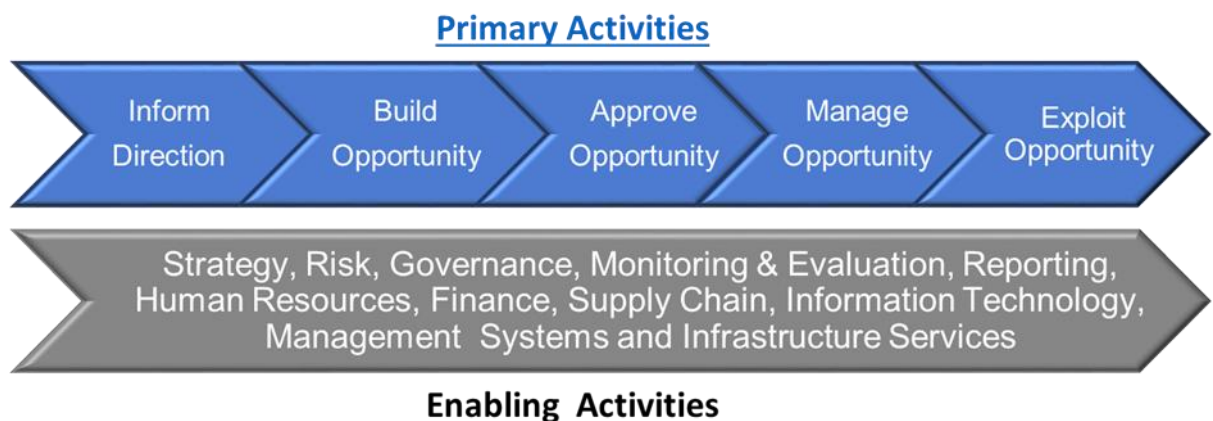


TENDER No.:	TIA004/2026
DESCRIPTION:	APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT A STUDY ON SOUTH AFRICA'S IP LOSS CHALLENGE WITHIN THE NATIONAL SYSTEM OF INNOVATION, SPECIFICALLY PUBLICLY FUNDED IP
ADVERT DATE:	24 July 2026
BRIEFING SESSION LINK	https://teams.microsoft.com/meet/347887679935717?p=25S6JkPJNZc6FIVL1u
BRIEFING SESSION DATE	03 August AT 11:00
DELIVERY DETAILS:	Electronic submissions: Tenders@tia.org.za <i>Please note that our servers will block any file greater than 200MB. If your file is greater than 200MB, please divide your submission into parts that are equal or less than 200MB and state on the subject 'Part 1, Part2 or Part 3'.</i> <u>E.G. TIA004/2026 – PART 1 (on the subject line)</u>
CLOSING DATE	17 August 2026 AT 11:00
REQUIRED TENDER VALIDITY:	120 days after closing date
CONTACT PERSON:	Mapule Msiza (nana.modiba@tia.org.za – not for tender submissions) and state <u>TIA004/2026</u> on the subject line for enquiries about the tender
DURATION OF CONTRACT	12 months

1. INTRODUCTION

- 1.1 The National System of Innovation in South Africa is still very young and fragmented and the flow of technology and information amongst people, enterprises and institutions is limited. The inability of academic research to reach the market as products and services is limiting economic development especially about technology innovation.
- 1.2 The Technology Innovation Agency (TIA) an entity of the Department of Science, Technology and Innovation (DSTI) was established in terms of the TIA Act (Act No. 26 of 2008), with the objective to stimulate and intensify technological innovation in order to improve economic growth and the quality of life of all South Africans by developing and exploiting technological innovations, as the value chain depicted below.



2. PURPOSE

The loss of Intellectual Property (IP) in a country, whether through intentional or inadvertent means, has been said to undermine research and development investments and hinder economic growth. The problem has been noted as a systemic one within the South African National System of Innovation (NSI) and therefore requires further investigation into the causes and analysis for mitigation thereof in future.



TIA is seeking to appoint a suitable and qualified service provider to conduct a study on the loss of IP, “**IP Leakage/Loss Study**”, in the NSI for consideration by the TIA Board and the Minister of Department of Science, Technology and Innovation (DSTI). The service provider must demonstrate knowledge and practical experience in IP in the context of Research and Development (R&D), management and commercialisation, in both the public and private sector.

3. PROJECT BACKGROUND

Over the last five years, South Africa contributed between 0.62% to 0.83% of its Gross Product Development (GDP) to R&D activities and funding the commercialisation of technological innovations. Yet despite this decline in gross expenditure on R&D, R&D outputs and the development of technological innovations remain high. Notwithstanding the R&D and the technology developments successes in several technical areas, South Africa faces a major challenge in that publicly funded IP is often lost to the country.

4. SCOPE OF THE STUDY

TIA seeks the services of a Service Provider to conduct a study on South Africa’s IP loss challenge within the National System of Innovation (NSI), and specifically publicly funded research and development (R&D).

Objectives of the Study:

- To identify and analyse the root causes of IP loss in the context of South Africa’s NSI.
- To assess (by evaluation of examples) the scale of IP loss and impact thereof.
- To evaluate current IP protection legislative frameworks, governance frameworks, and enforcement measures in the IP landscape.
- To identify international best-practices in the field and benchmark South Africa’s landscape.
- To develop strategic recommendations and frameworks for IP governance, protection, and enforcement measures for mitigation of the risk of future IP loss.

Definition of IP Loss:

For the purposes of this study, IP Loss is defined broadly as intellectual property generated through publicly funded R&D in the NSI, that results in economic loss to SA, and includes:

- All forms of intellectual property.
- IP that has not been identified, resulting in economic loss.
- IP that has been identified, but where economic value is lost through lack of protection of the IP.
- IP that has not been commercialised, resulting in economic loss; and
- IP that has been lost through intentional unauthorised transactions or theft, resulting in economic loss.

The Study:

Considering the broad scope of the investigation required and in order to direct the study and the Service Provider appropriately, such that the study can have tangible outcomes, the Service Provider is directed to focus on the following aspects (to deliver on this, a representative sample of IP loss case studies and institutions/persons interviewed must be included in the reports with all material facts):

1. Work Package 1:

- Inception report as a follow-up and response to the initial proposal with an updated project plan, overall evaluation approach, design, detailed methodology and content structure for the final report. The inception report needs to be approved by the relevant TIA management and/or Steering Committee before commencement of work.

2. Work Package 2: Overview

- An assessment of the R&D public funding landscape, IP legislative framework, IP governance framework at a national level, Stakeholder and institutional identification of key role players in IP creation, and overview of IP management at such institutions.
- All of the above should be assessed in the context of risks that lead to IP loss (e.g. organisations with overlapping mandates, operating in silos, lack of capacity, effectiveness of frameworks).

3. Work Package 3: IP that has not been identified and economic value is lost (i.e. where IP has been created but not identified, the economic advantages of commercial exploitation did not accrue to SA)

- An assessment of the cause of lack of IP identification at key institutions, (e.g. lack of awareness or education on IP, lack of capacity, IP that is intentionally not identified by researchers so that it can be misappropriated).

- An assessment of the scale and impact in the institution. Stakeholders must be interviewed/consulted, and case study examples must be provided. (minimum of 3 case study examples, preferably 5 case study examples).
 - Discussion of vulnerabilities of institutions and effectiveness of policies and frameworks in place to regulate and monitor IP loss, in the context of the overview from Work Package 2.
 - Identify international best practices in the area and benchmark South Africa's landscape.
 - Provide recommendations for mitigation of IP loss in this context.
4. Work Package 4: IP that has been identified, but economic value is lost through lack of protection of the IP
- An assessment of the cause of lack of protection (e.g. lack of awareness of IP rights/potential investors/funders, failure to attract investors/funders, no investors/funders available for the particular research, lack of funding/investment available for initial registrations or prosecution or enforcement of IP rights).
 - An assessment of the scale and impact of the problem. Stakeholders must be interviewed/consulted, and case study examples must be provided. (minimum of 3 case study examples, preferably 5 case study examples).
 - Discussion of adequacy and effectiveness of funding framework, in the context of the overview from Work Package 2.
 - Identify international best practices in the area and benchmark South Africa's landscape.
 - Provide recommendations for mitigation of IP loss in this context.
5. Work Package 5: IP that has not been commercialised and economic value is lost
- An assessment of the cause of failure to commercialise (e.g. lack of skills/awareness/experience to commercialise, lack of funding to commercialise, lack of other resources (partnerships etc) to commercialise).
 - An assessment of the scale and impact of the problem. Stakeholders must be interviewed/consulted, and case study examples must be provided. (minimum of 3 case study examples, preferably 5 case study examples).
 - Discussion of IP loss risks emanating from failure to commercialise, in the context of the overview from Work Package 2.
 - Identify international best practices in the area and benchmark South Africa's landscape.
 - Provide recommendations for mitigation of IP loss in this context.
6. Work Package 6: IP loss through intentional means of unauthorised transactions/theft
- The Service Provider is required to review the TIA commissioned Report on "IP Leakage" carried out in 2023, regarding the methodology, outputs and possible recommendations to improve the outputs of this study.



- Provide recommendations for mitigation of IP loss in this context.

7. Work Package 7: Overall Conclusion

- The Service Provider is requested to provide an overall conclusion summarising point from the earlier work packages, and if any further factors causing IP loss have come to light during the course of the study, provide an analysis thereof.
- The Service Provider is requested to provide an overall strategy for implementation of recommendations. The recommendations and implementation plan may include stakeholder mapping, legislative or policy amendments where necessary.

5. **RESPONSIBILITIES AND OBLIGATIONS OF THE SERVICE PROVIDER**

The Service Provider's responsibilities will include facilitating the IP study by:

- Data collection from role players in the NSI (by surveys, interviews for case studies, and any other means deemed necessary by the Service Provider).
- Collation of the data and general project management.
- Compilation of reports for each work package and submit to the satisfaction and approval of the relevant TIA management and /or industry based Steering Committee.

NB:

A Steering Committee will be constituted (consisting of TIA and other relevant stakeholder representation). The Steering Committee will oversee the project and will be the designated reporting body for the project. For the purposes of the Service Provider, each work package's report must be approved to the satisfaction of the Steering Committee prior to proceeding further.

Deliverables Expected: The required activities to be undertaken to complete the study are as follows:

- Work Package 1/Inception Report.
- Work Package 2 Report, including case studies.
- Work Package 3 Report, including case studies.
- Work Package 4 Report, including case studies.
- Work Package 5 Report, including case studies.
- Work Package 6 Report.
- Work Package 7- Draft Report and Final Report.



- All data collected, through surveys, case studies, interviews etc must be provided to TIA and shall be considered the property of TIA.
- The Service Provider may be required to present (with PowerPoint) the final report to TIA management and/or relevant Steering Committee.

6. STRUCTURE AND CONTENTS OF PROPOSAL TO BE SUBMITTED

TIA invites experienced bidders to submit proposals in response to the scope of work as contained in this document. Proposals are to be prepared and submitted at the bidder's own cost.

Proposals (one single document which should be limited to 30 pages, excluding appendices and attachments) shall have the following sections:

1. Introduction and organisational overview.
2. Understanding of the study required in the National System of Innovation (NSI) context.
3. Experience and competence, including:
 - a) An overview of experience and competence in undertaking studies in the field.
 - b) An overview of experience and competence in study methodologies such as quantitative and qualitative research methodologies, tools and techniques and experience in designing and applying them.
 - c) A list of the bidder's team members together with their areas of expertise, their roles in the evaluation and quantified level of effort in the evaluation per activity. The bid company's team should preferably be led by a person with expertise in IP and the NSI. This person must have suitable qualifications, demonstrable experience in undertaking similar evaluation, and must also contribute a significant portion of his/her time to undertaking and guiding the evaluation.



4. Approach, design and methodology (e.g. literature and documentation review, data sampling approach, analytical frameworks, data collection, tools, suggestions for elaboration or changes to evaluation questions, scope and methodology as outlined in this ToR).
5. Activity-based project plan to render the required services, making provision for unforeseen circumstances to ensure the plan is achievable.
6. Quality assurance plan (to ensure that the process and products are of good quality).
7. Budget/costing (in South African Rand, including VAT), linked to the proposed activities (per work package) and proportional time commitments and hourly rates of all team members (Time sheets will be required).

Proposal appendices as follows:

8. A list (title of work and name of client) of all IP-related policy work, studies etc. which lasted 6 months or more undertaken in the last five years.
9. A summary of all relevant evaluations (i.e. relating to IP and innovation in the public sector) (½ page each) which lasted 6 months or more undertaken in the last five years. This summary should include the title of project, a brief summary of the work and a list of the bidder's team members involved in this work, indicating the approximate contribution (to the nearest 10%) of each team member.
10. Resumes of key individuals proposed for the work. (Note that bidders may be required to furnish proof of contracts with any individuals who are not already staff members of the bidding company.)
11. Provide five reference letters in relation to relevant work undertaken in the last five years. Note: Bidders who do not submit any reference letters will be disqualified.
12. Provide five examples of relevant evaluation reports produced in the last five years in electronic format. Note: Bidders who do not submit any sample reports/case studies will be disqualified.



Should any of the key service provider's personnel be replaced or changed, TIA shall be advised. Any replacement key personnel shall be at an equivalent or higher competency/skill level, and TIA reserves the right to assess the same and request changes to the replacement personnel if it deems such changes insufficient.

7. MANDATORY REQUIREMENTS

Proposals will be eliminated under the following conditions:

- If there's no proof of Registration with the Central Supplier Database (CSD).
- If the service provider is not Tax compliant by the time TIA appoints.
- Any bidder affiliated with a participant in the study shall be disqualified. A participant in the study is deemed as any role player (and/or its divisions) in the NSI that may experience IP loss/leakage as a Recipient (in terms of the IPR Act), a regulatory body or a funding agency.
- Late submissions

8. PROPRIETARY INFORMATION

TIA considers this Request for Proposal ("RFP") and all related information, either written or verbal, which is provided to the Bidder, to be proprietary to TIA. It shall be kept confidential by the Bidder and its officers, employees, agents and representatives.

The Bidder shall not disclose, publish, or advertise this specification or related information in part or as a whole to any third party without the prior written consent of TIA. This applies regardless of whether the recipient of this RFP responds with a proposal.

9. MEDIUM OF COMMUNICATION

All documentation submitted in response to this RFP must be in English



10. VERIFICATION OF DOCUMENTS BY THE SERVICE PROVIDERS

Respondents should check the numbers of the pages to satisfy themselves that none is missing or duplicated. No liability will be accepted by TIA regarding anything arising from the fact that pages are missing or duplicated.

11. GENERAL TERMS AND CONDITIONS

11.1 The Respondent is responsible for all costs incurred in the preparation and submission of the proposal. Kindly note that TIA is entitled to:

11.1.1 Amend any RFP conditions, validity period, specifications, or extend the closing date and/or time of RFPs before the closing date. All Respondents, to whom the RFP documents have been issued, will be advised in writing of such amendments in good time.

11.1.2 Verify any information contained in a proposal.

11.1.3 Not to appoint any bidder.

11.1.4 Vary, alter, and/or amend the terms of this RFP, at any time prior to the finalisation of its adjudication hereof.

11.1.5 An omission to disclose material information, a factual inaccuracy, and/or a misrepresentation of fact may result in the disqualification of a proposal, or cancellation of any subsequent contract.

11.1.6 TIA reserves the right not to accept the lowest proposal or any proposal in part or in whole. TIA normally awards the contract to the Bidder who proves to be fully capable of handling the contract and whose Proposal is technically acceptable and/or financially advantageous to TIA. Appointment as a successful contractor shall be subject to the parties agreeing to mutually acceptable contractual terms and conditions. In the event of the parties failing to reach such agreement within 30 days from the appointment date, TIA shall be entitled to appoint the contractor who was rated second, and so on.

11.1.7 TIA also reserves the right to award this RFP as a whole or in part without furnishing reasons.



- 11.1.8 TIA also reserves the right to cancel or withdraw from this RFP as a whole or in part without furnishing reasons and without attracting any liability.
- 11.1.9 The Bidder hereby offers to render all the services described in the attached documents (if any) to TIA on the terms and conditions and in accordance with the specifications stipulated in this RFP documents (and which shall be taken as part of, and incorporated into, this proposal at the prices inserted therein).
- 11.1.10 This proposal and its acceptance shall be subject to the terms and conditions contained in this RFP document.
- 11.1.11 The Respondent shall prepare for a possible presentation should TIA require such and the Respondent shall be notified thereof no later than 4 (four) days before the actual presentation date.
- 11.1.12 Validity period: 120 days after closing date.
- 11.1.13 TIA's decision on proposals received shall be final and binding

11.2 TIA may disregard any submission if that bidder, or any of its directors:

- 11.2.1 Abused the Supply Chain Management (SCM) system of any Government Department / Institution.
- 11.2.2 Committed proven fraud or any other improper conduct in relation to such systems.
- 11.2.3 failed to perform on any previous contract and the proof thereof exists.
- 11.2.4 Restricted from doing business with the public sector if such a supplier obtained preferences fraudulently or if such supplier failed to perform on a contract based on specific goals.

12. PERIOD OF THE CONTRACT

The contract will be for a period of twelve (12) months.

13. EVALUATION CRITERIA



In accordance with the specified requirements, all proposals will be reviewed in line with the evaluation criteria outlined below, as well as the 80/20 preferential point system prescribed by the Preferential Procurement Regulations of 2022. To determine which submissions most effectively align with TIA's corporate operational objectives, proposals will be evaluated as follows:

No	Evaluation criteria	Weight	Maximum Score
1	Quality of proposal (Quality of the proposal in terms of): 1) a sufficiently detailed and high-quality activity-based plan aligned with activities and deliverables. 2) full understanding of the work required. 3) an appropriate approach, design and methodology proposed for the work. 4) meets all the specific requirements* of the proposal and 5) a professionally laid up, well-written (minimal typos and grammatical errors) and logically structured proposal. Score: 5 = A proposal that meets all five proposal quality requirements. 4 = A proposal that meets four of the five proposal quality requirements. 3 = A proposal that meets three of the five proposal quality requirements. 2 = A proposal that meets two of the five proposal quality requirements.	0.4	5

No	Evaluation criteria	Weight	Maximum Score
	1 = A proposal that meets one of the five proposal quality requirements. 0 = A proposal that does not meet any of the five proposal quality requirements. * A proposal that has no more than 30 pages (excl. appendices and attachments), a single proposal document, with the required proposal sections as stipulated.		
2.	The bidder must assign a project team, with appropriate accredited IP qualifications, and with a proven track record in the National System of Innovation (NSI), working specifically with the IPR Act, 2008 (Act No. 51 of 2008) and public policy research. The bidder must provide resumes of the account manager as well as the direct reports of the assigned account manager. Each resume should detail the number of years' experience of each individual in the NSI and with the IPR Act, that will form part of the project team. The experience must be in IP in the NSI and with public funding and IPR Act. The average relevant years' experience will be calculated based on the resumes submitted and scored as follows: Score: 5 = Resumes indicate 10 years or more of relevant experience. 4 = Resumes indicate 6-10 years of relevant experience. 3 = Resumes indicate 3-6 years of relevant experience.	0.4	5

No	Evaluation criteria	Weight	Maximum Score
	2 = Resumes indicate 1-3 years of relevant experience. 1 = Resumes indicate less than 1 year of relevant experience. 0 = Experience not specified or unclear, no experience within NSI or with IPR Act. (Years of experience of a team will be the average of each person's experience. Note: Resumes need to be clear concerning quantifiable years of relevant experience.)		
3.	The bidder must have a proven track record in the National System of Innovation (NSI), working specifically with the IPR Act, Act 51 of 2008 and public policy research. The bidder must provide at least 5 written references of relevant work done in the past 5 years (i.e. work that is related to this study will be considered relevant, not general IP legal work). Score: 5 = 5 reference letters with positive feedback. 4 = 4 reference letters with positive feedback. 3 = 3 reference letters with positive feedback. 2 = 2 reference letters with positive feedback. 1 = 1 reference letters with positive feedback. 0 = no reference letters provided.	0.2	5
Total weight / Maximum possible score			1
Minimum qualifying score (expressed as percentage)			70%



Second Stage: Evaluation in terms of Specific Goals

Bidders who met the 70% threshold will be evaluated further based on 80/20 specific goals as below:

Specific Goal	Points	Proof
At least 51% Black ownership	5	Central Supplier Database report
Less than 51% Black ownership	0	
At least 51% Black Women ownership	5	Central Supplier Database report
Less than 51% Black Women ownership	0	
At least one of the owners is Black youth ownership	5	Certified ID
No Black youth ownership	0	
At least one of the owners has a disability/disabilities	5	Letter from a Doctor confirming the disability
No owner with a disability	0	
Total points for specific goals	20	
Price	80	Quotation
Total	100	



STANDARD BIDDING DOCUMENTS

SBD1: PART A

INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	TIA004/2026	CLOSING DATE:	17 AUGUST 2026	CLOSING TIME:	11:00
DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT A STUDY ON SOUTH AFRICA'S IP LOSS CHALLENGE WITHIN THE NATIONAL SYSTEM OF INNOVATION, SPECIFICALLY PUBLICLY FUNDED IP				
BID RESPONSE DOCUMENTS MUST BE E-MAILED TO					
Tenders@tia.org.za					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Mapule Msiza		CONTACT PERSON	Mapule Msiza	
E-MAIL ADDRESS	mapule.msiza@tia.org.za		E-MAIL ADDRESS	mapule.msiza@tia.org.za	
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					



TELEPHONE NUMBER	CODE		NUMBER	
CELLPHONE NUMBER				
FACSIMILE NUMBER	CODE		NUMBER	
E-MAIL ADDRESS				
VAT REGISTRATION NUMBER				
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] ☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT ☐ Yes ☐ No	
<i>[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]</i>				
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS				
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO				



DOES THE ENTITY HAVE A BRANCH IN THE RSA?

☐ YES ☐ NO

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?

☐ YES ☐ NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?

☐ YES ☐ NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?

☐ YES ☐ NO

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.

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 IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.
- 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.
- 1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).

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 VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 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.



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.”

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:

.....



SBD 4 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.

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.



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:

.....

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 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.

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.



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



SBD 6.1

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

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:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

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:

80/20

or

90/10

$$P_s = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$$

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{min} = 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:

80/20

or

90/10

$$Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right) \quad \text{or} \quad Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)$$

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)
At least 51% Black ownership Less than 51% Black ownership		5 0		
At least 51% Black Women ownership Less than 51% Black Women ownership		5 0		
At least one of the owners is Black youth ownership No Black youth ownership		5 0		
At least one of the owners has a disability/disabilities No owner with a disability		5 0		

5. DECLARATION WITH REGARD TO COMPANY/FIRM



5.1 Name of company/firm.....

5.2 Company registration number:

5.3 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]

5.4 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.

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SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

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