



**MICT SETA Head Office**  
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|                                 |  |
|---------------------------------|--|
| <b>RFQ NUMBER</b>               | <b>RFQ/MICT/38/2023</b>  |
| <b>RFQ DESCRIPTION</b>          | <b>APPOINTMENT OF A REPUTABLE SERVICE PROVIDER FOR THE PROVISION OF COMPREHENSIVE POPIA COMPLIANCE SERVICES WHICH INCLUDE A TOOLKIT AND/OR SYSTEM, CONDUCTING GAP ANALYSIS AND ASSESSMENT, AND TRAINING.</b> |
| <b>RFQ ISSUE DATE</b>           | <b>04 July 2023</b>  |
| <b>BRIEFING SESSION</b>         | <b>N/A</b>   |
| <b>CLOSING DATE &amp; TIME</b>  | <b>10 July 2023 @ 11:00 AM RFQ submitted after the stipulated closing date and time will not be considered.</b>  |
| <b>LOCATION FOR SUBMISSIONS</b> | <a href="mailto:rfqs@mict.org.za">rfqs@mict.org.za</a>   |
| <b>NO: OF DOCUMENTS</b>         | <b>1 SOFT COPY</b>   |

For queries, please contact [rfqs@mict.org.za](mailto:rfqs@mict.org.za) before the closing date of this RFQ.

The MICT SETA requests your quotation on the services listed above. Please furnish us with all the information as requested and return your quotation on the date and time stipulated above. **Late and incomplete submissions will invalidate the quote submitted.**

SUPPLIER NAME: \_\_\_\_\_

NATIONAL TREASURY (CSD) SUPPLIER NUMBER: \_\_\_\_\_

POSTAL ADDRESS: \_\_\_\_\_

TELEPHONE NO: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_

CELL NO: \_\_\_\_\_

SIGNATURE OF BIDDER: \_\_\_\_\_

**SUPPLIER REGISTRATION ON CSD**

Prospective suppliers must register on the National Treasury Central Supplier database in terms of National Treasury circular no 4A of 2016/17. The bidder shall register prior submitting a proposal/bid.

### RETURNABLE DOCUMENTS CHECKLIST

quotation invitation document must be completed, signed and submitted as a whole by the authorised Company representative. All forms must be properly completed, list below serve as a checklist of your RFQ submission.

(Tick in the relevant block below)

| DESCRIPTION  | YES | NO |
|--|-----|----|
| <b>CSD</b> Central Supplier Database (CSD) Registration Report   |     |    |
| Pricing Schedule   |     |    |
| Valid Tax Clearance Certificate (S) and or proof of application endorsed by <b>SARS</b> and/or <b>SARS-issued</b> verification pin |     |    |
| <b>SBD 4 – Bidder’s Disclosure</b>   |     |    |
| <b>SBD 6.1 - Preference Procurement Claim Form</b>   |     |    |
| CIPC registration documents  |     |    |
| Director(s) Certified ID copy  |     |    |
| Shareholder Certificate  |     |    |

**Note: This RFQ must be completed and signed by the authorised company representative**

## MICT SETA –QUOTATION CONDITIONS

### 1. QUOTATION CONDITIONS

NOTE: Quotation for the supply of goods or services described in this document are invited in accordance with the provision of Government Procurement: General Conditions of Contract available for download from <http://www.treasury.gov.za/divisions/ocpo/sc/GeneralConditions/>

- a. **MICT SETA** does not bind itself to accept the lowest or any RFQ, nor shall it be responsible for or pay any expenses or losses which may be incurred by the bidder in the preparation and delivery of the RFQ.
- b. No RFQ shall be deemed to have been accepted unless and until a formal contract/letter of intent is prepared and executed.

#### 1.1 MICT SETA reserves the right to:

- a. Not evaluate and award RFQ that do not comply strictly with the requirements of this RFQ.
- b. Make a selection solely on the information received in the RFQs and Enter into negotiations with any one or more of the preferred bidder(s) based on the criteria specified in the evaluation of this RFQ.
- c. Contact any bidder during the evaluation process, in order to clarify any information, without informing any other bidders, and no change in the content of the RFQ shall be sought, offered, or permitted.
- d. Award a contract to one or more bidder(s).
- e. Withdraw the RFQ at any stage
- f. Accept a separate RFQ or any RFQ in part or full at its own discretion.
- g. Cancel this RFQ or any part thereof at any stage as prescribed in the PPPFA regulation.
- h. Select the bidder(s) for further negotiations based on the greatest benefit to MICT SETA and not necessarily on the basis of the lowest costs

### 2. COST OF BIDDING

The bidder shall bear all costs and expenses associated with the preparation and submission of its RFQ or RFQ, and the MICT SETA shall under no circumstances be responsible or liable for any such costs, regardless of, without limitation, the conduct or outcome of the bidding, evaluation, and selection processes.

## TERMS OF REFERENCE

### **1. INTRODUCTION**

The Media, Information and Communication Technologies Sector Education and Training Authority (MICT SETA) is a public entity established in terms of Section 9(1) of the Skills Development Act (Act No. 97 of 1998). The MICT SETA plays a pivotal role in achieving South Africa's skills development and economic growth within the 5 distinct sub-sectors it operates in, i.e., Advertising, Film and Electronic Media, Electronics, Information Technology, and Telecommunications.

### **2. BACKGROUND**

The Protection of Personal Information Act (POPIA), Act No. 4 of 2013 states the compliance requirements for processing of personal information by South African entities in order to promote the protection of personal information processed by public and private bodies to:

- Introduce certain conditions so as to establish the minimum requirements for processing of personal information;
- Provide for the rights of persons regarding unsolicited electronic communications and automated decision making;
- To provide persons with rights and remedies to protect their personal information from processing that is not in accordance with this Act;
- Regulate the flow of personal information across the borders of the Republic; and
- Provide for matters connected therewith.

In order to comply with the above, the MICT SETA has completed the following milestones:

- Development of the MICT SETA POPIA Manual and presentation of the Manual to MICT SETA staff.
- Development of a POPIA Compliance Assessment used to measure performance against the manual.
- Appointment of the MICT SETA Information Officer.
- Appointment of the MICT SETA Deputy Chief Information Officers.
- Establishment of POPIA Committee.
- Development and publishing of the MICT SETA POPIA disclaimer.

While the aforementioned has been completed, the MICT SETA further seeks to appoint an independent service provider to rollout a POPIA Toolkit, conduct gap assessment and training, and assist in ensuring that the MICT SETA complies with the Act.

### **3. PURPOSE**

The purpose of this RFQ document is to define terms of engagement for the appointment of a reputable and experienced service provider for provision of comprehensive POPIA compliance services required to ensure the MICT SETA's full compliance with the Protection of Personal Information Act, to the extent that it is applicable to the organisation.

The service provider should enable the organisation to achieve project objectives as detailed hereinunder and achieve the minimum requirements of this RFQ.

### **4. OBJECTIVES**

The following are the specific objectives:

- a) Supply and implementation of POPIA toolkit and / or system containing reliable with up-to-date and editable documents and templates to assist the MICT SETA to develop policies and procedures.
- b) Execute a related Gap Analysis and assessment of MICT SETA compliance documentation against toolkit templates.
- c) Provide relevant training.
- d) Provide a review of the existing MICT SETA legal documents and templates, for inclusion of the relevant POPIA clauses.

## 5. SCOPE OF WORK

### POPIA Toolkit

*Responsibilities regarding the Toolkit will include:*

- a) Supply of cloud-based / hosted comprehensive POPIA Toolkit which complies with industry best practices adopted within the Republic of South Africa.
- b) Detail the type of products, documents, and templates included in the POPIA Toolkit / system.
- c) Articulate the detail and type of information contained in each template, document, or product.
- d) Indicate the date of the last revision of the products and / or documents contained in the Toolkit, or the Toolkit, and anticipated / upcoming revision dates.

### Gap Analysis and Assessment

*Responsibilities and activities of the service provider will include:*

- a) Review of all MICT SETA POPIA materials to comply with the Toolkit.
- b) Review of all MICT SETA legal documents to comply with the Toolkit. Legal documents include contracts, SLAs, policies, and procedures, *inter alia*.
- c) Design required / recommended / mandatory POPIA publications to be included / posted on different media platforms, including but not limited to the listed below:
  - Internal communication platforms
  - Online platforms such as website, Intranet, and social media
  - Printed posters
  - Information systems
  - Advertisements
- d) ICT readiness for POPIA compliance.
- e) Recommend further compliance requirements such as systems and processes to ensure the MICT SETA is fully compliant with the Act.

### Training and Awareness

*Responsibilities and activities of the service provider will include:*

- a) POPIA compliance and awareness training and workshops for:
  - Information Officer
  - Deputy Information Officers
  - POPIA Committee
  - HR Team
  - ICT Team
  - Governance structures
  - MANCO

- Staff
- b) Queries relating to the usage of the Toolkit to relevant officials of MICT SETA.

#### Value-added Products / Services

*The bidder must detail any included value-added products and / or services for the project:*

- a) Details of after sales support to be provided.
- b) Any value-added products / products contained in the Toolkit and brought by the Bidder's implementation team.
- c) Updates, support, and maintenance of the Toolkit for the duration of the contract.
- d) Assistance with queries related to the Toolkit, its contents and implementation.

#### **6. END OF CONTRACT PROCESSES**

The following processes shall apply during expiry/termination of the contract:

- a) The MICT SETA may retain utilisation of the Toolkit with a service provider of its choice for continued licencing of the software.
- b) The bidder will not claim any ownership of any personalised property of the MICT SETA resulting from this bid as such shall remain the sole property of the MICT SETA.
- c) The bidder shall be required to submit a project closeout report to the MICT SETA.

#### **7. PROJECT DURATION**

The services will commence upon signing of the Service Level Agreement for a duration of twelve (12) months.

**PRICING SCHEDULE**

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

RFQ number: \_\_\_\_\_

Closing date \_\_\_\_\_

RFQ shall remain valid for acceptance for a period of **90 days** counted from the closing date.

Bidders to provide further cost breakdown where necessary under each line item, and sub-total and the overall RFQ price (Total) should be included. The below table is for illustration only:

| APPOINTMENT OF A REPUTABLE SERVICE PROVIDER FOR THE PROVISION OF COMPREHENSIVE POPIA COMPLIANCE SERVICES WHICH INCLUDE A TOOLKIT AND/OR SYSTEM, CONDUCTING GAP ANALYSIS AND ASSESSMENT, AND TRAINING. |   |                 |                                    |                |
|---|---|-----------------|------------------------------------|----------------|
| Item  | Requirement Description   | Quantity        | Sub-total cost                     | Total Cost (R) |
| 1.  | <b>POPIA Toolkit which includes:</b><br>Licencing, configuration, customisation, hosting and installation for 12 months.              | 1               | R                                  | R              |
| 2.  | <b>GAP Analysis and Assessment:</b><br>Resources and time required to conduct Gap Analysis and Assessment of all POPIA documentation. | Rate per hour   | R                                  | R              |
| 3.  | <b>Training and Awareness:</b><br>Hours required for training of all parties.   | Rate per hour   | R                                  | R              |
| 4.  | <b>Value-added Products / Services:</b><br>Costs for all value-added products/services.   | quarterly basis | R                                  | R              |
|   |   |                 | <b>Sub-Total</b>                   |                |
|   |   |                 | <b>VAT@15%</b>                     |                |
|   |   |                 | <b>TOTAL PRICE (INCLUDING VAT)</b> |                |

**The price proposal must be inclusive of all software-related costs and access to Information Officer; Deputy Information and Officers POPIA Committee.**

**Complete below:**

1. Delivery Address: **MICT SETA Head office; Level 3 West wing, Gallagher House; 19 Richards Drive, Halfway House; Midrand**
2. Indicate Delivery period after order receipt.....
3. Is delivery period fixed? **Yes/No**
4. Is the price(s) fixed? **Yes/No**
5. Is the quote strictly to specification? **Yes/No**

I/We, the undersigned, agree that this bidding price shall remain binding on me/us and open for acceptance for the period stipulated above.

Authorised Company Representative: .....

Capacity under which this quote is signed.....

Signature: .....

Date: .....

## EVALUATION CRITERIA

### EVALUATION CRITERIA

RFQs received will be evaluated on mandatory criteria, functional Criteria, and Price & specific goals comparison.

### MANDATORY EVALUATION CRITERIA

#### a. Mandatory requirement

The bidder's Project Manager must have LLB qualification in law.

##### Proof of evidence

The bidder must submit a certified copy of qualification/ s, Baccalaureus Legum / LLB (NQF Level 8) or equivalent.

#### b. Mandatory requirement

The Bidder's project team leader must have qualification/s in law.

##### Proof of evidence

The bidder must submit a certified copy of qualification (NQF Level 7) or equivalent.

#### c. Mandatory requirement

The bidder's Project Manager must be registered with the legal practice council.

##### Proof of evidence

The bidder must submit a valid and certified copy of the Fidelity Fund certificate from the legal practice council.

**Only bidders that meet all set mandatory criteria will be evaluated further on functional criteria.**

**Note:** All bidders not meeting the set mandatory criteria will be declared non-responsive.

### FUNCTIONAL EVALUATION CRITERIA

RFQ proposals submitted will be evaluated on technical functionality out of a maximum of **100 points**. A threshold of **70 points** out of **100 points** has been set.

Only bidders that have met or exceeded the qualification threshold on technical functionality of **70 points** will be evaluated further on price and specific goals.

**Note:** All bidders achieving less than the set threshold of **70 points** will not move to the next stage of evaluations.

Assessment of evaluation of the functional/ technical criteria will be based on the table below:

| <b>FUNCTIONAL CRITERIA</b>        |  |                       |
|-----------------------------------|--|-----------------------|
| <b>Category</b>                   | <b>Description</b>   | <b>Maximum Points</b> |
| <b>Solution Proposal</b>          | <p>The Bidder's proposal covers the minimum requirements of the Bid in detail and addresses all issues as summarised below:</p> <ul style="list-style-type: none"> <li>• <b>POPIA Toolkit</b></li> <li>• <b>GAP Analysis and Assessment</b></li> <li>• <b>Training and Awareness</b></li> <li>• <b>Value-added Products / Services</b></li> </ul> <p><b>Points on the Solution Proposal will be allocated as follows:</b></p> <ul style="list-style-type: none"> <li>• Solution Proposal comprehensively covers all four (04) key elements / minimum requirements of the Bid = <b>40 points</b></li> <li>• Solution Proposal does not cover all four (04) key elements / minimum requirements of the Bid or lacks a comprehensive overview detailing the execution of the four elements = <b>0 points</b></li> </ul> <p><b>NB: All elements of the Project Scope of Work must be covered in detail. Failure to do so will result in a non-responsive bid.</b></p>  | <b>40</b>             |
| <b>Reference Letters</b>          | <p>Bidder must submit at least three (03) reference letters from different clients indicating experience in POPIA compliance or similar services in the past five (05) years. The letters should not be older than five (05) years.</p> <p><b>NB:</b> Reference Letters must be fully signed on the client's letterhead, with contact details, project description and duration.</p> <p><b>Points on provisions of signed reference letters will be allocated as follows:</b></p> <ul style="list-style-type: none"> <li>• Three or more signed reference letters from different clients submitted = <b>10 points</b></li> <li>• One or two signed reference letters from different clients submitted = <b>05 points</b></li> <li>• No reference letters submitted = <b>0 points</b></li> </ul> <p><b>MICT SETA reserves the right to contact references prior to the award.</b></p>   | <b>10</b>             |
| <b>Experience of Project Team</b> | <p>The Bidder must submit profiles / CVs of key Project Team members. The profiles must reflect the experience of rendering POPIA services similar to the requirements of this RFQ document. Projects on CV/profiles must be for the individuals, not the company.</p> <p><b>Experience of the Project Manager (20 Points)</b></p> <p><b>Points on the provision of the CV or profile of the Project Manager will be allocated as follows:</b></p> <ul style="list-style-type: none"> <li>• Above five (05) years of experience in rendering POPIA services or similar = <b>20 points</b></li> <li>• Four (04) to five (05) years of experience in rendering POPIA services or similar = <b>12 points</b></li> <li>• Two (02) to three (03) years of experience in rendering POPIA services or similar = <b>08 points</b></li> <li>• Less than two (02) years of experience in rendering POPIA services or similar = <b>0 points</b></li> </ul> <p><b>Experience of the Project Manager (10 Points)</b></p> <p>The <b>Project Team Lead</b> is required to have legal expertise, with vast experience in rendering POPIA services.</p> | <b>30</b>             |

|                                 |   |            |
|---------------------------------|---|------------|
|                                 | <p><b>Points on the provision of the CV or profile of the Project Team Lead (Legal Expert) will be allocated as follows:</b></p> <ul style="list-style-type: none"> <li>• Above five (05) years of experience in the review of legal POPIA documents or similar services = <b>10 points</b></li> <li>• Four (04) to five (05) years of experience in the review of legal POPIA documents or similar services = <b>08 points</b></li> <li>• Two (02) to three (03) years of experience in the review of legal POPIA documents or similar services = <b>02 points</b></li> <li>• Less than two (02) years of experience in the review of legal POPIA documents or similar services = <b>0 points</b></li> </ul>   |            |
| <b>Approach and Methodology</b> | <p>The bidder must provide a detailed Project Implementation Methodology and Approach to executing the project.</p> <p>The methodology and approach should include the following.</p> <ul style="list-style-type: none"> <li>• Project initiation to Closure / Handover</li> <li>• Clear activities with timelines</li> <li>• Project Resources</li> </ul> <p><b>Where:</b></p> <ul style="list-style-type: none"> <li>• Detailed implementation plan covering all the above-mentioned milestones = <b>10 Points</b></li> <li>• High-level implementation plan with limited information on all the above-mentioned milestones = <b>05 Points</b></li> <li>• No implementation plan / an implementation plan that does not cover all project milestones = <b>00 Points</b></li> </ul> <p>The bidder must provide a detailed end user <b>Training Plan</b> clearly indicating the training method, content, and duration, that will be conducted to the relevant user groups (Training and Awareness section).</p> <p><b>Where:</b></p> <ul style="list-style-type: none"> <li>• Detailed Training Programme / Plan including types of training to different user groups = <b>10 Points</b></li> <li>• High-level Training Programme / Plan submitted = <b>05 Points</b></li> <li>• No Training Programme / Plan submitted = <b>0 Points</b></li> </ul> | <b>20</b>  |
| <b>TOTAL</b>                    |   | <b>100</b> |

**N.B: Only bidders who meet the threshold of 70 points out of 100 points on functional criteria will be further evaluated for price & specific goals.**

### PRICE AND SPECIFIC GOALS EVALUATION

Evaluation of the quotations received is based on the 80/20 preference point system as per PPPFA regulation of 2022.

Specific Goal to be evaluated out of **20 Points**:

| Special Goal Criteria   | Points    |
|---|-----------|
| Enterprises which are at least 51% owned by historically disadvantaged persons. | 10        |
| Enterprises which are at least 51% owned by historically disadvantaged women.   | 5         |
| Enterprises which are at least 51% owned by historically disadvantaged youth.   | 5         |
| <b>Total</b>  | <b>20</b> |

**\*\* Enterprises that are not owned by historically disadvantaged persons will be allocated 0 points.**

**Bidder must submit the following documents:**

- Certified ID copies of the company's directors as per the CIPC documents. (Certified copies must not be older than 6 months)
- CIPC Documents and/or Shareholder Certificate (for companies that have two or more directors as per CIPC document)

**Failure on the part of a service provider to submit proof or documentation required in terms of this RFQ to claim points for specific goals will be interpreted to mean that preference points for specific goals are not claimed.**

**BIDDER'S DISCLOSURE**

**1. PURPOSE OF THE FORM**

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

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

**2. Bidder's declaration**

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> in the enterprise, employed by the state? **YES/NO**

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

| Full Name | Identity Number | Name of State institution |
|-----------|-----------------|---------------------------|
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |

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

2.2.1 If so, furnish particulars:  
 .....  
 .....

<sup>1</sup> the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

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

2.3.1 If so, furnish particulars:

.....  
.....

**3 DECLARATION**

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

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>2</sup> will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to 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

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<sup>2</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

Act No 12 of 2004 or any other applicable legislation.

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

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

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of bidder

## PREFERENCE PROCUREMENT CLAIM FORM

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

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

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

#### 1 GENERAL CONDITIONS

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

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

#### 1.2 To be completed by the organ of state

- a) The applicable preference point system for this tender is the **80/20** preference point system.
- b) the **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     |
|--|------------|
| <b>PRICE</b>                                     | <b>80</b>  |
| <b>SPECIFIC GOALS</b>                            | <b>20</b>  |
| <b>Total points for Price and SPECIFIC GOALS</b> | <b>100</b> |

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:

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

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:

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

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

| The specific goals allocated points in terms of this tender                     | Number of points allocated (80/20 system)<br>(To be completed by the organ of state) | Number of points claimed (80/20 system)<br>(To be completed by the tenderer) |
|---|--|--|
| Enterprises which are at least 51% owned by historically disadvantaged persons. | 10   |  |
| Enterprises which are at least 51% owned by historically disadvantaged women.   | 5  |  |
| Enterprises which are at least 51% owned by historically disadvantaged youth.   | 5  |  |

**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.

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