SBD1 FORM

PART A: REQUEST FOR QUOTATION

YOU ARE HEREBY INVITED TO BID FOR THE REQUIREMENTS OF THE SOUTH AFRICAN NATIONAL PETROLEUM COMPANY (SANPC)							
BID NUMBER:	SANPC/574/10/2026	ISSUE DATE:	9 November 2026	CLOSING DATE:	20 November 2026	CLOSING TIME:	16:00
DESCRIPTION	RFQ – Provision of Five-Year Maintenance and Certification of the Verhoef Marine Gangway System at Saldanha Oil Jetty						
Site Visit	N/A						
BID RESPONSE DOCUMENTS MUST BE SUBMITTED ELECTRONICALLY TO THE FOLLOWING:							
EMAIL ADDRESS	Lerato.Ramabu@sanpc.co.za cc Sithembiso.mafanya@sa-npc.co.za						
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:							
CONTACT PERSON	Lerato Ramabu						
TELEPHONE NUMBER	021 524 2700						
E-MAIL ADDRESS	Lerato.Ramabu@sanpc.co.za cc Sithembiso.mafanya@sa-npc.co.za						
SUPPLIER INFORMATION							
NAME OF BIDDER							
POSTAL ADDRESS							
STREET ADDRESS							
TELEPHONE NUMBER	CODE			NUMBER			
CELLPHONE NUMBER							
E-MAIL ADDRESS							
VAT REGISTRATION NUMBER							
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		AND	CENTRAL SUPPLIER DATABASE	UNIQUE REGISTRATION REFERENCE NUMBER: MAAA		
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX]		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX]		

	☐ Yes ☐ No		☐ Yes ☐ No
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]			
1 ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐Yes ☐No [IF YES ENCLOSE PROOF]	**2** ARE YOU A FOREIGN BASED SUPPLIER FOR **THE GOODS /SERVICES /WORKS OFFERED?**	☐Yes ☐No [IF YES, ANSWER QUESTIONAIRE BELOW]

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	☐ YES ☐ NO
DOES THE ENTITY HAVE A BRANCH IN THE RSA?	☐ YES ☐ NO
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	☐ YES ☐ NO
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	☐ YES ☐ NO
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	☐ YES ☐ NO

IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 1.3 BELOW.

PART B
TERMS AND CONDITIONS FOR BIDDING

1.1. BIDS MUST BE DELIVERED BY THE STIPULATED DATE AND TIME TO THE CORRECT EMAIL ADDRESS AND/OR PLATFORM. LATE BIDS/RFQ WILL NOT BE CONSIDERED WHEN MAKING A DECISION TO AWARD.

1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED – OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.

1.3. THE 80 / 20 PREFERENTIAL POINT SYSTEM WILL BE APPLIED WHEREIN 80 POINTS IS FOR PRICE AND 20 POINTS IS FOR SPECIFIC GOALS.

1.4. POINTS SCORED FOR SPECIFIC GOALS WILL BE ADDED TO THE POINTS SCORED FOR PRICE AND THE TOTAL WILL BE ROUNDED OFF TO THE NEAREST TWO (2) DECIMAL PLACES.

1.5. A TENDER OR RFQ MUST BE AWARDED TO THE TENDERER WHO SCORE THE HIGHEST TOTAL NUMBER OF POINTS IN TERMS OF THE PREFERENCE POINT SYSTEM (PRICE AND SPECIFIC GOALS) UNLESS OBJECTIVE CRITERIA IN TERMS OF SECTION 2 (1)(F) OF THE PPPFA JUSTIFY THE AWARD OF THE TENDER TO ANOTHER TENDERER

1.6. BIDDERS ARE REQUIRED TO SUBMIT RESPONSIVE BIDS BY COMPLETING ALL PRICING AND ITEM INFORMATION IN LINE WITH THE ENTIRE SCOPE OF WORK/GOODS/SERVICES.

1.7. THE SANPC RESERVES THE RIGHT TO NEGOTIATE WITH THE BIDDERS PRIOR OR POST AWARD.

1.8. THE SANPC MAY ALLOCATE ZERO/NIL POINTS FOR SPECIFIC GOALS WHERE PROOF IS NOT SUBMITTED WITH THE RFQ.

1.9. THE BID MUST BE VALID FOR A PERIOD OF 60 CALENDAR DAYS FROM THE CLOSING DATE AND TIME

NATIONAL TREASURY'S CENTRAL SUPPLIER DATABASE

1.10. TENDERERS ARE REQUIRED TO SELF-REGISTER ON NATIONAL TREASURY'S CENTRAL SUPPLIER DATABASE ("CSD") WHICH HAS BEEN ESTABLISHED TO CENTRALLY ADMINISTER SUPPLIER INFORMATION FOR ALL ORGANS OF THE STATE AND FACILITATE THE VERIFICATION OF CERTAIN KEY SUPPLIER INFORMATION. TENDERERS MUST REGISTER ON THE CSD PRIOR TO SUBMITTING THEIR BIDS AS BUSINESS MAY NOT BE AWARDED TO A TENDERER WHO HAS FAILED TO REGISTER ON THE CSD. ONLY FOREIGN SUPPLIERS WITH NO LOCAL REGISTERED ENTITY NEED NOT REGISTER ON THE CSD.

1.11. FOR THIS PURPOSE, THE SBD1 FORM (COVER PAGE OF THIS RFQ) MUST BE FULLY COMPLETED.

2.TAX COMPLIANCE

2.1 TENDERERS MUST BE COMPLIANT WHEN SUBMITTING A PROPOSAL TO SANPC AND REMAIN COMPLIANT FOR THE ENTIRE CONTRACT TERM WITH ALL APPLICABLE TAX LEGISLATION, INCLUDING BUT NOT LIMITED TO THE INCOME TAX ACT, 1962 (ACT NO. 58 OF 1962) AND VALUE ADDED TAX ACT, 1991 (ACT NO. 89 OF 1991).

2.2 IT IS A CONDITION OF THIS TENDER THAT THE TAX MATTERS OF THE SUCCESSFUL TENDERER BE IN ORDER, OR THAT SATISFACTORY ARRANGEMENTS HAVE BEEN MADE WITH SOUTH AFRICAN REVENUE SERVICE (SARS) TO MEET THE TENDERER'S TAX OBLIGATIONS.

2.3 THE TAX COMPLIANCE STATUS REQUIREMENTS ARE ALSO APPLICABLE TO FOREIGN TENDERERS WHO WISH TO SUBMIT TENDERS.

2.4 WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST BE REGISTERED ON THE CENTRAL SUPPLIER DATABASE AND THEIR TAX COMPLIANCE STATUS WILL BE VERIFIED THROUGH THE CENTRAL SUPPLIER DATABASE.

2.5 TENDERERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PIN NUMBER ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS

3.CHANGES TO QUOTATIONS

3.1 Changes by the Tenderer to its submission will not be considered after the closing date and time.

4. BINDING OFFER

4.1 Any Quotation furnished pursuant to this Request shall be deemed to be an offer. Any exceptions to this statement must be clearly and specifically indicated.

5.DISCLAIMERS

Please note that SANPC reserves the right to:

5.1 modify the RFQ's goods / service(s) and request Tenderers to re-bid on any changes;

5.2 reject any Quotation which does not conform to instructions and specifications which are detailed herein;

5.3 disqualify Quotations submitted after the stated submission deadline and/or submitted to the incorrect address;

5.4 not necessarily accept the lowest priced Quotation or an alternative bid;

5.5 place an order in connection with this Quotation at any time after the RFQ's closing date;

5.6 award only a portion of the proposed goods / services which are reflected in the scope of this RFQ;

5.7 split the award of the order/s between more than one Supplier/Service Provider should it at SANPC's discretion be more advantageous in terms of, amongst others, cost or developmental considerations or to achieve a specific goal;

5.8 cancel the quotation process;

5.9 validate any information submitted by Tenderers in response to this RFQ. This would include, but is not limited to, requesting the Tenderer to provide supporting evidence. By submitting a Tender, Tenderers hereby irrevocably grant the necessary consent to SANPC to do so;

5.10 request audited financial statements or other documentation for the purposes of a due diligence exercise;

5.11 not accept any changes or purported changes by the Tenderer to the bid rates after the closing date and/or after the award of the business, unless the contract specifically provides for it;

5.12 to cancel the PO/contract and place the Tenderer on its Database of Restricted Suppliers for a period not exceeding 10 years, on the basis that a contract was awarded on the strength of incorrect information furnished by the Tenderer or on any other basis recognised in law;

5.13 award the business to the next ranked tenderer, provided that the tenderer is still prepared to provide the required Goods/Services at the quoted price, should the preferred tenderer fail to sign or commence with the contract within a reasonable period after being requested to do so. Under such circumstances, the validity of the bids of the next ranked tenderer(s) will be deemed to remain valid, irrespective of whether the next ranked tenderer(s) were issued with a Letter of Regret. Tenderers may therefore be requested to advise whether they would still be prepared to provide the required Goods/Services at their quoted price, even after they have been issued with a Letter of Regret.

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:

1. BACKGROUND

The South African National Petroleum Company (SANPC) is the newly established State-Owned Company and a subsidiary of the CEF Group of Companies.

2. SCOPE OF WORK

PLEASE REFER TO ANNEXURE A FOR SCOPE OF WORK

3. SITE VISIT

N/A

1. FORM OF OFFER

Notes to Pricing:

a) A detailed price schedule with breakdown of costs MUST be submitted with the RFQ proposal.

b) Prices must be quoted in South African Rand, inclusive of VAT and the rate of VAT payable must be clearly stated.

c) Prices quoted must be held valid for a period of 60 days from closing date of this RFQ

d) Please note that should you have offered a discounted price(s) SANPC Association will only consider such price discount(s) in the final evaluation stage if offered on an unconditional basis.

e) Any disbursement not specifically priced for will not be considered/accepted by SANPC.

The tenderer, identified in the offer signature block, has examined the documents listed in the tender data and addenda thereto as listed in the returnable schedules, and by submitting this offer has accepted the conditions of tender.

By the representative of the tenderer, deemed to be duly authorized, signing this part of this form of offer, the tenderer offers to perform all of the obligations and liabilities of the contractor under the contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the conditions of contract identified in the contract data.

THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF VALUE ADDED TAX IS:

_____

Rand (**in words and cents**);

Amount Excluding VAT	VAT		Amount Including VAT
	Rate	Amount	
	15%		

This offer may be accepted by the employer by signing the acceptance part of this form of offer and acceptance and returning one copy of this document to the bidder before the end of the period of validity stated in the RFQ.

Signature . . . . . Date . . . . . .
Print Name . . . . . .
Capacity ....
(for the tenderer)

(Name and address of the organization) ....
....
witness ....

Date . . . . . .

VALIDITY PERIOD:

SANPC desires a validity period up to **90 days** against this Quotation. It should be noted that suppliers may offer an earlier validity period, but that their quotation may in that event, be disregarded for this reason. **Where CIDB applies SANPC desires a validity period up to 12 Weeks (84days)**

This Quotation is valid until …… (To be completed by Tenderer)

PAYMENT:

Payment will be made upon completion/ of the works within 30 days from date of receipt of a correct tax invoice

1. EVALUATION CRITERIA

The evaluation of Quotations is to determine whether the Tenderer can deliver the Goods/Services and will be evaluated according to the following Evaluation Methodology and Evaluation Criteria:

Evaluation Criteria	Weighting
Price	80
Specific Goal(s)	20

STAGE 1:

Test for Administrative Responsiveness
The test for administrative responsiveness will include the following:

Administrative responsiveness check
• Whether the RFQ has been received on time
• Whether all Returnable Documents were completed and returned by the closing date and time
• Verify the validity of all Returnable Documents

The test for Administrative Responsiveness [Stage One] must be passed for a Tender to progress to further pre-qualification.

STAGE 2:

Test for Substantive Responsiveness

The test for substantive responsiveness to this RFQ will include the following:

Check for substantive responsiveness	
Whether the Tender contains a fully completed Price Schedule (fully detailed with breakdown of costs)	YES/N0
Whether the Tender materially complies with the scope and/or specification given	YES/NO
CSD Registration number	YES/NO

Failure to answer 'Yes' to any of the criteria listed above will result in immediate disqualification

The test for substantive responsiveness [Stage 2] must be passed for a Tender to progress to Stage 3 for further evaluation.

STAGE 3: Evaluation and Final Weighted Scoring

(a) Price Criteria [Weighted score 80]

Evaluation Criteria
• Commercial Offer

Price Evaluation: The evaluation for price will be done based on the following formula:

$$Ps = 80\left(1 - \frac{Pt - Pmin}{Pmin}\right)$$

Where

PS = Points scored for price of tender under consideration
Pt = Rand value of offer tender consideration
Pmin = Rand value of lowest acceptable tender

SPECIFIC GOALS (Preference point system)

[Weighted score 20 points]

SANPC has identified in its Supply Chain Management Policy, specific goals, which will be used to promote transformation and empowerment.

In this RFQ, SANPC will utilise the following specific goals in accordance with the table indicated below and in Annexure 4: Preference Points Claim Form:

	POINTS
PRICE	80
51% or More Black Owned	10
30% or More Woman Owned	10
Total points for Price and SPECIFIC GOALS	**100**

As evidence, Tenderers must submit with their Tender, their valid BBBEE certificate issued by an agency approved by SANAS or IRBA registered Auditors or sworn affidavit as points will be based on the SD goals indicated in the table above.

STAGE 4 Post Tender Negotiations (if applicable)

SANPC reserves the right to enter into post tender negotiations should it deem it necessary to do so.

ANNEXURE 1:

SIGNING POWER – RESOLUTION OF BOARD OF DIRECTORS

NAME OF ENTITY: _____

It was resolved at a meeting of the Board of Directors held on _____ that:

FULL NAME(S)	CAPACITY	SIGNATURE
_____	_____	_____

In his/her capacity as indicated above is/are hereby authorised to enter into, sign, execute and complete any documents relating to this Proposal and any subsequent Agreement for the provision of Services. A list of those person(s) authorised to negotiate on behalf of the abovementioned entity [if not the authorised signatories] is also submitted along with this

Proposal together with their contact details.

FULL NAME

_____

_____

SIGNATURE CHAIRMAN

ANNEXURE 2:

SBD 4

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

1.1. Any person (natural or juristic) may make an offer 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, 1996 (Constitution), and further expressed in the various applicable legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

1.2. If a person is 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. DECLARATION ON EMPLOYMENT BY ORGAN OF STATE

2.1 Is the bidder, or any of the directors / trustees / shareholders / members / partners of the bidder employed by an organ of state, as defined in section 239 of the Constitution?
YES [ ] NO [ ]

2.2 If YES, furnish particulars of the names, individual identity numbers, in the table below:

Full Name	Identity Number	Name of organ of state

If the available rows are insufficient, please attach the referenced table as an annexure or add additional rows.

2.3 Does the bidder, or any of the directors / trustees / shareholders / members / partners of the bidder have a relationship with any person who is employed by the institution procuring the required goods or services? **YES [ ] NO [ ]**

2.3.1 If YES, complete the details of the relationship with the person employed by the institution procuring the required goods or services in table below.

Name of person in bidder	Name of person at institution	Nature of the relationship

If the available rows are insufficient, please attach the referenced table as an annexure or add additional rows.

2.4 Does the bidder or any of its directors / trustees / shareholders / members / partners have any interest[1] in any other related enterprise / company / trust, whether or not that enterprise / company / trust is bidding[2] for this requirement?
YES [ ] NO [ ]

2.4.1 If YES, complete the details of the related enterprise / company / trust in the table below:

Registering authority	Name of related enterprise / company / trust	Registration number	Description of interest

If the available rows are insufficient, please attach the referenced table as an annexure or add additional rows.

3 GENERAL DECLARATION

I, ……., the undersigned, in submitting the accompanying bid for this requirement, do hereby make the following statements, on behalf of the bidder, that I certify to be true and complete in every respect:

3.1 I have read and understand the contents of this disclosure.

3.2 I understand that the accompanying bid will be disqualified if this disclosure is found to be false.

3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor.

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.

3.5 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder,

[1] Includes ‘‘beneficial interest’’ and ‘‘personal financial interest’’ as defined in the Companies Act 71 of 2008

[2] Includes open competitive bidding / limited bidding/ requests for quotations/ requests for proposals/ unsolicited bids

directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

3.6 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the institution procuring the required goods or services 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.

3.7 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, 1998 (Act No. 89 of 1998) and or may be referred to law enforcement agencies for criminal investigation and or may be restricted from conducting business with the state for a period not exceeding 10 years in terms of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004) or any other applicable legislation.

I CERTIFY THAT THE INFORMATION PROVIDED IS CORRECT.

I ACCEPT THAT THE INSTITUTION PROCURING THE REQUIRED GOODS OR SERVICES MAY REJECT THE BID OR TAKE APPROPRIATE ACTION AGAINST ME, THE BIDDER AND ANY OF ITS DIRECTORS / TRUSTEES / SHAREHOLDERS / MEMBERS / PARTNERS IF THIS DECLARATION IS FOUND TO BE FALSE.

…… ……

Signature Date

…… ……..

Designation Name of bidder

ANNEXURE 3

Declaration of Bidder's past supply chain management practices (SBD 8)

1.1 This Standard Bidding Document must form part of all bids invited.

1.2 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

Item	Question	Yes	No
2. 4.1	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? **(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the *audi alteram partem* rule was applied).**	Yes ☐	No ☐
2.4.1.1	If so, furnish particulars:		
2.4.2	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)? **To access this Register enter the National Treasury's website, www.treasury.gov.za, 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.**	Yes ☐	No ☐

2.4.2.1	If so, furnish particulars:		
2.4.3	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 ☐	No ☐
2.4.3.1	If so, furnish particulars:		
2.4.4	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 ☐	No ☐
2.4.4.1	If so, furnish particulars:		

1.3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-

2.3.1 Abused the institution's supply chain management system
2.3.2 Committed fraud or any other improper conduct in relation to such system; or
2.3.3 Failed to perform on any previous contract.

2.4 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

Annexure 4 **SBD 6.1**

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

This preference form must form part of all the 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

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1. GENERAL CONDITIONS

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

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

1.2 To be completed by the organ of state

(*delete whichever is not applicable for this tender*).

a) The applicable preference point system for this tender is the 90/10 preference point system.

b) The applicable preference point system for this tender is the 80/20 preference point system.

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

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

(a) Price; and

(b) Specific Goals

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
51% or More Black Owned	10
30% or More Woman Owned	10
Total points for Price and SPECIFIC GOALS	**100**

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

(a) **"tender"** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation.

(b) **"price"** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;

(c) **"rand value"** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes.

(d) **"tender for income-generating contracts"** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and

(e) **"The Act"** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

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

$$Ps = 80\left(1 - \frac{Pt - P\,min}{P\,min}\right) \text{ or } \quad Ps = 90\left(1 - \frac{Pt - P\,min}{P\,min}\right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = 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:

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

$$Ps = 80\left(1 + \frac{Pt - P\,max}{P\,max}\right) \text{ or } \quad Ps = 90\left(1 + \frac{Pt - P\,max}{Pmax}\right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

(a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or

(b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for 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: The tenderer must indicate how they claim points for each preference point system.*)**

	POINTS
PRICE	80
51% or More Black Owned	10
30% or More Woman Owned	10
Total points for Price and SPECIFIC GOALS	**100**

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm…….

4.4. Company registration number: ……...

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

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

SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME: .....

DATE: .....

ADDRESS: .....

.....

.....

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ANNEXURE 5

Certificate of Independent Bid Determination (SBD 9)

3.1. This Standard Bidding Document (SBD) must form part of all bids[1] invited.

3.2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).[2] Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.

3.3 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.

3.4 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.

3.5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

[1] Includes price quotations, advertised competitive bids, limited bids and proposals.

[2] Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

Certificate of Independent Bid Determination

I, the undersigned, in submitting the accompanying bid:

_____

(Bid Number and Description)

in response to the invitation for the bid made by:

_ _____

(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:
I certify, on behalf of:_____that:

(Name of Bidder)

A. I have read and I understand the contents of this Certificate;
B. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
C. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
D. 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;
E. 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

F. 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[3] will not be construed as collusive bidding.
G. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
   (i) prices;
   (ii) geographical area where product or service will be rendered (market allocation)
   (iii) methods, factors or formulas used to calculate prices;
   (iv) the intention or decision to submit or not to submit, a bid;
   (v) the submission of a bid which does not meet the specifications and conditions of the bid; or
   (vi) bidding with the intention not to win the bid.
H. 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.
I. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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