



Commission for the Promotion and Protection of the
Rights of Cultural, Religious and Linguistic Communities.

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Braamfontein, Johannesburg
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REQUEST FOR PROPOSAL/TENDER

TENDER NUMBER	CRL 003/2018
TENDER CLOSING DATE AND TIME	27 June 2018 @11:00
BID VALIDITY PERIOD	90 DAYS (FROM THE CLOSING DATE)
TENDER DESCRIPTION	INVITATION TO TENDER FOR THE SUPPLY AND INSTALLATION OF X-RAY BAGGAGE SCANNER AT CRL RIGHTS COMMISSION OFFICES



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1. INTRODUCTION

The Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (hereinafter the “CRL Rights Commission” or “the Commission”) is one of the chapter 9 institutions established by the Constitution of the Republic of South Africa Act 108 of 1996 (hereinafter “the Constitution”), to strengthen constitutional democracy in South Africa.

FUNCTIONS OF THE COMMISSION

The Constitution mandates the Commission to perform the following functions:

- promote respect for and further the protection of the rights of cultural, religious and linguistic communities;
- promote and develop peace, friendship, humanity, tolerance, national unity among and within cultural, religious and linguistic communities, on the basis of equality, non-discrimination and free association; and
- to foster mutual respect among cultural, religious and linguistic communities;
- to promote the right of communities to develop their historically diminished heritage; and
- recommend the establishment or recognition, in accordance with national legislation, of a cultural or other councils for a community or communities in South Africa

The Commission has the additional powers and functions prescribed by national legislation, i.e. the Commission’s Act 19 of 2002.

1. *Vision*

Mutual respect amongst diverse cultural, religious and linguistic communities

2. *Mission*

To foster rights of Communities to freely observe and practise their culture, religion and language.

3. *Values*

The commission subscribes to the following organizational values in the execution of its mandate:

- Integrity
- Transparency
- Accountability
- Professionalism
- Impartiality
- Responsiveness
- Respect

2. INVITATION TO BID

The CRL Rights Commission is committed to ensure a safe and conducive work environment by providing security systems to the building it occupies.

The following particulars must be furnished (failure to do so may result in your bid being disqualified).

NAME OF BIDDER
 POSTAL ADDRESS
 STREET ADDRESS
 TELEPHONE NUMBER: CODE.....NUMBER.....

CELLPHONE NUMBER:

FACSIMILE NUMBER CODENUMBER.....

E-MAIL ADDRESS

VAT REGISTRATION NUMBER

HAS AN ORIGINAL AND VALID TAX CLEARANCE CERTIFICATE BEEN SUBMITTED? (SBD 2)

YES or NO

HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE BEEN SUBMITTED? (SBD 6.1)

YES or NO

SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	
[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 A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?

Yes No

[IF YES, ANSWER THE FOLLOWING QUESTIONNAIRE]

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.

SIGNATURE OF BIDDER

DATE

CAPACITY UNDER WHICH THIS BID IS SIGNED

BID DOCUMENTS CAN BE COLLECTED FROM:

Crl Rights Commission, Reception, 33 Hoofd Street, Forum IV, Ground Floor

Braampark Office Park, Braamfontein, Johannesburg

OR

Website: www.crlcommission.org.za

BID DOCUMENTS CAN BE DELIVERED AND DEPOSITED IN THE TENDER BOX AT:

Crl Rights Commission, 33 Hoofd Street, Forum IV, Ground Floor, Reception,

Braampark Office Park, Braamfontein, Johannesburg

Or

POSTED TO :

CRL Rights Commission

Private Bag X 90 000

Houghton , 2041, Johannesburg

ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE AND TECHNICAL INFORMATION MAY BE DIRECTED TO:

Department : CRL Rights Commission

Contact Person: Ms Tandile Tshuma

Fax: 011 403 2098.

E-mail address: Tandile@crlcommission.org.za

Bid Responses should be submitted in sealed envelopes, marked with the Tender/Bid Number, Closing Date and Time of the Tender, and the Name and Address of the Tenderer/ Bidder.

3. TERMS OF REFERENCE

The purpose of this Request for Proposal (RFP) is to appoint a service provider to supply and install an X-ray Baggage Scanner.

This RFP document details and incorporates, as far as possible, the tasks and responsibilities of the potential bidder as required by the CRL Rights Commission for the provision and installation of the X-Ray Baggage Scanner of security services to the organization.

This RFP does not constitute an offer to do business with the CRL Rights Commission, but merely serves as an invitation to bidder/s to facilitate a requirements-based decision process.

3.1 OBJECTIVES

- 3.1.1 To improve security measures in the CRL Rights Commission
- 3.1.2 To detect foreign or unauthorized objects and items entering the offices of the CRL Rights Commission
- 3.1.3. To enhance and support the performance of the security personnel employed by the CRL Rights Commission.

3.2 SCOPE OF WORK

Supply and Installation of 1 (one) X-Ray Baggage Scanner at our ground floor reception area at our offices in Braamfontein Johannesburg

Designed to screen small and medium – sized objects such as briefcases, backpacks, parcels and packages.

Outstanding detection performance and reliability in a compact portable design .

3.3 DESCRIPTION/SPECIFICATION OF GOODS/SERVICES TO BE PROVIDED

- Powerful X-ray source imaging performance and penetration
- Dual-energy material discrimination
- Slim footprint easily fits through standard doorways
- Optional ruggedized mobility kit
- Customizable with flexible options and accessories
- Image archiving
- user-friendly touchpad operator interface with heads-up display that allows operators to efficiently and accurately screen items with transparent Color® imaging with operator assist detection (OA) capabilities facilitates the rapid detection of multiple threats, including weapons, narcotics, explosives and other contraband
- The scanner must comply with SABS requirements. Proof of SABS approval submitted with tender documents
- The maximum X-ray, high-voltage must be 75kV

- Brochures, furnishing description and technical specification, etc. of the unit offered, shall be submitted with the tender
- 24 months guarantee period on site from the date of delivery. After the lapse of the initial 24 month period of servicing, the successful bidder may be required to enter into a service agreement with the organisation, for a further period of twelve months. This agreement may subsequently be renewed for yearly periods.
- Training of relevant employees designated by the organisation. Two complete sets of manuals in English with operating instructions and technical description with diagrams

4 GENERAL CONDITIONS OF THIS TENDER

Bids must be submitted with all official Bid Forms duly completed which are contained within this tender document.

This tender document, together with associated compulsory forms and annexures, may NOT be retyped or re-drafted, but photocopies or reprints may be prepared and used.

Bids must be delivered to the correct address/ location which is indicated in this tender document, and must be delivered timeously, as late bid submissions will NOT be accepted for consideration. Bid documents will only be considered if received by the CRL Rights Commission before the closing date and time, regardless of the method used to send or deliver such documents to the CRL Rights Commission.

All current and prospective suppliers/ service providers are required to register on the National Treasury CSD prior to submitting bids. – Self-registration: www.csd.gov.za. Enquiries may be directed to csd@treasury.gov.za. Suppliers registered on the CSD must submit proof of registration to the CRL Rights Commission.

The bidder/s are required to submit two (2) original, sealed, clearly marked envelopes. One (1) envelope for technical information and another envelope for price and B-BBEE.

Only original tender document responses will be accepted. No copies will be accepted.

This Bid is subject to the Preferential Procurement Policy Framework Act and the Preferential Procurement Regulations of 2017, the National Treasury General Conditions of Contract (GCC) and, if applicable, any other special conditions of contract.

The Standard Bidding Documents (SBD) contained in this bid are compulsory documents and must be completed, signed in black ink and returned with this bid proposal. Failure to submit completed and signed SBD documents may invalidate the tender proposal.

Should the bidder desire to make any departures from, or modifications to this tender/ bid or to qualify its bid in any way, it shall clearly set out its tender departure/ modification as an Annexure, or alternatively state the content in a covering letter attached to the tender proposal referred to herein. Unless otherwise specified and stipulated in writing, any part of the bidder's bid which deviates from any terms and conditions stated within the tender document, shall be of no force or effect.

Bidders should check the numbers of the pages of the tender document and satisfy themselves that none are missing or duplicated. No liability shall be accepted in regard to claims arising from the fact that pages are missing or duplicated.

The tender price must be valid for acceptance for a period of 90 calendar days after the closing date of the tender. All prices must be quoted in South African Rands and be inclusive of all costs and applicable taxes (inclusive of Value Added Tax (VAT) etc.).

Only firm prices will be accepted.

A detailed price break-down must be provided to support the Price Declaration of this tender, as set out on page 10 of this document.

Failure to have the Price Declaration of this tender document completed and signed, by a duly authorized person, will constitute non-commitment by the bidder, and the bid may be invalidated.

The CRL Rights Commission reserves the right to withdraw this tender at any stage prior to the appointment of the preferred supplier.

The CRL Rights Commission reserves the right to conduct supplier due diligence tests prior to final award or at any time during the contract period. This may include vetting by the State Security Agency, site visits and requests for additional information. Vetting by the State Security Agency will extend to the bidder/s, employees of the bidder/s and sub-contractors appointed by the bidder/s

No tenders will be considered if submitted or transmitted by facsimile, e-mail or similar apparatus.

The CRL Rights Commission reserves the right to accept or reject any tender proposal.

The Bidder's company letterhead must be used for the proposal's cover letter and reflect the company name, address, contact details and company registration number.

All pages of the proposal must be initialed by the responsible person.

These General Conditions of Tender form part of, and must be read in conjunction with, the attached National Treasury General Conditions of Contract (GCC). The GCC must be returned with the RFP/T initialed on each page.

The successful bidder will be issued with an official, approved purchase order. An acceptance of the purchase order by the bidder confirms that the bidder accepts the terms and conditions as contained in this bid document.

Bidders must ensure compliance with their tax obligations.

Bidders are to submit a copy of a valid Tax Compliance report, Tax Clearance Certificate and a CSD number together with the bid.

Application for Tax Compliance Status (TCS) or pin may also be made via e-filing in order to use this provision, taxpayers will need to register with SARS as e-fillers through the website www.sars.gov.za

In bids where consortia/joint ventures/sub-contractors are involved, each party must submit a separate proof of TCS/pin/CSD number.

5. COMPULSORY TENDER FORMS FOR COMPLETION BY THE BIDDER

These Standard Bidding Forms (SBDs) need to be completed by all bidders and must be read in conjunction with the instructions as contained in this bid document. Particularly bidders are referred to Table 1 of this document.

5.1 PRICE DECLARATION BY THE BIDDER

I/ We have examined the information provided in your tender document and offer to undertake the work prescribed in accordance with the requirements as set out in this tender document. The tender price quoted in this tender is valid for the stipulated period of 90 days from date of closure of this bid. I/We confirm that this tender will remain binding upon me/ us and may be accepted by the CRL Rights Commission at any time before the expiry date.

Name and Surname :

Signature :

Date :

Are you duly authorized to commit this tender :

Yes	No
-----	----

TOTAL TENDER PRICE IN SA RANDS

(Inclusive of all applicable taxes)

R _____
(supply and installation)

5.2 DECLARATION OF INTEREST (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 a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, 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 authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or
- 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.

2. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

- 2.1 Full Name of bidder or his or her representative:
- 2.2 Identity Number:
- 2.3 Position occupied in the Company (director, trustee, shareholder²):
- 2.4 Company Registration Number:
- 2.5 Tax Reference Number:
- 2.6 VAT Registration Number:

2.6.1 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 paragraph 3 below.

¹“State” means –

- (a) any national or provincial department, national or provincial public entity or 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.

2.7 Are you or any person connected with the bidder **YES / NO**
presently employed by the state?

2.7.1 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:

.....

2.7.2 If you are presently employed by the state, did you obtain **YES / NO**
the appropriate authority to undertake remunerative
work outside employment in the public sector?

2.7.2.1 If yes, did you attached proof of such authority to the bid **YES / NO**
document?

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

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

.....
.....
.....
.....

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:

.....
.....
.....

2.9 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? **YES / NO**

2.9.1 If so, furnish particulars.

.....
.....
.....

2.10 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? **YES / NO**

2.10.1 If so, furnish particulars.

.....
.....
.....

2.11 Do you or any of the directors / trustees / shareholders / members **YES / NO**

of the company have any interest in any other related companies whether or not they are bidding for this contract?

2.11.1 If so, furnish particulars:

.....

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

Full Name	Identity Number	Personal Tax Reference Number	State Employee Number / Persal Number

4. 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

.....
 Date

.....
 Position

.....
 Name of bidder

5.3 PREFERENCE POINTS CLAIM FORM (SBD6.1)

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

- 1.1 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).
- 1.2 The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable.
- 1.3 Points for this bid shall be awarded for:
- (a) Price; and
 - (b) B-BBEE Status Level of Contributor.
- 1.4 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

- 1.5 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.
- 1.6 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.

2. DEFINITIONS

- (a) “**B-BBEE**” means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

- (b) **“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;
- (c) **“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;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“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;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“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;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

3.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

- P_s = Points scored for price of bid under consideration
- P_t = Price of bid under consideration
- P_{min} = Price of lowest acceptable bid

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1 In terms of Regulation 6 (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 (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

5. BID DECLARATION

5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

6.1 B-BBEE Status Level of Contributor: . =(maximum of 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.)

7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

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

Designated Group: An EME or QSE 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		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

[TICK WHERE APPLICABLE]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....
.....
.....
.....

8.6 COMPANY CLASSIFICATION

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.

[TICK WHERE APPLICABLE]

8.7 Total number of years the company/firm has been in business:.....

8.8 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:

- 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 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) 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 –
 - (a) disqualify the person from the bidding 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 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
 - (e) forward the matter for criminal prosecution.

WITNESSES
1.
2.

.....
SIGNATURE(S) OF BIDDERS(S)
DATE:
ADDRESS
.....
.....

5.4 DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids submitted.
- 2 This document 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-
 - a. abused the institution's supply chain management system;
 - b. committed fraud or any other improper conduct in relation to such system; or
 - c. 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	<p>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?</p> <p>(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 <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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) by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

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

.....

Position

.....

Date

.....

Name of Bidder

5.5 CERTIFICATE OF INDEPENDENT BID DETERMINATION (SBD9)

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ invited/ submitted.

- 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:
 - a. 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.

 - b. cancel 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.

- 4 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.

- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

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:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) 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.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation);
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit, or not to submit a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid;
or
 - (f) bidding with the intention not to win the bid.

8. 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.

9. 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.

10. 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 Bidder

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 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.

6. EVALUTION OF THE TENDER PROPOSAL

The bidder/s are required to submit original copies of their tender proposals according to the requirements as contained in this tender document. The content of each file must be marked correctly and sealed separately for ease of reference during the evaluation process. Furthermore, the file must be labelled and submitted in the following format:

FILE 1 (TECHNICAL FILE)	FILE 2 (PRICE & BBEE)
Pre-qualification documents (refer to Table 1)	Pricing Schedule
Technical Responses and supporting documents.	

Bidders are requested to initial each page of the tender document on the bottom right hand corner

• EVALUATION AND SELECTION CRITERIA

CRL Rights Commission has set minimum standards that a bidder needs to meet in order to be evaluated and selected as a successful bidder. The minimum standards consist of the following:

Pre-qualification Criteria	Technical Evaluation Criteria	Price and B-BBEE Evaluation
Bidders must submit all documents as outlined in Table 1 below. Only bidders that comply with ALL these criteria will proceed to Technical Evaluation Criteria.	The product to be supplied by the bidder must achieve a minimum of at least 90% of points listed. (refer to page 6 Description/specification of goods/services to be provided), to proceed to Price and BBEE Evaluation.	Bidders who achieve 90% of the points as specified in Technical Evaluation Criteria will be evaluated out of 100 points on Price and BBEE

a) Pre-qualification Criteria

Without limiting the generality of the CRL Rights Commission's other critical requirements for this bid, bidder(s) must submit the documents listed in **Table 1** below. All documents must be completed and signed by the duly authorised representative of the prospective bidder(s). During this phase Bidders' responses will be evaluated based on compliance with the listed administration and mandatory bid requirements. The bidder(s) proposal may be disqualified for non-submission if any of the documents are omitted.

Table 1: Documents that must be submitted for Pre-qualification

Document that must be submitted	Non-submission may result in disqualification?	
Invitation to Bid – SBD 1	YES	Complete and sign the supplied pro forma document
Tax Verification Status Report Tax Clearance Certificate – SBD 2	YES	<ul style="list-style-type: none"> i. Written confirmation that SARS may on an ongoing basis during the tenure of the contract disclose the bidder's tax compliance status. (Refer Section 4.1.4) ii. Proof of Registration on the Central Supplier Database (Refer Section 4.1.5) iii. Vendor number iv. In the event where the Bidder submits a hard copy of the Tax Clearance Certificate, Tax Verification Status Report, the CSD verification outcome will take precedence.
Declaration of Interest – SBD 4	YES	Complete and sign the supplied pro forma document
Preference Point Claim Form – SBD 6.1	NO	Non-submission will lead to a zero (0) score on BBEE
Declaration of Bidder's Past Supply Chain Management Practices – SBD 8	YES	Complete and sign the supplied pro forma document
Certificate of Independent Bid Determination – SBD 9	YES	Complete and sign the supplied pro forma document
Pricing Declaration by the Bidder form (refer page 10)	YES	In a separate sealed envelope
Registration on Central Supplier Database (CSD)	NO	<p>The Travel Management Company (TMC) must be registered as a service provider on the Central Supplier Database (CSD). If you are not registered proceed to complete the registration of your company prior to submitting your proposal. Visit https://secure.csd.gov.za/ to obtain your vendor number.</p> <p>Submit proof of registration.</p>
Company Profile	YES	Document to be submitted
General Conditions of Contract (Annexure A)	YES	National Treasury General Conditions of Contract initialled on each page

Technical Evaluation Criteria

All bidders are required and /must ensure that they are responsive to the requirements as stated in the Terms of Reference and Evaluation Criteria

Only Bidders that have met the Pre-Qualification Criteria will be evaluated further on functionality as stated under Evaluation and Selection Criteria above.

Price and BBBEE Evaluation (80+20) = 100 points

Only Bidders that have achieved 90% point will be evaluated on price and BBBEE.

In terms of regulation 6 of the Preferential Procurement Regulations pertaining to the Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000), responsive bids will be adjudicated on the 80/20-preference point system in terms of which points are awarded to bidders on the basis of:

- The bid price (maximum 80 points)
- B-BBEE status level of contributor (maximum 20 points)

Price and BBBEE will be evaluated as follows:

a) Stage 1 – Price Evaluation (80 Points)

The following formula will be used to calculate the points for price:

Criteria	Points
<p>Price Evaluation</p> $P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$	80

Where

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

P_{\min} = Comparative price of lowest acceptable bid

b) Stage 2 – BBBEE Evaluation (20 Points)

a. BBBEE Points allocation

A maximum of 20 points may be allocated to a bidder for attaining their B-BBEE status level of contributor in accordance with the table below:

B-BBEE Status Level of Contributor	Number of Points
1	20

2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

B-BBEE points may be allocated to bidders on submission of the following documentation or evidence:

- A duly completed Preference Point Claim Form: Standard Bidding Document (SBD 6.1); and
- B-BBEE Certificate

c. Joint Ventures, Consortiums and Trusts

A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.

A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.

Bidders must submit concrete proof of the existence of joint ventures and/or consortium arrangements. CRL Rights Commission will accept signed agreements as acceptable proof of the existence of a joint venture and/or consortium arrangement.

The joint venture and/or consortium agreements must clearly set out the roles and responsibilities of the Lead Partner and the joint venture and/or consortium party. The agreement must also clearly identify the Lead Partner, who shall be given the power of attorney to bind the other party/parties in respect of matters pertaining to the joint venture and/or consortium arrangement.

c) Stage 3 (80 + 20 = 100 points)

The Price and BBEE points will be consolidated.

7. CONDITIONS OF THIS CONTRACT

Any award made to a bidder/s under this bid is conditional, amongst others, upon –

- a. The bidder(s) accepting the terms and conditions contained in the General Conditions of Contract as the minimum terms and conditions upon which the CRL Rights Commission is prepared to enter into a contract with the successful Bidder/s.

Upon award the CRL Rights Commission and the successful bidder will be required to fill in and sign a written Contract Form for the purchase of goods/works (refer SBD 7.1).

8. SPECIAL CONDITIONS OF THIS BID

The CRL Rights Commission reserves the right:

- a. To award this tender to a bidder that did not score the highest total number of points, only in accordance with section 2(1)(f) of the PPPFA (Act 5 of 2000)
- b. To carry out goods, product evaluations or explanatory meetings in order to verify the nature and quality of the goods offered by the bidder(s), whether before or after adjudication of the Bid.
- c. To correct any mistakes at any stage of the tender that may have been in the Bid documents or occurred at any stage of the tender process.

9. ANNEXURES

These documents are attached for your information. Bidders are requested to initial the forms as proof that they have read the documents.

- SBD 2 Tax Clearance Certificate Requirement
- National Treasury General Conditions of Contract
- SBD 7.1 Contract form-Purchase of goods/works