



REQUEST FOR PROPOSALS

YOU ARE HEREBY INVITED TO SUBMIT A BID TO MEET THE REQUIREMENTS OF PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD	
BID NUMBER:	354857
CLOSING DATE:	15th November 2017
CLOSING TIME:	12H00 AM
PERIOD FOR WHICH BIDS ARE REQUIRED TO REMAIN OPEN FOR ACCEPTANCE:	60 days (submissions must be valid for 60 days after the closing date)
DESCRIPTION OF BID:	Supply Lead Nitrate according to PMP specification 7650017 Issue 3
BID DOCUMENTS DELIVERY ADDRESS:	Pretoria Metal Pressings a Division of Denel SOC Ltd 1 Ruth First Street Lotus Gardens Pretoria West For Attention: Tender Box Main Admin
e-mail	Tenders@pmp.co.za
NAME OF BIDDER:	
CONTACT PERSON:	
EMAIL ADDRESS:	
TELEPHONE NUMBER:	
FAX NUMBER:	
BIDDER'S STAMP OR SIGNATURE	

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PART A: INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD

BID NUMBER: **354857**
CLOSING DATE: **15th November 2017**
CLOSING TIME: **12H00 AM**

DESCRIPTION:

Supply of Lead Nitrate according to PMP specification number 7650017 Issue 3

The successful Bidder will receive an official order from PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD

Bidders should ensure that Bids are delivered timeously and to the correct address (reflected on the cover page of this document). If the Bid is late, it will not be considered for evaluation.

The Tender box is open during office hours (08:00 – 16:00) Monday to Thursday and on Fridays only until 13H00.

ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – (NOT TO BE RE-TYPED)

THIS BID IS SUBJECT TO THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT, WHICH ARE SET OUT IN PART C OF THIS DOCUMENT.

THE FOLLOWING PARTICULARS MUST BE FURNISHED (FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED).

BIDDERS THAT ARE UNINCORPORATED CONSORTIA CONSISTING OF MORE THAN ONE LEGAL ENTITY MUST SELECT A LEAD ENTITY AND FURNISH THE DETAILS OF THE LEAD ENTITY, UNLESS OTHERWISE SPECIFIED.

NAME OF BIDDER AND EACH ENTITY IN CONSORTIUM:	
POSTAL ADDRESS:	
STREET ADDRESS:	
CONTACT PERSON (FULL NAME):	
EMAIL ADDRESS:	
TELEPHONE NUMBER:	
FAX NUMBER:	

BIDDER REGISTRATION NUMBER OR REGISTRATION NUMBER OF EACH ENTITY IN CONSORTIUM				
BIDDER VAT REGISTRATION NUMBER OR VAT REGISTRATION NUMBER OF EACH ENTITY IN CONSORTIUM				
TAX CLEARANCE CERTIFICATE SUBMITTED?	YES		NO	
BBBEE CERTIFICATE SUBMITTED?	YES		NO	
REGISTERED WITH THE NATIONAL TREASURY CENTRAL SUPPLIER DATABASE (CSD)	YES		NO	
FULL NAME OF AUTHORISED REPRESENTATIVE:				
CAPACITY IN WHICH AUTHORISED REPRESENTATIVE SIGNS:				
SIGNATURE OF AUTHORISED REPRESENTATIVE:				
DATE OF SIGNATURE				

PART B: CHECKLIST OF COMPULSORY RETURNABLE SCHEDULES AND DOCUMENTS

Please adhere to the following instructions

- Tick in the relevant block below
- Ensure that the following documents are completed and signed where applicable:
- Use the prescribed sequence in attaching the annexes that complete the Bid Document

NB: Should all of these documents not be included, the Bidder may be disqualified on the basis of non-compliance

YES	NO	
<input type="checkbox"/>	<input type="checkbox"/>	One original Bid (hard copy) with one (1) copy (hard copies) must be submitted - (clearly marked as original and copy).
<input type="checkbox"/>	<input type="checkbox"/>	Part A: Invitation to Bid
<input type="checkbox"/>	<input type="checkbox"/>	Part C: Specifications, Conditions of tender and Undertakings by Bidder
<input type="checkbox"/>	<input type="checkbox"/>	Annexure A: Price Proposal
<input type="checkbox"/>	<input type="checkbox"/>	Annexure B: Technical Proposal
<input type="checkbox"/>	<input type="checkbox"/>	Annexure C: SBD2 - Tax Clearance Certificate Requirement
<input type="checkbox"/>	<input type="checkbox"/>	Annexure D: Declaration of Interest
<input type="checkbox"/>	<input type="checkbox"/>	Annexure E: SBD6.1 and B-BBEE status level certificate
<input type="checkbox"/>	<input type="checkbox"/>	Annexure F: SBD8: Declaration of Bidder's Past Supply Chain Practices
<input type="checkbox"/>	<input type="checkbox"/>	Annexure G: SBD9: Certificate of Independent Bid Determination
<input type="checkbox"/>	<input type="checkbox"/>	Annexure H: Certified copies of your CIPC company registration documents listing all members with percentages, in case of a close corporation
<input type="checkbox"/>	<input type="checkbox"/>	Annexure I: Certified copies of latest share certificates, in case of a company.
<input type="checkbox"/>	<input type="checkbox"/>	Annexure J (if applicable): A breakdown of how fees and work will be spread between members of the bidding consortium.
<input type="checkbox"/>	<input type="checkbox"/>	Annexure K: Supporting documents to responses to Qualification Criteria and Evaluation Criteria.
<input type="checkbox"/>	<input type="checkbox"/>	Annexure L: General Condition of Contract
<input type="checkbox"/>	<input type="checkbox"/>	Annexure M: Supporting documents - CSD Registration Summary Report
<input type="checkbox"/>	<input type="checkbox"/>	Annexure N: PMP Specification 7650017 Issue 3

PART C: SPECIFICATIONS, CONDITIONS OF TENDER AND UNDERTAKINGS BY BIDDER

1. DEFINITIONS

In this Request for Proposals, unless a contrary intention is apparent:

- 1.1 **B-BBEE** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act, 2003;
- 1.2 **B-BBEE Act** means the Broad-Based Black Economic Empowerment Act, 2003;
- 1.3 **B-BBEE status level** means the B-BBEE status received by a measured entity based on its overall performance used to claim points in terms of regulation 5 and 6 of the Preferential Procurement Regulations, 2011.
- 1.4 **Business Day** means a day which is not a Saturday, Sunday or public holiday.
- 1.5 **Bid** means a written offer in the prescribed or stipulated form lodged by a Bidder in response to an invitation in this Request for Proposal, containing an offer to provide goods, works or services in accordance with the Specification as provided in this TENDER.
- 1.6 **Bidder** means a person or legal entity, or an unincorporated group of persons or legal entities that submit a Bid.
- 1.7 **Companies Act** means the Companies Act, 2008.
- 1.8 **Compulsory Documents** means the list of compulsory schedules and documents set out in Part B.
- 1.9 **Closing Time** means the time, specified as such under the clause 4 (Bid Timetable) in Part C, by which Tenders must be received.
- 1.10 **Evaluation Criteria** means the criteria set out under the clause 27 (Evaluation Process) of this Part C, which includes the Qualifying Criteria, Functional Criteria and Price and Preferential Points Assessment.
- 1.11 **Functional Criteria** means the criteria set out in clause 27.3 of this Part C.
- 1.12 **Intellectual Property Rights** includes copyright and neighbouring rights, and all proprietary rights in relation to inventions (including patents) registered and unregistered trademarks (including service marks), registered designs, confidential information (including trade secrets and know how) and circuit layouts, and all other proprietary rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields.
- 1.13 **NKP** means an area declared as a National Key Point area in terms of the National Key Points Act 102 of 1980 as amended read with the regulations Directive A and B.
- 1.14 **PFMA** means the Public Finance Management Act, 1999.
- 1.15 **PPPFA** means the Preferential Procurement Policy Framework Act, 2000.
- 1.16 **PPPFA Regulations** means the Preferential Procurement Regulations 2011, published in terms of the PPPFA.

- 1.17 **Price and Preferential Points Assessment** means the process described in clause 27.4 of this Part C, as prescribed by the PPPFA.
- 1.18 **Proposed Contract** means the agreement including any other terms and conditions contained in or referred to in this TENDER that may be executed between PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD and the successful Bidder.
- 1.19 **Qualifying Criteria** means the criteria set out in clause 27.2 of this Part C.
- 1.20 **Request for Proposal** or **TENDER** means this document (comprising each of the parts identified under Part A, Part B, Part C and Part D) including all annexures and any other documents so designated by PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD.
- 1.21 **SARS** means the South African Revenue Service.
- 1.22 **Services** means the services required by PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD, as specified in this TENDER Part D.
- 1.23 **SLA** means service level agreement.
- 1.24 **SOE** means State Owned Enterprise, as defined by the Companies' Act.
- 1.25 **SOC** means State Owned Company
- 1.26 **Specification** means the conditions of tender set and any specification or description of PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD's requirements contained in this TENDER.
- 1.27 **State** means the Republic of South Africa.
- 1.28 **Statement of Compliance** means the statement forming part of a Tender indicating the Bidders compliance with the Specification.
- 1.29 **Tender Manager** means the person so designated under clause 3 (Tender Manager) of this TENDER Part C.
- 1.30 **Tendering Process** means the process commenced by the issuing of this Request for Proposals and concluding upon formal announcement by PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD of the selection of a successful Bidder(s) or upon the earlier termination of the process.
- 1.31 **Website** means a website administered by PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD under its name with web address www.pmp.co.za

2. INTERPRETATIONS

In this TENDER, unless expressly provided otherwise a reference to:

- 2.1 “includes” or “including” means includes or including without limitation; and
- 2.2 “R” or “Rand” is a reference to the lawful currency of the Republic of South Africa.

3. TENDER OFFICE

PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD – Procurement

Email: Tenders@pmp.co.za

No questions will be answered telephonically.

Only questions, queries clarifications which are submitted to the Tenders@pmp.co.za will be addressed

No Canvassing of any Denel Employee will be tolerated and will result in an immediate disqualification of the bidder.

4. BID TIMETABLE

This timetable is provided as an indication of the timing of the tender process. It is indicative only and subject to change by PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD. Bidders are to provide proposals that will allow achievement of the intended commencement date.

Activity	Date
Advertisement of tender	13 th October 2017
TENDER document available	13 th October 2017
Closing date for tender enquiries	15 th November 2017 all enquiries must be directed to Tenders@pmp.co.za All responses to questions will be published on the eTender portal; Bidders are responsible to obtain responses via eTender. Denel will not be held responsible for delayed or responses that are not viewed on www.etenders.gov.za
Closing date for Tender and time	15 November 2017 at 12H00 AM precisely
Intended completion of evaluation of tenders	30th November 2017
Intended formal notification of successful Bidder(s)	8th December 2017

5. SUBMISSION OF TENDERS

5.1 Hardcopies of Tenders are to be submitted to:

Physical Address of Tender Box	Pretoria Metal Pressings a Division of Denel SOC Ltd 1 Ruth First Street Lotus Gardens Pretoria West South Africa
Hours of access to Tender Box	Monday to Thursday 08H00 to 16H00 and on Fridays: 08H00 to 13H00
E-Mail address for submission by mail	Tenders@pmp.co.za
Information to be marked on package containing Tender	PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD Main Admin TENDER Ref. No. 354857 Name of Bidder For Attention: Tender Box Main Admin Reception

5.2 Bidders are to provide one (1) original (hard copy) and one (1) copy (hard copy) of the Bid, Bid must be submitted. If the Bidders are submitting more than one (1) proposal with regard to the functions explained in the cover page and Part D of this TENDER, then these should be submitted as separate submissions and indicated on the cover page of the Bid. Each Bid shall be submitted with one (1) original hard copy) and one (1) copy (hard copy) as indicated above.

6. RULES GOVERNING THIS TENDER AND THE TENDERING PROCESS

6.1 Participation in the tender process is subject to compliance with the rules contained in this TENDER Part C.

6.2 All persons (whether or not a participant in this tender process) having obtained or received this TENDER may only use it, and the information contained herein, in compliance with the rules contained in this TENDER.

6.3 All Bidders are deemed to accept the rules contained in this TENDER Part C.

6.4 The rules contained in this TENDER Part C apply to:

6.4.1 The TENDER and any other information given, received or made available about this TENDER, and any revisions or annexure;

6.4.2 the Tendering Process; and

6.4.3 Any communications (including any briefings, presentations, meetings and negotiations) relating to the TENDER or the Tendering Process.

7. STATUS OF REQUEST FOR TENDER

7.1 This TENDER is an invitation for person(s) to submit a proposal(s) for the provision of the services as set out in the Specification contained in this TENDER. Accordingly, this TENDER must not be construed, interpreted, or relied upon, whether expressly or implicitly, as an offer capable of acceptance by any person(s), or as creating any form of contractual, promissory or other rights. No binding contract or other understanding for the supply of goods/services will exist between PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD and any Bidder unless and until PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD has executed a formal written order/contract with the successful Bidder.

8. ACCURACY OF REQUEST FOR PROPOSAL

8.1 Whilst all due care has been taken in connection with the preparation of this TENDER, PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD makes no representations or warranties that the content in this TENDER or any information communicated to or provided to Bidders during the Tendering Process is, or will be, accurate, current or complete. PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD, and its officers, employees and advisors will not be liable with respect to any information communicated which is not accurate, current or complete.

8.2 If a Bidder finds or reasonably believes it has found any discrepancy, ambiguity, error or inconsistency in this TENDER or any other information provided by PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD (other than minor clerical matters), the Bidder must promptly notify PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD in writing of such discrepancy, ambiguity, error or inconsistency in order to afford PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD an opportunity to consider what corrective action is necessary (if any).

8.3 Any actual discrepancy, ambiguity, error or inconsistency in this TENDER or any other information provided by PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD will, if possible, be corrected and provided to all Bidders without attribution to the Bidder who provided the written notice.

9. ADDITIONS AND AMENDMENTS TO THE TENDER

9.1 PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD reserves the right to change any information in, or to issue any addendum to this TENDER before the Closing Time. PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD and its officers, employees

and advisors will not be liable in connection with either the exercise of, or failure to exercise this right.

- 9.2 If PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD exercises its right to change information in terms of clause 9.1, it may seek amended Tenders from all Bidders.

10. REPRESENTATIONS

No representations made by or on behalf of PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD in relation to this TENDER will be binding on PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD unless that representation is expressly incorporated into the contract ultimately entered into between PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD and the successful Bidder.

11. CONFIDENTIALITY

- 11.1 All persons (including all Bidders) obtaining or receiving this TENDER and any other information in connection with this TENDER or the Tendering Process must keep the contents of the TENDER and other such information confidential, and not disclose or use the information except as required for the purpose of developing a proposal in response to this TENDER.

12. REQUESTS FOR CLARIFICATION OR FURTHER INFORMATION

- 12.1 All communications relating to this TENDER and the Tendering Process must be directed to Tender Response.
- 12.2 All questions or requests for further information or clarification of this TENDER or any other document issued in connection with the Tendering Process must be submitted to the Tender Response in writing, and by e-mail only.
- 12.3 Any communication by a Bidder to PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD will be effective upon receipt by the Tender Office (provided such communication is in the required format).
- 12.4 PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD has restricted the period during which it will accept questions or requests for further information or clarification and reserves the right not to respond to any enquiry or request, irrespective of when such enquiry or request is received.
- 12.5 Except where PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD is of the opinion that issues raised apply only to an individual Bidder, questions submitted and answers provided will be made available to all Bidders by e-mail, without identifying the person or organisation which submitted the question.

- 12.6 In all other instances, PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD may directly provide any written notification or response to a Bidder by email to the address of the Bidder (as notified by the Bidder to the Tender Response email address).
- 12.7 A Bidder may, by notifying the Tender Office in writing, withdraw a question submitted in accordance with clause 12, in circumstances where the Bidder does not wish PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD to publish its response to the question to all Bidders.

13. UNAUTHORISED COMMUNICATIONS

- 13.1 Communications (including promotional or advertising activities) with staff of PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD or their advisors assisting with the Tendering Process are not permitted during the Tendering Process, or otherwise with the prior consent of the Tender Office. Nothing in this clause 13 is intended to prevent communications with staff of, or advisors to, PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD to the extent that such communications do not relate to this TENDER or the Tendering Process.
- 13.2 Bidders must not otherwise engage in any activities that may be perceived as, or that may have the effect of, influencing the outcomes of the Tendering Process in any way.

14. IMPROPER ASSISTANCE, FRAUD AND CORRUPTION

- 14.1 Bidders may not seek or obtain the assistance of employees of PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD in the preparation of their tender responses.
- 14.2 PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD may in its absolute discretion, immediately disqualify a Bidder that it believes has sought or obtained such improper assistance.
- 14.3 Bidders are to be familiar with the implications of contravening the Prevention and Combating of Corrupt Activities Act, 2004 and any other relevant legislation.

15. ANTI-COMPETITIVE CONDUCT

- 15.1 Bidders and their respective officers, employees, agents and advisors must not engage in any collusion, anti-competitive conduct or any other similar conduct in respect of this Tendering Process with any other Bidder or any other person(s) in relation to:
- 15.1.1 the preparation or lodgement of their Bid
 - 15.1.2 the evaluation and clarification of their Bid; and
 - 15.1.3 The conduct of negotiations with PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD.

- 15.2 For the purposes of this clause 15, collusion, anti-competitive conduct or any other similar conduct may include disclosure, exchange and clarification of information whether or not such information is confidential to PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD or any other Bidder or any other person or organisation.
- 15.3 In addition to any other remedies available to it under law or contract, PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD may, in its absolute discretion, immediately disqualify a Bidder that it believes has engaged in any collusive, anti-competitive conduct or any other similar conduct during or before the Tendering Process.

16. COMPLAINTS ABOUT THE TENDERING PROCESS

- 16.1 Any complaint about the TENDER or the Tendering Process must be submitted to the Tender Office via the Tender Response email address, by email only, immediately upon the cause of the complaint arising or becoming known to the Bidder.
- 16.2 The written complaint must set out:
- 16.2.1 the basis for the complaint, specifying the issues involved;
 - 16.2.2 how the subject of the complaint affects the organisation or person making the complaint;
 - 16.2.3 any relevant background information; and
 - 16.2.4 The outcome desired by the person or organisation making the complaint.
- 16.3 If the matter relates to the conduct of an employee of PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD, the complaint should be addressed in writing marked for the attention of the Chief Executive Officer of PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD, and delivered to the physical address of PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD, as notified.

17. CONFLICT OF INTEREST

- 17.1 A Bidder must not, and must ensure that its officers, employees, agents and advisors do not place themselves in a position that may give rise to actual, potential or perceived conflict of interest between the interests of PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD and the Bidder's interests during the Tender Process.
- 17.2 The Bidder is required to provide details of any interests, relationships or clients which may or do give rise to a conflict of interest in relation to the supply of the services under any contract that may result from this TENDER. If the Bidder submits its Bid and a subsequent conflict of interest arises, or is likely to arise, which was not disclosed in the Bid, the Bidder must notify PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD immediately in writing of that conflict.

17.3 PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD may immediately disqualify a Bidder from the Tendering Process if the Bidder fails to notify PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD of the conflict as required.

18. LATE BIDS

18.1 Bids must be delivered by the Closing Time. The Closing Time may be extended by PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD in its absolute discretion by providing written notice to Bidders.

18.2 Bids delivered after the Closing Time or lodged at a location or in a manner that is contrary to that specified in this TENDER will be disqualified from the Tendering Process and will be ineligible for consideration. However, a late Bid may be accepted where the Bidder can clearly demonstrate (to the satisfaction of PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD, in its sole discretion) that late lodgement of the Bid was caused by PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD; that access was denied or hindered in relation to the physical tender box; or that a major/critical incident hindered the delivery of the Bid and, in all cases, that the integrity of the Tendering Process will not be compromised by accepting a Bid after the Closing Time.

18.3 The determination of PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD as to the actual time that a Bid is lodged is final. Subject to clause 18.2, all Bids lodged after the Closing Time will be recorded by PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD and will only be opened for the purposes of identifying a business name and address of the Bidder. PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD will inform a Bidder whose Bid was lodged after the Closing Time of its ineligibility for consideration. The general operating practice is for the late Bid to be returned within 5 (five) working days of receipt or within 5 (five) working days after determination not to accept a late Bid.

19. BIDDER'S RESPONSIBILITIES

19.1 Bidders are responsible for:

19.1.1 examining this TENDER and any documents referenced or attached to this TENDER and any other information made or to be made available by PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD to Bidders in connection with this TENDER;

19.1.2 fully informing themselves in relation to all matters arising from this TENDER, including all matters regarding PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD 's requirements for the provision of the Services;

19.1.3 ensuring that their Bids are accurate and complete;

- 19.1.4 making their own enquiries and assessing all risks regarding this TENDER, and fully considering and incorporating the impact of any known and unknown risks into their Bid;
 - 19.1.5 ensuring that they comply with all applicable laws in regards to the Tendering Process particularly as specified by National Treasury Regulations, Guidelines, Instruction Notes and Practice Notes and other relevant legislation as published from time to time in the Government Gazette; and
 - 19.1.6 Submitting all Compulsory Documents.
- 19.2 Bidders with annual total revenue of R10 million or less qualify as Exempted Micro Enterprises (EMEs) in terms of the B-BBEE Act must submit a certificate issued by a registered, independent auditor (who or which is not the Bidder or a part of the Bidder) or an accredited verification agency.
- 19.3 Bidders other than Exempted Micro-Enterprises (EMEs) must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE status. The submission of such certificates must comply with the requirements of instructions and guidelines issued by National Treasury and be in accordance with the applicable notices published by the Department of Trade and Industry in the Government Gazette.
- 19.4 PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD 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 PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD.
- 19.5 Failure to provide the required information may result in disqualification of the Bidder.

20. PREPARATION OF BIDS

- 20.1 Bidders must ensure that:
- 20.1.1 their Bid is submitted in the required format as stipulated in this TENDER; and
 - 20.1.2 All the required information fields in the Bid are completed in full and contain the information requested by PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD.
- 20.2 PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD may in its absolute discretion reject a Bid that does not include the information requested or is not in the format required.
- 20.3 Unnecessarily elaborate responses or other representations beyond that which is sufficient to present a complete and effective tender proposal are not desired or required. Elaborate and expensive visual and other presentation aids are not necessary.
- 20.4 Where the Bidder is unwilling to accept a specified condition, the non-acceptance must be clearly and expressly stated. Prominence must be given to the statement detailing the non-

acceptance. It is not sufficient that the statement appears only as part of an attachment to the Bid, or be included in a general statement of the Bidders usual operating conditions.

20.5 An incomplete Bid may be disqualified or assessed solely on the information completed or received with the Bid.

21. ILLEGIBLE CONTENT, ALTERATION AND ERASURES

21.1 Incomplete Bids may be disqualified or evaluated solely on information contained in the Bid.

21.2 PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD may disregard any content in a Tender that is illegible and will be under no obligation whatsoever to seek clarification from the Bidder.

21.3 PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD may permit a Bidder to correct an unintentional error in its Bid where that error becomes known or apparent after the Closing Time, but in no event will any correction be permitted if PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD reasonably considers that the correction would materially alter the substance of the Bid or effect the fairness of the Tendering Process.

22. OBLIGATION TO NOTIFY ERRORS

If, after a Bidder's Response has been submitted, the Bidder becomes aware of an error in the Bidders Response (including an error in pricing, but excluding clerical errors which would have no bearing on the evaluation of the Bid), the Bidder must promptly notify PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD of such error.

23. RESPONSIBILITY FOR BIDDING COSTS

23.1 The Bidders participation or involvement in any stage of the Tendering Process is at the Bidders sole risk, cost and expense. PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD will not be held responsible for, or pay for, any expense or loss that may be incurred by Bidders in relation to the preparation or lodgement of their Bid.

23.2 PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD is not liable to the Bidder for any costs on the basis of any contractual, promissory or restitutionary grounds whatsoever as a consequence of any matter relating to the Bidders participation in the Tendering Process, including without limitation, instances where:

23.2.1 the Bidder is not engaged to perform under any contract; or

23.2.2 PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD exercises any right under this TENDER or at law.

24. DISCLOSURE OF BID CONTENTS AND BID INFORMATION

24.1 All Bids received by PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD will be treated as confidential. PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD will not disclose contents of any Bid and Bid information, except:

24.1.1 as required by law;

24.1.2 for the purpose of investigations by other government authorities having relevant jurisdiction;

24.1.3 To external consultants and advisors of PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD engaged to assist with the Tendering Process; or for the general information of Bidders required to be disclosed as per National Treasury Regulations, Guidelines, Instruction Notes or Practice Notes.

25. USE OF BIDS

25.1 Upon submission in accordance with the requirements relating to the submission of Bids, all Bids submitted become the property of PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD. Bidders will retain all ownership rights in any intellectual property contained in the Bids.

25.2 Each Bidder, by submission of their Bid, is deemed to have licensed PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD to reproduce the whole, or any portion, of their Bid for the sole purposes of enabling PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD to evaluate the Bid.

26. BID ACCEPTANCE

All Bids received must remain open for acceptance for a minimum period of 90 (Ninety) days from the Closing Time. This period may be extended by written mutual agreement between PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD and the Bidder.

26.1 DENEL'S PROCUREMENT PHILOSOPHY

It is the policy of Pretoria Metal Pressings a Division of Denel SOC Ltd, when purchasing products, services and works, to follow a course of optimum value and efficiency by adopting best purchasing practices in Supply Chain Management, ensuring where possible that open and fair competition has prevailed, with due regard being had to the importance of:

26.1.1 The PFMA and the (PPPFA);

26.1.2 The promotion, development and support of businesses from:

- Exempted Micro Enterprises and Qualifying Small Enterprises
- Companies that are at least 51% Black Owned
- Companies that are at least 30% Black Woman Owned
- Companies that are at least 51% Black Youth Owned
- Companies that are at least 30% Black People Living with Disabilities Owned
- Companies that are Military Veteran Owned
- Companies that are owned and managed by people living in Rural Areas

Please note that:

- Any bidding company that does not meet the transformation requirements as stated above; will be required to submit a transformation plan, indicating how they plan to meet Denel's transformation requirement.
- Denel encourages its suppliers to constantly strive to improve their BBBEE rating. Whereas tenderers will be allocated points in terms of the preference point system of the PPPFA based on its BBBEE scorecard (both at panel tender stage and subsequently at the task order stage), in addition to such scoring, at this stage tenderer will be required to submit B-BBBEE improvement plan detailing how the tenderer intends improving their B-BBBEE status during the course of the contract should the order be placed on their company later.
- The impact of the amended codes of good practice on the BBBEE scorecard needs to be indicated at time of tender as well as how the organisation plans to overcome any challenges or obstacles work on the BBBEE improvement plan for each year of the contract. This will be measured in accordance with the requirement of annual verifications done and BBBEE certificates to be provided (though it must be noted that all suppliers are required to inform Denel of any change in their BBBEE status whereby failure to do so might result in termination of contract). The plans should not only cover issues of ownership, but must extend to other elements such as Skills Development, Job Creation and Supplier Development elements.
-

27. EVALUATION PROCESS

27.1 The Bids will be evaluated and adjudicated as follows:

27.1.1 Qualification – evaluation of compliance with Qualifying Criteria

Only those Bidders which satisfy all of the Qualifying Criteria will be eligible to participate in the Tendering Process further. Bids which do not satisfy all of the Qualifying Criteria will not be evaluated further.

Each offer must conform to these conditions to be eligible for further evaluation. An offer that fails to meet these conditions shall be disqualified. Mandatory conditions could include such items as required in section 27.3

27.1.2 First stage – functional evaluation

Bidders are evaluated based on the functional criteria set out in this TENDER. Only those Bidders which score **70** points or higher (out of a possible 100) during the functional evaluation will be evaluated during the second stage of the Bid. The functional evaluation will/may include a presentation by the Bidders, Pretoria Metal Pressings a Division of Denel SOC Ltd will advise bidders in advance should a presentation be required.

27.1.3 Second stage – price and preferential points

27.1.3.1 Those Bidders which have passed the initial and first stages of the tender Process will be scored on the basis of price and preference point allocation in accordance with the applicable legislation.

27.1.3.2 The successful Bidder will typically be the Bidder that scores the highest number of points in the second stage of the Bid evaluation, unless PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD exercises its right to cancel the TENDER or finds that there are valid business or transformative reasons that justify the award to a company that did not obtain the highest score.

Please note that:

- Any bidding company that do not have majority black ownership; will be required to submit their Ownership Transformation Plan and/or their Supplier Development Plan, which may assist Pretoria Metal Pressings a Division of Denel SOC Ltd to obtain their transformational objectives.

NB: Bidders are required to submit, as Annexure K to their Bids, any documentation which supports the responses provided in respect of the Qualifying Criteria and Functional Criteria below.

27.2 **Qualification: Qualifying Criteria**

27.2.1 The following Qualifying Criteria will be applied in the initial stage of the evaluation. Bidders who do not meet all of the Qualifying Criteria will not be considered for award of the tender.

27.2.2 Bidders are required to complete the table below by indicating whether they comply with the requirement by marking the appropriate column with an 'X' below. Bidders are required to submit supporting documentation evidencing their compliance with each requirement, where applicable.

Requirement	Compliant	Not compliant
Registration or Certification		
<p>If the bidder is a South African registered company, the following should be submitted:</p> <ol style="list-style-type: none"> 1. Valid Tax Clearance Certificate. 2. Valid BEE Certificate. 3. Central Supplier database proof of registration. 4. Company Registration – Proof. 5. Original Banking Details. 6. Bidder must provide the latest audited financials (required to understand the stability of the company) 7. The Bidder must have the necessary infrastructure, resources and capacity to meet Denel's requirements (bidder must provide proof thereof) 8. Bidders must be willing to supply a sample of 25Kg free of charge for evaluation purposes if requested. 		

<p>If the bidder is a foreign supplier the following should be submitted:</p> <ol style="list-style-type: none"> 1. Proof of banking details from applicable bank. 2. International suppliers having local South African operations, offices or shareholding must provide registration documents from the country of incorporation. 3. Certified copies of passports for shareholders and directors not in possession of South African identity documents. 4. Proof of the address of the registered head office. 5. Company profile confirming services / supply, organisational structure, and references of previous supply. 6. International suppliers having local South African operations/offices and/or local South African shareholders must provide a Letter of Good Standing in terms of COIDA, while international suppliers with no local South African operations, offices or shareholding must provide proof of registration with the COIDA equivalent body of the country of incorporation. 7. Valid Tax Clearance Certificate. <p>Note: Failure to meet the above requirements could result in disqualification</p>		
Experience of the Bidder		
<ol style="list-style-type: none"> 1. Detailed company profile detailing expertise and capabilities. Highlight your company's experience in providing specialised chemicals. 2. Provide a minimum of three (3) current clients with the same requirements, with contact details (contact person, title and contact number) during the last 5 years. 		
Compliance of the Bidder		
<ol style="list-style-type: none"> 1. Bidder has submitted all returnable documentation to Pretoria Metal Pressings a Division of Denel. 2. Documents are duly authorised. 		

27.3 First Stage: Functional Criteria

27.3.1 Only those Bidders which score 70 points or higher (out of a possible 100) during the functional evaluation will be evaluated during the second stage of the Bid. Bidders are required to submit supporting documentation evidencing their compliance with each requirement, where applicable.

27.3.2 The Functional Criteria that will be used to test the capability of Bidders are as follows:

Weight	Evaluation Criteria	Scoring Criteria	Bidder's response (specify years of experience as well)
60	Material offered according to specification. 7650017 Issue 3 Bidder must proof that the primary manufacturer of the Product has the capability to conform to the specification requirements by supplying a signed letter from the manufacturer stating conformance to specification. Product Data sheet/Specification of product offered to be attached.	60 = According to specification. 0 = Not according to specification.	
20	Previous Experience related to the scope by providing 3 customer references within the past 5 years. (Names, titles and contact numbers)	20 = Comply to Request (5) 10 = Partially comply (3)	
20	Comprehensiveness of the proposed delivery plan in terms of delivery lead-time.	20 = Available Ex-Stock. 10 = Partially Comply (±30 days) 0 = Does not Comply (+60 days)	

27.3.3 A minimum of 70 points out of a 100 for the functional/ evaluation will qualify the Bid to move on to the second stage of evaluation, which is price and preferential point's evaluation.

Bidders that do not score 70 points or higher at this stage of the evaluation will not be evaluated during the second stage of the evaluation.

27.4 Second Stage: Price and Preferential Points Assessment

27.4.1 Subsequent to the evaluation of Qualifying Criteria and functional criteria, the second stage of evaluation of the Bids will be in respect of price and preferential procurement only. Points will be allocated to Bidders at this stage of the evaluation in accordance with the PPPFA and the PPPFA Regulations, as follows:

Price points 80
 Preferential procurement points 20

27.4.2 Price points

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

$$P_s = 80(1 - (P_t - P_{min}) / P_{min})$$

Where:

P_s = Points scored for comparative price of tender or offer under consideration;

P_t = Comparative price of tender or offer under consideration; and

P_{min} = Comparative price of lowest acceptable tender or offer.

27.4.3 Preferential procurement points

A maximum of 20 points may be awarded in respect of preferential procurement, which points must be awarded to a tenderer for attaining their B-BBEE Status Level in accordance with the table below:

B-BBEE Status Level	Number of Points
1	20
2	18
3	16
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

An unincorporated 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.

27.4.4 Total

The total points scored by each Bidder will be calculated by adding the points scored for price (out of 80) to the points scored for preferential procurement (out of 20).

The successful Bidder will be the Bidder which has the highest total points (out of 100) for both price and preferential procurement (unless there is a basis for selecting a different successful Bidder in accordance with section 2(1) (f) of the PPPFA).

28. STATUS OF BID

28.1 Each Bid constitutes an irrevocable offer by the Bidder to PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD to provide the Services required and otherwise to satisfy the requirements of the Specification as set out in this TENDER.

28.2 A Bid must not be conditional on:

28.2.1 the Board approval of the Bidder or any related governing body of the Bidder being obtained;

28.2.2 the Bidder conducting due diligence or any other form of enquiry or investigation;

28.2.3 the Bidder (or any other party) obtaining any regulatory approval or consent;

28.2.4 the Bidder obtaining the consent or approval of any third party; or

28.2.5 The Bidder stating that it wishes to discuss or negotiate any commercial terms of the contract.

28.3 PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD may, in its absolute discretion, disregard any Bid that is, or is stated to be, subject to any one or more of the conditions detailed above (or any other relevant conditions).

28.4 PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD reserves the right to accept a Bid in part or in whole or to negotiate with a Bidder in accordance with the provisions of this TENDER and the applicable laws and regulations.

29. CLARIFICATION OF BIDS

29.1 PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD may seek clarification from and enter into discussions with any or all of the Bidders in relation to their Bid. PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD may use the information obtained when clarification is sought or discussions are had in interpreting the Bid and evaluating the cost and risk of accepting the Bid. Failure to supply clarification to the satisfaction of PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD may render the Bid liable to disqualification.

29.2 PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD is under no obligation to seek clarification of anything in a Bid and reserves the right to disregard any clarification that

PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD considers to be unsolicited or otherwise impermissible or irrelevant in accordance with the rules set out in this TENDER.

30. DISCUSSION WITH BIDDERS

- 30.1 PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD may elect to engage in detailed discussions with any one or more Bidder(s), with a view to maximising the benefits of this TENDER as measured against the evaluation criteria and in fully understanding a Bidder's offer.
- 30.2 As part of the evaluation of this Bid, PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD will invite Bidders to give a presentation to PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD in relation to their submissions.
- 30.3 PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD is under no obligation to undertake discussions with, any Bidders.
- 30.4 In addition to presentations and discussions, PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD may request some or all Bidders to:
- 30.4.1 conduct a site visit, if applicable;
 - 30.4.2 provide references or additional information; and/or
 - 30.4.3 Make themselves available for panel interviews.

31. SUCCESSFUL BIDS

- 31.1 Selection as a successful Bidder does not give rise to a contract (express or implied) between the successful Bidder and PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD for the supply of the Services. No legal relationship will exist between PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD and a successful Bidder for the supply of the Services until such time as a binding contract is executed by them.
- 31.2 PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD may, in its absolute discretion, decide not to enter into pre-contractual negotiations with a successful Bidder.
- 31.3 A Bidder is bound by its Bid and all other documents forming part of the Bidder's Response and, if selected as a successful Bidder, must enter into a contract on the basis of the Bid with or without further negotiation.

32. NO OBLIGATION TO ENTER INTO CONTRACT

- 32.1 PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD is under no obligation to appoint a successful Bidder or Bidders (as the case may be), or to enter into a contract with a successful Bidder or any other person, if it is unable to identify a Bid that complies in all relevant respects with the requirements of PRETORIA METAL PRESSINGS A DIVISION OF DENEL

SOC LTD, or if due to changed circumstances, there is no longer a need for the Services requested, or if funds are no longer available to cover the total envisaged expenditure. For the avoidance of any doubt, in these circumstances PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD will be free to proceed via any alternative process.

32.2 PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD may conduct a debriefing session for all Bidders (successful and unsuccessful). Attendance at such debriefing session is optional.

33. BIDDER WARRANTIES

33.1 By submitting a Bid, a Bidder warrants that:

- 33.1.1 it did not rely on any express or implied statement, warranty or representation, whether oral, written, or otherwise made by or on behalf of PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD, its officers, employees, or advisers other than any statement, warranty or representation expressly contained in the TENDER;
- 33.1.2 it did not use the improper assistance of PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD 's employees or information unlawfully obtained from them in compiling its Bid;
- 33.1.3 it is responsible for all costs and expenses related to the preparation and lodgement of its Bid, any subsequent negotiation, and any future process connected with or relating to the Tendering Process;
- 33.1.4 it accepts and will comply with the terms set out in this TENDER; and
- 33.1.5 It will provide additional information in a timely manner as requested by PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD to clarify any matters contained in the Bid.

34. PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD 'S RIGHTS

34.1 Notwithstanding anything else in this TENDER, and without limiting its rights at law or otherwise, PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD reserves the right, in its absolute discretion at any time, to:

- 34.1.1 cease to proceed with, or suspend the Tendering Process prior to the execution of a formal written contract;
- 34.1.2 alter the structure and/or the timing of this TENDER or the Tendering Process;
- 34.1.3 vary or extend any time or date specified in this TENDER
- 34.1.4 terminate the participation of any Bidder or any other person in the Tendering Process;

- 34.1.5 require additional information or clarification from any Bidder or any other person;
- 34.1.6 provide additional information or clarification;
- 34.1.7 negotiate with any one or more Bidder;
- 34.1.8 call for new Bid;
- 34.1.9 reject any Bid received after the Closing Time; or
- 34.1.10 Reject any Bid that does not comply with the requirements of this TENDER.

35. GOVERNING LAWS

- 35.1 This TENDER and the Tendering Process are governed by the laws of the Republic of South Africa.
- 35.2 Each Bidder must comply with all relevant laws in preparing and lodging its Bid and in taking part in the Tendering Process.
- 35.3 All Bids must be completed using the English language and all costing must be in South African Rand.

36. MANDATORY QUESTIONS

- 36.1 Bidders shall provide full and accurate answers to all (including mandatory) questions posed in this document, and, are required to explicitly state "Comply/Accept" or "Do not comply/Do not accept" (with a ✓ or an X) regarding compliance with the requirements. Where necessary, the Bidders shall substantiate their response to a specific question.

NOTE: It is mandatory for Bidders to complete or answer this part fully; failure to do so result the Bid being treated as incomplete the Bid may be disqualified.

36.1.1

This Bid is subject to the General Conditions of Contract stipulated in this Tender document.	Accept	Do not accept

36.1.2

The laws of the Republic of South Africa shall govern this Tender and the Bidders hereby accept that the courts of the Republic of South Africa shall have the jurisdiction.	Accept	Do not accept

36.1.3

<p>PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD shall not be liable for any costs incurred by the Bidder in the preparation of response to this TENDER. The preparation of response shall be made without obligation to acquire any of the items included in any Bidder's proposal or to select any proposal, or to discuss the reasons why such vendor's or any other proposal was accepted or rejected.</p>	Accept	Do not accept

36.1.4

<p>PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD may request written clarification or further information regarding any aspect of this proposal. The Bidders must supply the requested information in writing within two working days after the request has been made, otherwise the proposal may be disqualified.</p>	Accept	Do not accept

36.1.5

<p>In the case of Consortium, Joint Venture or subcontractors, Bidders are required to provide copies of signed agreements stipulating the work split and Rand value as well as the shareholding all parties involved (certified)</p>	Accept	Do not accept

36.1.6

<p>In the case of Consortium, Joint Venture or subcontractors, all Bidders are required to provide mandatory documents this includes a BEE certificate for the lead company as well as all partners/associates</p>	Accept	Do not accept

36.1.7

<p>PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD reserves the right to; cancel or reject any proposal and not to award the proposal to the lowest Bidder or award parts of the proposal to different Bidders, or not to award the proposal at all.</p>	Accept	Do not accept

36.1.8

Where applicable, Bidders are required to submit back-to-back agreements and service level agreements with their principals.	Accept	Do not accept

36.1.9

By submitting a proposal in response to this TENDER, the Bidders accept the evaluation criteria as it stands.	Accept	Do not accept

36.1.10

Where applicable, PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD reserves the right to run benchmarks on the requirement, during the evaluation and after the evaluation.	Accept	Do not accept

36.1.11

PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD reserves the right to conduct a pre-award survey during the source selection process to evaluate contractors' capabilities to meet the requirements specified in the TENDER and supporting documents.	Accept	Do not accept

36.1.12

Only the solution commercially available at the proposal closing date shall be considered. No Bids for future solutions shall be accepted.	Accept	Do not accept

36.1.13

<p>The Bidder should not qualify the proposal with own conditions.</p> <p>Caution: If the Bidder does not specifically withdraw its own conditions of proposal when called upon to do so, the proposal response shall be declared invalid.</p>	Accept	Do not accept

36.1.14

<p>Should the Bidder withdraw the proposal before the proposal validity period expires, PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD reserves the right to recover any additional expense incurred by PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD having to accept any less favourable proposal or the additional expenditure incurred by PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD in the preparation of a new TENDER and by the subsequent acceptance of any less favourable proposal.</p>	Accept	Do not accept

36.1.15

<p>Delivery of and acceptance of correspondence between PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD and the Bidder sent by prepaid registered post (by air mail if appropriate) in a correctly addressed envelope to either party's postal address or address for service of legal documents shall be deemed to have been received and accepted after (3) three days from the date of postage to the South African Post Office Ltd.</p>	Accept	Do not accept

36.1.16

<p>Should the parties at any time before and/or after the award of the proposal and prior to, and-or after conclusion of the contract fail to agree on any significant product price or service price adjustments, change in technical specification, change in services, etc.</p> <p>PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD shall be entitled within 14 (fourteen) days of such failure to agree, to recall the letter of award and cancel the proposal by giving the Bidder not less than 90 (ninety) days written notice of such cancellation, in which event all fees on which the parties failed to agree increases or decreases shall, for the duration of such notice period, remain fixed on those fee/price applicable prior to the negotiations.</p> <p>Such cancellation shall mean that PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD reserves the right to award the same proposal to next best Bidders as it deems fit.</p>	<p>Accept</p>	<p>Do not accept</p>

36.1.17

<p>In the case of a consortium or JV, each of the authorised enterprise's members and/or partners of the different enterprises must co-sign this document.</p>	<p>Accept</p>	<p>Do not accept</p>

36.1.18

<p>Any amendment or change of any nature made to this TENDER shall only be of force and effect if it is in writing, signed by PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD signatory and added to this TENDER as an addendum.</p>	<p>Accept</p>	<p>Do not accept</p>

36.1.19

Failure or neglect by either party to (at any time) enforce any of the provisions of this proposal shall not, in any manner, be construed to be a waiver of any of that party's right in that regard and in terms of this proposal. Such failure or neglect shall not, in any manner, affect the continued, unaltered validity of this proposal, or prejudice the right of that party to institute subsequent action.	Accept	Do not accept

36.1.20

<p>Bidders who make use of subcontractors.</p> <p>The proposal shall however be awarded to the Bidder as a primary contractor who shall be responsible for the management of the awarded proposal. A Bidder which was awarded the contract after scoring HDI / RDP goals is not allowed to subcontract more than 25% of the contract to a non-HDI entity. No separate contract shall be entered into between PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD and any such subcontractors. Copies of the signed agreements between the relevant parties must be attached to the proposal responses. A list of potential sub-contractors must be presented with the bid.</p>	Accept	Do not accept

36.1.21

No interest shall be payable on accounts due to the successful Bidder in an event of a dispute arising on any stipulation in the contract or payment delay's.	Accept	Do not accept

36.1.22

<p>Evaluation of Bids shall be performed by an evaluation panel established by PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD.</p> <p>Bids shall be evaluated on the basis of conformance to the required specifications as outlined in the TENDER. Points shall be allocated to each Bidder, on the basis that the maximum number of points that may be scored for price is 90, and the maximum number of preference points that may be claimed for HDI (according to the PPPFA) is 10.</p>	Accept	Do not accept

36.1.23

<p>If the successful Bidder disregards contractual specifications, this action may result in the termination of the contract.</p>	Accept	Do not accept

36.1.24

<p>The Bidders' response to this Bid, or parts of the response, shall be included as a whole or by reference in the final contract.</p>	Accept	Do not accept

36.1.25

<p>Should the evaluation of this Bid not be completed within the validity period of the Bid, PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD has discretion to extend the validity period.</p>	Accept	Do not accept

36.1.26

Upon receipt of the request to extend the validity period of the Bid, the Bidder must respond within the required time frames and in writing on whether or not he agrees to hold his original Bid response valid under the same terms and conditions for a further period.	Accept	Do not accept

36.1.27

Should the Bidder change any wording or phrase in this document, the Bid shall be evaluated as though no change has been effected and the original wording or phrasing shall be used.	Accept	Do not accept

Signature(s) of Bidder or assignee(s)

Date

Name of signing person (in block letters)

Capacity

Are you duly authorized to sign this Bid?

Name of Bidder (in block letters)

Postal address (in block letters)

Domicilium citandi et executandi in the RSA (full street address of this place) (in block letters)

.....

Telephone Number:.....FAX number.....

Cell Number.....

Email Address.....

PART D: STATEMENT OF WORK TENDER 354857

1. This Tender is for the supply of **Lead Nitrate** according to PMP specification number 7650017 Issue 3 for a three (3) year period
2. Delivery address is
1 Ruth First Street
Lotus Gardens
Pretoria West
South Africa
3. Approximate annual consumption is 40,000 Kg, however this can vary dependant on client orders received.
4. Packaging should be according to specification 7650017 issue 3 paragraph 5.1
5. Please note that penalties will be applicable for late deliveries as per the Denel Conditions of Purchase.

Annexure A - Price proposal SBD 3.2

This must be completed in full and included as Annexure A to all Bids submitted.

All prices to exclude VAT.

1. All prices from South African companies must be quoted in South African Rand (R), and for evaluation purposes the exchange rate used must be indicated.
2. All prices from foreign suppliers must be quoted in their own currency.
3. All import and export permits where applicable shall be for the suppliers account.

PAYMENT TERMS

The service provider shall note and accept Pretoria Metal Pressings a Division of Denel SOC Ltd.'s payment terms as the standard of 30 days after month-end statement



**PRICING SCHEDULE – NON-FIRM PRICES
(PURCHASES)**

NOTE: PRICE ADJUSTMENTS WILL BE ALLOWED AT THE PERIODS AND TIMES SPECIFIED IN THE BIDDING DOCUMENTS.

IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of Bidder.....Bid number.....354857
Closing Time 12:00 Closing date...15th November 2017.

OFFER TO BE VALID FOR.....DAYS FROM THE CLOSING DATE OF BID.

ITEM	QUANTITY	DESCRIPTION	BID PRICE IN RSA CURRENCY NO.**(ALL APPLICABLE TAXES INCLUDED)
------	----------	-------------	---

- Required by:.....
- At:.....
- Brand and model.....
- Country of origin.....
- Does the offer comply with the specification(s)?*YES/NO
- If not to specification, indicate deviation(s).....
- Period required for delivery.....
- Delivery: *Firm/not firm

** "all applicable taxes" includes value- added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

*Delete if not applicable

PRICE ADJUSTMENTS

A NON-FIRM PRICES SUBJECT TO ESCALATION

1. IN CASES OF PERIOD CONTRACTS, NON-FIRM PRICES WILL BE ADJUSTED (LOADED) WITH THE ASSESSED CONTRACT PRICE ADJUSTMENTS IMPLICIT IN NON-FIRM PRICES WHEN CALCULATING THE COMPARATIVE PRICES
2. IN THIS CATEGORY PRICE ESCALATIONS, WILL ONLY BE CONSIDERED IN TERMS OF THE FOLLOWING FORMULA:

$$Pa = (1 - V)Pt \left(D1 \frac{R1t}{R1o} + D2 \frac{R2t}{R2o} + D3 \frac{R3t}{R3o} + D4 \frac{R4t}{R4o} \right) + VPt$$

Where:

- Pa = The new escalated price to be calculated.
- (1-V) Pt = 85% of the original bid price. **Note that Pt must always be the original bid price and not an escalated price.**
- D1, D2. = Each factor of the bid price eg. labour, transport, clothing, footwear, etc. The total of the various factors D1, D2...etc. must add up to 100%.
- R1t, R2t..... = Index figure obtained from new index (depends on the number of factors used).
- R1o, R2o = Index figure at time of bidding.
- VPt = 15% of the original bid price. This portion of the bid price remains firm i.e. it is not subject to any price escalations.

3. The following index/indices must be used to calculate your bid price:

Index..... Dated..... Index..... Dated.....Index..... Dated.....

Index..... Dated..... Index..... Dated.....Index..... Dated.....

4. FURNISH A BREAKDOWN OF YOUR PRICE IN TERMS OF ABOVE-MENTIONED FORMULA. THE TOTAL OF THE VARIOUS FACTORS MUST ADD UP TO 100%.

FACTOR (D1, D2 etc. eg. Labour, transport etc.)	PERCENTAGE OF BID PRICE

SBD 3.2

B PRICES SUBJECT TO RATE OF EXCHANGE VARIATIONS

1. Please furnish full particulars of your financial institution, state the currencies used in the conversion of the prices of the items to South African currency, which portion of the price is subject to rate of exchange variations and the amounts remitted abroad.

PARTICULARS OF FINANCIAL INSTITUTION	ITEM NO	PRICE	CURRENCY	RATE	PORTION OF PRICE SUBJECT TO ROE	AMOUNT IN FOREIGN CURRENCY REMITTED ABROAD
				ZAR=		
				ZAR=		
				ZAR=		
				ZAR=		
				ZAR=		
				ZAR=		

2. Adjustments for rate of exchange variations during the contract period will be calculated by using the average monthly exchange rates as issued by your commercial bank for the periods indicated hereunder: (Proof from bank required)

AVERAGE MONTHLY EXCHANGE RATES FOR THE PERIOD:	DATE DOCUMENTATION MUST BE SUBMITTED TO THIS OFFICE	DATE FROM WHICH NEW CALCULATED PRICES WILL BECOME EFFECTIVE	DATE UNTIL WHICH NEW CALCULATED PRICE WILL BE EFFECTIVE

TAX CLEARANCE CERTIFICATE REQUIREMENTS

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

1. In order to meet this requirement bidder are required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
2. SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
3. The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
4. In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
5. Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website www.sars.gov.za.
6. Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za.

Note: Valid Original Tax Clearance Certificate is mandatory

3. In addition, Bidders are required to complete the following:

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

.....

3.2. Identity Number:

.....

3.3. Position occupied in the Company (director, trustee, shareholder¹):

.....

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, tax reference numbers and, if applicable, employee / personnel numbers must be indicated in paragraph 4 below.

3.8. Are you or any person connected with the bidder presently employed by the state²?

YES	NO

If so, furnish the following particulars:

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

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

.....
.....

Position occupied in the state

institution.....

Any other particulars:

.....
.....

¹ "Shareholder" means a person who owns shares in the company.

² "State" means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

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

YES	NO

If yes, did you attach proof of such authority to the bid document? (Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.)

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

.....

3.9. Did you or your spouse, or any of the company's directors/ trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months?

YES	NO

If so, furnish particulars:

.....

3.10. Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid?

YES	NO

If so, furnish particulars:

.....

3.11. Are you, or any person connected with the bidder aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid?

YES	NO

If so, furnish particulars.

.....

3.12. Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract?

YES	NO

If so, furnish particulars:

.....

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 R50 000 000 (all applicable taxes included); and**
 - **the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).**
- 1.2 The value of this bid is estimated to exceed R1 000 000 (all applicable taxes included) and therefore the 80/20 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:

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

- 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);
- (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 under 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 under 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.

3. **ADJUDICATION USING A POINT SYSTEM**

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts.
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. **POINTS AWARDED FOR PRICE**

4.1 **THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS**

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

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) & \text{or} & P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \end{array}$$

Where

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

5. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTION

- 5.1 In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	8	16
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

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

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

9. DECLARATION REGARDING 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 Total number of years the company/firm has been in business.....

9.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of 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.

WITNESSES 1. 2.

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

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

tem	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? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<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>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		

4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

SBD 8

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) Has been requested to submit a bid in response to this bid invitation;
 - (b) Could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) Provides the same goods and services as the bidder and/or is in the same line of business as the bidder

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) Methods, factors or formulas used to calculate prices;
 - (d) The intention or decision to submit or not to submit, a bid;
 - (e) The submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) Bidding with the intention not to win the bid.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.

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

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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

.....
SignatureDate

.....
Position Name of Bidder

Annexure H

Bidders are required to include, as annexure H to their Bids, certified copies of all relevant CIPC registration documents listing all members with percentages, in the case of a close corporation

Annexure I

Bidders are required, as annexure I to their Bids, to submit certified copies of the latest share certificates of the company as well of all relevant companies

Annexure J

Bidders which submit Bids as an unincorporated joint venture, consortium or other association of persons are required to submit, as Annexure J, a breakdown of how the fees and work will be split between the various people or entities which constitute the Bidder.

Annexure K

Bidders are required to include, as Annexure K to their Bids, supporting documents to their responses to the Qualifying Criteria and Evaluation Criteria.

Where the supporting document is the profile of a member of the Bidder's proposed team, this should be indicated.

Annexure L

General Conditions of Contract

Annexure M

CSD Registration Summary Report

Annexure N

PMP Specification 7650017 Issue 3