**AIR TRAFFIC AND NAVIGATION SERVICES SOC. LTD**

**REPUBLIC OF SOUTH AFRICA**

****

**APPOINTMENT OF A SERVICE PROVIDER TO SUPPLY, DELIVER, IMPLEMENT AND SUPPORT LAN AND WLAN INFRASTRUCTURE AT ATNS HEAD OFFICE AND ATNS OR TAMBO CONTROL CENTRE FOR A PERIOD OF 5 YEARS**

**REQUEST FOR PROPOSAL: ATNS/HO/RFP037//2020/21/LAN\_INFRASTRUCTURE**

**JANUARY 2021**

**VOLUME 1A**

**The information contained within this document is confidential to ATNS in all respects and it is hereby acknowledged that the information as provided shall only be used for the preparation of a response to this document. The information furnished will not be used for any other purpose than stated and that the information will not directly or indirectly, by agent, employee or representative, be disclosed either in whole or in part, to any other third party without the express written consent by the Company or its representative.**

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| --- | --- |
| **APPOINTMENT OF A SERVICE PROVIDER TO SUPPLY, DELIVER, IMPLEMENT AND SUPPORT LAN AND WLAN INFRASTRUCTURE AT ATNS HEAD OFFICE AND ATNS OR TAMBO CONTROL CENTRE FOR A PERIOD OF 5 YEARS** | |
| **RFP REFERENCE NUMBER:** | ATNS/HO/RFP040//20/21 /LAN\_INFRASTRUCTURE |
| **CLOSING DATE OF TENDER / SUBMISSION OF BID:** | 25 February 2021 |
| **CLOSING TIME:** | 11h00 am, CAT (no late, and facsimile responses will be accepted |
| **NON-COMPULSORY BRIEFING SESSIONS AND SITE VISITS:** | **VIRTUAL TENDER BRIEFING SESSION WITH BE HELD VIA TEAMS PLATFORM:**  DATE: 02nd February 2021  VENUE: Teams Meeting  TIME: 11h00-12h00  Bidders who are interested to attend must send an email to [tenders@atns.co.za](mailto:tenders@atns.co.za) and [Olwethuf@atns.co.za](mailto:Olwethuf@atns.co.za) to receive invite.  **Last date for requesting for the link is on the 01st February 2021 @ 14:00** |
| **CLOSING DATE OF CLARIFICATIONS/ QUERIES** | Not later than 14:00 CAT on the 10th February 2021 |
| **BID VALIDITY PERIOD:** | 180 days (Commencing from the closing date) |
| **DESCRIPTION:** | **APPOINTMENT OF A SERVICE PROVIDER TO SUPPLY, DELIVER, IMPLEMENT AND SUPPORT LAN AND WLAN INFRASTRUCTURE AT ATNS HEAD OFFICE AND ATNS OR TAMBO CONTROL CENTRE FOR A PERIOD OF 5 YEARS** |
| **DEPOSITED IN THE BID BOX SITUATED AT:** | ATNS Company Limited,  Eastgate Office Park, Block C,  South Boulevard Road,  Bruma,2298 |
| **Procurement Specialist:** | Olwethu Fakude |
| **Telephone:** | (011) 607 1165 |
| **E-mail:** | olwethuf@atns.co.za |
| THE FOLLOWING PARTICULARS MUST BE FURNISHED (FAILURE TO DO SO SHALL RESULT IN YOUR BID BEING DISQUALIFIED) | |

**BIDDING STRUCTURE**

|  |  |
| --- | --- |
| Indicate the type of Bidding/Biding Structure by marking with an ‘X’ | |
| Individual Bidder |  |
| Joint Venture |  |
| Consortium |  |
| With Sub-Contractors |  |
| Other |  |

|  |  |
| --- | --- |
| If Individual: | |
| Name of Bidder |  |
| Registration Number |  |
| VAT Registration Number |  |
| Contact Person |  |
| Telephone Number |  |
| Fax Number |  |
| Cell Number(s) |  |
| E-mail Address |  |
| Postal Address |  |
| Physical Address |  |

|  |  |
| --- | --- |
| If Joint Venture or Consortium, indicate the name/s of the partners: | |
| Company Name |  |
| Registration Number |  |
| VAT Registration Number |  |
| Contact Person |  |
| Telephone Number |  |
| E-mail Address |  |
| Fax Number |  |
| Postal Address |  |
| Physical Address |  |

|  |  |  |
| --- | --- | --- |
| **HAS AN ORIGINAL VALID TAX CLEARANCE CERTIFICATE AND PIN BEEN SUBMITTED FOR CONSORTIUM, JOINT VENTURE AND/OR SUB CONTRACTORS** | | |
| **YES** | **NO** |
|  |  |

|  |  |
| --- | --- |
| **PLEASE INDICATE THE TYPE OF YOUR COMPANY E.G. PRIVATE COMPANY OR CLOSED CORPORATION OR OTHER** | |
| Indicate the Type of Company |  |

**SIGNATURE OF BIDDER:**

………………………………………………………… DATE: ……………………

…………………………………………………………

CAPACITY UNDER WHICH THIS BID IS SIGNED:

|  |
| --- |
| IMPORTANT NOTICE |

The information contained herein, is given without any liability whatsoever to Air Traffic & Navigation Services Company Limited (ATNS) and no representation or warranty, express or implied, is made as to the accuracy, completeness or thoroughness of the content of this Request for Proposal (RFP).

This RFP is for the confidential use of only those persons/companies who are participants of this RFP. Each recipient acknowledges that the contents of this RFP are confidential and agrees that it will not without the prior written consent of ATNS, reproduce, use or disclose such information in whole or in part, to any other party other than as required by law or other regulatory requirements.

The Bidder shall bear all costs incurred by him in connection with the preparation and submission of his Bid Response and for finalisation of the contract and the attachments thereof. ATNS will in no case be responsible for payment to the Bidder for these costs.

The Company reserves the right to reject any or all Bids, to undertake discussions with one or more Bidders, and to accept that Bid or modified Bid which in its sole judgment, will be most advantageous to the Company, price and other evaluation factors having been considered.

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1. GENERAL INFORMATION AND INSTRUCTIONS TO BIDDERS

## Background and Introduction

The Air Traffic and Navigation Services (ATNS) Company of South Africa is the major provider of air traffic management, communication, surveillance, navigation and associated services (including training) within South Africa. ATNS manages 10% of the world’s airspace.

Standing strong with over 1100 employees, ATNS strives to continuously provide safe airspace, orderly, expeditious and efficient management of Air Traffic Management services. The company operates at 21 aerodromes within the country, including OR Tambo, Cape Town and King Shaka International Airports.

In the rest of the African Continent, ATNS provides amongst others the Aeronautical Satellite Communication (VSAT) networks.

This service extends from Cape to Cairo interconnecting more than 33 states in Africa and Middle East. Other services include ATS and technical training, WGS 84 surveys, airspace design, AIP documentation, billing and consultancy services.

**Vision**

ATNS’s Vision is to be the preferred supplier of air traffic management solutions and associated services to the African continent and selected international markets.

**Mission**

Our Mission is to provide safe, expeditious and efficient air traffic management solutions and associated services, whilst ensuring long-term economic, social and environmental sustainability.

* Our business is driven through our embedded Values, being:
* Accountability
* Safety and customer service
* Continuous improvement and innovation
* Employee engagement and development
* Fairness and consistency
* Open and effective communication

The Air Traffic and Navigation Service Company Limited (ATNS) is a State-Owned Company (SOC), established in 1993 in terms of the ATNS Company Act (Act 45 of 1993) to provide air traffic management solutions and associated services on behalf of the State. These services accord with International Civil Aviation Organisation (ICAO) standards and recommended practices, and the South African Civil Aviation Regulations and Technical Standards. As an air navigation services provider (ANSP), ATNS is governed by the nation’s legislative and administrative framework.

ATNS is also a commercialised ANSP operating on the “user pays” principle that relies on current revenues and debt funding for its operational and capital expenditure requirements.

Our business offerings are divided into Regulated and non-regulated activities:

**Regulated Business**

At present 90% of ATNS’s revenue is facilitated through its regulated business:

Air navigation services and infrastructure

The principal activities of ATNS’s regulated business encompass the planning, operating and maintenance of safe and efficient air traffic management services in the airspace for which the State is responsible. Airspace infrastructure consists of the following main components:

* Communications, navigation and surveillance (CNS) infrastructure.
* Auxiliary aviation services, such as aeronautical information publications, flight procedure design and aeronautical surveys.
* Air traffic management.

ATNS’s infrastructure development is informed by user expectations and regulatory requirements at a global level; as well as the needs of the air traffic management (ATM) community and new enabling technologies.

Air traffic service charges

As a monopoly service provider, ATNS is regulated economically by the Economic Regulating Committee (RC) that is a statutory body formed and appointed by the Shareholder, the Department of Transport (DoT). The RC is empowered by the ATNS Company Act (Act 45 of 1993) to issue permission to ATNS. The permission regulates the increase in specified tariffs that ATNS can issue and lays down minimum service standards requirements for the regulated business. ATNS is, through the permission, authorized to levy air traffic service charges on users (aircraft operators) for the use of air navigation infrastructure and/or the provision of an air traffic service. The permission has a five-year life span.

Training institution

ATNS runs a successful training institution as a division within the Company, namely: the Aviation Training Academy (ATA). The ATA provides a full range of air traffic services training, technical support training and related training to delegates in South Africa and the broader African continent in the disciplines of engineering, air traffic services and management. The ATA is an ISO9001:2000 accredited institution and has international cooperation agreements in place with partners, enabling the academy to maintain mutually beneficial partnerships in the presentation and accreditation of international courses in air traffic services (ATS). The ATA is a world-renowned academy, and in both 2012 and 2013 was formally recognized as the International Air Transport Association (IATA) Worldwide Top Regional Training Partner.

**Non-Regulated Business**

ATNS’s non-regulated business currently contributes 10% of the Company’s revenue. The non-regulated business encompasses a long-term strategy to facilitate regional expansion through a subsidiary vehicle presently known as “ATNS International”. ATNS International will enable the Company to take a more robust and agile stance in the non-regulated business market without posing undue risks to its regulated market and Shareholder. It will also enable ATNS to enter into joint ventures and partnerships with external suppliers so that the Company can harness more valuable market opportunities and extend its regional influence and reach.

Additional information is available on ATNS website – [www.atns.co.za](http://www.atns.co.za)

## Purpose of the bid

The project involves the acquisition, implementation and support of LAN Infrastructure for ATNS Head Office and ATNS OR Tambo Control Centre.

In summary the scope of work is as follows:

* Supply, implement and support LAN switches with at least 5 years next business day warranty.
* Supply, implement and support a WLAN solution with at least 5 years next business day warranty.
* Supply and implement LAN cabling infrastructure.

## Technical requirements

ATNS is looking for a service provider to supply, deliver, implement and support LAN and WLAN Infrastructure for a period of 5 years.

Below is a breakdown of the equipment and cabling requirements:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Site Number** | **Site Name** | **Number of switches** | **Number of Stacked Switches** | **Number of Network Points** | **Fibre Uplinks** |
| 1 | Bruma | 18 | 18 (5,5,4,4) | 600 | 3 |
| 2 | FAOR/ATA | 23 | 12 (5,3,2,2) | 800 | 14 |

## Acquisition strategy

The proposed acquisition strategy is to award to one supplier meeting the ATNS Preferential Procurement requirements for the entire scope of sourcing, implementation and support of the project. Suppliers that do not meet the Preferential Procurement requirements must partner with a local supplier that meets the requirements in the form of a joint venture.

# GENERAL BID INSTRUCTIONS AND ADMINISTRATIVE REQUIREMENTS

## Correspondence during Bid Period

All correspondence, in the “Form of Questionnaire” with the Company during the Biding period in connection with the Bid Documents, shall be made as follows:

### All correspondence to ATNS shall be in writing and addressed to:

### Procurement Specialist: Olwethu Fakude – [tenders@atns.co.za](mailto:tenders@atns.co.za) copy [olwethuf@atns.coz.za](mailto:olwethuf@atns.coz.za).

ATNS Company Limited,

Eastgate Office Park, Block C,

### All correspondence shall be made as follows:

Ref No: **ATNS/HO/RFP040/20/21/LAN\_INFRUSTRUCTURE**

Date : Day Month Year:

To : ATNS Company Ltd:

From : Name of Bidder:

Subject: **ATNS/HO/RFP040/20/21/LAN\_INFRUSTRUCTURE**

All correspondence may be sent by email to tenders@atns.co.za and copy olwethuf@atns.co.za

## Failure to Adhere to Instructions

**FAILURE TO ADHERE TO THE FOLLOWING BID SUBMISSION INSTRUCTIONS SHALL RESULT IN THE BID BEING RENDERED UNRESPONSIVE AND ELIMINATED FROM FURTHER EVALUTION.**

### Preparation of Bid

The Bid shall be delivered as a complete submission, which shall comprise of:

* **Parcel A - Commercial Proposal; Financials and Price Structure (Response to Volume 1A and 1C); and**
* **Parcel B - Technical Proposal (Response to Technical Specifications**

Parcel A - Commercial Proposal; Financials and Price Structure. - labelled and tabbed as per index.

|  |  |  |  |
| --- | --- | --- | --- |
| **Reference** | **Requirement** | **Comply** | **Do not comply** |
| **GCC** | Bidders' acceptance of general terms and conditions of contract |  |  |
| **Volume 1 A** | South African companies should submit original or certified copies of valid B-BBEE Status Level Verification Certificates from SANAS/EME Sworn Affidavit |  |  |
| **Volume 1 A** | Is the tender divided into commercial and technical submissions? |  |  |
| **Volume 1 A** | Bidders shall submit a complete and comprehensive response on all aspects of the tender issued in order to provide ATNS with a Turn-key solution. |  |  |
| **Volume 1 A** | South African companies shall submit their central supplier database summary reports, Valid Tax Clearance Certificate and PIN, ID copies, Banking Details and company registration docs |  |  |
| **Volume 1 C** | Pricing Schedule (on a separate envelope) |  |  |

Parcel B Functional Proposal: Response to the Scope and Technical Requirements.

# BID SUBMISSION CONDITIONS AND INSTRUCTIONS

**CONDITIONS AND INSTRUCTIONS THAT BIDDERS NEED TO TAKE NOTE OF**

## FRAUD AND CORRUPTION

### All providers are to take note of the implications of contravening the Prevention and Combating of Corrupt Activities Act, Act No 12 of 2004 and any other Act applicable.

## NON-COMPULSORY BRIEFING SESSION

### A Non- compulsory briefing session will be as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **Activity** | **Date** | **Location / Nearest Town** | **Time / meeting or Site Visit Duration** |
| Non-Compulsory Briefing Session | DATE: 02nd February 2021 | **VIRTUAL TENDER BRIEFING SESSION WITH BE HELD VIA TEAMS PLATFORM:**  Bidders who are interested to attend must send an email to [Olwethuf@atns.co.za](mailto:Olwethuf@atns.co.za) to receive invite.  **Last date for requesting for the link is on the 01st February 2021 @ 14:00** | 11:00-12:00 CAT |

## CLARIFICATIONS/ QUERIES

Any clarification required by a bidder regarding the meaning or interpretation of the Terms of Reference, or any other aspect concerning the bid, is to be requested in writing by completing Form of Questionnaire and email to [tenders@atns.co.za](mailto:tenders@atns.co.za) and copy Olwethuf@atns.co.za by not later than 14:00 CAT on the 10th of February 2021. A reply will be published on the ATNS website [www.atns.co.za](http://www.atns.co.za) under the Tenders section. The bid reference number should be mentioned in all correspondence. Telephonic requests for clarification will not be accepted. If appropriate, the clarifying information will be made available to all bidders by e-mail only.

## SUBMITTING BIDS

### Bidders are now permitted to submit their documents either online or hard copies. Should a bidder require to submit their documents online, they must send an email to [tenders@atns.co.za](mailto:tenders@atns.co.za) to express their interest to do so. A link will be shared with the supplier for uploading the documents on a secure online portal.   On the email Bidders must specify on the subject line – the tender number and description. In case of submitting hard copies, Bids shall be submitted in two separate Parcels. Parcel A shall be Response to Volume 1A and 1C and Parcel B shall be response to technical requirements. Each parcel shall contain; 1 (one) original and Two (2) copies i.e. 3 (Three) Documents and soft copy (PDF format) on a movable storage medium (CD or USB disk), each sealed and addressed in accordance with the following requirements, The name and address of the Bidder; and the Bid Number

### The closing date of the Bid indicated on the envelope;

### A Cover Letter, signed by the authorised representative of each member of the Biding Entity, Consortium or Joint Venture, which shall contain:

### List of Bid Proposal Documents and an Index of the contents therein;

### Particular points to which the Bidder wishes to draw the Company’s attention in his Commercial Proposal and Technical Proposal.

### The parcels shall not contain documents relating to any Bid other than that shown on the envelope.

### Within each parcel, each document shall be individually packaged in a sealed envelope, assigned an identification number and clearly marked with either the designation “Original” or “Copy”, as applicable. When referencing another related document this identification number shall be indicated. Each document which is a copy shall be marked and numbered as “Copy 1/2”.

### All Bid Response documents to be submitted shall be hand delivered to the Company not later than the time and date specified on this document.

### No Bids forwarded by telegram, telex, facsimile will be considered. Pricing must be submitted in a separate sealed envelope in Parcel A as Volume 1C.

### The original copy MUST BE SIGNED IN BLACK INK by an authorised employee, agent or representative of the Bidder and initialized on each and every page of the Bid Response.

### Bid responses sent by post or courier must reach this office at least 36 hours before the closing date as specified, to be deposited into the Bid Box. Failure to comply with this requirement will result in the proposal/Bid response being treated as a “late proposal/response” and will not be entertained.

## SUBMISSION OF BID:

### The Bid Documents shall be hand delivered to:

ATNS Company Limited,

Eastgate Office Park, Block C,

South Boulevard Road,

Bruma,

2298

South Africa;

### No later than 11:00 am CAT on 25 February 2021, Central African Time at which time the Bid Proposals will be collected.

### Bidders should allow time to access the premises due to security arrangements that need to be observed.

## LATE BIDS

### Bids received late shall not be considered. A bid will be considered late if it arrived even one second after closing time or any time thereafter. The tender (bid) box shall be locked at exactly 11:00 am CAT and bids arriving late will not be considered under any circumstances.

## NEGOTIATION AND CONTRACTING

### ATNS have the right to enter into negotiation with one or more bidders regarding any terms and conditions, including price(s), of a proposed contract.

### ATNS shall not be obliged to accept the lowest of any quotation, offer or proposal.

### A contract will only be deemed to be concluded when reduced to writing in a formal contract and Service Level Agreement signed by the designated responsible person of both parties. The designated responsible person of ATNS is the Chief Executive Officer (CEO) or his written authorised delegate.

### Under no circumstances will negotiation with any bidders constitute an award or promise / undertaking to award the contract.

## ACCESS TO INFORMATION

### All bidders will be informed of the status of their bid once the procurement process has been completed.

### Requests for information regarding the bid process will be dealt with in line with the ATNS procurement policy and relevant legislation.

## REASONS FOR REJECTION

### ATNS shall reject a proposal for the award of a contract if the recommended bidder has committed a proven corrupt or fraudulent act in competing for the particular contract.

### ATNS may disregard the bid of any bidder if that bidder, or any of its directors:

#### Have abused the SCM system of ATNS.

#### Have committed proven fraud or any other improper conduct in relation to such system.

#### Have failed to perform on any previous contract and the proof exists.

### Such actions shall be communicated to the National Treasury.

## PAYMENTS

### ATNS will pay the contractor the fees set out in the final contract according to the table of deliverables. No additional amounts will be payable by ATNS to the contractor.

### The contractor shall from time to time during the currency of the contract, invoice ATNS for the services rendered.

### The invoice must be accompanied by supporting source document(s) containing detailed information, as ATNS may reasonably require, for the purposes of establishing the specific nature, extent and quality of the services which were undertaken by the contractor.

### No payment will be made to the contractor unless an original tax invoice complying with section 20 of the VAT Act No 89 of 1991, as amended, has been submitted to ATNS.

### Payment shall be made by bank transfer into the Contractor’s bank account normally 30 days after receipt of an acceptable, original, valid tax invoice. Money will only be transferred into a South African bank account. (Banking details must be submitted as soon as the bid is awarded).

### The Contractor shall be responsible for accounting to the appropriate authorities for its income tax, VAT or other moneys required to be paid in terms of the applicable law.

# CONTRACT TERMS

1. Whilst ATNS have taken every reasonable step to ensure the accuracy of this brief, the Company accepts no liability in relation to the accuracy of any representation made. Bidder should accept that their Bid response is on the basis and reliance of its own judgment and information. ATNS reserves the right to vary the scope and terms as described in this document although variation is not anticipated at this time. If any variation does take place Bidder will be advised as soon as possible.
2. The successful Bidder will be engaged subject to acceptance of a contract containing the standard Terms and Conditions as given in Volume 1B. The contract contains standard clauses including a retention clause for non-satisfactory completion, breach of contract and confidentiality clauses and a requirement for the Bidder to have adequate professional indemnity insurance. All Bidders must bear in mind that if circumstances dictate, ATNS reserves its right to withdraw from any commitments that will be entered into within this statement of work.
3. All documentations will be the property of ATNS.

# DISCLAIMER

1. The Bidder shall bear all costs incurred by him in connection with the preparation and submission of his Bid Response and for finalization of the contract and the attachments thereof. ATNS will in no case be responsible for payment to the Bidder for these costs.
2. The Company reserves the right to reject any or all Bids, to undertake discussions with one or more Bidders, and to accept that Bid or modified Bid which in its sole judgment, will be most advantageous to the Company, price and other evaluation factors having been considered.

**BIDDERS MUST TAKE NOTE OF THE EVALUATION PROCESS THAT WILL BE FOLLOWED**

# EVALUATION PROCESS

## COMPLIANCE WITH MINIMUM REQUIREMENTS CRITERIA

### All bids duly lodged as specified in this Request for Bid will be examined to determine compliance with bidding requirements and conditions. Bids with deviations from the requirements / conditions, will be eliminated from further consideration.

## TECHNICAL MANDATORY REQUIREMENTS, FUNCTIONALITY, PRICE AND PREFERENCE POINTS

### All remaining bids as per paragraph 6.1.1 will be evaluated as follows:

### **The First stage**, bids will be evaluated first for **Pre-Qualification Criteria (Preferential Procurement Requirements)** prescribed in Preferential Procurement Regulations. Only bids that meet Preferential Procurement requirements will be considered for further evaluation.

### **The Second stage**, Bids will be evaluated for **Mandatory Technical Requirements.** During this stage, Tender response documentation will be evaluated against compliance to the Mandatory documents required. Failure to submit Mandatory documents will result in disqualification.

### **The Second stage**, Bids will be evaluated for **Functionality** of which 100 points shall be awarded for functionality. Bidders will be considered further if they achieve the minimum prescribed qualifying score for functionality. Bidders that fail to achieve the minimum qualifying score of 85% will be disqualified and not evaluated further.

### **The Fourth and last stage**, bids will be evaluated in terms of the **80/20** **preference point systems.** Only bids that provide all documentation requested for **Technical and Functional requirements** will be evaluated in accordance with the **80/20** preference point system.

## PREFERENTIAL PROCUREMENT REFORM:

**THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011 PERTAINING TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, ACT NO 5 OF 2017.**

Black Economic Empowerment is one of the essential objectives of ATNS. In accordance with government policy, ATNS insists that the Bidders demonstrates its commitment and track record to Black Economic Empowerment in the areas of ownership (shareholding), skills transfer, employment equity and procurement practices, (SMME Development) etc.

In accordance with the Preferential Procurement Policy Framework Act (PPPFA) and the Code of Good Practice of the Republic of South Africa, this Bid will be adjudicated in terms of functionality and a scoring system for Price and B-BBEE using the 80/20 or 90/10 scoring system. Bidders are required to submit original and valid B-BBEE Status Level Verification Certificates or certified copies thereof and or Original BEE affidavit certified by the commissioner of Oath, together with their Bid responses, to substantiate their BBBEE rating claims. Failure to submit a valid B-BBEE certificate will result in the Bidder not qualifying for preferential points.

In addition, the Preferential Procurement (PP) requirements as per the ATNS Procurement Policy which states that ATNS shall deal with suppliers in accordance with the B-BBEE Codes of Good Practice will be taken into consideration. ***In particular, ATNS shall give preference to local suppliers with B-BBEE contribution level 1 to level 4.***

Suppliers not meeting the requirements of the Preferential Procurement requirements (PP) are required to clearly identify any possible teaming arrangement which could be established with South African BBBEE compliant enterprises and which could result in significant Transfer of Technology and Skills development. Any workable plan to train and promote black businesses or individuals through meaningful participation in this project will be considered favourably by the Company during the Bid evaluation process.

Partnership must be in the form of Joint Ventures/Consortium/Partners Agreement between compliant B-BBEE and non-B-BBEE Organisation/or foreign supplier in order to meet the policy requirements.

All responsive Bid offers shall be evaluated in terms of functionality and scoring system for Price and B-BBEE. **The 80/20 or 90/10 Preference Point System shall be applicable in accordance with the Preferential Procurement Framework Act (No.5) of 2000**.

Technical Mandatory Requirements and the Functional thresholds have been set for Volumes below. The overall threshold is:100%

Only Bidders who meet the overall Technical Mandatory Requirements and the Functional threshold of 85% will be evaluated further in terms of Price and B-BBEE.

## Bid Response Evaluation

### The evaluation of responsive Bids shall be conducted by a panel appointed by the Company following a three-stage process as follows:

### **First Stage: Initial Screening (Pre-Qualification Criteria).**

#### During this stage Bid response documents will be reviewed to assess adherence to submission instructions set out in clause 3.10.4 above, compliance to TAX Requirements.

#### Returnable Requirements: FAILURE TO ADHERE TO THE BID SUBMISSION INSTRUCTIONS MAY RESULT IN THE BID BEING RENDERED UNRESPONSIVE AND ELIMINATED FROM FURTHER EVALUATION. The table below summarises the required adherence to the submission instructions and shall also be used by the Bidder as a checklist for the completeness of the submission:

| **Reference** | **Requirement** | **Comply** | **Do not**  **comply** |
| --- | --- | --- | --- |
| **Volume 1 A- Parcel A** | GCC |  |  |
| **Volume 1 A- Parcel A** | South African companies should submit original or certified copies of valid B-BBEE Status Level Verification Certificates or affidavit certified by commissioner of auth. |  |  |
| **Volume 1 A- Parcel A** | Is the Bid divided into commercial (Vol 1) and technical (Vol 2 -4 (if applicable)) submissions? |  |  |
| **Volume 1 A- Parcel A** | Signed JV/Consortium agreement with clear illustration of portion of work and contract value % that the local supplier will be responsible for. |  |  |
| **Volume 1 A- Parcel A** | Bidders must submit a workable plan to train and promote black businesses or individuals through meaningful participation in this project. |  |  |
| **Volume 1 Parcel B** | Compliance with the Technical Requirements |  |  |

#### **Transformation: Preference Criteria (Preferential Procurement (PP) requirements.** The table below summarises the required adherence to the Preferential Procurement (PP) requirements and shall also be used by the Bidder as a checklist for the completeness of the submission. Bidders not meeting the PP requirements of the requirement 1 (1.1 to 1.11) must complete requirement 2 (2.1 & 2.2) and provide supporting documents as illustrated in the table below. **FAILURE ADHERE TO THE TRANSFORMATIONAL REQUIREMENTS WILL RESULT IN AUTOMATIC DISQUALIFICATION:**

|  |  |  |  |
| --- | --- | --- | --- |
| **REFERENCE** | **REQUIREMENT** | **YES** | **NO** |
| 1 | Does the Bidder meet the Preferential Procurement requirements? (if Yes, indicate by tick below, if No complete section 2 below) |  |  |
| 1.1 | Suppliers with BEE contribution: Level 1- 4 (this requirement is a must for local suppliers) |  |  |
| 2 | Bidders not meeting BEE contribution: Level 1- 4 requirements shall be required to enter into a partnering agreement with a South African supplier that meets the PP requirements: (if Yes, Please complete item 2.1 & 2.2. attach supporting documents) |  |  |
| 2.1 | Bidders must submit a workable plan to train and promote black businesses or individuals through meaningful participation in this project. |  |  |
| 2.2 | Bidders must submit a clear work plan illustrating work share with the local supplier/partner (clearly illustrating the portion of work that the local Supplier will be responsible for and clear confirmation of 30% of the total contract value subcontracted to the local supplier). |  |  |

Only Bidders that comply with the above transformational requirements 1 or 2: (2.1; 2.2) will be evaluated further.

### **Second Stage: Technical Mandatory Requirements**

During this stage Bid response documentation will be evaluated against compliance to the Technical Specifications. The Technical Mandatory Requirements are listed below, it is important that you submit all the documentation requested below or you will be disqualified.

#### **Supplier Experience and Qualification**

#### The service provider shall provide reference(s) to demonstrate their expertise, experience and capacity in similar implementations. Reference letters from at least 3 enterprise clients confirming that the supplier has implemented, and supported LAN Infrastructure shall be submitted with the response to this tender.

|  |  |
| --- | --- |
| **COMPLIANCE (C/NC)** | *Responding(C/NC) will not automatically be accepted as indicated. The Service provider is required to provide proof* |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

#### The service provider shall provide proof that they are certified to implement and support the proposed network product(s). An OEM Certificate or letter of authorization from the OEM which clearly details which products/activities the supplier is authorized and qualified to undertake shall accompany the proposal with a minimum Silver Partner level or equivalent.

|  |  |
| --- | --- |
| **COMPLIANCE (C/NC)** | *Responding(C/NC) will not automatically be accepted as indicated. The Service provider is required to provide proof* |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

### **Third Stage: Functionality Evaluation**

During this stage Bid response documentation will be evaluated against compliance to the Technical Specifications. The Functionality Evaluation is sub-divided into the following steps:

The bidder is encouraged to note that each requirement contains a certain weight according to its importance. The total sum of the weights is 100% and there is a set functional threshold of 85% that the bidder should meet to proceed to the next stage of the evaluation process.

The relative weighting of the Functional and Technical Evaluation criteria is summarised and Explained below, and The Service provider is required to provide proof for each of the criteria listed below.

|  |  |
| --- | --- |
| **Evaluation Criteria** | **Relative**  **Weight** |
| **Switch Devices** | **39%** |
| **WLAN Requirements** | **18%** |
| **Lan Infrastructure Cabling** | **12%** |
| **Site Acceptance Test** | **3%** |
| **Logistics Support and Maintenance** | **12%** |
| **Project Management** | **16%** |
| **Grand Total** | **100%** |

#### **Switch Devices**

* All switches shall support IEEE802.1D STP, IEEE802.1w RSTP and IEEE802.1Q MSTP.

|  |  |
| --- | --- |
| **COMPLIANCE (C/PC/NC)** |  |
| *[INSERT FULL RESPONSE FOR EVALUATION HERE]* | |
| *[INSERT REFERENCE TO ADDITIONAL INFORMATION HERE]* | |

All switches shall support IEEE 802.3ad Link Aggregation Control Protocol.

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) |  |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

All switches shall support RFC 2131 DHCP, IEEE 802.1Q VLAN Tagging and IEEE 802.1V VLANs.

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) |  |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

All switches shall support RFC 2030 Simple Network Time Protocol (SNTP) v4 or RFC 1305 Network Time Protocol (NTP).

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) |  |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

All switches shall support SNMP v 3, ICMP, Netflow or equivalent, Tacacs/Tacacs+ and SSH v2/3.

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) |  |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

All switches shall support Generic Attribute Registration Protocol (GARP) VLAN Registration Protocol (GVRP) and Multiple VLAN Registration Protocol (MVRP) for automatic learning and dynamic assignment of VLANs

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) |  |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

All switches shall each have 48 10/100/1000 ports with at least 350W PoE+.

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) |  |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

All switches shall come standard with two (2) 10Gbps SFP+ ports.

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) |  |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

All switches where staking is required shall come standard with physical stacking modules and stacking cables to stack the switches in a ring topology.

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) |  |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

10Gbps Multi-mode Transceivers shall be provided to accommodate the uplinks from each physical switch stack to the core switch for all uplinks except 2 uplinks at FAOR/ATA where 10Gbps Single-mode Transceivers shall be provided.

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) |  |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

All switches shall provide a minimum throughput of 90Mpps

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) |  |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

All switches shall provide a minimum switching capacity of 128Gbps.

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) |  |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

All switches shall come standard with a 5 years Next Business day Warranty.

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) |  |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

#### **WLAN Requirements**

The service provider shall conduct a Propagation Study onsite to ascertain suitable areas and number of Wireless Access Points required to be deployed.

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) |  |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

Service Provider shall supply WLAN controller and Access Points with 5 years next business day warranty, for all ATNS Service Centres.

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) |  |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

All Access Points shall support IEEE802.11ax standard and support backward compatibility.

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) |  |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

The Access points shall allow authenticated client devices to roam securely from one access point to another without any drop in connection.

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) |  |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

The Access points shall support 802.1X authentication.

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) |  |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

All Access points shall be powered from a POE+ switch.

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) |  |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

#### **LAN INFRASTRUCTURE CABLING**

The service provider shall supply and install cat6 network points according to the quantity provided above at an estimated average length of 80m per network point.

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) |  |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

The service provider shall supply and install patch panels and brash panels with applicable accessories as per hosts count provided above.

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) |  |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

As part of cabling installations, Service Provider shall clearly label all CAT6 and fibre cables at both ends with designated Patch Panel number to enable effective as well as efficient network maintenance.

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) |  |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

The service provider shall provide 4 core 10Gbps Multimode Fibre uplinks according to table above at an estimated length of 200m each for all uplinks except for the 1x 4 Core FAOR/ATA 10Gbps Single-mode fibre with an estimated distance of 900m.

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) |  |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

#### **SITE** **ACCEPTANCE TEST (SAT)**

A Site Acceptance Test Procedure (ATP) will be submitted prior to the attendance of the SAT by ATNS personnel for review and comments. The ATP shall be accompanied by the As-Build document showing a diagram of all the network points including the switch ports and patch panel numbers.

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) |  |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

Acceptance tests shall be conducted prior to operational acceptance of any LAN Infrastructure Upgrade site with representatives from ATNS present.

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) |  |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

The test shall be conducted to determine whether the above specifications have been met and that the implementation has been done satisfactorily.

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) |  |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

#### LOGISTICS SUPPORT AND MAINTANANCE

The service provider shall provide onsite LAN support and Maintenance a period of 5 years.

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) |  |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

The support and maintenance proposal shall also include 300 hours of remote and onsite Network Consultancy services per annum covering the LAN infrastructure across all ATNS stations on a 24/7 basis.

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) |  |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

The service provider shall be required to sign an SLA of 8 hours MTTR for all network related support requests on a 24/7 basis.

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) |  |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

In addition to the 24/7 support and maintenance, the service provider shall also be required to perform quarterly health checks on all LAN Infrastructure across all ATNS stations and provide a report to the ATNS Network Specialist.

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) |  |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

#### PROJECT MANAGEMENT

General

The contracted service provider shall establish, implement and maintain extensive and comprehensive Project Management Plans throughout the period of the LAN Infrastructure Upgrade arising from this RFP. These plans will be submitted to ATNS for information and reporting purposes. Summary level plans shall be submitted with the Tender and will be refined as necessary during the contract negotiation phase.

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) | Responding(C/PC/NC) will not automatically be accepted as indicated. |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

The Contracted service provider shall divide the plans into activities, which can be managed, monitored, and measured in terms of duration, cost, and resources.

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) | Responding(C/PC/NC) will not automatically be accepted as indicated. |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

Project Management shall encompass the management of all the various facets of the project. These include, but are not limited to, the supply and delivery of equipment, resource allocation and control, on-site installation and testing, transitioning, commissioning, transportation, all Integrated Logistic Support activities, staff movements and subsistence, etc.

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) | Responding(C/PC/NC) will not automatically be accepted as indicated. |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

Project Management Plan

The contracted service provider shall submit an outline Project Management Plan (PMP) with the Tender. The Project Management Plan will be a formally accepted and approved document used to manage and control project execution throughout the various project phases. The PMP will detail the activities necessary to successfully complete the project and shall refer to the other plans developed under the project.

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) | Responding(C/PC/NC) will not automatically be accepted as indicated. |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

Project Status Reports

The contracted service provider shall provide, at weekly intervals (or at other mutually agreed intervals), Project Status Reports which documents project performance to date and makes recommendations for future implementation and changes. Project status shall be presented relative to schedule critical path and cost and shall also include a Risk Report. The Risk Report shall identify risks and the measures taken to either manage or avoid the risks. Project status shall also include the Master Project Schedule and Schedule Analysis. The contractor shall promptly submit to ATNS any Master Project Schedule which, when updated, shows a negative float or indicates a significant change to the delivery schedule.

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) | Responding(C/PC/NC) will not automatically be accepted as indicated. |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

Progress Review Meetings

The Contracted service provider shall attend Progress Review Meetings at mutually agreed intervals to present a Project Status Report. The regular Progress Review meetings shall be held at ATNS Offices, or at other mutually agreed locations.

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) | Responding(C/PC/NC) will not automatically be accepted as indicated. |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

The contracted service provider shall make a presentation on the progress of the project to date, a projection of the effects of variations from the previous schedule, and any action taken or recommendations for action to rectify existing or anticipated problems. All aspects of the project status shall be presented, all data must be both current and accurate, and the summary of the accomplishments of the contractor and subcontractors to date must be detailed and accurate. The presentation shall include a forecast of trends in terms of technical, cost and schedule performance through to completion of the Project.

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) | Responding(C/PC/NC) will not automatically be accepted as indicated. |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

The contracted service provider shall be represented by appropriate key personnel in each significant area to be considered during the meeting to enable effective discussion of Agenda items and the Progress Report.

|  |  |
| --- | --- |
| COMPLIANCE (C/PC/NC) | Responding(C/PC/NC) will not automatically be accepted as indicated. |
| [INSERT FULL RESPONSE FOR EVALUATION HERE] | |
| [INSERT REFERENCE TO ADDITIONAL INFORMATION HERE] | |

### Fourth Stage - Price/B-BBEE Evaluation

#### Bidders who exceed the overall 85% threshold will be evaluated in terms of the 80/20 or 90/10 preference point system, where a maximum of 80 or 90 points are allocated for price and a maximum of 20 or 10 points are allocated in respect of the level of B-BBEE contribution of the Bidder.

# Pricing Schedule to use

|  |  |  |  |
| --- | --- | --- | --- |
| **Description** | **QTY** | **Once-off Costs** | **Recurring Costs** |
| **Year 1** | | | |
| Network Switches |  |  |  |
| Wireless Access Points |  |  |  |
| Fibre Cabling |  |  |  |
| CAT6 RJ45 UTP Cabling |  |  |  |
| Removal of old cabling and cleanup |  |  |  |
| Miscellaneous |  |  |  |
| Implementation and Project Management |  |  |  |
| Support and Consulting |  |  |  |
| Other Costs |  |  |  |
| **Total Costs including VAT for Year 1** | | |  |
| **Year 2** | | | |
| Support and Consulting |  |  |  |
| Other Costs |  |  |  |
| **Total Costs including VAT for Year 2** | | |  |
| **Year 3** | | | |
| Support and Consulting |  |  |  |
| Other Costs |  |  |  |
| **Total Costs including VAT for Year 3** | | |  |
| **Year 4** | | | |
| Support and Consulting |  |  |  |
| Other Costs |  |  |  |
| **Total Costs including VAT for Year 4** | | |  |
| **Year 5** | | | |
| Support and Consulting |  |  |  |
| Other Costs |  |  |  |
| **Total Costs including VAT for Year 5** | | |  |
| **Total 5 Year Contract Price Including VAT** | | |  |

#### Points are allocated in terms of the BBBEE Codes of Good Practice guideline as indicated in the table below. Bidders must submit valid BBBEE Certificates which will be verified.

|  |  |  |
| --- | --- | --- |
| **B-BBEE status Level**  **of Contributor** | **Number of Points**  **(80/20 system)** | **Number of Points**  **(90/10 system)** |
| 1 | 20 | 10 |
| 2 | 18 | 9 |
| 3 | ***14*** | ***6*** |
| 4 | 12 | 5 |
| 5 | 8 | 4 |
| 6 | 6 | 3 |
| 7 | 4 | 2 |
| 8 | 2 | 1 |
| Non-Compliant contributor | 0 | 0 |

#### A bidder shall not be awarded points for B-BBEE status level of contributor if the Bid documents indicate that the Bidder intends subcontracting **more than 25%** of the value of the contract to any other person not qualifying for at least the points that the Bidder qualifies for, unless the intended subcontractor is an EME that has the capability to execute the subcontract.

#### The points scored by a tenderer for B-BBEE contribution will be added to the points scored for price.

#### The points scored will be rounded off to the nearest two decimal places.

# FORM OF BID

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| CLOSING TIME: | |  | | ON |  | | |
|  | | | | | | BID NO. | | | | |  | | |
|  | | | | | | | | |  | | |  | |
| VALIDITY: **180 DAYS** | | | | NAME OF BIDDER: | | | ..................................................  .................................................. | | | | | | |
|  | | | |  | | |  | | | | | | |
| ITEM NO. | QUANTITY | | DESCRIPTION | | | | | | | BID PRICE IN RSA CURRENCY  BID PRICE MUST EXCLUDE VALUE-ADDED TAX | | | |
|  |  | |  | | | | | | |  | | | |
| 1 |  | | Supply, delivery, installation | | | | | | | R | | | |
| 2 |  | | Project management | | | | | | | R | | | |
| 3 |  | | Logistic support services | | | | | | | R | | | |
|  |  | | Total Bid Price | | | | | | | R | | | |
|  |  | | Alternative Offers (Bidder to advise) | | | | | | | R | | | |
| Manufacturer, type and model | | | | | | .....................................…….......... | | | | | | | |
|  | | | | | |  | | | | | | | |
| Country of manufacture | | | | | | ..........................................……..... | | | | | | | |
|  | | | | | |  | | | | | | | |
| Is the offer strictly to specification? | | | | | | YES / NO | | | | |  | | |
|  | | | | | |  | | | | | | | |
| If not to specification, state deviations | | | | | | ..............................................……. | | | | | | | |
|  | | | | | |  | | | | | | | |
| Contract period excluding guarantee period | | | | | | ..............……................................. | | | | | | | |
|  | | | | | |  | | | | | | | |
| Is the price quoted fixed? | | | | | | YES / NO | | | | |  | | |
|  | | | | | |  | | | | | | | |
| Is the delivery and installation period fixed? | | | | | | YES / NO | | | | |  | | |
|  | | | | | |  | | | | | | | |
| Are the supplies/services guaranteed as required in the Bid specification? | | | | | | YES / NO | | | | |  | | |
|  | | | | | |  | | | | | | | |
| If a guarantee is not specifically required in the Bid specification, are the Supplies/ services guaranteed? | | | | | | YES / NO | | | | |  | | |
|  | | | | | |  | | | | | | | |
| Are you the accredited agent for the manufacturers of the equipment offered? | | | | | | YES / NO | | | | |  | | |
|  | | | | | |  | | | | | | | |
| Where in the Republic of South Africa can a machine/equipment of the type offered by you be inspected under working conditions? | | | | | | ............................……................... | | | | | | | |
|  | | | | | |  | | | | | | | |
| What are the names and addresses of the factories where the supplies will be manufactured? | | | | | | .................................…….............. | | | | | | | |
|  | | | | | |  | | | | | | | |
| What is the approximate value of spares carried in stock in the Republic of South Africa for the equipment offered? | | | | | | R....................................……........ | | | | | | | |
| Furnish full particulars (separately if necessary) of the arrangements which can be made by you for the efficient servicing/maintenance of the supplies/services locally | | | | | | ............................................……... | | | | | | | |
|  | | | | | |  | | | | | | | |
| In respect of supplies to be specially imported, indicate - | | | | | |  | | | | | | | |
|  | | | | | |  | | | | | | | |
| (i) | Whether a special import permit is required? | | | | | YES / NO | | | | |  | | |
|  |  | | | | |  | | | | | | | |
| (ii) | The name and address of the person or company to whom payment is to be made abroad | | | | | ..............................................……. | | | | | | | |
|  |  | | | | |  | | | | | | | |
| (iii) | The amount in foreign currency to be paid by you abroad  (See **Volume 1B**, paragraph 2.16.15.1) | | | | | .............................................…….. | | | | | | | |
|  |  | | | | |  | | | | | | | |
| (iv) | What ruling rate of exchange (at date of Bid) was applied in the conversion of this amount to South African currency (See Volume 1B, paragraph 2.16.15.1 and what was the date when this rate applied) | | | | | ..............................................……. | | | | | | | |
| \* Price as reflected on form must include all customs and/or other duties, delivery and installation costs. Bids on a basis of c.i.f. or in bond, or qualified to the effect that bills of entry are to be furnished may be disqualified.  Rate of Exchange Variation  Installation Contract:  Upon Contract award, the contractor shall hedge the foreign content, and immediately provide same to ATNS. Any variation between the quoted rate in the Price Schedule, and Hedged Rate shall be for the account or credit of the contractor.  Option and CVO:  Any options or Contract Variation Orders shall be hedged upon the receipt of an Order by the Contractor, and any variation between the quoted rate and Hedged Rate shall be for the account or credit of the Contractor.  Support Contract  At the commencement of each of support, The Contractor shall Hedge the foreign content for that year, and any variation between the quoted rate of the Price Schedule and the Hedged Rate shall be for the account or credit of ATNS.  Rules that apply when exchange cover on a fixed term basis is a condition of the contract:  The Contractor shall, within 14 fourteen days of receipt of the contract (or if an export permit is required within 14 [fourteen] days after receipt of such permit) or such extended period as agreed upon at the time, arrange exchange cover for the total exchange amount which cover may not exceed the contractual term and shall be transferred abroad on a fixed term basis. Once the currency futures have been issued, the Company's finance division must be provided with a copy of such currency futures.  Should the currency futures not be taken out within the prescribed period, then, subject to the provisions of paragraph one of the following two rates, whichever is to the best advantage of the company, shall be used for calculation purposes:     * the spot rate applicable on the last day of the prescribed period; * the actual rate applicable to the currency futures. | | | | | | | | | | | | |

PART A

INVITATION TO BID

|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (***NAME OF DEPARTMENT/ PUBLIC ENTITY***)** | | | | | | | | | | | | |
| BID NUMBER: |  | | | CLOSING DATE: | |  | | | CLOSING TIME: | | |  |
| DESCRIPTION |  | | | | | | | | | | | |
| **BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT *(STREET ADDRESS)*** | | | | | | | | | | | | |
|  | | | | | | | | | | | | |
|  | | | | | | | | | | | | |
|  | | | | | | | | | | | | |
|  | | | | | | | | | | | | |
| **BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO** | | | | | **TECHNICAL ENQUIRIES MAY BE DIRECTED TO:** | | | | | | | |
| CONTACT PERSON | | |  | | CONTACT PERSON | | | | | |  | |
| TELEPHONE NUMBER | | |  | | TELEPHONE NUMBER | | | | | |  | |
| FACSIMILE NUMBER | | |  | | FACSIMILE NUMBER | | | | | |  | |
| E-MAIL ADDRESS | | |  | | E-MAIL ADDRESS | | | | | |  | |
| **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: | |  | **OR** | | CENTRAL SUPPLIER DATABASE No: | MAAA | | | | |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE | | TICK APPLICABLE BOX]  Yes  No | | | B-BBEE STATUS LEVEL SWORN AFFIDAVIT | | | | | [TICK APPLICABLE BOX]  Yes  No | | |
| ***[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]*** | | | | | | | | | | | | |
| ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED? | | Yes No  [IF YES ENCLOSE PROOF] | | | ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? | | | | | Yes No  [IF YES, ANSWER THE QUESTIONNAIRE BELOW ] | | |
| **QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS** | | | | | | | | | | | | |
| IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?  YES  NO  DOES THE ENTITY HAVE A BRANCH IN THE RSA?  YES  NO  DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?  YES  NO  DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?  YES  NO  IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?  YES  NO  **IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.** | | | | | | | | | | | | |

PART B

TERMS AND CONDITIONS FOR BIDDING

|  |
| --- |
| 1. **BID SUBMISSION:** |
| * 1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.   2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**   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.   4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).** |
| 1. **TAX COMPLIANCE REQUIREMENTS** |
| 1. BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. 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. 3. APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE [WWW.SARS.GOV.ZA](http://www.sars.gov.za). 4. BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID. 5. IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER. 6. WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED. 7. NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE.” |

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

SIGNATURE OF BIDDER: ……………………………………………

CAPACITY UNDER WHICH THIS BID IS SIGNED: ……………………………………………

(Proof of authority must be submitted e.g. company resolution)

DATE: …………………………………………...

CHECKLIST OF BIDDING DOCUMENTATION BEFORE SUBMITTING

**NB!! PLEASE TAKE NOTE THAT ALL STANDARD BIDDING (SBD) FORMS MUST BE COMPLETED, SIGNED AND SUBMITTED WITH YOUR PROPOSAL. FAILURE TO DO SO MAY INVALIDATE YOUR BID**

|  |  |  |
| --- | --- | --- |
| **NB: Has the following forms been completed, signed and submitted with your proposal?** | | |
| **Documentation** | | **Checked by Bidder** | **Checked by Procurement Specialist** |
| Invitation to Bid- SBD 1 | |  |  |
| Declaration of interest – SBD 4 | |  |  |
| Preference point claim – SBD 6.1 | |  |  |
| Contract Form (rendering of services) – SBD 7.1 | |  |  |
| Declaration of bidders past Supply Chain Management Practices- SBD 8 | |  |  |
| Certification of Independent Bid Declaration – SBD 9 | |  |  |
| ID Documents of Directors/Shareholders | |  |  |
| Central Supplier Database Summary Report | |  |  |
| Company Profile | |  |  |
| 2 years Audited Financial Statements | |  |  |
| Submitted One (1) original, two (2) hard copies and one (1) electronic copy (on CD or USB) in PDF format. | |  |  |

**ATNS FORM D**

**DISCLOSURE OF GROUP/COMPANY STRUCTURE**

1. In view of possible allegations of favouritism, it is required by ATNS that the bidder or his/her authorised representative declare the group structures if any and submit information of group directors / members / shareholders / trustees or subsidiary companies and positions held in the group /companies.
2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

* 1. Full Name of bidder or his or her representative: …………………………………………………………………………………………..….

* 1. Identity Number: …………………………………………..……………….………

* 1. Position occupied in the Company (director, trustee, shareholder²): …………………………………………………………………………………...

* 1. Company Registration Number: ……………………………………………
  2. Tax Reference Number: …………………………………………….………

* 1. VAT Registration Number: …………………………………….……………

1. **The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable. must be indicated in paragraph 3.1 below.**

**3.1 Full details of Group / directors / trustees / members / shareholders.**

|  |  |  |  |
| --- | --- | --- | --- |
| **Name of Group / Company / Trust** | **Full Name and Surname** | **Identity**  **Number** | **Personal Tax**  **Reference Number** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

1. **DECLARATION**

I, THE UNDERSIGNED (NAME)……………………………………………………… ……

Declare that the information furnished in paragraphs two (2) and three (3) above is correct. I accept that ATNS may reject the bid or act against me in terms of paragraph 23 of the General Conditions of Contract should this declaration prove to be false.

|  |  |
| --- | --- |
| ………………………………….. | ..…………………………………………… |
| Signature | Date |
| …………………………………. | ……………………………………………… |
| Position | Name of bidder |

Oct 2020

**SBD4**

**DECLARATION OF INTEREST**

1. Any legal person, including persons employed by the State¹, or persons having a kinship with persons employed by the State, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes an advertised competitive bid, a limited bid, a proposal or written price quotation). In view of possible allegations of favouritisms, should the resulting bid, or part thereof, be awarded to persons employed by the State, or to persons connected with or related to them, it is required that the bidder or his/her authorized representative declare his/her position in relation to the evaluating/adjudicating authority where:
2. the bidder is employed by the state; and/or
3. the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.
4. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.
5. Full Name of bidder or his or her representative:

……..…………………………………………………………………………………………………..

1. Identity Number:

…………………………………………………………………………………………………………

1. Position occupied in the Company (director, trustee, shareholder², member):

…………………………………………………………………………………………………………

…………………………………………………………………………………………………………

1. Registration number of company, enterprise, close corporation, partnership agreement or trust:

…………………………………………………………..………….…………………………………..

1. Tax Reference Number:

………………………………………………………………………………………………………….

1. VAT Registration Number:

………………………………………………………………………………...................................

¹“State” means –

(a) any national or provincial department, national or provincial public entity /constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);

(b) Any municipality or municipal entity; (c) provincial legislature;

(d) National Assembly or the national Council of provinces; or

(e) Parliament.

²” Shareholder” means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

1. The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / PERSAL numbers must be indicated in paragraph3 below.
2. Are you or any person connected with the bidder presently employed by the State?

|  |  |
| --- | --- |
| **YES** | **NO** |

1. If so, furnish the following particulars:

Name of person/director /trustee /shareholder/ member:

………………………………………………………………………....………………………………

Name of State institution at which you or the person connected to the bidder is employed:

…………………………………………………………………………………………………………

Position occupied in the State institution:

………………………………………………………………………………………………………….

Any other particulars:

………………………………………………………………………………………………………….

………………………………………………………………………………………………………….

…………………………………………………………………………………………………………

1. If you are presently employed by the State, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector?

|  |  |
| --- | --- |
| **YES** | **NO** |

1. If yes, did you attach proof of such authority to the bid document?

|  |  |
| --- | --- |
| **YES** | **NO** |

**Note:** Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

1. If no, furnish reasons for non-submission of such proof:

……………………………………………………………………………………………………….

…………………………………………………………………………………………………………

………………………………………………………………………………………………………..

1. Did you or your spouse, or any of the company’s director’s trustees/shareholders/members or their spouses conduct business with the State in the previous twelve months?
2. If so, furnish particulars:

………………………………………………………………………………………………………….

…………………………………………………………………...................................................

1. Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the State and who may be involved with the evaluation and or adjudication of this bid?
2. If so, furnish particulars:

………………………………………………………………………………………………………….

…………………………………………………………………...................................................

1. Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the State who may be involved with the evaluation and or adjudication of this bid?
2. If so, furnish particulars:

………………………………………………………………………………………………………….

…………………………………………………………………...................................................

1. Do you or any of the directors/trustees/shareholders/members of the company have any interest in any other related companies whether or not they are bidding for this contract?
2. If so, furnish particulars:

………………………………………………………………………………………………………….

…………………………………………………………………...................................................

1. Full details of directors / trustees / members / shareholders.

|  |  |  |  |
| --- | --- | --- | --- |
| **Full Name** | **Identity Number** | **Personal Income Tax**  **Reference Number** | **State Employee Number / Persal Number** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

1. DECLARATION

I, THE UNDERSIGNED (NAME)……………………………………………………………………………….

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

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE

………………………………….. ..……………………………………………

Signature

………………………………….. ..……………………………………………

Signature Date

…………………………………. ………………………………………………

Position

**SBD 6.1**

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

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

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

1. **GENERAL CONDITIONS**
   1. The following preference point systems are applicable to all bids:

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

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

b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

* 1. Points for this bid shall be awarded for:

1. Price; and
2. B-BBEE Status Level of Contributor.
   1. The maximum points for this bid are allocated as follows:

|  |  |
| --- | --- |
|  | **POINTS** |
| **PRICE** | 80 |
| **B-BBEE STATUS LEVEL OF CONTRIBUTOR** | 20 |
| **Total points for Price and B-BBEE must not exceed** | **100** |

* 1. Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
  2. The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

1. **DEFINITIONS**
2. **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
3. “**B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
4. **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
5. **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
6. **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
7. **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
8. **“prices”** includes all applicable taxes less all unconditional discounts;
9. **“proof of B-BBEE status level of contributor”** means:
10. B-BBEE Status level certificate issued by an authorized body or person;
11. A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
12. Any other requirement prescribed in terms of the B-BBEE Act;
13. **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
14. **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
15. **POINTS AWARDED FOR PRICE**
    1. **THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS**

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

**80/20 or 90/10**

**** or ****

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmin = Price of lowest acceptable bid

1. **POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR**
   1. In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

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

1. **BID DECLARATION**
   1. Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:
2. **B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1** 
   1. B-BBEE Status Level of Contributor: . = ……… (maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

1. **SUB-CONTRACTING**
   1. Will any portion of the contract be sub-contracted?

(***Tick applicable box***)

|  |  |  |  |
| --- | --- | --- | --- |
| YES |  | NO |  |

* + 1. If yes, indicate:

1. What percentage of the contract will be subcontracted............…………….…………%
2. The name of the sub-contractor………………………………………………………….
3. The B-BBEE status level of the sub-contractor......................................……………...
4. Whether the sub-contractor is an EME or QSE

***(Tick applicable box***)

|  |  |  |  |
| --- | --- | --- | --- |
| YES |  | NO |  |

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

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

1. **DECLARATION WITH REGARD TO COMPANY/FIRM**
   1. Name of company/firm:……………………………………………………………………….
   2. VAT registration number:………………………………….…………………………………
   3. Company registration number:………….……………………….…………………………….
   4. TYPE OF COMPANY/ FIRM

Partnership/Joint Venture / Consortium

One-person business/sole propriety

Close corporation

Company

(Pty) Limited

[Tick applicable box]

* 1. DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

…………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………..

* 1. COMPANY CLASSIFICATION

Manufacturer

Supplier

Professional service provider

Other service providers, e.g. transporter, etc.

[*Tick applicable box*]

* 1. Total number of years the company/firm has been in business:…………………………
  2. I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

1. The information furnished is true and correct;
2. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
3. In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
4. If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
   1. disqualify the person from the bidding process;
   2. recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
   3. 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;
   4. recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
   5. forward the matter for criminal prosecution.

……………………………………….

SIGNATURE(S) OF BIDDERS(S)

DATE: …………………………………..

ADDRESS …………………………………..

…………………………………..

…………………………………..

WITNESSES

1. ……………………………………..
2. …………………………………….

**SBD 6.2**

**DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS**

This Standard Bidding Document (SBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2011, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

1. **General Conditions**
   1. Preferential Procurement Regulations, 2011 (Regulation 9) makes provision for the promotion of local production and content.
   2. Regulation 9.(1) prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
   3. Where necessary, for bids referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
   4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
   5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

LC = [1 - x / y] \* 100

Where

x is the imported content in Rand

y is the bid bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as indicated in paragraph 4.1 below.

**The SABS approved technical specification number SATS 1286:2011 is accessible on http:/www.thedti.gov.za/industrial development/ip.jsp at no cost.**

* 1. A bid may be disqualified if –

1. this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation; and
2. the bidder fails to declare that the Local Content Declaration Templates (Annex C, D and E) have been audited and certified as correct.
3. **Definitions**
   1. **“bid”** includes written price quotations, advertised competitive bids or proposals;
   2. **“bid price”** price offered by the bidder, excluding value added tax (VAT);
   3. **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
   4. **“designated sector”** means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;
   5. **“duly sign”** means a Declaration Certificate for Local Content that has been signed by the Chief Financial Officer or other legally responsible person nominated in writing by the Chief Executive, or senior member / person with management responsibility(close corporation, partnership or individual).
   6. **“imported content”** means that portion of the bid price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad (this includes labour or intellectual property costs), plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;
   7. **“local content”** means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;
   8. **“stipulated minimum threshold”** means that portion of local production and content as determined by the Department of Trade and Industry; and
   9. **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.
4. **The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:**

Description of services, works or goods Stipulated minimum threshold

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_%

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_%

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_%

4. Does any portion of the services, works or goods offered

have any imported content?

(***Tick applicable box***)

|  |  |  |  |
| --- | --- | --- | --- |
| YES |  | NO |  |

4.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on [**www.reservebank.co.za**](http://www.reservebank.co.za)**.**

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

|  |  |
| --- | --- |
| **Currency** | **Rates of exchange** |
| US Dollar |  |
| Pound Sterling |  |
| Euro |  |
| Yen |  |
| Other |  |

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

5. Were the Local Content Declaration Templates (Annex C, D and E) audited and certified as correct?

(***Tick applicable box***)

|  |  |  |  |
| --- | --- | --- | --- |
| YES |  | NO |  |

5.1. If yes, provide the following particulars:

1. Full name of auditor: ………………………………………………………
2. Practice number: ………………………………………………………………………..
3. Telephone and cell number: ……………………………………………………………….
4. Email address: ………………………………………………………………………..

(Documentary proof regarding the declaration will, when required, be submitted to the satisfaction of the Accounting Officer / Accounting Authority)

6. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the AO/AA provide directives in this regard.

**LOCAL CONTENT DECLARATION**

**(REFER TO ANNEX B OF SATS 1286:2011)**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)**  **IN RESPECT OF BID NO.** .................................................................................  **ISSUED BY**: (Procurement Authority / Name of Institution): .........................................................................................................................  NB  1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.  2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on [http://www.thdti.gov.za/industrial development/ip.jsp](http://www.thdti.gov.za/industrial%20development/ip.jsp). Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.**  Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.  I, the undersigned, …………………………….................................................... (full names),  do hereby declare, in my capacity as ……………………………………… ………..  of ...............................................................................................................(name of bidder entity), the following:  (a) The facts contained herein are within my own personal knowledge.  (b) I have satisfied myself that:   1. the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and 2. the declaration templates have been audited and certified to be correct.   (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:   |  |  | | --- | --- | | Bid price, excluding VAT (y) | R | | Imported content (x), as calculated in terms of SATS 1286:2011 | R | | Stipulated minimum threshold for local content (paragraph 3 above) |  | | Local content %, as calculated in terms of SATS 1286:2011 |  |   **If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.**  **The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.**  (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.  (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2011 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).  **SIGNATURE: DATE: \_\_\_\_\_\_\_\_\_\_\_**  **WITNESS No. 1 DATE: \_\_\_\_\_\_\_\_\_\_\_**  **WITNESS No. 2 DATE: \_\_\_\_\_\_\_\_\_\_\_** |

**SBD 7.1**

**CONTRACT FORM - RENDERING OF SERVICES**

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

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

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

|  |  |  |
| --- | --- | --- |
| NAME (PRINT) | ………………………………………………… | WITNESSES |
| CAPACITY | ………………………………………………… | 1………………………………. |
| SIGNATURE | ………………………………………………… |  |
| NAME OF FIRM | ………………………………………………. | 2………..………………………. |
| DATE | ………………………………………………… |  |

**SBD 7.2**

**CONTRACT FORM - RENDERING OF SERVICES**

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

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

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

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

|  |  |  |  |
| --- | --- | --- | --- |
| SIGNED AT | …………………………………….. | | ON ……………………………… |
|  | | | |
| NAME (PRINT) | ………………………………………………… | | WITNESSES |
| SIGNATURE | ………………………………………………… | | 1………………………………. |
|  | | |  |
| OFFICIAL STAMP | |  | 2……….………………………. |
|  | |  |  |
|  | |  | DATE…………………………… |
|  | |  |  |
|  | |  |  |

**SBD8**

**DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

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

|  |  |  |  |
| --- | --- | --- | --- |
| **Item** | **Question** | **Yes** | **No** |
| 4.1 | Is the Bidder or any of its directors listed on the National Treasury’s Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?  (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the audialterampartem rule was applied).  **The Database of Restricted Suppliers now resides on the National Treasury’s website (**[www.treasury.gov.za](http://www.treasury.gov.za)**) and can be accessed by clicking on its link at the bottom of the home page.** |  |  |
| 4.1.1 | If so, furnish particulars: | | |
| 4.2 | Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act(No 12 of 2004)?  **The Register for Tender Defaulters can be accessed on the National Treasury’s website (**[www.treasury.gov.za](http://www.treasury.gov.za)**) by clicking on its link at the bottom of the home page.** |  |  |
| 4.2.1 | If so, furnish particulars: | | |
| 4.3 | Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years? |  |  |
| 4.3.1 | If so, furnish particulars: | | |
| 4.4 | Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract? |  |  |
| 4.4.1 | If so, furnish particulars: | | |

**SBD 8 (2)**

**CERTIFICATION**

**I, THE UNDERSIGNED (FULL NAME) ……………………………………………………………………….. CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.**

**I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.**

………………………………………...…………………………..

Signature Date

……………………………………….…………………………..

Position, Name of Bidder

**SBD 9**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

1. This Standard Bidding Document (SBD) must form part of all bids¹ invited.
2. Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
3. Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
   1. Disregard the bid of any bidder if that bidder, or any of its directors have abused the institution’s supply chain management system and or committed fraud or any other improper conduct in relation to such system.
   2. Cancels a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
   3. This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
4. In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

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

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

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Bid Number and Description)

In response to the invitation for the bid made by:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Name of Institution)

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word “competitor” shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
   1. Has been requested to submit a bid in response to this bid invitation;
   2. Could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
   3. Provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.

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

1. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
   1. prices;
   2. geographical area where product or service will be rendered (market allocation)
   3. Methods, factors or formulas used to calculate prices;

* 1. The intention or decision to submit or not to submit, a bid;
  2. The submission of a bid which does not meet the specifications and conditions of the bid; or
  3. Bidding with the intention not to win the bid.

1. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
2. 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. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

………………………………………… …………………………………………

Signature Date

………………………………………………….…………………………………

Position Name of the Bidder

Should it be necessary for a bidder to obtain clarity on any matter arising from or referred to in this RFP document, please refer your enquiries, in writing, to the contact person(s) listed below. ATNS reserves the right to place responses to such queries on the website.

|  |  |
| --- | --- |
| **Procurement Specialist:** | Olwethu Fakude |
| **Telephone:** | (011) 607 1165 |
| **E-mail:** | olwethuf@atns.co.za |