



a world class African city



JOHANNESBURG  
SOC Limited

**Pikitup Johannesburg SOC Limited**

63 Juta Street  
Off Bertha Street  
Braamfontein

Private Bag X74  
Braamfontein  
2017

Tel +27(0) 11 712 5266  
Fax +27(0) 11 712 5322  
www.pikitup.co.za

**RE-ADVERTISEMENT**

**REQUEST FOR QUOTATION NO: PIK 151/2016**

Procurement from R30 000, 00 up to a transaction value of R200 000, 00 (including Vat)  
(For publication on Pikitup Website and Notice Board)

**PIK 151/2016 DESCRIPTION: SUPPLY AND DELIVERY OF PERSONAL PROTECTIVE EQUIPMENT TO VARIOUS PIKITUP DEPOTS**

**Issued by:**

**PIKITUP SOC LIMITED  
SUPPLY CHAIN MANAGEMENT  
Private Bag X74  
Braamfontein ENDORSED  
2017**

**Submission of Quotations**

**All Quotes must be placed in the designated Quotation Box which is located at the following address**

**Pikitup Tender Office Ground Floor,  
Jorrisen Place, 66 Jorrisen Street  
Braamfontein, Johannesburg**

**QUOTATIONS SENT BY EMAIL WILL NOT BE ACCEPTED**

**Contact person for Information purposes only**

**Papi Lekgoathi(Supply Chain Management Unit)  
Landline: 087 357 1165  
Email: papilekgoathi@pikitup.co.za**

Full Name of Bidding/ Tendering Entity: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Tel Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Sub Total Amount: R \_\_\_\_\_

14% VAT: R \_\_\_\_\_

Total Amount: R \_\_\_\_\_

Website and Notice Board Advert Date: **04.10.2016**

Compulsory Meeting Date: **N/A**

Closing Date: **11.10.2016 @10H00**

**Initial: Authorised Signatory/ies .....**

**PIK 151/2016 DESCRIPTION: SUPPLY AND DELIVERY OF PERSONAL PROTECTIVE EQUIPMENT TO VARIOUS PIKITUP DEPOTS**

**SCOPE OF WORK AND SPECIFICATION: SUPPLY AND DELIVERY OF PERSONAL PROTECTIVE EQUIPMENT TO VARIOUS PIKITUP DEPOTS PIK 151/2016**

Pikitup must notify the service provider of any incorrect sizes, incorrect items and faulty workmanship within 14 working day of delivery of items. The supplier must replace the items mentioned within 14 working days.

In an instance where it is found that the garment has a factory defect after being worn for a period of time, the supplier must be in a position to exchange the garment.

**Bidders must note that all branding materials should be colorfast.**

## 6. PRICE SCHEDULE- PERSONAL PROTECTIVE EQUIPMENTS

- a. Prices must be quoted in South African Rands inclusive of Value Added Tax (VAT) and any other charges (e.g. delivery costs).
- b. Unit price to include all branding costs.
- c. The supplier must indicate the guarantee period per item where applicable. For items that the bidder does not provide guarantee, the bidder must indicate by stating that **no guarantee**.

| ITEM | QUANTITY | DESCRIPTION   | SIZES | UNIT PRICE (VAT INCLUSIVE) | TOTA PRICE (VAT INCLUSIVE) | ITEMTEM GUARANTEE PERIOD (IN MONTHS) | LOCAL PRODUCTIC N AND CONTENT |
|------|----------|---|-------|----------------------------|----------------------------|--------------------------------------|-------------------------------|
| 1    | 2        | Shoe, safety, female, metal toe cap, SANS/ ISO 20345:2014 edition. Personal Protective equipment safety footwear, upper smooth corrected grain leather, double density pu, direct injected moulded, vamp non-woven, with a metal toe cap to be resistant to 200j, medium fit and wide fit, sizes; all black | 3     |                            |                            |                                      |                               |
| 2    | 16       | Shoe, safety, female, metal toe cap, SANS/ ISO 20345:2014 edition. Personal Protective equipment safety footwear, upper smooth corrected grain leather, double density pu, direct injected moulded, vamp non-woven, with a metal toe cap to be resistant to 200j, medium fit and wide fit, sizes; all black | 4     |                            |                            |                                      |                               |
| 3    | 8        | Shoe, safety, female, metal toe cap, SANS/ ISO  | 5     |                            |                            |                                      |                               |

|   |    |   |   |  |  |  |  |
|---|----|---|---|--|--|--|--|
|   |    | 20345:2014 edition.<br>Personal Protective<br>equipment safety<br>footwear, upper smooth<br>corrected grain leather,<br>double density pu, direct<br>injected moulded, vamp<br>non-woven, with a metal<br>toe cap to be resistant to<br>200j, medium fit and<br>wide fit, sizes; all black  |   |  |  |  |  |
| 4 | 10 | Shoe, safety, female, metal<br>toe cap, SANS/ ISO<br>20345:2014 edition.<br>Personal Protective<br>equipment safety<br>footwear, upper smooth<br>corrected grain leather,<br>double density pu, direct<br>injected moulded, vamp<br>non-woven, with a metal<br>toe cap to be resistant to<br>200j, medium fit and<br>wide fit, sizes; all black | 6 |  |  |  |  |
| 5 | 2  | Shoe, safety, female, metal<br>toe cap, SANS/ ISO<br>20345:2014 edition.<br>Personal Protective<br>equipment safety<br>footwear, upper smooth<br>corrected grain leather,<br>double density pu, direct<br>injected moulded, vamp<br>non-woven, with a metal<br>toe cap to be resistant to<br>200j, medium fit and<br>wide fit, sizes; all black | 7 |  |  |  |  |
| 6 | 2  | Shoe, safety, female, metal<br>toe cap, SANS/ ISO<br>20345:2014 edition.<br>Personal Protective<br>equipment safety<br>footwear, upper smooth<br>corrected grain leather,<br>double density pu, direct<br>injected moulded, vamp<br>non-woven, with a metal<br>toe cap to be resistant to<br>200j, medium fit and<br>wide fit, sizes; all black | 8 |  |  |  |  |

|    |     |  |           |  |  |  |
|----|-----|--|-----------|--|--|--|
| 7  | 4   | SAFETY SHOE FOR MEN WITH STEEL TOE CAP   | 5         |  |  |  |
| 8  | 14  | SANS/ ISO 20345 approved mens safety boot, heat and slip resistant, steel toe cap created oil, SANS/ ISO 20345,05741-100-137, type e1 and r5 for heat resistant outer soles and heels, goodyear welted, sizes:240-315, | 6         |  |  |  |
| 9  | 2   | SANS/ ISO 20345 approved mens safety boot, heat and slip resistant, steel toe cap created oil, SANS/ ISO 20345,05741-100-137, type e1 and r5 for heat resistant outer soles and heels, goodyear welted, sizes:240-315, | 7         |  |  |  |
| 10 | 64  | SANS/ ISO 20345 approved mens safety boot, heat and slip resistant, steel toe cap created oil, SANS/ ISO 20345,05741-100-137, type e1 and r5 for heat resistant outer soles and heels, goodyear welted, sizes:240-315, | 8         |  |  |  |
|    | 100 | SANS 1585: 2008 yellow/ neon lined two piece rain-suits hooded top and trousers;   | Small     |  |  |  |
|    | 100 | SANS 1585: 2008 yellow/ neon lined two piece rain-suits hooded top and trousers;   | Medium    |  |  |  |
|    | 150 | SANS 1585: 2008 yellow/ neon lined two piece rain-suits hooded top and trousers;   | Large     |  |  |  |
|    | 100 | SANS 1585: 2008 yellow/ neon lined two piece rain-suits hooded top and trousers;   | X Large   |  |  |  |
|    | 100 | SANS 1585: 2008 yellow/ neon lined two piece   | 2 X Large |  |  |  |

|  |    |  |           |  |  |  |
|--|----|--|-----------|--|--|--|
|  |    | rain-suits hooded top and trousers;  |           |  |  |  |
|  | 50 | SANS 1585: 2008 yellow/ neon lined two piece rain-suits hooded top and trousers; | 3 X Large |  |  |  |
|  |    |  |           |  |  |  |

## SECTION 1

**CLOSING DATE: 11.10.2016 CLOSING TIME: 10H00**

Quotations are hereby invited for the following:

**DESCRIPTION: SUPPLY AND DELIVERY OF PERSONAL PROTECTIVE EQUIPMENT TO VARIOUS PIKITUP DEPOTS**

1. All quotations received will be evaluated on the 80/20 point scoring basis. The 80 points will be for Price and 20 points are for Broad Based Black Economic Empowerment (BBBEE) for attaining the BBBEE Status level contribution in accordance with the table below:

- MBD 4: Declaration of interest
- MBD 8: Declaration of bidders past supply management practices
- MBD 9: Certificate of Independent bid determination

If the MBD forms are not completed & submitted, your quotation will be rejected.

- No quotation will be considered from persons in the service of the state (MBD4).
- As from the 7 December 2011, all Service providers/contractors must submit valid, certified copies of their BEE certificate from an accredited BEE verification agency with their bid submission. Failure to submit will lead to forfeiture (loss) of the preference points.
- In the instance of Exempted Micro Enterprise (EME) (turn over less than R 10m) a letter from a professional, registered accountant/ auditor in order to qualify for preference points.
- Failure to submit a BEE certificate will lead to forfeiture (loss) of the preference points. In the instance of Exempted Micro Enterprise (EME) (turn over less than R 10m) a letter from a professional, registered accountant/auditor; sworn affidavit in order to qualify for preference points.

## SECTION 2

1. The Lowest or any bid will not necessarily be accepted and the PIKITUP reserves the right not to consider any bid not suitably endorsed or comprehensively completed as well as the right to accept a bid in whole or part.
2. Where deliveries are quoted "ex-stock" the period of delivery must not exceed Five (5) maximum working days after receipt of order. If this condition is not adhered to, the order could be cancelled.

3. Quotations are to be completed in accordance with the conditions as set out in the quotation document and must be sealed and externally endorsed with the quotation number and place in the quotation box indicated above.
  4. Payments will be made thirty (30) days after receipt of invoice by Council.
  5. Quotations received after the closing date and time will not be considered.
  6. Samples of the required items or goods are available for your perusal (when applicable.)
  7. Should the above-mentioned conditions not be adhered to, the quotation will be considered invalid.
  8. Quotation to be valid for 30 days.
  9. **CSD Registration number** (Service Providers and suppliers who wish to render services to PIKITUP will no longer register at PIKITUP directly. Suppliers will have to register on National Treasury Central Supplier Database ("CSD") as per National Treasury Circular No 3 of 2015/6 – Central Supplier Database. National Treasury will maintain the database of all suppliers for Government and its institutions.
- All existing and prospective suppliers are requested to self- register on the CSD by accessing the National Treasury website at [www.CSD.gov.za](http://www.CSD.gov.za).

## DECLARATION

I, the undersigned hereby confirm that the information herein is a true reflection of the facts presented, and the person signing this document on behalf of the bidder duly authorized to do so. Should this not be the fact, stipulations regarding this as contained in the PIKITUP JOHANNESBURG SOC LTD Policy applies. I accept that the PIKITUP JOHANNESBURG SOC LTD may act against me in terms of the general conditions of contract should this declaration prove to be false.

**Signing of the quotation in the appropriate space, as well as the initialing of each page by the bidder mandatory.**

NAME OF PERSON:

CAPACITY:

DATE:



**COMPULSORY RETURNABLE DOCUMENTS**

| Item | Description of Document/Proof Sought     | To be completed by<br>the Bidder: Please fill<br>in Yes or No and<br>submit your<br>Proof/Documentation<br>attached | For Office Use Only<br>Verified by SCM<br>Official:<br>Please fill in Yes or<br>No if<br>Proof/Documentation<br>attached | For<br>Office<br>Use<br>Only:<br>Initials<br>of SCM<br>Official |
|------|--|---|--|---|
| 1    | Original Valid Tax Clearance Certificate |   |  |   |

|   |   |  |  |  |
|---|---|--|--|--|
| 2 | <p>Original or copy of Municipal Statement of the bidder not older than 3 months and account not in arrears for more than ninety (90) days</p> <p style="text-align: center;"><b>OR</b></p> <p>Letter from the landlord stating that the bidder has no disputed account/s and is not in arrears for more than 90 days and the Lease Agreement in case of a leased property.</p> <p style="text-align: center;"><b>AND</b></p> |  |  |  |
| 3 | <p>All directors are required to provide a copy of their municipal statements for their place of residence / Letter from the landlord stating that the bidder has no disputed account/s and is not in arrears for more than 90 days together with the copy of a valid Lease Agreement</p>   |  |  |  |
| 4 | <p>Completion and signing of MBD 4, 8 and 9 forms</p>   |  |  |  |
| 5 | <p>Completion and signing MBD 6.2 Declaration certificate for local production and content</p>  |  |  |  |

**MBD 4**

**DECLARATION OF INTEREST**

1. No bid will be accepted from persons in the service of the state<sup>1</sup>.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.
- 3 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

3.1 Full Name of bidder or his or her representative:.....

3.2 Identity Number: .....

3.3 Position occupied in the Company (director, trustee, hareholder<sup>2</sup>):.....

3.4 Company Registration Number: .....

3.5 Tax Reference Number:.....

3.6 VAT Registration Number: .....

3.7 The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.

3.8 Are you presently in the service of the state? **YES / NO**

3.8.1 If yes, furnish particulars. ....

.....

<sup>1</sup>MSCM Regulations: "in the service of the state" means to be –

- (a) a member of –
  - (i) any municipal council;
  - (ii) any provincial legislature; or
  - (iii) the national Assembly or the national Council of provinces;
- (b) a member of the board of directors of any municipal entity;
- (c) an official of any municipality or municipal entity;
- (d) an employee of 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);
- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

<sup>2</sup> Shareholder" means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.

3.9 Have you been in the service of the state for the past twelve months? ..... YES / NO

3.9.1 If yes, furnish particulars.....

.....

3.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid? ..... YES / NO

3.10.1 If yes, furnish particulars.

.....  
.....

3.11 Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid? YES / NO

3.11.1 If yes, furnish particulars

.....  
.....

3.12 Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state? YES / NO

3.12.1 If yes, furnish particulars.

.....  
.....

3.13 Are any spouse, child or parent of the company's directors trustees, managers, principle shareholders or stakeholders in service of the state? YES / NO

3.13.1 If yes, furnish particulars.

.....  
.....

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract. YES / NO

3.14.1 If yes, furnish particulars:

.....  
.....

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

| Full Name | Identity Number | State Employee Number |
|-----------|-----------------|-----------------------|
|           |                 |                       |
|           |                 |                       |
|           |                 |                       |
|           |                 |                       |
|           |                 |                       |
|           |                 |                       |
|           |                 |                       |
|           |                 |                       |
|           |                 |                       |
|           |                 |                       |

.....  
**Signature**

.....  
**Date**

.....  
**Capacity**

.....  
**Name of Bidder**

MBD 8

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

- 1 This Municipal Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by municipalities and municipal entities 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 rejected if that bidder, or any of its directors have:
  - a. abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
  - b. been convicted for fraud or corruption during the past five years;
  - c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
  - d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
- 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><b>The Database of Restricted Suppliers now resides on the National Treasury's website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b></p> | <p>Yes</p> <input type="checkbox"/> | <p>No</p> <input type="checkbox"/> |
| 4.1.1 | <p>If so, furnish particulars:</p>   |                                     |                                    |

|             |   |                                 |                                |
|-------------|---|---------------------------------|--------------------------------|
| 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)?<br><b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b> | Yes<br><input type="checkbox"/> | No<br><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 of law outside the Republic of South Africa) for fraud or corruption during the past five years?  | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.3.1       | If so, furnish particulars:   |                                 |                                |
| <b>Item</b> | <b>Question</b>   | <b>Yes</b>                      | <b>No</b>                      |
| 4.4         | Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?  | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.4.1       | If so, furnish particulars:   |                                 |                                |
| 4.5         | Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?  | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.7.1       | 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**

.....  
**Date**

.....  
**Position**

.....  
**Name of Bidder**

## MBD 9

### CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids<sup>1</sup> 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).<sup>2</sup> Collusive bidding is a *per se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
  - a. take all reasonable steps to prevent such abuse;
  - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
  - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD 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 (MBD 9) must be completed and submitted with the bid:



**MBD 9**

**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 Municipality / Municipal Entity)

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 consortium<sup>3</sup> 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

**MBD 6.1**

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011**

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, 2011.**

**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 R1 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R1 000 000 (all applicable taxes included).

1.2 The value of this bid is estimated to exceed/not exceed R1 000 000 (all applicable taxes included) and therefore the..... preference point system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contribution.

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

|  | <b>POINTS</b> |
|--|---------------|
| <b>PRICE</b>   |               |
| <b>B-BBEE STATUS LEVEL OF CONTRIBUTION</b>               |               |
| <b>Total points for Price and B-BBEE must not exceed</b> | <b>100</b>    |

1.5 Failure on the part of a bidder to submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS), or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or a sworn affidavit confirming annual turnover and level of black ownership in case of an EME and QSE 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) **"all applicable taxes"** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- (b) **"B-BBEE"** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (c) **"B-BBEE status level of contributor"** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (d) **"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 services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- (e) **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003) as amended by Act No 46 of 2013;
- (f) **"comparative price"** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- (g) **"consortium or joint venture"** 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;
- (h) **"contract"** means the agreement that results from the acceptance of a bid by an organ of state;
- (i) **"EME"** means an Exempted Micro Enterprise as defines by Codes of Good Practice issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (j) **"Firm price"** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- (k) **"functionality"** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- (l) **"non-firm prices"** means all prices other than "firm" prices;
- (m) **"person"** includes a juristic person;
- (n) **"QSE"** means a Qualifying Small Enterprise as defines by Codes of Good Practice issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 ( Act No. 53 of 2003);
- (o) **"rand value"** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- (p) **"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;*

- (q) **“total revenue”** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- (r) **“trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- (s) **“trustee”** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.



- 5.2 A bidder who qualifies as an EME in terms of the B-BBEE Act must submit a sworn affidavit confirming Annual Total Revenue and Level of Black Ownership.
- 5.3 A Bidder other than EME or QSE must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 5.4 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.
- 5.5 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.
- 5.6 Tertiary Institutions and Public Entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

**6. BID DECLARATION**

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

**7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 5.1**

- 7.1 B-BBEE Status Level of Contribution: = (maximum of 10 or 20 points)  
 (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or a sworn affidavit.

**8. SUB-CONTRACTING**

- 8.1 Will any portion of the contract be sub-contracted?  
 (*Tick applicable box*)

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

- 8.1.1 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.

*(Tick applicable box)*

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

**9. DECLARATION WITH REGARD TO COMPANY/FIRM**

9.1 Name of company/firm:.....

9.2 VAT registration number:.....

9.3 Company registration number:.....

**9.4 TYPE OF COMPANY/ FIRM**

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

[TICK APPLICABLE BOX]

**9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

.....

.....

.....

.....

**9.6 COMPANY CLASSIFICATION**

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

[TICK APPLICABLE BOX]

**9.7 MUNICIPAL INFORMATION**

**Municipality where business is situated:** .....

**Registered Account Number:** .....

**Stand Number:**.....

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

9.9 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 contribution indicated in paragraph 7 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 paragraph 7, 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 contribution 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) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, 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.

|  |
|--|
| <p>WITNESSES</p> <p>1. ....</p> <p>2. ....</p> |
|--|

|   |
|---|
| <p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE: .....</p> <p>ADDRESS .....</p> <p>.....</p> |
|---|

**SWORN AFFIDAVIT – B-BBEE EXEMPTED MICRO ENTERPRISE**

I, the undersigned,

|                                |  |
|--------------------------------|--|
| <b>Full name &amp; Surname</b> |  |
| <b>Identity number</b>         |  |

**1. I hereby declare under oath as follows:**

- That the contents of this statement are to the best of my knowledge a true reflection of the facts.
- That I am a member / director / owner of the following enterprise and am duly authorised to act on its behalf:

|                            |  |
|----------------------------|--|
| <b>Enterprise Name</b>     |  |
| <b>Trading Name</b>        |  |
| <b>Registration Number</b> |  |
| <b>Enterprise Address</b>  |  |

**3. I hereby declare under oath that:**

- The enterprise is \_\_\_\_\_ % black owned;
- The enterprise is \_\_\_\_\_ % black woman owned;
- Based on the management accounts and other information available on the \_\_\_\_\_ financial year, the income did not exceed R10, 000,000.00 (ten million rands);

Please confirm on the table below the B-BBEE level contributor, **by ticking the applicable box.**

|                           |   |  |
|---------------------------|---|--|
| 100% black owned          | <b>Level One</b> (135% B-BBEE procurement recognition)  |  |
| More than 51% black owned | <b>Level Two</b> (125% B-BBEE procurement recognition)  |  |
| Less than 51% black owned | <b>Level Four</b> (100% B-BBEE procurement recognition) |  |

- 4. The entity is an empowering supplier in terms of the **DTI** Codes of Good Practice.
- 5. I know and understand the contents of this affidavit and I have no objection to take the Prescribed oath and consider the oath binding on my conscience and on the owners of the enterprise which I represent in this matter.
- 6. The sworn affidavit will be valid for a period of 12 months from the date signed by Commissioner.

|  |                    |
|--|--------------------|
| <b>Respondents Signature:</b> _____                      | <b>Date:</b> _____ |
| <b>Commissioner of Oaths Signature &amp; Stamp</b> _____ |                    |

## DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT

This Municipal Bidding Document (MBD) 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 and the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:201x.

### 1. General Conditions

- 1.1. Preferential Procurement Regulations, 2011 (Regulation 9.(1) and 9.(3) make provision for the promotion of local production and content.
- 1.2. 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.
- 1.3. Regulation 9.(3) prescribes that where there is no designated sector, a specific bidding condition may be included, that only locally produced services, works or goods or locally manufactured goods with a stipulated minimum threshold for local production and content, will be considered.
- 1.4. Where necessary, for bids referred to in paragraphs 1.2 and 1.3 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.
- 1.5. 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.
- 1.6. The local content (LC) as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 201x as follows:

$$LC = 1 - \left( \frac{x}{y} \right) \times 100$$

Where

- x        imported content  
y        bid price 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 the South African Reserve Bank (SARB) at 12:00 on the date,

one week (7 calendar days) prior to the closing date of the bid as required in paragraph 4.1 below.

1.7. A bid will be disqualified if:

- the bidder fails to achieve the stipulated minimum threshold for local production and content indicated in paragraph 3 below; and
- this declaration certificate is not submitted as part of the bid documentation.

2. Definitions

2.1. **“bid”** includes advertised competitive bids, written price quotations or proposals;

2.2. **“bid price”** price offered by the bidder, excluding value added tax (VAT);

2.3. **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;

2.4. **“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;

2.5. **“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).

2.6. **“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, 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;

2.7. **“local content”** means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;

2.8. **“stipulated minimum threshold”** means that portion of local production and content as determined by the Department of Trade and Industry; and

2.9. **“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.

3. The stipulated minimum threshold(s) for local production and content for this bid is/are as follows:

| <u>Description of services, works or goods</u> | <u>Stipulated minimum threshold</u> |
|--|-------------------------------------|
| _____  | _____ %                             |
| _____  | _____ %                             |
| _____  | _____ %                             |

4. Does any portion of the services, works or goods offered have any imported content? 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 1.6 of the general conditions must be the rate(s) published by the SARB for the specific currency at 12:00 on the date, one week (7 calendar days) prior to the closing date 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:

| <b>Currency</b> | <b>Rates of exchange</b> |
|-----------------|--------------------------|
| US Dollar       |                          |
| Pound Sterling  |                          |
| Euro            |                          |
| Yen             |                          |
| Other           |                          |

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

|  |
|--|
| <p><b>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)</b></p> <p>IN RESPECT OF BID No. ....</p> <p>ISSUED BY: (Procurement Authority / Name of Municipality / Municipal Entity):<br/>           .....</p> |
|--|

NB 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.

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 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.
- (c) The local content has been calculated using the formula given in clause 3 of SATS 1286, the rates of exchange indicated in paragraph 4.1 above and the following figures:

|  |   |
|--|---|
| Bid price, excluding VAT (y)                                       | R |
| Imported content (x)   | R |
| Stipulated minimum threshold for Local content (paragraph 3 above) |   |
| Local content % as calculated in terms of SATS 1286                |   |

If the bid is for more than one product, a schedule of the local content by product shall be attached.

- (d) I accept that the Procurement Authority / Municipality /Municipal Entity has the right to request that the local content be verified in terms of the requirements of SATS 1286.
- (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, may result in the Procurement Authority / Municipal / Municipal Entity imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2011 promulgated under the Policy Framework Act (PPFA), 2000 (Act No. 5 of 2000).

**SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**WITNESS No. 1** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**WITNESS No. 2** \_\_\_\_\_

**DATE:** \_\_\_\_\_