



REQUEST FOR QUOTATION (RFQ)

RFQ NO.1989

BID DESCRIPTION

PROVISION OF CORPORATE GOVERNANCE AND COMPLIANCE TRAINING /COURSE FOR 30 SMME'S

CLOSING DATE

20 JUNE 2022 AT 11H00AM

NO EMAILED SUBMISSION WILL BE ACCEPTED

BIDDER TO COMPLETE

COMPANY NAME	
CSD NUMBER	

ISSUED AND PREPARED BY: AMATOLA WATER

PRIVATE BAG X3

VINCENT

5217

Tel: +27 43 707 3700

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SECTION A

TENDERING INVITATION, CONDITIONS OF TENDER AND SPECIFICATION

INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR THE PROVISION OF RFQ 1989- PROVISION OF CORPORATE GOVERNANCE AND COMPLIANCE TRAINING FOR 30 SMME'S

BID NUMBER:	RFQ: 1989	CLOSING DATE:	20 June 2022	CLOSING TIME:	11:00am
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THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).

BID RESPONSE DOCUMENTS MUST BE DEPOSITED IN THE BID BOX LISTED BELOW

Reception area of Amatola House

6 Lancaster Road

Vincent

East London

THE RFQ BOX IS AVAILABLE FOR BIDS TO BE DEPOSITED BETWEEN 08:00AM – 16:00PM FROM MONDAY TO FRIDAY.

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					
	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes <input type="checkbox"/> No	
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)			
	<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)			
	<input type="checkbox"/>	A REGISTERED AUDITOR			
	NAME:				

[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT (FOR EMEs & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]

ARE YOU THE ACCREDITED REPRESENTATIVE	<input type="checkbox"/> Yes <input type="checkbox"/> No	ARE YOU A FOREIGN BASED	<input type="checkbox"/> Yes
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IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	[IF YES ENCLOSE PROOF]	SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> No [IF YES ANSWER PART B:3 BELOW]
SIGNATURE OF BIDDER	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
TOTAL NUMBER OF ITEMS OFFERED			
TOTAL BID PRICE (ALL INCLUSIVE)			
BIDDING PROCEDURE AND SCM ENQUIRIES MAY BE DIRECTED TO: K Tshangela		TECHNICAL INFORMATION MAY BE DIRECTED TO: Vuyo Genu	
ONLY WRITTEN QUERIES VIA EMAIL WILL BE ATTENDED TO			
PUBLIC ENTITY	AMATOLA WATER		
CONTACT PERSON	K Tshangela	CONTACT PERSON	Vuyo Genu
E-MAIL ADDRESS		E-MAIL ADDRESS	
	ktshangela@amatolawater.co.za		ngenu@amatolawater.co.za

**PART B
TERMS AND CONDITIONS FOR BIDDING**

1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED – (NOT TO BE RE-TYPED) OR ONLINE**
- 1.3. **BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.**
- 1.4. **WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.**
- 1.5. 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 LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.

2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?

YES NO

3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?

YES NO

3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?

YES NO

3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?

YES NO

IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

TENDER CONDITIONS

1. DEFINITIONS

The word "Bidder/Tenderer" in these conditions shall mean and include any firm of Contractors, Suppliers, Service Providers or any company or body incorporated or unincorporated.

2. BID PUBLICATION

RFQ document will be available from **10 June 2022** at Amatola Water website at www.amatolawater.co.za.

3. BID SUBMISSION

The original completed bid documents must be submitted in a sealed envelope endorsed with the Bid Number and Bid Description as detailed in the Tender Data. The sealed envelope must be deposited in the Bid/Tender Box, located in the reception area of Amatola House, 6 Lancaster Road, Vincent, East London, not later than the time and date specified on the cover page and SBD 1 of this bid.

4. RFQ Evaluation Criteria

RFQ will be evaluated on the below factors:

- I. Stage 1 Compliance - Mandatory fields completed, these include:
 - a. RFQ document completed in non-erasable ink, no tippex or correctional fluid used
 - b. RFQ document submitted in full no missing pages
 - c. (Form A, SBD1, SBD4, Reference Forms (where applicable), Pricing Schedule)
- II. Price and Preference (highest points to be scored = 100 points)

5. DISQUALIFYING FACTORS

(a) The following forms must be completed in full as per the requirement of the bid.

- FORM A: AUTHORITY TO SIGN
- FORM B: SCHEDULE OF PREVIOUS SIMILAR CONTRACTS SATISFACTORILY COMPLETED
- FORM B.1: CONFIRMATION OF REFERENCE TO AMATOLA WATER

(b) The following declaration forms must be completed in full:

SBD 1: Invitation to Bid
SBD 4: Declaration of Interest

(c) The Bidders are encouraged to submit the following documents:

1. B-BBEE VERIFICATION CERTIFICATE
2. JOINT VENTURE AGREEMENT (IF APPLICABLE)

All forms and declarations must be signed and completed and returned with the Bid Document as a whole.

Failure to sign and / or complete the forms and declarations will result in the bid being disqualified.

The lowest or any bid will not necessarily be accepted, and your bid may be accepted in part or as a whole.

- The bid document must be completed in all respects in non-erasable ink.

- Bids must be submitted on original bid documents.
- No tippex or correctional fluid must be used.
- Bid documents must be submitted in a sealed envelope marked **RFQ 1989- PROVISION OF CORPORATE GOVERNANCE AND COMPLIANCE TRAINING FOR 30 SMME'S**
- Failure to submit your bid in a sealed envelope will render your bid non-responsive.

6. PERIOD OF VALIDITY FOR BIDS AND WITHDRAWAL OF BID AFTER CLOSING DATE

All Bids must remain valid for a period of 90 (ninety) days from the closing date as stipulated in the Bid document.

7. AUTHORITY TO SIGN BID DOCUMENTS

In the case of a Bid being submitted on behalf of a company, close corporation or partnership, evidence must be submitted to the Amatola Water at the time of submission of the Bid that the Bid has been signed by persons properly authorised thereto by resolution of the directors or under the articles of the entity.

Form A must be completed. Failure to complete Form A will invalidate your bid.

8. JOINT VENTURE REQUIREMENTS

DEFINITION:- "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.

Should a group of companies/firms and/or interested parties wish to enter into a joint venture / consortium agreement the following minimum requirements must be met: -

- A properly signed copy of the joint venture/consortium agreement must be attached.
- Each member of the joint venture/consortium's taxes must be in order.
- After the award of a contract to a joint venture/consortium, the successful joint venture group or consortium must provide a combined joint venture/consortium Tax Clearance Certificate.
- After the award of a contract to a joint venture/consortium, the successful joint venture group or consortium must provide the details of the joint venture / consortium banking details.
- A trust, consortium or joint venture will qualify for points of their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 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 tender.

THE JOINT VENTURE/CONSORTIUM AGREEMENT MUST CONTAIN THE FOLLOWING: -

- Who the managing member will be.
- Who the signatory of authority will be.
- How the joint venture/consortium share of profit will be split.
- The bank account details where payments will be deposited into.
- The agreement must be signed by all parties.
- The agreement must be certified by a Commissioner of Oaths.
- The postal and physical address where all correspondence will be sent to

9. CONDITIONS OF TENDER

- I. Submission of this proposal signifies the applicant's acceptance of the conditions as laid down in this document, unless clearly stated otherwise.
- II. Any expense incurred by the applicant in preparing and submitting this proposal will be for the applicant's account.
- III. Amatola Water reserves the right not to accept any proposal and cancel the bid as and when the need arises.
- IV. The contractor must provide references on Form B that the company has undertaken at least 1 projects of a similar nature.
- V. Failure to comply with the above requirements will result in submitted proposals being disqualified.

BID SPECIFICATION

Amatola Water invites quotations from suitably qualified and experienced service providers for the **RFQ 1989- PROVISION OF CORPORATE GOVERNANCE AND COMPLIANCE TRAINING FOR 30 SMME'S**

BACKGROUND

Amatola Water is an Eastern Cape based state-owned water services utility (water board), established in 1997, in terms of the Water Services Act. Its prime function is to provide bulk water and sanitation services to water sector institutions, water service authorities and other customers as provided for in the South African water services legislation. Amatola Water's service area includes Buffalo City, the Amathole District and portions of adjoining districts in the central Eastern Cape.

1. SCOPE OF WORK

Amatola Water requires an accredited Service Provider to train SMME's on Corporate Governance and compliance.

Type of Training/course: Corporate Governance and Compliance training for suppliers.

Number of total delegates: 30

Duration: 3 days

Venue: East London

Requirements:

- The Service Provider must have developed a training course or have been accredited by SETA on a training course that includes the following training areas:
 - Corporate governance and King 1V Principles
 - Compliance for accreditation with standard authorities or bureaus such as ISOS and SABS
 - Procurement and supply chain compliance
 - Compliance risk management
 - Compliance with consumer protection legislation
- The trainers must be suitable experienced in the areas of corporate governance and business law
- At least 5 years as Commercial Law or Legal Practitioners
- The trainer must have provided the training within the last five years.
- Programme Accreditation by South African Reward Association
- Continuing Professional Development Points by a professional body
- Recognition by South African Qualifications Authority

The pricing for training must include provision of certificates, training manuals, stationary and training equipment.

SECTION B

RETURNABLE DOCUMENTS

THE FOLLOWING DOCUMENTS MUST BE COMPLETED IN FULL AND SUBMITTED WITH THIS BID:

SBD 1: INVITATION TO BID

SBD 4: DECLARATION OF INTEREST

SBD 6.1: PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

THE FOLLOWING DOCUMENTS MUST BE SUBMITTED WITH THIS BID:

FORM A: AUTHORITY TO SIGN

FORM B: SCHEDULE OF PREVIOUS SIMILAR CONTRACTS SATISFACTORILY CARRIED OUT BY THE TENDERER

B-BBEE VERIFICATION CERTIFICATE

JOINT VENTURE AGREEMENT (IF APPLICABLE)

FORM A: AUTHORITY TO SIGN DOCUMENTS

The person listed below are duly authorised/ delegated to sign all documents in connection with the tender offer and any contract resulting from it on our behalf by virtue of the Articles of Association/Resolution of the Board of Directors.

Details of authorised/ delegated person

--

NAME

--

SIGNATURE

--

DATE

WITNESSES:

1.

--

NAME

--

SIGNATURE

--

DATE

2.

--

NAME

--

SIGNATURE

--

DATE

FORM B: SCHEDULE OF PREVIOUS RELATED CONTRACTS SATISFACTORILY CARRIED OUT BY THE TENDERER

Suppliers should very briefly describe their experience in this regard by completing the schedule below by providing details of at **least TWO comparable contracts** within the last 5 years relating to the **RFQ 1989- PROVISION OF CORPORATE GOVERNANCE AND COMPLIANCE TRAINING FOR 30 SMME’S**. Please complete Form B1 and B2 attached hereto to substantiate the list of references provided below. Please note that reference letters may be verified.

Comparable supply contracts of the entity within the last 5 years	Short Description	Contract Value (incl. VAT)	Dates (Commencement; Completion)	Client and contactable reference (include phone no.& email addresses)

SIGNED ON BEHALF OF TENDERER:

FORM B.1: CONFIRMATION OF REFERENCES TO AMATOLA WATER

NAME OF BIDDING COMPANY:	
PREVIOUS CLIENT/EMPLOYER NAME :	
TENDER/BID NUMBER OF COMPLETED CONTRACT/PROJECT	
DESCRIPTION OF CONTRACT/ PROJECT COMPLETED	
VALUE OF WORK COMPLETED	
DURATION AND DATE COMPLETED:	

The above-mentioned Bidding Company is in the process of submitting a Bid/RFQ for **RFQ NO. 1989 PROVISION OF CORPORATE GOVERNANCE AND COMPLIANCE TRAINING FOR 30 SMME'S** for Amatola Water. If your company had prior exposure with the Bidding Company, as part of the evaluation process for this bid, Amatola Water requires your company to confirm goods/services supplied by the above Bidding Company as per below questionnaire, **OR** Provide a letter of affirmation from a Business or Government customer to whom the project or service was delivered or a sworn affidavit to this effect. Each letter must be dated, signed and on a letterhead of the customer and indicates: (a) The customer Company name and physical address; (b) Customer contact person's name, telephone number and email address; (c) The services that the bidder has provided; and (d) Project Start and End Date.

<p>1. Were the goods/ services supplied according to the required quality as per the description/specification and were delivered on time?</p>	<p>Select applicable rating</p> <p><input type="checkbox"/> Excellent,</p> <p><input type="checkbox"/> Good,</p> <p><input type="checkbox"/> Satisfactory,</p> <p><input type="checkbox"/> Poor</p>
<p>2. Kindly, indicate their overall performance on the project.</p>	<p>Select applicable rating</p> <p><input type="checkbox"/> Excellent,</p> <p><input type="checkbox"/> Good,</p> <p><input type="checkbox"/> Satisfactory,</p> <p><input type="checkbox"/> Poor</p>

Full Name of Authorised Signatory

Contact Number Email address.....

Signature..... Date.....

***CLIENT (EMPLOYER) STAMP HERE**

***Incomplete and/or unsigned form will not be accepted and Amatola Water reserves the right to contact any Client Company listed as a reference**

FORM B.2: CONFIRMATION OF REFERENCES TO AMATOLA WATER

NAME OF BIDDING COMPANY:	
PREVIOUS CLIENT/EMPLOYER NAME :	
TENDER/BID NUMBER OF COMPLETED CONTRACT/PROJECT	
DESCRIPTION OF CONTRACT/ PROJECT COMPLETED	
VALUE OF WORK COMPLETED	
DURATION AND DATE COMPLETED:	

The above-mentioned Bidding Company is in the process of submitting a Bid/RFQ for **RFQ 1989- PROVISION OF CORPORATE GOVERNANCE AND COMPLIANCE TRAINING FOR 30 SMME'S** for Amatola Water. If your company had prior exposure with the Bidding Company, as part of the evaluation process for this bid, Amatola Water requires your company to confirm goods/services supplied by the above Bidding Company as per below questionnaire, **OR** Provide a letter of affirmation from a Business or Government customer to whom the project or service was delivered or a sworn affidavit to this effect. Each letter must be dated, signed and on a letterhead of the customer and indicates: (a) The customer Company name and physical address; (b) Customer contact person's name, telephone number and email address; (c) The services that the bidder has provided; and (d) Project Start and End Date.

<p>3. Were the goods/ services supplied according to the required quality as per the description/specification and were delivered on time?</p>	<p>Select applicable rating</p> <p><input type="checkbox"/> Excellent,</p> <p><input type="checkbox"/> Good,</p> <p><input type="checkbox"/> Satisfactory,</p> <p><input type="checkbox"/> Poor</p>
<p>4. Kindly, indicate their overall performance on the project.</p>	<p>Select applicable rating</p> <p><input type="checkbox"/> Excellent,</p> <p><input type="checkbox"/> Good,</p> <p><input type="checkbox"/> Satisfactory,</p> <p><input type="checkbox"/> Poor</p>

Full Name of Authorised Signatory

Contact Number Email address.....

Signature..... Date.....

***CLIENT (EMPLOYER) STAMP HERE**

***Incomplete and/or unsigned form will not be accepted and Amatola Water reserves the right to contact any Client Company listed as a reference**

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state? **YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....

¹ the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract?

YES/NO

2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

I, the undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 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 consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 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.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 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.

² 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.

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); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 a) The value of this bid is estimated to below R50 000 000 (all applicable taxes included) and therefore the**80/20**..... preference point system shall be applicable; or

b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

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

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

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE must not exceed	100

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 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. DEFINITIONS

- (a) “**B-BBEE**” means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) “**B-BBEE status level of contributor**” means the B-BBEE status of an entity in terms of a

code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

- (c) **“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 goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

3.1 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 price of bid under consideration

P_t = Price of bid under consideration

P_{min} = Price of lowest acceptable bid

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

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

5. BID DECLARATION

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

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

6.1 B-BBEE Status Level of Contributor: = (maximum of 20 points)
(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.)

7. SUB-CONTRACTING

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

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

7.1.1 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 or QSE

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

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

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

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

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

8.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

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 contributor indicated in paragraphs 1.4 and 6.1 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 paragraphs 1.4 and 6.1, 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 contributor 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) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

WITNESSES

1.

2.

.....

SIGNATURE(S) OF BIDDERS(S)

DATE:

.....

ADDRESS

.....

SECTION C:

PRICING INSTRUCTIONS, PRICING SCHEDULE AND CONTRACT

PRICE INSTRUCTIONS AND ESCALATION

The following pricing schedules must be completed in full:

SBD 3.1: Pricing Schedule: Firm prices

SBD 3.2: Pricing Schedule: Non- firm prices (N/A)

NB: If there are any unconditional discount offers, kindly attach a schedule that will indicate where those discounts are applied from.

Failure to fully complete the pricing instructions will invalidate your bid. All line items should be completed.

No claim in respect of any price escalation will be considered by the Amatola Water unless it is specifically stated in the Pricing Annexure that the Bid is subject to price escalation. When escalation is claimed for during the contract period, proof of such escalation must be furnished and the calculation itself must be submitted to corroborate such proof. Escalation will only be calculated on the official index figures supplied by the Department of Statistics or the Price Controller, which ever may be applicable. All orders placed will be based on the current Bid prices. It is the responsibility of the Bidder to inform Amatola Water of any escalation prior to implementation of the escalated price. Failure to do so will negate any such claims.

VALUE ADDED TAX

In calculating the cost of the supply and delivery of services and / or material, the supplier will issue a "Tax Invoice" for all services rendered and / or materials supplied, which will reflect the exclusive cost of such services, goods or materials with the relevant Value Added Tax being added to the total.

VAT must be included in the Bid price but must be shown separately.

Non-VAT vendors must not include VAT in their bid price.

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

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 11:00 Closing date:

OFFER TO BE VALID FOR 90 DAYS FROM THE CLOSING DATE OF BID.

Pricing Schedule

Item Description	Qty	Unit Price	Total Excl Vat
Training Course (Including certificates, training manuals, stationary and training equipment for 30 SMME's	1		
Travel and Accommodation for the duration of the course	1		
Total Excluding VAT			
VAT			
TOTAL COSTS INCLUDING			

Note: Rates to be inclusive of delivery

Total must be transferred to SBD 1, failure to do so will lead to the bid/RFQ being disqualified

Required by:

Amatola Water

- At:
- Brand and modelN/A.....
- Country of originN/A.....
- Does the offer comply with the specification(s)? *YES/NO
- If not to specification, indicate deviation(s)
- Period required for delivery
- Delivery: *Firm/not firm

PRICE ADJUSTMENTS

A NON-FIRM PRICES SUBJECT TO ESCALATION

1. IN CASES OF PERIOD CONTRACTS, NON FIRM PRICES WILL BE ADJUSTED (LOADED) WITH THE ASSESSED CONTRACT PRICE ADJUSTMENTS IMPLICIT IN NON FIRM PRICES WHEN CALCULATING THE COMPARATIVE PRICES

IN THIS CATEGORY PRICE ESCALATIONS WILL ONLY BE CONSIDERED IN TERMS OF THE FOLLOWING FORMULA:

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

Where:

- Pa = The new escalated price to be calculated.
 (1-V) Pt = 85% 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).
 R1o, R2o = Index figure at time of bidding.
 VPt = 15% 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 index/indices must be used to calculate your bid price:

Index..... Dated..... Index..... Dated..... Index..... Dated.....
 Index..... Dated..... Index..... Dated..... Index..... Dated.....

2. FURNISH A BREAKDOWN OF YOUR PRICE IN TERMS OF ABOVE-MENTIONED FORMULA. THE TOTAL OF THE VARIOUS FACTORS MUST ADD UP TO 100%.

FACTOR (D1, D2 etc. e.g. Labour, transport etc.)	PERCENTAGE OF BID PRICE

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

CONTRACT FORM - PURCHASE OF GOODS/WORKS

THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SUCCESSFUL BIDDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SUCCESSFUL BIDDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.

PART 1 (TO BE FILLED IN BY THE SUPPLIER)

1. I hereby undertake to supply all or any of the goods and/or works described in the attached bidding documents to **(AMATOLA WATER) PROVISION OF CORPORATE GOVERNANCE AND COMPLIANCE TRAINING FOR 30 SMME'S** in accordance with the requirements and specifications stipulated in **RFQ NUMBER RFQ-1989** at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the purchaser during the validity period indicated and calculated from the closing time of bid.

2. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (i) Bidding documents, viz
 - Invitation to bid;
 - Tax clearance certificate;
 - Pricing schedule(s);
 - Technical Specification(s);
 - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2017;
 - Declaration of interest;
 - Special Conditions of Contract;
 - (ii) General Conditions of Contract; and
 - (iii) Other (specify)

3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the goods and/or works specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.

4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.

5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.

6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES	
1
2.

GENERAL CONDITIONS OF CONTRACT

The form of Contract to be utilized is the General Conditions of Contract issued by National Treasury.