be certified to all legal requirements as per the South African law.	<b>Accept</b>	<b>Do not Accept</b>

**11.20**

No interest shall be payable on accounts due to the successful vendor in an event of a dispute arising on any stipulation in the contract.	<b>Accept</b>	<b>Do not Accept</b>

**11.21**

<p>Evaluation of Bids shall be performed by an evaluation panel established by CGE.</p> <p>Bids shall be evaluated on the basis of conformance to the required specifications as outlined in the RFQ. Points shall be allocated to each bidder, on the basis that the maximum number of points that may be scored for price is 80/90, and the maximum number of preference points that may be claimed for B-BBEE (according to the PPPFA) is 20/10.</p>	<b>Accept</b>	<b>Do not Accept</b>

**11.22**

If the successful bidder disregards contractual specifications, this action may result in the termination of the contract.	<b>Accept</b>	<b>Do not Accept</b>

**11.23**

The bidders' response to this RFQ, or parts of the response, shall be included as a whole or by reference in the final contract.	<b>Accept</b>	<b>Do not Accept</b>

**11.24**

CGE has discretion to extend the validity period should the evaluation of this bid not be completed within the stipulated validity period.	<b>Accept</b>	<b>Do not Accept</b>

**11.25**

Upon receipt of the request to extend the validity period of the RFQ, the bidder must respond within the required time frames and in writing on whether or not he agrees to hold his original bid response valid under the same terms and conditions for a further period.	<b>Accept</b>	<b>Do not Accept</b>

**11.26**

Should the bidder change any wording or phrase in this document, the bid shall be evaluated as though no change has been effected and the original wording or phrasing shall be used.	<b>Accept</b>	<b>Do not Accept</b>

## 12. Evaluation Criteria and Methodology

12.1 The evaluation of the Bids shall be based on functionality and the 80/20 PPPFA principle and the points for evaluation criteria are as follows:

Price points	80
B-BBEE status level contribution	20
<b>Total</b>	<b>100 points</b>

12.2 All Bids received shall be evaluated by a panel using the preference points system as stipulated in the Preferential Procurement Regulations.

12.3 All bidders that score **40** points and more for functionality will be evaluated further on points for price and B-BBEE in terms of the 80/20 preference point system.

### **TERMS OF REFERENCE FOR THE PROVISION OF 3G DATA SERVICES**

#### **1. Introduction**

Mobile computer users of the Commission for Gender Equality require secure access to the corporate network in order to get e-mail and to access specific applications and information on the Internet. It is the responsibility of the IT department to provide a Secure 3G Mobile Data infrastructure to users in such a manner to meet their business requirements while at the same time providing comprehensive IS&T management and security. Doing so will ensure that neither the security of the CGE's corporate computer network is compromised, nor is the security of the data and applications located on the mobile user's computer put at risk.

#### **2. 3G Mobile Data Services**

Bidders are invited for the provision of a Secure 3G Mobile Data Service **(26)** for mobile users using 3G/HSDPA cellular data cards. This is to be a direct access service.

#### **3. Some specific requirements of this service are:**

- 3.1. The CGE requires a 3G/HSPA mobile data service; with data link speeds up to 7.2 Mbps. EDGE mobile data services are not acceptable. The HSPA service must be fully operationally nationally.
- 3.2. The CGE intends to provide a private wireless data link between the CGE network and the applicable point of presence of the Cellular mobile data service provider.
- 3.3. As mobile 3G data users connect directly to the CGE's network, no Internet access needs to be provided as part of the Secure 3G Mobile Data Service. The CGE will provide Internet connectivity via its corporate network to the Mobile Data Users.
- 3.4. The following billing and statistical information must be provided on a monthly basis for the service in an electronic format:
  - 3.4.1. The (total) monthly data usage per cellular data card (i.e. per SIM).
  - 3.4.2. The monthly size and cost of the collective data bundle used on the APN
  - 3.4.3. The total data usage for all users for the month
  - 3.4.4. The total "out-of-bundle" data usage and associated cost when applicable.
  - 3.4.5. Live graphical statistics of the bandwidth usage on the Secure 3G Mobile Data Service via each of the data links connections from the service provider to the CGE corporate network.

#### **4. Mobile Data Modem Specification (26):**

The Mobile Data Modem should have at least a HSPA+ compatibility with download speeds at least 14.4 Mbps and download speeds of up to 21 Mbps. The HSPA data cards need to connect to the user PC via a USB interface. Note that each data modem must include a SIM. Ideally the cellular modems should have the capability to use an external antenna.

#### **5. 3G/HSDPA Router for 3G/UMTS broadband services**

Bidders are invited on compatible 3G/HSDPA Routers for 3G/UMTS broadband services.

## 6. Functionality evaluation criteria

No	Description	Weight
1	<b>Experience, Skills and Ability of Service Provider</b> <ul style="list-style-type: none"> <li>✓ Past experience in work of this nature</li> <li>✓ Team member experience</li> <li>✓ Bidders „track record</li> <li>✓ Ability of the bidder to fulfill the CGE’s requirements</li> </ul>	15
2	<b>Methodology and approach</b> The bidder must demonstrate the turnaround times to meet CGE demand	10
3	<b>Internal capacity</b> Proposals should clearly indicate whether or not bid participants have the internal capacity to meet the requirements of the TOR  Bidder must allocate a relationship manager for this project  The bidder must indicate the risks associated with this project and the mitigation strategy.	10
4	<b>References</b>  Did the bidder submit at least three relevant and contactable clients that were serviced in the past 12 months	10
5	The bidder should be able to demonstrate the quality of service and product that will be offered to the CGE.	15
	<b>TOTAL POINTS</b>	<b>60</b>

**Bidders are required to score a minimum of 40 points on functionality to qualify to be evaluated in the next level (HDI and price). Bidders who do not score the minimum of 40 points on functionality will be disqualified and not be evaluated on price and BBEE**

### **BIDDERS ARE REQUESTED TO SUBMIT THE FOLLOWING:**

- Original Valid Tax Clearance Certificate
- Proof of Company Registration Documents
- B-BBEE Verification Certificate
- Minimum of 3 Written Testimonials from Clients
- Cancelled Cheque or letter from the bank confirming banking details.
- Pricing Schedule



**Annex B : Pricing Schedule**

1. Please indicate your total RFQ price here: R..... **(compulsory)**
2. **Important: It is mandatory to indicate your total bid price as requested above. This price must be the same as the total bid price you submit in your pricing schedule. Should the total bid price differ, the one indicated above shall be considered the correct price.**
3. **All prices must be VAT inclusive and must be quoted in South African Rand (ZAR).**
4. Are the rates quoted firm? 

YES	NO
-----	----
5. **Indicate the percentage of total annual revenue that the proposed service will contribute against the revenue generated for the most recent and the preceding two fiscal years.**
6. **Mandatory:** If not firm for the full period, provide details of the basis on which adjustments shall be applied e.g. CPI, and also details of the cost breakdown.

The cost of delivery, labour etc. must be included in this proposal.	Accept	Not Accept

<b>Price adjustments used will NOT be more than 15% of the original bid price.</b>	Accept	Not Accept

All additional costs must be clearly specified.	Comply	Not comply

CGE reserves the right to use the prevailing exchange rate as at the time of award of this RFQ.	Accept	Not Accept

**Annex B1: Pricing Schedule – Firm Prices (Purchases)**

**SBD 3.1**

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

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

<b>Name of bidder</b> .....
<b>Contact Person:</b> ..... <b>Contact Number:</b> .....
<b>RFQ Number:</b> CGEQ 42/2014/15 <span style="float: right;"><b>Closing Time</b> <b>11:00 on 2015-01-16</b></span>
<b>RFQ Total Price (Vat Incl.)</b> .....

OFFER TO BE VALID FOR 60 **DAYS** FROM THE CLOSING DATE OF RFQ.

ITEM	QUANTITY	DESCRIPTION	UNIT PRICE	BID PRICE IN RSA CURRENCY
<b>OPTIONAL</b>				
Sub Total				
Vat (14%)				
<b>Grand Total vat inclusive</b>				

**Required by** : Commission for Gender Equality

**At** : Constitutional Hill, Braamfontein, Johannesburg

**Brand and model** : .....

**Country of origin** : .....

**Does offer comply with specification?:** \*YES/NO

**If not to specification, indicate deviation(s):** .....

**Period required for delivery:** .....

**\*Delivery:** **Firm/not firm**

**Delivery basis (all delivery costs must be included in the bid price):**  
.....  
.....  
.....

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

- 1 It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.
- 2 In order to meet this requirement bidders are required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate requirements are also applicable to foreign bidders/individuals who wish to submit bids.
- 3 SARS shall then furnish the bidder with a Tax Clearance Certificate that shall be valid for a period of one (1) year from the date of approval.
- 4 The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate shall result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate shall not be acceptable.
- 5 In bids where Consortia / Joint Ventures / subcontractors are involved, each party must submit a separate Tax Clearance Certificate.
- 6 Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website [www.sars.gov.za](http://www.sars.gov.za).
- 7 Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers shall need to register with SARS as eFilers through the website [www.sars.gov.za](http://www.sars.gov.za).

Jeyrel:\Mdk416-SBD2 tax clearance



Application for a Tax Clearance Certificate

Purpose

Select the applicable option .....Tenders  Good standing

If "Good standing", please state the purpose of this application

Two empty text input fields for stating the purpose of the application.

Particulars of applicant

Form for applicant details including Name/Legal name, Trading name, ID/Passport no, Income Tax ref no, VAT registration no, Customs code, Telephone no, E-mail address, Physical address, and Postal address. Includes reference numbers for PAYE, SDL, and UIF.

Particulars of representative (Public Officer/Trustee/Partner)

Form for representative details including Surname, First names, ID/Passport no, Telephone no, E-mail address, and Physical address.

Particulars of tender (If applicable)

Tender number

Estimated Tender amount R  ,

Expected duration of the tender  year(s)

Particulars of the 3 largest contracts previously awarded

Date started	Date finalised	Principal	Contact person	Telephone number	Amount
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Audit**

Are you currently aware of any Audit investigation against you/the company?.....

If "YES" provide details

**Appointment of representative/agent (Power of Attorney)**

I the undersigned confirm that I require a Tax Clearance Certificate in respect of  or .

I hereby authorise and instruct  to apply to and receive from SARS the applicable Tax Clearance Certificate on my/our behalf.

C  Y  Y -  M  M -  D  D

Signature of representative/agent Date

Name of representative/agent

**Declaration**

I declare that the information furnished in this application as well as any supporting documents is true and correct in every respect.

C  Y  Y -  M  M -  D  D

Signature of applicant/Public Officer Date

Name of applicant/Public Officer

**Notes:**

1.It is a serious offence to make a false declaration.

2.Section 75 of the Income Tax Act, 1962, states: Any person who

(a) fails or neglects to furnish, file or submit any return or document as and when required by or under this Act; or

(b) without just cause shown by him, refuses or neglects to

(i) furnish, produce or make available any information, documents or things;

(ii) reply to or answer truly and fully, any questions put to him ...

As and when required in terms of this Act ... shall be guilty of an offence ...

3. **SARS shall, under no circumstances, issue a Tax Clearance Certificate unless this form is completed in full.**

4. Your Tax Clearance Certificate shall only be issued on presentation of your South African Identity Document or Passport (Foreigners only) as applicable.

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: .....
- 2.2 Identity Number: .....
- 2.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>): .....
- 2.4 Company Registration Number: .....
- 2.5 Tax Reference Number: .....
- 2.6 VAT Registration Number: .....
- 2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

---

<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.

<sup>2</sup>“Shareholder” means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

2.7 Are you or any person connected with the bidder presently employed by the state? **YES / NO**

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:.....

Name of state institution at which you or the person connected to the bidder is employed.....

Position occupied in the state institution:.....

Any other particulars:.....

.....

.....

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

2.7.2.1 If yes, did you 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.)**

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

.....

.....

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

2.8.1 If so, furnish other particulars:.....

.....

.....

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

2.9.1 If so, furnish other particulars:.....

.....

.....



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

**YES/NO**

2.10.1 If so, furnish other particulars:.....  
 .....  
 .....

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract?

**YES/NO**

2.11.1 If so, furnish other particulars:.....  
 .....  
 .....

**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 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**

.....  
**Name of bidder**

.....  
**Position**

.....  
**Date**

May 2011

This document must be signed and submitted together with your bid

## THE NATIONAL INDUSTRIAL PARTICIPATION PROGRAMME

### INTRODUCTION

The National Industrial Participation (NIP) Programme, which is applicable to all government procurement contracts that have an imported content, became effective on the 1 September 1996. The NIP policy and guidelines were fully endorsed by Cabinet on 30 April 1997. In terms of the Cabinet decision, all state and parastatal purchases / lease contracts (for goods, works and services) entered into after this date, are subject to the NIP requirements. NIP is obligatory and therefore must be complied with. The Industrial Participation Secretariat (IPS) of the Department of Trade and Industry (DTI) is charged with the responsibility of administering the programme.

### 1 PILLARS OF THE PROGRAMME

1.1 The NIP obligation is benchmarked on the imported content of the contract. Any contract having an imported content equal to or exceeding US\$ 10 million or other currency equivalent to US\$ 10 million shall have an NIP obligation. This threshold of US\$ 10 million can be reached as follows:

(a) Any single contract with imported content exceeding US\$10 million. or

(b) Multiple contracts for the same goods, works or services each with imported content exceeding US\$3 million awarded to one seller over a 2 year period which in total exceeds US\$10 million.

or

(c) A contract with a renewable option clause, where should the option be exercised the total value of the imported content shall exceed US\$10 million. or

(d) Multiple suppliers of the same goods, works or services under the same contract, where the value of the imported content of each allocation is equal to or exceeds US\$ 3 million worth of goods, works or services to the same government institution, which in total over a two (2) year period exceeds US\$10 million.

1.2 The NIP obligation applicable to suppliers in respect of sub-paragraphs 1.1 (a) to 1.1 (c) above shall amount to 30 % of the imported content whilst suppliers in respect of paragraph 1.1 (d) shall incur 30% of the total NIP obligation on a *pro-rata* basis.

- 1.3 To satisfy the NIP obligation, the DTI would negotiate and conclude agreements such as investments, joint ventures, sub-contracting, licensee production, export promotion, sourcing arrangements and research and development (R&D) with partners or suppliers.
- 1.4 A period of seven years has been identified as the time frame within which to discharge the obligation.

## **2 REQUIREMENTS OF THE DEPARTMENT OF TRADE AND INDUSTRY**

- 2.1 In order to ensure effective implementation of the programme, successful bidders (contractors) are required to, immediately after the award of a contract that is in excess of **R10 million** (ten million rand), submit details of such a contract to the DTI for reporting purposes.
- 2.2 The purpose for reporting details of contracts in excess of the amount of R10 million (ten million rand) is to cater for multiple contracts for the same goods, works or services; renewable contracts and multiple suppliers for the same goods, works or services under the same contract as provided for in paragraphs 1.1.(b) to 1.1. (d) above.

## **3 BID SUBMISSION AND CONTRACT REPORTING REQUIREMENTS OF BIDDERS AND SUCCESSFUL BIDDERS (CONTRACTORS)**

- 3.1 Bidders are required to sign and submit this Standard Bidding Document (SBD 5) together with the bid on the closing date and time.
- 3.2 In order to accommodate multiple contracts for the same goods, works or services; renewable contracts and multiple suppliers for the same goods, works or services under the same contract as indicated in sub-paragraphs 1.1 (b) to 1.1

(d) above and to enable the DTI in determining the NIP obligation, successful bidders (contractors) are required, immediately after being officially notified about any successful bid with a value in excess of R10 million (ten million rand), to contact and furnish the DTI with the following information:

- bid or contract number.
- description of the goods, works or services.
- date on which the contract was accepted.
- name, address and contact details of the government institution.
- value of the contract.
- imported content of the contract, if possible.

- 3.3 The information required in paragraph 3.2 above must be sent to the Department of Trade and Industry, Private Bag X 84, Pretoria, 0001 for the attention of Mr Elias Malapane within five (5) working days after award of the contract. Mr Malapane may be contacted at

telephone (012) 394 1401, facsimile (012) 394 2401 or e-mail at [Elias@thedti.gov.za](mailto:Elias@thedti.gov.za) for further details about the programme.

#### **4 PROCESS TO SATISFY THE NIP OBLIGATION**

4.1 Once the successful bidder (contractor) has made contact with and furnished the DTI with the information required, the following steps shall be followed:

- a. the contractor and the DTI shall determine the NIP obligation;
- b. the contractor and the DTI shall sign the NIP obligation agreement;
- c. the contractor shall submit a performance guarantee to the DTI;
- d. the contractor shall submit a business concept for consideration and approval by the DTI;
- e. upon approval of the business concept by the DTI, the contractor shall submit detailed business plans outlining the business concepts;
- f. the contractor shall implement the business plans; and
- g. the contractor shall submit bi-annual progress reports on approved plans to the DTI.

4.2 The NIP obligation agreement is between the DTI and the successful bidder (contractor) and, therefore, does not involve the purchasing institution.

<b>RFQ Number: CGEQ 42/2014/15</b>	<b>Closing Date 16 January 2014</b>
<b>Name of bidder</b> .....	
<b>Postal address</b> .....	
.....	
<b>Signature</b> .....	<b>Name(in print)</b> .....
<b>Date</b> .....	

**DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

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

Item	Question	Yes	No
4.1	<p><b>Is the bidder or any of its directors listed on the National Treasury's database as companies or persons prohibited from doing business with the public sector?</b></p> <p>(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p><b>To access this Register enter the National Treasury's website, <a href="http://www.treasury.gov.za">www.treasury.gov.za</a>, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445.</b></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Item	Question	Yes	No
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

**CERTIFICATION**

**I, THE UNDERSIGNED (FULL NAME).....**

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

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

.....  
**Signature**

.....  
**Date**

.....  
**Position**

.....  
**Name of Bidder**

Js365bW

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

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

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011.**

### 1 GENERAL CONDITIONS

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

- **the 80/20 system for requirements with a Rand value of up to R1 000 000 (all applicable taxes included); and**
- **the 90/10 system for requirements with a Rand value above R1 000 000 (all applicable taxes included).**

1.2 The value of this bid is estimated to exceed/not exceed R1 000 000 (all applicable taxes included) and therefore the 80/20 OR THE 90/10 preference system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

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

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

	<b>POINTS</b>
<b>1.3.1.1 PRICE</b>	80 / 90
<b>1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION</b>	20 / 10
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

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



- 1.5. The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

## 2. DEFINITIONS

- 2.1 **"all applicable taxes"** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- 2.2 **"B-BBEE"** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 2.3 **"B-BBEE status level of contributor"** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.4 **"bid"** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 **"comparative price"** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 **"consortium or joint venture"** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract;
- 2.8 **"contract"** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 **"EME"** means any enterprise with an annual total revenue of R5 million or less .
- 2.10 **"Firm price"** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;

- 2.11 **"functionality"** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capability and ability of a bidder;
- 2.12 **"non-firm prices"** means all prices other than "firm" prices;
- 2.13 **"person"** includes a juristic person;
- 2.14 **"rand value"** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 **"sub-contract"** means the primary contractor's assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.16 **"total revenue"** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the Government Gazette on 9 February 2007;
- 2.17 **"trust"** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.18 **"trustee"** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

### **3. ADJUDICATION USING A POINT SYSTEM**

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

3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

**4. POINTS AWARDED FOR PRICE**

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

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

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

Where

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

**6 Points awarded for B-BBEE Status Level of Contribution**

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

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

5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA’s approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.

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

**6. BID DECLARATION**

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

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

- 7.1 B-BBEE Status Level of Contribution:..... = .....(maximum of 10 or 20 points)  
 (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

**8 SUB-CONTRACTING**

- 8.1 Will any portion of the contract be sub-contracted? **YES / NO** (delete which is not applicable)
- 8.1.1 If yes, indicate:

- (i) what percentage of the contract will be subcontracted? .....%
- (ii) the name of the sub-contractor? .....%
- (iii) the B-BBEE status level of the sub-contractor? .....
- (iv) whether the sub-contractor is an EME? **YES / NO** (delete which is not applicable)

**9 DECLARATION WITH REGARD TO COMPANY/FIRM**

9.1 Name of company/firm : .....

9.2 VAT registration number : .....

9.3 Company registration number :.....

9.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

9.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

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

9.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- (i) The information furnished is true and correct;
- (ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.

- (iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- (iv) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
  - (a) disqualify the person from the bidding process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and
  - (e) forward the matter for criminal prosecution

**WITNESSES:**

1. ....

.....

**SIGNATURE(S) OF BIDDER(S)**

2. ....

**DATE:**.....

**ADDRESS:**.....

.....

.....

.....

.....

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:

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<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.

I, the undersigned, in submitting the accompanying bid:

---

**(Bid Number and Description)**

in response to the invitation for the bid made by:

---

**(Name of Institution)**

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

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

**(Name of Bidder)**

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

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<sup>1</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.



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.

.....  
**Signature**

.....  
**Date**

.....  
**Position**

.....  
**Name of Bidder**