



SUPPLIER DATABASE APPLICATION

NO	DOCUMENTS REQUIRED	RECEIVED YES/NO	
1.	Completed, Signed & Commissioned Supplier Database Form		
2.	Completed and Signed SBD 4-Declaration of Interests		
3.	Tax Clearance Status must be Compliance		
4.	Original or Certified BBEE Verification Certificate		
5.	Proof of Company Registration (Certified Copies)		
6.	Certified ID Copies of Shareholders/Directors		
7.	Proof of Banking Details (Cancelled Cheque/Stamped Bank Letter)		
8.	Company Profile		
9.	Valid Accreditation applicable to services provided (if available)		
10.	CIDB Certificate (if applicable)		
11.	Proof of Address/Latest Municipal Account (to confirm address and existence of provider, and any indebtedness to the states)		
12.	Supplier Not Restricted on National Treasury Defaulter's Register		

NOTE: To ensure that you are registered into the Database, please comply with the above requirements.

NAME OF SERVICE PROVIDER:	
SUPPLIER NUMBER(CSD)	

Received by: _____ Date Received:.....

Captured by: _____ Date Captured:.....

Authorized by _____ Date authorized:.....

Rejected by: _____ Date Rejected:.....

Reasons/Comments for Non Approval:

ORBIT TVET COLLEGE

APPLICATION TO REGISTER ON ORBIT TVET COLLEGE SUPPLIER/SERVICE PROVIDERS DATABASE

PAGE	CONTENTS
Page 3	IMPORTANT NOTES
Page 4	BUSINESS INFORMATION
Page 5	SMME STATUS OF YOUR ENTERPRISE & SUPPLIER GROUPING DETAILS
Page 5	NAME OF ALL COMPANY OWNERS/DIRECTOR
Page 6	LIST OF GOODS AND SERVICES OFFERED FOR SELECTION
Page 7	CONDITIONS OF PURCHASE AND DELIVERY
Page 7	CONDITIONS OF PAYMENT
Page 8	VENDOR REQUIREMENTS
Page 8	DEFINITIONS
Page 11	DECLARATION OF INTEREST (SBD 4)
Page 15	DECLARATION OF BIDDER'S PAST SCM
Page 17	SWORN AFFIDAVIT
Page 18	DECLARATION
Page 19	PREFERENTIAL PROCUREMENT REGULATIONS (SBD 6.1)

IMPORTANT NOTES

1.1. Please read carefully:

- 1.1.1. To be completed by **all** vendors seeking registration as an approved supplier;
- 1.1.2. The questionnaire must be completed in **full** and be **signed**;
- 1.1.3. A **company profile** may accompany the registration form but will **not be accepted** as substitute for the application form – all fields on application form **MUST** be completed by applicant;
- 1.1.4. It should be noted that the ORBIT TVET College reserves the right to accept or reject any application **without being obliged to give any reasons** in this respect;
- 1.1.5. Suppliers will **not be notified** whether the application was accepted, but will be advised of the outcome if telephonically requested;
- 1.1.6. Should application forms not be filled in by means of electronic devices, for example **typewriters**, only **black ink**, must be used.
- 1.1.7. Suppliers must comply with all the **registration criteria**. **Failure** to do so may result in the application being declined.
- 1.1.8. It is the responsibility of the supplier to supply **ORBIT TVET College** with all updated information. **ORBIT TVET College** will not be held liable for incorrect information supplied.
- 1.1.9. Registration on ORBIT TVET College supplier database does not guarantee business opportunities with the college.
- 1.1.10. Prospective suppliers are limited to register for **five (5)** Commodities only.

1.2. Interested consultants, business enterprises will be required to complete the Application Form, accompanied by the following CERTIFIED documents:

- 1.2.1. Proof of Qualifications
- 1.2.2. Proof of Registration with relevant Professional Body and Registration Number
- 1.2.3. Proof of Professional Indemnity Insurance
- 1.2.4. Company Registration
- 1.2.5. Tax Clearance Status must be Compliance with pin

1.3. IF ANY SERVICES ARE NOT MENTIONED PLEASE STATE ON PAGE 8

Any enquiries can be directed to **Mr Cliff Chaauke** (Senior Demand Management Officer) at **014 597 5500** or cchaauke@orbitcollege.co.za . Completed Application Forms and the required attachments can be delivered to the Supply Chain Management Office at the Central Office of ORBIT TVET College, Attention:

Mr Cliff Chaauke, Private Bag X82096, Rustenburg 0300.

BUSINESS INFORMATION

Registered Name of Company:

Identity Number of Responsible person:

Trading Name (if any):

Type of Service/Business:

Contact Person:

ID number.....

Postal Address:

Street Address:

Telephone No.:

Fax No.:

Cell No.:

E-Mail:

Date Established:

Tax Registration Number:

VAT Certificate Number (if applicable)
(Copy must be attached)

Bank:.....

Bank Branch Name:

Bank Branch Code:

Bank Account Number:

Type of account.....
(Copy must be attached)

SUPPLIER GROUPING DETAIL: TYPE OF FIRM: (Please ✓the relevant box

1. Public Company (Ltd)	
2. Private Company (Pty) Ltd	
3. Close Corporation (cc)	
4. Other (specify)	
5. Joint Venture	
6. Consortium	
7. Sole Proprietor	
8. Foreign Company	
9. Partnership	
10. Trust	
11. Section 21 Company	
12. Government / Parastatal	

NAMES OF ALL OWNERS, DIRECTORS OR MEMBERS AND THEIR RESPECTIVE DESIGNATIONS (Please attach certified ID copies)

Full Name & Surname	Identity Number	Personal Tax Reference Number	State Number / Employee Pearsal Number

HEREBY CERTIFY THAT ALL INFORMATION IS CORRECT

PRINT NAME: SIGNED: DATE:

LIST OF GOODS AND SERVICES OFFERED FOR SELECTION

PLEASE STATE TYPE OF BUSINESS - SUPPLY/SERVICES
PLEASE TICK ACCORDINGLY

Suppliers/Service Providers Form

Please tick all the categories applicable for your business.
SUPPLIER ARE ADVISED TO TICK ONLY FIVE (5) COMMODITIES

Stationery	Supply	Service
Printing Papers		
Toners		
Stationery		

Marketing, Editing, Publishing & Printing	Supply	Service
Graphic Design		
Brochures		
Editing & Writing		
Layout and design		
Photograph		
Planning of Ads		
Marketing and Distribution		
Advertising		
Design & Printing		
Publishing		
Marketing Strategy		
Silk-screening		
Corporate Clothing/Gifts		
Webpage Design		

Event Management	Supply	Service
Catering (ACCEPTABILITY CERTIFICATE FOR FOOD)		
Decoration		
Sound hire		
Video/Photographic		
Flowers		

Engineering	Supply	Service
Civil Engineering (Building and construction)		
Electrical Engineering		
Plumbing		
Structural Engineering		
Architectural Service		

Information Systems	Supply	Service
Connectivity		
IT ISAT Materials/Tools		
Computer Technology (e.g. Mouse, Keyboards etc.)		
Garden Services	Supply	Service
Lawnmower (Repair)		
Equipment	Supply	Service
Office equipment and Furniture		
Workshop tools and equipment		
Furniture (Classroom & Office)		
ISAT Materials		
Sports Equipment		
Computer Equipment		
Other	Supply	Service
Cleaning Services		
Sports Venues (e.g. Hiring of Ground)		
Supervision/Inspection of Equipment Installation		
Air-cons Repair/installations		
Training		
Supervision/Inspection of Construction		
Protective Clothing		
Hiring of Conference Facilities		
Transport (Road, Flights & Bookings)		
Accommodation		
(a)		
(b)		
(c)		
(d)		
(e)		

CONDITIONS OF PURCHASE AND DELIVERY

1. No purchases will be done without the necessary quotations.
2. All purchases will be done on official orders.
3. DELIVERY NOTES / INVOICES must accompany the delivery of goods.
4. All goods must be delivered at the Campuses or Central office, except where other arrangements have been made between the College and suppliers/service provider.

CONDITIONS OF PAYMENT

1. A valid TAX INVOICE must be provided before any payment can be done as been required by the ACT.
2. Payments will be done by ELECTRONIC BANKING.
3. Payment will be done within 30 DAYS AFTER INVOICE.

VENDOR REQUIREMENTS

1. In order for the College to obtain any goods or services from a vendor the following requirements must be met:
 - I The vendor must be registered on the database of the College;
 - II All vendors must supply the College with their business addresses and a Valid Original tax certificates;
 - III All vendors rendering goods and services to the College must comply with any labor legislation or regulations promulgated, with special reference to the Basic Conditions of Employment Act, Labor Relations Act, and the Occupational, Health and Safety Act.
 - IV All vendors must declare the employment rations and compliance with the Employment Equity Act;
 - V Vendors must declare their business and family relationship with any person working for College or their relationship with a staff or council member of the college;
 - VI Vendors must indicate on their tender/bid document how many jobs will be created or maintained when executing a tender/bid.

DEFINITIONS

Legislation:

Procedures are set out in the **Accounting Officers Procurement Procedures (AOPP)**, as referred to in the **Public Finance Management Act, 1999 (Act 1 of 1999)** (PFMA), to give all prospective suppliers an equal opportunity to submit quotations to a State Department.

In this policy, unless the context indicates otherwise, a word or expression to which a meaning has been assigned in the Act and Regulations bears the same meaning, and -

- (a) "**Act**" means the Preferential Procurement Policy Framework Act, 2000 (Act No 5 of 2000);
- (b) "**Agent**" means a person mandated by another person ("the principal") to do business for and on behalf of, or to represent in a business transaction, the principal, and thereby acquire rights for the principal against an organ of state and incur obligations binding the principal in favor of an organ of state;
- (c) "**Closed quotations**" A closed quotation system will be where all quotations from the internal vendor database whether advertised or nominated is obtained on the same time and date as determined. It can also be done on the internet where all prices and the supplier become known on the same time and date.
- (d) "**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;
- (e) "**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;
- (f) "**Contract**" means the agreement that results from the acceptance of a bid/tender by an organ of state;
- (g) "**Disability**" means, in respect of a person, a permanent impairment of a physical, intellectual or sensory function, which results in restricted, or lack of ability to perform an activity in the manner or within the range, considered normal for a human being;
- (h) "**Firm price**" is the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, An imposition, or abolition of customs or excise duty and any other duty, levy or tax which, in terms of a 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;
- (i) "**Historically Disadvantaged Individual (HDI)**" means a South African citizen -
 - (1) who, due to the apartheid policy that had been in place, had no franchise in national elections prior to the introduction of the Constitutions of the Republic of South Africa, 1983 (Act no 10 of 1983) or the Constitution of the Republic of South Africa, 1993 (Act No 200 of 1993) ("the Interim

- Constitution”) and/or
- (2) who is a female; and /or
 - (3) who has a disability;
- i. Provided that a person who obtained South African citizenship on or after the coming to effect of the Interim Constitution, is deemed not be an HDI.
- (j) “**Management**” in relation to an enterprise or business, means an activity inclusive of control and performed on a daily bases, by any person who is a principal executive officer of the company, by whatever name that person may be designated, and whether or not that person is a director;
 - (k) “**Non-firm prices**” means all prices other than “firm” prices;
 - (l) **Owned:** Having all the customary elements of ownership, including the right of decision making and sharing all the risks and profits commensurate with the degree of ownership interests as demonstrated by an examination rather than the form of ownership arrangements.
 - (m) “**Person**” includes reference to a juristic person;
 - (n) “**Rand value**” means the total estimated value of the contract in Rand denomination which is calculated at the time of tender invitations and includes all applicable taxes and excise duties;
 - (o) “**Small, Medium and Micro Enterprises (SMMEs)**” bears the same meaning assigned to the expression in the National Small Business Act, 1996 (Act No 102 of 1996);
 - q) “**Sub-Contracting**” means the primary contractor’s assigning or leasing or making out work to, or employing, another person to support such primary contractor in the execution or part of a project in terms of the contract;
 - r) “**Tender**” means a written offer or bid in a prescribed or stipulated form in response to an invitation by an organ of state for the provisioning of services or goods;
 - s) **Trade Names:** The trade names that the company own or distribute, which you wish to be registered for as a supplier to the Department.
 - t) “**Trust**” means the arrangement through which the property of one person is made over a bequeathed to a trustee to administer such property for the benefit of another person;
 - u) “**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;
 - v) “**Youth**” The National Youth Policy (1997:5) defines youth as young males and females aged between 14 and 35 years.
- a. The system of awarding tenders is subject to the following point scoring system:
 - b. -The tenders that are submitted to specialists / consultants by the relevant Manager or Delegated Official for evaluation must be returned to the Manager or Delegated Official with a detailed list of all the tenders to be included in the point scoring system.

DECLARATION OF INTEREST

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

-the bidder is employed by the state; and/or

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

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

2.1 Full Name of bidder or his or her representative:.....

2.2 Identity Number:.....

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

2.4 Company /registration Number:.....

2.5 Tax reference Number:.....

2.6 VAT Registration Number:.....

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

¹“State” means –

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

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

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

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member **YES / NO**
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 attached 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 company's directors spouse, or any of the / **YES / NO**
trustees / shareholders / members or their spouses conduct
business with the state in the previous twelve months?

2.8.1 If so, furnish particulars:

.....
.....

2.9 Do you, or any person connected with the bidder, have **YES / NO**
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?

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 & Surname	Identity Number	Personal Reference Number	Tax	State Employee Number / Persal Number

4 DECLARATION

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

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

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>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>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		

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

SBD 8

CERTIFICATION

**I, THE UNDERSIGNED (FULL NAME).....
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.**

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

SWORN AFFIRDAIT FOR PURPOSES OF B-BBEE COMPLIANCE OF AN EXEMPT

MICROENTERPRISE (EME).

Company Registered Name		
Company Trade Name		
Vat Number:		
Income Tax Reference No		Mark with X
100% Black owned	Level One (135% B-BBEE procurement recognition)	
More than 51% black owned	Level Two (125% B-BBEE procurement recognition)	
Less than 51% black owned	Level four (100% B-BBEE procurement recognition)	

TO BE COMPLETED BY THE DEPONENT

I Full Name:			
RSA ID/Passport No:		AGE	
Home Address:			
Tel No	(h)	Cell:	

Declare under oath in English that the annual turnover of the above –mentioned entity was less than or equal to **R10 000 000.00** (Ten million rand) in terms of the most recent audited financial statements, qualifying the entity as an Exempt Micro Enterprise (EME).

I also confirm that the company has a black shareholding as follows:

Total black shareholding (%)	
Total black female shareholding (%)	
Financial year:	

I am familiar with, and understanding the contents of this declaration. I have no objection to taking the prescribed oath. I consider the prescribed oath as binding to my conscience.

Place:		Date:		Time:	
--------	--	-------	--	-------	--

Signed:.....

To be completed by the commissioner of oaths.

I certify that the deponent has acknowledge that he/she knows and understand the contents of this affidavit, and which was sworn to and signed before me.

At.....on the
day.....Signed:.....

Full Name:	
Business Address	

Commissioner of Oath Stamp

Declaration of correctness of information provided

I/we the undersigned, warrant that I am/we are duly authorised to do so and on behalf of _____ (Name of business) declare that:

1. The information contained in this document and all attached hereto is correct;
2. It is noted that ORBIT TVET College may utilise tools at its disposal to verify all information contained and attached hereto;
3. All copies of relevant documentation are attached as indicated under each section;
4. If there are any changes to the information supplied on the document, that I/we will inform the Supply Chain unit of ORBIT TVET College in writing within ten (10) working days of any changes; and
5. Should any information as provided prove to be false, that ORBIT TVET College will act against me/us.

If the information supplied is found to be incorrect then the Orbit TVET College in addition to any remedies it may have.

1. Disqualify the supplier/application for a particular bid/contract/project it may be considered for ,or which had been awarded to the supplier/applicant;
2. Recover from the supplier all costs, losses or damages incurred or sustained by the college as a result of the award of the contract, and or;
3. Cancel the contract and claim any damages which the college may suffer by having to make favourable arrangements after such cancellations and or;
4. De register the supplier from the supplier database and or;
5. List the supplier on national treasury's of restricted suppliers;and or;
6. Take any other action as may be deemed necessary.

PLEASE ENSURE THAT ALL SUPPORTING DOCUMENTATION AS INDICATED PER PAGE IS ATTACHED HERETO.

Full name of duly authorized representative:.....
 Signature:.....
 Capacity:.....
 Date:.....

COMMISSIONER OF OATHS

Signed _____ and _____ sworn to before me at.....on the day.....of.....20....by the deponent, who has acknowledge that he/she knows and understands the contents of this affidavit,that all content contained herein and attached hereto is true and correct to the best of his/her knowledge and that he/she has no objection to taking the prescribed oath, and that the prescribed oath will be binding on his/her conscience.

COMMISSIONER OF OATHS

Position:.....
Address:.....

Tel:.....

STAMP OF COMMISSIONER OF OATHS

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 (B-BBEE) Status Level of Contribution

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

1. GENERAL CONDITIONS

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)

1.2 The value of this bid is estimated to exceed/not exceed R1 000 000 (all applicable taxes included) and therefore the.....system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contribution.

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

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

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) 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 B-BBEE status level of contribution are not claimed.

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

2. DEFINITIONS

- 2.1 “**all applicable taxes**” includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- 2.2 “**B-BBEE**” means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 2.3 “**B-BBEE status level of contributor**” means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.4 “**bid**” means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 “**Broad-Based Black Economic Empowerment Act**” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 “**comparative price**” means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 “**consortium or joint venture**” means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract;
- 2.8 “**contract**” means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 “**EME**” means any enterprise with an annual total revenue of R5 million or less.
- 2.10 “**Firm price**” means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 “**functionality**” means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 “**non-firm prices**” means all prices other than “firm” prices;
- 2.13 “**person**” includes a juristic person;
- 2.14 “**rand value**” means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 “**sub-contract**” means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.16 “**total revenue**” bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- 2.17 “**trust**” means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.18 “**trustee**” means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ADJUDICATION USING A POINT SYSTEM

- 3.1 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 PREFERENCE POINT SYSTEMS

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

80/20

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

Where

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

5. Points awarded for B-BBEE Status Level of Contribution

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

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

- 5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS 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 B-BBEE Status Level Certificates.
- 5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the

contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.

- 5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the Contract is sub-contracted to an EME that has the capability and ability to execute the Sub-contract.

6. BID DECLARATION

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

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

- 7.1 B-BBEE Status Level of Contribution:..... =(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

8 SUB-CONTRACTING

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

- 8.1.1 If yes, indicate:

- (i) What percentage of the contract will be subcontracted?.....%
- (ii) The name of the sub-contractor?
- (iii) The B-BBEE status level of the sub-contractor?
- (iv) Whether the sub-contractor is an EME? YES / NO (delete which is not applicable)

9 DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of company/firm

9.2 VAT registration number :.....

9.3 Company registration number
.....
:

9.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

9.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

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

9.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- (i) The information furnished is true and correct;
- (ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.

- (iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- (iv) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) Disqualify the person from the bidding process;
 - (b) Recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
 - (c) Cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution

WITNESSES:

1.

2.

.....
SIGNATURE(S) OF BIDDER(S)

DATE:.....

ADDRESS:.....

.....

.....