



## PIKITUP JOHANNESBURG SOC LIMITED

### REQUEST FOR FORMAL PRICE QUOTATION

#### APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE AN INDEPENDENT LEGAL OPINION ON A SCM TENDER PROCESS FOLLOWED

**BID NO: PIK 154/2023-2024**

**BIDDER COMPANY NAME:**

**BID AMOUNT (VAT INCL): R \_\_\_\_\_**

#### **THIS DOCUMENT IS COMPILED FOR:**

Pikitup Johannesburg SOC Ltd  
Jorissen  
Place Building  
66 Jorissen Street,  
Braamfontein, JHB

#### **CONTACT DETAILS:**

Papi Lekgoathi

E-mail : [papii@pikutup.co.za](mailto:papii@pikutup.co.za)

Landline : 0873571165

#### **QUOTATION BOX SUBMISSION IS SITUATED AT:**

Pikitup Johannesburg SOC Ltd  
Jorissen Place Building  
66 Jorissen Street,  
Pikutup Tender Office  
Ground Floor  
East Wing  
Braamfontein, JHB

**Closing date: 28 May 2024**

**Closing time: 11:00am**

**Validity Period: 60 days from RFQ closing date**

**Briefing session: None**

**BIDDER'S COMPANY NAME:** \_\_\_\_\_

**BIDDER'S CONTACT PERSON:** \_\_\_\_\_

**BIDDER'S CONTACT NUMBER:** \_\_\_\_\_

**BIDDER'S EMAIL ADDRESS:** \_\_\_\_\_

**TOTAL BID AMOUNT:** \_\_\_\_\_

**CLOSING DATE:** **28.05.2024**

**CLOSING TIME:** **11:00 AM**

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**BRIEFING SESSION:** **Not Applicable**

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**Document Issued By:**

Pikitup Johannesburg SOC Limited  
Pikitup Head Office (Ground Floor)  
Jorissen Place Building  
66 Jorissen Street  
Braamfontein

Tel : +27 (0)87 357 1165

E-Mail : [papil@pikitup.co.za](mailto:papil@pikitup.co.za)

Website : [www.pikitup.co.za](http://www.pikitup.co.za)

## ADMINISTRATIVE COMPLIANCE

### SECTION 1

Quotations received will be evaluated in terms of Preferential Procurement Policy Framework Act 5 of 2000 and The Preferential Procurement Regulations 2022. The 80/20 preference point system is applicable for this Request for Quotation (RFQ). Evaluation process will be firstly on pre-compliance evaluation, then on functionality evaluation and thereafter 80/20-preference point scoring basis. The 80 points will be for Price and 20 points are for Preference (Specific goals).

- **MBD 4:** Declaration of interest
  - **MBD 6: Preference Points claim form in terms of the Preferential Procurement Regulations 2022**
  - **MBD 8:** Declaration of bidders past supply management practices
  - **MBD 9:** Certificate of Independent bid determination
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- Failure to submit a fully compiled **MBD** forms quotation will result in your bid being rejected.
  - **No quotation** will be considered from persons in the service of the state (**MBD4**).
  - **A certified /original/ valid, B-BBEE certificate/ sworn affidavit (Please note that the Sworn Affidavit must be compliant as per B-BBEE Practice Guide 01 of 2018. NON- COMPLIANT AFFIDAVIT WILL GET ZERO POINT ALLOCATION)**

### 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. In addition, Pikitup also reserves the right to appoint more than one service provider/supplier as deemed necessary
2. In evaluating bids received and adjudicating the award of this bid, Pikitup Johannesburg (SOC) Limited will, in addition to the pre-compliance and functionality criteria included in the specifications and irrespective of the capital, pricing and black economic empowerment structures of the bidder, take into account as objective criteria (1) the desirability of rotating the work amongst service providers, (2) the past bidding practices of any bidder in relation to evidence and/or reports of combative practices including conduct reported, amongst others, in terms of the Prevention and Combatting of Corrupt Activities Act, 2004, (3) the past contractual performance of any bidder and (4) the nature and extent of disputes involving the bidder in relation to past and/or current contracts. Note that as a result of the application of these objective criteria, the highest scoring bidders will not necessarily be selected as a preferred bidders.
3. 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.**  
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 Pikitup.
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. **Quotations must be valid for minimum of 90 days.**
9. **It is compulsory for all Service Providers and suppliers wanting to render services to PIKITUP to be registered and have a “compliance tax status” on the 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. Prospective suppliers can register online 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**

**RETURNABLE DOCUMENTS**

**COMPULSORY DOCUMENTATION**

**DOCUMENT CHECKLIST**

**Tick  
if at  
tached**

**CIPC CERTIFICATE**

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**TAX CLEARANCE DOCUMENT** – valid tax clearance required, OR  
**CENTRAL SUPPLIER DATABASE REGISTRATION** – CSD must be tax compliant

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**MBD 4** – declaration of interest document provided with each RFQ we publish

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**MBD 8** – declaration of bidders past practices document provided with each RFQ

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**MBD 9** - declaration of interest document provided with each RFQ we publish

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**FOR THE SITE WHERE THE BUSINESS IS CURRENTLY LOCATED**

- **Municipal statement** - if the property is owned by the business  


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**OR**
- **Lease Agreement** – if the business is a tenant on the property  
**and**
- **Landlords Letter**–then we also require a letter of good standing from the landlord/letting agency/proxy confirming the tenants account is not more than 90 days in arrears  


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**OR**
- **Sworn Affidavit** – compiled by the owner of the business if the business is being operated from the residence of the director

**FOR EACH DIRECTOR OF THE COMPANY**

- **Municipal Statement** - for each director that owns the property where he/she currently resides  


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**OR**
- **Lease agreement** – if the director is a tenant at the place where he/she resides  
**and**
- **Landlords Letter**– if the director is a tenant at the place where he/she resides then we will also require a letter of good standing from the Landlord/Letting Agency  


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**OR**
- **Sworn Affidavit** –where a director is residing with parents or other relatives without any formal agreement in place then a sworn affidavit must be compiled by parent/relative confirming the following
  - the director resides with parent/relative at the aforementioned property without there being any formal lease agreement or contract in place
  - The director does not have any outstanding payments in terms of utility payments of more than 90 days.
  - the director does
  - Most recent Municipal statement for the place of residence. If the parent/relative is a tenant on the aforementioned property then a copy of the lease agreement will need to apply
  - Copy of Identity Document of the parent/relative

<b>OTHER RETURNABLE DOCUMENTS</b>	
<b>Other Returnable Documentation required for functionality and / or preference evaluation purposes</b>	<b>Submitted (YES or NO)</b>
a) Proof of Company Registration (Latest version of company registration showing the company's physical address, all the current registered owners / members / directors / shareholders, and all the owners / members / directors / shareholders' physical addresses.	
b) Copy of ID Documents of owners/members/directors/shareholders	
c) Company Profile	
d) MBD 6:1 Preference Points claim form in terms of the Preferential Procurement Regulations 2022, and Original or copy of BBEE Scorecard or affidavit, to substantiate ownership preference points claimed.	
e) List or summary of previous relevant (i.e. MFMA, PPR or SCM) projects completed by the company	
f) Reference letters from the previous clients of project of similar nature (i.e. MFMA, PPR or SCM)	
g) Copies of LLB or equivalent SAQA accredited Law qualification for the Lead Attorney, Senior Associate and Junior Associate	
h) Brief curriculum vitae (CV) for the Lead Attorney or Senior Associate role indicating relevant post admission experience that must include experience that relates to Supply Chain Management, public, provincial or municipal legislation.	

**POINT ALLOCATION FOR PRICE AND PREFERENCE (SPECIFIC GOALS)**

<b>Price Evaluation: Maximum 80 points</b>		
<b>1</b>	<b>Price</b>	<b>80</b>
<b>Preference Evaluation: Maximum 20 points</b>		
<b>1.</b>	<b>Enterprises owned by black people with at least 51% shareholding</b> <ul style="list-style-type: none"> <li>➤ 51% black ownership = 5 points</li> <li>➤ Less than 51% black ownership = 0 points</li> </ul> (Provide original or certified copy (not older than three (3) months) of BBBEE certificate / sworn affidavit)	<b>5</b>
<b>2.</b>	<b>Enterprise owned by black women with at least 51% shareholding</b> <ul style="list-style-type: none"> <li>➤ 51% black women ownership = 5 points</li> <li>➤ Less than 51% black women ownership = 0 points</li> </ul> (Provide original or certified copy (not older than three (3) months) of BBBEE certificate / sworn affidavit)	<b>5</b>
<b>3.</b>	<b>Enterprise that is a SMME's (An EME or QSE)</b> <ul style="list-style-type: none"> <li>➤ SMME (i.e. EME or QSE) = 5 points</li> <li>➤ Not SMME = 0 point</li> </ul> (Provide proof of registration on CSD, original or certified copy (not older than three (3) months) of valid BBBEE certificate / sworn affidavit)	<b>5</b>
<b>4.</b>	<b>Local suppliers within City of Johannesburg Geographical area</b> <ul style="list-style-type: none"> <li>➤ Within COJ geographical area = 5 points</li> <li>➤ Outside COJ geographical area = 0 point</li> </ul> (Provide CSD certificate, bidding company municipal account statement, letter or statement from the landlord confirming company address.)	<b>5</b>
		<b>20</b>

INVITATION TO BID

**YOU ARE HEREBY INVITED TO BID TO PURCHASE THE AFOREMENTIONED GOODS FROM PIKITUP JOHANNEBURG SOC LTD**

BID NUMBER:	<b>PIK 154/2023-24</b>	CLOSING DATE:	<b>28.05.2024</b>	CLOSING TIME:	<b>11H00</b>
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**APPOINTMENT OF SERVICE PROVIDER TO PROVIDE A LEGAL OPINION ON SCM TENDER PROCESS FOLLOWED**

**(REFER ANNEXURE A FOR FULL DETAILS)**

**THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).**

**BID RESPONSE DOCUMENTS MUST BE DEPOSITED IN THE RFQ BOX SITUATED AT THE PIKITUP TENDER OFFICE, GROUND FLOOR, EAST WING, JORISSEN PLACE BUILDING, 66 JORISSEN STREET, BRAAMFONTEIN.**

**SUPPLIER INFORMATION**

NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
TAX COMPLIANCE STATUS	TCS PIN:		<b>OR</b>	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/> No			<input type="checkbox"/> No	

**[A B-BBEE CERTIFICATE OR SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR OWNERSHIP VERIFICATION FOR PREFERENCE POINTS CLAIMED]**



ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE	R
SIGNATURE OF BIDDER	.....	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED			
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>		<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>	
DEPARTMENT	SCM UNIT	CONTACT PERSON	SAME
CONTACT PERSON	Papi Lekgoathi	TELEPHONE NUMBER	SAME
TELEPHONE NUMBER	087 357 1165	FACSIMILE NUMBER	SAME
FACSIMILE NUMBER	N/A	E-MAIL ADDRESS	SAME
E-MAIL ADDRESS	papil@pikitup.co.za		

<b>1. BID SUBMISSION:</b>	
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.	
1.2. <b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED- (NOT TO BE RE-TYPED) OR ONLINE</b>	
1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.	
<b>2. TAX COMPLIANCE REQUIREMENTS</b>	
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.	
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.	
2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.	
2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B: 3.	
2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.	
2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.	
2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.	
<b>3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>	
3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO

- 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?  YES  NO
- 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?  YES  NO
- 3.5. 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 ABOVE.**

### **RETURN OF BIDS**

Late bids will not be accepted or considered and bids delivered to any other address besides the address stated above will not be considered.

Neither PIKITUP nor any of its employees shall be liable in any way whatsoever for bids that are not placed in the bid box by the closing date and time.

No bid shall be considered unless it is accompanied by sufficient information to show that the goods offered comply with the specification.

Bidders must state the country of origin and the name of the manufacturer of the goods offered. Documentary proof must be produced, if required.

**Bidding documents must be completed properly in permanent black ink pen.**

### **VALIDITY PERIOD**

Your bid submission must remain valid for a period of 60 days from the closing date of this bid. It will constitute an offer which remains open for acceptance during the validity period.

### **INFORMATION MEETING**

No information meeting is required.

### **ADJUDICATION OF BIDS**

Bids submitted in response to this invitation will be adjudicated by PIKITUP in terms of a supply chain management policy developed in accordance with the requirements of the Municipal Finance Management Act 56 of 2003 and the PPPFA. Enquiries in respect of the policy should be addressed to the Head of PIKITUP's Supply Chain Management -

### **CONTRACT**

The terms of the proposed contract with PIKITUP are contained in the General Conditions of Contract, the Special Conditions of Contract and any of the sections of these bidding documents in which the bidder makes an undertaking as to its performance. You must read and understand the terms before you submit your bid as you will be bound by the Contract (as described) if your bid is successful. At the time of award, the contract may include other relevant terms and conditions.

**ADMINISTRATIVE JUSTICE**

In adjudicating bids, PIKITUP shall comply with the requirements of the Promotion of Administrative Justice Act 3 of 2000 and the Promotion of Access to Information Act 2 of 2000, to the extent that these Acts apply to the adjudication by a municipal entity of bids in response to a bid invitation.

**INTERNAL APPEAL PROCESS**

Following the adjudication of bids and selection of a preferred bidder, and provided that a procurement contract has not already entered into force, any bidder may submit a complaint in writing to the chairperson of the PIKITUP Board of Directors (“the Board”) or the Managing Director that PIKITUP has not complied with the requirements of the PIKITUP Supply Chain Management Policy or the PIKITUP Code of Ethics, or has in any respect acted in a way that is irregular. The Chairperson of the Board or Managing Director shall not entertain a complaint unless it was submitted within 20 calendar days of when the supplier or contractor submitting it became aware of the circumstances giving rise to the complaint or of when that supplier or contractor should have become aware of those circumstances, whichever is earlier; or entertain a complaint after the procurement contract has entered into force.

Unless the complaint is resolved by mutual agreement of the bidder and the Chairperson of the Board or Managing Director, the Chairperson of the Board shall, within 30 calendar days after the submission of the complaint, issue a written decision. The decision shall state the reasons for the decision; and if the complaint is upheld in whole or in part, indicate the corrective measures that are to be taken.

The decision of the Chair of the Board shall, subject to the review powers of any competent court, be final.

**DECLARATION BY BIDDER:**

WE HAVE READ THE CLAUSES SET OUT ABOVE IN THIS OF THE BIDDING DOCUMENTS AND ACCEPT THEIR CONTENTS, SUBJECT TO ANY DECLARATION, WE HEREBY OFFER TO CONTRACT WITH PIKITUP ON THE TERMS SET OUT IN THE BIDDING DOCUMENTS SHOULD WE BE APPOINTED AS THE SUCCESSFUL BIDDER.

WITNESSES:

- 1. ....
- 2. ....

<p>-----  <b>AUTHORISED SIGNATURE</b>    .....  <b>CAPACITY OF SIGNATORY</b>    <b>DATE:</b> .....</p>
<p><b>ADDRESS</b>.....  .....  .....</p>
<p><b>MBD 4</b>  .....</p>

**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 favoritisms, 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**

If yes, furnish particulars.....

.....

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

<b>Full Name</b>	<b>Identity Number</b>	<b>State Employee Number</b>

.....  
**Signature**

.....  
**Date**

.....  
**Capacity**

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

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022, AND THE PIKITUP SCM POLICY**

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

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

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**1. GENERAL CONDITIONS**

- 1.1 The following preference point systems are applicable to invitations to tender:
- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- 1.2 The applicable preference point system for this tender is the **80/20** preference point system.
- 1.3 Points for this tender shall be awarded for:
- (a) Price; and
  - (b) Specific Goals.
- 1.4 The maximum points for this tender are allocated as follows:

<b>POINTS</b>	<b>Tenders R50m and below in value</b>
<b>PRICE</b>	<b>80</b>
<b>PREFERENCE / SPECIFIC GOALS</b>	<b>20</b>
<b>Total points for Price and Specific Goals</b>	<b>100</b>

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

**2. DEFINITIONS**

- (a) “acceptable tender” means any tender which, in all respects, complies with the specifications and conditions of tender as set out in the tender document.
- (b) “affidavit” is a type of verified statement or showing, or in other words, it contains a verification, meaning it is under oath or penalty of perjury, and this serves as evidence to its veracity and is required for court proceedings.

- (c) “all applicable taxes” includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- (d) “B-BBEE” means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (e) “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;
- (f) “bid” means a written offer on the official bid documents or invitation of price quotations and “tender” is the act of bidding /tendering;
- (g) “Code of Good Practice” means the generic codes or the sector codes as the case may be;
- (h) “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; “contract” means the agreement that results from the acceptance of a bid by an organ of state;
- (i) “Disability” means, in respect of a person, a permanent impairment of a physical, intellectual, or sensory function, which results in restricted, or lack of, ability to perform an activity in the manner, or within the range, considered normal for a human being;
- (j) “Exempted Micro Enterprise” (EME) with an annual total revenue of R10 million or less.
- (k) “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;
- (l) “Historically Disadvantaged Individual (HDI)” means a South African citizen – (1) who, due to the apartheid policy that had been in place, had no franchise in national elections prior to the introduction of the Constitution of the Republic of South Africa, 1983 (Act No 110 of 1983) or the Constitution of the Republic of South Africa, 1993 (Act No 200 of 1993) (“the Interim Constitution”); and / or (2) who is a female; and / or (3) who has a disability: Provided that a person who obtained South African citizenship on or after the coming to effect of the Interim Constitution, is deemed not to be an HDI;
- (m) “Integrated Development Plan” (IDP) means a five-year strategic plan required in terms of the Municipal Systems Act, 2000 (Act no 32 of 2000), guiding the City in executing its constitutional mandate.
- (n) “Large Enterprise” is any enterprise with an annual total revenue above R50 million;
- (o) “Locality” means that tenderer or bidder must have business enterprise located within the boundaries of City of Johannesburg (CoJ) Municipal Metropolitan Municipality or Gauteng Province to score points for locality.
- (p) “Lowest acceptable tender” means the tender that complies with all specifications and conditions of the tender and that has the lowest price compared to other tenders
- (q) “non-firm prices” means all prices other than “firm” prices;
- (r) “People with disabilities” has the meaning assigned to it in section 1 of the Employment Equity Act, 1998 (Act no 55 of 1998)
- (s) “person” includes a juristic person;
- (t) “price” means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (u) “Qualifying Small Enterprise” (QSE) with an annual total revenue between R10 million and R50 million;
- (v) “rand value” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (w) “Small, Medium and Micro Enterprises” SMME that bears the same meaning



- (x) assigned to this expression in the National Small Business Act 1996 (Act 102 of 1996) “Specific goals” means specific goals as contemplated in section 2(1)(d) of the Act which may include contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination on the basis of race, gender, and disability including the implementation of programmes of the Reconstruction and Development Programme as published in Government Gazette No 16085 dated 23 November 1994.
- (y) “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.
- (z) “tender” means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (aa) “tender for income-generating contracts” means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions
- (bb) “the Act” means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000);
- (cc) “the Regulations” means the Preferential Procurement Regulations, 2022 (as amended)
- (dd) “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 11 October 2013;

### 3. THE 80/20 PREFERENCE POINT SYSTEM

#### 3.1 POINTS AWARDED FOR PRICE

##### 3.1.1 FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

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

#### 80/20

$$Ps = 80 \left( 1 - \frac{Pt - Pmin}{Pmin} \right)$$

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmin = Price of lowest acceptable tender

#### 4. PREFERENCE POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof or documentation stated in the conditions of this tender
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
  - (b) any other invitation for tender, that either the 80/20 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
  - (c) then the organ of state must indicate the points allocated for specific goals for both the 80/20 preference point system.
- 4.3. The following specific goals are determined by Pikitup for this tender with the intent to promote HDI and the local economy:

<b>80/20 preference point system</b>				
<b>Specific goals</b>	<b>The specific goals points allocated by Pikitup for this tender</b>	<b>Means of verification</b>	<b>Points allocated for each goal (80/20 system) (Maximum # of points for each goal to be specified by Pikitup)</b>	<b>Number of points claimed (80/20 system) (To be completed by the tenderer)</b>
1	Enterprises owned by black people with at least 51% shareholding	Proof of registration on CSD, original or certified copies (not older than three (3) months) of Valid BBBEE certificate/ Sworn Affidavit, copy of owners ID or shareholders' certificate.	5	
2	Enterprise owned by women with at least 51% shareholding	Proof of registration on CSD, original or certified copies (not older than three (3) months) of Valid BBBEE certificate/ Sworn Affidavit, copy of owners ID or shareholders' certificate	5	

3	SMME's (An EME or QSE)	Proof of registration on CSD, original or certified copies (not older than three (3) months) of Valid BBBEE certificate/ Sworn Affidavit	5	
4	Enterprises located within the City of Johannesburg Metropolitan Municipality	CSD certificate, bidding company municipal account statement, letter or statement from the landlord confirming company address	5	
Total (Maximum number of preference points)			20	

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

***Note to tenderers: The tenderer must indicate in the table the points claimed against each goal where provisions are made for preference points to be claimed.***

## 5. DECLARATION WITH REGARD TO COMPANY/FIRM

5.1. Name of company/firm: .....

5.2. Company registration number: .....

5.3. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

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

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
  - (a) disqualify the person from the tendering process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;

- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution, if deemed necessary.

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

**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 alter am partum</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>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>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)?</p> <p><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></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	<p>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?</p>	Yes <input type="checkbox"/>	No <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 <input type="checkbox"/>	No <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 <input type="checkbox"/>	No <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 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:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> 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.

**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: PIKITUP JOHANNESBURG SOC (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

.....

Position

.....

Date

.....

Name of Bidder

## **TERMS OF REFERENCE**

### **APPOINTMENT OF A LEGAL SERVICE PROVIDER TO PROVIDE AN INDEPENDENT LEGAL OPINION ON A SCM TENDER PROCESS FOLLOWED TO APPOINT A PANEL OF SERVICE PROVIDERS**

#### **1. PIKITUP OVERVIEW**

- 1.1. Pikitup Johannesburg (SOC) Limited was established in 2001 as an independent municipal entity, wholly owned by the City of Johannesburg, to serve and provide waste management services in the Greater Johannesburg area. Pikitup vision is "to be the pioneering and environmentally focused waste management company in Africa".
- 1.2. The City, by means of the service delivery agreement as monitored by the Infrastructure and Services Department of the City, regulates the service delivery in respect of the following:
  - 1.2.1. Financial services (annual operating and capital budgetary allocations and appropriate tariff levels), and
  - 1.2.2. Levels of service delivery in the different market segments covered by Pikitup.
- 1.3. Major Products and Services Pikitup in terms of the service delivery agreement is contracted to the City of Johannesburg to provide a wide range of waste management services to its citizens. Pikitup provides two categories of services, viz. Council services and commercial services.
- 1.4. The Council services, which the City of Johannesburg has mandated Pikitup to provide exclusively, comprise of the collection and disposal of domestic, business and putrescible waste, street cleaning, lane flushing, area cleaning, the management of litter bins, the collection of illegally dumped waste, the collection and disposal of animal carcasses found in a public place and the operation of garden sites.
- 1.5. The commercial services, which Pikitup provides in competition with other private waste management companies, comprise of the collection and treatment of healthcare risk waste, bulk collection services, the collection and disposal of waste, composting, recycling activities, providing services for special events and the operation of landfill sites.
- 1.6. Pikitup executes its mandate to the City of Johannesburg and its residents through 12 depots, 4 landfill sites, 42 garden sites and one composting site based in Ruimsig.

#### **2. PURPOSE OF THE REQUEST FOR QUOTATION (RFQ)**

- 2.1. The objective of the RFQ is to appoint a legal service provider to a legal opinion on the SCM policies, SCM procedures and related enabling legislation that were followed in establishment of the panel of service providers.

### 3. SPECIFICATION AND SCOPE OF WORK

- 3.1. Pikitup requires the legal service provider to provide an independent legal opinion relating to the implementation of the SCM Procedure relating to the Preferential Procurement Regulations (PPR) of 2017, followed in establishment of the panel of service providers.
- 3.2. The successful service provider is expected to have extensive knowledge, practical experience and understanding of the legislative Supply Chain Management tender requirements relating to The Constitution of the Republic of South Africa, Municipal Systems Act, MFMA, PPPFA, BBBEE Act, PPR of 2017 (and PPR 2022), SCM Regulations and Standards, other related legislation as well as previous case law in terms of the aforementioned
- 3.3. The scope of work will include the review of the tender process followed to provide a legal opinion relating to Pikitup's compliance with Pikitup SCM policies and procedures, MFMA, PPPFA, Municipal Systems Act, The Constitution of the Republic of South Africa, related regulations, and the Preferential Procurement Regulations of 2017 that were applicable at the time of the tender and other related legislation, such as Company's Act, National Small Business Enterprise Act, the National Small Business Support Strategy and etc. would need to be considered.
- 3.4. The successful service provider would be required to review the SCM tender process followed, provide a legal opinion in a report format and present their legal opinion to the relevant Pikitup executive manager and /or Managing Director.
- 3.5. The legal opinion must be conducted in accordance with relevant laws and regulations, SCM standards, and best practices.
- 3.6. The project scope will include (but not limited to) the following:
  - 3.6.1. Review the SCM process followed by Pikitup to establish a panel of pre-approved service providers;
  - 3.6.2. Take into consideration the objectives of the demand management and sourcing strategy;
  - 3.6.3. Provide a legal opinion on the SCM procurement process followed;
  - 3.6.4. Present the legal opinion report the relevant Senior and / or Executive Managers and / or the Managing Director and / or relevant structures of Pikitup, if and when required; and
  - 3.6.5. Submit both hard copy and electronic copy of the final legal opinion report.
- 3.7. Project Deliverables:
  - 3.7.1. Inception meeting to establish facts and scope of work;
  - 3.7.2. Inception report detailing methodology, timelines, and payment schedule; and
  - 3.7.3. Final report detailing findings, opinion and recommendations.

## **4. REQUIREMENTS**

### **4.1. COMPANY EXPERIENCE**

- 4.1.1. The service provider must demonstrate and provide a list of projects undertaken within the area of expertise, along with a brief summary of complex matters under the identified areas of specialization. The projects must be related to the Municipal Finance Management Act, Preferential Procurement Policy Framework Act, Broad-Based Black Economic Empowerment Act, and Preferential Procurement Act and Regulations, including projects related to the broader Supply Chain Management and Public Procurement.
- 4.1.2. The service provider must demonstrate company experience and provide project/s details that cover the following:
  - 4.1.2.1. Project description and reference;
  - 4.1.2.2. Details of the scope of work undertaken;
  - 4.1.2.3. Duration of the project; and
  - 4.1.2.4. Contact details of the client.

### **4.2. THE TEAM**

- 4.2.1. The service provider must submit cv's of the core team that will be assigned to the project with specific reference to their educational / professional background and their relevant experience. A contingency plan for any instances when identified team members may not be available for a specific requirement at a specific time.
- 4.2.2. The service provider must submit a list of proposed team that will be assigned to the project who are associated with the firm of attorneys and their track records that relates to MFMA, PPPFA, Supply Chain Management Regulations and other legislations applicable to public procurement.
- 4.2.3. The Director/Lead attorney must have the relevant qualification and at least five (5) years' experience that must include experience that relates to MFMA, PPPFA, Supply Chain Management Regulations and other legislations applicable to public procurement post admission as an attorney to be considered for scoring on the technical evaluation.

## **5. INTELLECTUAL PROPERTY RIGHTS**

- 5.1. All copyright and intellectual property rights that may result as consequence of the work to be performed will become the property of Pikitup.

- 5.2. The service provider will be required to hand over all documents and information in any format, including copies thereof, that it had access to during the assignment immediately after completion of the assignments to Pikitup.
- 5.3. The service provider shall deliver to Pikitup, on completion of an assignment, any security devices, passwords or protective mechanisms to the soft versions of documents that were written and Pikitup will have right to amend and change these without obligation whatsoever to the firms of attorneys upon completion of the assignment.
- 5.4. Pikitup reserves the right, under exceptional circumstances, to appoint attorneys outside the panel attorneys.

## **6. LEAD TIME AND DURATION**

- 6.1. The legal opinion must be completed over a period of 14 days i.e., two calendar weeks from date of award.

## **7. EVALUATION OF PROPOSAL**

- 7.1. The evaluation process will be conducted according to the following stages:
  - Stage 1: Assessment of administrative compliance with pre-qualification / eligibility criteria. Applications that do not comply with pre-qualification / eligibility criteria will not be evaluated further.
  - Stage 2: Assessment on specification of services competency focusing on the ability to fulfil the required scope of work. Bidders need to achieve a minimum threshold of 60 out of 100 points on weighted technical / functional evaluation to be considered for further evaluation.
  - Stage 3: The 80/20 preference points system (Price and Specific goals) shall be conducted as the final stage for this bid.

## **8. EVALUATION CRITERIA**

### **8.1. STAGE 1: ELIGIBILITY/ PRE-COMPLIANCE EVALUATION**

- 8.1.1. Only bidders who meet all the eligibility or minimum pre-compliance criteria specified in the RFQ document will qualify for further evaluation on stage 2.

### **8.2. STAGE 2: TECHNICAL / FUNCTIONALITY EVALUATION CRITERIA**

- 8.2.1 Only bidders who score at least 60 points or more in Technical / Functionality Evaluation (Stage 2) will be further evaluated in stage 3 for Price and Specific Goals.
- 8.2.2 The following technical / functionality evaluation criteria and scoring will apply:

TECHNICAL EVALUATION CRITERIA	SUB-CRITERIA	SCORE OUT OF 5	WEIGHTING
<b>Company Experience</b>	<p>The service provider must demonstrate and provide details of projects undertaken. The project(s) must be related to MFMA, PPR or SCM related legal opinion. <b>The project details must cover the following:</b></p> <ul style="list-style-type: none"> <li>- Details of the work undertaken.</li> <li>- Duration of the project.</li> <li>- Contact details of the client.</li> </ul>	<p>Three (3) or more projects that relates to MFMA, PPR or SCM = 5</p> <p>Two (2) projects that relates to MFMA, PPR or SCM = 3</p> <p>One (1) project that relates to MFMA, PPR or SCM = 1</p> <p>No project details provided = 0</p>	25
<b>Client References</b> Bidder's proven experience in undertaking similar projects.	<p>The bidder must submit written contactable reference letters of projects from entities who have acquired similar services that relates to MFMA, PPR or SCM. The reference letters must be on the client letter head and must entail the following details:</p> <ul style="list-style-type: none"> <li>- Name of department and / or organization;</li> <li>- Nature of work;</li> <li>- Duration of the contract;</li> <li>- Contact person and contact details; and</li> <li>- Signed by the client.</li> </ul>	<p>Three or more relevant reference letters provided = 5</p> <p>Two relevant reference letters provided = 3</p> <p>One relevant reference letter provided = 1</p> <p>No reference letters provided = 0</p>	25
<b>Qualifications</b>	Copies of LLB or any equivalent SAQA accredited Law qualification for the Lead Attorney, Senior Associate and Junior Associate to be submitted for the team assigned to this project.	<p>LLB or any equivalent SAQA accredited Law qualification of Lead Attorney, Senior Associate and Junior Associate = 5</p> <p>LLB or any equivalent SAQA accredited Law qualification of the Lead Attorney, Senior Associate and Junior Associate not provided or not compliant = 0</p>	25

<p><b>Lead Attorney or Senior Associate Experience</b>  Note that only experience from a qualified Lead Attorney or Senior Associate will be considered (i.e. LLB or any equivalent SAQA accredited Law qualification)</p>	<p>The bidder must attach a brief Curriculum Vitae (CV) for the Lead Attorney or Senior Associate role indicating relevant post admission experience that must include experience that relates to Supply Chain Management, public, provincial or municipal legislation.  A clearly documented brief CV of the Lead Attorney or Senior Associate must be provided to obtain scores.</p>	<p>Either the Lead Attorney or Senior Associate must have:</p> <p>Five years' experience and more experience that includes experience relating to SCM, public, provincial or municipal legislation = 5</p> <p>Three to four years of experience that includes experience relating to SCM, public, provincial or municipal legislation = 3</p> <p>Two years of experience or less that includes experience relating to SCM, public, provincial or municipal legislation = 1</p> <p>No or not sufficient details of experience = 0</p>	<p>25</p>
<p><b>TOTAL</b></p>			<p><b>100</b></p>

### 8.3. STAGE 3: PRICE AND SPECIFIC GOALS EVALUATION

8.3.1. Bidders that have successfully scored 60 points and above in the Technical/Functionality Evaluation (Stage 2) will be evaluated in this stage using the 80/20 preference points system in terms of the Preferential Procurement Regulations 2022.

#### **POINT ALLOCATION FOR PRICE AND SPECIFIC GOALS**

<b>Preference Points System Evaluation</b>		<b>Maximum points</b>
<b>Price</b>		<b>80</b>
<b>Specific Goals</b>		<b>20</b>
<b>Total points for Price and Preference</b>		<b>100</b>
<b>Preference Points for Specific Goals allocation:</b>		
<b>1.</b>	<b>Enterprises owned by black people with at least 51% shareholding</b> Provide proof of registration on CSD, original or certified copies (not older than three (3) months) of Valid BBBEE certificate/ Sworn Affidavit, copy of owners ID or shareholders' certificate	<b>5</b>
<b>2.</b>	<b>Enterprise owned by women with at least 51% shareholding</b> (Provide proof of registration on CSD, original or certified copies (not older than three (3) months) of Valid BBBEE certificate/ Sworn Affidavit, copy of owners ID or shareholders' certificate	<b>5</b>
<b>3.</b>	<b>SMME's (An EME or QSE)</b> Provide proof of registration on CSD, original or certified copies (not older than three (3) months) of Valid BBBEE certificate/ Sworn Affidavit.	<b>5</b>
<b>4.</b>	<b>Enterprises located within the City of Johannesburg Metropolitan</b> Provide CSD certificate, bidding company municipal account statement, letter or statement from the landlord confirming company address	<b>5</b>
<b>Total points for Specific Goals</b>		<b>20</b>

8.3.2. The price and specific goals evaluation will be conducted using the preference points system, 80/20 formula as specified in MBD 6.1 document.

8.3.3. The highest scoring bidder in terms of price and specific goals scoring will be recommended to the delegated authority to make a resolution on the final award.

8.3.4.



**9. PRICING INSTRUCTIONS**

- 9.1 The bidder must provide a rate card to be used per request. Complete the table in terms of current rates of billing clients, inclusive of VAT.
- 9.2 The pricing schedule shall also include the travel and all other reimbursable costs
- 9.3 The amount quoted must be denominated in South African Rand value and should include VAT.
- 9.4 The quotation must reflect the total cost of the project to provide a legal opinion, including disbursements.
- 9.5 The total bid amount (including all costs and taxes) must be indicated on the cover page of the RFQ document.

**10. PRICING SCHEDULE**

- 10.1. The bidder must attach a formal quotation on company official letterhead to this RFQ.
- 10.2. The bidder must complete the table below in terms of rates, inclusive of VAT.

**Table: Pricing Schedule**

**Please indicate the level of team members and propose their rate per hour**

#	Team Member Names	Seniority (i.e. Lead Attorney / Partner / Director, Associate/ Senior Attorney, Junior Associate/ Attorney)	Rate Per hour	Estimated hours	Sub Total
1			R		R
2			R		R
3			R		R
4			R		R
5			R		R
Total (Excluding VAT)					R
Value Adding Tax (VAT) at 15%					R
Disbursements					R

Grand Total (including all costs and taxes)	R

### 10.3. Pricing Schedule Notes

- a) A detailed price schedule including all items with breakdown of costs must be submitted with the RFQ proposal.
- b) Prices must be quoted in South African Rand, inclusive of VAT and Grand Total Price should be VAT Inclusive.
- c) Rand amount should be rounded off to two (2) decimal points.
- d) Prices quoted must be held valid for a period of 60 days from closing date of this RFQ
- e) Please note that should you have offered a discounted price(s), Pikitup will only consider such price discount(s) in the final evaluation stage if offered on an unconditional basis.
- f) Any disbursement not specifically priced for will not be considered/accepted by Pikitup.
- g) Error/s made must be neatly crossed out and signed next to the error by the same person who signs the bid document. Therefore, the use of correction fluid i.e., "Tipex" is not allowed.
- h) In the event that the bidder fails to fully complete the price schedule or to provide the information requested, or to sign the bid at the appropriate spaces provided or next to errors, the bid will be rejected and considered nonresponsive.