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|  <b>higher education<br/>&amp; training</b><br>Department:<br>Higher Education and Training<br>REPUBLIC OF SOUTH AFRICA | Ref No:                        | 740.46.4_standard_bid_conditions |             |            |      | Page 1 of 7 |
|                                                                                                                                                                                                         | Approved by:                   | Council                          | Issue Date: | 12/03/2015 | Rev: | 2           |
|                                                                                                                                                                                                         | <b>STANDARD BID CONDITIONS</b> |                                  |             |            |      |             |



## STANDARD BID CONDITIONS

### 1. PRICES

- 1.1 Prices must be firm for the full duration of the period as stipulated on the applicable specification list / pricing schedule (Form 740.17.5 or 740.69.1 or 740.70.1).
- 1.2 Bid prices must be all inclusive and no hidden or additional cost will be paid for e.g. delivery, value added tax, pay as you earn, income tax, unemployment insurance fund contributions, skill development levies, etc.
- 1.3 **SPECIFICATION LIST / PRICING SCHEDULE (FORMS 740.17.5 or 740.69.1 or 740.70.1)**
  - 1.3.1 The specification list / pricing schedule must be fully completed in ink and submitted with the bid.
  - 1.3.2 Bid prices must be indicated on the specification list form/s and/or pricing schedules unless otherwise requested
  - 1.3.3 Prices of bids must be provided for the specific units as required per specification list and/or pricing schedules. Failure to do so will invalidate your offer.

### 2. QUALIFICATION OF BID DOCUMENTS

#### 2.1 **COMPULSORY STANDARD BID DOCUMENTATION FORMS TO BE COMPLETED:**

- 2.1.1 740.62.6 Invitation to bid form must be completed in full and signed originally in ink. Failure to do so will invalidate your bid.
- 2.1.2 740.46.4 Standard Bid Conditions must be completed in full and signed originally in ink. Failure to do so will invalidate your bid.
- 2.1.3 740.17.5 or 740.69.1 or 740.70.1 Specification list must be completed in full and signed originally in ink. Failure to do so will invalidate your bid.
- 2.1.4 740.45.3 Company name and vendor number (if available) must be filled in on the Evaluation Criteria for Services
- 2.1.5 740.47.5 The Preference point claim form must be completed and signed in ink. Company name and vendor number (if available) must be filled in. Failure to do so will invalidate your bid
- 2.1.6 740.42.6 The Declaration of Interest form must be fully completed in ink at all times (if applicable or not) and signed by the bidder. Failure to do so will invalidate your bid. The service providers must declare any relationship with any person employed by the Department as contemplated in the National Treasury Practice Note no 7 of 2009/2010 (SCM — Declaration of Interest). Failure by the service provider to declare relationships and connections as stipulated in paragraphs 2.7 to 2.11 of this form will result in an immediate termination of the bid/service level agreement.
- 2.1.7 740.48.3 The Declaration of Bidder's past Supply Chain Management Practices form must be completed and signed originally in ink. Failure to do so will invalidate your bid
- 2.1.8 740.49.3 The Certificate of Independent Bid Determination must be completed and signed originally in ink. Failure to do so will invalidate your bid.

## 2.2 CORRECTION FLUID AND CORRECTIONS TO TENDER/QUOTATION FORMS

- 2.2.1 Correction fluid (e.g. Tippex) must not be used in bid documents in order to correct mistakes. Use of correction fluid (tippex) in the bid document and on the supporting forms are not acceptable and will invalidate your bid:
- 2.2.2 Where a bidder wishes to correct a mistake, a single line must be drawn through it and the bidder must place his/her signature and date next to the correction, so that the original entry is still visible and legible. Failure to rectify mistakes in this manner will invalidate the bid, or the relevant item, or the relevant clause.
- 2.2.3 In the case of alterations/corrections a full signature must be attached above, next to or below the said alteration or correction. If not signed in full at the correction **on price** the specific item/bid will not be taken into consideration.

## 2.3 ORIGINAL BID FORMS

- 2.3.1 The bid forms should not be retyped or redrafted.
- 2.3.2 Only the bid documents issued by the Flavius Mareka TVET College must be used.
- 2.3.3 Bid documents must be completed originally in ink.
- 2.3.4 Bidders shall check the numbers of the pages and satisfy themselves that none are missing, duplicated or misprinted. No liability shall be accepted in regard to claims arising from the fact that pages are missing, duplicated or misprinted.

## 2.4 SUBMITTING OF BID DOCUMENTATION

- 2.4.1 Unless specifically provided for in the bid document, no bid transmitted by telegram, telex, facsimile or similar apparatus shall be considered.
- 2.4.2 The bid must be submitted in a sealed envelope before the closing date and time and deposited in the tender-box at:
- Reception Area,  
Flavius Mareka TVET College,  
Central Office,  
C/O Fichardt Street and Bell street, Sasolburg, (next to ABSA bank)
- 2.4.3 The bid number, company name and closing date must be clearly indicated on the sealed envelope.
- 2.4.4 Bidders must ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.
- 2.4.5 Companies must ensure that their bid documentation is properly bound. The College cannot be held responsible for missing pages if your document is not bound.

## 3. FORMS TO CLAIM POINTS FOR B-BBEE (740.47.5)

- 3.1 Where points are claimed for B-BBEE Status Level of Contribution the (740.47.5) form, must be completed in full and signed by the bidder and both witnesses.

## 3.2 BIDDERS OTHER THAN EME's

- 3.2.1 Submit an 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.
- 3.2.2 Failure on the part of a bidder to fill in and/or to sign the 740.47.5 form **AND** submit a certified copy of the

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B-BBEE Verification Certificate as stipulated above will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed and therefore no points will be allocated to the company.

### 3.3 EXEMPTED MICRO ENTERPRISE (EME)

#### 3.3.1 DESCRIPTION

In terms of the Generic Codes of Good Practice, an enterprise including a sole proprietor with an annual total revenue of R10 million or less qualifies as an EME.

In instances where Sector Charters are developed to address the transformation challenges of specific sectors or industries, the threshold for qualification as an EME may be different from the generic threshold of R10 million. The relevant Sector Charter thresholds will therefore be used as a basis for a potential bidder to qualify as an EME

#### 3.3.2 CLAIMING OF POINTS

Bidders who qualify as EMEs in terms of the B-BBEE Act must submit an original or original certified copy of certificate issued by an Accounting Officer as contemplated in the CCA (Closed Corporation Act) or a Verification Agency accredited by SANAS (South African National Accreditation Services) 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.

Failure to complete the 740.47.5 form **AND** submit an original or originally certified copy of the certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed and therefore no points will be allocated to the company.

3.4 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.

3.5 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.

3.6 **NO POINTS** will be allocated if correction fluid (Tippex) is used on the preference points claimed forms.

#### 4. TAX CLEARANCE (COMPULSORY TO SUBMIT)

4.1 You must submit a valid Tax Pin with the bid or proof that you applied for the document. The Tax Pin must be valid at the closing date of the bid. A Tax Pin will be regarded as invalid if it expired before the closing date of the bid. Failure to submit an original and valid Tax Pin with your bid documents may disqualify your offer.

4.2 Each party to a Consortium/Joint Venture must submit a separate a valid Tax Pin with the bid. Failure to submit will invalidate your bid.

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- 4.3 The Trading name or Legal name reflected on the Tax Pin must correspond with the name indicated on the bid documentation.

5. **COMPULSORY SITE VISIT**

None.

6. **BID EVALUATION / ADJUDICATION CRITERIA**

6.1 The following preference point system is applicable to this bid: 80/20

6.2 Details regarding points for price and Preference points claim in terms of the Preferential Procurement Regulations 2011 (B-BBEE status level contribution) are as follow:

| CRITERIA                                                                          | MAX POINTS                               | FORM TO BE COMPLETED AND SIGNED IN ORDER TO CLAIM POINTS               | ADDITIONAL DOCUMENTS TO BE SUBMITTED BY BIDDER IN ORDER TO CLAIM POINTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------------------------------------------------------------------------------|------------------------------------------|------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Price                                                                             | 80                                       | 740.17.5 or 740.69.1 or 740.70.1 Specification list / Pricing Schedule |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Preference points claim in terms of the Preferential Procurement Regulations 2011 | 20<br><br>See details in paragraph 6.2.1 | 740.47.3                                                               | <ul style="list-style-type: none"> <li>• Compulsory original/originally certified and valid B-BBEE status level verification certificate</li> <li>OR</li> <li>• An original/originally certified certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a registered Auditor.</li> <li>• Originally certified copy of ID document of each shareholder/director of company</li> <li>• Originally certified copy of company registration certificate reflecting active members (CK1, CK2), Trust deed, Pty Ltd, Memorandum of Incorporation, Certificate of Incorporation, Partnership agreement, etc.,</li> </ul> |
| <b>TOTAL POINTS</b>                                                               | <b>100</b>                               |                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

- 6.2.1 Points will be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

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

- 6.3 Evaluation criteria for functionality (separately from price)  
See attached criteria on form 740.45.3

Bidders scoring less than 60% for functionality will automatically not be considered.

## 7. **JOINT VENTURE AGREEMENT (IF APPLICABLE)**

- 7.1 In the event that a joint venture bid is submitted, a joint venture agreement, witnessed by a registered Attorney at Law must be submitted with the bidding document.
- 7.2 Failure to submit the said agreement will render the bid non-responsive and your offer will be disqualified.

## 8. **PAYMENT TO SUPPLIERS**

- 8.1 Payments will be handled as prescribed by the PFMA and will normally be effected within 30 days of receipt of all the required documentation, which should be correct in every respect.
- 8.2 No deposits or pre-payments will be paid to any appointed service provider for the full duration of the contract. Certificates and/or services and goods delivered will only be paid after confirmed delivery and/or completed service.
- 8.3 Companies that are awarded bids must ensure that the income tax number and VAT number (where applicable) are indicated on the Invoice

## 9. **LEGISLATION LAWS**

- 9.1 Bidders must comply with the provisions of Labour Legislation as well as any other relevant legislation or legal requirement.

## 10. **VALIDITY PERIOD OF BID**

- 10.1 The period for which offers are to remain valid and binding (in order for the College to finalize it), is indicated in the bid documents and is calculated from the closing time on the understanding that offers are to remain in force and binding until the close of business on the last day of the period calculated and if this day falls on a Saturday, Sunday or public holiday, the bid is to remain valid and binding until the close of business on the following working day.

## 11. **QUANTITIES**

- 11.1 Where quantities are specified in the bid documents the College cannot guarantee that they will be ordered as such, as it depends on College needs. The College is not liable for any damages that the contractor might suffer as a result of the College not ordering specified quantities.
- 11.2 Where quantities are not specified, it will be ordered as and when.

## 12. **SPECIFICATION — BIDDERS RESPONSE**

- 12.1 Where a specification provides for the bidders response to the different points of specification, the form must be properly completed. Where items deviate from the requirement, the deviation must be indicated.

## 13. **QUALIFICATIONS OF BIDDERS**

- 13.1 The Accounting Officer does not bind himself/herself to accept either the offer scoring the highest point or any bid and reserves the right to accept or cancel the bid which he/she deems to be in the best interest of the College even if it implies a waiver by the Accounting Officer of certain bid requirements which the Accounting Officer considers to be of minor importance and not complied with by a bidder.
- 13.2 The College will ignore any bid from a bidder whose name appears on the national list of restricted bidders/suppliers/persons.
- 13.3 The College will terminate the contract and service level agreement in whole or in part if the supplier and/or representatives of the supplier, in the judgment of the College, committed or has engaged in corrupt or fraudulent practices during the bidding process or the execution of that service level agreement that benefited that supplier.
- 13.4 The College reserves the right to allocate a bid to a service provider who has not necessarily scored the highest points, in the interest of advancing economic empowerment.

## 14. **COMPLIANCE WITH SERVICE LEVEL AGREEMENT**

- 14.1 The College will monitor compliance with the service level agreement after adjudication of the bid that include, but need not be limited to, site inspections and the request for documentary proof of compliance.
- 14.2 Where services are rendered, which involves minimum wages for employees in terms of the sectorial wage determination, the College reserves the right to request copies of pay slips of employees during the period of the service level agreement to ensure such compliance.

## 15. **MAXIMUM DELIVERY PERIOD / PRICING SCHEDULE**

- 15.1 As indicated in specification list.

## 16. **PENALTIES**

If detected that a preference had been obtained on a fraudulent basis or any specified goals are not attained in the performance of the service level agreement, an organ of state may:

- 16.1 Recover all costs, losses or damages resulting from the above-mentioned service level agreement.
- 16.2 Cancel the service level agreement and claim damages.
- 16.3 Impose a financial penalty, more severe than the theoretical financial preference associated with the claim which was made.
- 16.4 Restrict the contractor, its shareholders and directors from obtaining business from any organ of state for a period not exceeding 10 years.

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## 17. **SUCCESSFUL BIDDERS**

17.1 The successful bidders will be obliged to sign a service level agreement with the College.

## 18. **AWARDING BIDS TO GOVERNMENT OFFICIALS**

18.1 Government officials who bid should declare on the 740.42.6 form that he/she is an employee of the state.

18.2 Written proof that appropriate authority exists for him or her to undertake remunerative work outside his or her employment in the public service should be submitted with the bid document.

18.3 Failure to declare on the declaration of interest form 740.42.6 and submit a written approval from the HOD for remunerative work outside his or her employment in the public sector will invalidate the offer.

## 19. **DECLARATIONS.**

A bidder must declare that:

19.1 Information provided is true and correct.

19.2 The signatory to the bid document is duly authorized.

19.3 Documentary proof regarding any bid issue, when required, must be submitted to the satisfaction of the College.

## 20. **THE BIDDER MUST COMPLETE THE FOLLOWING:**

This is to certify that the above conditions have been read and the bidder undertakes to comply herewith for the full duration of the service level agreement/bid. It is further accepted that any deviation from the bid conditions, requirements and specifications may result in the termination of service level agreement prior to expiry.

\_\_\_\_\_  
NAME

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
CAPACITY

\_\_\_\_\_  
NAME OF COMPANY

Tel of company: \_\_\_\_\_

Fax of company: \_\_\_\_\_

E-mail: \_\_\_\_\_

Website: \_\_\_\_\_

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