



4th Floor
Riverwalk Office Park
Block A, 41 Matroosberg Road
Ashlea Gardens
PRETORIA
SOUTH AFRICA
0081

P.O. Box 580, **MENLYN**, 0063
Tel: 012 346 1738, Fax: 086 693 7472
E-Mail: enquiries@pfa.org.za
Website: www.pfa.org.za

BID DESCRIPTION	APPOINTMENT OF A PANEL OF ATTORNEYS FOR LABOUR LAW MATTERS
BID NUMBER	OPFA/LS/022026
CLOSING DATE	21 AUGUST 2026
CLOSING TIME	11H00

BIDDER	
COMPANY REGISTRATION NUMBER	
CSD NUMBER	MAAA

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1. INTRODUCTION

- 1.1. The Office of the Pension Funds Adjudicator (OPFA) was established in terms of section 30B of the Pension Funds Act No.24 of 1956 ("Act") with effect from 1 January 1998 to investigate and determine complaints lodged in terms of the Act.
- 1.2. The OPFA is funded in terms of section 30R of the Act. In terms of section 30D of the Act, the main objective of the Adjudicator is to dispose of complaints lodged in terms of section 30A (3) and complaints for which the Adjudicator is designated in terms of section 211 of the Financial Sector Regulation Act No.9 of 2017.
- 1.3. The mandate of the OPFA is to ensure a procedurally fair, economical, and expeditious resolution of complaints in terms of the Act, by:
 - 1.3.1. Ensuring that its services are accessible to all
 - 1.3.2. Investigating complaints in a procedurally fair manner
 - 1.3.3. Reaching a just and expeditious resolution of complaints in accordance with the Act.

2. OBJECTIVE OF THE BID

- 2.1. The purpose of this bid is to obtain proposals to appoint a panel of **five (5)** Attorneys for labour law matters for a period of **three (3) years** with an option to extend for a further **24 months** period.
- 2.2. The successful firms of attorneys will be required to render legal services relating to labour law matters as outlined in the scope section below.

3. SCOPE OF SERVICES REQUIRED

3.1. The scope of the required services will include, but not be limited to, the following:

- 3.1.1. Preparing, Drafting and Reviewing legal documents.
- 3.1.2. Representation at the CCMA (preparing for arbitration proceedings and attending proceedings, etc.)
- 3.1.3. Attending meetings and consultations
- 3.1.4. Representation at courts (preparing, drafting court documents and attending proceedings).
- 3.1.5. Mediation/Arbitration of labour matters and any other service which may be required by the OPFA.
- 3.1.6. Chairing of disciplinary and grievance sessions
- 3.1.7. Initiate disciplinary action on behalf of the OPFA (preparation and attending proceedings).
- 3.1.8. Review and develop employment contracts where required.
- 3.1.9. Conduct labour workshops on updates on the Regulation and law related to employment. Capacitation around employment equity, skills development, health and safety issues.
- 3.1.10. Legal advice or opinion on labour relations matters.
- 3.1.11. Provide any other ad-hoc labour related services.

4. SPECIAL CONDITIONS OF THE BID

The following are the special conditions applicable to this request for proposals:

- 4.1. The appointment of the panel of attorneys' firms will be for a period of three (3) years from the effective date of date of signing service level agreements with the OPFA, with an option to extend for a further 24 months period.
- 4.2. The successful firms may be assigned work as and when required. The appointment to the OPFA's panel of attorneys does not guarantee assignment of work to any of the successful firms.
- 4.3. A firm of attorneys assigned any work may not cede, assign or sub-contract any part thereof to any person unless with the written consent of the OPFA or as may be required by the applicable regulations.

4.4. The successful attorneys' firms shall:

- 4.4.1. report directly to the Pension Funds Adjudicator, or any other person delegated by the PFA in respect of any engagement, and for the receipt and handling of all forms of reports and administration pertaining to any particular assignment.
- 4.4.2. comply with the provisions of the prevailing privacy and data protection legislation governing the collection, use and processing of Personal Information as defined in the relevant legislation, ensure that such processing will not place the OPFA in breach of any applicable privacy and data protection laws or stated requirements.

5. BID EVALUATION

5.1. The proposal will be evaluated in four stages

- 5.1.1. Stage 1- Administrative and Compliance
- 5.1.2. Stage 2- Mandatory Requirements
- 5.1.3. Stage 3- Functionality Evaluation
- 5.1.4. Stage 4- Price and Preference Points system

5.2. Evaluation Stage One: Administrative and Compliance

5.2.1. Compliance with administrative and mandatory requirements stated in the standard bidding documents. Bidders that fail to provide the required information and documentation will be disqualified from further evaluation.

Documents that must be submitted	Non-Submission may result in disqualification	
Master Bid Document	Yes	Provided and bound
Electronic copy (USB /compact disc)	Yes	Same as the master bid document
Invitation to Bid - SBD 1	Yes	Duly completed and signed
CSD Registration	Yes	CSD registration number. If you are not registered proceed to complete the registration of your company prior to submitting your proposal. Register https://secure.csd.gov.za to obtain your vendor number.
Pricing schedule	Yes	Duly completed
SBD 4- Bidders Disclosure	Yes	Duly completed and signed.
SBD 6.1 Preference points claim form in terms of Preferential Procurement Regulation 2022	No	Duly completed and signed.
Adherence to closing date and time	Yes	Submission by the due date and time

5.3. Evaluation Stage Two: Mandatory requirements

No.	Compliance requirement	Evidence required
1.	The Key Personnel (Directors/Partners) must be qualified and admitted as Attorneys or Fidelity Advocates.	• Admission Certificate • Right of appearance in the High Court
2.	The bidder must submit a valid Fidelity Fund Certificate.	Valid Fidelity Fund Certificate The certificate must be valid at the closing of the bid and during the bid validity period.
3.	The Key personnel must be in good standing with the Legal Practice Council (LPC).	Valid Letter of Good Standing with the Legal Practice Council The certificate must be valid at the closing of the bid and during the bid validity period.

5.4. Evaluation Stage Three: Functionality Evaluation

5.4.1. Bidders are expected to obtain a minimum of seventy-five (75) out of hundred points available to proceed to the next evaluation stage. Failure to obtain the prescribed points will automatically disqualify the bid offer from proceeding to the next evaluation stage.

FUNCTIONALITY EVALUATION CRITERIA

NO	EVALUATION CRITERIA	WEIGHT	SCORE	
1	Availability of appropriate skills and resources to manage the contract. CV's of the assigned Key Personnel to demonstrate appropriate skills and capabilities by showing current and previous work done, as well as the number of years in a similar role Points will be allocated for the number of years' relevant experience indicating experience similar in nature of the required services for the Key personnel. <u>Evidence required</u> <i>Bidders must provide an organogram and CV of relevant Key Personnel demonstrating relevant experience</i>	30%	5	Ten and above years' relevant experience
			4	Seven to nine years relevant experience
			3	Four to six years' relevant experience
			2	Three years' relevant experience
			1	No information provided or less than two years' experience
2	Previous work performance on similar services required by the OPFA as per the scope of services section (labour law related matters) completed in the last ten years. <u>Evidence required</u> Bidders must provide reference letters (not appointment letters) and proof of evidence where applicable e.g. judgement, legal opinions, arbitration award, (you may redact personal information). Reference letters must be in the letterhead of the referee, be dated and signed, include contactable references, a description of services rendered and the period.	35%	5	Seven completed projects
			4	Five to six completed projects
			3	Three to four completed projects
			2	One to two completed projects
			1	No information

NO	EVALUATION CRITERIA	WEIGHT	SCORE	
3	Case Study Bradley Jones was employed as a Marketing Manager at the Office of the Pension Funds Adjudicator (“OPFA”). His role included ensuring the organisation’s services were effectively advertised and that organisational marketing targets were met. Between January and June 2026, Mr Jones consistently failed to meet his performance targets. This directly impacted the OPFA’s ability to achieve organisational goals. On 10 June 2026, disciplinary proceedings were convened. The employer appointed an external chairperson to preside over the hearing and an external initiator (lawyer) to lead the case against Mr. Jones. Mr. Jones was charged with poor performance, found guilty, and dismissed. Mr Ndlazi, who is Mr. Jones’s manager, received a CCMA referral and later a notice of set-down to appear at the CCMA on 15 July for a Con/Arb. In the referral, Mr. Jones disputes the fairness of the dismissal and raises the following points: • He claims the employer’s use of lawyers in the hearing prejudiced him. • He requested a specific marketing software program to help him meet targets, but this was denied by the employer; therefore, his failure to meet targets was attributable to the employer. • He alleges his manager, Mr Ndlazi, disliked him and discriminated against him based on race. The OPFA maintains that: • Mr.Jones was given adequate support and opportunities to improve. • He misused working hours for personal matters, which undermined his ability to meet targets. Another manager in the same position as him, without the software, managed to meet her targets.	35%	5	Bidder displayed excellent written communication and presentation skills as well as legal principles and processes. All issues correctly identified, relevant legal authorities cited, legal principles and processes correctly applied and correct conclusion reached on the identified issues.
			4	Bidder displayed above average excellent written communication, presentation skills as well as legal principles and processes. Correctly identified, relevant legal authorities cited legal principles and processes correctly applied, and correct conclusion reached on the identified issues.
			3	Bider demonstrated average knowledge of legal principles and process, written communication and presentation skills. Partly identified issues/processes correctly, relevant legal authorities cited or legal principles/process correctly applied, and correct conclusion reached on the identified

NO	EVALUATION CRITERIA	WEIGHT	SCORE
	- His dismissal was substantively fair, as his poor performance persisted despite interventions. Mr Ndlazi has never attended a CCMA hearing and requires guidance. He also does not think he is prepared to finalize the matter on the day if it is not settled, as some of his crucial witnesses are overseas. He requires you to accompany him to the CCMA on the day and assist him in representing the OPFA. <u>Evidence required</u> Demonstrate understanding of labour law by providing a structured response to the case study above: - Outline the Con/Arb process at the CCMA to Mr Ndlazi from receipt of the notice of set down until the conclusion of the Con/Arb process. What applications must be made on behalf of the employer, and what arguments must be made on behalf of the employer in respect of those applications? - What documents would you ask the employer to prepare, and what arguments would you advance on behalf of the employer to defend itself? - Was the employer legally entitled to appoint an external initiator in disciplinary proceedings? And if so, support your answer. Responses must not exceed three (3) pages. Where a response exceeds three (3) pages, only the first three (3) pages will be considered for evaluation.		issues.
			2 Bidder displayed below average, written communication, presentation skills as well as legal principles. Incorrectly identified, relevant legal authorities cited irrelevant legal principles applied and/or incorrect conclusion reached on the identified issues.
			1 Bidder outlined incorrect process, incorrectly identified issues and/or applications, cited irrelevant legal authorities, applied legal principles/process incorrectly, and an incorrect conclusion reached on the identified issues / No relevant information provided
	Maximum points	100%	
	Minimum points required to proceed to the next evaluation stage	75%	

5.5. Evaluation Stage Four: Price and Preference Point System

5.5.1. The 80/20 preference point system shall be applicable to this bid, where 80 points represent maximum obtainable points for the lowest acceptable price, and 20 points represent the specific goals. Points will be awarded to a bidder for attaining the specific goals outlined in accordance with the table below:

#	Specific Goals of Preference	Proof/ Evidence required	Points Allocation
1	51% or more ownership by black people	CSD report/B-BBEE Certificate or Sworn Affidavit, CIPC Report	5
2	51% or more ownership by black women	CSD report/B-BBEE Certificate or Sworn Affidavit, CIPC Report	5
3	30% or more ownership by people living with disabilities	CSD report/B-BBEE Certificate or Sworn Affidavit, CIPC Report	3
4	30% or more ownership by youth	CSD report/B-BBEE Certificate or Sworn Affidavit, CIPC Report	3
5	EME/QSE	CSD report/B-BBEE Certificate or Sworn Affidavit, CIPC Report	4
TOTAL POINTS			20

6. REGISTRATION WITH CENTRAL SUPPLIER DATABASE

6.1. The OPFA will not award any bid to a supplier who is not registered as a prospective supplier on the Central Supplier Database (CSD) as required in terms of National Treasury National Treasury SCM Instruction Note 4A of 2016/2017.

6.2. Bidders must provide CSD registration number on the SBD Registration can be made at <https://secure.csd.gov.za>

7. PRICING

- 7.1. For the purpose of evaluation of this bid, the bidder must provide the professional fees per hour as per the table below: **The bidder must provide only one applicable rate.**
- 7.2. **Bidders may use their own template, but the final price must be transferred to this schedule**

Table A

	Rate per hour	Estimated number of hours for three years	Amount excluding VAT
Professional fees per Hour- year 1	R	200	
Professional fees per Hour- year 2	R	200	
Professional fees per Hour- year 3	R	200	
TOTAL BID PRICE EXCLUDING VAT			
VAT			
TOTAL BID PRICE INCLUDING VAT			
BID PRICE IN WORDS			

7.3. **Pricing conditions**

- 7.3.1. Bidders must provide a fixed rate for the contract period.
- 7.3.2. The estimated number of hours is indicative for the purpose of evaluation. The actual number of hours will be billed as and when required.
- 7.3.3. Price must be comprehensive; only firm prices will be accepted

7.3. Table B: Other Applicable Rates

	Amount
e.g Copy per page	
e.g. Telephone cost, fax, e-mail etc	
Travelling Costs/km	

7.3.1. The rates on table B will not be used for evaluation. However, the rates will form part of the miscellaneous costs applicable to the contract. These rates must be specified at the bid stage.

7.3.2. Bidders may use Own Template. Bidder must provide all applicable rates.

7.3.3. Traveling cost per kilometre limited to AA rates

8. GENERAL UNDERTAKINGS

The following shall be applicable to this request for proposals:

- 8.1. The OPFA will not accept the bid, if the OPFA is satisfied that any person (including an employee, partner, director or shareholder of the tenderer or a person acting on behalf of or with the knowledge of the tenderer), firm or company:
 - 8.2. Is restricted from doing business with the state or employed by the state
 - 8.3. Has in any manner been involved in a corrupt act in relation to or other gift or remuneration to any officer or employee of the OPFA in connection with obtaining or executing a contract.
 - 8.4. Has acted in bad faith, in a fraudulent manner or committed an offence in obtaining or executing a contract.
 - 8.5. Has in any manner influenced or attempted to influence the awarding of OPFA's bid.
 - 8.6. Has, when advised that their tender has been accepted, given notice of his inability to execute or sign the contract.
 - 8.7. Has engaged in any anti-competitive behaviour, including having entered into any agreement or arrangement, whether legally binding or not, with any other person, firm or company to refrain from tendering for this contract, or relating to the tender price to be submitted by either party.
 - 8.8. Has disclosed to any other person, any information relating to this bid, except where disclosure, in confidence, was necessary to obtain quotations required for the preparation of the tender or required by law.
 - 8.9. The OPFA may, in addition to any other legal recourse which it may have, cancel the contract between the OPFA and such a person and/or resolve that no tender from such a person will be considered for a specified period.
 - 8.10. The award of this tender may be subjected to price negotiation with the highest point scorer in terms of the preferential procurement regulation if the price offered is considered not to be market related.

9. TENDER BRIEFING

- 9.1. There will be NO tender briefing session on this project; for any enquiries/clarity bidders must send enquiries to the designated mail tenders@pfa.org.za not later than 14 August 2026. Enquiries received after this date will be responded to.

10. TENDER SUBMISSIONS

- 10.1. Completed documents with supporting annexures shall be packaged, sealed, clearly marked and submitted on or before the closing date and time.

Bids must be hand delivered to the OPFA's address as follows
41 Matroosberg Road
Riverwalk Office Park
Block A, Fourth Floor
Ashlea Gardens
Pretoria

- 10.2. Late submissions and bids submitted by means of e-mail, telegram, telex facsimile, electronic or similar means shall not be considered.

11. BID VALIDITY PERIOD

- 11.1. Bid validity period will be 120 days from the closing of the tender.

12. ADDITIONAL INFORMATION REQUIRED

- 12.1. The following additional information is required: A sworn declaration that a bidder:

- Is not participating in or contributing to any retirement fund for its employees.
- Is participating and contributing to a pension or provident fund, and contributions are not in arrears. As proof, a confirmation of their contribution status from their retirement fund administrator must be submitted together with the declaration.

NB: This declaration is required as part of the risk assessment, which may impact on the overall outcome of the bid

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13. PROTECTION OF PERSONAL INFORMATION

- 13.1. "Personal Information" means personal information as defined in the Protection of Personal Information Act, 2013 (Act No. 4 of 2013), as amended from time to time.
- 13.2. All information collected and submitted by the bidders will be used by the OPFA for the evaluation and adjudication of this bid to determine the bidders' suitability and compliance to deliver the goods/services required. By submitting this bid the bidder gives consent for the OPFA to process the personal information provided by the bidder accordingly.
- 13.3. The parties acknowledge that for the purposes of this bid and agreement the parties may come into contact with, or have access to PI and other information that may be classified, or deemed as private or confidential and for which the other party is responsible. Such PI may also be deemed or considered as private and confidential as it relates to any third party who may be directly or indirectly associated with this agreement. Further, it is acknowledged and agreed by the parties that they have the necessary consent to share or disclose the PI and that the information may have value.
- 13.4. The parties agree that they will at all times comply with POPIA's Regulations and Codes of Conduct and that it shall only collect, use and process PI it comes into contact with pursuant to this agreement in a lawful manner, and only to the extent required to execute the services, or to provide the goods and to perform their respective obligations in terms of this agreement.
- 13.5. The parties agree that it shall put in place, and at all times maintain, appropriate physical, technological, and contractual security measures to ensure the protection and confidentiality of PI that it, or its employees, its contractors or other authorised individuals comes into contact with pursuant to this agreement.
- 13.6. Notify each other immediately where it has reasonable grounds to believe that the Personal Information in respect of this agreement, which has been provided to it including any Personal Information which it has processed, has been lost, destroyed, or accessed or acquired by any unauthorised person.

- 13.7. Unless so required by law, the parties agree that it shall not disclose any PI as defined in POPIA to any third party without the prior written consent of the other party, and notwithstanding anything to the contrary contained herein, shall any party in no manner whatsoever transfer any PI out of the Republic of South Africa.
- 13.8. The bidder has a right to request the OPFA to correct, delete, and destroy its PI in terms of POPIA using form 2 of the POPIA Regulations. The bidder also has the right to object the processing of its PI using form 1 of the POPIA Regulations. The rights of the bidder as a data subject are contained in the OPFA POPIA Policy, which can be viewed on the OPFA website.

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STANDARD BIDDING FORMS

SBD 1: PART A: INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE OFFICE OF PENSION FUNDS ADJUDICATOR					
BID NUMBER:	OPFA/LS/022026	CLOSING DATE: 21 AUGUST 2026		CLOSING TIME:	11:00
DESCRIPTION	APPOINTMENT OF A PANEL OF ATTORNEYS FOR LABOUR LAW MATTERS				
BID RESPONSE DOCUMENTS MUST BE SUBMITTED PHYSICALLY					
QUOTATIONS AND ALL SUPPORTING DOCUMENTS MUST BE EMAILED TO: 41 Matroosberg Road , Riverwalk Office Park					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	LUFUNO BALIBALI		CONTACT PERSON	Magadi Tshitannye	
TELEPHONE NUMBER	012 748 4002		TELEPHONE NUMBER	012 748 4048	
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	tenders@pfa.org.za		E-MAIL ADDRESS	tenders@pfa.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		TICK APPLICABLE BOX] Yes No
[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 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.					

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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, **2022**, THE GENERAL CONDITIONS OF CONTRACT (GCC) [General Conditions of Contract.pdf](#) 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.

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.

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**

a) The applicable preference point system for this tender is the 80/20 preference point system.

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 regarding 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	
$Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$	or	$Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$	

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:

80/20	or	90/10	
$Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)$	or	$Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)$	

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 (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
51% or more ownership by black people	5	
51% or more ownership by black women	5	
30% or more ownership by people living with disabilities	3	
30% or more ownership by youth	3	
EME/QSE	4	
Total points allocated	20	
Number of points claimed by the bidder		

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 because 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 because of that person's conduct.
 - (c) cancel the contract and claim any damages which it has suffered because 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.

.....
SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

.....

.....

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