



DENEL SOC LTD T/A DENEL LAND SYSTEMS INC MECHEM

DLS 03 08 20-21

**REQUEST FOR TENDER (RFT) FOR
SUPPLY OF:**

AV-8 LIGHT COMBAT TURRET TRAINING SIMULATOR SYSTEMS

BINDING OF DOCUMENTS

DOCUMENTS SUBMITTED MUST BE TIED WITH ELASTIC ONLY

NB: NO LOSE PAPERS WILL BE ACCEPTED

**1 ORIGINAL AND 1 COPY TO BE SUBMITTED OF EACH OF THE 2
SEPARATE DOCUMENTS REQUIRED**

NB: READ THROUGH THE ENTIRE DOCUMENT WITH CARE!!

TAKE NOTE OF BELOW VERY IMPORTANT NOTES REGARDING
DISCLAIMER AND NDA

DISCLAIMER

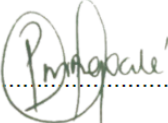
THE PURPOSE OF THIS RFT IS TO IDENTIFY AND AWARD TO A SUPPLIER THAT HAS THE CAPACITY AND ABILITY TO SUPPLY THE ITEMS AS LISTED IN THE RFT ACCORDING TO THE SCHEDULE, DRAWINGS, SPECIFICATIONS AND CRITICAL REQUIREMENT LIST (CRL) AT A COMPETITIVE PRICE.

NDA INSTRUCTIONS

A CD WITH DRAWINGS AND ADDITIONAL INFORMATION CAN BE COLLECTED FROM DLS RECEPTION AFTER THE SUBMISSION OF A SIGNED NON-DISCLOSURE AGREEMENT (NDA). **THIS CD CAN BE COLLECTED FROM THE 8TH OF SEPTEMBER 2020.**

APPROVAL SHEET

TITLE: AV-8 LIGHT COMBAT TURRET TRAINING SIMULATOR SYSTEMS
PROPOSAL NUMBER: DLS 03 08 20-21
DEPARTMENT: SUPPLY CHAIN
CLASSIFICATION: RESTRICTED
DISTRIBUTION: <http://www.etenders.gov.za>
UNDER: Department - Denel (Pty) Ltd
<http://www.denellandsystems.co.za>
UNDER: About Us - Tenders
<http://www.denel.co.za/tenders>
UNDER: Our Business - Tenders

RECOMMENDED BY:  DATE: 04/09/2020
HEAD OF PROCUREMENT

NAME IN PRINT: Velly Peter Mmangoale

APPROVED BY:  DATE: 2020-09-04
TECHNICAL AUTHORITY

NAME IN PRINT: WJ Meiring

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SBD 1 - INVITATION TO BID

IN ACCORDANCE WITH THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND PREFERENTIAL PROCUREMENT REGULATIONS 2017, THIS PROPOSAL IS SUBJECT TO MANDATORY CRITERIA AS OUTLINED BELOW.

ONLY COMPANIES FALLING IN THE FOLLOWING CATEGORIES MAY RESPOND TO THIS RFT:

1. Companies with a B-BBEE status/level of 1 to 8.
2. Companies must be willing to partner with a designated company as stipulated by Denel.

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF Denel SOC Ltd T/A Denel Land Systems Inc Mechem					
BID NUMBER	DLS 03 08 20-21	CLOSING DATE	24 SEPT 2020	CLOSING TIME	11:00 AM
NON-COMPULSORY BRIEFING SESSION	If you have a need for a briefing session please indicate that by sending an email to Tenders@dlsys.co.za before 11 September 2020.				
CLOSING DATE FOR WRITTEN QUESTIONS	20 September 2020				
COLLECTING OF CD'S	CD's can be collected at DLS Reception from 8th of September 2020. A signed NDA must be handed in at Reception before the CD will be handed over.				
DESCRIPTION OF PROPOSAL REQUIREMENT					
AV-8 LIGHT COMBAT TURRET TRAINING SIMULATOR SYSTEMS					
Bid response documents may be deposited in the bid box situated at:					
Tender Box Denel Land Systems Reception 368 Selborne Avenue Lyttelton Availability time: 07:00 - 17:00 South African Time					
Bidding procedure enquiries may be directed to			Technical enquiries may be directed to:		
Contact person	Ella Jordaan		Contact person	Ella Jordaan	
E-mail address	tenders@dlsys.co.za		E-mail address	tenders@dlsys.co.za	
Supplier information					
Name of bidder					
Postal address					
Street address					
Telephone number	Code		Number		
Cellphone number					
Facsimile number	Code		Number		
E-mail address					
Vat registration number					
Supplier tax compliance status	Tax compliance system pin:		Or	Central supplier database no:	MAAA
BBBEE status level verification certificate	<input type="checkbox"/> YES	<input type="checkbox"/> NO	BBBEE status level sworn affidavit		<input type="checkbox"/> YES <input type="checkbox"/> NO

A BBBEE status level verification certificate/ sworn affidavit (for EME'S & QSE'S) must be submitted in order to qualify for preference points for BBBEE			
Are you the accredited representative in South Africa for the goods /services /works offered?	<input type="checkbox"/> YES <input type="checkbox"/> NO [if yes enclose proof]	Are you a foreign based supplier for the goods /services /works offered?	<input type="checkbox"/> YES <input type="checkbox"/> NO [if yes, answer the questionnaire below]

QUESTIONNAIRE TO BIDDING - FOREIGN SUPPLIERS ONLY	
Is the entity a resident of the Republic of South Africa (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Does the entity have a branch in the RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Does the entity have a permanent establishment in the RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Does the entity have any source of income in the RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Is the entity liable in the RSA for any form of taxation?	<input type="checkbox"/> YES <input type="checkbox"/> NO
<p>IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTERED AS PER 2.3 BELOW.</p>	

TERMS AND CONDITIONS FOR BIDDING

<p>1. BID SUBMISSION</p> <p>1.1. Bids must be delivered by the stipulated time to the correct address. Late bids will not be accepted for consideration.</p> <p>1.2. All bids must be submitted on the official forms provided (not to be re-typed) or in the manner prescribed in the bid document.</p> <p>1.3. This bid is subject to the Preferential Procurement Policy Framework Act, 2000 and the Preferential Procurement Regulations, 2017, the General Conditions of Contract (GCC) and, if applicable, any other special conditions of contract.</p> <p>1.4. The successful bidder will be required to fill in and sign a written contract form (SBD7).</p> <p>1.5. The award of the proposal may be subjected to price negotiation with the preferred bidders.</p>
<p>2. TAX COMPLIANCE REQUIREMENTS</p> <p>2.1 Bidders must ensure compliance with their tax obligations.</p> <p>2.2 Bidders are required to submit their unique personal identification number (pin) issued by SARS to enable the Organ of State to verify the taxpayer's profile and tax status.</p> <p>2.3 Application for tax compliance status (TCS) pin may be made via e-filing through the SARS website www.sars.gov.za.</p> <p>2.4 Bidders may also submit a printed TCS certificate together with the bid.</p> <p>2.5 In bids where consortia / joint ventures / sub-contractors are involved, each party must submit a separate TCS certificate / pin / CSD number.</p> <p>2.6 Where no TCS pin is available but the bidder is registered on the central supplier database (CSD), a CSD number must be provided.</p> <p>2.7 No bids will be considered from persons in the service of the state, companies with directors who are persons in the service of the state, or close corporations with members / persons in the service of the state.</p>

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:
(Proof of authority must be submitted e.g. company resolution)

DATE:

CHECKLIST OF COMPULSORY RETURNABLE DOCUMENTS

Please adhere to the following instructions:

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

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

YES NO

<input type="checkbox"/>	<input type="checkbox"/>	Information to be marked on package containing Proposal Envelopes: ENVELOPE 1 <i>Qualifying and Functional Evaluation</i> (1 Original + 1 Copy) ENVELOPE 2 <i>Price and Preference Points</i> (1 Original + 1 Copy)
<input type="checkbox"/>	<input type="checkbox"/>	Terms and Conditions for Bidding (Signed)
<input type="checkbox"/>	<input type="checkbox"/>	Checklist of Compulsory Returnable Documents (Ticked)

<input type="checkbox"/>	<input type="checkbox"/>	SBD 1 Invitation to Bid
<input type="checkbox"/>	<input type="checkbox"/>	SBD 2 Proof of Tax Compliance, and registration on Central Supplier Database (CSD Report) – SA Based Companies only
<input type="checkbox"/>	<input type="checkbox"/>	SBD 3.1 / 3.2 Pricing - Completed and Signed
<input type="checkbox"/>	<input type="checkbox"/>	SBD 4 Declaration of Conflict of Interest - Signed
<input type="checkbox"/>	<input type="checkbox"/>	SBD 6.1 Preference points claim form in terms of the preferential procurement regulations 2017 and SANAS B-BBEE certificate / or certified sworn affidavit - SA Based Companies only
<input type="checkbox"/>	<input type="checkbox"/>	SBD 8 Declaration of Bidder's Past Supply Chain Practices
<input type="checkbox"/>	<input type="checkbox"/>	SBD 9 Certificate of Independent Proposal Determination
<input type="checkbox"/>	<input type="checkbox"/>	Annexure A: Bidders are required to include certified copies of all relevant CIPC registration documents, listing all members with percentages, in the case of a closed corporation.
<input type="checkbox"/>	<input type="checkbox"/>	Annexure B: Bidders are required to submit certified copies of their latest Shareholder Agreements. (if applicable)
<input type="checkbox"/>	<input type="checkbox"/>	Annexure C: Bidders which submit Proposals as an unincorporated joint venture, consortium or other association of persons are required to submit a breakdown of how the fees and work will be split between the various people or entities which constitute the Bidder. (if applicable)
<input type="checkbox"/>	<input type="checkbox"/>	Annexure D: DLS Standard Terms and Conditions. This must be signed.

<input type="checkbox"/>	<input type="checkbox"/>	Annexure E: Recent references and transactions the Bidder has handled as specified in the evaluation criteria. (If applicable)
<input type="checkbox"/>	<input type="checkbox"/>	Annexure F: Bidders that do not meet Denel'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.
<input type="checkbox"/>	<input type="checkbox"/>	Annexure G: Company Organogram and proposed human resources for this specific project.
<input type="checkbox"/>	<input type="checkbox"/>	Annexure H: Details of Experience in partnering with companies owned and managed by Black People (If applicable) .
<input type="checkbox"/>	<input type="checkbox"/>	Annexure I: Provide latest audited or independently reviewed financial statements. If the audited or independently reviewed financial statements are older than 6 months, provide latest management accounts as well.

SPECIFICATIONS, CONDITIONS OF PROPOSAL AND UNDERTAKINGS BY BIDDER

1 DEFINITIONS

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

1. **All applicable taxes** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
2. **B-BBEE Act** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No 53 of 2003);
3. **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);
4. **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;
5. **BBB-EE status level of contributor** means the BBB-EE 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;
6. **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;
7. **Broad-Based Black Economic Empowerment Act** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
8. **Business Day** means a day which is not a Saturday, Sunday or public holiday;
9. **Closing date and time** means the Date and time, specified as such under the Clause 3 (Proposal Timetable), by which Proposals must be received;
10. **Companies Act** means the Companies Act, 2008 (Act No 71 of 2008);
11. **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;
12. **Compulsory Documents** means the list of compulsory schedules and documents set out in this document.
13. **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;
14. **Contract** means the agreement that results from the acceptance of a bid by an organ of state;
15. **Denel** means Denel SOC Ltd, a state-owned company with registration number: 1992/001337/30) or any of its Divisions and Subsidiaries;
16. **EME** means any enterprise with an annual total revenue of R5 million or less.
17. **Evaluation Criteria** means the criteria set out under the Clause 32 (Evaluation Process) which includes the Mandatory Criteria, Functional Criteria (Stage 1) and Price and Preferential Points (Stage 2) Assessment;
18. **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;
19. **Functional Criteria** means the criteria set out in clause 32.2 referring to the qualifying specification in accordance with the relevant standards.
20. **Functionality** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or

operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;

21. **Includes or including** means includes or including without limitation;
22. **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;
23. **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;
24. **Non-firm prices** means all prices other than firm prices;
25. **Person** includes a juristic person;
26. **PFMA** means the Public Finance Management Act, 1999 (Act No 1 of 1999), as amended;
27. **PPPFA Regulations** means the Preferential Procurement Regulations 2017, published in terms of the PPPFA;
28. **Price and Preferential Points Assessment** means the process described in Clause 32.3 of this document as prescribed by the PPPFA.
29. **Rand or R** is a reference to the lawful currency of the Republic of South Africa;
30. **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;
31. **REQUEST FOR TENDER or RFT** means this document including all annexures and any other documents so designated by Denel;
32. **SARS** means the South African Revenue Service;
33. **Services** means the services required by Denel, as specified in this RFT;
34. **SLA** means Service Level Agreement that will be concluded between Denel and successful Bidder ;
35. **SOC** means State Owned Company, as defined by the Companies' Act;
36. **Specification** means specification or description of Denel's requirements contained in this RFT ;
37. **State** means the Republic of South Africa;
38. **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;
39. **Proposal** means a written offer in the prescribed or stipulated form lodged by a Bidder 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 ;
40. **Bidder** means a person or legal entity, or an unincorporated group of persons or legal entities that submit a Proposal;
41. **Bidding** Process means the process commenced by the issuing of this REQUEST FOR TENDERS and concluding upon formal announcement by Denel of the selection of a successful Bidder (s) or upon the earlier termination of the process;
42. **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;
43. **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
44. **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.
45. **Website** means a website administered by Denel under its name with web address www.denellandsystems.co.za;

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

2 TENDER OFFICE

DENEL LAND SYSTEMS – Procurement

NO QUERIES / QUESTIONS WILL BE ENTERTAINED TELEPHONICALLY. ALL QUERIES / QUESTIONS MUST BE EMAILED TO Tenders@dlsys.co.za

DOCUMENTS MAY BE UPDATED IN SOME INSTANCES ON ALL THE PORTALS BEFORE CLOSURE, SO BIDDERS MUST MAKE SURE ON A REGULAR BASIS THAT THEY ARE WORKING ON THE CORRECT DOCUMENT, FOR INSTANCE CLOSING DATES MAY BE EXTENDED IN SOME CASE BEFORE THE CLOSING DATE. BIDDERS MUST MAKE SURE THAT THEY WORK WITH THE LATEST SPECIFICATIONS AND DRAWINGS BEFORE PREPARING THEIR PROPOSAL.

No canvassing of any Denel employee will be tolerated and that will result in an **immediate disqualification** of the Bidder.

3 SUBMISSION OF PROPOSALS

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

Bidders are requested to initial each page of the proposal document on the bottom right hand corner.

4 RULES GOVERNING THIS RFT AND THE BIDDING PROCESS

- 4.1 Participation in the proposal process is subject to compliance with the rules, terms and conditions contained in this RFT.
- 4.2 All persons (irrespective of whether they are participants in this proposal 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 .
- 4.3 All Bidders are deemed to accept the rules, terms and conditions contained in this RFT.
- 4.4 The rules, terms and conditions contained in this RFT apply to:
 - 4.4.1 The RFT and any other information given, received, or made available about this RFT, and any revisions or annexures;
 - 4.4.2 The Bidding Process; and
 - 4.4.3 Any communications (including any briefings, presentations, meetings, and negotiations) relating to the RFT or the Bidding Process.

5 STATUS OF REQUEST FOR TENDER

This RFT is an invitation for person(s) to submit a Proposal(s) for the provision of the services as set out in the Specification contained in this 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 Denel and any Bidder unless and until Denel has executed a formal written contract with the successful Bidder.

6 ACCURACY OF THE RFT

- 6.1 Whilst all due care has been taken in connection with the preparation of this RFT , Denel makes no representations or warranties that the content in this RFT or any information communicated to or provided to Bidders during the Bidding Process is, or will be, accurate, current or complete. Denel, and its officers, employees and advisors will not be liable with respect to any information communicated which is not accurate, current or complete.

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

6.3 Any actual discrepancy, ambiguity, error or inconsistency in this RFT or any other information provided by Denel will, if possible, be corrected and provided to all Bidders without attribution to the Bidder who provided the written notice.

7 ADDITIONS AND AMENDMENTS TO THE RFT

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

7.2 If Denel exercises its right to change information in terms of Clause 8.1, it may seek amended Proposals from all Bidders.

8 REPRESENTATIONS

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

9 CONFIDENTIALITY

All persons (including all Bidders) obtaining or receiving this RFT and any other information about this RFT or the Bidding 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 Proposal in response to this RFT .

10 UNAUTHORISED COMMUNICATIONS

10.1 Communication (including promotional or advertising activities) with staff of Denel or staff assisting with the Bidding Process is not permitted during the Bidding Process. Nothing in this Clause 11 is intended to prevent communications with staff of, or advisors to, Denel to the extent that such communication is not related to this RFT or the Bidding Process.

10.2 Bidders must not otherwise engage in any activities that may be perceived as, or that may have the effect of, influencing the outcomes of the Bidding Process in any way.

11 IMPROPER ASSISTANCE, FRAUD AND CORRUPTION

11.1 Bidders may not seek or obtain the assistance of employees of Denel in the preparation of their proposal responses.

11.2 Denel may in its absolute discretion, immediately disqualify a Bidder that it believes has sought or obtained such improper assistance.

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

11.4 Any improper communication, canvassing, or engagement with any Denel people/person/representative will result in immediate disqualification from the RFT process.

12 ANTI-COMPETITIVE CONDUCT

12.1 Bidders 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 Bidder or any other person(s) in respect of this Bidding Process, including during the:

- a. Preparation or lodgment of their proposal;
- b. Evaluation and clarification of their proposal; and

c. Negotiations with Denel.

12.2 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 Denel or any other Bidder or any other person or organisation.

12.3 In addition to any other remedies available to it under law or contract, Denel may, in its absolute discretion, immediately disqualify a Bidder that it believes has engaged in any collusive, anti-competitive conduct or any other similar conduct during or before the Bidding Process.

13 COMPLAINTS ABOUT THE BIDDING PROCESS

13.1 Any complaint about the RFT or the Bidding Process must be submitted to the Proposal Office via the Proposal Response email address, by email only, immediately upon the cause of the complaint arising or becoming known to the Bidder .

13.2 The written complaint must set out:

13.2.1 The basis for the complaint, specifying the issues involved;

13.2.2 How the subject of the complaint affects the organisation or person making the complaint;

13.2.3 Any relevant background information; and

13.2.4 The outcome desired by the person or organisation making the complaint.

13.3 If the matter relates to the conduct of an employee of Denel, the complaint should be addressed in writing marked for the attention of the Chief Executive Officer of Denel, and delivered to the physical address of Denel, as notified.

14 CONFLICT OF INTEREST

14.1 A Bidder 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 Denel and the Bidder 's interests during the Proposal Process.

14.2 The Bidder is required to provide details of any interests, relationships or clients which may or do give rise to a conflict of interest in relation to the supply of the products/services under any contract that may result from this RFT. If the Bidders submits it's Proposal and a subsequent conflict of interest arises, or is likely to arise, which was not disclosed in the Proposal, the Bidder must notify Denel immediately in writing of that conflict.

14.3 Denel may immediately disqualify a Bidder from the Bidding Process if the Bidder fails to notify Denel of the conflict of interest as required.

15 LATE PROPOSALS

15.1 Proposals must be delivered by the Closing Date and Time. The Closing date and time may be extended by Denel in its absolute discretion by providing written notice.

15.2 Proposals 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 Bidding Process and will be ineligible for consideration. **No Late Proposals will be accepted.**

15.3 The determination by Denel as to the actual date and time that a Proposal is submitted is final.

16 BIDDER 'S RESPONSIBILITIES

16.1 Bidders are responsible for:

16.1.1 Examining this RFT and any documents referenced or attached to this RFT and any other information made or to be made available by Denel to Bidders in connection with this RFT;

- 16.1.2 Fully informing themselves in relation to all matters arising from this RFT, including all matters regarding Denel's requirements for the provision of the Services;
- 16.1.3 Ensuring that their Proposals are accurate and complete;
- 16.1.4 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 Proposal;
- 16.1.5 ensuring that they comply with all applicable laws with regards to the Bidding 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
- 16.1.6 Submitting all Compulsory Documents.
- 16.2 Bidders 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 Bidder or a partner to the Bidder) or an accredited verification agency.
- 16.3 Bidders other than Exempted Micro-Enterprises (EMEs) must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE status. The submission of such certificates must comply with the requirements of instructions and guidelines issued by National Treasury and must be in accordance with the applicable notices published by the Department of Trade and Industry in the Government Gazette.

17 PREPARATION OF PROPOSALS

- 17.1 Bidders must ensure that:
 - 17.1.1 Their Proposal is submitted in the required format as stipulated in this RFT; and
 - 17.1.2 All the required information fields in the Proposal are completed in full and contain the information requested by Denel.
- 17.2 Denel may in its absolute discretion reject a Proposal that does not include the information requested or if is not in the format required.**
- 17.3 Unnecessarily elaborate responses or other representations beyond that which is sufficient to present a complete and effective Proposal is not desired or required. Elaborate and expensive visual and other presentation aids are not necessary.
- 17.4 Where the Bidder is unwilling to accept a specified condition, the non-acceptance must be clearly and expressly stated. Prominence must be given to the statement detailing the non-acceptance. It is not sufficient that the statement appears only as part of an attachment to the Proposal, or be included in the general statement of the Bidder's usual operating conditions.
- 17.5 An incomplete Proposal may be disqualified or assessed solely on the information completed or received with the Proposal.**

18 ILLEGIBLE CONTENT, ALTERATION AND ERASURES

- 18.1 Denel may disregard any content in a Proposal that is illegible and will be under no obligation whatsoever to seek clarification from the Bidder.**
- 18.2 Denel may permit a Bidder to correct an unintentional error in its Proposal where that error becomes known or apparent after the closing time, but in no event, will any correction be permitted if Denel reasonably considers that correction would materially alter the substance of the Proposal or affect the fairness of the bidding process.

19 OBLIGATION TO NOTIFY ERRORS

If, after a Bidder's Response has been submitted, the Bidder 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 Proposal), the Bidder must promptly notify Denel of such error before closing date and time of the proposal.

20 RESPONSIBILITY FOR BIDDING COSTS

- 20.1 The Bidders participation or involvement in any stage of the Bidding Process is at the Bidders sole risk, cost and expense. Denel will not be held responsible for, or pay for, any expense or loss that may be incurred by Bidders in relation to the preparation or lodgment of their Proposal.
- 20.2 Denel is not liable to the Bidder for any costs on the basis of any contractual, promissory or restitution grounds whatsoever as a consequence of any matter relating to the Bidder's participation in the Bidding Process, including without limitation, instances where:
 - 20.2.1 The Bidder is not engaged to perform under any contract; or
 - 20.2.2 Denel exercises any right under this RFT or at law.

21 DISCLOSURE OF PROPOSAL CONTENTS AND PROPOSAL INFORMATION

- 21.1 All Proposals received by Denel will be treated as confidential. Denel will not disclose contents of any Proposal and Proposal information, except:
 - 21.1.1 As required by law;
 - 21.1.2 For the purpose of investigations by other government authorities having relevant jurisdiction;
 - 21.1.3 To external consultants and advisors of Denel engaged to assist with the Bidding Process; or for the general information of Bidders required to be disclosed as per National Treasury Regulations, Guidelines, Instruction Notes or Practice Notes.

22 USE OF PROPOSALS

- 22.1 Upon submission in accordance with the requirements relating to the submission of Proposals, all Proposals submitted become the property of Denel. Bidders will retain all ownership rights in any intellectual property contained in the Proposals.
- 22.2 Each Bidder, by submission of their Proposal, is deemed to have licensed Denel to reproduce the whole, or any portion, of their Proposal for the sole purposes of enabling Denel to evaluate the Proposal.

23 PROPOSAL ACCEPTANCE

All Proposals 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 Denel and the Bidder.

24 CHANGES TO PRICE PROPOSALS

Changes by the Bidders to submitted Proposals will not be considered after the closing date and time.

25 DENEL PROCUREMENT PHILOSOPHY

It is the policy of Denel, 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:

- 25.1 The PFMA and the PPPFA;
- 25.2 Preferential Procurement Regulations 2017;
- 25.3 Relevant Legislation; and
- 25.4 In its quest to advance Black-owned companies and individuals, Denel 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. Denel as a SOC are 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 may lead to the disqualification of the bid.

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

- 26.1 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, Bidders are to note that Denel 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).
- 26.2 Denel shall use the lowest acceptable Proposal to determine the applicable preference point system that is either 90/10 or 80/20 point system as per the PPPFA Regulations.
- 26.3 Bidders 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.
- 26.4 Bidders 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 Bidder'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.

27 B-BBEE JOINT VENTURES OR CONSORTIUMS

- 27.1 Bidders 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.
- 27.2 Such Bidders 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 through this RFT process.
- 27.3 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 Denel.
- 27.4 Bidders 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.
- 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.

28 NATIONAL TREASURY'S CENTRAL SUPPLIER DATABASE

Bidders 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. Denel is required to ensure that price proposals are invited and accepted from prospective Bidders listed on the CSD. A Proposal may not be awarded to a Bidder 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 in order to enable it to verify information on the CSD:

29 TAX COMPLIANCE

- 29.1 A Bidder must be compliant when submitting a proposal to Denel 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).
- 29.2 It is a condition of this RFT that the tax matters of the successful Bidder are in order, or that satisfactory arrangements have been made with the South African Revenue Service (SARS) to meet the Bidder's tax obligations.
- 29.3 Bidders are required to be registered on the Central Supplier Database and the National Treasury shall verify the Bidder's tax compliance status through the Central Supplier Database.
- 29.4 It is a requirement that a Bidder grant a written confirmation when submitting a Proposal that SARS may on an on-going basis during the tenure of the contract disclose the Bidder's tax compliance status and by submitting this Proposal such confirmation is deemed to have been granted.
- 29.5 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.

30 STATUS OF PROPOSAL

- 30.1 Each Proposal constitutes an irrevocable offer by the Bidder to Denel to provide the Products/Services required and otherwise to satisfy the requirements of the Specification as set out in this RFT.
- 30.2 A Proposal must not be conditional on:
- a. the Board approval of the Proposal or any related governing body of the Bidder being obtained;
 - b. the Bidder conducting due diligence or any other form of enquiry or investigation on Denel;
 - c. the Bidder (or any other party) obtaining any regulatory approval or consent;
 - d. the Bidder obtaining the consent or approval of any third party; or
 - e. The Bidder stating that it wishes to discuss or negotiate any commercial terms of the contract.
- 30.3 Denel may, in its absolute discretion, disregard any proposal that is, or is stated to be, subject to any one or more of the conditions detailed above (or any other relevant conditions).
- 30.4 Denel reserves the right to accept a Proposal in part or in whole or to negotiate with a Bidder in accordance with the provisions of this RFT and the applicable laws and regulations.

31 CLARIFICATION OF PROPOSALS

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

32 SUCCESSFUL PROPOSALS

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

33 NO OBLIGATION TO ENTER INTO CONTRACT

Denel is under no obligation to appoint a successful Bidder (s) (as the case may be), or to enter into a contract and/or SLA with a successful Bidder or any other person, if it is unable to identify a Proposal that complies in all relevant respects with the requirements of Denel, 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 Denel will be free to proceed via any alternative process.

34 BIDDER WARRANTIES

- 35.1 By submitting a Proposal, a Bidder warrants that:
- 35.1.1 It did not rely on any express or implied statement, warranty or representation, whether oral, written, or otherwise made by or on behalf of Denel, its officers, employees, or advisers other than any statement, warranty or representation expressly contained in the RFT ;
- 35.1.2 It did not use the improper assistance of Denel's employees or information unlawfully obtained from them in compiling its Proposal;
- 35.1.3 It is responsible for all costs and expenses related to the preparation and submission of its Proposal, and any future process connected with or relating to the Bidding Process;
- 35.1.4 It accepts and will comply with the terms set out in this RFT; and
- 35.1.5 It will provide additional information in a timely manner as requested by Denel to clarify any matters contained in the Proposal.

35 DENEL'S RIGHTS

- 36.1 Notwithstanding anything else in this RFT, and without limiting its rights at law or otherwise, Denel reserves the right, in its absolute discretion at any time, to:
- 36.1.1 Cease to proceed with, or suspend the Bidding Process prior to the execution of a formal written contract and/or SLA;
- 36.1.2 Alter the structure and/or the timing of this RFT or the Bidding Process;
- 36.1.3 Amend any proposal condition, proposal validity period, RFT specifications or extend the proposal closing date, all before the proposal closing date;
- 36.1.4 Terminate the participation of any Bidder or any other person in the Bidding Process;
- 36.1.5 Request additional relevant information, agreements and other documents to verify information provided in the proposal response or request clarification from any Bidder or any other person;
- 36.1.6 Provide additional information or clarification;
- 36.1.7 Negotiate with any one or more Bidder's;
- 36.1.8 Call for new Proposals;
- 36.1.9 Reject any Proposal that does not comply with the requirements of this RFT;
- 36.1.10 Disregard the lowest priced proposal or any proposal in part or in whole;
- 36.1.11 Categorise the proposals into different areas of expertise;

- 36.1.12 Conduct site visits at the Bidders Offices or at Client's Site or office if so required;
- 36.1.13 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.

36 GOVERNING LAWS

- 37.1 This RFT and the Bidding Process are governed by the laws of the Republic of South Africa.
- 37.2 All Proposals must be completed using the English language, and
- 37.3 All costing must be in South African Rand.

1. APPENDICES

APPENDICES C TO F - WILL BE GIVEN ON A SEPARATE CD

THIS CD MUST BE RETURNED WITH THE TENDER DOCUMENTS TO DLS

APPENDIX A - NDA - **DOWNLOAD FROM ALL PORTALS TOGETHER WITH RFT DOCUMENT (TO BE SIGNED AND HANDED IN AT DLS RECEPTION WHEN COLLECTING YOUR CD)**

APPENDIX B - DLS STANDARD TERMS AND CONDITIONS - **DOWNLOAD FROM ALL PORTALS TOGETHER WITH RFT DOCUMENT**

APPENDIX C - DELIVERY SCHEDULE

APPENDIX D - QA REQUIREMENTS (SEE CRL DOCUMENTS) – **SEE DETAILS ON CD**

APPENDIX E - DRAWINGS and SPECIFICATIONS – **SEE DETAILS ON CD**

APPENDIX F - COC DLS 92

**SBD 2 - PROOF OF TAX COMPLIANCE, AND REGISTRATION ON CENTRAL
SUPPLIER DATABASE (CSD REPORT)**

Printed CSD Report to be attached as **Annexure B**

PRICE TENDER

Bidders 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 Bidder's submission being disqualified.

A.1 CURRENCY

All prices must be quoted in South African Rand on a firm 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 proposal 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

Bidders are hereby advised that Denel is not committed to any course of action as a result of its issuance of this RFT and/or its receipt of Proposals. In particular, please note that Denel reserves the right to:

- A.4.1 Modify the RFT's requirements and request Bidders to re- proposal on any changes;
- A.4.2 Reject any Proposal which does not conform to instructions and specifications which are detailed herein;
- A.4.3 Not necessarily accept the lowest priced Proposal, highest score Proposal or an alternative Proposal;
- A.4.4 Reject all Proposals/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 Denel'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 Bidders in response to this Proposal. This would include, but is not limited to, requesting the Bidders to provide supporting evidence. By submitting a proposal, Bidders hereby irrevocably grant the necessary consent to Denel to do so;
- A.4.8 Request audited financial statements or other documentation for the purposes of a due diligence exercise;
- A.4.9 Award the Proposal to the next highest ranked Bidder, should the preferred Bidder fail to sign or commence with the contract within a reasonable period after being requested to do so, provided that the preferred Bidder is still prepared to provide the required goods at the quoted price. Under such circumstances, the validity of the proposals of the next ranked Bidder (s) will be deemed to remain valid, irrespective of whether the next ranked Bidder (s) were issued with a Letter of Regret. Bidders 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 Bidder on Denel's list of Restricted Suppliers, should a contract be awarded on the strength of information furnished by the Bidder, which after award of the contract, is proven to have been incorrect;
- A.4.11 Award Proposal to the highest scoring Bidder (s) unless objective criteria justifies the award to another Bidder.

Note: Denel will not reimburse any bidder for any preparatory costs or other work performed in connection with its Proposal, whether or not the Bidder is awarded a contract.

A.5 PAYMENT TERMS

The service provider shall note and accept Denel'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.

SBD 3.1 - PRICING SCHEDULE – FIRM PRICES

NOTE: Price adjustments will be allowed at the periods and times specified in the bidding documents.

In cases where different delivery points influence the pricing, a separate pricing schedule must be submitted for each delivery point.

Name of Bidder	
Bid Number	
Closing Time	
Closing Date	

OFFER TO BE VALID FOR **150 DAYS** FROM THE CLOSING DATE OF BID.

FIRM PRICES ARE LINKED TO ESCALATION. PRICE ESCALATIONS MUST BE IN LINE WITH THE SEIFSA ESCALATION FORMULAS.

BASE DATE OF PROPOSAL: 1 SEPTEMBER 2020

Note:

All delivery costs must be **INCLUDED** in the bid price, for delivery at the prescribed destination.

With the exception of basic prices, where required, **ALL PRICES SHALL BE QUOTED IN SOUTH AFRICAN CURRENCY.**

All drawings and control requirement documents will be handed out on a CD which can be collected at DLS Reception after a signed NDA was handed over.

The bid prices shall be given in the units shown

<i>ITEM NO</i>	<i>PART NO</i>	<i>DESCRIPTION</i>	<i>QUANTITY</i>	<i>UNIT PRICE INCLUDING VAT</i>	<i>TOTAL PRICE INCLUDING VAT</i>	<i>UNIT PRICE EXCLUDING VAT</i>	<i>TOTAL PRICE EXCLUDING VAT</i>	<i>LEAD TIMES</i>

IMPORTANT NOTICE: PLEASE ENSURE THAT THE PRICES QUOTED FOR IS ACCORDING TO THE DRAWING AND LEAD TIMES MUST BE INDICATED. IF QUOTED INCORRECTLY THE BID WILL BE DISQUALIFIED.

Required By	
At	
Brand and Model	
Country of Original	

Does the offer comply with the specification(s)? *

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

If not to specification, indicate deviation(s)

--

Period required for delivery	
------------------------------	--

Delivery: *Fixed/Firm

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

*Delete if not applicable

SBD 3.2 - PRICING SCHEDULE – FIXED PRICES

NOTE: Only fixed prices will be accepted. 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	
Closing Time	
Closing Date	

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

FIXED PRICES CANNOT BE LINKED TO SEIFSA ESCALATION FORMULAS.

BASE DATE OF PROPOSAL: 1 SEPTEMBER 2020

Note:

All delivery costs must be **INCLUDED** in the bid price, for delivery at the prescribed destination.

With the exception of basic prices, where required, **ALL PRICES SHALL BE QUOTED IN SOUTH AFRICAN CURRENCY.**

All drawings and control requirement documents will be handed out on a CD that can be collected at DLS Reception after a signed NDA was handed over.

The bid prices shall be given in the units shown.

<i>ITEM NO</i>	<i>PART NO</i>	<i>DESCRIPTION</i>	<i>QUANTITY</i>	<i>UNIT PRICE INCLUDING VAT</i>	<i>TOTAL PRICE INCLUDING VAT</i>	<i>UNIT PRICE EXCLUDING VAT</i>	<i>TOTAL PRICE EXCLUDING VAT</i>	<i>LEAD TIMES</i>

IMPORTANT NOTICE: PLEASE ENSURE THAT THE PRICES QUOTED FOR IS ACCORDING TO THE DRAWING AND LEAD TIMES MUST BE INDICATED. IF QUOTED INCORRECTLY THE BID WILL BE DISQUALIFIED.

Required By	
At	
Brand and Model	
Country of Original	

Does the offer comply with the specification(s)? *

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

If not to specification, indicate deviation(s)

--

Period required for delivery	
------------------------------	--

* Delivery: Fixed/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

PRICE ADJUSTMENTS

A FIRM PRICES SUBJECT TO ESCALATION

1. In cases of period contracts, firm prices will be adjusted (loaded) with the assessed contract price adjustments implicit in fixed prices when calculating the comparative prices
2. In this category price escalations will be considered in terms of the following formulae, or a formulae as agreed between the buyer and the seller:

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

Where:

- Pa = The new escalated price to be calculated.
- (1-V)Pt = 100% of the original bid price. Note that Pt must always be the original bid price and not an escalated price.
- D1, D2.. = Each factor of the bid price eg. labour, transport, clothing, footwear, etc. The total of the various factors D1, D2...etc. must add up to 100%.
- R1t, R2t = Index figure obtained from new index (depends on the number of factors used).
- R10, R20 = Index figure at time of bidding.
- VPt = 0% of the original bid price. This portion of the bid price remains firm i.e. it is not subject to any price escalations.

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

Index		Dated	
Index		Dated	
Index		Dated	
Index		Dated	

4. Furnish a breakdown of your price in terms of above-mentioned formula. The total of the various factors must add up to 100%.

B PRICES SUBJECT TO RATE OF EXCHANGE VARIATIONS

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

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

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

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

SBD 4 - DECLARATION OF CONFLICT OF INTEREST

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 INFORMATION, 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.
- a. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

Full Name of bidder or his or her representative:

--

Identity Number:

--

Position occupied in the Company (director, trustee, shareholder²):

--

Company Registration Number	
Tax Reference Number	
VAT Registration Number	

- i. 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. Are you or any person connected with the bidder presently employed by the state?

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

- ii. 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:

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

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

If yes, did you 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.

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

- iv. 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	
-----	--	----	--

- v. If so, furnish particulars:

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

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

If so, furnish particulars.

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

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

If so, furnish particulars.

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

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

If so, furnish particulars:

Full details of directors / trustees / members / shareholders

FULL NAME	IDENTITY NUMBER	PERSONAL TAX REFERENCE NUMBER	STATE EMPLOYEE NUMBER / PERSAL NUMBER

- e. Declaration

I, the undersigned (name)

--

certify that the information furnished in paragraph 1 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 2017

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 (BBB-EE) Status Level of Contribution

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

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- The 80/20 system for requirements with a Rand value of up to R50 000 000 **(all applicable taxes included)**.
- The 90/10 system for requirements with a Rand value above R50 000 000 **(all applicable taxes included)**.

1.2 Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) BBB-EE Status Level of Contribution.

If **Local Content** was not indicated in **Annexure C, and attached to the tender document**, the proposal will be **DISQUALIFIED. No further adjudicated will take place.**

2. EVALUATION CRITERIA

The Proposals will be evaluated and adjudicated as follows:

2.1 MANDATORY EVALUATION CRITERIA

2.1.1 Only those Bidders which satisfy all of the Mandatory Criteria will be eligible to participate further in the Bidding Process.

2.1.2 Bidders 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'.

REQUIREMENT	COMPLIANT	NON-COMPLIANT	N/A
1. Bidder is a South African-owned company (Submit Certified ID Copies of the Shareholders and Directors)			
2. The Bidder must have the necessary infrastructure and capacity to meet Denel requirements.			
3. Valid BBBEE Certificate (but won't result in disqualification, instead a Bidder will be scored zero)			
4. Central Supplier database proof of registration (submit supporting documentation).			
5. Certified copy of the Company Registration with CIPC			
<p>6. Financial Health and Stability: Provide latest audited or independently reviewed financial statements.</p> <p>If the audited or independently reviewed financial statements are older than 6 months, provide latest management accounts as well.</p>			

REQUIREMENT	COMPLIANT	NON-COMPLIANT	N/A
7. Certified copies of all share holder certificates (Detailed breakdown of shareholding)			
8. A copy of the shareholder agreement (if there is more than one shareholder)			
9. Applicable Regulatory Body certificates (if applicable)			
10. Others			
Note: Failure to meet the above requirements will result in automatic disqualification.			

2.2 FIRST STAGE – FUNCTIONAL EVALUATION

2.2.1 Bidders are evaluated based on the functional criteria set out in this RFT. Only those Bidders 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 Proposal.

2.2.2 MINIMUM SUPPLIER CAPABILITY

A successful Bidder should have at least 70% in-house engineering development, software development and manufacturing capability.

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

CRITERIA	EVALUATION METHOD & % WEIGHTING
<p>Mandatory requirements:</p> <ul style="list-style-type: none"> Bidders must submit a detailed Work Breakdown Structure (WBS) giving hierarchical decomposition of the total scope of work with deliverables/work packages, responsibilities, costs (labour, material, etc.) and timescales. Bidders must submit delivery schedule with the final commissioning date of the system in Malaysia by 31 December 2021. The bidder shall conform to ISO 9001:2015 quality standards. 	<p>Any of these mandatory requirements not being met will result in tender disqualification</p>
<p>1. RELEVANT EXPERIENCE AND CAPABILITIES – DESIGN AND MANUFACTURING OF LIGHT TURRET COMBAT TRAINING SIMULATORS (30 POINTS)</p>	
<p>1.1. BIDDER’S RELEVANT EXPERIENCE AND PROVEN TRACK RECORD OF DESIGNING, MANUFACTURING AND COMMISSIONING OF LIGHT COMBAT TURRET TRAINING SIMULATORS:</p>	<p>ASSESSMENT CRITERIA:</p> <p>0 points Less than 3 years’ experience in designing, manufacturing and commissioning of light combat turret training simulators.</p> <p>4 points 3 to 4 years’ experience in designing, manufacturing and commissioning of light combat turret training simulators.</p> <p>5 points 5 years’ experience in designing,</p>

CRITERIA	EVALUATION METHOD & % WEIGHTING
	<p>manufacturing and commissioning of light combat turret training simulators.</p> <p>10 points 10 years or more experience in designing, manufacturing and commissioning of light combat turret training simulators.</p> <p>(1 point for each full year > 5yrs; max 10 points).</p>
<p>1.2. BIDDER'S ABILITY IN DESIGNING, MANUFACTURING AND COMMISSIONING OF LIGHT COMBAT TURRET TRAINING SIMULATORS:</p> <p>Evidence to be provided include, but not limited to:</p> <ul style="list-style-type: none"> • Similar local and/or international projects • Client names and contact details, etc. 	<p>ASSESSMENT CRITERIA:</p> <p>0 points No evidence submitted.</p> <p>5 point Detailed evidence of up to 3 local and/or international similar projects.</p> <p>15 points Detailed evidence of up to 9 local and/or international similar projects.</p> <p>20 points Detailed evidence of 10 or more local and/or international similar projects.</p>
<p>2. FINANCIAL (15 POINTS)</p>	
<p>2.1. FINANCIAL HEALTH AND STABILITY</p>	<p>ASSESSMENT CRITERIA :</p> <p>Latest audited or independently reviewed financial statements.</p> <p>If the audited or independently reviewed financial statements are older than 6 months, provide latest management accounts as well.</p> <p>a. Current Ratio (Bench mark = 2:1)</p> <p>0 points Current ratio < Bench mark</p> <p>4 points Current ratio = Bench mark</p> <p>5 points Current ratio > Bench mark</p> <p>b. Quick Ratio (Bench mark = 1:1)</p> <p>0 points Quick ratio < Bench mark</p> <p>4 points Quick ratio = Bench mark</p> <p>5 points Quick ratio > Bench mark</p> <p>c. Cash Conversion Cycle (Bench mark = 105 days)</p> <p>0 points Cash Conversion Cycle > 105 days</p> <p>4 points Cash Conversion Cycle = 105 days</p> <p>5 points Cash Conversion Cycle < 105 days</p>
<p>3. CAPACITY (35 POINTS)</p>	
<p>3.1. DEMONSTRATE APPROPRIATE RESOURCES TO EXECUTE THE REQUIREMENTS AS PER SPECIFICATION.</p>	<p>ASSESSMENT CRITERIA :</p> <p>0 points Company's capacity not submitted.</p> <p>5 points Company's capacity does not comply with the entire requirements of the specification.</p> <p>30 points Company's capacity addresses the entire scope of the requirement of the specification.</p> <p>35 points Company's capacity exceeds the requirement of the specification.</p>

CRITERIA	EVALUATION METHOD & % WEIGHTING
4. DELIVERY SCHEDULE	(20 POINTS)
4.1 BIDDER MUST PROVIDE A PROJECT PLAN INDICATING THE SCHEDULE OF ALL ACTIVITIES INCLUDING THE FINAL COMMISSIONING DATE IN MALAYSIA.	ASSESSMENT CRITERIA : 8 points Commission in Malaysia by 31 December 2021. 20 points Commission in Malaysia by 30 June 2021. (2 point subtracted from 20 points for each month from 31 July 2021 to 30 November 2021). Assumption: The commissioning dates are based on the assumption that the contract will be placed on the successful bidder by the end of October 2020.
TOTAL	100 POINTS
MINIMUM QUALIFYING SCORE	70 POINTS

- a. A non-compulsory briefing session may be held.
- b. A Non-Disclosure Agreement (NDA) shall be signed by the bidder as a pre-requisite to receipt of Denel tender documentations.
- c. In the event of Joint Ventures (JVs) or Consortiums, the details of the participating businesses shall be furnished to Denel for approval and signing of the Denel NDA by the third party as a pre-requisite for the third party to receive or have insight in the applicable Denel and Denel employees documentations.
- d. In the event of Joint Ventures (JVs) or Consortiums, the financials of the leading party shall be evaluated.
- e. The company (Denel) reserves the right to verify any of the above elements.

2.3 SECOND STAGE – PRICE AND PREFERENTIAL POINTS ASSESSMENT

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

- **Price points 80**
- **B-BBEE 20**

NB: The 80/20 formula applies to proposals 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 proposals with a Rand value above R50 million inclusive of all applicable taxes.

2.3.2 The successful Bidder will typically be the Bidder that scores the highest number of points in the second stage of the Proposal evaluation. However, DENEL may exercise its right to cancel the RFT or may award the proposal to a company that did not obtain the highest score.

Note: Denel reserves the right to demand an Action Plan that addresses shortcomings in the successful Bidder's transformation status.

2.3.3 Price points

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

$P_s = 80 (1 - (P_t - P_{min}) / P_{min})$ or $P_s = 90 (1 - (P_t - P_{min}) / P_{min})$ Where:

Ps = Points scored for comparative price of proposal or offer under consideration; Pt = Comparative price of proposal or offer under consideration; and

Pmin = Comparative price of lowest acceptable proposal or offer.

2.3.4 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 bidder for attaining their B-BBEE Status Level in accordance with the table below:

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 Proposal.

2.3.5 Total

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

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

	Points
Price	80
BBB-EE Status Level Of Contribution	20
Total points must not exceed	100

2.5 Failure on the part of a bidder to submit proof of BBB-EE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for BBB-EE status level of contribution are not claimed.

2.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2.7 If the price offered by a Bidder scoring the highest points is above the project budget or not market related the Buyer may:

- a. Negotiate a market related price with the Bidder scoring the highest points or cancel the proposal;
- b. If the bidder does not agree to the market-related price, negotiate a market related price with the Bidder scoring the second highest points or **cancel the proposal**;
- c. If the Bidder scoring the second highest points does not agree to a market-related price, negotiate a market-related price with the Bidder scoring the third highest points or **cancel the proposal**.

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 BBB-EE 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 BBB-EE status level of contribution in accordance with the table below:

BBB-EE STATUS LEVEL OF CONTRIBUTOR	NUMBER OF POINTS	NUMBER OF POINTS
	(90/10 SYSTEM)	(80/20 SYSTEM)
1	10	20
2	9	18
3	8	16
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

- 5.2 Bidders who qualify as EMEs in terms of the BBB-EE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA’s approval for the purpose of conducting verification and issuing EMEs with BBB-EE Status Level Certificates.
- 5.3 Bidders other than EMEs must submit their original and valid BBB-EE status level verification certificate or a certified copy thereof, substantiating their BBB-EE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 5.4 A trust, consortium or joint venture, will qualify for points for their BBB-EE status level as a legal entity, provided that the entity submits their BBB-EE status level certificate.
- 5.5 A trust, consortium or joint venture will qualify for points for their BBB-EE status level as an unincorporated entity, provided that the entity submits their consolidated BBB-EE scorecard as if they were a group structure and that such a consolidated BBB-EE scorecard is prepared for every separate bid.
- 5.6 Tertiary institutions and public entities will be required to submit their BBB-EE status level certificates in terms of the specialized scorecard contained in the BBB-EE Codes of Good Practice.
- 5.7 A person will not be awarded points for BBB-EE 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 BBB-EE 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 BBB-EE Status Level of Contribution must complete the following:

6.1.1 BBB-EE status level of contribution claimed in terms of paragraphs 1.4 and 5.1

6.1.2 BBB-EE 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 BBB-EE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

7 SUB-CONTRACTING

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

YES		NO	
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(tick applicable box)

7.1.1 If yes, indicate:

what percentage of the contract will be subcontracted?

%

the name of the sub-contractor?

--

the BBB-EE status level of the sub-contractor?

--

whether the sub-contractor is an EME or QSE?

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

(tick applicable box)

Specify by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations, 2017.

DESIGNATED GROUP EME OR QSE WHICH IS AT LEAST 51% OWNED BY:	EME ✓	QSE ✓
Black people		
Black people who are youth		
Black people who are woman		
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		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:

8.2 VAT registration number:

8.3 Company registration number:

8.4 Type Of Company/ Firm [**Tick applicable box**]

Partnership/Joint Venture / Consortium

One person business/sole propriety

Close corporation

Company

(Pty) Limited

8.5 Describe Principal Business Activities

8.6 Company Classification [**Tick applicable box**]

Manufacturer

System Engineering: Designer/Developer

Supplier

Professional service provider

Other service providers, e.g. transporter, etc.

8.7 Total number of years the company/firm has been in business?

8.8 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:

- a. The information furnished is true and correct;
- b. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.
- c. 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;

- d. If the BBB-EE 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 –
 - i. disqualify the person from the bidding process;
 - ii. recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
 - iii. 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;
 - iv. 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 forward the matter for criminal prosecution.

Signature(s) of Bidder(s)

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Date:

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Address:

Witnesses:

1.
2.

Date:

--

SBD 8 - DECLARATION OF BIDDER'S PAST SUPPLY CHAIN 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>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>		
4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Proposal Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p>The Register for Proposal Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>		
4.2.1	If so, furnish particulars:		
4.3	<p>Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?</p>		
4.3.1	If so, furnish particulars:		
4.4	<p>Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform or on comply with the contract?</p>		
4.4.1	If so, furnish particulars:		

SBD 9 - 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 proposals, 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.

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 (Name of Bidder)

that:

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - a. has been requested to submit a bid in response to this bid invitation;

- b. could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - c. provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
- a. price
 - 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.
- ³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.
10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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SIGNATURE

DATE

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POSITION

NAME OF BIDDER