



**KZN GROWTH FUND AGENCY**  
**APPOINTMENT OF A COMPLIANCE CONSULTANT FOR THE KGF CAPITAL**  
**RFQ REFERENCE NUMBER – KZNGFA RFQ 2026 - 05**

Closing date : **08 July 2026**  
Time : 12:00  
Submission format : email [scm@kznqf.co.za](mailto:scm@kznqf.co.za)

**Name of the respondent:** .....

Late bids will not be accepted

**BID DETAILS**

Bid title: Compliance Consultant for the KGF Capital.

Procurement Reference Number: KZNGFA RFQ 2026 - 05

Description of Goods & Services: Appointment of a Compliance Consultant for KGF Capital.

Date of RFQ: 25 June 2026

Date of RFQ CLOSING: **08 July 2026**

**CONTACT INFORMATION**

Any enquiries regarding the bidding procedure may be directed to:

Procurement Officer: Sijabulile Ntshangase

Telephone: 031 372 3720

E-mail: [scm@kzngf.co.za](mailto:scm@kzngf.co.za)

**BIDDER’S DETAILS**

NAME OF BIDDER.....

POSTAL ADDRESS .....

STREET ADDRESS .....

CONTACT PERSON .....

TELEPHONE NUMBER Code ..... Number .....

CELL PHONE NUMBER Code ..... Number .....

FACSIMILE NUMBER Code ..... Number .....

E-MAIL ADDRESS .....

**Signature of Bidder .....** **Date .....**

## **1. PURPOSE**

The Kwazulu-Natal Growth Fund Agency (KZNGFA) invites quotations from suitably qualified service providers to support KGF Capital with a Compliance Officer Consultant.

## **2. BACKGROUND**

Kwazulu-Natal Growth Fund Agency (KZNGFA) is an Agency, established and capitalised by the Provincial Government to provide debt and equity. The main objective of the KZNGFA is to provide support for creating and enabling environment for activities that create jobs and accelerate the economic development of KZN whilst promoting Broad Based Black Economic Empowerment (B-BBEE).

The KGF Capital is a strategic entity established by KZN Growth Fund Agency in 2018 financial year. It was objectively formed to solicit funding and manage equity related transactions. The industry condition under which the entity operates are heavily regulated, thus requiring a dedicated individual to manage compliance operational matters. KGF Capital (Pty) Ltd is a wholly owned subsidiary of KZNGFA, and it is also a licensed FSP and regulated by the FSCA.

### **2.1 Procurement Philosophy**

It is the policy of KZNGFA, when purchasing goods and obtaining services to follow a course of optimum value and efficiency by adopting best purchasing practices in supply chain management, ensuring that open and fair competition has prevailed, with due regard being given to the importance of:

- a) The promotion, development and support of businesses from disadvantaged communities (small, medium, micro enterprises, as well as established businesses within those communities) in terms of its BEE Policy;
- b) The promotion of national and regional local service providers and agents before considering overseas service providers and;
- c) The development, promotion and support for the moral values that underpin the above, in terms of KZNGFA Business Ethics and Guidelines which requires that all commercial conduct be based on ethical and moral values and sound business practice. This value system governs all commercial behaviour within KZNGFA.

The KZNGFA wishes to engage with service providers who are equally committed to maintain high quality services and better pricing.

### **3. TERMS OF REFERENCE**

#### **3.1. Objectives of the Assignment**

The Compliance Consultant will be appointed as Head of Compliance (HoC) of KGF Capital (Pty) Ltd, a wholly owned subsidiary of KZNGFA which is licenced FSP regulated by the FSCA. Since the industry within which the entity operates is heavily regulated, a dedicated HoC is required to manage compliance operation and matters relating to the company's activities which include the soliciting of funding and investment in equity related transactions.

The appointed Compliance consultant is required to ensure compliance activities such as policy management, compliance returns and Risk Management and Compliance Programme (RMCP) assisting the organisation to maintain its regulatory and compliance obligations including but not limited to maintaining its compliance status and good standing with FSCA and ensuring the KGF Capital does not receive fines and penalties as a result of non-compliance from the regulator FAIS.

The objectives are to:

- Ensure appointment of a qualified and experienced HoC
- Improved compliance risk management
- Increased compliance with the relevant laws and regulations.
- Promote a culture of ethics and integrity.
- Contributes to a stronger corporate governance structures and practices.
- Improve reputational outlook.

#### **3.2. Scope of Work**

The appointed service provider will perform the following functions:

##### **General Compliance for all Financial Service requirements**

The HoC is expected to possess a thorough understanding of all regulatory requirements relevant to the company's operations within the Financial Service Sector. As a minimum expectation, the HoC should be able to provide documentation outlining the applicable regulations and demonstrate the company's level of compliance.

##### **Reporting of deadlines for financials, CPD, Class of business etc.**

When it comes to reporting crucial deadlines for financials, CPD, and other critical tasks such as class of business requirements, it is essential that the HoC possesses a thorough understanding of these demands. As a minimum requirement, the HoC should be well-versed and aware of important regulatory deadlines that must be met by the FSP/Company. The HoC has a significant responsibility to oversee and ensure that these deadlines are met and promptly submit the necessary reports to the relevant regulatory bodies.

## **Review dates for policies and registers**

When it comes to reviewing policies and registers, it is the responsibility of the HoC to ensure that all policies, terms, and conditions are always kept up to date and relevant. Regular reviews are necessary for this purpose, which involves circulating documents to the Board for their comments and recommendations to update. The DocMan system has been designed to facilitate the easy management of this task.

## **Profile Changes**

When it comes to profile changes, there are certain minimum requirements that must be met to ensure compliance with the Financial Advisory and Intermediary Services (FAIS) obligations. The change requests are handled by the External Compliance Officer; however, the HOC will collate, compile and submit the instruction to execute these instructions and still bears responsibility to drive profile changes to completion.

## **Manage competence Register**

Managing the competence of all staff is essential for ensuring that the company comply with its FAIS obligations. To achieve this, the company must have a fully detailed competence register that outlines the qualifications of every employee and is always kept up to date.

## **Manage take on and exit of Reps**

It is essential for the company to appoint Representatives who has the operational ability to effectively perform their assigned duties. Therefore, the company must ensure that its Human Resources Policies and process include a recruitment and selection policy as a minimum. Additionally, any changes to the Representative Register must be submitted to the regulator within specific deadlines.

## **Liquidity Calculations**

Maintaining adequate financial resources that can cover all obligations is crucial for the company's financial stability. To ensure compliance with the Financial Soundness requirements specific to its operations, the company must establish procedures for managing and monitoring its financial resources. Even though the Risk and Financial department has the primary obligation to maintain these policies, the HoC must verify the company's ability and report on this monthly. Honesty, integrity and conflicts of interest declarations for non-KI directors to comply with the regulatory requirements for Honesty and Integrity, the company must demonstrate that it has established processes to ensure that all Key Individuals, Senior Management, Representatives and Directors submit bi-annual declarations of their status. It is the responsibility of the HoC to ensure that these declarations are completed and submitted to satisfy the Financial Advisory and Intermediary Services (FAIS) and Financial Market Conduct Authority (FMA) requirements.

## **goAML Board**

HoC must adhere to the regulatory requirements of the Financial Intelligence Centre (FIC).

### **Minute all meetings**

To fulfil the minimum requirements of the company, it is necessary to properly document and minute all meetings, particularly those involving discussions related to IFX Brokers' matters. The company already has established policies and procedures in place that provide guidance on how to capture accurate and comprehensive minutes. These policies also include the use of standard minute templates to ensure consistency and clarity in the presentation of information.

### **Submit cash threshold, suspicious transaction reports**

To ensure compliance with the Financial Intelligence Centre Act (FICA) and the company's RMCP, it is essential to comply to regulatory requirements for the submission of all statutory reports

### **Advertising Checklists**

To meet the minimum requirements, it is necessary for all marketing materials to be reviewed by the HoC before any marketing initiatives are published. A platform with instructions and requirements has been established for this purpose.

### **POPIA**

To comply with the Protection of Personal Information Act (POPIA), all companies in South Africa, regardless of their size, and individuals in positions to obtain, handle, and store personal information must adhere to the Act's requirements and take steps to safeguard that information.

### **ODP Related compliance matters**

To ensure compliance with the FMA Act, certain obligations are imposed on ODP Providers, as a minimum compliance to the Criteria for the Authorization of an ODP at all times.

### **Understanding and application of regulations and acts**

- The Company must comply to as a minimum, but not limited to, the following acts and regulations:
- Basic Conditions of Employment
- FAIS Code of Conduct
- Section2\_20002\_FAIS\_Code\_of\_Conduct\_for\_Authorised\_Financial\_Services\_Providers\_and\_Representatives\_involved\_in\_Forex\_Investment\_Business\_BN39\_of\_2004
- Financial Intelligence Act
- Financial Intelligence and Anti-Money Laundering Act 2002 (FIAMLA 2002)
- financial-advisory-and-intermediary-services-act-2002-1
- Financial Markets Act 19 of 2012
- Prevention of Organised Crime Act, 121 of 1998 ("POCA");

- Prevention of Terrorism Act 2002 (POTA 2002)
- Protection of Constitutional Democracy Against Terrorist and Related Activities Act 33 of 2004 (“POCDATARA”).
- Financial Sector Regulation Act 2017
- Companies Act 71 of 2008
- Occupation Health & Safety Act, 1993, Facilities Regulations, 1990
- Occupation Health & Safety Act, 1993, General Safety Regulations
- Consumer Protection Act
- Anti-Money Laundering Act 22 of 2022
- POPI Act

### **Compliance reporting i.e. written reports to management and various committees**

To ensure compliance with regulatory standards in the financial services industry, the company must meet certain minimum requirements. These requirements are reflected in the monthly Compliance reports, which provide evidence that the company is adhering to all applicable laws, rules, and regulations. It is crucial that the Compliance report contains comprehensive information on the overall compliance status of the company, as violating these standards can have severe consequences such as reputational damage, substantial penalties, and even legal consequences like imprisonment or forced closure.

### **Controlling FICA**

The company has already established FICA policies and procedures that comply with regulatory requirements. The HoC is responsible for reviewing and ensuring that FICA processing is carried out correctly and in accordance with the prescribed manner.

### **Compliance Calendar**

DocMan - Section 21b - Compliance Calendar

The compliance calendar is a critical tool to ensure compliance with all regulatory requirements and obligations under the Financial Advisory and Intermediary Services (FAIS) Act and the Financial Markets Act (FMA). The HoC utilizes the calendar as a review tool to ensure that all information and documentation are always relevant and up to date.

### **Document Management**

DocMan - Section 21 - Internal Compliance

The HoC to ensure that all Compliance SOPs, review processes, documentation are retained in a format approved by the Risk Director and CEO

#### **4. DURATION**

The Service provider will assist for 12 months remote and in office.

#### **5. AWARD OF THE RFQ**

KZNGFA is not obliged to accept and award this RFQ to the lowest bidder or any other bidder.

#### **6. EVALUATION PROCESS AND CRITERIA**

Selection will be conducted over three stages as detailed below:

**Stage 1 - Compliance with Minimum Requirements**

**Stage 2 – Functionality Evaluation**

**Stage 3 – Price and Specific Goals**

##### **6.1 STAGE 1 – COMPLIANCE WITH MANDATORY REQUIREMENTS**

All proposals must be completed and accompanied by:

6.1.1 Completed proposal bidder's details (page 2)

6.1.2 SBD 1, SBD 4 and SBD 6.1

6.1.3 Company Profile

6.1.4 Evidence of registration on the National Treasury Central Supplier Database (MAAA)

**All bids duly lodged as specified in this RFQ will be examined to determine compliance with the mandatory requirements and conditions. Failure to provide any mandatory information as requested above will result in the submission being deemed non-responsive.**

## 6.2 FUNCTIONALITY EVALUATION

Scores will be tabulated to 50 points. Respondents must score 35 points and over to be assessed on their financial offer and preference score.

The allocation of points for the evaluation of quality/functionality is set out in Table 1 below:

FUNCTIONAL EVALUATION CRITERIA	Weight
<p><b>REFERENCE LETTERS</b></p> <p>Letters of reference relevant to the scope of work</p> <p>2 Letter of Reference relevant to the scope of work – <b>20 points.</b></p> <p>1 Letter of Reference relevant to the scope of work – <b>10 points</b></p> <p><b>Letters must be on client letterhead, signed, and dated. Letters must not be older than 5 years</b></p>	<b>20</b>
<p><b>FSCA Regulatory Examination certificate</b></p> <p>Proof that you are an authorised compliance officer with FSCA</p> <p><b>Must submit a copy of the FSCA letter that is signed and dated. Lack of submission of a certificate will result in zero point being allocated</b></p>	<b>5</b>
<p><b>EXPERIENCE OF THE LEAD CONSULTANT</b></p> <p>The potential bidder must attach brief CV indicating relevant experience and professional competencies in <b>Compliance Management</b> of the lead consultant to be used to provide the service. Must have a knowledge of FAIS. Understanding Money Laundering is an advantage. A provided template (Annexure B)</p> <ul style="list-style-type: none"> <li>• More than 6 years relevant experience in <b>Compliance Management = 10 points</b></li> <li>• 5 to 3 years of relevant experience in <b>Compliance Management = 5 points</b></li> <li>• Less than 3 years of relevant experience in <b>Compliance Management = 0 points</b></li> </ul> <p><b>Failure to submit a one-page CV using Annexure A will result in a score of zero (0).</b></p>	<b>10</b>
<p><b>QUALIFICATION OF THE LEAD CONSULTANT</b></p> <p>Bidders must attach relevant copies of highest qualifications/ certificate and short courses in compliance and RE1 + RE3 + RE5 certificate.</p> <p>Each point will be allocated as below;</p> <ul style="list-style-type: none"> <li>• Relevant tertiary qualification in Law, Business Management and Compliance short course = <b>5 points</b></li> <li>• Proof of registration or membership with the Compliance Institute of Southern Africa = <b>5 points</b></li> <li>• Proof of RE1 + RE3 + RE5 certificate = <b>5 points</b></li> </ul> <p><b>Failure to attach proof of qualifications and membership will result in a score of zero (0)</b></p>	<b>15</b>
<p><b>Total points allocation</b></p>	<b>50</b>
<p><b>Minimum required (%)</b></p>	<b>70%</b>

### 6.3 STAGE 2 - PRICE AND SPECIFIC GOALS

6.3.1 Proposals will be subject to an evaluation based on an 80/20 - 80 points for price and 20 points for specific goals.

6.3.2 Fixed price is required; price must be inclusive of VAT and all costs relating to disbursements and accommodation. See **Annexure A**

<b>Evaluation</b>	<b>Maximum points to be awarded</b>
Relative competitiveness of the price	80
Specific Goals (see the below table)	20
<b>Total Price and B-BBEE Points</b>	<b>100</b>

#### SPECIFIC GOALS TABLE

<b>SPECIFIC GOAL</b>		<b>POINTS</b>
<b>Black Ownership</b>	51% - 100 %	10
	30% - 50%	6
	5% - 29%	4
	0% - 4%	0
<b>Black Women Ownership</b>	51% - 100 %	4
	30% - 50%	2
	5% - 29%	1
	0% - 4%	0
<b>Black Youth Ownership</b>	30% - 100 %	3
	5% - 29%	2
	0% - 4%	0
<b>Disability</b>	30% - 100 %	3
	5% - 29%	2
	0% - 4%	0
<b>TOTAL POINTS</b>		<b>20</b>

The following may be used as proof for claiming preference points

- BBEE Certificate or BBEE Affidavit
- CSD Report
- ID Documents of the owners of the company
- Doctors Certificate / disability database from relevant institutions (for more research)

## 7. THE INFORMATION REQUIRED

You are required to provide the KZNGFA with a proposal, by **no later than 12:00pm on 08 July 2026.**

## 8. SUBMISSION DETAILS

- Submissions must be emailed to [scm@kzngf.co.za](mailto:scm@kzngf.co.za) attention **Sijabulile Ntshangase** by no later than the stipulated time above.
- For technical queries, you can contact Sandile Magubane on [scm@kzngf.co.za](mailto:scm@kzngf.co.za) during business hours of 8:00am to 4:30pm, Monday to Friday on 031 372 3720.

**Approved by**



Xolani Nhlapo 2026-06-25  
(Electronic)

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**Xolani Nhlapo**  
**Chief Investment Officer**

NAME OF BIDDER: \_\_\_\_\_

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

#	Description	Duration	Pricing
1.	Provision of Compliance management services	12 months	
Sub-Total			
VAT (15%)			
GRAND TOTAL			

Tenderers signature.....

COMPANY STAMP

## Curriculum Vitae

## 1. Role

Name and Surname	
Current Job Title	
Project Role for KZNGFA (e.g. Process Analyst)	

## 2. Relevant Qualifications/Certifications

Qualification	Institution	Year Obtained	Expiry Date (if any)

## 3. Relevant Experience

Company Name	Position	Key responsibility	Start Date	End Date

## 4. References

Name	Company Name	Position	Relationship

**PART A  
INVITATION TO BID**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>					
BID NUMBER:	KZNGFA RFQ 2026 – 05	CLOSING DATE:	08 July 2026	CLOSING TIME:	12pm
DESCRIPTION	Appointment of a Compliance Consultant for the KGF Capital				
<b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>					
<a href="mailto:scm@kzngf.co.za">scm@kzngf.co.za</a>					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>			<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>		
CONTACT PERSON	Sijabulile Ntshangase		CONTACT PERSON	Sandile Magubane	
TELEPHONE NUMBER	031 372 3720		TELEPHONE NUMBER		
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	<a href="mailto:scm@kzngf.co.za">scm@kzngf.co.za</a>		E-MAIL ADDRESS	<a href="mailto:scm@kzngf.co.za">scm@kzngf.co.za</a>	
<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					
1	ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	2	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW ]
<b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A BRANCH IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
<b>IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.</b>					

**PART B  
TERMS AND CONDITIONS FOR BIDDING**

<b>1. BID SUBMISSION:</b>
<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. <b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.</b></p> <p>1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.</p> <p>1.4. <b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b></p>
<b>2. TAX COMPLIANCE REQUIREMENTS</b>
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.</p> <p>2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.</p> <p>2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p> <p>2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE.”</p>

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

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....

(Proof of authority must be submitted e.g. company resolution)

DATE: .....

## 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 interest<sup>1</sup> 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

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<sup>1</sup> 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.

2.2 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:

.....  
.....

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 consortium<sup>2</sup> 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.

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<sup>2</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

- 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.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

Signature	Date
Position	Name of bidder

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT  
REGULATIONS 2022**

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

**NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022**

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**1. GENERAL CONDITIONS**

1.1 The following preference point systems are applicable to invitations to tender:

- 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 **To be completed by the organ of state**

*(delete whichever is not applicable for this tender).*

- ~~a) The applicable preference point system for this tender is the 90/10 preference point system.~~
- b) The applicable preference point system for this tender is the 80/20 preference point system.
- ~~c) Either the 90/10 or 80/20 preference point system will be applicable in this tender. The lowest/highest acceptable tender will be used to determine the accurate system once tenders are received.~~

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

1.4 **To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

	<b>POINTS</b>
<b>PRICE</b>	80
<b>SPECIFIC GOALS</b>	20
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

**2. DEFINITIONS**

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

### 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

#### 3.1. POINTS AWARDED FOR PRICE

##### 3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \\ Ps = 80 \left( 1 - \frac{Pt - Pmin}{Pmin} \right) & \mathbf{or} & Ps = 90 \left( 1 - \frac{Pt - Pmin}{Pmin} \right) \end{array}$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

#### 3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

##### 3.2.1. POINTS AWARDED FOR PRICE

A maximum of 80 or 90 points is allocated for price on the following basis:

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \\ Ps = 80 \left( 1 + \frac{Pt - Pmax}{Pmax} \right) & \mathbf{or} & Ps = 90 \left( 1 + \frac{Pt - Pmax}{Pmax} \right) \end{array}$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

**4. POINTS AWARDED FOR SPECIFIC GOALS**

4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/documentation stated in the conditions of this tender:

4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

(a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or

(b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

**Table 1: Specific goals for the tender and points claimed are indicated per the table below.**

*(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)*

*Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)*

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Black Ownership	/	10	/	
Black Women Ownership		4		
Black Youth Ownership		3		
Disability		3		

**DECLARATION WITH REGARD TO COMPANY/FIRM**

4.3. Name of company/firm.....

4.4. Company registration number: .....

4.5. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One-person business/sole propriety
- Close corporation
- Public Company
- Personal Liability Company
- (Pty) Limited
- Non-Profit Company
- State Owned Company

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I 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 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
  - (a) disqualify the person from the tendering 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 tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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, if deemed necessary.

..... <b>SIGNATURE(S) OF TENDERER(S)</b>	
<b>SURNAME AND NAME:</b>	.....
<b>DATE:</b>	.....
<b>ADDRESS:</b>	.....