NATIONAL HEALTH LABORATORY SERVICE

REQUEST FOR QUOTATION (RFQ)

ADVERT RFQ NO: 1921333

DESCRIPTION: REQUEST TO SUPPLY AND DELIVER OF 25L CHEMICAL BUCKET SPILL KIT AND BOTTLE EYE WASH STATION

ISSUED BY:

SUPPLY CHAIN MANAGEMENT
NATIONAL HEALTH LABORATORY SERVICE
1 MODDERFONTEIN ROAD
SANDRINGHAM
2092

PREPARED BY:

SUPPLY CHAIN MANAGEMENT
NATIONAL HEALTH LABORATORY SERVICE
NO.1 MODDERFONTEIN ROAD
SANDRINGHAM
2092

Quotation Queries:	**Technical Queries:**
CONTACT NAME: PROCUREMENT OFFICE	CONTACT NAME: PROCUREMENT OFFICE
TELEPHONE:011 386 6000	TELEPHONE: 011 386 6000
E-MAIL ADDRESS:	E-MAIL ADDRESS:

NAME OF A BIDDER:……

CLOSING DATE: 01 September 2026 AT 11:00
QUOTATION VALIDITY PERIOD: The quotation validity period is 90 days.

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1. **PART A Invitation to Bid** **SBD 1**

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE NATIONAL HEALTH LABORATORY SERVICE (NHLS)					
BID NUMBER:	**RFQ No: 1921333**	**CLOSING DATE: 01 September 2026**		**CLOSING TIME:**	**11:00AM**
DESCRIPTION	***REQUEST TO SUPPLY AND DELIVER OF 25L CHEMICAL BUCKET SPILL KIT AND BOTTLE EYE WASH STATION***				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT *(STREET ADDRESS)*					
NHLS RECEPTION: RFQ BOX: NO.1 MODDERFONTEIN ROAD, SANDRINGHAM, JOHANNESBURG					

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO		**TECHNICAL ENQUIRIES MAY BE DIRECTED TO:**	
CONTACT PERSON	**PROCUREMENT OFFICE**	CONTACT PERSON	**PROCUREMENT OFFICE**
TELEPHONE NUMBER	**011 386 6275**	TELEPHONE NUMBER	**011 386 6275**
E-MAIL ADDRESS	**procurementcorporate@nhls.ac.za**	E-MAIL ADDRESS	**procurementcorporate@nhls.ac.za**

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:**

1.1.	BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2.	**ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
1.3.	THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4.	**THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**
2.	**TAX COMPLIANCE REQUIREMENTS**
2.1	BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2	BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3	APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
2.4	BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6	WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7	NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

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

SIGNATURE OF BIDDER: ……

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

DATE: ……..……

2. TERMS AND CONDITIONS OF REQUEST FOR QUOTATION (RFQ)

a) This document may contain confidential information that is the property of the NHLS and the Client.

b) No part of the contents may be used, copied, disclosed or conveyed in whole or in part to any party in any manner whatsoever other than for preparing a proposal in response to this RFQ, without prior written permission from NHLS and the Client.

c) All Copyright and Intellectual Property herein vests with NHLS and its Client.

d) Late and incomplete submissions will not be accepted.

e) SDB 7 (form of offer) must be completed, and should the total RFQ prices differ, the one indicated on the form of offer shall be considered the correct price.

f) Any bidder who has reasons to believe that the RFQ specification is based on a specific brand must inform NHLS before RFQ closing date

g) Bidders are required to submit a valid Tax Clearance Certificate and Tax clearance verification PIN, Failure to submit the Tax Pin and valid Tax Clearance Certificate will result in the invalidation of this RFQ.

h) It is the responsibility of the bidder to ensure that NHLS is in possession of the bidder's valid Tax Clearance certificate. The onus is on the bidder to ensure that NHLS receives a valid Tax Certificate as soon as the validity of the said certificate expires.

i) A **compulsory clarification or site meeting or briefing session** will be conducted: **Not applicable.**

- The tenderer shall inspect and examine the Site and its surroundings and shall satisfy himself/herself before submitting

  his/her quotation. The bidder must be represented at the site inspection by a person who is suitably qualified and experiences to comprehend the implications of the work involved.

- The contractor will be responsible for final measurements.

j) Writing must be in block letters and black ink.

k) Quotation procedure using the two (4) stage system will apply: **Not applicable**.

l) Respondents arriving after the allocated time of the briefing session and failing to attend the compulsory RFQ/Site briefing will be disqualified

m) No services must be rendered or goods delivered before an official NHLS Purchase Order form has been received.

n) This RFQ will be evaluated in terms of the 80/20 preference point system prescribed by the Preferential Procurement Regulations, 2022.

o) All questions regarding this RFQ must be forwarded to the procurementcorporate@nhls.ac.za 24 hours prior the RFQ closing date.

p) The General Conditions of Contract (GCC) issued by National Treasury are applicable.

q) In case of bids where Consortia / Joint Ventures, Consortia/Joint Venture agreement signed by both parties must be submitted with bid proposal. Each JV partner must submit all their mandatory documentation.

a) Quotation must be All-Inclusive

i. The Supplier shall allow in the quotation for all deliverables as stipulated in the scope, labour, material, consumables, accessories, software, supervision, overhead costs, profit, royalties, all taxes, levies, duties, variations in exchange rates (if applicable), disbursements and everything necessary for the execution and completion of the works in accordance with the quotation documents.
ii. Value Added Tax (VAT) shall be excluded from the rates and prices and provided for as the total VAT on the cost of the Works in the Summary of Schedule of Rates and Prices.
iii. The Supplier rates and prices shall be fixed for the duration of the contract and not subject to adjustment except as provided for in the conditions of contract.
iv. The offer must be in ZAR currency.
v. The NHLS reserve the right to do due diligence on the quotations and to benchmark prices quoted.
vi. Quotes should be submitted on an official letterhead and duly signed.

Delays in the supplier's performance

i. Delivery of the goods and performance of services shall be made by the supplier in accordance with the time schedule prescribed
by the purchaser in the contract.
ii. If at any time during performance of the contract, the supplier or its subcontractor(s) should encounter conditions impeding timely delivery of the goods and performance of services, the supplier shall promptly notify the purchaser in writing of the fact of the delay, its likely duration, and its cause(s). As soon as practicable after receipt of the supplier's notice, the purchaser shall evaluate the situation and may at his discretion extend the supplier's time for performance, with or without the imposition of penalties, in which case the extension shall be ratified by the parties by amendment of contract.
iii. The right is reserved to procure outside of the contract small quantities or to have minor essential services executed if an emergency arises, the supplier's point of supply is not situated at or near the place where the supplies are required, or the supplier's services are not readily available.
iv. Except as provided under GCC Clause 25, a delay by the supplier in the performance of its delivery obligations shall render the supplier liable to the imposition of penalties, pursuant to GCC Clause 22, unless an extension of time is agreed upon pursuant to GCC Clause 22.2 without the application of penalties.
v. Upon any delay beyond the delivery period in the case of a supplies contract, the purchaser shall, without cancelling the contract, be entitled to purchase supplies of a similar Functionality and up to the same quantity in substitution of the goods not supplied in conformity with the contract and to return any goods delivered later at the supplier's expense and risk, or to cancel the contract and buy such goods as may be required to complete the contract and without prejudice to his other rights, be entitled to claim damages from the supplier.

1. ***Penalties***

i. Subject to GCC Clause 25, if the supplier fails to deliver any or all of the goods or to perform the services within the period(s) specified in the contract, the purchaser shall, without prejudice to its other remedies under the contract, deduct from the contract price, as a penalty, a sum calculated on the delivered price of the delayed goods or unperformed services using the current prime interest rate calculated for each day of the delay until actual delivery or performance. The purchaser may also consider termination of the contract pursuant to GCC Clause 23.

FOR HAND DELIVERIES OF RESPONSES, PLEASE SUBMIT THE RFQ DOCUMENT TO NHLS RFQ BOX, NO:1 MODDERFONTEIN ROAD, SANDRINGHAM.

The Bidder accepts the above terms and conditions and the General Conditions of Contract on NHLS website as per hyperlink GCC Document or visit NHLS website https://www.nhls.ac.za/supply-chain/, click on supply chain management tab then select General Conditions of Contract	**Accept**	**Do not accept**

3. TERMS OF REFERENCE / SCOPE OF WORKS/ SPECIFICATIONS

FORM OF QUOTATION SUPPLIER NAME: _____

Item	Specifications	Quantity
	1. <u>25l Chemical Bucket Spill Kit</u> • (Absorbs Aggressive Chemicals – Acids & Bases) • 1 x Durable Bucket. • 1 x 15l Chemical Absorbent Powder. • 1 x 1,2m Hazmat Absorbent Booms. • 1 x Hazmat Absorbent Pillow. • 1 x Dustpan & Brush. • 1 x Pair of Heavy-Duty PVC Gloves. • 1 x Pair of Safety Goggles. • 1 x Dust Mask. • 1 x Heavy Duty Recovery Bags. • 1 x Spill Instruction Guide. • 1 x Inventory Guide. • Shelf Life: ≥ 2 years from the date of manufacture	4
	2. <u>Bottle Eye Wash Station</u> • Wall Mountable Plastic Stand • Includes 2 x 500ml Empty Eyewash Bottles • Easy Mounting • Includes Saline Solution • Shelf Life: ≥ 2 years from the date of manufacture	6

4. Pricing Schedule

Description	Quantities	Amount
25L CHEMICAL BUCKET SPILL KIT	4	
BOTTLE EYE WASH STATION	6	
Sub-Total		
VAT		
TOTAL		

- NB: Delivery cost must be included.

5. FORM OF OFFER (SBD 7)

Offer

The employer, identified in the acceptance signature block, has solicited offers to enter into a contract for the procurement of:

The tenderer, identified in the offer signature block, has examined the documents listed in the submission data and addenda thereto as listed in the returnable schedules, and by submitting this offer has accepted the conditions of tender.

By the representative of the tenderer, deemed to be duly authorized, signing this part of this form of offer and acceptance, the tenderer offers to perform all of the obligations and liabilities of the contractor under the contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the conditions of contract identified in the contract data.

THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF VALUE ADDED TAX IS:

Rand. . . . . (in words);
R . . . . . (in figures)

This offer may be accepted by the employer by signing the acceptance part of this form of offer and acceptance and returning one copy of this document to the tenderer before the end of the period of validity stated in the submission data, whereupon the tenderer becomes the party named as the contractor in the conditions of contract identified in the contract data.

Signature(s) . . . . . .
Name(s) . . . . . .
Capacity . . . . . .

for the Bidder

(Name and . . . . . .
address of organization/) . . . . . .
. . . . . .

Name and signature of witness . . . . . Date . . . . . .

6. RFQ EVALUATION PROCESS AND CRITERIA

The RFQ will be evaluated by the Cross Functional Evaluation Team (CFET) and the successful service provider will be selected based
on a four-phased approach (4-Stages):

STAGE 1: ADMINISTRATIVE COMPLIANCE:
All incomplete submissions and respondents who do not meet the minimum requirements at quotation submission will be eliminated from further evaluation.

STAGE 2: MANDATORY (TECHNICAL) REQUIREMENTS:
All incomplete submissions and respondents who do not meet the minimum requirements at quotation submission will be eliminated from further evaluation.

STAGE 3: PRICE AND SPECIFIC GOALS
The final evaluation phase will be based on **Price and Specific Goals**.
Determination of Percentage for Price – 80 percentage, & Determination of level for for Specific Goals – 20 percentage.

7.1 STAGE 1: ADMINISTRATIVE COMPLIANCE

- Administrative compliance/responsiveness will be tested based on returnable documents submitted and signatures on the Bid documents.
- At this stage, it must be determined what documents are required to be returned by Bidders. Returnable documents are categorized as follows:

a) Mandatory Returnable Documents (to be returned by Bidders)
(NOTE: Failure to provide the below listed documents *WILL* lead to disqualification)

1. The Service Providers to have to agree with all NHLS General Conditions of Bid, RFQ and Conditions of Contract (GCC)	**Comply**	**Do Not Comply**
Substantiation: The bidder must submit and attach to the bid response the signed and accepted NHLS General Conditions of Bid, RFQ and Conditions of Contract (GCC).		

2. Fully completed and signed Declaration of Interest SBD 4	**Comply**	**Do Not Comply**
Substantiation: The bidder must submit and attach to the bid response the signed Declaration of Interest SBD 4		

3. Bidder *must* complete the pricing Schedule.	**Comply**	**Do Not Comply**
Substantiation: The bidder must submit and attach to the bid response fully completed pricing		

Schedule.

4. TAX Clearance Certificate and/or TAX verification Pin and/or TAX Compliance Status Letter.	**Comply**	**Do Not Comply**
Substantiation: The bidder must submit and attach to the bid response a valid TAX Clearance Certificate and/or TAX verification Pin and/or TAX Compliance Status Letter issued by the South African Revenue Services (SARS).		

5 . **The bidder must provide the CSD** (Central Supplier Database) **Registration number (MAAA number) / Attach the CSD Summary Report**	**Comply**	**Do Not Comply**
Substantiation: The bidder must provide the CSD (Central Supplier Database) **Registration number (MAAA number) / Attach the updated CSD Summary Report.**		

b) Essential Returnable Documents (to be returned by Bidders) Not a disqualification factor

1. B-BBEE Certificate and/or Affidavit. Fully completed and signed preferential points claim form SBD 6.1.	**Comply**	**Do Not Comply**
Substantiation: The bidder must submit and attach to the bid response a copy of B-BBEE Certificate issued by an authorised body or person, or a sworn Affidavit prescribed by the B-BBEE Codes of Good Practice.		

7.2 STAGE 2: MANDATORY (TECHNICAL) REQUIREMENTS (if applicable)

- Mandatory compliance/responsiveness will be tested based on returnable documents submitted.
- At this stage, it must be determined what documents are required to be returned by Bidders.

  (NOTE: Failure to provide the below listed documents *WILL* lead to disqualification)

1. Product specification or product brochure	**Comply**	**Do Not Comply**
Substantiation: Attach the product brochure or mention in the quotation		

2. Expiration date: ≥ 2 years from the date of manufacture	**Comply**	**Do Not Comply**
Substantiation: Mention in the quotation		

7.3 STAGE 4: PRICE AND SPECIFIC GOALS CRITERIA

Bid will be evaluated on the basis of the PPPFA 80/20-point system as presented in the Preferential Procurement Regulations 2022, for this purpose SBD 6.1 form should be scrutinized, completed and submitted together with your quotation.

The 80/20-point system will be as follows:

Price Assessment	**80 Points**
Specific Goals	**20 Points**

8. SCHEDULE OF WORK CARRIED OUT BY THE BIDDER

The bidder must indicate in the spaces provided below a complete list of similar contracts awarded over the last five (5) years, including the current contract (if any). This information shall be deemed to be material to the award of this bid.

Company Name	Nature of work	Value of the work	Contact person & contact number	Duration of the project (Start and end date)

Signature of person authorized to sign the bid:_____

Date: _____

9. DECLARATION OF INTEREST SBD4

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

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

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

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest1 in the enterprise,
employed by the state? **YES/NO**

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

Full Name	Identity Number	Name of State institution

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

---

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

2.2.1 If so, furnish particulars:

……

……

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

2.3.1 If so, furnish particulars:

……..

……..

3 DECLARATION

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

3.1 I have read and I understand the contents of this disclosure;

3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;

3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium2 will not be construed as collusive bidding.

3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.

3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 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.

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

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

…… ……

Signature Date

…… ……

Position Name of bidder

SBD 6.1

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

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

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

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1. GENERAL CONDITIONS

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

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

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

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

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

(a) Price; and

(b) Specific Goals.

1.4 **To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	**100**

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

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

2. DEFINITIONS

(a) **"tender"** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;

(b) **"price"** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;

(c) **"rand value"** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

(d) **"tender for income-generating contracts"** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and

(e) **"the Act"** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

80/20 **or** **90/10**

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

3.2.1. POINTS AWARDED FOR PRICE

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

80/20 **or** **90/10**

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

(a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or

(b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.

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

No.	The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
1.	51% Owned by black people	4	
2.	51% Owned by Black people who are women	4	
3.	51% owned by Black people with disabilities	2	
4.	51% Owned by Black people who are youth	4	
5.	51% Owned by black people living in rural areas or underdeveloped areas or townships	2	
6.	Exempted Micro Enterprise (EME) and/or qualifying small enterprise (QSE)	4	
		Total	

Table 2: The following verification documents must be submitted with the Request for quotation or tender document in order to be awarded points for specific goals:

No	The specific goals allocated points in terms of this tender	Means of verification
1.	51% Owned by black people	Valid BBBEE Certificate issued by SANAS accredited verification agency or DTI /CIPC BBBEE Certificate for Exempted Micro Enterprises or Affidavit sworn under oath
2.	51% Owned by Black people who are women	
3.	51% owned by Black people with disabilities	
4.	51% Owned by Black people who are youth	
5.	51% Owned by black people living in rural areas or underdeveloped areas or townships	Valid lease agreement or municipal statement **or** letter from councillor or letter from traditional council confirming address of the owner of the company **and** a Valid BBBEE Certificate issued by SANAS accredited verification agency **or** DTI /CIPC BBBEE Certificate for Exempted Micro Enterprises **or** Affidavit sworn under oath
6.	Exempted Micro Enterprise (EME) and/or qualifying small enterprise (QSE)	Valid BBBEE Certificate issued by SANAS accredited verification agency **or** DTI /CIPC BBBEE Certificate for Exempted Micro Enterprises or Affidavit sworn under oath

JOINT VENTURE, CONSORTIUM:

For Joint Venture or Consortiums agreement must show percentages of ownership and work to be completed by each party. This agreement must form part of the tender submission.

To determine the Joint Venture or Consortium score for specific goals, NHLS will evaluate at the consolidated B-BBEE certificate issued by a SANAS accredited verification agency and Joint Venture or Consortiums agreement to determine the proportional points for specific goals that will be awarded to the tenderer for black people living in rural areas or underdeveloped areas or townships and Exempted Micro Enterprise (EME) and/or qualifying small enterprise (QSE).

Example, If there are two parties in a Joint Venture with a 50:50 ownership of the Joint Venture.

In a Joint Venture where one party is living within the township and one is living in the suburbs, if one of the specific goals is ownership by black people living in rural areas or underdeveloped areas or township with a total point of 2, the Joint Venture will only be entitled the proportional points of 1 point.

Table 3: The following are the requirements for a valid Sworn Affidavit in terms of the BBBEE Sector Codes of Good Practise:

Abbreviations

BEP = Built Environment Professional

Affidavit Prescribed Formats	Category	Financial Threshold
General Enterprises		
	QSE	Between R10 million and R50 million
	EME	Less than R10 million
Sector Specific Enterprises		
	QSE	Between R10 million and R50 million
	EME	Less than R10 million

Affidavit Prescribed Formats	Category	Financial Threshold
Construction Sector Code		
	BEP	Less than R1.8 million
	Contractor	Less than R3 million
	Supplier	Less than R3 million
Financial Sector Code		
	QSE	Between R10 million and R50 million
	EME	Less than R10 million
Information Communication Technology Sector Code (ICT)		
	QSE	Between R10 million and R50 million
	EME	Less than R10 million
Marketing, Advertising & Communication Sector Code (MAC)		
> Public Relations	QSE	Between R5 million and R10 million
> Marketing, Advertising & Communications	EME	Less than R5 million
Property Sector Code		
> Service-based	QSE	Between R5 million and R10 million
	EME	Less than R5 million
> Agency-based	QSE	Between R2.5 million and R35 million
> Asset-based	EME	Less than R2.5 million
	QSE	Between R80 million and R400 million
Tourism Sector Code		
	QSE	Between R5 million and R45 million
	EME	Less than R5 million
Specialised Enterprises		
	QSE	Between R10 million and R50 million
	EME	Less than R10 million

Note 1: A sworn affidavit received from a tenderer that does not meet the above requirement will not be considered for the allocation of points for specific goals.

Requirements for a valid B-BBEE Certificate and are as follows:

a) A valid copy of a B-BBEE certificate must be issued by a SANAS B-BBEE agency and the expiry date of the certificate must be after the closing date of the request for quotation or tender to be deemed valid.

b) The B-BBBEE certificate contents must contain accurate information about the company.

Requirements for a valid sworn affidavit are as follows:

a) Valid Sworn Affidavits must comply with the requirements outlined in the Justices of the Peace and Commissioners of Oaths Act, no 16 of 1963 and its Regulations promulgated in Government Notice GNR 1258 of 21 July 1972 Justices of the Peace and Commissioners of Oaths Act, No. 16 of 1963. i.e.

(i) The deponent shall sign the declaration in the presence of the commissioner of oaths (COA).

(ii) Below the deponent's signature the COA shall certify that the deponent has acknowledged that he knows and understands the contents of the declaration and the COA shall state the manner, place, and date of taking the declaration.

(iii) The COA shall sign the declaration and print his full name and business address below his signature; and state his designation and the area for which he holds his appointment, or the office held by him if he holds his appointment ex officio.

(iv) the expiry date of the sworn affidavit must be after the closing date of the request for quotation or tender to be deemed valid.

Note 2: A tenderer failing to submit valid proof of specific goals claimed as per indicated above bidders will **not** be disqualified but will be allocated **zero points** for specific goals and will be allocated points for pricing.

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm……..

4.4. Company registration number: ……...

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

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

i) The information furnished is true and correct;

ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;

iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;

iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –

(a) disqualify the person from the tendering process;

(b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;

(c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;

(d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and

(e) forward the matter for criminal prosecution, if deemed necessary.

…… **SIGNATURE(S) OF TENDERER(S)**
SURNAME AND NAME: …… **DATE:** ……
ADDRESS: …… …… …… ……