

SPECIFICATION FOR PROVISIONING OF DISASTER RECOVERY PLAN, DISASTER RECOVERY, BACKUP AND REPLICATION SOLUTION FOR A PERIOD OF THIRTY-SIX (36) MONTHS INCLUDING LICENSES, MAINTENANCE AND SUPPORT AT GATEWAY AIRPORT AUTHORITY LIMITED.

TERMS OF REFERENCES AND SPECIAL CONDITIONS OF THE BID

GAAL/108/2023/2024

PROVISIONING OF DISASTER RECOVERY PLAN, DISASTER RECOVERY, BACKUP AND REPLICATION SOLUTION FOR A PERIOD OF THIRTY-SIX (36) MONTHS

A COMPULSORY BRIEFING SESSION TO BE HELD ON

12 JANUARY 2024 AT 11H00

CLOSING DATE AND TIME OF BID

02 FEBRUARY 2024 AT 11H00

BID VALIDITY PERIOD: 150 DAYS FROM THE CLOSING DATE

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1. INTRODUCTION

Gateway Airport Authority Limited (GAAL) seeks to appoint a suitably qualified, reputable, and experienced service provider for provisioning of Disaster Recovery (DR), Backup and Replication solution with configuration/Commissioning including licenses, maintenance, and support at GAAL for a period of 36 months.

The bidder should note that the project will be implemented in phases over a period of Three (3) years.

A detailed documentation of the project shall be provided by the appointed service provider upon completion and signing-off the project. The documentation shall include the diagrams, manuals with step-by-step procedures and phases as a guidance on how Information and Communication Technology (ICT) services where configured, Licenses, Job cards, installation certificates etc.

2. SCOPE OF WORK

SPECIFICATIONS

The potential supplier must be able to provide the following ICT services:

- Disaster recovery solution of GAAL ICT environment as is.
- Mean time to recover must be 2 hours or less.
- Recovery point must be at 1 hour prior or less.
- A dedicated Link between DR site and Production site must be 100MBPS, preferably fiber.
- Sophos firewall for DR site (Production Site already has Sophos XGS 136 with Xstream Protection).

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- Service Provider must attend a compulsory briefing session and do site inspection for the current ICT environment.
- Backup and replication via Veeam for current environment.
- Renewal of our current Veeam License.
- We currently have 3 Hosts with 2 CPU's Each, over 350GB of memory for each and over 50TB of Storage.
- We have 11 VM's allocated from the Hosts, and all operational via VMWare.

Tier 3 Datacentre Requirements.

Climate:

- DR datacentre **MUST** be fully climate controlled and environmental monitoring. Central monitoring tool must provide information on elements such as, temperature, humidity, water outage, fire, airflow etc.
- Air flow from bottom to top and from the front to the back (Cold and Hot Isle).

Power:

- Datacentre must have a primary power feed and a secondary power feed with automatic failover e.g. back-up generators situated in a fire-protected and secure environment.
- Power supply must be fed via parallel redundant Uninterruptable Power Supply (UPS) system with arrays of battery arrays as redundant power source.
- The DR site **MUST** be capacitated with Maintenance Bypass – Emergency Shutdown in an event of critical power surges and malfunction.
- Power consumption and metering **MUST** be clearly stated in the proposal incl. costing if any

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- Additional Power points to be provided as and when requested.

3. EVALUATION CRITERIA

All bids will be evaluated in terms of administrative & mandatory requirements, functionality, and preference point system;

Administrative (mandatory) Criteria (Gate 0)	Functionality Evaluation Criteria (Gate 1)	Price and Specific Goals Evaluation Criteria (Gate 2)
<p>Bidders must submit all documents as outlined in paragraph 3.1 (Table 1) below.</p> <p>Only bidders that comply with all these criteria will proceed to Gate 1.</p>	<p>Bidder(s) are required to achieve a minimum of 110 points out of 140 points to proceed to Gate 3 (Price and Specific goals).</p>	<p>Bidder(s) will be evaluated on price (weighted price) and Specific goals claimed points</p>

3.1 Gate 0: Administrative (mandatory) requirements

Bidder(s) must submit the documents listed in **Table 1** below. All documents must be completed and signed in black ink by the duly authorized representative of the prospective bidder(s). **Correction fluid is not allowed and any cancellation on the bid document must be initialed by the authorized signatory.** During this phase, Bidders' responses will be evaluated based on compliance with the listed administration and mandatory bid requirements. The bidder(s) proposal will be disqualified for non-submission of any of the documents.



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#	Document Name ¹	Included in the published bid document?	To be returned by the bidder?	Bidder may tick Yes if document is submitted
GATE 0: ADMINISTRATION REQUIREMENTS EVALUATION				
	SBD 1 Invitation to Bid	Yes	Yes	
	Proof of authority must be submitted as per SBD 1 e.g. company resolution for the capacity under which this bid is signed.	No	Yes	
	SBD 4 Bidders Disclosure	Yes	Yes	
	SBD 6.1 Preference Points Claim Form	Yes	Yes	
	Full updated CSD report	No	Yes	
MANDATORY REQUIREMENTS EVALUATION				
	Pricing Schedule (or bid offer/pricing)	No	Yes	
	The Bidder must be accredited to provide Tier 3 or higher Datacentre. Bidder must submit Tier 3 valid certificate for datacentre and partnership letter from the datacentre not older than six months.	No	Yes	
	The Bidder must be Sophos OEM accredited. Bidder must submit valid accreditation	No	Yes	

¹ Table 1 is provided as guidance to assist bidders with documents that must be returned with the bid. The list is not exhaustive, and it is the responsibility of the bidder to provide all required documents as per the provision of each clause in this bid

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#	Document Name ¹	Included in the published bid document?	To be returned by the bidder?	Bidder may tick Yes if document is submitted
	certificate.			
	The bidder must be accredited by their Server OEM. Bidder must submit valid accreditation certificate.	No	Yes	
	ICASA ECNS License in the name of the bidder.	No	Yes	
	The Bidder must be Veeam OEM accredited. Bidder must submit valid accreditation certificate.	No	Yes	
GATE 1: FUNCTIONALITY COMPLIANCE EVALUATION				
	Contactable reference letters not older than six months (signed) from previous and existing client.	No	Yes	
	Valid bank rating letter.	No	Yes	
	Valid OEM accredited certifications.	No	Yes	
	Valid qualification certifications.	No	Yes	
	Detailed plan and methodology	No	Yes	

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#	Document Name ¹	Included in the published bid document?	To be returned by the bidder?	Bidder may tick Yes if document is submitted
GATE 2: PRICE & SPECIFIC GOALS EVALUATION				
	Pricing Schedule (or bid offer/pricing)	No	Yes	
OTHER DOCUMENTS REQUIRED				
	Bidders Company Profile	No	Yes	
	Bidders CIPC Company Registration Documents	No	Yes	
	General Condition of Contract	Yes	Yes	

GATE 0: ADMINISTRATIVE EVALUATION

Bidders are required to submit the legislative documents to comply with the policy to guide uniformity in procurement reform processes in the Government regarding the standardised bidding documents (SBDs) for the supply chain management. It is also a requirement for bidders to submit additional documents as detailed below:

SBD 1 – Invitation to Bid

Proof of Authority – This is a Company Resolution for the capacity under which this bid is signed.

SBD 4 – Bidders Disclosure

SBD 6.1 – Preference Points Claim Form



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Central Supplier Database (CSD) – A full updated CSD report

MANDATORY REQUIREMENTS EVALUATION

During this gate, the bidders' responses will be evaluated based on the mandatory requirement.

Non-compliance to the mandatory requirement **will result in the disqualification** of the bid response.

Pricing Structure (or bid offer/pricing) and Schedule

Bid price /pricing structure must be completed /or submitted in full for all services categories. Where bidder has omitted to put price for certain price categories the price offer will not be accepted and will be disqualified as it will not be comparable with others who have quoted for all service categories.

Price structures that do not comply with this requirement will invalidate the Prices must be all-inclusive for the provision of disaster recovery, backup and replication solution, this includes VAT (if registered for VAT), and any other costs that may influence the price.

3.2 Gate 1: Functionality Evaluation Criteria

All bidders are required to respond to the functionality evaluation criteria.

Only Bidders that have met the Administrative and/or Mandatory Criteria in (Gate 0) will be evaluated in Gate 1 for functionality as per below table:

Functionality Evaluation – Bidders will be evaluated out of 140 points and are required to achieve minimum threshold of 110 points to proceed to Gate 2 for Price and Specific goals evaluations; and

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As part of due diligence, the entity may conduct a site visit at the bidders' place of business (as per the physical address provided by the bidder on SBD1) and/or at client of the Bidder (reference) for validation of the services previously rendered.

Evaluation Criteria for Functionality is as Follows:

Criteria	Sub-Criteria	Weight of Criterion	Bidder Score
Company Experience and Track Record for similar services (Attach Contactable Reference Letters (not older than 6 months)	Reference letters covering Network, Internet, VPN and Firewall Services.	7 Letters = 40 Points 3 - 6 Letters = 20 Points 1 - 2 Letters = 10 Points 0 Letters = 0 Points	
Financial Viability	Bidders must submit stamped bank rating Letter.	Code A = 20 points Code B = 10 points Code C = 5 points	
Company Experience and Track Record Attach Contactable Reference Letters not older than 6 months.	Reference letters covering Disaster Recovery, Backup and Replication.	4 Letters = 40 Points 2 - 3 Letters = 20 Points 1 Letter = 10 Points 0 Letter = 0 Points	
Detailed High Level Project Plan and	Development of Disaster Recovery Plan and	Excellent = 10 (Must include Project	

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<p>Methodology showing implementation within the entity/airport including site surveys. The plan should also show the timelines for the entire project.</p>	<p>Methodology on how to provide Disaster Recovery, Backup and Replication solution with configuration/Commissioning without downtime.</p>	<p>Timelines, Methodology Type, Quality Assurance, Testing and Training)</p> <p>Moderate = 5 (Only Three of the above)</p> <p>Poor = 0 (Only Two or below)</p>	
<p>Project Manager CV</p>	<p>Project Manager required for the initial implementation of the project: Must have Prince2 / PMP certification, COBIT5, and ITIL</p>	<p>All 3 Certificates = 10 Points</p> <p>2 or less Certificates = 5 Points</p> <p>No Certificates = 0 Points</p>	



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Atleast 1 – 2 Engineers CVs	Diploma in IT or higher, Sophos Certificate, MS Azure Certificate, VMWare, vSphere, Veeam Certificates, and VCP Cloud Certificate.	All 7 Certificates = 20 Points 3 - 6 Certificates = 10 Points 1` - 2 Certificates = 5 Points No Certificates = 0 Points	
Total		140	

The maximum points that can be scored on functionality equals to 140. Bidders scoring less than 110 points will be disqualified.
Bidders that fail to meet the minimum threshold for functionality will be disqualified. Thereafter, **only the qualifying bid(s) will be evaluated in terms of the 80/20. Qualifying bidders may be invited for presentation.**

3.3 Gate 2: Preference Point System,

Only Bidders that have met the 110 points thresholds in Gate 1 will be evaluated in Gate 2 for price and specific goals.

Preference Points System where the 80 points are awarded for price and the 20 points are awarded for specific goals as follows:



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FINAL EVALUATION CRITERIA	POINTS
Price	80
Specific goals	20
Total	100

SPECIAL CONDITIONS OF BIDDING AND BID SUBMISSION REQUIREMENTS

4.1. Terms and conditions:

4.1.1. The individuals proposed for professional work on the project shall remain on the project unless the airport grants permission to change the proposal. Such permission will only be granted in exceptional circumstances.

4.1.2. No material or information derived from the provision of the services under the Contract may be used for any purposes other than those of the airport, except where authorized in writing to do so. All information will be held strictly confidential. The successful service provider will be required to sign a confidentiality agreement with the airport.

4.1.3. Copyright of all documents and electronic aids, software programmes prepared or developed in terms of the appointment, shall vest in the airport.

4.1.4. The airport reserves the right to amend, modify or withdraw this TOR document or amend, modify or terminate any of the procedures or requirements set out herein at any time and from time to time, without prior notice except where required by law, and without liability to compensate or reimburse any Prospective service providers.



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4.1.5. Any briefing notes which may be issued by the airport to the Bidder/s should be considered as part of this TOR. Furthermore, in the event that the negotiations between the airport and the preferred Bidder/s fail with regard to the conclusion of a Service Level Agreement, the airport reserves its right not to appoint the Preferred Bidder/s without incurring any liability to compensate or reimburse the Preferred Bidder/s.

4.1.6. Neither the airport, nor any of its respective, officers, or employees may make any representation or warranty, expressed or implied in this TOR document. And nothing contained herein is, or shall be relied upon as, a promise or representation, whether as to the past or the future.

4.1.7. A proposal submitted by a company, close corporation or other legal person must be accompanied by a resolution or agreement of the directors or members and be signed by a duly authorized person.

4.1.8. A proposal submitted by a partnership must be accompanied by a written partnership agreement.

10.1.9. A proposal submitted by a consortium of two or more parties must be accompanied by a signed memorandum of understanding between the parties to such consortium indicating:

- a) the conditions under which the consortium will function;
- b) Its period of duration;
- c) The persons authorized to represent it;
- d) The participation of the several parties forming the consortium;



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- e) The benefits that will accrue to each party;
- f) Any other information necessary to permit full appraisal of its functioning.

4.1.10. The costs of preparing proposals and of negotiating the contract will not be reimbursed.

4.1.11. The preferred Bidder will be required to enter into a Service Level Agreement (SLA) prior to appointment.

4.1.12. The airport is not bound to accept any of the proposals submitted and reserves the right to call for best and final offers from short-listed bidders before final selection. The airport also reserves the right to call interviews with short-listed bidders before final selection, and to negotiate price.

4.1.13. Bidders may ask for clarification on this TOR or any of its Annexures up to close of business seven (7) working days before the deadline for the submission of bids. Any request for clarification must be submitted by email to the contact person. Copies of questions and answers will be published on the entity's website, without revealing the identity of the source of the questions.

4.1.14. Bidders may not contact the airport on any matter pertaining to their bid from the time when bids are submitted to the time the contract is awarded. Any effect by the bidder to influence bid evaluation, bid comparisons or award decisions in any manner, may result in rejection of the bid concerned.

4.1.15. Bid submission requirements must be completed in sections and appendices provided in the bid document.

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5. Bid Submission

Bid documents must be placed in the bid box OR couriered to the address on or before the stipulated closing date and time as indicated in the SBD1.

Bid documents will only be considered if received by the entity on or before the closing date and time.

Bidders are required to submit their bids in two clearly marked envelopes as follows:-

ENVELOPE 1 (ADMINISTRATIVE AND/OR MANADATORY & FUNCTIONALITY)	ENVELOPE 2 (PRICE & SPECIFIC GOALS)
<p>Exhibit 1: Administrative and mandatory documents (<i>Refer to Section 3.1 - Gate 0: Administrative requirements (Table 1)) and Detailed Pricing Schedule (Pricing Submission)</i>)</p>	<p>Exhibit 5: SBD 6.1: Preference Points Claim Form in terms of the Preferential Procurement Regulations 2022.</p>
<p>Exhibit 2: Functionality Responses and Bidder Compliance Checklist for Technical Evaluation. Supporting documents for technical responses. (<i>Refer to Section 3.3 - Gate 2:</i></p>	



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<i>Functionality Evaluation Criteria)</i>	
Exhibit 3: General Conditions of Contract (GCC)	
Exhibit 4: <ul style="list-style-type: none"> • Company Profile • Any other supplementary information 	

12. PROJECT ENQUIRIES

For Administrative Enquiries

Contact person: Mr Julius Ramatjie

Email address: scmgroup@gaal.co.za

For Technical Enquiries:

Contact Person: Ms. Monicca Mnisi

E-mail address: monicca.mnisi@gaal.co.za



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**PART A
INVITATION TO BID**

SBD 1

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	GAAL/108/2023/2024	CLOSING DATE:	2 FEBRUARY 2024	CLOSING TIME:	11H00
DESCRIPTION	PROVISIONING OF DISASTER RECOVERY, BACKUP AND REPLICATION SOLUTION FOR PERIOD OF THREE YEARS.				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
ADMIN BLOCK					
N1 NORTH TO MAKHADO					
GATEWAY WEG					
POLOKWANE, 0700					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	JULIUS RAMATJIE		CONTACT PERSON	MONICCA MNISI	
TELEPHONE NUMBER	087-291-1088		TELEPHONE NUMBER	087-291-1054	
FACSIMILE NUMBER	015-288-0125		FACSIMILE NUMBER	015-288-0122	
E-MAIL ADDRESS	scmgroup@gaal.co.za		E-MAIL ADDRESS	monicca.mnisi@gaal.co.za	
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA



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

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	<input type="checkbox"/> YES <input type="checkbox"/> NO
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.	



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**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, 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)

DATE:



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BIDDER'S DISCLOSURE

SBD 4

1. PURPOSE OF THE FORM

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

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

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest² in the enterprise,

employed by the state?

YES/NO

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

² the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.



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Full Name	Identity Number	Name of State institution

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

2.2.1 If so, furnish particulars:

.....
.....

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

2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

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



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- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to

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

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combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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

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

.....
Signature	Date
.....
Position	Name of bidder



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SBD 6.1

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

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

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

1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to invitations to tender:
- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
 - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).
- 1.2 **To be completed by the organ of state**
- a) The applicable preference point system for this tender is the **80/20** preference point system.
- 1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:
- (a) Price; and
 - (b) Specific Goals.
- 1.4 **To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80

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SPECIFIC GOALS	20
Total points for Price and Specific Goals	100

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

2. DEFINITIONS

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



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3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

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

Where

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

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

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

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

Where

- P_s = Points scored for price of tender under consideration
- P_t = Price of tender under consideration
- P_{max} = Price of highest acceptable tender

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4. POINTS AWARDED FOR SPECIFIC GOALS

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

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

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)

Note to tenderers:



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The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Enterprises with ownership of 51% or more by person/s who are black	5	
Enterprises with ownership of 51% or more by person/s who are women	5	
Enterprises with ownership of 51% or more by person/s who are youth	4	
Enterprises with ownership of 51% or more by person/s with disability	2	
Small, Medium and Micro Enterprises (SMMEs and QSEs)	2	
Enterprises located in rural/township areas	2	
Total	20	

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name _____ of company/firm.....

4.4. Company _____ registration _____ number: _____



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4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

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

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

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and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and

- (e) forward the matter for criminal prosecution, if deemed necessary.

<p>.....</p> <p>SIGNATURE(S) OF TENDERER(S)</p>
<p>SURNAME AND NAME:</p> <p>DATE:</p> <p>ADDRESS:</p> <p>.....</p> <p>.....</p>

