



CONFIDENTIAL

SBD 1

INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR FOLLOWING GOODS AND SERVICES REQUIREMENT FOR
DENEL SOC LTD

RFP NUMBER:	DENEL0108Group - 2020/21
CLOSING DATE:	28 SEPTEMBER 2020
CLOSING TIME:	11:00 AM
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO SIGN A WRITTEN CONTRACT WITH DENEL SOC LTD	
COMPULSORY BRIEFING SESSION: Bidders are required to attend both site inspections as per the dates below	
DATE: 04 SEPTEMBER 2020 @ 10H00 AM NOTE: BRIEFING SESSION WILL BE CONDUCTED VIA ZOOM Join Zoom Meeting https://us04web.zoom.us/j/6666743373?pwd=QlgwclpOeGxST1JqQnYycC9ONmhlQT09 Meeting ID: 666 674 3373 Passcode: 2dEff9	
BID VALIDITY PERIOD:	120 days (commencing from the RFP Closing Date)
DESCRIPTION OF BID:	APPOINTMENT OF SERVICE PROVIDER FOR PROVISION OF FREIGHT FORWARDING AND CUSTOM CLEARING SERVICES AT DENEL SOC LTD SOC LTD FOR A PERIOD OF THREE (3) YEARS WITH AN OPTION TO RENEW FOR FURTHER TWO(2) YEARS BASED ON PERFORMANCE
BID DOCUMENTS DELIVERY ADDRESS	12 BARNSELY ROAD, BENONI INDUSTRIAL SITES, BENONI, JOHANNESBURG OR PRIVATE BAG X049 BENONI, 1500, SOUTH AFRICA
ENQUIRIES	<u>DVS.Tenders@lssa.co.za</u>
For Attention:	THE SCM MANAGER
NB: Bidders must ensure that they sign the register at the reception when submitting the bids.	



CONFIDENTIAL

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF DENEL SOC LTD

BID NUMBER: DENEL0108Group – 2020/21

CLOSING DATE: 28 SEPTEMBER 2020

TIME: 11:00 AM

DESCRIPTION: REQUEST FOR PROPOSAL (RFP) FOR APPOINTMENT OF SERVICE PROVIDER FOR PROVISION OF FREIGHT FORWARDING AND CUSTOM CLEARING SERVICES AT DENEL SOC LTD SOC LTD FOR A PERIOD OF THREE (3) YEARS WITH AN OPTION TO RENEW FOR FURTHER TWO(2) YEARS BASED ON PERFORMANCE

The successful bidder will be required to fill in and sign a written Contract Form (SBD 7).

BID DOCUMENTS MAY BE DEPOSITED IN A SEALED ENVELOPE, CLEARLY INDICATING THE BID NUMBER AND SUBJECT TO,

**ATT: SCM MANAGER
12 BARNSELY ROAD, BENONI INDUSTRIAL SITES, BENONI**

It should be noted that the tender box is situated in the Security Gate of the main building 08H00 - 16H00 on Mon - Thurs & 08H00 – 12H00 on Friday.

Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.

COMPLETED SEALED BID DOCUMENTS, CLEARLY MARKED WITH THE SPECIFIC BID NUMBER MUST BE SUBMITTED AT THE ABOVE-MENTIONED ADDRESS, NO LATER THAN THE CLOSING DATE AS STIPULATED ABOVE. **(1) ORIGINAL AND ONE (1) COPY OF THE BID DOCUMENT MUST BE SUBMITTED.**

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

THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 5 OF 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT

ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:

Department: Denel Vehicle System Supply Chain
Contact Person: Nokuthula Blose
E-mail address: DVS.Tenders@lssa.co.za

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

NAME OF BIDDER

POSTAL ADDRESS

STREET ADDRESS

TELEPHONE NUMBER

CELLPHONE NUMBER

FACSIMILE NUMBER

E-MAIL ADDRESS

VAT REGISTRATION NUMBER

HAS AN ORIGINAL AND VALID TAX CLEARANCE CERTIFICATE BEEN SUBMITTED? Y/N

Tax Compliance System pin _____ and Central Supplier Database no: MAAA_____

HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE BEEN SUBMITTED? (SBD 6.1) Y/N
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?

[TICK APPLICABLE BOX]

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) ☐

A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS) ☐
A REGISTERED AUDITOR ☐

(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE)

SIGNATURE OF BIDDER

DATE

CAPACITY UNDER WHICH THIS BID IS SIGNED

INSTRUCTIONS TO BIDDER

1 Confidential information disclosure notice

- 1.1 This document may contain confidential information that is the property of Denel Vehicle Systems (DENEL SOC LTD).
- 1.2 No part of the contents may be used, copied, disclosed or conveyed in whole or in part to any party in any manner whatsoever other than for preparing a proposal in response to this Bid, without prior written permission from DENEL SOC LTD.
- 1.3 All copyright and Intellectual Property herein vests with DENEL SOC LTD.

2 Introduction

2.1 Purpose

- 2.1.1 The purpose of this Request for Bid (RFP) is an invitation to potential suppliers (hereinafter referred to as "Bidders") to submit Bids for the items/products/solutions as detailed under Annex A: Technical/solution specification.

2.2 Objectives

- 2.2.1 The following objectives must be achieved with the implementation of the above required solution:
 - 2.2.1.1 Based on the Bids submitted and the outcome of the evaluation process according to the set evaluation criteria, DENEL SOC LTD intends to select a preferred bidder/s with the view of concluding a service level agreement (SLA) where applicable with such successful bidder. The Bid shall be evaluated in terms of the PPPFA (80/20).

2.3 Queries

- 2.3.1 Should it be necessary for a bidder to obtain clarity on any matter arising from or referred to in this RFP document, please refer queries, in writing, to the contact person(s) listed below. Under no circumstances may any other employee within DENEL SOC LTD be approached for any information. Any such action may result to disqualification of a response submitted in response to the RFP. DENEL SOC LTD reserves the right to place responses to such queries on the website.

Name	Type of Query	Email address
SCM Manager	Bid Queries	DVS.Tenders@lssa.co.za

Enquiries should reference specific paragraph numbers, where appropriate.

All questions/ enquiries must be forwarded in writing not later than **22 September 2020 at 11h00**. Questions/enquiries received after 11h00 on **22 September 2020** will not be considered.

Bidders are not allowed to contact any other DENEL SOC LTD staff in the context of this tender other than the indicated official under 2.3.1.

2.4 Bid Documents

- Bids must be **hand delivered or (if couriered) reach** to **DENEL SOC LTD** by no later than **11h00 on 28 September 2020**.
- 2.4.1 Bid documents must contain **one original document, initialled on each page, and signed where required**. (Two separate envelopes: one for financials (Pricing) and the other for Technical document).
- 2.4.2 Proof of Registration on the National Treasury Central Supplier Database (CSD) – Full CSD Report to be attached. Accessible at <https://secure.csd.gov.za/> (Local Suppliers ONLY)
- 2.4.3 Valid Tax Clearance certificate and SARS Tax Pin.
- 2.4.4 Foreign supplier: submit confirmation that your company has no tax obligation in RSA (SARS Application Form accessible at <http://www.sars.gov.za>).

3 General rules and instructions

3.1 Confidentiality

- 3.1.1 The information contained in this document is of a confidential nature, and must only be used for purposes of responding to this RFP. This confidentiality clause extends to Bidder partners and/or implementation agents, whom the Bidder may decide to involve in preparing a response to this RFP.
- 3.1.2 For purposes of this process, the term "Confidential Information" shall include all technical and business information, including, without limiting the generality of the foregoing, all secret knowledge and information (including any and all financial, commercial, market, technical, functional and scientific information, and information relating to a party's strategic objectives and planning and its past, present and future research and development), technical, functional and scientific requirements and specifications, data concerning business relationships, demonstrations, processes, machinery, know-how, architectural information, information contained in a party's software and associated material and documentation, plans, designs and drawings and all material of whatever description, whether subject to or protected by copyright, patent or trademark, registered or un-registered, or otherwise disclosed or communicated before or after the date of this process.
- 3.1.3 The receiving party shall not, during the period of validity of this process, or at any time thereafter, use or disclose, directly or indirectly, the confidential information of DENEL SOC LTD (even if received before the date of this process) to any person whether in the employment of the receiving party or not, who does not take part in the performance of this process.
- 3.1.4 The receiving party shall take all such steps as may be reasonably necessary to prevent DENEL SOC LTD's confidential information coming into the possession of unauthorised third parties. In protecting the receiving party's confidential information, DENEL SOC LTD shall use the same degree of care, which does not amount to less than a reasonable degree of care, to prevent the unauthorised use or disclosure of the confidential information as the receiving party uses to protect its own confidential information.
- 3.1.5 Any documentation, software or records relating to confidential information of DENEL SOC LTD, which comes into the possession of the receiving party during the period of validity of this process or at any time thereafter or which has so come into its possession before the period of validity of this process:
 - 3.1.5.1 Shall be deemed to form part of the confidential information of DENEL SOC LTD;
 - 3.1.5.2 Shall be deemed to be the property of DENEL SOC LTD;
 - 3.1.5.3 shall not be copied, reproduced, published or circulated by the receiving party unless and to the extent that such copying is necessary for the performance of this process and all other processes as contemplated in; and
 - 3.1.5.4 Shall be surrendered to DENEL SOC LTD on demand, and in any event on the termination of the investigations and negotiations, and the receiving party shall not retain any extracts.

3.2 News and press releases

- 3.2.1 Bidders or their agents shall not make any news releases concerning this RFP or the awarding of the same or any resulting agreement(s) without the consent of, and then only in co-ordination with DENEL SOC LTD.

3.3 Precedence of documents

- 3.3.1 This RFP consists of a number of sections (see list). Where there is a contradiction in terms between the clauses, phrases, words, stipulations or terms and herein referred to generally as stipulations in this RFP and the stipulations in any other document attached hereto, or the RFP submitted hereto, the relevant stipulations in this RFP shall take precedence.
- 3.3.2 Where this RFP is silent on any matter, the relevant stipulations addressing such matter and which appears in the PPPFA shall take precedence. Bidders shall refrain from incorporating any additional stipulations in its proposal submitted in terms hereof other than in the form of a clearly marked recommendation that DENEL SOC LTD may in its sole discretion elect to import or to ignore. Any such inclusion shall not be used for any purpose of interpretation unless it has been so imported or acknowledged by DENEL SOC LTD.
- 3.3.3 It is acknowledged that all stipulations in the PPPFA are not equally applicable to all matters addressed in this RFP. It however remains the exclusive domain and election of DENEL SOC LTD as to which of these stipulations are applicable and to what extent. Bidders are hereby acknowledging that the decision of the DENEL SOC LTD in this regard is final and binding. The onus to enquire and obtain clarity in this regard rests with the vendor(s). The vendor(s) shall take care to restrict its enquiries in this regard to the most reasonable interpretations required to ensure the necessary consensus.

3.4 Preferential Procurement Reform

- 3.4.1 DENEL SOC LTD supports Black Economic Empowerment as an essential ingredient of its business. In accordance with government policy, DENEL SOC LTD insists that the private sector demonstrates its commitment and track record to Black Economic Empowerment in the areas of ownership (shareholding), skills transfer, employment equity and procurement practices (SMME Development) etc.
- 3.4.2 DENEL SOC LTD shall apply the principles of the Preferential Procurement Policy Framework Act, (Act No. 5 of 2000) with its Preferential Procurement Regulation 2011 to this proposal.
- 3.4.3 Bidders shall complete the preference certificate attached to this proposal. In the case of a consortium and subcontractors, the preference certificate must be completed for each legal entity (Annex C).

3.5 Security clearances

- 3.5.1 Employees and subcontractors of the Bidders **may** be required to be in possession of valid security clearances to the level determined by NIA or/or DENEL SOC LTD commensurate with the nature of the project activities they are involved in. The cost of obtaining suitable clearances is for the account of the bidders. The Bidders shall supply and maintain a list of personnel involved on the project indicating their clearance status.

3.6 Occupational Injuries and Diseases Act 13 of 1993

- 3.6.1 The Bidder warrants that all its employees (including the employees of any sub-contractor that may be appointed) are covered in terms of the Compensation for Occupational Injuries and Diseases Act 13 of 1993 ("COIDA") and that the cover shall remain in force for the duration of the adjudication of this bid and/ or subsequent agreement. DENEL SOC LTD reserves the right to request the Bidder to submit documentary proof of the Bidder's registration and "good standing" with the Compensation Fund, or similar proof acceptable to DENEL SOC LTD.

3.7 Instructions for submitting a proposal

- 3.7.1 One (1) original, One (1) hard copy of the Bid shall be submitted on the date of closure of the Bid.
- 3.7.1.1 The original copy must be signed in black ink by an authorised employee, agent or representative of the bidder and each and every page of the proposal shall contain the initials of same signatories.
- 3.7.2 Bidders shall submit proposal responses in accordance with the prescribed manner of submissions as specified above.
- 3.7.3 Bid must be submitted in a prescribed response format herewith reflected as **Response Format**, and be sealed in an envelope. The envelope must be marked clearly (on the outside) with the Bid Number and be addressed to **The SCM Manager**.
- 3.7.4 Bid must be submitted on or before **28 September 2020 not later than 11h00**. The bids must be dropped in the tender box at the **DENEL SOC LTD Offices; 12 Barnsley Street, Benoni Industrial Site, Benoni**; DENEL SOC LTD receives a lot of correspondence on a daily basis. Bidders are therefore urged to ensure that they clearly mark their bids with the Bid Number; register their bids and sign the register that will be provided at the reception. Failure to sign the register will lead to the bid being disqualified. Failure to submitted sealed bids could result to disqualification of bids. The onus is on the bidder to ensure that their bids get registered in the bids received register. Bidders must advise their courier companies of this instruction.
- 3.7.5 All Bids in this regard shall only be accepted if they have been registered on the bids received register before or on the closing date and stipulated time.
- 3.7.6 Bids received after the time stipulated shall not be considered.
- 3.7.7 Bid responses sent by courier must reach this office at least **36 hours** before the closing date to be registered on the bids received register. Failure to comply with this requirement shall result in your proposal being treated as a "late proposal" and shall not be entertained. Such proposal shall be returned to the respective Bidders.
- 3.7.8 **No proposal shall be accepted by DENEL SOC LTD if submitted in any manner other than as prescribed above.**

4 Reasons for disqualification

- 4.1 DENEL SOC LTD reserves the right to disqualify any bidder which does any one or more of the following, and such disqualification may take place without prior notice to the offending bidder, however the bidder shall be notified in writing of such disqualification:
 - 4.1.2 Bidders who do not submit a valid and original Tax Clearance Certificate on the closing date and time of the bid;
 - 4.1.3 Bidders who submitted incomplete information and documentation according to the requirements of this RFP;
 - 4.1.4 Bidders who submitted information that is fraudulent, factually untrue or inaccurate, for example memberships that do not exist, BEE credentials, experience, etc.
 - 4.1.5 Bidders who received information not available to other bidders through fraudulent means;
 - 4.1.6 Bidders who do not comply with *mandatory requirements* as stipulated in this RFP.
 - 4.1.7 Bidders who made false declarations on the Standard Bidding Documents, or misrepresent facts; and/or
 - 4.1.8 Bidders who are listed on the National Treasury's database of restricted suppliers

5 Closing of Bid

- 5.1 There shall be **no public opening** of the Bid received. There shall be no discussions with any enterprise until evaluation of the proposal has been complete. Any subsequent discussions shall be at the discretion of DENEL SOC LTD. Unless specifically provided for in the proposal document, bids submitted by means of telegram, telex, facsimile or similar means shall not be considered.
- 5.2 No Bids from any bidder with offices within the RSA shall be accepted if sent via the Internet or e-mail. However Bids from international bidders with no office or representation in the RSA shall be accepted if received via the Internet or e-mail before the closing date and time.
 - 5.2.1 Such Bids shall not be made available for evaluation until the original signed documentation is received within three (3) working days after the closing date, otherwise the proposal shall be disqualified. International bidders must submit proof that they do not have any offices or representation in South Africa.

6 Bid preparation

- 6.1 All additions to the proposal documents i.e. annexes, supporting documentation pamphlets, photographs, technical specifications and other support documentation covering the solution offered etc. shall be neatly bound as part of the schedule concerned.
- 6.2 All responses regarding questions posed in the annexes attached herewith shall be answered in accordance with the prescribed **RFP Response Format**.

7 Oral presentations and briefing sessions

- 7.1 Bidders who submit Bids in response to this RFP may be required to give an oral presentation, which may include, but is not limited to, an equipment/service demonstration of their proposal to DENEL SOC LTD. This provides an opportunity for the vendor to clarify or elaborate on the proposal. This is a fact finding and explanation session only and does not include negotiation. DENEL SOC LTD shall schedule the time and location of these presentations. Oral presentations are an option of DENEL SOC LTD and may or may not be conducted.

8 Evaluation Criteria for BEE

- 8.1 Points awarded for B-BBEE Status Level of Contribution
- 8.2 The value of this bid is estimated to exceed R 500 000 (all applicable taxes included) and therefore the 80/20 system shall be applicable.
- 8.3 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:
- 8.4 Preference points for this bid shall be awarded for:
 - (a) Price; and
 - (b) B-BBEE Status Level of Contribution.

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

- 8.5 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an a Verification Agency accredited by SANAS.
- 8.6 Bidders other than EMEs 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 Verification Agency accredited by SANAS.
- 8.7 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.
- 8.8 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.
- 8.9 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.
- 8.10 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.
- 8.11 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.

9 Evaluation criteria and methodology

9.1 Functional evaluation criteria

"Functionality" means the measurement according to predetermined norms of a service or commodity designed to be practical and useful, working or operating, taking into account quality, reliability, viability and durability of a service or commodity.

The need to invite and evaluate bids on the basis of functionality depends on the nature of the required commodity or service.

When inviting bids, DENEL SOC LTD indicates: -

- (i) Whether the bids will be evaluated on functionality;
- (ii) The evaluation criteria for measuring functionality;
- (iii) The weight of each criterion; and
- (iv) The applicable values as well as the minimum threshold for functionality

TERMS OF REFERENCE FOR APPOINTMENT OF SERVICE PROVIDER FOR PROVISION OF FREIGHT FORWARDING AND CUSTOM CLEARING SERVICES AT DENEL SOC LTD SOC LTD FOR A PERIOD OF THREE (3) YEARS WITH AN OPTION TO RENEW FOR FURTHER TWO (2) YEARS BASED ON PERFORMANCE

1. BACKGROUND

INVITATION OF PROFESSIONAL FREIGHT AND CLEARING AGENTS to enable Denel Soc Ltd to be able to develop an approved list for the Freight Forwarding and Custom Clearing Services for a period of Three (3) Years with an option to renew for further two years based on performance With A Minimum Of Three(3) and Maximum Five(5) Service Providers .

THEREAFTER

THROUGH AN EVALUATION PROCESS AND PRE QUALIFICATION

Develop an approved list for the Freight Forwarding and Custom Clearing Services for a fixed period of Three (3) years with an option to renew for further two years based on performance with a Minimum of Three(3) and Maximum Five(5) Service Providers.

PRE-QUALIFICATION CRITERIA:

Only respondent who meet the following pre-qualification criteria will be considered:

- 30% subcontracting to an SMME company who meets the following requirements, companies who are exempted micro enterprises(EME's) youth owned companies/MVA companies/Women Owned Companies/ Companies owned by people with disabilities.

SCHEDULE OF CONTENTS

SECTION 1:	Page No
1. NOTICE TO RESPONDENTS.....	12
2. INFORMATION REQUEST.....	12
3. FORMAL BRIEFING.....	13
4. RESPONSE SUBMISSION.....	13
5. DELIVERY INSTRUCTIONS FOR RFP.....	13
6. BROAD-BASED BLACK ECONOMIC EMPOWERMENT AND SOCIO-ECONOMIC OBLIGATIONS.....	14
7. COMMUNICATION.....	17
8. CONFIDENTIALITY	18
9. INSTRUCTIONS FOR COMPLETION OF RFP.....	18
10. STATUS OF THIS RFP AND SUBSEQUENT PROCESS.....	18
11. DISCLAIMERS.....	19
12. SECURITY CLEARANCE.....	20
13. NATIONAL TREASURY'S CENTRAL SUPPLIER DATABASE.....	20
14. TAX CLEARANCE	20
15. PROTECTION OF PERSONAL DATA.....	22
SECTION 2:	
1. RFP SCOPE OF REQUIREMENTS.....	23
2. INTRODUCTION.....	23
3. BACKGROUND.....	23
4. GENERAL SERVICE PROVIDER OBLIGATION.....	28
5. GENERAL RESPONDENT OBLIGATION.....	28
6. UNDERTAKINGS BY RESPONDENT.....	28
7. COST TO RESPOND TO THE RFP.....	29
8. AUTHORITY OF SIGNATORY.....	29
9. OFFERING OF COMMISSION OR GRATITUDE.....	29
10. UNDERTAKINGS BY DENEL SOC.....	30
11. RFP SELECTION CRITERIA.....	30
12. PAYMENT TERMS.....	30
13. PRICING.....	30

SECTION 3:

1. DENEL SOC'S RFP INFORMATION.....	31
2. REQUIREMENTS FOR RFP	31
3. TECHNICAL CAPABILITY.....	32
4. EVALUATION METHODOLOGY AND CRITERIA.....	36

SECTION 4:

1. EXPRESSION OF INTEREST.....	37
--------------------------------	----

SECTION 5:

1. CERTIFICATE OF ACQUINTANCE WITH RFP, TERMS AND CONDITIONS APPLICABLE TO RFP...	42
---	----

SECTION 6:

1. B-BBEE PREFERENCE POINTS CLAIM FORM.....	45
---	----

SECTION 7:

1. RFP CLARIFICATION REQUEST FORM.....	54
--	----

SECTION 8:

1. CERTIFICATE OF COMPULSORY RFP BRIEFING FORM.....	55
---	----

ANNEXURE A – B-BBEE IMPROVEMENT PLAN
 ANNEXURE B – NON-DISCLOSURE AGREEMENT
 ANNEXURE C – GENERAL BID CONDITIONS
 ANNEXURE D – VENDOR REGISTRATION
 ANNEXURE E – STANDARD TERMS AND CONDITIONS

RFP FOR PROVISION OF FREIGHT FORWARDING AND CUSTOM CLEARING SERVICES AT DENEL SOC LTD SOC LTD FOR A PERIOD OF THREE (3) YEARS WITH AN OPTION TO RENEW FOR FURTHER TWO (2) YEARS BASED ON PERFORMANCE

Section 1: NOTICE TO RESPONDENTS

1 INFORMATION REQUEST

Information is requested from interested persons, companies, close corporations or enterprises [hereinafter referred to as the **Respondent(s)**] to supply the aforementioned information to Denel SOC LTD SOC. Respondents are to note that only those that have responded to this RFP and who have passed the mandatory & minimum technical threshold together with the pre-qualification will form part of the approved list.

DESCRIPTION	Provision of Freight Forwarding and Custom Clearing services at Denel SOC LTD for a period of 3 years with an option to renew for further two years based on performance.
BID FEE AND BANKING DETAILS	This RFP is issued free of charge.
DOCUMENTS	The document is available for download on the NATIONAL TREASURY PORTAL via www.etenders.gov.za <u>Click on "Tender Opportunities" and select "advertised Tenders" to download RFP.</u>
ISSUE DATE	Documents will be available for download from 28 August 2020
EMAIL ADDRESS FOR COMMUNICATION	All bidders must advise the procurement representative, by return email, of their intention to respond to this RFP before the closing date; and Bidders who intend to submit a clarification question relating to this RFP must submit their clarification questions to DENEL SOC LTD. DVS.Tenders@Issa.co.za on or before 22 September 2020.
COMPULSORY / BRIEFING SESSION	A compulsory briefing session will be held on 04 September 2020 , via zoom meeting number Meeting ID: 666 674 3373 Passcode: 2dEff9

CLOSING DATE	11:00 on Wednesday 28 September 2020 Bidders must ensure that bids are delivered timeously to the correct address. As a general rule, if a bid is late or delivered to the incorrect address, it will not be accepted for consideration.
VALIDITY PERIOD	120 Business Days from Closing Date of 28 September 2020 Bidders are to note that they may be requested to extend the validity period of their bid, at the same terms and conditions, if the internal evaluation process has not been finalised within the validity period.

Any additional information or clarification will be emailed to all Respondents, if necessary.

2 FORMAL NON COMPULSORY BRIEFING SESSION

A non-compulsory RFP briefing session will be held on **04 September 2020**, through zoom meeting number: **at 10:00AM** for a period of ± 1 hour.

RESPONSE SUBMISSION

Proposals must be submitted in a sealed envelope addressed as follows:

The Secretariat, Denel Vehicle Systems

DESCRIPTION: INVITATION OF PROFESSIONAL SERVICE PROVIDER TO BE INCLUDED AS PART OF THE APPROVED LIST FOR FREIGHT FORWARDING AND CUSTOM CLEARING SERVICES FOR DENEL SOC LTD SOC LTD FOR A FIXED PERIOD OF THREE YEARS WITH AN OPTION TO RENEW FOR FURTHER TWO YEARS BASED ON PERFORMANCE.

Closing date and time: **28 September 2020, 11:00AM**

Closing address: **Denel Vehicle System, 12 Barnsley Road, Benoni**

All envelopes must reflect the return address of the Respondent on the reverse side.

3 DELIVERY INSTRUCTIONS FOR RFP

Delivery by hand

If delivered by hand, the envelope is must be deposited in the Denel SOC LTD tender box which is located at security gate, 12 Barnsley Road, Benoni and must be addressed as follows:

THE SECRETARIAT
DENEL VEHICLE SYSTEM
12 BARNSELEY ROAD
BENONI
TENDER BOX

The measurements of the "tender slot" are 400mm wide x 100mm high, and Respondents must please ensure that response documents or files are no larger than the above dimensions. Responses which are too bulky [i.e. more than 100mm thick] must be split into two or more files, and placed in separate envelopes, each such envelope to be addressed as required in paragraph 0 above.

Dispatch by courier

If dispatched by courier, the envelope must be addressed as follows and delivered to the Office of The Secretariat, Supply Chain Manager and a signature obtained from that Office:

Denel Vehicle Systems, 12 Barnsley Street, Benoni

If responses are not delivered as stipulated herein, such responses will not be considered.

No email or faxed responses will be considered, unless otherwise stated herein.

The responses to this RFP will be opened as soon as possible after the closing date and time.

Denel SOC LTD shall not, at the opening of responses, disclose to any other company any Confidential details pertaining to the Proposals / information received, i.e. pricing, delivery, etc.

The names and locations of the Respondents will be divulged to other Respondents upon request.

Envelopes must NOT contain documents relating to any RFP other than that shown on the envelope.

4 BROAD-BASED BLACK ECONOMIC EMPOWERMENT AND SOCIO-ECONOMIC OBLIGATIONS

As described in more detail in the attached B-BBEE Claim Form and as prescribed in terms of the Preferential Procurement Policy Framework Act (PPPFA), Act 5 of 2000 and its Regulations, Respondents are to note that Denel SOC LTD will allow a "preference" to companies who provide valid proof of their B-BBEE status based on the latest Codes of Good Practice or Sector Code (if applicable).

Respondents are required to complete Section 8 [the B-BBEE Preference Point Claim Form] and submit it together with proof of their B-BBEE Status as stipulated in the Claim Form in order to obtain preference points for their B-BBEE status. The B-BBEE Preference Point System 90/10 or 80/20 will only be evaluated at stage 2 of the process after framing of the approved list.

a) B-BBEE Joint Ventures or Consortiums

Respondents who would wish to respond to this RFP as a Joint Venture [**JV**] or consortium with B-BBEE entities, must state their intention to do so in their RFP submission. Such Respondents must also submit a signed JV or consortium agreement between the parties clearly stating the percentage [%] split of business and the associated responsibilities of each party. If such a JV or consortium agreement is unavailable, the partners must submit confirmation in writing of their intention to enter into a JV or consortium agreement should they be awarded business by Denel SOC LTD through this RFP process. This written confirmation must clearly indicate the percentage [%] split of business and the responsibilities of each party. In such cases, award of business will only take place once a signed copy of a JV or consortium agreement is submitted to Denel SOC LTD.

Respondents are to note the requirements for B-BBEE compliance of JVs or consortiums as required by Section 8 [the B-BBEE Preference Point Claim Form] and submit it together with proof of their B-BBEE Status as stipulated in the Claim Form in order to obtain preference points for their B-BBEE status.

Bidders may choose during the subsequent RFP process to enter into a Joint Venture with B-BBEE companies. RFP Bidders will also be required to submit a signed JV agreement between the parties clearly stating the percentage [%] split of business and the associated responsibilities of each party. Alternatively, if such a JV or consortium agreement is unavailable, the partners must submit confirmation in writing of their intention to enter into a JV or consortium agreement should they be awarded business by Denel SOC LTD Denel SOC through the RFP process. This written confirmation must clearly indicate the percentage [%] split of business and the responsibilities of each party. In such cases, award of business will only take place once a signed copy of a JV or consortium agreement is submitted to Denel SOC LTD.

Respondents are to note the requirements for B-BBEE compliance of JVs or consortiums as required by Section 6 [the B-BBEE Preference Point Claim Form] and submit it together with proof of their B-BBEE Status as stipulated in the Claim Form in order to obtain preference points for their B-BBEE status.

Note: Failure to submit a valid and original B-BBEE certificate for the JV or a certified copy thereof at the Closing Date of this RFP will result in a score of zero being allocated for B-BBEE.

Please indicate below whether your entity has an existing JV, and if so, provide details, including details of the percentage split of business, or whether your entity intends to create a JV relationship for RFP purposes:

b) Subcontracting

Denel SOC LTD fully endorses Government's transformation and empowerment objectives and when contemplating subcontracting during the subsequent RFP process, Respondents are requested to give preference to companies which are Black Owned, Black Women Owned, Black Youth Owned, owned by Black People with Disabilities, EMEs and QSEs including any companies designated as B-BBEE Facilitators.

Respondents are required to submit proof of the subcontracting arrangement between themselves and the subcontractor. Proof of the subcontracting arrangement may include a subcontracting agreement.

Respondents are to note that it is their responsibility to select competent subcontractors that meet all requirements of the bid so that their bid is not jeopardised by the subcontractor when evaluated. Respondents are responsible for all due diligence on their subcontractors.

If contemplating subcontracting, a Respondent will not be awarded points for B-BBEE if it is indicated in its Proposal that such Respondent intends subcontracting more than 25% [twenty-five percent] of the value of the contract to an entity/entities that do not qualify for at least the same points that the Respondent qualifies for, unless the intended subcontractor is an EME with the capability to execute the contract.

Respondent/s are discouraged from subcontracting with their subsidiary companies as this may be interpreted as subcontracting with themselves and / or using their subsidiaries for fronting. Where a Respondent intends to subcontract with their subsidiary this must be declared in their bid response.

The successful Respondent awarded the contract/order may only enter into a subcontracting arrangement with Denel SOC LTD 's prior approval.

The contract will be concluded between the successful Respondent and Denel SOC LTD, therefore, the successful Respondent and not the sub-contractor will be held liable for performance in terms of its contractual obligations.

A Respondent awarded a contract in relation to a designated sector, may not subcontract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.

A person awarded a contract may not subcontract more than 25% [twenty-five percent] 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 subcontracted to an EME that has the capability and ability to execute the subcontract.

In terms of Section 6 of this RFP [the B-BBEE Preference Point Claim Form] Respondents are required to indicate the percentage of the contract that will be sub-contracted as well as the B-BBEE status of the sub-contractor/s.

Please indicate below whether your entity has an existing subcontractor(s), and if so, provide details, including details of the percentage of the contract that will be sub-contracted as well as the B-BBEE status of the sub-contractor/s, or whether your entity intends to create a subcontracting relationship for RFP purposes:

5 COMMUNICATION

- 5.1 For specific queries relating to this RFP a Clarification Request Form should be submitted to [Nokuthula Blose] before **11:00 on the 22th September 2020** on **DVS.Tenders@Issa.co.za** substantially in the form set out in Section 7. In the interest of fairness and transparency Denel SOC LTD's response to such a query will then be made available to the other Respondents who have collected RFP documents. For this purpose Denel SOC LTD will communicate with Respondents using the contact details provided to the Secretariat on issue of the bid documentation to the Respondent. Kindly ensure that you provide the Secretariat with the **correct** contact details, as Denel SOC LTD will not accept responsibility for being unable to contact a bidder who provided incorrect contact details.
- 5.2 After the closing date of the RFP a Respondent may only communicate with the Secretariat of the Denel SOC LTD Supply Chain, at, email DVS.Tenders@Issa.co.za any matter relating to its RFP Proposal.

5.3 Respondents are to note that changes to its submission will not be considered after the closing date.

Respondents are warned that a Proposal may be liable to disqualification should any attempt be made by a Respondent either directly or indirectly to canvass any officer or employee of Denel SOC LTD in respect of this RFP between the closing date and the date of the award of the business. Furthermore, Respondents found to be in collusion with one another will be automatically disqualified and restricted from doing business with Denel SOC LTD in the future.

6 CONFIDENTIALITY

All information related to this RFP is to be treated with strict confidence. In this regard Respondents are required to certify that they have acquainted themselves with the Non-Disclosure Agreement. All information related to a subsequent contract, both during and after completion thereof, will be treated with strict confidence. Should the need however arise to divulge any information gleaned from provision of the Goods, which is either directly or indirectly related to Denel SOC LTD 's business, written approval to divulge such information must be obtained from Denel SOC LTD .

7 INSTRUCTIONS FOR COMPLETION OF RFP

RFP proposals must be submitted in duplicate hard copies [1 original and 1 copy] and must be bound.

All returnable documents listed in the expression of interest [section 4] in this RFP must be returned with your submission.

The person or persons signing the submission must be legally authorised by the respondent to do so.

8 STATUS OF THIS RFP AND SUBSEQUENT PROCESS

It is envisaged that Respondents to this RFP will be subjected to pre-qualification criteria and will be shortlisted in order to proceed to a second stage of evaluation.

This RFP is not an offer to purchase and Denel SOC LTD is under no obligation to accept any proposals in this process and/or the subsequent RFP which may be issued hereafter.

Respondents who pass the pre-qualification criteria and who pass the minimum technical threshold will be considered for the approved list of suppliers.

9 DISCLAIMERS

Respondents are hereby advised that Denel SOC LTD is not committed to any course of action as a result of its issuance of this RFP and/or its receipt of submissions in response to it. In particular, please note that Denel SOC LTD reserves the right and at its sole and full discretion to:

- a) utilise any information provided to it in response to this RFP to draft the scope of requirements for inclusion in an RFP;
- b) take no further action whatsoever, if it so decides
- c) withdraw from this process and the provisions of this project at any time;
- d) select the RFP and RFP participants based on Denel SOC LTD 's criteria;
- e) change the dates of adjudication and submission;
- f) not invite RFP respondents for further participation in the RFP process;
- g) not bind itself to accept any or all of the RFP;
- h) increase or decrease the quantities/scope as indicated in the RFP;
- i) Validate any information submitted by Respondents in response to this bid. This would include, but is not limited to, requesting the Respondents to provide supporting evidence. By submitting a bid, Respondents hereby irrevocably grant the necessary consent to Denel SOC LTD to do so;
- j) request audited financial statements or other documentation for the purposes of a due diligence exercise; and/or
- k) Not accept any changes or purported changes by the Respondent to the bid rates after the closing date and/or after the award of the business, unless the contract specifically provides for it.
- l) Enter into price negotiations with the preferred bidder/s.

Denel SOC LTD's decisions will be final and no correspondence will be entered into after the selection process. You will be formally notified of your result.

An RFP will only be deemed accepted once written notice is given by Denel SOC LTD to the Successful Respondent(s) and after any amendments have been documented and agreed to. Kindly note that Denel SOC LTD will not reimburse any Respondent for any preparatory costs or other work performed in connection with this submission.

10. SECURITY CLEARANCE

Acceptance of this bid could be subject to the condition that the Successful Respondent, its personnel providing the goods and its subcontractor(s) must obtain security clearance from the appropriate authorities to the level of **CONFIDENTIAL/ SECRET/TOP SECRET**. Obtaining the required clearance is the responsibility of the Successful Respondent. Acceptance of the bid is also subject to the condition that the Successful Respondent will implement all such security measures as the safe performance of the contract may require.

11. NATIONAL TREASURY'S CENTRAL SUPPLIER DATABASE

Respondents are required to self-register on National Treasury's Central Supplier Database (CSD) which has been established to centrally administer supplier information for all organs of state and facilitate the verification of certain key supplier information. Respondents must register on the CSD prior to submitting their bids. Business may not be awarded to a Respondent who has failed to register on the CSD. Only foreign suppliers with no local registered entity need not register on the CSD. The CSD can be accessed at <https://secure.csd.gov.za/>. Respondents are required to provide the following to Denel SOC LTD in order to enable it to verify information on the CSD:

Supplier Number: _____ unique registration reference
Number: _____.

12. TAX COMPLIANCE

Respondents must be compliant when submitting a proposal to Denel SOC LTD and remain compliant for the entire contract term with all applicable tax legislation, including but not limited to the Income Tax Act, 1962 (Act No. 58 of 1962) and Value Added Tax Act, 1991 (Act No. 89 of 1991).

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

The Tax Compliance status requirements are also applicable to foreign respondents / individuals who wish to submit bids as indicated in paragraph 14.2 below.

For this purpose, the attached ANNEXURESTANDARD BIDDING DOCUMENT (SBD1) must be completed and submitted as an essential returnable document by the closing date and time of the bid.

It is a requirement that bidders grant a written confirmation when submitting this bid that SARS may on an ongoing basis during the tenure of the contract disclose the bidder's tax compliance status and by submitting this bid such confirmation is deemed to have been granted.

Respondents are required to be registered on the Central Supplier Database as indicated in paragraph 13 and the National Treasury shall verify the bidder's tax compliance status through the Central Supplier Database.

Where Consortia / Joint Ventures / Sub-contractors are involved, each party must be registered on the Central Supplier Database and their tax compliance status will be verified through the Central Supplier Database.

NEW TAX COMPLIANCE STATUS (TCS) SYSTEM

SARS has implemented a new Tax Compliance Status (TCS) system in terms of which a taxpayer is now able to authorise any 3rd party to verify its compliance status in one of two ways: either through the use of an electronic access PIN or through the use of a Tax Clearance Certificate obtained from the new TCS system.

Respondents are required to provide the following to Denel SOC LTD in order to enable it to verify their tax compliance status:

Tax reference number: _____

Tax Clearance Certificate & TCC Number: _____ and PIN: _____.

TAX COMPLIANCE REQUIREMENTS FOR FOREIGN ENTITIES

Where foreign bidders with no presence in South Africa, seek to obtain a Tax Clearance Certificate in order to meet the tax compliance requirements mentioned in 1 above, they must confirm an answer of "No" to all questions below:

- a) Is the entity a tax resident of the Republic of South Africa (RSA)?
- b) Does the entity have a branch/locally registered entity in the RSA?
- c) Does the entity have a permanent establishment in the RSA?
- d) Does the entity have any source of income (income is defined as per the Income Tax Act 58 of 1962 as the amount remaining of the gross income of any person for any year

- e) or period of assessment after deducting therefrom any amounts exempt from normal tax under Part I of Chapter II of the Act) in the RSA in the current tax year?
- f) Is the entity liable in the RSA for any form of taxation in the current tax year?

Where a foreign entity's answer to all questions above is "No", Denel SOC LTD will submit the STANDARD BIDDING DOCUMENT (SBD1) application form to SARS using the following email address: GovernmentInstitute@sars.gov.za and providing the following information to SARS:

- Details of the foreign entity;
- Description of the service being provided; and
- Name of the South African Government Institution to whom the Service is being provided.

If a Respondent's answers to any one (or more) of the questions in a) to e) above changes to a "Yes" at any time during the bid process and/or after award of the contract (should a particular Respondent be successful), then the Respondent undertakes to comply with its tax obligations and to report to Denel SOC LTD accordingly.

13. PROTECTION OF PERSONAL DATA

In responding to this bid, Denel SOC LTD acknowledges that it may obtain and have access to personal data of the Respondents. Denel SOC LTD agrees that it shall only process the information disclosed by Respondents in their response to this bid for the purpose of evaluating and subsequent award of business and in accordance with any applicable law. Furthermore, Denel SOC LTD will not otherwise modify, amend or alter any personal data submitted by Respondents or disclose or permit the disclosure of any personal data to any Third Party without the prior written consent from the Respondents. Similarly, Denel SOC LTD requires Respondents to process any personal information disclosed by Denel SOC LTD in the bidding process in the same manner. The detailed mutual duties of Denel SOC LTD and the Respondents to protect personal information are contained in paragraph 37 of the General Bid Conditions.

**RFP FOR PROVISION OF FREIGHT FORWARDING AND CUSTOM CLEARING SERVICES AT
DENEL SOC LTD SOC LTD FOR A PERIOD OF THREE (3) YEARS WITH AN OPTION TO RENEW
FOR FURTHER TWO (2) YEARS BASED ON PERFORMANCE DENEL SOC LTD**

Section 2: RFP SCOPE OF REQUIREMENTS

1. INTRODUCTION

Denel SOC LTD is wholly owned by the South African Government and operates as a corporate entity. It has seven divisions, namely **Denel SOC LTD OTR Bredasdorp, Denel SOC LTD Vehicle Systems (DENEL SOC LTD) Benoni, Denel SOC LTD Land Systems (DLS) Centurion, Denel SOC LTD Dynamics (DD) Centurion, Denel SOC LTD Aeronautics (Aero) Kempton Park, Denel SOC LTD Corporate (which includes Denel SOC LTD Property) Centurion, Denel SOC LTD PMP Pretoria West.** Denel SOC LTD requires services of freight clearing and freight forwarding service for execution of their operations.

2. BACKGROUND

Following the conclusion of this RFP process, Denel SOC LTD's intention is to frame an Approved List with technically compliant Respondents and thereafter conclude Framework Agreements. Denel SOC LTD is seeking partner(s) to provide Freight Clearing, Forwarding Services; the receipt, storage, handling and transportation from the point of origin to the point of destination of the shipment; it also seeks to improve its current processes for providing these Services to its end-user community throughout its locations. The selected Service Provider(s) will share in the mission and business objectives of Denel SOC LTD.

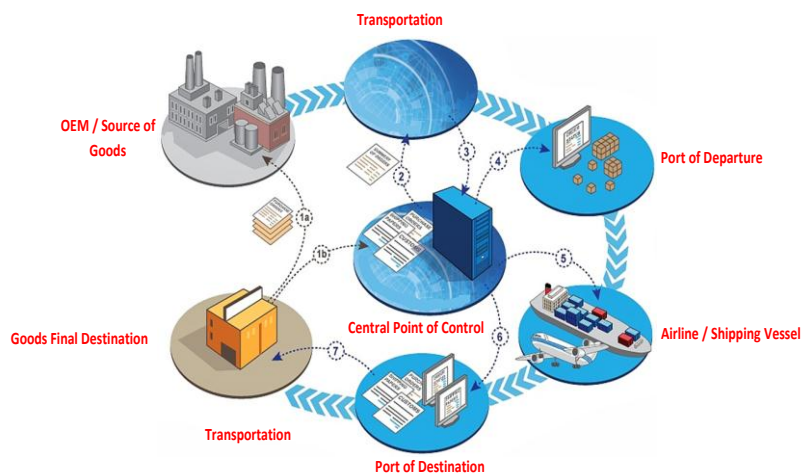
The Respondent shall provide full **clearing and forwarding services "as and when" requested** by Denel SOC LTD in its capacity as a certified clearing and forwarding company by South African Receiver of Revenue (SARS). The Respondent shall at all times follow the instructions given by the responsible Denel SOC LTD representative notwithstanding its obligation to advise on better conditions available in terms of tariffs, carriers, and commercial terms. The Respondent shall provide services with the objective of avoiding demurrage, and cargo being impounded by the states warehouse and always update Denel SOC LTD on status of shipments under clearance. Copies of Shipment Documents shall be available to Denel SOC LTD without any delay for purposes of formalizing tax payments.

Following the conclusion of the RFP process, Denel SOC LTD's intention is to frame an Approved List with successful Respondents and thereafter conclude Framework Agreements.

Your submission should include in detail your proposed methodology and preliminary program of expected activities from submissions thereto. The approved list will be for a fixed period of three (3) years with an option to renew for further 2 years subject to performance and thereafter it gets dissolved.

3. SCOPE OF REQUIREMENTS

- Provide "end to end" freight clearing and forwarding services (Successful Respondents are required to provide an "end to end" service, from the country of origin to final destination, be it Sea/Air, Rail/Road, Import and / or Export Shipment, as shown in the diagram below).



Activities for each stage in the value chain are outlined in the Table 1.0 below.

Table 1.0

CARGO STAGES	ACTIVITIES
Original Equipment Manufacturer (OEM) / Source of Goods	Loading, stuffing, lashing and clearing
Transportation	Road, Rail and Load/Off Load including security
Port of Departure	Loading, Port Handling and Storage

Airline / Shipping Vessel	Pick up/load, Data entry, Transit and Cargo Clearance
Port of Destination	Off-loading, Port Handling and Storage
Transportation	Loading Road and Rail including security
Goods Final Destination	Off-Load

- Surface Transportation in between clearing of loads and from port to final Denel SOC LTD destination to cover the last mile of delivery.
- The following are pre-requisites of service for point to point transportation and the last mile.
 - Rubber Mats
 - Lashing material
 - Chain and Straps
 - Tarpaulins
 - Crane or Mobile Fork lift
 - Air suspension trucks
 - Shock protection devices for extreme sensitive products in transit.
 - Arrangement of related permits (abnormal loads)
 - Security Escort Service

Category A:

Airports/ Seaports to Rail/Road Import and or Exports Consignments: Successful Respondents shall be responsible for the receipt, storage, handling and customs clearance and transportation from the point of origin to the point of destination of the shipment (refer to Annexure E) the Bill of Material (BOM) and the list of Denel SOC LTD sites.

A detailed operational plan drafted by the service provider will govern the day to day operations of the service being rendered which will include reporting, tracking and monitoring inclusive of the management of abnormal loads.

The Successful Respondent shall provide the below services but not limited to:

- Provide its services to Denel SOC LTD on a priority basis as and when required;

- Provide the necessary equipment, facilities, qualified personnel, expertise and other means necessary to perform the customs clearance, freight forwarding, transportation and related services in accordance with the best commercial practice;
- For each shipment, Denel SOC LTD will issue Works/Purchase Order/ SAP ESS Shipping instruction giving a description and relevant particulars of the goods, point of origin, ultimate destination, name and address of the supplier, terms of delivery etc.
- Perform necessary liaison and coordination in connection with customs clearance handling and general movement of the cargo and the equipment between the port authorities, customs representatives, port terminals, and operational units;
- Ensure that the number of pieces, dimensions of each piece, description of items, the packing and the gross weight and markings are in accordance with the information submitted.
- Give timely notice of any loss, damage or delay in respect of the goods as required;
- Prepay or arrange prepayment of, all applicable charges, from the point of delivery by the Supplier as indicated in the Bill of Lading, Works/Purchase Order, Shipping Instruction date of goods received, the number of pieces, goods volume and weight, description of the goods, invoice number, Suppliers invoice number, currency and amount, point of origin, delivery point/port of loading and port of discharge and submit/inform Denel SOC LTD as soon as shipping arrangements have been finalised;
- Carry out handling and storage /warehousing of consignments;
- Provide all necessary packaging where required;
- Secure specialised vehicles for transporting oversized cargo, hazardous material as per cargo requirements; cargoes may comprise of raw materials, consumables, spares, accessories, tools, Capital Goods, Software etc. Some of the materials may be classified as Hazardous, Perishable, Dangerous, Corrosive or Photo Sensitive and may require careful handling/special storage and also warrant special arrangements for road/ air transportation in consultation with supplier;
- Be responsible for damage to/and loss of cargo while in transit or while in storage under the custody of the Respondent, the liability shall be the Respondents sole responsibility (related goods in-transit insurance);
- The Respondent shall obtain and maintain, for the duration of the work, adequate insurance against all risks in respect of which it is obliged to indemnify Denel SOC LTD under the work allocated;
- In the event the Respondent provides the services through its agents or affiliates, all services provided by such agents and affiliates of the Respondents shall be deemed to have been

provided by the Respondent, and the Respondent shall remain responsible for the actions of its agents and affiliates performing the work;

- The customs formalities to be completed for cross-border traffic must be dealt with punctually and be treated according to instructions by the Respondent;
- The Respondent are required to demonstrate the ability to handle comprehensive freight forwarding, customs clearing, exports, imports, logistics services and logistics consulting for Denel SOC LTD projects, capital purchases and operational material in and from all countries of supply;
- The Respondent may be required to demonstrate capability and capacity of handling the transportation of containerized, break bulk, fragile and abnormal loads as designated by Denel SOC LTD from time to time, to the nominated delivery destinations in the Republic of South Africa or elsewhere with regards to exports. The cargo to be transported could be break bulk, containerized, fragile and staged projects;
- Respondents will be required to demonstrate packing, freight handling, forwarding, cargo storage, customs clearance, customs inspections and other related services that apply to shipments originating from, consigned to, routed through, and or moved from country of origin to its destination; and
- Respondents will be required to provide resources necessary to accomplish all work as required by Denel SOC LTD.
- It is prerequisite that the service provider must have a real time internet based track & trace system; this would enable "real time" shipment progress and monitoring by the customer.
- Respondents also need to indicate the ability to manage bonded warehousing.

Denel SOC LTD 's supplier base is located primarily in the United Kingdom, Europe (North West Continent and Italy), UAE, North and South America, Canada, China, Japan, Australia and Africa (Swaziland, Zimbabwe, Mozambique, Nigeria, Saudi Arabia, Zambia and Botswana) Sweden, Finland, Italy, Belgium, Germany, USA, Pakistan, France, Great Britain, Algeria, Switzerland, Canada Malaysia, India, Columbia, Sudan.

Purchase terms with these suppliers vary from Ex Works (EXW); supplier's manufacturing works through to Delivered, Deliver at place (DAP) final destination, South Africa (ICC Incoterms 2010 & 2020 basis). It will be therefore be incumbent on the appointed service provider to have demonstrated a global capability, whether through its own global footprint or through association with third party service providers

4. GENERAL SERVICE PROVIDER OBLIGATIONS

The Service Provider(s) shall be fully responsible to Denel SOC LTD for the acts and omissions of persons directly or indirectly employed by them.

The Service Provider(s) must comply with the requirements stated in this RFP.

As and when import and export opportunities arise, all approved suppliers will be invited to quote for that particular procurement event. Respondents will be required to submit a detailed cost breakdown for services which are not included in the pricing schedule of the Framework Agreement(s). The pricing schedule submitted by approved suppliers will also be used for the benchmarking exercise with the OEM prices to identify cost drivers which can be negotiated with suppliers for further total price reduction.

5. GENERAL RESPONDENT OBLIGATIONS

The Respondent(s) shall be fully responsible to Denel SOC LTD for the acts and omissions of persons directly or indirectly employed by them.

The Respondent (s) must comply with the requirements stated in this RFP.

6. CONFIDENTIALITY AND COMPLIANCE

This RFP and information contained herein or provided for purposes thereof, remain the property of Denel SOC LTD and may not be reproduced, sold or otherwise disposed of. All recipients of this document (whether a RFP is submitted or not) shall treat the details of this document as strictly private and confidential.

Information disclosed in this RFP is given in good faith and only for the purposes of providing sufficient information to the Respondent to enable submission of a well-informed and realistic RFP.

7. UNDERTAKINGS BY RESPONDENT

It will be accepted that the Respondent, on submitting the RFP response, has read, understood and accepted all the terms and conditions of the document. The submission of an RFP by any Respondent shall presume complete acceptance of the terms and conditions of the document. All qualifications and or exceptions should be noted in the RFP Response document.

8. COSTS TO RESPOND TO THE RFP

All Respondents wishing to submit a RFP response must be in possession of this document, the RFP. Denel SOC LTD will not be responsible for or pay any expense or losses which may be incurred by any Respondent in the preparation and submission of the RFP and the costs of the RFP at all stages of the RFP process. Costs, if any, will be for each Respondent's own account.

Denel SOC LTD reserves the right to invite certain Respondents to present or otherwise demonstrate their proposed solution as per their RFP, at the Respondent's own cost.

9. AUTHORITY OF SIGNATORY

If the RFP Respondent is a company, a certified copy of the resolution of the Board of Directors (i.e. Personally signed by the Chairman or Secretary of the Board) authorising the person who signs this RFP to do so and any other documents and correspondence in connection with this RFP and/or Agreement on behalf of the company must be submitted with their RFP.

If the RFP Respondent is a partnership, a certified copy of the resolution of the partners (personally signed by all the partners) authorising the person who signs this RFP to do so and any other documents and correspondence in connection with this RFP and/or agreement on behalf of the partnership, must be submitted with this RFP.

If the RFP Respondent constitutes a "one-man business", certified proof must be submitted that the person signing this RFP and any other documents and correspondence in connection with this RFP and/or agreement is the sole owner of the one-man business.

Failure to comply with this clause may result in rejection of the RFP response.

10. OFFERING OF COMMISSION OR GRATUITY

If a Respondent, or any person employed by him, is found to have either directly or indirectly offered, promised or given to any person in the employ of Denel SOC LTD, any commission, gratuity, gift or other consideration, Denel SOC LTD shall have the right and without prejudice to any other legal remedy which it may have in regard to any loss or additional cost or expenses, to disqualify the RFP Respondent from further participation in this process and any other subsequent processes in this regard. The RFP Respondent will be responsible for all and any loss that Denel SOC LTD may suffer as

a result thereof. In addition, Denel SOC LTD reserves the right to exclude such a Respondent from future business with Denel SOC LTD.

11. UNDERTAKING BY DENEL SOC LTD

In responding to this RFP, Denel SOC LTD encourages all RFP Respondents to put their best effort into the construction and development of the proposal.

The RFP process will include due governance.

12. RFP SELECTION CRITERIA

The following selection criteria will be used as a guide for adjudicating Respondents. It should be noted that the weighting represents a "balanced scorecard" for selection.

Specific detailed items that are important for the Respondent to consider in the response preparation process include:

- Quality of presentation, reply to the RFP and attention to required detail during the selection process.
- Compliance with the terms and conditions of the RFP documents.
- Satisfaction of the project objectives.

13. PAYMENT TERMS

The service provider shall note and accept Denel SOC LTD's payment terms as the standard of 60 days after month-end statement.

14. PRICING

The service provider shall provide fixed annual service pricing, excluding statutory costs, which shall be charged at the prevailing rate when service delivery takes place.

RFP FOR PROVISION OF FREIGHT FORWARDING AND CUSTOM CLEARING SERVICES AT DENEL SOC LTD SOC LTD FOR A PERIOD OF THREE (3) YEARS WITH AN OPTION TO RENEW FOR FURTHER TWO (2) YEARS BASED ON PERFORMANCE

Section 3: DENEL SOC LTD 'S RFP INFORMATION

1. REQUIREMENTS FOR RFP

Respondents expressing an interest to participate in this RFP stage must qualify in terms of the minimum predetermined requirements and have the capability to provide the full range of Services, as set out below:

Minimum Eligibility Criteria are as follows:

Technical Submission;

Respondents must be licenced with SARS as a remover of goods in bond (provide valid certificate or licence number provided by SARS); and

Respondent is licensed with SARS as a Clearing Agent (provide valid certificate or licence number provided by SARS).

- Minimum of company 5 years' experience relevant in freight clearing and forwarding Showing the ability to support the financial requirements to SARS with Denel SOC LTD 's requirements (Vat and Duties)
- Proof of public liability insurance
- SAPS registered for movement of dangerous cargo and explosives

NCACC REGISTRATION

Dangerous goods Registration

2. TECHNICAL CAPABILITY

Technical Compliance (MANDATORY)

Respondents are required to indicate their existing technical capability by ticking the applicable box in the table below:

Substantive Responsiveness Check -Airports/ Seaports to Rail/Road Import and or Exports Consignments	RFP Reference	Comply	Not Comply
Whether any Technical pre-qualification set by Denel SOC LTD have been met as follows: <ul style="list-style-type: none"> Minimum of 5 years' company experience relevant in freight clearing and forwarding(proven by reference letters); Whether the Respondent is licenced with SARS as a remover of goods in bond (provide valid certificate or licence number); and Whether the Respondent is licensed with SARS as a Clearing Agent (provide valid certificate or licence number); and Does your company cater for express cargo? 			
<ul style="list-style-type: none"> NCACC/NPC/SAPS Registration for transporting the controlled components : (Controlled items only) Certificate of registration to be attached. SAPS Certification NPA Certification DG Registration Certificate [Registered Staff & Designation Details] ITAC Registration Non- Controlled items NP registration Security 			

Insurance: <ul style="list-style-type: none"> Respondent should have existing Public liability insurance; and proof of insurance must be attached. Respondent is willing to provide insurance per project as allocated by Denel SOC LTD. Provide (Proof of Business Continuity programme). 			

3. Technical Evaluation Criteria

The tender will be evaluated in accordance with the PPPFA 80/20 principle against the following Criteria. Note: Functionality scoring will be on the sliding scale as per the below table:

SCORE	DESCRIPTION
1 - Poor	Unacceptable, does not meet set criteria
2 - Average	Compliance to the requirements
3 - Good	Satisfactory should be adequate for stated elements
4 - Very Good	Above average compliance to the requirement
5 - Excellent	Meets and exceeds the functionality requirements

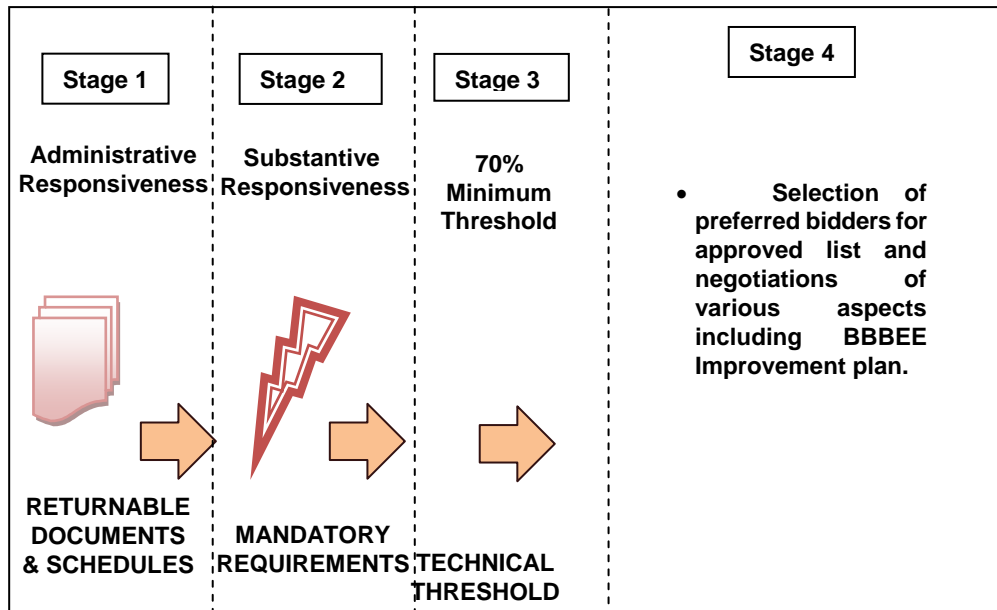
Technical Criteria: Sea/Air to Rail/Road Import/Export Shipment	% Weight	Weighting / evidence
Management Structure <ul style="list-style-type: none"> Provide a detailed organogram of your company; highlight the positions of those personnel who will be assigned to this contract inclusive of their CV's. 	10	Expertise and experience of proposed personnel including CVs of proposed personnel. Organogram with related and relevant experience CV's = 10 No Organogram with No CV's = 0

<p>Methodology and Approach</p> <ul style="list-style-type: none"> Methodology on how this service will be rendered, documentary evidence to be provided showing planning processes, cost saving initiatives, monitoring and evaluating service rendered, reporting tools, compliance with legislation and any value added services offered. <p>Clearly define your policies or procedures established to ensure your agents meet your service standards.</p>	<p>20</p>	<p>Description of service office as per services requested in the statement of work, including a description of each service proposed = 20</p> <p>No Detail service proposal with planning process = 0</p> <p>Track / Trace and monitoring and evaluation tools/ dashboard (e.g. submitted) = 5</p> <p>No Track / Trace and monitoring and evaluation tools/ dashboard (e.g. submitted) = 0</p>
<p>Information systems – indicate if your organization is participating in the following:</p> <ul style="list-style-type: none"> Levels of Electronic Data Interchange (EDI) and capabilities; Accelerated Commercial Release Operations Support System (ACROSS); Customs Automated Data Exchange (CADEX); Release Notification System (RNS); and Automated Export Declaration (AED). 	<p>10</p>	<p>Proof of Agreements = 10</p> <p>No proof = 0</p>
<p>Agreements</p> <p>Does your company have Agreements with:</p> <ul style="list-style-type: none"> Shipping lines; Airlines Rail; and Road 	<p>20</p>	<p>>or 4 Modes = 20</p> <p>3 modes=15</p> <p>2 Modes = 10</p> <p>1 Mode = 5</p> <p>0 mode = 0</p>

<p>Storage/Warehouse facilities</p> <ul style="list-style-type: none"> Indicate if your company provides storage facilities or leased close to national airlines and airports. Indicate the square meters owned or leased by your company (provide evidence). <p>Explain the methodology that you apply in securing our cargo at all your warehouse premises.</p>	<p>10</p>	<p>Yes = 10</p> <p>No = 0</p>
<p>National Foot print:</p> <p>Denel SOC LTD has offices in two (2) provinces (refer to site list). Respondents to indicate if they have national reach in:</p> <ul style="list-style-type: none"> Gauteng; Western Cape; 	<p>10</p>	<p>All Areas = 10</p> <p>>5 Areas but < 9 = 5</p> <p>< 5 = 0</p>
<p>Africa/Global Reach:</p> <p>Respondent to indicate if they have global reach with the under mentioned countries which includes but not limited to:</p> <ul style="list-style-type: none"> USA; Canada; Chile; China; India; Malaysia; Columbia, Italy; Spain; Belgium, Germany, France; Pakistan; Sweden; Finland; Switzerland UK; Great Britain; Brazil; UAE, Saudi Arabia Democratic Republic of Congo (DRC); Botswana; Zambia; Namibia; Nigeria; Swaziland; Mozambique; Zimbabwe, Ghana; Sudan; Algeria; 	<p>20</p>	<p>Presence by way of established office in these countries.</p> <p>> 10 countries = 20</p> <p>< 10 but >5 countries = 10</p> <p>< 5 countries = 0</p>

4. EVALUATION METHODOLOGY AND CRITERIA

During this RFP process Denel SOC LTD intends utilising the following methodology and criteria in selecting a preferred Supplier(s) to form part of the approved list of contractors for the freight forwarding and clearing services. Please note that the criteria and/or weightings listed in the various stages below may change at RFP stage.



Evaluation of the various stages will normally take place in a sequential manner. However, in order to expedite the process, Denel SOC LTD reserves the right to conduct the different stages of the evaluation process in parallel. In such instances the evaluation of bidders at any given stage must therefore not be interpreted to mean that bidders have necessarily passed any previous stage(s). Denel SOC LTD reserves a right to conduct Due Diligence when required. This is to also establish existence of ownership.

TECHNICAL TRESHOLD:

NB: Service providers are expected to meet a minimum **70%** on above threshold on the above technical requirements.



CONFIDENTIAL

**RFP FOR PROVISION OF FREIGHT FORWARDING AND CUSTOM CLEARING SERVICES AT
DENEL SOC LTD SOC LTD FOR A PERIOD OF 3 YEARS.**

Section 4: EXPRESSION OF INTEREST

I/We _____

[Name of company, close corporation or partnership]

of [full address]

carrying on business under style or title of [trading as]

Represented

by _____

in my capacity as

being duly authorised, hereby lodge an **Expression of Interest** in the provision of Freight Forwarding And Custom Clearing, over a period of **3 Years**, as follows:

ADDRESS FOR NOTICES

Respondent to indicate its *domicilium citandi et executandi* hereunder:

Name of entity:

Facsimile:

Address:

NAME(s) AND ADDRESS / ADDRESSES OF DIRECTOR(s) OR MEMBER(s)

The Respondent must disclose hereunder the full name(s) and address(s) of the director(s) or members of the company or close corporation [C.C.] on whose behalf the RFP is submitted.

- (i) Registration number of company / C.C.
- (ii) Registered name of company / C.C.
- (iii) Full name(s) of director/member(s): Address/Addresses: ID Number/s:

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CONFIDENTIALITY

All information related to a subsequent contract, both during and after completion, is to be treated with strict confidence. Should the need however arise to divulge any information gleaned from provision of the Services, which is either directly or indirectly related to Denel SOC LTD 's business, written approval to divulge such information must be obtained from Denel SOC LTD .

RETURNABLE DOCUMENTS

- a) *Respondents must submit with their responses to this RFP, **as a minimum requirement**, all the returnable documents indicated below with a [✓]. All Sections must be signed and dated by the Respondent. **Failure to return the mandatory documents will result into a disqualification.***

Minimum Requirements - Mandatory Returnable Documents	Submitted [v]
Technical Submission	
RFP Scope of Requirements	
Denel SOC LTD 's RFP Information	
The Respondent must be licenced with SARS as a remover of goods in bond (provide valid certificate or licence number provided by SARS)	
Whether the Respondent is licensed with SARS as a Clearing Agent (provide valid certificate or licence number provided by SARS)	
Proof of public liability insurance	
Minimum of company 3 years' experience relevant in freight clearing and forwarding.	

b) Essential Returnable Documents

In addition to the requirements of section (a) above, Respondents are further required to submit with their Proposals the following **essential Returnable Documents** as detailed below.

Essential Returnable Documents required for evaluation purposes:

Failure to provide all essential Returnable Documents used for purposes of scoring a bid, by the closing date and time of this bid will not result in a Respondent's disqualification. However, Bidders will receive an automatic score of zero for the applicable evaluation criterion. Bidders are therefore urged to ensure that all these documents are returned with their Proposals.

Please confirm submission of these essential Returnable Documents by indicating Yes or No in the table below:

ESSENTIAL RETURNABLE DOCUMENTS USED FOR SCORING	SUBMITTED [Yes or No]
- Valid and original (or a certified copy) of proof of Respondent's compliance to B-BBEE requirements.	
- Letter Of Good Standing (COID)	

Note: During the RFQ stage, bidders will be required

Other Essential Returnable Documents:

Failure to provide other essential Returnable Documents may result in a Respondent's disqualification. Bidders are therefore urged to ensure that all these documents are returned with their Proposals.

Please confirm submission of these essential Returnable Documents by indicating Yes or No in the table below:

OTHER ESSENTIAL RETURNABLE DOCUMENTS & SCHEDULES	SUBMITTED [Yes or No]
In the case of Joint Ventures, a copy of the Joint Venture Agreement or written confirmation of the intention to enter into a Joint Venture Agreement	
Latest Financial Statements signed by your Accounting Officer or latest Audited Financial Statements plus 2 previous years	
SECTION 5 : Certificate Of Acquaintance with RFP, Terms & Conditions & Applicable Documents	
SECTION 8 : Certificate of attendance of compulsory RFP Briefing	
Tax Clearance Certificate or electronic access PIN obtained from SARS's new Tax Compliance Status (TCS) system [Consortia / Joint Ventures must submit a separate Tax Clearance Certificate for each party]	
ANNEXURE A : B-BBEE Improvement Plan	

CONTINUED VALIDITY OF RETURNABLE DOCUMENTS

The successful Respondent will be required to ensure the validity of all returnable documents, including but not limited to its Tax Clearance Certificate and valid B-BBEE Verification Certificate, for the duration of any contract emanating from this RFP. Should the Respondent be awarded the contract [**the Agreement**] and fail to present Denel SOC LTD with such renewals as and when they become due, Denel SOC LTD shall be entitled, in addition to any other rights and remedies that it may have in terms of the eventual Agreement, to terminate such Agreement forthwith without any liability and without prejudice to any claims which Denel SOC LTD may have for damages against the Respondent.

SIGNED at _____ on this _____ day of _____
20____

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 _____
Name _____

2 _____

Name _____

SIGNATURE OF RESPONDENT'S AUTHORISED REPRESENTATIVE:

NAME: _____

DESIGNATION: _____

Section 5: CERTIFICATE OF ACQUAINTANCE WITH RFP, TERMS & CONDITIONS & APPLICABLE DOCUMENTS

By signing these RFP documents, the Respondent is deemed to acknowledge that he/she has made himself/herself thoroughly familiar with all the conditions governing this RFP, including those contained in any printed form stated to form part hereof including but not limited to the documents stated below. Denel SOC LTD SOC Ltd will recognise no claim for relief based on an allegation that the Respondent overlooked any such condition.

1	Denel SOC LTD 's General Bid Conditions*
2	Denel SOC LTD 's Supplier Integrity Pact*
3	Non-disclosure Agreement*
4	Specifications attached to this RFP
5	Vendor Application Form* and all supporting documents (first time vendors only). Alternatively, for all existing vendors, please complete the table below under the heading "Existing vendors".
Note: documents marked with a "*" are available on request or on the Denel SOC LTD website (www.Denel.co.za). Please click on "Business with Us", proceed to the tab "Tenders" and then click on "Standard Bid Documents".	

Existing vendors: existing vendors are required to confirm whether all the information (e.g. company address, contact details, banking details, etc.) relating to the existing vendor number is still correct at the time of submission of this bid failing which such Respondents are required to indicate so below and provide the updated information in their bid submission:

Denel SOC LTD Operating Division [e.g. TFR, TE, etc.]	Vendor Number	Information still current [tick if applicable]	Information change [indicate detail of change/s & attach appropriate proof]

Should the Bidder find any terms or conditions stipulated in any of the relevant documents quoted in this RFP unacceptable, it should indicate which conditions are unacceptable and offer alternatives by written submission on its company letterhead, attached to its submitted Bid. Any such submission shall be subject to review by Denel SOC LTD's Legal Counsel who shall determine whether the proposed alternative(s) are acceptable or otherwise, as the case may be. A material deviation from any term or condition may result in disqualification.

Bidders accept that an obligation rests on them to clarify any uncertainties regarding any bid which they intend to respond on, before submitting the bid. The Bidder agrees that he/she will have no claim based on an allegation that any aspect of this RFP was unclear but in respect of which he/she failed to obtain clarity.

The bidder understands that his/her Bid will be disqualified if the Certificate of Acquaintance with RFP documents included in the RFP as a returnable document, is found not to be true and complete in every respect.

SIGNED at _____ on this _____ day of _____
20____

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 _____

Name _____

2 _____

Name _____



CONFIDENTIAL

SIGNATURE OF RESPONDENT'S AUTHORISED REPRESENTATIVE:

NAME: _____

DESIGNATION: _____

RFP FOR PROVISION OF FREIGHT FORWARDING AND CUSTOM CLEARING SERVICES AT DENEL SOC LTD SOC LTD FOR A PERIOD OF THREE (3) YEARS WITH AN OPTION TO RENEW FOR FURTHER TWO (2) YEARS BASED ON PERFORMANCE

Section 6: B-BBEE PREFERENCE POINTS CLAIM FORM

This preference form must form part of all bids invited. It contains general information and serves as a claim for preference points for Broad-Based Black Economic Empowerment [**B-BBEE**] Status Level of Contribution.

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

Either the 80/20 or 90/10 preference point system will apply during the RFQ stage
Preference points for this bid shall be awarded for:

- (c) Price; and
- (d) B-BBEE Status Level of Contribution.

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

	POINTS
PRICE	80/20
B-BBEE STATUS LEVEL OF CONTRIBUTION	90/10
Total points for Price and B-BBEE must not exceed	100

1.2 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 sworn affidavit confirming annual turnover and level of black ownership in case of all EMEs and QSEs with 51% black ownership or more together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed. Certificates issued by a Registered Auditor approved by the Independent Board of Auditors [**IRBA**] to Large Enterprises or QSEs with less than 51% black ownership have been discontinued but such valid certificates that were issued before 1 January 2017 may be used until they phase out completely by December 2017.

- 1.3 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) **"Black designated group"** has meaning assigned to it in codes of good practice issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act.
- (f) **"Black People"** meaning assigned to in Section 1 of Broad-Based Black Economic Empowerment Act.
- (g) **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (h) **"CIPC"** means the Companies and Intellectual Property Commission, formerly known as CIPRO, the Companies and Intellectual Property Registration Office.
- (i) **"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;
- (j) **"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;
- (k) **"contract"** means the agreement that results from the acceptance of a bid by an organ of state;
- (l) **"co-operative"** means a co-operative registered in terms of section 7 of Cooperatives Act, 2005 (Act No. 14 of 2005)
- (m) **"Designated Group"** means - i) Black designated groups; ii) Black People; iii) Women; iv) people with disabilities or v) Small enterprise, as defined in Section 1 of National Small Enterprise Act, (102 of 1996)
- (n) **"Designated Sector"** means, sub-sector or industry or product designated in terms of regulation 8(1)(a)

- (o) **"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);

"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;

"Functionality" means the ability of a bidder to provide goods or services in accordance with specification as set out in the bid documents

"Military Veteran" has meaning assigned to it in Section 1 of Military Veterans Act, 2011 (Act No. 18 of 2011)
- (p) **"National Treasury"** has meaning assigned to it in Section 1 of Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (q) **"non-firm prices"** means all prices other than "firm" prices;
- (r) **"person"** includes a juristic person;
- (s) **"People with disabilities"** meaning assigned to it in terms of Section 1 of Employment Equity Act, 1998 (Act No. 55 of 1998)
- (t) **"Price"** includes all applicable taxes less all unconditional discounts.
- (u) **"Proof of B-BBEE Status Level of Contributor"** i) the B-BBEE status level certificate issued by an unauthorised body or person; ii) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or iii) any other requirement prescribed in terms of the Broad- Based Black Economic Empowerment Act.
- (v) **"Rural Area"** i) a sparsely populated area in which people farm or depend on natural resources, including villages and small towns that are dispersed through the area; or ii) an area including a large settlement which depends on migratory labour and remittances and government social grants for survival, and may have traditional land tenure system.
- (w) **"QSE"** means a Qualifying Small EEnterprise 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);
- (x) **"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;
- (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) **"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

- (aa) Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- (bb) **"Township"** means an urban living area that any time from the late 19th century until 27 April 1994, was reserved for black people, including areas developed for historically disadvantaged individuals post 27 April 1994
- (cc) **"Treasury"** meaning assigned to it in Section 1 of the Public Finance Management Act, 1999 (Act No. 1 of 1999)
- (dd) **"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
- (ee) **"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.
- (ff) **"Youth"** meaning assigned to it in terms of Section 1 of National youth Development Agency Act, 2008 (Act No. 54 of 2008)

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:

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

- Ps = Points scored for comparative price of bid under consideration
 Pt = Comparative price of bid under consideration
 Pmin = Comparative price of lowest acceptable bid

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

- 5.1 In terms of Regulation 6 (2) and 7 (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	6	14
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. Furthermore EMEs may also obtain a sworn affidavit from CIPC (formerly CIPRO) Self Service Terminals when registering business or filing annual returns. In these instances Denel SOC LTD would require proof of turnover as well as proof of ownership. Sworn affidavits must substantially comply with the format that can be obtained on the DTI's website at www.dti.gov.za/economic_empowerment/bee_codes.jsp.
- 5.3 QSEs that are at least 51% Black owned or higher are only required to obtain a sworn affidavit on an annual basis confirming that the entity has an Annual Total Revenue of R50 million or less and the entity's Level of Black ownership.
- 5.4 A Bidder other than EME or a QSE that is at least 51% Black owned 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.
- 5.5 A trust, consortium or joint venture (including unincorporated consortia and joint ventures) must submit a consolidated B-BBEE Status Level verification certificate 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.
- 5.9 Bidders are to note that the rules pertaining to B-BBEE verification and other B-BBEE requirements may be changed from time to time by regulatory bodies such as National Treasury or the DTI. It is the Bidder's responsibility to ensure that his/her bid complies fully with all B-BBEE requirements at the time of the submission of the bid.

6. BID DECLARATION

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

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

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

8. SUB-CONTRACTING

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

(Tick applicable box)

YES		NO	
-----	--	----	--

- 8.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....

iv) Whether the sub-contractor is an EME.

(Tick applicable box)

YES		NO	
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v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations, 2017:

Designated Group: An EME or QSE which is at least 51% owned by:	EME ✓	QSE ✓
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

9. DECLARATION WITH REGARD TO COMPANY/FIRM

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

9.2 VAT registration number:.....

9.3 Company registration number:.....

9.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

9.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

- 9.7 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 a bidder submitted false information regarding its B-BBEE status level of contributor, local production and content, or any other matter required in terms of the Preferential Procurement Regulations, 2017 which will affect or has affected the evaluation of a bid, or where a bidder has failed to declare any subcontracting arrangements 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) if the successful bidder subcontracted a portion of the bid to another person without disclosing it, Denel SOC LTD reserves the right to penalise the bidder up to 10 percent of the value of the contract;
 - (e) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and
 - (f) forward the matter for criminal prosecution.

WITNESSES

1.
2.

SIGNATURE(S) OF BIDDERS(S)

.....

DATE:.....

ADDRESS.....



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**RFP FOR PROVISION OF FREIGHT FORWARDING AND CUSTOM CLEARING SERVICES AT
DENEL SOC LTD SOC LTD FOR A PERIOD OF THREE (3) YEARS WITH AN OPTION TO RENEW
FOR FURTHER TWO (2) YEARS BASED ON PERFORMANCE**

Section 7: RFP CLARIFICATION REQUEST FORM

RFP No: **DENEL0108Group-2020/21**

Deadline for RFP clarification submissions: Before **11:00** on **22 September 2020**

TO: Denel SOC LTD
ATTENTION: Nokuthula Blose
EMAIL: DVS.Tenders@lssa.co.za
DATE:
FROM:

RFP Clarification No *[to be inserted by Denel SOC LTD]*

REQUEST FOR RFP CLARIFICATION:

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CONFIDENTIAL

**RFP FOR PROVISION OF FREIGHT FORWARDING AND CUSTOM CLEARING SERVICES AT
DENEL SOC LTD SOC LTD FOR A PERIOD OF THREE (3) YEARS WITH AN OPTION TO RENEW
FOR FURTHER TWO (2) YEARS BASED ON PERFORMANCE**

Section 8: CERTIFICATE OF NON-COMPULSORY RFP BRIEFING

It is hereby certified that –

1. _____

Representative(s) of _____ *[name of entity]*

Attended the RFP briefing in respect of the proposed Services to be rendered in terms of this
RFP on _____ 2020

Nokuthula Blose
DENEL SOC LTD 'S REPRESENTATIVE

RESPONDENT'S SIGNATURE

DATE _____

DATE _____

EMAIL _____

NB: Any bidders who did not sign and submit any of the requested documents may be disqualified.

SBD 2**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 bidders 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.

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

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

- 2.1 Full Name of bidder or his or her representative:
- 2.2 Identity Number:
- 2.3 Position occupied in the Company (director, trustee, shareholder²):
- 2.4 Company Registration Number:
- 2.5 Tax Reference Number:
- 2.6 VAT Registration Number:
- 2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

¹"State" means –

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

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

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

- 2.7.1 If so, furnish the following particulars:

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

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

Position occupied in the state institution:.....

Any other particulars:

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

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

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

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

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

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

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

2.7.4 If so, furnish particulars:

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

2.7.5 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

2.9.1 If so, furnish particulars.

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

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid? **YES/NO**

2.10.1 If so, furnish particulars.

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

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

YES/NO

2.11.1 If so, furnish particulars:

.....

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

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

4 DECLARATION

I, THE UNDERSIGNED (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.
 I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
 Signature

.....
 Date

.....
 Position

.....
 Name of bidder

SBD 6.1

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

10. GENERAL CONDITIONS

- 10.1 The following preference point systems are applicable to the bid:
- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included);
- 10.2 Preference points for this bid shall be awarded for:
- (e) Price; and
 - (f) B-BBEE Status Level of Contribution.
- 1.3.1 The maximum points for this bid are allocated as follows:

	POINTS
1.3.1.1 PRICE	80
1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION	20
Total points for Price and B-BBEE must not exceed	100
1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.	
1.5 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 purchase	

2. DEFINITIONS

- 2.1 **"all applicable taxes"** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- 2.2 **"B-BBEE"** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 2.3 **"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;
- 2.4 **"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;
- 2.5 **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 **"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;
- 2.7 **"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;
- 2.8 **"contract"** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 **"EME"** means any enterprise with annual total revenue of R5 million or less.
- 2.10 **"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;
- 2.11 **"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 service and the technical capacity and ability of a bidder;
- 2.12 **"non-firm prices"** means all prices other than "firm" prices;
- 2.13 **"person"** includes a juristic person;
- 2.14 **"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;
- 2.15 **"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;
- 2.16 **"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;
- 2.17 **"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

- 2.18 **“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 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;
- 3.2 Points scored must be rounded off to the nearest 2 decimal places.
- 3.3 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.
- 3.4 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.
- 3.5 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 PREFERENCE POINT SYSTEMS

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

80/20

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

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 (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6

7	4
8	2
Non-compliant contributor	0

- 5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS.
- 5.3 Bidders other than EMEs 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 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 enterprises 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 1.3.1.2 AND 5.1

- 7.1 B-BBEE Status Level of Contribution: = (Maximum of 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).

8 SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

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? YES / NO (delete which is not applicable)

9 DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of company/firm :

9.2 VAT registration number :

9.3 Company registration number:.....

9.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

9.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

9.7 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.
11.

.....

SIGNATURE(S) OF BIDDER(S)

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.**

Item	Question	Yes	No
4.1	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). 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.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		



CONFIDENTIAL

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 *pe se* prohibition meaning that it cannot be justified under any grounds.
3. Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a) Disregard the bid of any bidder if that bidder or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b) Cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
4. This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
5. In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

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

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.

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.

6. 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.
7. 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.
8. 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.
9. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

SBD 3.1

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

NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED

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: <u>DENEL0108GROUP-2020/21</u>
Closing Time 11:00	Closing date: <u>28 September 2020</u>

OFFER TO BE VALID FOR **120** DAYS FROM THE CLOSING DATE OF BID.

ITEM NO.	QUANTITY	DESCRIPTION	BID PRICE IN RSA CURRENCY ** (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 |
| - | Delivery basis | | |

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination.

** "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

ANNEX C: GENERAL CONDITIONS OF CONTRACT

PLEASE INITIAL EACH PAGE OF THE GENERAL CONDITIONS OF CONTRACT

General conditions of bid and conditions of contract

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 to their bid to be treated as incomplete and shall be disqualified. Refer to paragraph 4 of this document (reasons for disqualification).

1.

This bid is subject to the General Conditions of Contract stipulated below.	Accept	Do not accept
2.

The laws of the Republic of South Africa shall govern this RFP and the bidders hereby accept that the courts of the Republic of South Africa shall have the jurisdiction.	Accept	Do not accept
3.

DENEL SOC LTD shall not be liable for any costs incurred by the bidder in the preparation of response to this RFP. 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.	Accept	Do not accept
4.

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 twenty four (24) hours after the request has been made, otherwise the proposal may be disqualified.	Accept	Do not accept
5.

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.	Accept	Do not accept
6.

In the case of Consortium, Joint Venture or subcontractors, all bidders are required to provide mandatory documents as stipulated in schedule 1 of the Response format.	Accept	Do not accept
7.

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.	Accept	Do not accept

- 8.
- | | | |
|--|---------------|----------------------|
| Where applicable, bidders who are distributors, resellers and installers of network equipment are required to submit back-to-back agreements and service level agreements with their principals. | Accept | Do not accept |
| | | |
- 9.
- | | | |
|--|---------------|----------------------|
| By submitting a proposal in response to this RFP, the bidders accept the evaluation criteria as it stands. | Accept | Do not accept |
| | | |
- 10.
- | | | |
|--|---------------|----------------------|
| Where applicable, DENEL SOC LTD reserves the right to run benchmarks on the requirements equipment during the evaluation and after the evaluation. | Accept | Do not accept |
| | | |
- 11.
- | | | |
|--|---------------|----------------------|
| 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 RFP and supporting documents. | Accept | Do not accept |
| | | |
- 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 |
| | | |
- 13.
- | | | |
|--|---------------|----------------------|
| The bidder should not qualify the proposal with own conditions.
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. | Accept | Do not accept |
| | | |
- 14.
- | | | |
|---|---------------|----------------------|
| Should the bidder withdraw the proposal before the proposal validity period expires, DENEL SOC LTD reserves the right to recover any additional expense incurred by DENEL SOC LTD having to accept any less favourable proposal or the additional expenditure incurred by DENEL SOC LTD in the preparation of a new RFP and by the subsequent acceptance of any less favourable proposal. | Accept | Do not accept |
| | | |
- 15.
- | | | |
|--|---------------|----------------------|
| Delivery of and acceptance of correspondence between the 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 (2) two days from the date of postage to the South African Post Office Ltd. | Accept | Do not accept |
| | | |
- 16.
- | | | |
|---|---------------|----------------------|
| Should the parties at any time before and/or after the award of the proposal and prior to, and-or after conclusion of the | Accept | Do not accept |
| | | |

<p>contract fail to agree on any significant product price or service price adjustments, change in technical specification, change in services, etc. 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 DENEL SOC LTD reserves the right to award the same proposal to next best bidders as it deems fit.</p>		
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17.

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.	Accept	Do not accept

18.

Any amendment or change of any nature made to this RFP shall only be of force and effect if it is in writing, signed by DENEL SOC LTD signatory and added to this RFP as an addendum.	Accept	Do not accept

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

20.

<p>Bidders who make use of subcontractors.</p> <p>The proposal shall however be awarded to the Vendor as a primary contractor who shall be responsible for the management of the awarded proposal. A vendor 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 DENEL SOC LTD and any such subcontractors. Copies of the signed agreements between the relevant parties must be attached to the proposal responses.</p>	Accept	Do not accept

21.

All services supplied in accordance with this proposal must be certified to all legal requirements as per the South African law.	Accept	Do not accept

22.

No interest shall be payable on accounts due to the successful vendor in an event of a dispute arising on any stipulation in the contract.	Accept	Do not accept

23.

<p>Evaluation of Bids shall be performed by an evaluation panel established by DENEL SOC LTD.</p> <p>Bids shall be evaluated on the basis of conformance to the required specifications as outlined in the RFP. Points shall be allocated to each bidder, on the basis that the maximum number of points that may be scored for price is 80, and the maximum number of preference points that may be claimed for BBBEE (according to the PPPFA) is 20.</p>	Accept	Do not accept

24.

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

25.

<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

26.

<p>Should the evaluation of this bid not be completed within the validity period of the bid, DENEL SOC LTD has discretion to extend the validity period.</p>	Accept	Do not accept

27.

<p>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.</p>	Accept	Do not accept

28.

<p>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.</p>	Accept	Do not accept

ANNEX D: RESOLUTION OF BOARD OF DIRECTORS / MEMBERS / SOLE PROPRIETOR / PARTNERS OF PARTNERSHIP

This returnable schedule needs to be completed if the tenderer is a joint venture. This form must be completed by each partner of the joint venture. The name of the principal partner must be stated under Point 2.

Resolution of Board of Directors / Members / Sole Proprietor/ Partners of Partnership (i.e. of each legal person to comprise the Joint Venture Partnership)

RESOLUTION of a meeting of the Board of *Directors / Members / Sole Proprietor/ Partners of:

(Legally correct full name and registration number, if applicable, of the Enterprise)

Held at _____ (place)

On _____ (date)

RESOLVED that:

1. The Enterprise submits a Tender, in Joint Venture with the following Enterprises:

(List all the legally correct full names and registration numbers, if applicable, of the Enterprises forming the Joint Venture)

To DENEL SOC LTD in respect of the following project:

(Project description as per Tender Document)

Tender Number: _____ (Tender Number as per Tender Document)

2. The Principal Partner of the Joint Venture will be

(Legally correct full name and registration number, if applicable, of the Principal Partner of Joint Venture)

3. *Mr/Mrs/Ms:

_____ in
*his/her Capacity as: _____ (Position
in the Enterprise)

And who will sign as follows: _

be, and is hereby, authorised to sign a joint venture agreement with the parties listed under item 1 above, and any and all other documents and/or correspondence in connection with and relating to the joint venture, in respect of the project described under item 1 above.

4. The Enterprise accepts joint and several liability with the parties listed under item 1 above for the due fulfilment of the obligations of the joint venture deriving from, and in any way connected with, the Contract to be entered into with DENEL SOC LTD in respect of the project described under item 1 above.

5. The Enterprise chooses as its *domicilium citandi et executandi* for all purposes arising from this joint venture agreement and the Contract with DENEL SOC LTD in respect of the project under item 1 above:

Physical address: _____

 _____ (code)

Postal Address: _____

 _____ (code)

Telephone number: _____ (code)

Fax number: _____ (code)

	Name	Capacity	Signature
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

Note:

1. * Delete which is not applicable
2. **NB.** This resolution must be signed by all the Directors / Members / Partners of the Bidding Enterprise
3. Should the number of Directors / Members/Partners exceed the space available above, additional names and signatures must be supplied on a separate page.

ENTERPRISE STAMP

ANNEX E: JOINT VENTURE AGREEMENT

- To provide Joint Venture Agreement signed under Commissioner of Oath.
- To provide above documentation for both companies that form the JV.

NB: Joint venture agreement and performing the work

The primary bidder needs to have major responsibilities in this project and both parties need to state their percentage interest in this joint venture. Joint venture is encouraged mainly for developmental purposes.



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ANNEX F: COMPANY PROFILE

NB: Bidder (s) are requested to attached their company profile on this annexure

ANNEX G: COMPANY REGISTRATION DOCUMENTS
(CIPC/CIPRO)

- Certified copies (**copy with original stamp**) of your CIPC (CIPRO) company registration documents listing all members with percentages, in case of close corporation
- Certified copies (**copy with original stamp**) of all latest share certificates, in case of a company

ANNEX H: BBBEE CERTIFICATES

NB: Bidder (s) is requested to attach their valid and original or certified B-BBEE Preferential point claim certificate to be eligible for points claimed. Certificate must be issued by SANAS Accredited agency.