

**REQUEST FOR PROPOSALS FROM SERVICE PROVIDERS TO RENDER FULL-SERVICE AGENCY  
(ADVERTISING, DESIGN, MEDIA, MARKETING AND COMMUNICATION AGENCY SERVICES) TO  
TRADE & INVESTMENT KWAZULU-NATAL FOR A PERIOD OF 36 MONTHS / 3 YEARS**

**REFERENCE NUMBER: 3510/2021/01**

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## 1. INTRODUCTION

**Trade & Investment KwaZulu-Natal (TIKZN)** is a provincial trade and investment promotion public entity, mandated by the Department of Economic Development, Tourism and Environmental Affairs (EDTEA) to promote the province as an investment destination and to promote trade by assisting KwaZulu-Natal (KZN) based companies to identify local and international markets to export their products.

To achieve this mandate, TIKZN needs to continuously increase the awareness of its services, the destination's profile and ensure brand awareness locally, nationally, and internationally which are the province's key source markets for trade and Foreign Direct Investment (FDI), through marketing, advertising, events, and promotions.

### 1.1. PROJECT PURPOSE

The purpose of this project is to locate and appoint an experienced, reputable service provider that will act as a **FULL-SERVICE AGENCY** (advertising, design, media, marketing, Public Relations, and communication agency) for TIKZN as and when required by the organisation. This service provider will, amongst many of the key outputs be required to provide integrated marketing services aligned to the TIKZN's strategy and Annual Performance Plans for each year of service. The services include:

- 1.1.1 Development of the Integrated Brand, marketing and communications strategy for the entity and the destination.
- 1.1.2 Development and implementation of strategic concepts that are identified to support the marketing strategy and the mandate of TIKZN.
- 1.1.3 Develop all the content and creative that support the integrated brand, marketing, and communications strategy in order to:
  - a) Implement on its own and work with other service providers where applicable, the integrated marketing and communications strategy through the entire marketing mix.

### 1.2. CONSULTANT'S TERMS OF REFERENCE

It is the intention of TIKZN to enter into a formal Service Level Agreement with the successful Service Provider to provide the services described hereunder.

The Terms of Reference (TOR) would serve to guide the process of selecting and appointing a qualified service provider by ensuring a match between TIKZN's requirements and the knowledge and experience of the service provider.

These TORs and the consultant's proposal will form the basis of the service level agreement to be entered into between the parties.

### 1.3. SCOPE OF SERVICES

The Scope of work will include the following:

- a) Rendering of advertising services, branding services, design services, media services, PR services, marketing services, and corporate communication services.
- b) Strategy development: Integrated Brand and Marketing, Public Relations (PR), Media strategy as and support the Implementation plan and execution.
- c) Capability of printing marketing collateral outside of South Africa.

The timeframe for this contract is 36 months from the date of appointment.

**1.4. OUTPUTS OF THE SERVICES REQUIRED /KEY DELIVERABLES/COMPETENCIES**

- 1.4.1 The key deliverables below are an estimate and not limited to:
- a) Develop annual above-the-line, below-the-line and through-the-line campaigns, activation and promotion concepts based on the main brand, destination brand, marketing and communications strategy.
  - b) Creative concept generation and implementation plan Copywriting, design, annual report, Emnothweni, Thintana and any other publications that the entity may require.
  - c) Design promotional materials including brand, destination, investment and export promotion marketing tools, branding and display material, advertorials and generic adverts.
  - d) Design event specific material such as brand identity, invitations, programmes, templates for power point presentations and flash presentations when needed.
  - e) Management and maintenance of image library.
  - f) Update entity’s and related brands identities and look and feel.

- 1.4.2 Competencies and Capabilities:
- a) Experience in strategic marketing, brand, communications, digital and advertising.
  - b) Experience in usage of all marketing and communication tools including media strategy development and buying, website and digital networks including social networks.
  - c) Project management experience and capability to deliver on a project within a deadline.
  - d) Experience in leveraging small budgets.
  - e) Monitoring and evaluating skills of “brand awareness to conversion”.
  - f) Proven track record in strategic and creative marketing services and in handling innovative through-the-line activities.
  - g) The agency must have a fully functional office in KwaZulu-Natal.

The following table must be used to provide a cost estimate of some of the items that will be required for marketing purposes, but is not limited:

Item number	Description	Dimensions/Detailed Specification	Quantity required	Price (Vat Inclusive)
1.	<b>Retainer Fee Monthly</b>	<ul style="list-style-type: none"> <li>• Concept development</li> <li>• Concept execution plan</li> <li>• Design, Layout, Business Copy editing, Proofreading</li> <li>• As per Service Level Agreement on Retainer Workplan</li> </ul>	Monthly	R.....
2.	<b>Marketing Brochure</b>	<ul style="list-style-type: none"> <li>• Size: A5</li> <li>• No. of pages: 16Pg Paper</li> <li>• Grammage: 128gsm ROF and 350gsm cover</li> <li>• Production</li> <li>➤ Printing and Lamination</li> </ul>	500 copies	R.....
			1000 copies	R.....

Item number	Description	Dimensions/Detailed Specification	Quantity required	Price (Vat Inclusive)		
3.	Corporate Identity, Stationery Including Letterheads And business Cards	<ul style="list-style-type: none"> <li>Production</li> <li>➤ <b>Letterheads</b></li> <li>Colour: Full Colour</li> <li>Size: 210 mm x 297 mm</li> <li>Grammage: 100gsm</li> </ul>	500 copies	R.....		
			1000 copies	R.....		
		<ul style="list-style-type: none"> <li>Production</li> <li>➤ <b>Complimentary slips</b></li> <li>Colour: Full Colour</li> <li>Size: 210mm x 99mm</li> <li>Grammage: 100gsm</li> </ul>	500 copies	R.....		
			1000 copies	R.....		
		<ul style="list-style-type: none"> <li>Production</li> <li>➤ <b>Business Cards</b></li> <li>Colour: double sided Full Colour</li> <li>Grammage: 350gsm</li> <li>Paper Treatment: Magno Satin (matt), matt laminated double-sided</li> </ul>	500 copies	R.....		
			1000 copies	R.....		
		4.	Annual Report	<ul style="list-style-type: none"> <li>Size: A4</li> <li>No. of pages: 88Pg Paper</li> <li>Grammage: 128gsm ROF and 350gsm cover</li> <li>Production</li> <li>➤ Printing and Lamination</li> </ul>	500 copies	R.....
					1000 copies	R.....
5.	Quarterly Newsletter	<ul style="list-style-type: none"> <li>Size: A4</li> <li>No. of pages: 20Pg</li> <li>Grammage: 128gsm ROF and 350gsm cover</li> <li>Production</li> <li>➤ Printing and Lamination</li> </ul>	500 copies	R.....		
			1000 copies	R.....		
			1000 copies	R.....		
6.	Doing business in KZN booklet DL Size (128gsm ROF and 250gsm cover)	<ul style="list-style-type: none"> <li>Size: DL</li> <li>No. of pages: 60Pg</li> <li>Grammage: 128gsm ROF and 350gsm cover</li> <li>Production</li> <li>➤ Printing and Lamination</li> </ul>	500 copies	R.....		
			1000 copies	R.....		
7.	Banners – Pull up	<ul style="list-style-type: none"> <li>Dimensions: 2000mmx850mm</li> <li>Production</li> </ul>		R.....		

**NB: This table of prices will be used for evaluation purposes and must be completed fully!!**

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## **1.5. METHODOLOGY**

The Service Provider/s proposal must outline the methodology they intend adopting to meet the deliverables specified in 1.4 above. This outline should cover the following questions:

- a) Indicate how the project will be carried out.
- b) Provide a project charter with timelines.
- c) Provide a detailed budget for the project which must also outline a sign off and payment schedule.
- d) The Service Provider is expected to put clearly defined targets in line with the scope of work. The budget breakdown would therefore be linked to the target and outputs, milestones and timing thereof and the schedule of costs and payments.

## **2. INSTRUCTION TO SERVICE PROVIDERS**

The services required by Trade & Investment KwaZulu-Natal are described in these Terms of Reference and therefore all applicable annexures which are listed as mandatory must be comprehensively covered in your proposal.

### **2.1. ALTERATIONS OR WITHDRAWAL OF PROPOSALS**

Service Providers may withdraw their proposals by written notification on or before the closing date.

### **2.2. COMPULSORY PRESENTATION**

- 2.2.1 All short-listed bidders that achieve the minimum functionality score of 70 percentage points during the functionality scoring phase may be required to present their methodology to the Bid Evaluation Committee.

### **2.3. COSTS FOR PREPARATION OF RFP / RFQ PROPOSAL**

The costs incurred by the Service Provider in respect of the attendance of any briefing or presentation meetings or costs incurred in preparing any proposal will be borne by the Service Provider and Trade & Investment KwaZulu-Natal shall in no way be liable to reimburse the Service Provider for such costs incurred.

### **2.4. OWNERSHIP OF RFP / RFQ AND PRESENTATIONS**

Trade & Investment KwaZulu-Natal shall on receipt of any proposal relating to this RFP / RFQ and submitted in accordance with this RFP / RFQ procedure, become the owner thereof and Trade & Investment KwaZulu-Natal shall not be obliged to return any proposals to Service Providers who request such a return.

### **2.5. CONFIDENTIALITY**

The entire process of calling for proposals as initiated by Trade & Investment KwaZulu-Natal in terms of its procurement policy is confidential. All deliberations in respect of the acceptability or otherwise of the proposals shall be conducted in closed sessions and members of the Evaluation, Bid Adjudication and Procurement Committee is bound by confidentiality.

## **2.6. ETHICS**

Any attempt by a Service Provider to obtain confidential information or enter into unlawful agreements with competitors or influence the Evaluation and / or the Bid Adjudication and / or Procurement Committee of Trade & Investment KwaZulu-Natal during the process of examining, evaluating and comparing proposals will lead to the rejection of its proposal in its entirety. The Service Provider must declare any business or other interests it has with Trade & Investment KwaZulu-Natal or any employee of Trade & Investment KwaZulu-Natal, failing which the Service Provider shall be automatically disqualified from further participation in the RFP / RFQ.

## **2.7. CANCELLATION OF BID PROCEDURE**

Trade & Investment KwaZulu-Natal shall be entitled, within its sole and entire discretion, to cancel this RFP / RFQ at any time and shall notify the Service Providers accordingly. Trade & Investment KwaZulu-Natal shall in no way be liable for any damages whatsoever, including, without limitation, damages for loss of profit, in any way connected with the cancellation of this RFP / RFQ procedure. The publication of an invitation to call for proposals does not commit Trade & Investment KwaZulu-Natal to appoint any of the qualifying Service Providers.

## **3. REQUIRED EXPERTISE AND COMPETENCIES**

The Service Provider's proposal must outline the expertise and competencies on offer and should expressly detail their previous experience with similar projects of this nature. This may be supported by the CV's of the team or management. To achieve the scope of work, the service provider/s appointed to undertake this project, should demonstrate the following key competencies:

- a) Comprehensive knowledge and proven track record of rendering advertising, digital marketing, public relations, media and corporate communication services, expertise and experience.
- b) Capacity, expertise and applicable resources to render the services throughout the contract period.
- c) Service providers are required to have an established office in KwaZulu-Natal to ensure ease of access and service to day-to-day deliverables.

**KINDLY NOTE THAT FAILURE TO FULLY COVER THIS IN YOUR PROPOSAL MAY RESULT IN YOUR PROPOSAL BEING REJECTED WITHOUT FURTHER CONSIDERATION.**

## **4. SUPPORTING DOCUMENTATION**

Service Providers are required to submit the following documents:

- a) An original valid Tax Clearance Certificate must be submitted with the bid proposal. (Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid proposal. Certified copies of the Tax Clearance Certificate will not be acceptable). In bids where Consortia /Joint Ventures/Subcontractors are involved each party must submit a separate valid Tax Clearance Certificate.
- b) Verifiable references.
- c) B-BBEE Verification Certificate (would be an advantage).
- d) Annexure A: STANDARD BID DOCUMENT FORM (SBD 1).
- e) Annexure B: DECLARATION OF INTEREST FORM. (SBD 4).
- f) Annexure C: PREFERENTIAL POINTS CLAIM FORM. (SBD 6.1).
- g) Annexure F: CONTRACT FORM – RENDERING OF SERVICES (SBD 7.1)
- h) Annexure G: CERTIFICATE OF INDEPENDANT BID DETERMINATION FORM. (SBD 9).
- i) Annexure H: AUTHORITY TO SIGN A BID FORM.
- j) Annexure I: DECLARATION OF BIDDERS PAST SUPPLY CHAIN MANAGEMENT PRACTICES.

**KINDLY NOTE THAT FAILURE TO SUBMIT THE MANDATORY DOCUMENTS LISTED IN ANNEXURES (A, B, F, G, H, AND I) WITH THE PROPOSAL WILL RESULT IN YOUR PROPOSAL BEING REJECTED WITHOUT FURTHER CONSIDERATION.**

## **5. PRE-QUALIFICATION**

In accordance with its objective to advance Broad-Based Black Economic Empowerment and transformation, TIKZN hereby invites ONLY those service providers that meet all the following criteria to submit proposals to provide services to TIKZN:

- a) A firm that has a certified BBBEE rating of level 3, or better.
- b) A bidder 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 bidder concerned.

## **6. PREFERENTIAL PROCUREMENT**

In compliance with the preferential public procurement laws applicable to Trade & Investment KwaZulu-Natal and in terms of Trade & Investment KwaZulu-Natal's procurement policy, preferential points will be awarded to Service Providers who demonstrate BEE in its management and ownership structures. In this regard Service Providers are required to expressly cover this in their proposals and state their BEE management and ownership status. Service providers should also include specific accreditation information where applicable.

**NB:** Companies must define whether they comply with the following categories of targeted groups:

- a) Black African owned and percentage owned
- b) Women owned entities and percentage owned
- c) Youth owned entities and percentage owned

## **7. SERVICE LEVEL AGREEMENT**

- 7.1** The acceptance of any proposal shall only be confirmed with the conclusion of a written service level agreement between Trade & Investment KwaZulu-Natal and the Successful Service Provider, in terms of which the rights and duties of the parties are recorded, which agreement shall regulate the relationship between Trade & Investment KwaZulu-Natal and the Successful Service Provider.
- 7.2** Until such time that an appropriate service level agreement has been concluded between Trade & Investment KwaZulu-Natal and successful Service Provider, no rights shall be conferred nor shall any legitimate expectations be conferred to the successful Service Provider to carry out the works or services provided for in this call for proposals.

## **8. SUBMISSION OF PROPOSALS**

### **8.1** Bidders must respond to the RFP as follows:

- 8.1.1 Submit the RFP response and all documents (attachments) for Part 1 to 3 (see 8.5 below).
- 8.1.2 Submit hard copies and electronic copy at the Tender box situated at the Ground Floor, TIKZN Offices.
- 8.1.3 Submit any RFP queries via email to [aphelele@tikzn.co.za](mailto:aphelele@tikzn.co.za) between **2<sup>nd</sup> March up until 23<sup>rd</sup> March 2021.**

**8.2** Bidders must submit the RFP to TIKZN in the following format:

- 8.2.1 One (1) original hard copy clearly marked as “original”;
- 8.2.2 Two (2) duplicate hard copies clearly marked as “copies”;
- 8.2.3 One (1) duplicate electronic copy (Part 1 to Part 3 to be PDF format on either a CD/DVD/Memory stick to the TIKZN tender box by the closing date (23<sup>rd</sup> March 2021) and time (12h00) of the bid invitation.

**8.3** Non-compliance with 8.1 and 8.2 above may invalidate the bidder’s RFP response.

**8.4** Any discrepancies between the electronic bid (Part 1 to 3) and the hard copy (Part 1 to 3) may invalidate the RFP bid response for the above-mentioned goods and services in question. All CDs/DVDs/Memory sticks should be clearly marked with the Tender reference number and bidder’s name.

**8.5** Bidders’ attention is also drawn to the sequential format in which their RFP bid response must be submitted:

Part 1	<b>ADMINISTRATIVE COMPLIANCE</b> Completed bid documents and all bid returnables
Part 2	<b>PRE-QUALIFICATION CRITERIA</b> Pre-Qualification documents
Part 3	<b>TECHNICAL FUNCTIONALITY</b> <ul style="list-style-type: none"> <li>• Part 3a: Functional Requirements (as per 13.1below)</li> <li>• Part 3b: Capability and Capacity Requirements (as per 13.1 below)</li> <li>• Part 3c: Pricing (AS PER schedule in paragraph1.4.3 above)</li> </ul>

## 9. FEE STRUCTURE

Trade & Investment KwaZulu-Natal reserve the right to negotiate any aspect of the proposed fees and disbursements with the preferred Service Provider and shall not to bind to the fees and disbursements submitted by any Service Provider.

### 9.1 ACCOUNTING RESOURCING

Description	Activity	Type of resource required	Number of Resources
Above-the-line Services	Above-the-line services is either thematic, Promotional and/or Ad hoc Producing of world-class creative origination & execution	Media and PR manager Client service Traffic & Production Strategic Planner Art Director Copy Writer Key Account Manager	1
Below-the-line Services	Publications Marketing Collateral Branding	Client Services Designer DTP operator	1



Description	Activity	Type of resource required	Number of Resources

## 9.2 PRICING

A detailed pricing schedule for tender evaluation purposes, based on a fully inclusive monthly retainer as per the scope of services as outlined in Number 5 (Scope of Services – Functionality) and must detail relevant agency resources to be allocated to the TIKZN account as per Number 8 (Account Resourcing) as well as the total number of hours per month, services rendered for the retainer and any exclusion.

- 9.2.1 This price should be stated clearly as a VAT inclusive monthly amount.
- 9.2.2 The agency should for the purposes of this bid indicate separately what their media commission on media placements/buying is as this service will be required on an ad-hoc basis by TIKZN.
- 9.2.3 The agency should for the purposes of this bid indicate separately what their commission on non-media service which might be required on an ad-hoc basis by TIKZN, which shall be communicated to the agency in advance and quoted for separately.

## 10. EVALUATION CRITERIA

Evaluation will be carried out on the Functionality and the Preferential Point System (B-BBEE Status Level of Contribution and Price). The following preference point systems are applicable to all bids:

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

## 11. VALUE OF BID

The value of this bid is estimated not to exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 system shall be applicable.

## 12. PREFERENCE POINTS

The preference points awarded for this bid shall be for:

- a) Price and B-BBEE status level of contribution.
- b) The maximum 100 points which includes the Price and the B-BBEE status level of contribution.

## 13. ADJUDICATION USING A POINT SYSTEM

- 13.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 13.2 Preference points shall be calculated after prices have been brought to a comparative basis considering all factors of non-firm prices and all unconditional discounts.
- 13.3 Points scored must be rounded off to the nearest 2 decimal places.
- 13.4 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.
- 13.5 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.

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

**14. THE AWARDING OF POINTS**

For the 80/20 or the 90/10 preference point systems, the awarding of points will be done for Price, Functionality and B-BBEE status level of contribution.

**14.1 POINTS AWARDED FOR PRICE**

For the 80/20 or the 90/10 preference point systems, a maximum of 80 or 90 points is allocated for price on the following basis:

<p>80/20</p> <div style="border: 1px solid black; padding: 10px; width: fit-content; margin: auto;"> <math display="block">P_s = 80 - 1 \frac{P_t - P_{min}}{P_{min}}</math> </div>	<p>90/10</p> <div style="border: 1px solid black; padding: 10px; width: fit-content; margin: auto;"> <math display="block">P_s = 90 - 1 \frac{P_t - P_{min}}{P_{min}}</math> </div>
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- P<sub>s</sub> = Points scored for comparative price of bid under consideration
- P<sub>t</sub> = Comparative price of bid under consideration
- P<sub>min</sub> = Comparative price of lowest acceptable bid

**14.2 FUNCTIONALITY**

The below mentioned criteria will guide the evaluation of functionality / technical phase and bidders who score less than 70% in this phase will be disqualified for the next phase of evaluation.

FUNCTIONALITY ASSESSMENT SCORING CRITERIA	Weight	Score	Total
<p><b>1. Technical Approach (50/100):</b></p> <ul style="list-style-type: none"> <li>● <b>Conceptual Grasp (50)</b></li> <li>➤ Knowledge of the KZN business environment – Experience in working with various stakeholders/organisations in the KZN province, with a clear understanding of the public/business/corporate culture of the province (10).</li> <li>➤ Extensive copy-writing competency with a minimum of three samples eg annual report, corporate profile and an advert (15).</li> <li>➤ Display strategic, creative origination within brand guidelines (15). (Provide past concept developed that is inline with brand and show concept execution)</li> <li>➤ Strategic concept development in the Media relations and marketing fields with proof of expertise and track record (10). (Provide past media relations support for a concept developed that is in line with brand. Please provide media relations supporting documentation)</li> </ul>	10		
	15		
	15		
	10		
<p><b>(Rating score values for technical approach is allocated as follows:</b> Unsatisfactory = 1; Satisfactory = 2; Good = 3; Very Good = 4 and Excellent = 5. The maximum score value which can be awarded is 5 per technical approach category).</p>			

<p><b>2. Key Personnel (30/100):</b>          Demonstrated ability of the Individual/Professional Team to render the service and the expertise of key staff members. This must be supported with a submission of an organogram and CV's of team members i.e. Account Manager and the team of experienced design, advertising, media and communications personnel etc.</p> <ul style="list-style-type: none"> <li><b>Key personnel for the account should include:</b>  <u>Strategic and Management support personnel (15)</u> <ul style="list-style-type: none"> <li>- Account Director/Manager</li> <li>- Advertising, Brand and Marketing Strategist</li> <li>- Public relations and Communications Manager</li> <li>- Media strategist, implementation planner and buyer</li> <li>- Account executives and administrators including Account Traffic Coordinator</li> </ul> </li> </ul>	15			
<p><b>(Rating score values for technical approach is allocated as follows: Unsatisfactory = 1; Satisfactory = 2; Good = 3; Very Good = 4 and Excellent = 5. The maximum score value which can be awarded is 5 per technical approach category).</b></p>				
<ul style="list-style-type: none"> <li><b>Technical Support Personnel (15)</b> <ul style="list-style-type: none"> <li>- Creative designers and repro artists</li> <li>- Corporate &amp; creative copy-writers</li> <li>- Proof-readers</li> <li>- Photographers/videographers/sound specialists</li> <li>- Motion Graphics Designer</li> </ul> </li> </ul>	15			
<p><b>(Rating score values for technical approach is allocated as follows: Unsatisfactory = 1; Satisfactory = 2; Good = 3; Very Good = 4 and Excellent = 5. The maximum score value which can be awarded is 5 per technical approach category).</b></p>				
<p><b>2. Successful completion of similar projects in the last five years (10/100):</b></p> <ul style="list-style-type: none"> <li>This must be supported by the submission of a list of all similar projects successfully completed, <u>as well as letters of completion and/or references from current/previous clients.</u> Portfolio of evidence</li> </ul>	10			
<p><b>(Rating score values for similar projects is allocated as follows: No similar projects = 0; One similar project completed = 1; Two similar projects = 2; Three similar projects = 3; Four similar projects = 4 and Five and more similar projects completed = 5. The maximum score value which can be awarded is 5).</b></p>				
<p><b>4. Work Plan (10/100):</b></p> <ul style="list-style-type: none"> <li>The quality and reasonableness of the Retainer work plan will be assessed / evaluated and therefore a detailed work programme outlining the various workflow items/tasks required for this project, and adherence to the deadline must be submitted</li> </ul>	10			
<p><b>(Rating score values for the work program is allocated as follows: No program = 0; Poor program (insufficient information provided) = 1; Adequate program (work items shown) = 2; Good program (all necessary work items shown) = 3; Very good program (all necessary and major work items shown) = 4 and Excellent program (all necessary work items shown, including links between tasks and additional information) = 5. The maximum score value which can be awarded is 5).</b></p>				
<b>TOTAL</b>		<b>100</b>		

### 14.3 B-BBEE STATUS LEVEL OF CONTRIBUTION

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

B-BEE status level of contribution	Number of points (90/10) system	Number of points (80/20) system
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

- 14.3.1 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a sworn affidavit issued by the EME representative and attested by a Commissioner of Oaths.
- 14.3.2 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.
- 14.3.3 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.
- 14.3.4 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.
- 14.3.5 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 14.3.6 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprises that does not have equal or higher B-BBEE status level than the person concerned unless the contract is subcontracted to an EME that has the capability and ability execute the sub-contract.

### 15 B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED

Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete Annexure C: Preferential Points Claim Form. (Points claimed must be in accordance with the table reflected in paragraph 9.3. and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS).

## **16 CONTRACTUAL OBLIGATIONS**

The acceptance of any proposal shall only be confirmed with the conclusion of a written service level agreement between Trade & Investment KwaZulu-Natal and the Successful Service Provider, in terms of which the rights and duties of the parties are recorded, which agreement shall regulate the relationship between the Trade & Investment KwaZulu-Natal and the Successful Service Provider.

Until such time that an appropriate service level agreement has been concluded between Trade & Investment KwaZulu-Natal and successful Service Provider, no rights shall be conferred, nor shall any legitimate expectations be conferred to the successful Service Provider to carry out the works or services provided for in this call for proposals.

## **17 INTELLECTUAL PROPERTY RIGHTS**

Copyright, patent rights and other similar rights in any works or products created as a result of the performance of this tender and its assignments shall vest in and are hereby transferred to TIKZN, unless specifically agreed otherwise, in the form of individual written Agreement signed by both parties.

For this purpose, only, all works created in terms of this tender and the assignments thereof shall be deemed to have been created under the control and direction of TIKZN. All information documents, records and books provided by TIKZN to any service provider in connection with the proposal or otherwise are strictly private and confidential. Any proposer to any third party shall not disclose them, except with the express consent of TIKZN, which shall be granted in writing prior to such disclosure. TIKZN however reserves the right to disclose any information provided by any service provider to any of the members of TIKZN.

## **18 TERMINATION OF CONTRACT**

TIKZN reserves the right to terminate the award of any tender to any party if there are reasonable grounds for considering that there is non-performance by the contractor in terms of the contract. TIKZN also reserves the right to curtail the scope of any tender awarded or to curtail any aspect of any tender. In the event of any such cancellation or curtailment, the tenderer shall have no claim or recourse against TIKZN, of whatsoever nature, save the recoupment of the tenderer's actual and reasonable costs already expended on the project.

## **19 SUBMISSION OF PROPOSALS**

The sealed envelope must be placed in the tender box at the Reception of the **Trade and Investment House, 1 Arundel Close, Kingsmead Office Park, Durban by no later than Monday, 23<sup>rd</sup> March 2021 before 12 noon**. Any proposal not in the tender box at the time of the proposal closing, such a proposal will be regarded as a late proposal. Late proposal will not be considered. No proposal received by telegram, telex, e-mail, facsimile or similar medium will be considered. Bids may be addressed to the following:

**The Procurement Officer  
Trade and Investment House  
1 Arundel Close  
Kingsmead Office Park  
Durban  
4000**

### OPTIONAL OR MANDATORY ANNEXURES

ANNEXURES	ANNEXURE DESCRIPTION	OPTIONAL OR MANDATORY
ANNEXURE A	INVITATION TO BID DOCUMENTATION FORM (SBD1)	MANDATORY
ANNEXURE B	DECLARATION OF INTEREST FORM (SBD 4)	MANDATORY
ANNEXURE C	PREFERENTIAL POINTS CLAIM FORM (SBD 6.1)	OPTIONAL
ANNEXURE F	CONTRACT FORM - RENDERING OF SERVICES (SBD 7.1)	MANDATORY
ANNEXURE G	CERTIFICATE OF INDEPENDENT BID DETERMINATION FORM (SBD 9)	MANDATORY
ANNEXURE H	AUTHORITY TO SIGN A BID FORM	MANDATORY
ANNEXURE I	DECLARATION OF BIDDERS PAST SUPPLY CHAIN MANAGEMENT PRACTICES (SBD 8)	MANDATORY

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE TRADE & INVESTMENT KWAZULU-NATAL					
BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					
<b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT Trade &amp; Investment House, 1 Arundel Close, Kingsmead Office Park, Durban</b>					
<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR <b>THE GOODS /SERVICES /WORKS OFFERED?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]	
<b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>					
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		
<b>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.</b>					

## PART B

## TERMS AND CONDITIONS FOR BIDDING

## 1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
  - 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED – (NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
  - 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
  - 1.4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**
- 2. TAX COMPLIANCE REQUIREMENTS**
- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
  - 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER’S PROFILE AND TAX STATUS.
  - 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
  - 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
  - 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
  - 2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
  - 2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE.”

**NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.**

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....  
 (Proof of authority must be submitted e.g. company resolution)

DATE: .....



**ANNEXURE B: DECLARATION OF INTEREST FORM (SBD 4)**

Any legal person, including persons employed by the state', 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 an advertised competitive bid, a limited bid, a proposal or written price quotation). In view of possible allegations of favoritism, 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.

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

1. Full Name of bidder or his or her representative: .....
2. Identity Number: .....
3. Position occupied in the Company (director, trustee, shareholder/ member): .....
4. Registration number of company, enterprise, close corporation, partnership agreement or trust: .....
5. Tax Reference Number: .....
6. Vat Registration Number: .....
7. 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 the paragraph below.  
"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 Entities; or  
(e) Parliament.  
"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.
8. Are you or any person connected with the bidder presently employed by the state? **YES/NO**  
If so, furnish the following particulars:  
(a) Name of person / director / trustee/shareholder/ member: .....  
(b) Name of state institution to which the person is connected: .....  
(c) Position occupied in the state institution: .....  
(d) Any other particulars: .....
9. 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**  
If yes, did you attach 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) if no, furnish reasons for non-submissions of such proof: .....

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

If so, furnish particulars: .....

11. 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**

If so, furnish particulars: .....

12. 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**

If so, furnish particulars:

.....

13. 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**

If so, furnish details of directors /trustees /members /shareholders:

Full Name	Identity	Personal Income Tax Reference Number	State Employee Number / Perusal

**DECLARATION**

I, THE UNDERSIGNED 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 SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
Name of Bidder

.....  
Signature of Bidder

.....  
Position

.....  
Date

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

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

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

**1. GENERAL CONDITIONS**

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

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

1.2 a) The value of this bid is estimated to **not exceed** R50 000 000 (all applicable taxes included) and therefore the ..... preference point system shall be applicable; or

b) 80/20 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

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

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

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

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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

**2. DEFINITIONS**

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
  - 1) B-BBEE Status level certificate issued by an authorized body or person;
  - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

**3. POINTS AWARDED FOR PRICE**

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

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

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

Where

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

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

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

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

**5. BID DECLARATION**

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

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

6.1 B-BBEE Status Level of Contributor: . = ..... (maximum of 10 or 20 points)  
 (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

**7. SUB-CONTRACTING**

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

*(Tick applicable box)*

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

7.1.1 If yes, indicate:

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

*(Tick applicable box)*

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

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

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

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

8.1 Name of company/firm.....

8.2 VAT registration number.....

8.3 Company registration number.....

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

8.5 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

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

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

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
  - (a) disqualify the person from the bidding process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
  - (e) forward the matter for criminal prosecution.

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

.....	
SIGNATURE(S) OF BIDDERS(S)	
DATE:	.....
ADDRESS	.....
	.....

**CONTRACT FORM - RENDERING OF SERVICES**

**THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SERVICE PROVIDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SERVICE PROVIDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.**

**PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)**

1. I hereby undertake to render services described in the attached bidding documents to (name of the institution) ..... in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid.
  
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
  - (i) Bidding documents, viz
    - Invitation to bid;
    - Tax clearance certificate;
    - Pricing schedule(s);
    - Filled in task directive/proposal;
    - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
    - Declaration of interest;
    - Declaration of bidder's past SCM practices;
    - Certificate of Independent Bid Determination;
    - Special Conditions of Contract;
  - (ii) General Conditions of Contract; and
  - (iii) Other (specify)
  
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
  
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
  
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
  
6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT) .....

CAPACITY .....

SIGNATURE .....

NAME OF FIRM .....

DATE .....

**WITNESSES**

1 .....

2 .....

**CONTRACT FORM - RENDERING OF SERVICES**

**PART 2 (TO BE FILLED IN BY THE PURCHASER)**

1. I.....in my capacity as.....  
accept your bid under reference number .....dated.....for the rendering of  
services indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating service delivery instructions is forthcoming.
3. I undertake to make payment for the services rendered in accordance with the terms and  
conditions of the contract, within 30 (thirty) days after receipt of an invoice.

DESCRIPTION OF SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	COMPLETION DATE	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

4. I confirm that I am duly authorised to sign this contract.

SIGNED AT .....ON.....

NAME (PRINT) .....

SIGNATURE .....

OFFICIAL STAMP

WITNESSES

1 .....

2 .....



**ANNEXURE G: CERTIFICATE OF INDEPENDENT BID DETERMINATION FORM (SBD 9)**

1. This Standard Bidding Document (SBD) must form part of all bids' 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.
  - a) In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:
    - Includes price quotations, advertised competitive bids, limited bids and proposals.
    - 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 accompany bid (Bid number and Description): .....  
In response to the invitation for the bid made by Trade and Investment KwaZulu-Natal, do hereby make the following statements that certify to be true and complete in every respect. I certify, on behalf (Name of Bidder):

.....  
that:

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.
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.
- 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.*
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

**ANNEXURE H: AUTHORITY TO SIGN A BID FORM**

1. If a Bidder is a company, a certified copy of the resolution by the board of directors, personally signed by the chairperson of the board, authorising the person who signs this bid to do so, as well as to sign any contract resulting from this bid and any other documents and correspondence in connection with this bid and/or contract on behalf of the company must be submitted with this bid, that is before the closing time and date of the bid in the following format:

**AUTHORITY BY BOARD OF DIRECTORS** by resolution passed by the Board of Directors on .....20....

Mr/Mrs (whose signature appears below) has been duly authorised to sign all documents in connection with this bid on behalf of (Name of Company): .....

**IN HIS/HER CAPACITY AS:** .....

**SIGNED ON BEHALF OF COMPANY (PRINT NAME):** .....

**SIGNATURE OF SIGNATORY:** ..... **DATE:** .....

**WITNESSES:**

1. ....
2. ....

2. If a Bidder is a sole proprietor (One-Person Business) the person who signs the bid to do so, as well as to sign any contract resulting from this bid and any other documents and correspondence in connection with this bid and/or contract on behalf of the sole proprietor must be submitted with this bid, that is before the closing time and date of the bid in the following format:

I, the undersigned .....hereby confirm that I am the sole owner of the business trading as .....

**SIGNATURE OF SIGNATORY:** ..... **DATE:** .....

**WITNESSES:**

1. ....
2. ....

3. If a Bidder is a partnership, the following particulars in respect of every partner must be furnished and signed by every partner:

Name of Partner	Residential Address	Signature

We, the undersigned partners in the business trading as.....hereby authorise..... to sign this bid as well as any contract resulting from the bid and any other documents and correspondence in connection with this bid and / or contract on behalf of

.....  
**SIGNATURE**

.....  
**DATE**

4. In the case of a close corporation submitting a bid, a certified copy of the Founding Statement of such corporation shall be included with the bid, together with the resolution by its members authorising a member or other official of the corporation to sign the documents on their behalf.

By resolution of members at a meeting on .....20.....at.....Mr/Ms, whose signature appears below, has been authorised to sign all documents in connection with this bid on behalf of (Name of Close Corporation).....

SIGNED ON BEHALF OF CLOSE CORPORATION: ..... (PRINT NAME) IN HIS/HER CAPACITY AS.....

DATE:.....

**SIGNATURE OF SIGNATORY:**

**WITNESSES:**

1. ....

2. ....

5. If the Bidder is a Co-operative, A certified copy of the Constitution of the co-operative must be included with the bid, together with the resolution by its members authoring a member or other official of the co-operative to sign the bid documents on their behalf.

By resolution of members at a meeting on..... 20..... at.....Mr/Ms  
.....whose  
signature appears below, has been authorised to sign all documents in connection with this bid on behalf  
of (Name of cooperative):  
.....

SIGNATURE OF AUTHORISED REPRESENTATIVE/SIGNATORY: .....

IN HIS/HER CAPACITY AS: .....DATE: .....

SIGNED ON BEHALF OF CO-OPERATIVE: .....

NAME IN BLOCK LETTERS: .....

**WITNESSES:**

1. ....

2. ....



- 7. If a bidder is a consortium, a certified copy of the resolution/agreement passed/reached signed by the duly authorised representatives of concerned enterprises, authorising the representatives who sign this bid to do so, as well as to sign any contract resulting from this bid and any other documents and correspondence in connection with this bid and/or contract on behalf of the consortium must be submitted with this bid, before the closing time and date of the bid.

**AUTHORITY TO SIGN ON BEHALF OF THE CONSORTIUM**

By resolution/agreement passed/reached by the consortium:

on:.....20.....Mr/Mrs.....

(whose signature appear below) have been duly authorised to sign all documents in connection with this bid on behalf of:.....(Name of Consortium)

**IN HIS/HER CAPACITY AS:** .....

**SIGNATURE:** ..... **DATE:** .....

**ANNEXURE I: DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES (SBD 8)**

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

Item	Question	Yes	No
4.1.	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury's website( <a href="http://www.treasury.gov.za">www.treasury.gov.za</a> ) and can be accessed by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1.	If so, furnish particulars:		
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)? The Register for Tender Defaulters can be accessed on the National Treasury's website ( <a href="http://www.treasury.gov.za">www.treasury.gov.za</a> ) by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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