

## REQUEST FOR PROPOSAL (RFP)

<b>RFQ REFERENCE NUMBER</b>	<b>RFP 02-09-2023</b>	
<b>PROJECT NAME/ DESCRIPTION OF GOODS, WORK OR SERVICES</b>	<b>APPOINTMENT OF A SERVICE PROVIDER FOR THE PROVISION OF SOFTWARE DEVELOPMENT SERVICES TO SUPPORT AND MAINTAIN CROSS BORDER ROAD TRANSPORT AGENCY'S PERMIT ISSUANCE AND MANAGEMENT SYSTEM (CROSSEASY) FOR 3 MONTHS</b>	
<b>COMPULSORY BRIEFING SESSION DETAILS</b>	<b>DATE</b>	<b>TIME</b>
	N/A	
<b>RFQ CLOSING DETAILS</b>	<b>Date: 02 October 2023</b> <b>Time: 11h00 a.m.</b> <b>Email: <a href="mailto:Quotes@cbrta.co.za">Quotes@cbrta.co.za</a></b>	
<b>RFQ VALIDITY PERIOD</b>	60 Working days (Commencing from the official RFP closing date)	
<b>ENQUIRIES</b>	<a href="mailto:morwamoche.sekhukhune@cbrta.co.za">morwamoche.sekhukhune@cbrta.co.za</a>	

**PROSPECTIVE BIDDERS MUST REGISTER ON NATIONAL TREASURY'S CENTRAL SUPPLIER DATABASE PRIOR TO SUBMITTING BIDS.**

## SECTION A: SBD 1

### PART A: INVITATION TO BID

SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		<b>OR</b>	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>					
<i>ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		<i>ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]	
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>					
DOES THE ENTITY HAVE A BRANCH IN THE RSA? NO <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/></span>					
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>					
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>					
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? NO <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/></span>					
<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**

<b>1. BID SUBMISSION:</b>
1.1. BIDS MUST BE SUBMITTED BY THE STIPULATED TIME TO THE CORRECT EMAIL ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. <b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.</b>
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.
<b>2. TAX COMPLIANCE REQUIREMENTS</b>
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:

.....

DATE:

.....

## **SECTION B: TERMS OF REFERENCE**

### **1. Introduction to C-BRTA**

The Cross-Border Road Transport Agency (C-BRTA) is PFMA Schedule 3A Agency established through the Cross-Border Road Transport Act 4 of 1998 and provides advice, regulation, facilitation and law enforcement in respect of commercial cross border road transportation. The Act gives the C-BRTA mandate to licence commercial cross border road transport operators by issuing permits to operate. The provision of cross-border transport services in South Africa is subject to the provisions of the Cross-Border Road Transport Act. In terms of the Act, any person or organisation wishing to provide cross-border transport services must apply to the Cross-Border Road Transport Agency's Regulatory Committee for a Permit to conduct cross-border business.

The Cross-Border Road Transport Agency's (C-BRTA) thus exists, amongst others, to improve the flow of passengers and freight road transport in the region, introduce regulated competition in cross-border road transport, reduce operational constraints for the cross-border road transport industry, provide oversight and monitoring functions, and to improve the unimpeded transport flow by road of freight and passengers.

### **2. General rules and instructions**

- 2.1. Bidders or their agents shall not make any news releases concerning this RFQ or the awarding of the same or any resulting agreement(s) without the consent of, and then only in co-ordination with, C-BRTA and its Client.
- 2.2. Any bidder who has reasons to believe that the RFQ specification is based on a specific brand must inform C-BRTA within five (5) days after the publication of the RFQ.
- 2.3. This RFB is subject to Government Procurement: General Contract Conditions – July 2011, Special Contract Conditions and any other contract conditions to be finalised during contracting.

### **3. Instructions for submitting bids**

- Bidders should submit their bid responses strictly to [Quotes@cbrta.co.za](mailto:Quotes@cbrta.co.za). Bid responses received outside this email address will NOT be considered.
- Bid responses will NOT be considered if submitted after the closing date and time.

#### **4. RFQ Returnable**

4.1. Bidders shall submit response in accordance with the response format below. Failure to do so shall result in the rejection of the bidder's RFQ response.

#### **4.2. Schedule Index:**

- Schedule 1:** Completed and signed SBD 1
- Schedule 2:** Central Supplier Database (CSD) Registration Report
- Schedule 3:** Bidder's Tax Compliance System PIN and / or valid Tax Clearance Certificate (TCC)
- Schedule 4:** Sworn Affidavit or valid B-BBBEE Certificate
- Schedule 5:** Completed and signed SBD 4 – Bidder's Disclosure
- Schedule 6:** Completed and signed SBD 6.1 – Preference Points Claim
- Schedule 7:** Pricing / Costing

## SECTION C: SCOPE OF WORK/SERVICES

### TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR THE PROVISION OF SOFTWARE DEVELOPMENT SERVICES TO SUPPORT AND MAINTAIN CROSS BORDER ROAD TRANSPORT AGENCY'S PERMIT ISSUANCE AND MANAGEMENT SYSTEM (CROSSEASY) FOR 3 MONTHS

#### TERMS OF REFERENCE

##### 1. PROJECT TITLE

Provision of software development services to support and maintain cross border road transport agency's permit issuance and management system (cross easy) for 3 months.

##### 2. BACKGROUND

The C-BRTA intends to appoint a service provider for the provision of software development services and support and maintenance of the CrossEasy.

The scope of work to include the following:

- Provide application support and maintenance of CrossEasy for a period of three (3) months. The scope shall include but not limited to:
  - Support and maintenance of all components of the CrossEasy web enabled system that is currently in Production including but not limited to components and or modules of CrossEasy across all environments QA, DEV, UAT and Production:
    - OCAS
    - Mobile App
    - Permit Verifier App
    - Reporting (Power BI)
    - Integrations (including but not limited to eNatis, SAGE Evolution, Payment Gateway, CIPC, HANIS etc)
  - Resolution of system errors or fixes
  - Provision of Database Administration services
  - Maintenance of the Azure DevOps environment

- Minor changes or bug fixes to CrossEasy and its components
- Quality Assurance and Testing documentation
- Handover including documentation.

#### 4. CURRENT ICT ENVIRONMENT

##### 4.1. Technology Standards

The information below provides a list of technology, hardware and software product standards for the C-BRTA IT environment. Each technology or product listed in the tables is assigned a status as shown as per the glossary and definitions table below:

<b>Planned</b>	<b>(E)merging</b>	Technology that is emerging, which is of interest to the CBRTA(in context) and is scheduled for evaluation (incl. "Innovation" input)
	<b>(U)nder Evaluation</b>	Technology that is under evaluation by the organisation and should not be deployed until evaluation is complete – EA or Operational review/POC in progress/planned.
	<b>(S)trategic</b>	Technology that has been selected as strategic to C-BRTA – awaiting opportunity to implement – will be used for future solutions
<b>Standard</b>	<b>STD Standard</b>	The standard technology adopted by C-BRTA proposals.
	<b>(M)ainstream</b>	Technology that C-BRTA is "living with" for at least the medium-term.

<b>Non-Standard</b>	<b>(T)</b> actical	A tactical concession made for a technology product that must be accompanied with a longer-term solution that fits the architecture – Short term solution – replacement or retirement included in plan.
	<b>(R)</b> ing-fenced	Technology granted for use in very specific situations e.g. the platform of choice may be Microsoft Windows, but a niche system has been purchased for standalone usage, hence the concession – not to be seen as an acceptable alternative to be used for other solutions.
	<b>(C)</b> ontained	Usage is contained, and the product will be retired within 2 years, no further acquisition is allowed – Replacement plans in place/progress
	<b>(Ret)</b> ired	The product is currently being used but will be retired within a year – Replacement/Retirement projects have been initiated
	<b>(Pro)</b> habited	The product is not allowed to be used at all

*Table A - Glossary and definitions*

**a) Development Frameworks and Software Languages**

Information regarding technologies related to the frameworks and languages used for the development of solutions:

Solution Frameworks	Technology or product	Status	Remarks
Development Frameworks	Microsoft .NET	STD	
	Java		
	Angular	C	
	C#	STD	
	Python	STD	



Solution Frameworks	Technology or product	Status	Remarks
		E/S	

**b) Data Management**

Information regarding technologies related to databases and data management and file formats:

Data Management	Technology or product	Status	Remarks
Relational Database Management Systems (DBMS)	MS SQL Server 2019 MS SQL Server 2022	C STD	
Document Management	Microsoft SharePoint 2019 SharePoint Online	STD S	

**c) Platforms and Storage**

Information regarding technologies and products related to the C-BRTA's device hardware and operating systems, server hardware and operating systems, storage devices, data backup and recovery solutions and configuration management:

Platforms & Storage	Technology or product	Status	Remarks
Server Infrastructure	Dell physical servers Virtual servers Azure VMs	STD STD STD	Intel architecture Microsoft Hyper-V

Server Operating Systems	Windows Server 2022	STD	
	Windows Server 2019	C	
	Windows Server 2016	C	
Data Backup and Recovery	Veeam Backup and Replication	STD	
Data Storage	Dell physical servers	P/M	
	Dell SAN storage	STD	
	NAS storage	STD	

#### d) Information Security

Information regarding technologies related to application, data, network, server and desktop security:

Information Security	Technology or product	Status	Remarks
Enterprise firewall	FortiGate 60F	STD	Perimeter firewall
Anti-virus for servers, laptops and desktops	Microsoft Endpoint	STD	Mandatory for all servers and workstations attached to the C-BRTA's network
Local Area Network (LAN) Connectivity	HPE Aruba network switches	P	Compatibility requirements
Wireless (Wifi) Connectivity	WEP WPA	Pro Pro	

Information Security	Technology or product	Status	Remarks
	WPA3	STD	
Virtual Private Network Connectivity	FortiClient Private APN	STD E/S	

#### e) Cloud Services and Hosting

Information regarding technologies related to cloud services and hosting:

Cloud Solutions	Technology or product	Status	Remarks
Cloud services	Microsoft Azure	STD  C C	
Proprietary hosted cloud solutions	According to specification	E/U	Not brand specific

### 5. TECHNOLOGY STACK

The solution is based on modern web-based .NET technology and standard Microsoft components. The following technologies will be deployed to achieve this:

Technology	Product	Version	Description
<b>Web Application Server</b>	Internet Information Services (IIS)	10.0	HTTPS server and .NET platform
<b>Workflow Management</b>	Microsoft Power Automate and custom software	N/A	Management of workflow within the application
<b>Mobile application development</b>	JavaScript framework (Angular)	8	Builds native apps for iOS, Android, Windows, and macOS on a shared .NET codebase
<b>Integrated development environment</b>	Microsoft Visual Studio	2019	Code editor, debugger, GUI designer

<b>Code repository</b>	Azure DevOps	N/A	Software source code, version control and deployment management
<b>Identity and Access Management</b>	Microsoft Active Directory	2022	Identity and access management for internal users
<b>Report engine</b>	SQL Server Reporting Services (SSRS)	2019/2022	Create and manage reports from web browser and mobile devices, in process of being replaced by Power BI
<b>Business Intelligence</b>	Microsoft Power BI Premium Embedded	N/A	Reports - BI platform and application embedded
<b>Database server</b>	Microsoft SQL Server	2019	Database engine for hosting instances of the iCBMS databases
<b>Document Repository</b>	Microsoft SharePoint Server	2019	Document Management System for storing uploaded documents
<b>Operating System</b>	Microsoft Windows Server	2022	Microsoft's operating system
<b>Virtualized computing environment</b>	Microsoft Hyper-V	2022	Run multiple operating systems on one physical computer
<b>Scrutineer Solution</b>	Ionic Angular	2.4.2001	Mobile App that authenticates validity of permits issued by the CBRTA. Built on Ionic Angular with some native components

## 6. APPLICATION ARCHITECTURE

The application architecture<sup>1</sup> of CrossEasy is as follows:

*NB – Report Writing Tool is in the process of being migrated from SSRS to PowerBI*

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<sup>1</sup> Note that this architecture does not show the integration architecture.

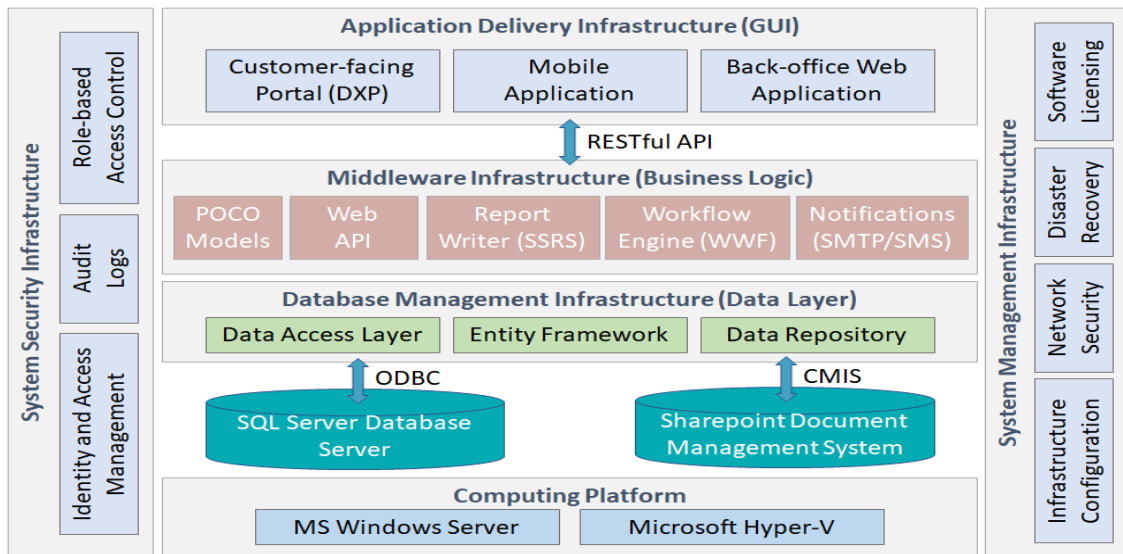


Figure 1: CrossEasy Application Architecture

This application stack is implemented in the same configuration in each of the following environments:

- off-site cloud-based (Azure) development environment
- C-BRTA System Test environment
- C-BRTA User Acceptance Test environment
- C-BRTA Production environment
- off-site C-BRTA Disaster Recovery environment

## 7. TECHNOLOGY LANDSCAPE

The CrossEasy technology landscape spans several environments and two sites. The software development will be done off-site in a distributed cloud-based environment, and then the code will automatically be deployed using a Continuous Integration/Continuous Deployment (CI/CD) engine into the on-premise C-BRTA test environments. When the User Acceptance Test has been completed, the CI/CD engine will be used to deploy the code into the Production environment.

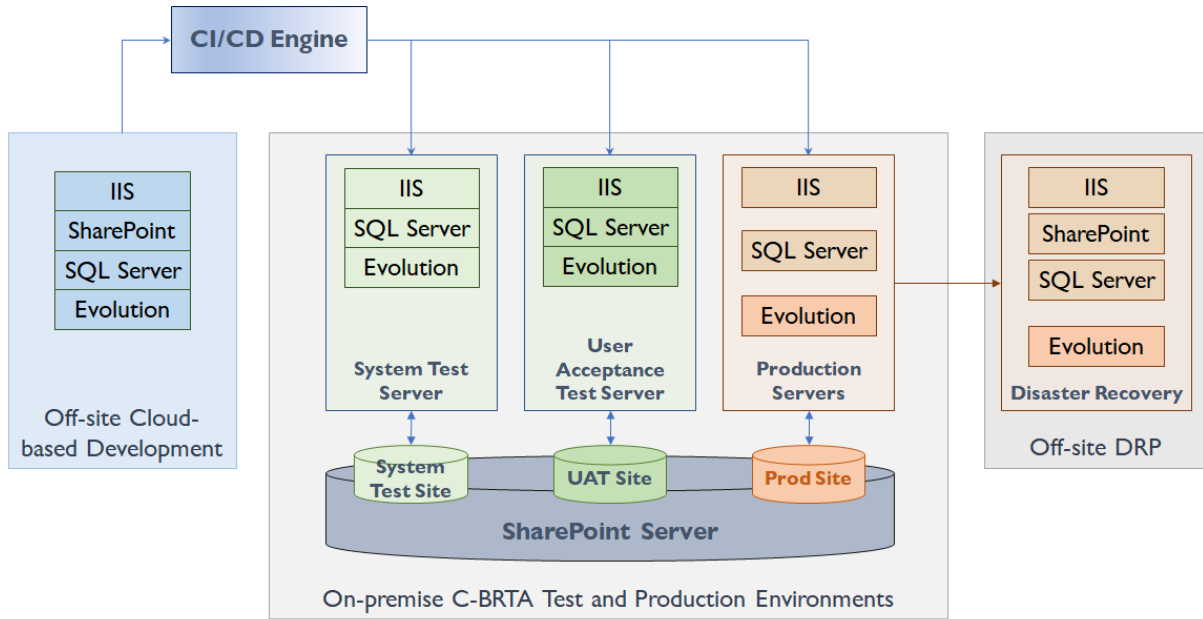


Figure 1: Technology Landscape

## 8. MINIMUM REQUIREMENTS

Service providers is required to meet the minimum scores of (60 points), based on the average of scores awarded by the evaluation panel members.

## 9. EVALUATION CRITERIA: FUNCTIONALITY

Evaluation Criteria	Points
Preference Points 80/20	
80 points =	
20 points =	
100 points = Functionality	
<b>Functionality (Take note: Supplier who fails to obtain a score of 60 points or more in the functionality phase shall not be considered for further evaluation on Price and Specific Goals.</b>	
<b>A. IMPLEMENTATION TEAM</b>	<b>30</b>
Team structure and competency of implementation resources specific to this assignment. A minimum of 15 years combined experience in line with the scope of work.	

The bidder must provide the following:

1. Detailed CVs of Resources and technical leads with contactable references to be attached.
2. Project Manager to have a minimum of five (5) years in Agile Project Management or Agile solution implementations.

<b>30 points</b>	<b>20 points</b>	<b>15 points</b>	<b>10 points</b>	<b>0 points</b>
15 or more Years or More	11 - 14 Years	7 - 10 Years	4 - 6 Years	1 - 3 Years

**B. EXPERIENCE OF THE COMPANY**

15

Provide details of software solutions /projects supported or successfully completed/implemented of similar scope.

Client Name	Project Scope	Project Description	Project Cost	Duration of Project

<b>15 points</b>	<b>10 points</b>	<b>7 points</b>	<b>5 points</b>	<b>0 points</b>
16 Years or More	11 - 15 Years	7 - 10 Years	4 - 6 Years	1 - 3 Years

15

**C. EXPERIENCE RELATED TO SOFTWARE SOLUTION IMPLEMENTATIONS**

Years of experience acquired in the implementation of relevant projects.

<i>10 or more relevant projects</i>	<b>7-9 relevant projects</b>	<b>4-6 relevant projects</b>	<b>Less than 3 relevant projects</b>
15 points	10 points	5 points	0 points
✓			

**D. TECHNICAL APPROACH**

Full points (per criteria) will be allocated for sufficient information that is provided in the proposal that demonstrates the technical proposal and approach

40

**as per the scope, and zero (0) points will be allocated (per criteria) for no, poor or insufficient information provided.**

Bidders must provide a proposal to demonstrate the use of innovative, agile and state of art approaches that will ensure the successful maintenance of the CrossEasy system and its components including the below modules:

- Business Intelligence and Risk Engine
- Mobile App – Android and IOS
- Permit Verifier Mobile App
- Support of Integrations (APIs)

Scoring Rating	Description/Definition	Allocated points range
Excellent	<ul style="list-style-type: none"> <li>• Beyond meeting the “Good” rating, the bidder exceptionally demonstrated the understanding, ability, experience, skills, resource, and quality measures required to successful provide the services deliverables in an innovative and efficient way.</li> <li>• The bidder details ways to improve the project outcomes/deliverables and the quality of the outputs.</li> <li>• Response identifies factors that will offer potential added value with supporting evidence relevant to the Terms of Reference or deliverables.</li> </ul>	35 – 40 points



<p><b>Good</b></p>	<ul style="list-style-type: none"> <li>• Over and above “Average”, the Bidder demonstrated the ability, understanding, experience, skills, resource, and quality measures required to provide the required services using innovative ways.</li> <li>• Bidder has the requisite capacity, skills and knowledge to do the work.</li> </ul>	<p><b>25 – 34 points</b></p>		
<p><b>Average</b></p>	<ul style="list-style-type: none"> <li>• The bidder/resource could not demonstrate that they have the necessary expertise and experience to execute on the deliverables.</li> <li>• Bidder has some capacity, skills and knowledge to do the work.</li> </ul>	<p><b>11-24 points</b></p>		
<p><b>Poor</b></p>	<ul style="list-style-type: none"> <li>• The bidder/resource could not demonstrate that they have the necessary expertise and experience to execute on the deliverables.</li> <li>• Bidder has NO requisite capacity, skills and knowledge to do the work.</li> </ul>	<p><b>1-10 points</b></p>		

## **9.1. EVALUATION IN LINE WITH SCM GUIDELINES**

If there are significant deficiencies regarding responsiveness to the requirements of this ToR, an offer may be deemed “non-responsive” and thereby disqualified from consideration. The C-BRTA reserves the right to waive immaterial deficiencies at its discretion.

Best-offer quotations are requested. It is anticipated that award will be made solely based on these original quotations. However, the C-BRTA reserves the right to conduct any of the following:

- Minimum requirement: Service providers should be required to meet the minimum scores for each element as well as the overall minimum score (60 points), based on the average of scores awarded by the evaluation panel members.
- Proposals should clearly address the project description and the functional evaluation criteria mentioned above.
- The C-BRTA may conduct negotiations with and/or request clarifications from any offeror prior to award.
- While preference will be given to offerors who can address the full technical requirements of this ToR, the C-BRTA may issue a partial award or split the award among various suppliers, if in the best interest of the project.
- The C-BRTA may cancel this ToR at any time.

## **PRICING SCHEDULE**

AS ATTACHED

## SECTION D: STANDARD BIDDING DOCUMENTS

### BIDDER'S DISCLOSURE

**SBD4**

**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>2</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

2.2

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

2.2.1 If so, furnish particulars:

.....  
.....

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

2.3.1 If so, furnish particulars:

.....  
.....

\_\_\_\_\_

<sup>2</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.

**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 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.
- 3.5 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.
- 3.6 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.
- 3.7 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT. I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of bidder

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

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

- (a) Price; and
- (b) Specific Goals.

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

	<b>POINTS</b>
<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 Points for specific goals for this tender will be allocated on the basis B-BBEE Status Level as shown in Table 1 below.

1.6 In order to claim points for specific goals, bidders must submit B-BBEE Certificate and/or sworn affidavit, as the case may be.

1.7 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.

- 1.8 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:

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

Where

$P_s$  = Points scored for price of tender under consideration

$P_t$  = Price of tender under consideration

$P_{min}$  = Price of lowest acceptable tender

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

**3.2.1. POINTS AWARDED FOR PRICE**

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

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

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. Thus, tenderers are required to indicate number of points in line with their B-BBEE Status Level and Ownership**

No	The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system)	Means of verification	Number of points claimed (80/20 system) (To be completed by the tenderer)
A	BBBEE Level 1 - 4	10	BBBEE or Sworn affidavit submitted with the bid	
B	Women owned Enterprises	5	Central Supplier Database	
C	Enterprises owned by Disable people	5	Medical report	
<b>D</b>	<b>Total point claimed</b>	<b>D= A + B + C</b>		

## 5. SUBMISSIONS BY CONSORTIUMS AND JOINT VENTURES

5.1 If a submission is made by a consortium or Joint Venture, the points claimed for ownership must be detailed separately on an attachment showing the following:

- The percentage (%) of the contract allocated to each JV member or consortium member. This should also be included in an agreement to be made available on request by C-BRTA
- The percentage ownership by race category of each JV member or consortium member in each of the specific goals relevant to this bid.
- The total points claimed will be the sum of the percentage contract allocation for each partner multiplied by the percentage weighting for the race category, multiplied by the percentage ownership in the relevant specific goal.

## 6. DECLARATION WITH REGARD TO COMPANY/FIRM

6.1. Name of company/firm.....

6.2. Company registration number: .....

6.3. 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]

6.4. 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.

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