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|--------------------------|---|
| RFQ NUMBER | RFQ/MICT/115/2024 |
| RFQ DESCRIPTION | APPOINTMENT OF SERVICE PROVIDER TO HOST AND MANAGE THE ANTI-FRAUD WHISTLE BLOWING HOTLINE FOR MICT SETA FOR A PERIOD OF TWENTY-FOUR (24) MONTHS |
| RFQ ISSUE DATE | 27 February 2025 |
| BRIEFING SESSION | <u>Non-Compulsory Virtual Briefing Session</u> Date: 07 March 2025 Time: 10:30 AM South African Time Meeting ID: 353 759 031 62 Passcode: Er3G6ES6 |
| CLOSING DATE & TIME | 13 March 2025 @ 11:00 AM RFQ submitted after the stipulated closing date and time will not be considered. |
| LOCATION FOR SUBMISSIONS | rfqs@mict.org.za |
| NO: OF DOCUMENTS | 1 SOFT COPY |

For queries please contact 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 |
|---|-----|----|
| CSD Central Supplier Database (CSD) Registration Report | | |
| CIPC registration documents | | |
| Pricing Schedule | | |
| Valid Tax Clearance Certificate(S) and/or proof of application endorsed by SARS and/or SARS issued verification pin | | |
| SBD 4 – Bidder's Disclosure | | |
| SBD 6.1 - Preferential Procurement Claim Form | | |
| CIPC Registration Document | | |
| Certified copy of company Director(s) and/or | | |
| Shareholders 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 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 on the basis of 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 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.

DETAILED SPECIFICATION

APPOINTMENT OF SERVICE PROVIDER TO HOST AND MANAGE THE ANTI-FRAUD WHISTLEBLOWING HOTLINE FOR THE MICT SETA FOR A PERIOD OF TWENTY-FOUR (24) MONTHS

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. PURPOSE

The MICT SETA is looking for a suitable and experienced service provider to host and manage the anti-fraud whistleblowing hotline for MICT SETA for a period of twenty-four (24) months. Through this service, the MICT SETA aims to minimise fraud and corruption within the organisation.

3. SERVICE DESCRIPTION

The service provider will be appointed for a period of twenty-four (24) months to host and manage the MICT SETA whistleblowing hotline, which should be facilitated telephonically, via email, website, or other electronic platforms. The service provider will also be expected to manage the receipt and recording of fraud and corruption allegation reports received through the hotline platforms.

4. OBJECTIVES

Objectives of the anti-fraud whistleblowing hotline are as follows:

- 4.1. To provide a secure, independent, and confidential platform to the public and / or the MICT SETA officials to report any suspected or alleged acts of fraud and corruption maladministration, etc., which could be taking place within the operations of the MICT SETA.

- 4.2. Document and provide all reports received through the hotline platforms to the MICT SETA for further evaluation.
- 4.3. Provide for seamless evaluation of whistleblower reports by ensuring that whistleblower reports contain adequate information for further processing.
- 4.4. Facilitate the receipt of feedback and / or requests for updates on whistleblower reports.

5. SCOPE OF SERVICES

- 5.1. Host the 24hr/7days; toll-free Anti-fraud whistle-blowing hotline facility with an option to make reports in any of the 11 official languages in South Africa.
- 5.2. Have the facility in place to translate the reports received in any of the official languages to English. Notify the MICT SETA of any reports received within thirty-six (36) hours after receipt of such reports during weekdays or within thirty-six (36) hours after the next business day, for reports received on weekends or public holidays.
- 5.3. Ensure that the submitted reports cover as much detail as possible, for effective evaluation.
- 5.4. Provide assistance with obtaining additional information from the whistleblower, where applicable.
- 5.5. Ensure that the reports submitted are aligned with the MICT SETA mandate and / or operations.
- 5.6. Share with the MICT SETA, monthly and / or real-time statistical reports detailing the number of engagements received, including prank calls, queries or calls wherein no reports were made (including graphs or pie charts or similar).
- 5.7. Secure and file information relating to prank calls, enquiries or other engagements relating to the MICT SETA, which did not result in formal whistleblowing reports and share brief detail of such reports with the MICT SETA upon request.
- 5.8. Establish other reporting platforms such as email, website (online), call back function, WhatsApp, etc.
- 5.9. Receive, record, and safeguard all recordings of reports received.
- 5.10. Provide for facilitation of feedback / updates on the reports made through the hotline.
- 5.11. Provide trend reports on received incidents on a quarterly basis.
- 5.12. Put measures in place to fully comply with the Protected Disclosure Act, Act 26 of 2000, the Protection of Personal Information Act, Act 4 of 2013 and/or other relevant legislation

6. DELIVERY PERIOD

The appointed service provider will be required to render the services to host and manage the anti-fraud whistleblowing hotline for MICT SETA for a period of twenty-four (24) months from the date of appointment.

Reporting platforms shall be made available within seven (07) working days from the date of appointment (The receipt of an official Order from the MICT SETA).

7. PRICING SCHEDULE

Name of bidder _____

RFQ number: _____

Closing date _____

Bid 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:

| Item | Requirement Description | Quantity | Unit Price | Total Price (Excl. VAT) |
|------------------------------------|---|-----------|------------|----------------------------|
| | APPOINTMENT OF SERVICE PROVIDER TO HOST AND MANAGE THE ANTI-FRAUD WHISTLEBLOWING HOTLINE FOR MICT SETA FOR A PERIOD OF TWENTY-FOUR (24) MONTHS | | | |
| 1. | Initiation cost (if any) please specify | 01 | R | R |
| 2. | Fixed monthly cost | 24 | R | R |
| Sub-Total | | | | R |
| VAT@15% | | | | R |
| TOTAL PRICE (INCLUDING VAT) | | | | R |

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:

8. EVALUATION CRITERIA

MICT SETA complies with the provisions of the Public Finance Management Act, Act No. 1 of 1999 as amended; Treasury Regulations of 2005; the Preferential Procurement Policy Framework Act, Act No. 5 of 2000; Preferential Procurement Regulations of 2022; and the MICT SETA Supply Chain Management (SCM) Policy.

RFQ's received will be evaluated on mandatory criteria, and price & specific goals comparison.

STAGE 1: FUNCTIONAL CRITERIA

Bids submitted will be evaluated on technical/ functionality criteria out of a maximum of 100 points. A threshold of **70** out of the **100** points has been set.

Only bidders that have met or exceeded the qualification threshold on technical functionality of 70 points will qualify for further evaluation on price and specific goals.

NOTE: All bidders achieving less than the set threshold will be declared non-responsive.

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

| FUNCTIONALITY CRITERIA WEIGHING | | |
|--|---|-----------|
| CATEGORY | DESCRIPTION | POINTS |
| 1. BIDDERS PROFESSIONAL AFFILIATION | <p>Bidders must be affiliated with the Ethics Institute of South Africa, the Association of Certified Fraud Examiners (ACFE) or a similar regulatory body. Bidders must submit a valid certified copy of the certificate or certified proof of registration with the Ethics Institute of South Africa, ACFE or a similar regulatory body, or equivalent (certified copies may not be older than 06 months). [15]</p> <p>Points on submission of the certified certificate or certified proof of registration with the Ethics Institute of South Africa, ACFE or a similar regulatory body, or equivalent will be allocated as follows:</p> <ul style="list-style-type: none">• Submission of a valid certified copy of the certificate or certified proof of registration with the Ethics Institute of South | 15 |

| | | |
|-------------------------------------|---|-----------|
| | <p>Africa, ACFE or a similar regulatory body, or equivalent = 15 points</p> <ul style="list-style-type: none"> • Non-submission of a valid certified copy of certificate or submission of uncertified proof of registration with the Ethics Institute of South Africa, ACFE or a similar regulatory body, or equivalent = 0 points • Submission of a valid certified copy of a certificate or proof of registration with a professional body that is not relevant for whistleblowing facilities = 0 points | |
| 2. EXPERIENCE OF THE COMPANY | <p>Bidders must have experience in providing anti-fraud whistle blowing hotline or similar services/projects within the past five (05) years. Bidders must submit a contactable letter from different clients within the Republic of South Africa (RSA). Reference letters must be from different clients and on the client's letterhead signed by the client representative. Contactable references must include the name of the company, contact details, project description, and a clear project implementation date / project duration. [10]</p> <p>Points on submission of a signed reference letters indicating experience in providing anti-fraud whistle blowing hotline or similar services/projects within the past five (05) years will be allocated as follows:</p> <ul style="list-style-type: none"> • Five (05) or more signed reference letters from different clients submitted = 10 points • Four (04) signed reference letters from different clients submitted = 08 points • Three (03) signed reference letters from different clients submitted = 06 points • Two (02) signed reference letters from different clients submitted = 04 points • One (01) signed reference letter submitted = 02 points • Non-compliance to minimum requirements = 0 points | 10 |

| | | |
|--|---|-----------|
| | <p>Reference lists, award letters or purchase order will not be considered for point allocation.</p> <p>Important: In the event of sub-contracting, the bidder must furnish the above reference letters of the main bidder. The MICT SETA reserves the right to contact references prior to award.</p> | |
| 3. RISK MANAGEMENT PLAN | <p>Bidders are required to provide a Risk Management Plan detailing at least three risks identified in relation to this project (whistleblowing hotline services), together with the mitigation strategies for each risk. [10]</p> <p>Points on submission of the Risk Management Plan will be allocated as follows:</p> <ul style="list-style-type: none"> • Submission of a Risk Management Plan detailing at least three risks and mitigation strategies, relevant to the whistleblowing hotline project = 10 points • Submission of a Risk Management Plan detailing less than three risks with mitigation strategies, relevant to the whistleblowing hotline project = 05 points • Submission of a Risk Management Plan with identified risks but no mitigation strategies, or mitigation strategies with no clearly defined risks outlined OR non-submission of a Risk Management Plan = 0 points | 10 |
| 4. EXPERIENCE OF THE PROJECT TEAM | <p>Bidders are required to provide an experienced and qualified Project Manager and Project Lead Consultant allocated to the call centre/ facility where calls will be received. Bidder must provide certified copies of qualifications and CV of the Project Manager and Project Lead Consultant.</p> <p>CVs should clearly indicate the years of experience in managing or delivering whistleblowing or similar services. Bidders are required to clearly indicate on their bids the Project Manager and Project Lead Consultant, MICT SETA will not award points for bids not clearly indicating the Project Team and their proposed roles for this project.[25]</p> | 25 |

4.1. Qualifications of the Project Manager (05)

The Project Manager must have an NQF 8 qualification or higher in Call Centre Management/ Administration/ Communications/ Languages and/or any other related qualification. **(certified copies may not be older than 06 months)**

Points on submission of Project Manager's qualifications in Call Centre Management/ Administration/ Communications/ Languages and/or any other related will be allocated as follows:

- Certified copy of NQF Level 8 or higher, in any of the above qualifications = **05 points**
- Certified copy of NQF Level 7 in any of the above qualifications = **03 points**
- Certified copy of NQF Level 6 in any of the above qualifications = **02 points**
- Certified copy of NQF Level 5 or lower in any of the above qualifications = **0 points**
- No qualifications provided, qualifications not certified, or qualifications not related to the above-mentioned fields of study = **0 points**

Project Manager's Project Management certification (05)

The Project Manager must have a PMBOK or Prince2 Project Management certification. **(certified copies may not be older than 6 months)**

Points on submission of Project Manager's PMBOK or Prince2 Project Management certification will be allocated as follows:

- Certified copy of Prince2 (Minimum Foundation) or PMBOK (Minimum CAPM) = **05 points**
- Non-submission of Prince2 (Minimum Foundation) or PMBOK or BABOK (Minimum CAPM) or submission of uncertified certificates = **0 points**

Experience of the Project Manager in managing similar (Whistleblowing Services) projects (05).

Project Managers must have ten (10) years' experience in managing or supervising whistleblowing or similar services.

Points on submission of Project Manager's CV detailing experience in managing similar (Whistleblowing Services) projects will be allocated as follows:

- CV of Project Manager with 08 to 10 years' experience in managing similar projects = **05 points**
- CV of Project Manager with 05 to 07 years' experience in managing similar projects = **03 points**
- CV of Project Manager with 02 to 04 years' experience in managing similar projects = **02 points**
- CV of Project Manager with Less than 02 years' experience in managing similar projects = **0 points**
- **Non-compliance with minimum requirements = 0 points**

Note: The projects in this factor refer to the services delivered by the project manager in any past company, not limited to the bidding company, i.e., linked to the individual.

4.1. Qualifications of the Project Lead Consultant (05)

The Project Lead Consultant must have a certified NQF Level 7 or higher qualification in Call Centre Management/ Administration/ Communications/ Languages and/or any other related qualification. **(certified copies may not be older than 6 months)**

Points on submission of Project Lead Consultant's qualifications in Call Centre Management/ Administration/ Communications/ Languages and/or any other related will be allocated as follows:

- Certified NQF Level 7 or higher, in in any of the above qualifications = **05 points**
- Certified NQF Level 6 in any of the above qualifications = **03 points**

| | | |
|------------------------------------|--|-----------|
| | <ul style="list-style-type: none"> • Certified NQF Level 5 in any of the above qualifications = 02 points • Certified NQF Level 4 or less in any of the above qualifications = 0 points • No qualifications provided, qualifications not certified, or qualifications not related to the above-mentioned fields of study = 0 points <p>Experience of the Project Lead Consultant in delivering similar (Whistleblowing Services) projects (05). CVs should clearly indicate the years of experience in delivering whistleblowing or similar services.</p> <p>Points on submission of the Project Lead consultant's CV detailing experience in delivering anti-fraud whistleblowing hotline or similar services will be allocated as follows:</p> <ul style="list-style-type: none"> • CV of Project Lead consultant with 04 - 05 years' experience in delivering similar projects = 05 points • CV of Project Lead consultant with 03 to 04 years' experience in delivering similar projects = 04 points • CV of Project Lead consultant with less than 02 years' experience in delivering similar projects or no experience = 0 points <p>Note: The projects in this factor refer to the services delivered by the project lead consultant in any past company, not limited to the bidding company, i.e., linked to the individual.</p> | |
| 5. METHODOLOGY AND APPROACH | <p>Bidders are required to provide a detailed project implementation methodology and approach in executing the project and support services. The methodology and approach should include the following elements: [40]</p> <ul style="list-style-type: none"> • The detailed reporting process; • Translation of the reports received in any of the official languages to English; | 40 |

- Notifying MICT SETA of any reports received within thirty-six (36) hours after receipt of such reports during weekdays or within thirty-six (36) hours after the next business day for reports received on weekends or public holidays;
- Ensure that the submitted reports cover as much detail as possible, for effective evaluation;
- Provide assistance with obtaining additional information from the whistleblower, where applicable;
- Ensure that the reports submitted are aligned with the MICT SETA mandate and / or operations;
- Sharing / granting access to periodic / real-time statistical reports detailing the number of engagements received;
- Processes for securing and filing information relating to prank calls or enquiries or other engagements relating to the MICT SETA, which did not result in formal whistleblowing reports and confirm ability to share this information with the MICT SETA upon request.
- Establish other reporting platforms such as email, website (online) calls back function, WhatsApp, website etc.;
- Detailed features of the Anti-fraud hotline;
- Provide for facilitation of feedback / updates on the reports made through the hotline (feedback on whistleblower reports evaluated);
- Detailed process for recording and record-keeping of information;
- Details on how the bidder will maintain confidentiality;
- Details on how the bidder will maintain independence;
- Project management processes, i.e., a brief project execution plan detailing activities and timelines; and
- Project close-out processes.

Points on submission of methodology and approach will be allocated as follows:

- A detailed methodology and approach that meets all the fourteen (15) elements = **40 points**

| | | |
|--------------------------|--|------------|
| | <ul style="list-style-type: none"> • A detailed methodology and approach that meets between twelve (13) and thirteen (14) elements = 35 points • A detailed methodology and approach that meets between ten (11) and eleven (12) elements = 30 points • A detailed methodology and approach that meets between eight (09) and nine (10) elements = 25 points • A detailed methodology and approach that meets between six (07) and seven (08) elements = 20 points • A detailed methodology and approach that meets between four (05) and five (06) elements = 15 points • A detailed methodology and approach that meets between two (03) and three (04) elements = 10 points • A detailed methodology and approach that meets less than three (03) elements = 0 points • A methodology and approach that meets none of the elements/ a brief methodology and approach / a Methodology that does not outline how the bidder intends to implement the above element = 0 points <p>NB: all elements of the project scope must be covered in detail and outline how the bidder intends to implement the above (a mere copy of the MICT SETA requirements will not be considered).</p> | |
| Total | | 100 |
| Minimum threshold | | 70 |

Note: Bidders that do not meet the minimum threshold of 70 points on functional criteria will be declared non-responsive.

STAGE 2: PRICE AND SPECIFIC GOALS

Only bidders that have met the requirements of the technical/ functionality criteria will qualify for further evaluation on Price and Specific Goals according to the 80/20 preference point system in terms of the Preferential Procurement Regulations 2022, where 80 points will be for Price and 20 points will be for Specific Goals.

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

| Special Goal Criteria | Points |
|---|-----------|
| Enterprise which is at least 51% owned by historically disadvantaged persons. | 10 |
| Enterprise which is at least 51% owned by historically disadvantaged women. | 05 |
| Enterprise which is at least 51% owned by historically disadvantaged youth. | 05 |
| Total | 20 |

**** 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 06 months).
- CIPC Documents and/or Shareholder's 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 interest¹ 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 |
|-----------|-----------------|---------------------------|
| | | |
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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:

.....

¹ 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 consortium² 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

² 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.

and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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

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

.....

Signature

.....

Date

.....

Position

.....

Name of bidder

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 |
|--|------------|
| PRICE | 80 |
| SPECIFIC GOALS | 20 |
| Total points for Price and SPECIFIC GOALS | 100 |

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

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

2 DEFINITIONS

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

3 FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

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

Where:

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

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

3.2.1. POINTS AWARDED FOR PRICE

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

80/20

or

90/10

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

or

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

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) (To be completed by the organ of state) | Number of points claimed (80/20 system) (To be completed by the tenderer) |
|---|--|--|
| Enterprise which is at least 51% owned by historically disadvantaged persons. | 10 | |
| Enterprise which is at least 51% owned by historically disadvantaged women. | 05 | |
| Enterprise which is at least 51% owned by historically disadvantaged youth. | 05 | |

DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

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

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

.....
SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

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