

**REQUEST FOR TENDER**

RFT 358747 ISSUE 1

**YOU ARE HEREBY INVITED TO SUBMIT A TENDER FOR THE REQUIREMENTS OF PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC LTD**

<b>TENDER NUMBER:</b>	358747
<b>CLOSING DATE: Submission of the tender</b>	27 November 2019
<b>CLOSING TIME:</b>	12H00 am
<b>COMPULSORY BRIEFING:</b>	None
<b>CLOSING DATE FOR ENQUIRIES:</b>	18 November 2019
<b>PERIOD FOR WHICH TENDERS ARE REQUIRED TO REMAIN OPEN FOR ACCEPTANCE:</b>	60 Days
<b>DESCRIPTION OF TENDER:</b>	Supply of 99,000 Kg Zinc Ingots to specification 1330010 Rev 3
<b>TENDER DOCUMENTS DELIVERY ADDRESS:</b>	1 Ruth First Street Lotus Gardens Pretoria West
<b>TENDER ENQUIRY EMAIL ADDRESS:</b>	Tender.inq@pmp.co.za

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## PART A: INVITATION TO TENDER

### THE PURPOSE OF THIS RFT 358747

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

The Tender box is open during the following hours (09:00 to 15:00) Monday to Friday.

ALL TENDERS MUST BE SUBMITTED ON THIS DOCUMENT – (NOT TO BE RE-TYPED)

No Tenders received by facsimile, email or any other similar medium will be considered.

THIS TENDER IS SUBJECT TO THE GENERAL CONDITIONS OF CONTRACT (*Refer to Annexure L*) AND SPECIAL CONDITIONS SPECIFIED IN THIS RFT, WHICH ARE SET OUT IN PART C OF THIS DOCUMENT.

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

<b>NAME OF TENDERER AND EACH ENTITY IN CONSORTIUM:</b>				
<b>POSTAL ADDRESS:</b>				
<b>STREET ADDRESS:</b>				
<b>CONTACT PERSON (FULL NAME):</b>				
<b>EMAIL ADDRESS:</b>				
<b>TELEPHONE NUMBER:</b>				
<b>FAX NUMBER:</b>				
<b>TENDERER REGISTRATION NUMBER OR REGISTRATION NUMBER OF EACH ENTITY IN CONSORTIUM</b>				
<b>TENDERER VAT REGISTRATION NUMBER OR VAT REGISTRATION NUMBER OF EACH ENTITY IN CONSORTIUM</b>				
<b>TAX CLEARANCE CERTIFICATE SUBMITTED OR PIN?</b>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
<b>B - BBEE CERTIFICATE SUBMITTED?</b>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
<b>REGISTERED WITH THE NATIONAL TREASURY CENTRAL SUPPLIER DATABASE (CSD)</b>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
<b>FULL NAME OF AUTHORISED REPRESENTATIVE:</b>				
<b>CAPACITY IN WHICH AUTHORISED REPRESENTATIVE SIGNS:</b>				
<b>SIGNATURE OF AUTHORISED REPRESENTATIVE:</b>				
<b>DATE OF SIGNATURE</b>				

## PART B: CHECKLIST OF COMPULSORY RETURNABLE SCHEDULES AND DOCUMENTS

Please adhere to the following instructions:

1. Tick in the relevant block below
2. Ensure that the following documents are completed and signed where applicable:
3. Use the prescribed sequence in attaching the annexures that complete the Tender Document

**NB: Should all of these documents not be included; the Tenderer may be disqualified on the basis of non-compliance.**

YES NO

One (1) original (three (3) hard copies) and one (1) electronic copy on a CD/USB for Qualifying and Functionality Evaluations - (clearly marked as original and copies).

One (1) original (three (3) hard copies) and one (1) electronic copy on a CD/USB for Price and Preferential points.

**Each submission must be divided and enclosed into two separate envelopes, one (1) envelope for Qualifying and Functional Evaluations and the other one for Price and Preferential Points (Annexure "A").**

**Part A:** Invitation to Tender (with a signature of an authorised representative of the Tenderer)

**Part C:** Specifications, Conditions of tender and Undertakings by Tenderer (with a signature of an authorised representative of the Tenderer)

**Annexure A:** Schedule of Rates/Price Proposal (**if applicable**)

**Annexure B:** Executive Summary

**Annexure C:** SBD2 - Tax Clearance Certificate Requirement

**Annexure D:** Declaration of Interest

**Annexure E:** SBD6.1 and B-BBEE status level certificate

**Annexure F:** SBD8: Declaration of Tenderer's Past Supply Chain Practices

**Annexure G:** SBD9: Certificate of Independent Tender Determination

**Annexure H:** Certified copies of your CIPC company registration documents listing all members with percentages, in case of a close corporation

**Annexure I:** Certified copies of latest share certificates, in case of a company.

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- Annexure J (if applicable):** A breakdown of how fees and work will be spread between members of the Tendering consortium.
  - Annexure K:** Supporting documents in response to Mandatory Criteria /Requirements
  - Annexure L:** General Conditions of Contract
  - Annexure M:** Supporting documents - CSD Registration Summary Report
  - Annexure N:** Recent references and transactions the Tenderer has handled as specified in this document **(If applicable)**
  - Annexure O:** EE report or detailed employee profile report and Transformation Plan **(if applicable)**
  - Annexure P:** Proposed Human Resources and Organogram
  - Annexure Q:** Details of Experience in partnering with companies owned and managed by Black People **(If applicable)**

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## PART C: SPECIFICATIONS, CONDITIONS OF TENDER AND UNDERTAKINGS BY TENDERER

### 1. DEFINITIONS

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

- 1.1 **B-BBEE** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act, 2003 (Act No 53 of 2003);
- 1.2 **B-BBEE Act** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No 53 of 2003);
- 1.3 **B-BBEE status level** means the B-BBEE status received by a measured entity based on its overall performance used to claim points in terms of Regulation 6 and 7 of the Preferential Procurement Regulations, 2017;
- 1.4 **Business Day** means a day which is not a Saturday, Sunday or public holiday;
- 1.5 **Tender** means a written offer in the prescribed or stipulated form lodged by a Tenderer in response to an invitation in this Request for Tender (“RFT”), containing an offer to provide goods, works or services in accordance with the Specification as provided in this RFT;
- 1.6 **Tenderer** means a person or legal entity, or an unincorporated group of persons or legal entities that submit a Tender;
- 1.7 **Companies Act** means the Companies Act, 2008 (Act No 71 of 2008);
- 1.8 **Compulsory Documents** means the list of compulsory schedules and documents set out in Part B;
- 1.9 **Closing date and time** means the Date and time, specified as such under the Clause 3 (Tender Timetable) in this Part C, by which Tenders must be received;
- 1.10 **Pretoria Metal Pressings a Division of Denel SOC** means Pretoria Metal Pressings a Division of Denel SOC Ltd, a state-owned company with registration number: 1992/001337/30) or any of its Divisions and Subsidiaries;
- 1.11 **Evaluation Criteria** means the criteria set out under the Clause 32 (Evaluation Process) of this Part C, which includes the Mandatory Criteria, Functional Criteria (Stage 1) and Price and Preferential Points (Stage 2) Assessment;
- 1.12 **Functional Criteria** means the criteria set out in clause 32.2 referring to the qualify specification of the \_\_\_\_\_ in accordance with the relevant standards. Refer to Part C of this document;
- 1.13 **Includes or including** means includes or including without limitation;

- 1.14 **Intellectual Property Rights** means all rights, title and interests in and to any creation of the mind that is capable of being protected by statute or through common law including, but not limited to, Copyright, Designs, Know-how, Patents and Trademarks and any other ensuing Intellectual Property Rights and interests of a similar nature whether registerable or not;
- 1.15 **NKP** means an area declared as a National Key Point area in terms of the National Key Point Act, 1980 (Act No 102 of 1980) as amended;
- 1.16 **PFMA** means the Public Finance Management Act, 1999 (Act No 1 of 1999), as amended;
- 1.17 **PPPFA** means the Preferential Procurement Policy Framework Act, 2000 (Act No 5 of 2000) as amended;
- 1.18 **PPPFA Regulations** means the Preferential Procurement Regulations 2017, published in terms of the PPPFA;
- 1.19 **Price and Preferential Points Assessment** means the process described in Clause 32.3 of this document in Part C, as prescribed by the PPPFA.
- 1.20 **Rand or R** is a reference to the lawful currency of the Republic of South Africa;
- 1.21 **Request for Tender or RFT** means this document (comprising each of the parts identified under Part A, Part B, Part C and Part D) including all annexures and any other documents so designated by Pretoria Metal Pressings a Division of Denel SOC;
- 1.22 **SARS** means the South African Revenue Service;
- 1.23 **Services** means the services required by Pretoria Metal Pressings a Division of Denel SOC, as specified in this RFT Part D;
- 1.24 **SLA** means Service Level Agreement that will be concluded between Pretoria Metal Pressings a Division of Denel SOC and successful Tenderer;
- 1.25 **SOC** means State Owned Company, as defined by the Companies' Act;
- 1.26 **Specification** means specification or description of Pretoria Metal Pressings a Division of Denel SOC's requirements contained in this RFT;
- 1.27 **State** means the Republic of South Africa;
- 1.28 **Tendering Process** means the process commenced by the issuing of this Request for Tenders and concluding upon formal announcement by Pretoria Metal Pressings a Division of Denel SOC of the selection of a successful Tenderer(s) or upon the earlier termination of the process;
- 1.29 **Website** means a website administered by Pretoria Metal Pressings a Division of Denel SOC under its name with web address [www.Pretoria Metal Pressings a Division of Denel SOC.co.za](http://www.PretoriaMetalPressingsaDivisionofDenelSOC.co.za);



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**Note:** The term SLA and Contract are used interchangeably in this document.

## 2. TENDER OFFICE

PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC – Procurement

**For any enquiries, kindly forward your queries to the email.**

No questions will be answered telephonically.

**Kindly note that it is the sole responsibility of the Tenderer, to ensure they attend the Compulsory Briefing. The briefing will be used to clarify any issues in this tender document. (If applicable)**

**Pretoria Metal Pressings a Division of Denel SOC will not be held liable/responsible in the event that Tenderers do not view responses to questions/queries/comments which were posted on the e-Tender portal.**

**No canvassing of any Pretoria Metal Pressings a Division of Denel SOC employee will be tolerated and that will result in an immediate disqualification of the Tenderer.**

## 3. TENDER TIMETABLE

This timetable is provided as an indication of the timing of the tender process. Tenderers are to submit Tenders that will allow achievement of the intended commencement date.

Activity	Date
Advertisement of tender	4 November 2019
RFT document available	4 November 2019 On <a href="http://www.etender.gov.za">www.etender.gov.za</a> <a href="http://www.denel.co.za">www.denel.co.za</a>
Closing date and time	2019/08/27 12:00 am
Intended completion of evaluation of tenders	6 December 2019
Intended formal notification of successful Tenderer(s)	9 December 2019
Signing of Service Level Agreement	Order placement 9 December 2019
Effective date	

## 4. SUBMISSION OF TENDERS

4.1 Hardcopies and electronic copies of Tenders are to be submitted to:

Physical Address of Tender Box	1 Ruth First Street Lotus Gardens Main Admin Building Reception
Hours of access to Tender Box	Monday to Thursday 07H30 to 16H00 Friday 07H00 to 13H00
Information to be marked on package containing Tender Envelope System Indicate whether each envelope pertains to <b>Envelope 1:</b> 'Qualifying and Functional Evaluation' and <b>Envelope 2:</b> 'price and preference points'	Tender Number Closing Date

**Note:** Return address must be reflected at the back of the package containing the tender.

Kindly ensure all submissions are duly authorised. If the Tenderers are submitting more than one (1) Tender regarding the functions explained in the cover page and Part D of this RFT, then these should be submitted as separate submissions and indicated on the cover page of the Tender.

4.2 Tenderers are requested to initial each page of the tender document on the bottom right hand corner.

## 5. RULES GOVERNING THIS RFT AND THE TENDERING PROCESS

5.1 Participation in the tender process is subject to compliance with the rules, terms and conditions contained in Part C of this RFT.

5.2 All persons (irrespective of whether they are participants in this tender process) who obtained or received this RFT may only use it, and the information contained herein, in compliance with the rules, terms and conditions contained in this RFT.

5.3 All Tenderers are deemed to accept the rules, terms and conditions contained in Part C of this RFT.

5.4 The rules, terms and conditions contained in this RFT apply to:

5.4.1 The RFT and any other information given, received, or made available about this RFT, and any revisions or annexures;

5.4.2 The Tendering Process; and

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

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## **6. STATUS OF REQUEST FOR TENDER**

This RFT is an invitation for person(s) to submit a Tender(s) for the provision of the services as set out in the Specification contained in Part D of this RFT. Accordingly, this RFT must not be construed, interpreted, or relied upon, whether expressly or implicitly, as an offer capable of acceptance by any person(s), or as creating any form of contractual, promissory, or other rights. No binding contract or other understanding for the supply of products/services will exist between Pretoria Metal Pressings a Division of Denel SOC and any Tenderer unless and until Pretoria Metal Pressings a Division of Denel SOC has executed a formal written contract with the successful Tenderer.

## **7. ACCURACY OF THE RFT**

7.1 Whilst all due care has been taken in connection with the preparation of this RFT, Pretoria Metal Pressings a Division of Denel SOC makes no representations or warranties that the content in this RFT or any information communicated to or provided to Tenderers during the Tendering Process is, or will be, accurate, current or complete. Pretoria Metal Pressings a Division of Denel SOC, and its officers, employees and advisors will not be liable with respect to any information communicated which is not accurate, current or complete.

7.2 If a Tenderer finds or reasonably believes it has found any discrepancy, ambiguity, error or inconsistency in this RFT or any other information provided by Pretoria Metal Pressings a Division of Denel SOC (other than minor clerical matters), the Tenderer must promptly notify Pretoria Metal Pressings a Division of Denel SOC in writing of such discrepancy, ambiguity, error or inconsistency in order to afford Pretoria Metal Pressings a Division of Denel SOC an opportunity to consider what corrective action is necessary (if any).

7.3 Any actual discrepancy, ambiguity, error or inconsistency in this RFT or any other information provided by Pretoria Metal Pressings a Division of Denel SOC will, if possible, be corrected and provided to all Tenderers without attribution to the Tenderer who provided the written notice

## **8. ADDITIONS AND AMENDMENTS TO THE RFT**

8.1 Pretoria Metal Pressings a Division of Denel SOC reserves the right to change any information in, or to issue any addendum to this RFT before the Closing Date and Time. Pretoria Metal Pressings a Division of Denel SOC and its officers, employees and advisors will not be liable in connection with either the exercise of, or failure to exercise this right.

8.2 If Pretoria Metal Pressings a Division of Denel SOC exercises its right to change information in terms of Clause 8.1, it may seek amended Tenders from all Tenderers.

## **9. REPRESENTATIONS**

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No representations made by or on behalf of Pretoria Metal Pressings a Division of Denel SOC in relation to this RFT will be binding on Pretoria Metal Pressings a Division of Denel SOC unless that representation is expressly incorporated into the contract ultimately entered into between Pretoria Metal Pressings a Division of Denel SOC and the successful Tenderer.

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## **10. CONFIDENTIALITY**

All persons (including all Tenderers) obtaining or receiving this RFT and any other information about this RFT or the Tendering Process must keep the contents of the RFT and other such information confidential, and not disclose or use the information except as required for the purpose of developing a Tender in response to this RFT.

## **11. UNAUTHORISED COMMUNICATIONS**

11.1 Communication (including promotional or advertising activities) with staff of Pretoria Metal Pressings a Division of Denel SOC or their Pretoria Metal Pressings a Division of Denel SOC assisting with the Tendering Process is not permitted during the Tendering Process. Nothing in this Clause 11 is intended to prevent communications with staff of, or advisors to, Pretoria Metal Pressings a Division of Denel SOC to the extent that such communication is not related to this RFT or the Tendering Process.

11.2 Tenderers must not otherwise engage in any activities that may be perceived as, or that may have the effect of, influencing the outcomes of the Tendering Process in any way.

## **12. IMPROPER ASSISTANCE, FRAUD AND CORRUPTION**

12.1 Tenderers may not seek or obtain the assistance of employees of Pretoria Metal Pressings a Division of Denel SOC in the preparation of their tender responses.

12.2 Pretoria Metal Pressings a Division of Denel SOC may in its absolute discretion, immediately disqualify a Tenderer that it believes has sought or obtained such improper assistance.

12.3 Tenderers are to be familiar with the implications of contravening the Prevention and Combating of Corrupt Activities Act, 2004 and any other relevant legislation.

12.4 Any improper communication, canvassing, or engagement with any Pretoria Metal Pressings a Division of Denel SOC people/person/representative will result in immediate disqualification from the RFT process

## **13. ANTI-COMPETITIVE CONDUCT**

13.1 Tenderers and their respective officers, employees, agents, and advisors must not engage in any collusion, anti-competitive conduct or any other similar conduct with any other Tenderer or any other person(s) in respect of this Tendering Process, including during the:

- a. Preparation or lodgement of their tender;
- b. Evaluation and clarification of their tender; and
- c. Negotiations with Pretoria Metal Pressings a Division of Denel SOC.

13.2 For the purposes of this Clause 13, collusion, anti-competitive conduct or any other similar conduct may include disclosure, exchange, and clarification of information whether or not such information is confidential to Pretoria Metal Pressings a Division of Denel SOC or any other Tenderer or any other person or organisation.

13.3 In addition to any other remedies available to it under law or contract, Pretoria Metal Pressings a Division of Denel SOC may, in its absolute discretion, immediately disqualify a Tenderer that it believes has engaged in any collusive, anti-competitive conduct or any other similar conduct during or before the Tendering Process.

#### **14. COMPLAINTS ABOUT THE TENDERING PROCESS**

14.1 Any complaint about the RFT or the Tendering Process must be submitted to the Tender Office via the Tender Response email address, by email only, immediately upon the cause of the complaint arising or becoming known to the Tenderer.

14.2 The written complaint must set out:

14.2.1 the basis for the complaint, specifying the issues involved;

14.2.2 how the subject of the complaint affects the organisation or person making the complaint;

14.2.3 any relevant background information; and

14.2.4 the outcome desired by the person or organisation making the complaint.

14.3 If the matter relates to the conduct of an employee of Pretoria Metal Pressings a Division of Denel SOC, the complaint should be addressed in writing marked for the attention of the Chief Executive Officer of Pretoria Metal Pressings a Division of Denel SOC, and delivered to the physical address of Pretoria Metal Pressings a Division of Denel SOC, as notified.

#### **15. CONFLICT OF INTEREST**

15.1 A Tenderer must ensure that its officers, employees, agents and advisors do not place themselves in a position that may give rise to actual, potential or perceived conflict of interest between the interests of Pretoria Metal Pressings a Division of Denel SOC and the Tenderer's interests during the Tender Process.

15.2 The Tenderer is required to provide details of any interests, relationships or clients which may or do give rise to a conflict of interest in relation to the supply of the products/services under any contract that may result from this RFT. If the Tenderer submits its Tender and a subsequent conflict of interest arises, or is likely to arise, which was not disclosed in the Tender, the Tenderer must notify Pretoria Metal Pressings a Division of Denel SOC immediately in writing of that conflict.

15.3 Pretoria Metal Pressings a Division of Denel SOC may immediately disqualify a Tenderer from the Tendering Process if the Tenderer fails to notify Pretoria Metal Pressings a Division of Denel SOC of the conflict of interest as required.

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## 16. LATE TENDERS

- 16.1 Tenders must be delivered by the Closing Date and Time. The Closing date and time may be extended by Pretoria Metal Pressings a Division of Denel SOC in its absolute discretion by providing written notice to Tenderers.
- 16.2 Tenders delivered after the Closing date and Time or lodged at a location or in a manner that is contrary to that specified in this RFT will be disqualified from the Tendering Process and will be ineligible for consideration. **No Late Tenders will be accepted.**
- 16.3 The determination by Pretoria Metal Pressings a Division of Denel SOC as to the actual date and time that a Tender is submitted is final.

## 17. TENDERER'S RESPONSIBILITIES

- 17.1 Tenderers are responsible for:
- 17.1.1 examining this RFT and any documents referenced or attached to this RFT and any other information made or to be made available by Pretoria Metal Pressings a Division of Denel SOC to Tenderers in connection with this RFT;
  - 17.1.2 fully informing themselves in relation to all matters arising from this RFT, including all matters regarding Pretoria Metal Pressings a Division of Denel SOC's requirements for the provision of the Services;
  - 17.1.3 ensuring that their Tenders are accurate and complete;
  - 17.1.4 making their own enquiries and assessing all risks regarding this RFT, and fully considering and incorporating the impact of any known and unknown risks into their Tender;
  - 17.1.5 ensuring that they comply with all applicable laws with regards to the Tendering Process particularly as specified by National Treasury Regulations, Guidelines, Instruction Notes and Practice Notes and other relevant legislation as published from time to time in the Government Gazette; and
  - 17.1.6 submitting all Compulsory Documents.
- 17.2 Tenderers with annual total revenue of R10 million or less qualify as Exempted Micro Enterprises (EMEs) in terms of the B-BBEE Act and must submit a certificate issued by a registered, independent auditor (who is not the Tenderer or a partner to the Tenderer) or an accredited verification agency.
- 17.3 Tenderers other than Exempted Micro-Enterprises (EMEs) must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE status. The submission of such certificates must comply with the requirements of instructions and guidelines issued by National Treasury and must be in accordance with the applicable notices published by the Department of Trade and Industry in the Government Gazette.



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## **18. PREPARATION OF TENDERS**

- 18.1 Tenderers must ensure that:
- 18.1.1 Their Tender is submitted in the required format as stipulated in this RFT; and
  - 18.1.2 All the required information fields in the Tender are completed in full and contain the information requested by Pretoria Metal Pressings a Division of Denel SOC.
- 18.2 Pretoria Metal Pressings a Division of Denel SOC may in its absolute discretion reject a Tender that does not include the information requested or is not in the format required.
- 18.3 Unnecessarily elaborate responses or other representations beyond that which is sufficient to present a complete and effective Tender is not desired or required. Elaborate and expensive visual and other presentation aids are not necessary.
- 18.4 Where the Tenderer is unwilling to accept a specified condition, the non-acceptance must be clearly and expressly stated. Prominence must be given to the statement detailing the non-acceptance. It is not sufficient that the statement appears only as part of an attachment to the Tender or be included in the general statement of the Tenderer's usual operating conditions.
- 18.5 An incomplete Tender may be disqualified or assessed solely on the information completed or received with the Tender.

## **19. ILLEGIBLE CONTENT, ALTERATION AND ERASURES**

- 19.1 Pretoria Metal Pressings a Division of Denel SOC may disregard any content in a Tender that is illegible and will be under no obligation whatsoever to seek clarification from the Tenderer.
- 19.2 Pretoria Metal Pressings a Division of Denel SOC may permit a Tenderer to correct an unintentional error in its Tender where that error becomes known or apparent after the closing time, but in no event, will any correction be permitted if Pretoria Metal Pressings a Division of Denel SOC reasonably considers that correction would materially alter the substance of the Tender or affect the fairness of the tendering process.

## **20. OBLIGATION TO NOTIFY ERRORS**

If, after a Tenderer's Response has been submitted, the Tenderer becomes aware of an error in its Response (including an error in pricing, but excluding clerical errors which would have no bearing on the evaluation of the Tender), the Tenderer must promptly notify Pretoria Metal Pressings a Division of Denel SOC of such error before closing date and time of the tender.

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## **21. RESPONSIBILITY FOR TENDERING COSTS**

- 21.1 The Tenderers participation or involvement in any stage of the Tendering Process is at the Tenderers sole risk, cost and expense. Pretoria Metal Pressings a Division of Denel SOC will not be held responsible for, or pay for, any expense or loss that may be incurred by Tenderers in relation to the preparation or lodgement of their Tender.
- 21.2 Pretoria Metal Pressings a Division of Denel SOC is not liable to the Tenderer for any costs on the basis of any contractual, promissory or restitution grounds whatsoever as a consequence of any matter relating to the Tenderer's participation in the Tendering Process, including without limitation, instances where:
- 21.2.1 the Tenderer is not engaged to perform under any contract; or
- 21.2.2 Pretoria Metal Pressings a Division of Denel SOC exercises any right under this RFT or at law.

## **22. DISCLOSURE OF TENDER CONTENTS AND TENDER INFORMATION**

- 22.1 All Tenders received by Pretoria Metal Pressings a Division of Denel SOC will be treated as confidential. Pretoria Metal Pressings a Division of Denel SOC will not disclose contents of any Tender and Tender information, except:
- 22.1.1 as required by law;
- 22.1.2 for the purpose of investigations by other government authorities having relevant jurisdiction;
- 22.1.3 to external consultants and advisors of Pretoria Metal Pressings a Division of Denel SOC engaged to assist with the Tendering Process; or for the general information of Tenderers required to be disclosed as per National Treasury Regulations, Guidelines, Instruction Notes or Practice Notes.

## **23. USE OF TENDERS**

- 23.1 Upon submission in accordance with the requirements relating to the submission of Tenders, all Tenders submitted become the property of Pretoria Metal Pressings a Division of Denel SOC. Tenderers will retain all ownership rights in any intellectual property contained in the Tenders.
- 23.2 Each Tenderer, by submission of their Tender, is deemed to have licensed Pretoria Metal Pressings a Division of Denel SOC to reproduce the whole, or any portion, of their Tender for the sole purposes of enabling Pretoria Metal Pressings a Division of Denel SOC to evaluate the Tender.

## **24. TENDER ACCEPTANCE**

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All Tenders received must remain open for acceptance for a minimum period of 180 (One hundred and eighty) days from the Closing Time. This period may be extended by written mutual agreement between Pretoria Metal Pressings a Division of Denel SOC and the Tenderer.

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## 25. CHANGES TO PRICE PROPOSALS

Changes by the Tenderers to submitted Tenders will not be considered after the closing date and time.

## 26. PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC PROCUREMENT PHILOSOPHY

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

26.1 The PFMA and the PPPFA;

26.2 Preferential Procurement Regulations 2017;

26.3 Relevant Legislation; and

26.4 In its quest to advance Black-owned companies and individuals, Pretoria Metal Pressings a Division of Denel SOC will actively support and give preference to companies with one or a combination of the following transformation profiles:

- a. At least 51% Black owned;
- b. At least 51% Black Youth owned;
- c. At least 51% Black Women owned;
- d. At least 51% Black People With Disabilities owned;
- e. At least 51% owned by Black People Living in Rural or Underdeveloped areas or Townships;
- f. At least 51% owned by Black People who are Military Veterans as defined in the B-BBEE Act.

- Note:**
1. As a SOC and mandated to give preference to B-BBEE compliant and transformed companies. Bidders that do not meet the above-mentioned transformation levels must submit a Transformation Plan outlining steps to address shortcomings in their current status.
  2. The transformation plan must be submitted as part of the original bid submission. Failure to do so will lead to the disqualification of the bid.

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## 27. BROAD-BASED BLACK ECONOMIC EMPOWERMENT AND SOCIO-ECONOMIC OBLIGATIONS

- 27.1 As explained in more detail in the BBEE Preference Points Claim Form and as prescribed in terms of the Preferential Procurement Policy Framework Act, 2000 (PPPFA), (Act No 5 of 2000) and its Regulations, Tenderers are to note that Pretoria Metal Pressings a Division of Denel SOC will award preference points to companies who provide valid proof of their B-BBEE status using either the latest version of the generic Codes of Good Practice or Sector Specific Codes (if applicable).
- 27.2 Pretoria Metal Pressings a Division of Denel SOC shall use the lowest acceptable Tender to determine the applicable preference point system that is either 90/10 or 80/20-point system as per the PPPFA Regulations.
- 27.3 Tenderers are required to complete the B-BBEE Preference Point Claim Form and submit it together with valid proof of their B-BBEE Status as stipulated in the Claim Form in order to obtain preference points for their B-BBEE status.
- 27.4 Tenderers are required at all times to comply with the latest B-BBEE legislation and/or instruction notes as issued from time to time by the Department of Trade and Industry.

**Note:** Failure to submit a valid and original or a certified copy of the Tenderer's B-BBEE certificate as stipulated in this document (the B-BBEE Preference Points Claim Form) at the Closing Date and Time of this RFT, will result in a score of zero being allocated for B-BBEE.

## 28. B-BBEE JOINT VENTURES OR CONSORTIUMS

- 28.1 Tenderers who wish to respond to this RFT as a Joint Venture [JV] or consortium with other entities, must state their intention to do so in their RFT submission.
- 28.2 Such Tenderers 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 Pretoria Metal Pressings a Division of Denel SOC through this RFT process.
- 28.3 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 Pretoria Metal Pressings a Division of Denel SOC.
- 28.4 Tenderers are to note the requirements for B-BBEE compliance of JVs or consortiums as required in 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.

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

## **29. NATIONAL TREASURY'S CENTRAL SUPPLIER DATABASE**

Tenderers 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. Pretoria Metal Pressings a Division of Denel SOC is required to ensure that price proposals are invited and accepted from prospective Tenderers listed on the CSD. A Tender may not be awarded to a Tenderer 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 Pretoria Metal Pressings a Division of Denel SOC in order to enable it to verify information on the CSD:

Supplier Number:                      unique registration reference number:

## **30. TAX COMPLIANCE**

- 30.1 A Tenderer must be compliant when submitting a proposal to Pretoria Metal Pressings a Division of Denel SOC 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).
- 30.2 It is a condition of this RFT that the tax matters of the successful Tenderer are in order, or that satisfactory arrangements have been made with the South African Revenue Service (SARS) to meet the Tenderer's tax obligations.
- 30.3 Tenderers are required to be registered on the Central Supplier Database and the National Treasury shall verify the Tenderer's tax compliance status through the Central Supplier Database.
- 30.4 It is a requirement that a Tenderer grant a written confirmation when submitting a Tender that SARS may on an on-going basis during the tenure of the contract disclose the Tenderer's tax compliance status and by submitting this Tender such confirmation is deemed to have been granted.
- 30.5 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

### 31. NEW TAX COMPLIANCE STATUS (TCS) SYSTEM

31.1 SARS has implemented a new Tax Compliance Status (TCS) system in terms of which a taxpayer is now able to authorize 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.

31.2 Tenderers are required to provide the following to Pretoria Metal Pressings a Division of Denel SOC in order to enable it to verify their tax compliance status:

Tax reference number:

Tax Clearance Certificate & TCC Number:                      and PIN:                      .

### 32. EVALUATION CRITERIA

The Tenders will be evaluated and adjudicated as follows:

#### 32.1 MANDATORY EVALUATION CRITERIA

32.1.1 Only those Tenderers which satisfy all of the Mandatory Criteria will be eligible to participate further in the Tendering Process.

32.1.2 Tenderers are required to complete the table below by indicating whether they comply with the requirement or not, by marking the appropriate column with an 'X'. Tenderers are required to submit as Annexure K to their Tenders supporting documentation to confirm their compliance with each requirement, where applicable.

REQUIREMENT	COMPLIANT	NON-COMPLIANT	N/A
1. Tenderer is a South African-owned company <b>(Submit Certified ID Copies of the Shareholders and Directors)</b>			
2. The Tenderer must have the necessary infrastructure and capacity to meet Pretoria Metal Pressings a Division of Denel SOC requirements.			
3. Valid Tax Clearance Certificate or an access Pin to SARS e-Filing.			
4. Valid BBBEE Certificate (but won't result in disqualification, instead a Tenderer will be scored zero)			
5. Central Supplier database proof of registration (submit supporting documentation).			
6. Certified copy of the Company Registration with CIPC			
7. Current Banking Details on letter from the Bank issued on a bank letterhead with stamp.			
8. Certified copies of all share holder certificates <b>(Detailed breakdown of shareholding)</b>			

REQUIREMENT	COMPLIANT	NON-COMPLIANT	N/A
9. A copy of the shareholder agreement (if there is more than one shareholder)			
10. Applicable Regulatory Body certificates ( if applicable)			
11. Others			
<b>Note: Failure to meet the above requirements will result in automatic disqualification</b>			

### 32.2 FIRST STAGE – FUNCTIONAL EVALUATION

32.2.1 Tenderers are evaluated based on the functional criteria set out in this RFT. Only those Tenderers which score **seventy (70)** points or higher (**out of a possible 100**) during the functional evaluation will be evaluated during the second stage of the Tender.

32.2.2 The Functional Evaluation that will be used to assess the capability and capacity of the tenderers will be as follows:

% WEIGHTING	EVALUATION CRITERIA	LEGEND
<b>60%</b>	<p>1. CAPABILITY AND EXPERIENCE</p> <p>Evidence of experience the Bidder has in trading in Zinc Ingots. The Bidder must have had experience in Zinc Ingots trading or similar business experience.</p>	<ul style="list-style-type: none"> <li>• e.g. rating scale may be 1 to 5.</li> <li>• each rating level must be clearly defined.</li> </ul> <p>5 Years' experience and above in trading in Zinc Ingots or similar business supported by a testimonial from a former company – Fully Compliant = 5 Points</p> <p>3 to 4 Years' experience in trading in Zinc Ingots or similar business supported by a testimonial from a former company – Largely Compliant = 4 Points</p> <p>2 to 3 Years' experience in trading in Zinc Ingots or similar business supported by a testimonial from a former company – Compliant = 3.5 Points</p> <p>1 to 2 Years' experience in trading in Zinc Ingots or similar business supported by a testimonial from a former company – Partially Compliant = 2.5 Points</p> <p>Less than 1 Years' experience in trading in Zinc Ingots or similar business supported by a testimonial from a former company – Non-Compliant = 1 Point</p>



40%	<p>2. REFERENCE LETTERS FROM CUSTOMERS</p> <p>The letters should include:</p> <ul style="list-style-type: none"> <li>➤ A contact person, title and contact numbers.</li> <li>➤ Must not be more than Two (2) years old.</li> </ul>	<p>3 Letters- Fully compliant = 5 points            2 Letters- Compliant = 3.5 points            1 Letter- Partially Compliant= 1 Point            No Letter- Non Compliant = 0 point</p> <p>NB: Bidders with experience and with no track record trading in Zinc Ingotsbusiness of their own may submit letters from their former employers or a credible source as evidence</p>
<b>TOTAL</b>	100%	
<b>MINIMUM SCORE</b>	70% subject to change based on requirements	

### 32.3 SECOND STAGE – PRICE AND PREFERENTIAL POINTS ASSESSMENT

32.3.1 Subsequent to the evaluation of Mandatory Criteria and Functional criteria, the second stage of evaluation of the Tenders will be in respect of price and B-BBEE status only. Points will be allocated to Tenderers at this stage of the evaluation in accordance with the PPPFA Regulations, as follows:

- Price points 80 or Price point 90
- B-BBEE 20 B-BBEE 10

**NB:** The 80/20 formula applies to tenders with a Rand value equal to or above R30 000 and up to a Rand value of R50 million inclusive of all applicable taxes and 90/10 formula applies to tenders with a Rand value above R50 million inclusive of all applicable taxes.

32.3.2 The successful Tenderer will typically be the Tenderer that scores the highest number of points in the second stage of the Tender evaluation. However, PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC may exercise its right to cancel the RFT or may award the tender to a company that did not obtain the highest score based on objective business criteria or transformation requirements.

**Note:** Pretoria Metal Pressings a Division of Denel SOC reserves the right to demand an Action Plan that addresses shortcomings in the successful Tenderer's transformation status.

32.3.3 Price points

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

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

Where:

Ps = Points scored for comparative price of tender or offer under consideration;  
 Pt = Comparative price of tender or offer under consideration; and  
 Pmin = Comparative price of lowest acceptable tender or offer.

### 32.3.4 Preferential procurement points

A maximum of 20 or 10 points may be awarded in respect of preferential procurement, which points must be awarded to a tenderer for attaining their B-BBEE Status Level in accordance with the table below:

B-BBEE Status Level 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

B-BBEE Status Level of Contributor	Number of points (90/10 System)
1	10
2	9
3	6
4	5
5	4
6	3
7	2
8	1
Non-compliant contributor	0

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A 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 Tender.

32.3.5 Total

The total points scored by each Tenderer will be calculated by adding the points scored for price (out of 80 or 90) to the points scored for B-BBEE level (out of 20 or 10) respectively.

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

### **33. STATUS OF TENDER**

33.1 Each Tender constitutes an irrevocable offer by the Tenderer to Pretoria Metal Pressings a Division of Denel SOC to provide the Products/Services required and otherwise to satisfy the requirements of the Specification as set out in this RFT.

33.2 A Tender must not be conditional on:

- a. the Board approval of the Tender or any related governing body of the Tenderer being obtained;
- b. the Tenderer conducting due diligence or any other form of enquiry or investigation on Pretoria Metal Pressings a Division of Denel SOC;
- c. the Tenderer (or any other party) obtaining any regulatory approval or consent;
- d. the Tenderer obtaining the consent or approval of any third party; or
- e. The Tenderer stating that it wishes to discuss or negotiate any commercial terms of the contract.

33.3 Pretoria Metal Pressings a Division of Denel SOC may, in its absolute discretion, disregard any tender that is, or is stated to be, subject to any one or more of the conditions detailed above (or any other relevant conditions).

33.4 Pretoria Metal Pressings a Division of Denel SOC reserves the right to accept a Tender in part or in whole or to negotiate with a Tenderer in accordance with the provisions of this RFT and the applicable laws and regulations.

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## **34. CLARIFICATION OF TENDERS**

- 34.1 Pretoria Metal Pressings a Division of Denel SOC may seek clarification from and enter into discussions with any or all of the Tenderers in relation to their Tender. Pretoria Metal Pressings a Division of Denel SOC may use the information obtained when clarification is sought, or discussions are held in interpreting the Tender and evaluating the cost and risk of accepting the Tender. Failure to supply clarification to the satisfaction of Pretoria Metal Pressings a Division of Denel SOC may render the Tender liable to disqualification.
- 34.2 Pretoria Metal Pressings a Division of Denel SOC is under no obligation to seek clarification of anything in a Tender and reserves the right to disregard any clarification that Pretoria Metal Pressings a Division of Denel SOC considers to be unsolicited or otherwise impermissible or irrelevant in accordance with the rules set out in this RFT.

## **35. DISCUSSION WITH TENDERERS**

Pretoria Metal Pressings a Division of Denel SOC is under no obligation to discuss the outcome of the tender process with any of the Tenderers.

## **36. SUCCESSFUL TENDERS**

- 36.1 Selection as a successful Tenderer does not give rise to a contract (express or implied) between the successful Tenderer and Pretoria Metal Pressings a Division of Denel SOC for the supply of Products / Services until such time that Pretoria Metal Pressings a Division of Denel SOC and the successful Tenderer conclude the SLA.
- 36.2 The Tenderer is bound by its Proposal and all other documents forming part of its Response, and Pretoria Metal Pressings a Division of Denel SOC will not entertain any material deviation from the original offer.

## **37. NO OBLIGATION TO ENTER INTO CONTRACT**

Pretoria Metal Pressings a Division of Denel SOC is under no obligation to appoint a successful Tenderer(s) (as the case may be), or to enter into a contract and/or SLA with a successful Tenderer or any other person, if it is unable to identify a Tender that complies in all relevant respects with the requirements of Pretoria Metal Pressings a Division of Denel SOC, or if due to changed circumstances, there is no longer a need for the Services requested, or if funds are no longer available to cover the total envisaged expenditure. For the avoidance of any doubt, in these circumstances Pretoria Metal Pressings a Division of Denel SOC will be free to proceed via any alternative process.

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## **38. TENDERER WARRANTIES**

- 38.1 By submitting a Tender, a Tenderer warrants that:
- 38.1.1 It did not rely on any express or implied statement, warranty or representation, whether oral, written, or otherwise made by or on behalf of Pretoria Metal Pressings a Division of Denel SOC, its officers, employees, or advisers other than any statement, warranty or representation expressly contained in the RFT;
  - 38.1.2 it did not use the improper assistance of Pretoria Metal Pressings a Division of Denel SOC's employees or information unlawfully obtained from them in compiling its Tender;
  - 38.1.3 it is responsible for all costs and expenses related to the preparation and submission of its Tender, and any future process connected with or relating to the Tendering Process;
  - 38.1.4 it accepts and will comply with the terms set out in this RFT; and
  - 38.1.5 It will provide additional information in a timely manner as requested by Pretoria Metal Pressings a Division of Denel SOC to clarify any matters contained in the Tender.

## **39. PRETORIA METAL PRESSINGS A DIVISION OF DENEL SOC's RIGHTS**

- 39.1 Notwithstanding anything else in this RFT, and without limiting its rights at law or otherwise, Pretoria Metal Pressings a Division of Denel SOC reserves the right, in its absolute discretion at any time, to:
- 39.1.1 Cease to proceed with, or suspend the Tendering Process prior to the execution of a formal written contract and/or SLA;
  - 39.1.2 Alter the structure and/or the timing of this RFT or the Tendering Process;
  - 39.1.3 Amend any tender condition, tender validity period, RFT specifications or extend the tender closing date, all before the tender closing date;
  - 39.1.4 Terminate the participation of any Tenderer or any other person in the Tendering Process;
  - 39.1.5 Request additional relevant information, agreements and other documents to verify information provided in the tender response or request clarification from any Tenderer or any other person;
  - 39.1.6 Provide additional information or clarification;
  - 39.1.7 Negotiate with any one or more Tenderer's;
  - 39.1.8 Call for new Tenders;
  - 39.1.9 Reject any Tender that does not comply with the requirements of this RFT.
  - 39.1.10 Disregard the lowest priced tender or any tender in part or in whole
  - 39.1.11 Categorise the tenders into different areas of expertise

- 
- 39.1.12 Conduct site visits at the Tenderers Offices or at Client's Site or office if so required
- 39.1.13 Consider the guidelines and prescribed hourly remuneration rates for consultants as provided for in the National Treasury Instruction 01 of 2013\2014: Cost Containment Measures, where relevant.

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**40. GOVERNING LAWS**

- 40.1 This RFT and the Tendering Process are governed by the laws of the Republic of South Africa.
- 40.2 All Tenders must be completed using the English language and
- 40.3 All costing must be in South African Rand.

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## PART D: STATEMENT OF WORK

### 41. PURPOSE

Identify and select a Supplier who can deliver 99,000 Kg Zinc Ingots to specification 1330010 Rev 3

### 42. APPLICABLE STANDARDS

PMP Specification 1330010 Issue 3

### 43. SCOPE OF WORK

Supply 99,000 Kg Zinc Ingots to Pretoria Metal Pressings a Division of Denel SOC Ltd at 150 Staal Road Pretoria West

### 44. APPENDICES (IF APPLICABLE)

PMP Specification 1330010 Issue 3



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## ANNEXURE A: PRICE PROPOSAL

Tenderers must complete the table for the Schedule of Rates below and submitted as a pricing proposal. Failure to submit this document will result in the Tenderer's submission being disqualified.

### **A.1 CURRENCY**

All prices must be quoted in South African Rand on a fixed price basis, with all applicable taxes included.

### **A.2 PRICES SUBJECT TO CONFIRMATION**

Prices quoted which are subject to confirmation will not be considered.

### **A.3 BINDING OFFER**

Any tender furnished pursuant to this RFT shall be deemed to be an offer. Any exceptions to this statement must be clearly and specifically indicated.

### **A.4 DISCLAIMERS**

Tenderers are hereby advised that Pretoria Metal Pressings a Division of Denel SOC is not committed to any course of action because of its issuance of this RFT and/or its receipt of Tenders. Please note that Pretoria Metal Pressings a Division of Denel SOC reserves the right to:

- A.4.1 Modify the RFT's requirements and request Tenderers to re- tender on any changes;
- A.4.2 Reject any Tender which does not conform to instructions and specifications which are detailed herein;
- A.4.3 Not necessarily accept the lowest priced Proposal or an alternative Tender;
- A.4.4 Reject all Tenders/Proposals, if it so decides;
- A.4.5 Award only a portion of the proposed product(s)/service(s) which are reflected in the scope of this RFT;
- A.4.6 Split the award between more than one enterprise/organisation should it at Pretoria Metal Pressings a Division of Denel SOC's discretion be more advantageous in terms of, amongst others, cost or developmental considerations; or make no award at all;
- A.4.7 Validate any information submitted by Tenderers in response to this Tender. This would include, but is not limited to, requesting the Tenderers to provide supporting evidence. By submitting a tender, Tenderers hereby irrevocably grant the necessary consent to Pretoria Metal Pressings a Division of Denel SOC to do so;
- A.4.8 Request audited financial statements or other documentation for the purposes of a due diligence exercise;

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A.4.9 Award the Tender to the next highest ranked Tenderer, should the preferred Tenderer fail to sign or commence with the contract within a reasonable period after being requested to do so, provided that the preferred Tenderer is still prepared to provide the required goods at the quoted price. Under such circumstances, the validity of the tenders of the next ranked Tenderer(s) will be deemed to remain valid, irrespective of whether the next ranked Tenderer(s) were issued with a Letter of Regret. Tenderers may therefore be requested to advise whether they would still be prepared to provide the required goods at their quoted price, even after they have been issued with a Letter of Regret;

A.4.10 Cancel the contract and/or place the Tenderer on Pretoria Metal Pressings a Division of Denel SOC's list of Restricted Suppliers, should a contract be awarded on the strength of information furnished by the Tenderer, which after award of the contract, is proven to have been incorrect;

A.4.11 Award Tender to the highest scoring Tenderer(s) unless objective criteria justifies the award to another Tenderer.

**Note:** Pretoria Metal Pressings a Division of Denel SOC will not reimburse any tenderer for any preparatory costs or other work performed in connection with its Proposal, whether or not the Tenderer is awarded a contract.

## **A.5 PAYMENT TERMS**

The service provider shall note and accept Pretoria Metal Pressings a Division of Denel SOC's payment terms as stipulated in the SLA and/or contract.

## **A.6 SCHEDULE OF RATES/PRICE**

As applicable

**Note: This Annexure must be put in the Envelope for 'Price and Preference' as prescribed in Clause 4.1 above.**

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## **ANNEXURE B: EXECUTIVE SUMMARY**

### **Annexure H – CIPC Registration Documents**

Tenderers are required to include, as Annexure H to their Tenders, certified copies of all relevant CIPC registration documents listing all members with percentages, in the case of a close corporation.

### **Annexure I – Latest Shareholder Agreements**

Tenderers are required, as Annexure “I” to their Tenders, to submit certified copies of their latest Shareholder Agreements.

### **Annexure J – Joint Venture, Consortium Documents**

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

### **Annexure K – Mandatory Evaluation Criteria**

Tenderers are required to include, as Annexure K to their Tenders, supporting documents to their responses. These include:

- a. Valid BBBEE Certificate
- b. Proof of registration with the Central Supplier database
- c. Certified copy of the Company Registration with CIPC
- d. Original letter from the Bank issued on a bank letterhead with stamp
- e. Certified copies of all shareholder certificates and their ID copies
- f. Certified copies of shareholder agreements **(if applicable)**

### **Annexure L – General Conditions of Contract**

General Conditions of Contract can be accessed on the National Treasury website.

### **Annexure M – CSD Registration**

CSD Registration Summary Report

### **Annexure N – References and Transactions**

Recent references and transactions the Tenderer has handled as specified in the evaluation criteria. **(If applicable)**

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## Annexure O – Transformation Plan /Status

Tenderers that do not meet Pretoria Metal Pressings a Division of Denel SOC's transformation requirements must submit a Transformation Plan outlining steps to address shortcomings in their current status.

The transformation plan must be submitted as part of the original bid submission. Failure to do so will lead to the disqualification of the bid.

**SBD 2**

### 45. 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](http://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](http://www.sars.gov.za).

Jeyrel:\Mdk416-SBD2 tax clearance

## 46. DECLARATION OF INTEREST

SBD4

1. Any legal person, including persons employed by the state<sup>1</sup>, 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, shareholder<sup>2</sup>): .....

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.

<sup>1</sup> "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.

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

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

2.7.1 If so, furnish the following particulars:

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

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

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

Any other particulars:  
.....

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

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

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

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

.....  
 .....

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

2.8.1 If so, furnish particulars:

.....  
 .....

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

2.9.1 If so, furnish particulars.

.....  
 .....

2.10 Are you, or any person connected with the bidder, **YES/NO** 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?

2.10.1 If so, furnish particulars.

.....  
 .....

2.11 Do you or any of the directors / trustees / shareholders / members **YES/NO** of the company have any interest in any other related companies whether or not they are bidding for this contract?

2.11.1 If so, furnish particulars:

.....  
 .....

**3 FULL DETAILS OF DIRECTORS / TRUSTEES / MEMBERS / SHAREHOLDERS.**

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

**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 8**

**47. 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	<p><b>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?</b></p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p><b>The Database of Restricted Suppliers now resides on the National Treasury’s website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b></p>	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)? <b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

**SBD 8**

**CERTIFICATION**

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

**CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.**

**I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.**

.....  
**Signature**

.....  
**Date**

.....  
**Position**

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

Js365bW



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## 48. CERTIFICATE OF INDEPENDENT BID DETERMINATION SBD9

- 1 This Standard Bidding Document (SBD) must form part of all bids<sup>1</sup> invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).<sup>2</sup> Collusive bidding is a *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:

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

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

SBD 9

### CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

---

(Bid Number and Description)

in response to the invitation for the bid made by:

---

(Name of 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

**SBD 9**

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
7. Without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid;or
  - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

**<sup>3</sup> 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.**

**SBD 9**

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition

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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.

.....  
SignatureDate

.....  
Position Name of Bidder

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