



## REQUEST FOR PROPOSALS

**RFP NUMBER** : SHRA/RFP/CAR/09/202223

**CLOSING DATE** : Monday 5<sup>th</sup> December 2022

**TIME** : 16h00

**DESCRIPTION** : **APPOINTMENT OF AN EXPERIENCED, REPUTABLE LEGAL SERVICE PROVIDER TO PROVIDE LEGAL OPINION ON THE LINKAGES BETWEEN THE HOUSING ACT 1920 AND HOUSING ACT 107 OF 1997 TOGETHER WITH THE SOCIAL HOUSING ACT 16OF 2008**

**BRIEFING:**

Yes

No

## **DOCUMENTS IN THIS BID DOCUMENT PACK**

Bidders are to ensure that they have received all pages of this document, which consist of the following documents:

### **SECTION A**

1. Background
2. RFP Submission Conditions and Instructions
3. Terms of Reference
4. Evaluation Process
5. Evaluation Criteria

### **SECTION B**

1. Special Conditions of Bid and Contract
2. General Conditions of Contract (Annexure A)
3. Invitation to Quote (SBD 1)
4. Pricing Schedule (SBD 3.3)
5. Declaration of Interest (SBD 4)
6. Preference Points Claim form in terms of Preferential Procurement Regulations 2017 (SBD 6.1)
7. Submission Checklist

## **SECTION A**

### **1. BACKGROUND**

The Social Housing Regulatory Authority (the "SHRA") was established in August 2010 by the Minister of Human Settlements in terms of the Social Housing Act, No. 16 of 2008. The SHRA is classified as a public entity in terms of Schedule 3A of the Public Finance Management Act.

#### **1.1 MISSION**

To ensure there is quality housing for lower to middle-income households in integrated settlements by investing in, enabling, regulating and transforming the social housing for rental market.

#### **1.2 VISION:**

To create an integrated south Africa where citizens live a good quality life in well-located and affordable, quality rental homes.

#### **1.3 FUNCTIONS**

- Promote the development and awareness of social housing by providing an enabling environment for the growth and development of the social housing sector.
- Provide advice and support to the Department of Human Settlements in its development of policy for the social housing sector and facilitate national social housing programmes.
- Provide best practice information and research on the status of the social housing sector
- Support provincial governments with the approval of project applications by social housing institutions
- Provide assistance, when requested, with the process of the designation of restructuring zones
- Enter into agreements with provincial governments and the National Housing Finance Corporation to ensure the co-ordinated exercise of powers

## 2. RFP SUBMISSION CONDITIONS AND INSTRUCTIONS

### 2.1 FRAUD AND CORRUPTION

2.1.1 All Providers are to take note of the implications of contravening the Prevention and Combating of Corrupt Activities Act, Act No 12 of 2004 and any other Act applicable.

### 2.2 COMPULSORY BRIEFING SESSION

2.2.1 There will be **no compulsory briefing session** for this Request for Proposals

### 2.3 CLARIFICATIONS/QUERIES

2.3.1 Any clarification required by a bidder regarding the meaning or interpretation of the Terms of Reference, or any other aspect concerning the bid, is to be requested in writing (e-mail) from Ms Phindile Moche at [phindilem@shra.org.za](mailto:phindilem@shra.org.za) by **Thursday 1<sup>st</sup> 2022 at 12h00**. The bid **number** should be mentioned in all correspondence. **Telephonic requests for clarification will not be accepted**. If appropriate, the clarifying information will be made available to all bidders by e-mail only.

### 2.1 SUBMITTING BIDS

2.1.1 The proposals should be emailed to:

Ms Phindile Moche  
[phindilem@shra.org.za](mailto:phindilem@shra.org.za)

Bids should be email in the following manner, marked with:

- RFP number: SHRA/RFP/CAR/09/202223
- Closing date and time: Monday 5<sup>th</sup> December 2022 at 16h00
- The name and address of the bidder

**Documents submitted on time by bidders shall not be returned.**

### 2.4 LATE BIDS

2.4.1 Bids received late shall not be considered. A bid will be considered late if it arrived only one second after 16h00 or any time thereafter. Bids arriving late will not be considered under any circumstances. Bids received late shall be returned unopened to the bidder. Bidders are therefore strongly advised to ensure that bids be despatched allowing enough time for any unforeseen events that may delay the delivery of the bid.

2.4.2 The official Telkom time (dial 1026) will be used to verify the exact closing time (16H00)

2.4.3 Bids sent to SHRA via normal post or any other mechanism shall be deemed to be received at the date and time of arrival at the SHRA premises (tender/bid box or reception). Bids received at the physical address after the closing date and time of the bid, shall therefore be deemed to be received late.

## 2.5 FORMAT OF BIDS

2.5.1 Bidders must complete all the necessary bid documents and undertakings required in this bid document. Bidders are advised that their bid should be concise, written in plain English and simply presented.

2.5.2 Bidders are to set out their bid in the following format:

- Part 1: Invitation to Bid
- Part 2: Pricing Schedule
- Part 3: Declaration of interest
- Part 4: Preference Points Claim Form in terms of the Preferential Procurement Regulations 2017
- Part 5: Original or certified copy of a valid BBEE Certificate/ Sworn Affidavit
- Part 6: General conditions of Contract
- Part 7: Technical Approach
- Part 8: Submitted the Details of the team and included their CV
- Part 9: Experience in this field
- Part 10: Bidders National Treasury Central Supplier Database (CSD) Forms indicating the validity of bidder's registration

### **Part 1: Invitation to Bid**

Bidders must complete and submit the Invitation to Bid document.

### **Part 2: Pricing Schedule**

Bidders must complete and submit the pricing schedule document.

**The value of this bid is estimated not to exceed R750 000 (all applicable taxes included) and therefore the 80/20 system shall be applicable**

### **Part 3: Declaration of Interest**

Each party to the bid must complete and submit the Declaration of Interest.

### **Part 4: Preference Points Claim Form in terms of the Preferential Procurement Regulations 2017**

Bidders must complete and submit the Preference Points Claim Form.

A trust, consortium or joint venture:

- will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate OR a sworn affidavit in terms of the Amended B-BBEE Codes from Exempted Micro Enterprises (EMEs) of R10 000 000 annual turnover.
- will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.

### **Part 5: Broad Based Black Economic Empowerment Certificate**

Bidders are to submit an Original/Certified copy of a valid BBEE Certificate.

- A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid. OR a sworn affidavit in terms of the Amended B-BBEE Codes from Exempted Micro Enterprises (EMEs) of R10 000 000 annual turnover.

**Part 6: General Conditions of Contract**

Bidders must initial each page of the General Conditions of Contract and submit with their bid document.

**Part 7: Technical approach**

Bidder must at least:

Describe, in detail, exactly how they propose to carry out the activities to achieve the outcomes identified in the terms of reference. Bidders are required to have the basic office equipment and the resource/s (which must include, laptop, 3G connection, landline, own office with the basic office equipment) will be located within the region where the work will be done. They should identify any possible problems that might hinder delivery and indicate how they will avoid, or overcome such problems.

Describe how the work will be managed. Provide an organisation chart clearly indicating:

- The lines of reporting and supervision within the bidder’s team.
- The lines of reporting between the bidder and SHRA.

Identify the position(s) involved in the direct delivery of the service to be provided and in the overall management of the work and name the people who will fill these positions.

Describe the tasks, duties or functions to be performed by staff in these positions.

Indicate the number of hours required to complete each task and the number of hours to be provided by each team member. The bidder must be able to work within strict timelines and have the capacity to do so.

Provide information on any additional value-added services for consideration by SHRA, and which will form part of the overall proposed solution. Please note that the additional value ads must be priced separately in the space provided for in the pricing schedule.

Bidders are to present such information in a matrix. The following is provided merely as guidance. Bidders are free to elaborate as they see fit.

Outcome/output	Activity	Team member(s) involved (name and position)	Person days for each team member	Total person days


Provide a work plan of activities. In addition to providing details of the estimated number of workdays for each activity, bidders are to supply a detailed timetable that identifies when certain activities will be undertaken and over what period they will be spread. The timing of activities, the time needed to complete them, and the order in which they will be undertaken must be explained and justified.

Please note that part 10 should be no longer than 10 single-sided A4 pages in Arial 11 (font size).

**Part 8: Team Details**

The bidder must provide:

- A comprehensive curriculum vita (relevant to this bid and limited to two pages). In particular, the CV must highlight the team member(s) experience and qualifications to carry out the work

**Part 9: Experience in this field**

It is essential the service provider displays:

- Experience as set out in the terms of reference
- The Bidder must provide at least three (3) reference letters on company letterheads of previous clients where the Bidder provided similar services.

**Part 10: Bidders National Treasury Central Supplier Database (CSD) Forms indicating the validity of bidder’s registration**

Bidders to submit confirmation from the National Treasury:

- a. Supplier Number
- b. Unique Registration Reference Number

**2.6 PRESENTATIONS**

2.6.1 SHRA reserves the right to invite Bidders for presentations before the award of this Bid. Only Bidders who have met the minimum functionality criteria will be invited to presentation.

**2.7 NEGOTIATION**

2.7.1 SHRA has the right to enter into negotiation with a prospective service provider regarding any terms and conditions, including price(s), of a proposed contract.

2.7.2 SHRA shall not be obliged to accept the lowest of any quotation, offer or bid.

2.7.3 SHRA issues this bid invitation in good faith; however, it reserves the right to:

- Cancel or delay the selection process at any time, without explanation,
- Not to select any of the respondents to this bid invitation, without explanation,
- Exclude certain services, without explanation.

2.7.4 All bidders will be informed whether they have been successful or not. A contract will only be deemed to be concluded when reduced to writing in a contract form signed by the designated responsible person of both parties. The designated responsible person of SHRA is the Chief Executive Officer or his/her written authorised delegate.

## **2.8 REASONS FOR REJECTION**

2.8.1 SHRA shall reject a bid for the award of a contract if the recommended bidder has committed a proven corrupt or fraudulent act in competing for the particular contract.

2.8.2 SHRA may disregard the bid of any bidder if that bidder, or any of its directors:

2.8.2.1 have abused the Supply Chain Management systems of SHRA.

2.8.2.2 have committed proven fraud or any other improper conduct in relation to such systems.

2.8.2.3 have failed to perform on any previous contract and the proof exists.

2.8.3 Such actions shall be communicated to the National Treasury.



## **3. TERMS OF REFERENCE**

### **3.1. INTRODUCTION**

- 3.1.1. The Social Housing Regulatory Authority (“SHRA”) was established by the National Department of Human Settlements as prescribed by the SHA.
- 3.1.2. The SHRA is classified as a national public entity in terms of Schedule 3A of the Public Finance Management Act (No. 1 of 1999) (“PFMA”). The SHRA has been operational since January 2011,
- 3.1.3. The SHRA’s mandate is to capacitate, invest in and regulate the social housing sector. The primary intention of the Social Housing Act is to deliver affordable rental housing for low to moderate income groups and to achieve spatial, economic, and social integration of the urban environments in South Africa

### **3.2. BACKGROUND**

- 3.2.1. The SHRA CAR Unit commissioned an investigation into maladministration by Social Housing Institution, as requested by the Minister of Human settlements.
- 3.2.2. The Service Provider appointed to undertake such investigation has compiled and submitted draft report which refers to a Public Housing Act of 1920.
- 3.2.3. The Service Provider has based some of their conclusions on the 1920 Act without necessarily explaining or advising SHRA of the implications /or linkages of that Act on the Social Housing Act and its interpretation

### **3.3. PURPOSE OF THE CONTRACT**

The purpose of this request is to appoint an experienced and reputable Legal Service Provider to provide the Legal opinion on the linkages between the Housing Act of 1920 and Housing Act 107 of 1997 together with the Social Housing Act (SHA).

### **3.4. SCOPE OF WORK**

- 3.4.1. The scope of work for the appointed experienced and reputable Legal Service Provider will be to provide a Legal opinion on the linkages between the Housing Act of 1920 and Housing Act 107 of 1997, together with the Social Housing Act (SHA) through a;
  - Review of the relevant Housing Acts, SHA, and Constitution of the Republic of South Africa.

### **3.5. DELIVERABLES**

- 3.5.1. The Legal service provider shall be expected to render services required in line with the appointment mandates to provide appropriate legal opinion.
- 3.5.2. Consider reports at the SHRA’s disposal that refer to the old Acts.
- 3.5.3. Provide a comprehensive opinion detailing all the legal issues and incorporating all matters referred to in the scope of work for consideration.

### 3.6. DURATION OF CONTRACT

The duration of the contract will be subject to the provision of the legal opinion, within one (1) calendar month of appointment, the implementation of any controls necessitated by the legal opinion and will be agreed.

### 3.7. REQUIRED SKILLS AND EXPERIENCE

For the service providers to be considered for this contract, the Bidders must meet the following criteria:

- a) Bidder or Team Leader must have a minimum of ten (10) years' experience in the provision of legal services in corporate/or regulatory area
  - Demonstrable experience in the provision of Legal services in legal research interpretation of statutes and drafting of legislation.
  - Qualifications for the Project Leaders/Director of the firm LLM (or equivalent),
- b) Team members must have a minimum of 3 to 5 years' experience in the provision of legal services in corporate/or regulatory area
  - Qualification for the Team Members; LLB/Bproc/B Juris degree (NQF Level 7 and above).
- c) Experience in and good understanding of the Housing Legal Frameworks.
- d) Extensive skill in legal research and interpretation of statutes.

### 3.8. ACCOUNTABILITY AND REPORTING

The appointed service provider will report administratively to the Regulations Manager and be accountable to the Compliance, Accreditation and Regulations Executive for the duration of the contract period.

### 3.9. COPYRIGHT AND CONFIDENTIALITY

The product of this project will be the confidential information and property of the SHRA.

### 3.10. SUBMISSION REQUIREMENTS AND FORMAT OF THE PROPOSAL

The format of the proposal the bidder submits is required to consist of and demonstrate the following: **(please clearly label the various sections with dividers in your file submission)**

#### **Section 1**

Understanding of the required scope of work

Methodology and approach which include work plan, deliverables, timeframes and ideally matrixed with who in your team will be delivering the respective activities

#### **Section 2**

Profile of the bidder

Team composition, roles and responsibilities

Experience of the bidder's team and outputs matrix

Experience evidence in company profile and or team brief CVs

At least 3 Reference letters with contactable references confirming service provider successful completion of similar projects

### **Section 3**

Bidders are expected to provide an all-inclusive cost of this project with the following clearly indicated:

- Daily rate of each consultant with anticipated number of days to complete assignment
- Anticipated travel and disbursements
- Total cost of ownership on this assignment

Bidders are reminded that the Social Housing Regulatory Authority (SHRA) will award the bid based on a bidder's total project cost and not hourly or daily rates. The bidders must ensure that the delivery of this project is within the required timeframes as stipulated in the Terms of Reference.

## 4. EVALUATION PROCESS

### 4.1 COMPLIANCE WITH MINIMUM REQUIREMENTS

4.1.1 All bids duly lodged will be examined to determine compliance with bidding requirements and conditions. Bids with obvious deviations from the requirements/conditions, will be eliminated from further adjudication.

### 4.2 PRE-QUALIFICATION CRITERIA FOR PREFERENTIAL PROCUREMENT

4.2.1 As per the preferential Procurement Regulations (PPR) 2017, the SHRA is applying Pre-Qualification Criteria this bid in an effort to advance certain designated groups.

### 4.3 FUNCTIONALITY, PRICE AND PREFERENCE POINTS

4.3.1 All remaining bids will be evaluated as follows:

4.3.2 The functionality calculation will be done based on the defined criteria and weighting thereof. Functionality will be scored out of a 100. If it is deemed necessary, presentations may be held with Bidders who have met the minimum functionality criteria. If presentations are held, the functionality score will be adjusted whereby 80 percent will be awarded to during the bid evaluation and 20 percent will be for presentation score. **If a bidder fails to score a minimum of 70% out of 100% for functionality, the bid will be disregarded from further consideration.**

4.3.3 The second part will then be done on the 80/20 split whereby (80) points will be awarded for price and 20 points will be awarded for B-BBEE Status Level Contribution.

### 4.4 ELIMINATION OF BIDS ON GROUNDS OF FUNCTIONALITY

4.4.1 Bids that score less than 70% of the 100% available for functionality will be eliminated from further consideration. Points will therefore not be awarded for their cost bids or for B-BBEE Status Level of Contribution

4.4.2 The percentage scored for functionality should be calculated as follows:

4.4.3 Each panel member shall award values for each individual criterion on a score sheet. The value scored for each criterion shall be multiplied with the specified weighting for the relevant criterion to obtain the marks scored for the various criteria. These marks should be added to obtain the total score. The following formula should then be used to convert the total score to a percentage for functionality:

$$Ps = \frac{So}{Ms} \times Ap$$

where

Ps = percentage scored for functionality by bid/bid under consideration

So = total score of bid/bid under consideration

Ms = maximum possible score

Ap = percentage allocated for functionality

The percentages of each panel member shall be added together and divided by the number of panel members to establish the average percentage obtained by each individual bidder for functionality.

After calculation of the percentage for functionality, the prices of all bids that obtained the minimum score for functionality should be taken into consideration.

#### **4.5 PRESENTATIONS**

4.5.1 SHRA May decide to have compulsory presentations made by Bidders who met the minimum functionality criteria once the functionality score has been calculated.

4.5.2 Presentations shall only affect the marks awarded for functionality. If SHRA wishes to use presentations as an additional selection criterion between bidders, the evaluation criteria to be affected shall be determined in advance and due allowance made in the mark scheme.

4.5.3 If the date of the presentation meeting is not indicated in the bid document, at least three days' notice will be given to bidders required to attend a presentation.

4.5.4 Presentations will be made to the full Evaluation Committee.

4.5.5 Points determined by the presentation will be awarded to each bidder by each member of the Evaluation Committee and then an average calculated.

#### **4.6 AWARDING OF PREFERENCES POINTS**

4.6.1 Points for B-BBEE Status Level of Contribution will be awarded according to the table indicated in the preference points claim form(s).

#### **4.7 COMBINING PRICE AND PREFERENCE POINTS**

4.7.1 The B-BBEE Status Level of Contribution marks for each bid will now be added to the price points for that bid

4.7.2 The Evaluation Committee May recommend that the contract be awarded to the bidder obtaining the highest aggregate mark as determined by 4.5.1 or to a lower scoring bid based on firm, verifiable and justifiable grounds.

#### **4.8 ADJUDICATION OF BID**

4.8.1 The Adjudication Committee will consider the recommendations and make the final award. The successful bidder will usually be the service provider scoring the highest number of points or it May be a lower scoring bid based on firm, verifiable and justifiable grounds or no award at all.

## 5. EVALUATION CRITERIA

The following criteria will apply for the evaluation of the proposals.

### 5.1.1. DISQUALIFICATION CRITERIA

Bidders that do not meet the following mandatory requirements will be disqualified:	COMPLY	
	YES	NO
<b>Registration with legal practice council:</b> The Bidder must be registered with the appropriate Legal Practice Council (if applicable). A valid certificate of good standing should be provided.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Registration with National Treasury Central Supplier Database:</b> The Bidder be registered with the National Treasury Central Supplier Database (CSD)	<input type="checkbox"/>	<input type="checkbox"/>
Valid Fidelity Fund Certificate (for legal firms)	<input type="checkbox"/>	<input type="checkbox"/>

### 5.1.2. Functionality Evaluation

All proposals will be evaluated on the criteria provided in the table below. The proposals of all training providers will be rated on a scale of 1 to 5.

- 1: Unacceptable, does not meet set criteria
- 2: Weak, less than acceptable. Insufficient for performance requirements
- 3: Satisfactory should be adequate for stated element
- 4: Very good, above average compliance to the requirement
- 5: Exceptional mastery of the requirement should ensure extremely effective performance

**A bidder must achieve a minimum average score of 70% to qualify for further evaluation**

ELEMENT	FUNCTIONALITY EVALUATION		FUNCTIONALITY WEIGHT	PRESENTATION WEIGHT (IF APPLICABLE)	TOTAL SCORE
<b>Proposed Technical approach and methodology of the bidder:</b>	<b>Rating out of 5</b>	<b>Evaluation criteria</b>			
Bidders understanding of the scope of work <b>(10 points);</b>	1	Scope of work irrelevant to the assignment.	<b>65%</b>		
	2	Scope of work is referred to but is inaccurate			
	3	Proposal indicates the exact scope of work as per the Terms of Reference			
	4	Reference to the full scope of work but written in own words			
	5	Reference to the full scope of work, written in own words and provision of examples of similar type of projects the service provider has undertaken			
Methodology as to how the scope of work will be executed including a project plan <b>(25 points);</b>	1	Short methodology that does not relate to the full scope of work			
	2	Detailed methodology that does not relate to the full scope of work			
	3	Methodology that includes the full scope of work, required timeframes and deliverables			
	4	Methodology that includes the full scope of work, required timeframes and deliverables. Inclusion of a project plan which indicates activities and timeframes that adhere to the terms of reference.			
	5	Methodology that includes the full scope of work, required timeframes and deliverables. Inclusion of a project plan which indicates activities and timeframes that adhere to the terms of reference.			
The bidder/ team leader must have a minimum of ten (10) years' experience in the provision of legal services in corporate/or regulatory area	1	The bidder/ team leader has 1-5 years relevant experience			
	2	The bidder/ team leader has 6 -9 years relevant experience			
	3	The bidder/ team leader has 10 years relevant			

ELEMENT	FUNCTIONALITY EVALUATION		FUNCTIONALITY WEIGHT	PRESENTATION WEIGHT (IF APPLICABLE)	TOTAL SCORE
<ul style="list-style-type: none"> <li>demonstrable experience in the provision of Legal services in legal research interpretation of statutes and drafting of legislation. Concise CV to be submitted with relevant qualification (LLM) (or equivalent)</li> </ul> <b>(30 points)</b>		experience			
	4	The bidder/ team leader has 11 years relevant experience			
	5	The bidder/ team leader has 12 years and above relevant experience			
<b>Suitability of the proposed team, and experience:</b>	<b>Rating out of 5</b>	<b>Evaluation criteria</b>	<b>35%</b>		
<p>The Team members must have a minimum of 3 to 5 years' experience in the provision of legal services in corporate/or regulatory area. Concise CV to be submitted with relevant qualification LLB/Bproc/B Juris degree (NQF Level 7 and above).</p> <b>(20 Points)</b>	1	Team member/s has less than 2-years relevant experience			
	2	Team member/s has 3-4 years relevant experience			
	3	Team member/s has 5 years relevant experience			
	4	Team member/s has 6 years relevant experience			
	5	Team member/s has more than 7 years relevant experience			
<p>Bidder/or Legal Service Provider must provide reference /recommendation letters from clients who were rendered similar services. Reference Letters must clearly indicate the services rendered specific to the category.</p> <b>(15 Points)</b>	1	No reference letters provided			
	2	Less than three (3) relevant references provided			
	3	Three (3) to four (4) relevant references provided			
	4	Five (5) relevant reference letters provided			
	5	More than five (5) relevant reference letters provided.			
<b>TOTAL POINTS</b>			<b>100%</b>		



## **SECTION B**

### **1. SPECIAL CONDITIONS OF CONTRACT**

#### **1.1. GENERAL**

1.1.1. Proper bids for the services specified must be submitted.

#### **1.2. ADDITIONAL INFORMATION REQUIREMENTS**

1.2.1. During evaluation of the bids, additional information may be requested in writing from Bidders. Replies to such request must be submitted in writing, within five (5) working days or as otherwise indicated. Failure to comply may lead to your bid being disregarded.

#### **1.3. CONFIDENTIALITY**

1.3.1. The bid and all information in connection therewith shall be held in strict confidence by bidders and usage of such information shall be limited to the preparation of the bid. Bidders shall undertake to limit the number of copies of this document.

1.3.2. All bidders are bound by a confidentiality agreement preventing the unauthorised disclosure of any information regarding the SHRA or of its activities to any other organisation or individual. The bidders may not disclose any information, documentation or products to other clients without written approval of the accounting authority or the delegate.

#### **1.4. INTELLECTUAL PROPERTY, INVENTIONS AND COPYRIGHT**

1.4.1. Copyright of all documentation relating to this contract belongs to the SHRA. The successful bidder may not disclose any information, documentation or products to other clients without the written approval of the accounting authority or the delegate.

1.4.2. All the intellectual property (IP) rights arising from the execution of this Agreement shall vest in SHRA and the Service provider undertakes to honour such intellectual property rights and all future rights by keeping the know-how and all published and unpublished material confidential.

1.4.3. In the event that the service provider would like to use information or data generated by the service, the prior written permission must be obtained from SHRA.

1.4.4. SHRA shall own all materials produced by the Service provider during the course of this contract, or as part of the service including without limitation, deliverables, computer programmes (source code and object code), programming aids and tools, documentation, reports, data, designs, concepts and other information whether capable of being copyrighted or not ("IP").

1.4.5. The Service provider assigns all IP rights in respect of all materials referred to in clause 1.4.4 to SHRA. No other document needs to be executed to give effect to this cession, assignment or transfer.

1.4.6. The Service provider hereby irrevocably cedes, assigns and transfers to SHRA, as SHRA directs, all rights, title and interest in and to all IP (which includes, but is not limited to methodologies and products) connected with or applicable to the Services.

1.4.7. The Service provider acknowledges and agrees that:

1.4.7.1. Each provision of clause 1.3 is separate, severally and separately enforceable from any other provisions of this agreement.

1.4.7.2. The invalidity or non-enforceability of any one or more provision hereof, shall not prejudice or effect the enforceability and validity of the remaining provisions of this agreement; and

1.4.7.3. This clause 1.3 shall survive termination of this agreement.

## **1.5. NON-COMPLIANCE WITH DELIVERY TERMS**

1.5.1. As soon as it becomes known to the Service provider that he will not be able to deliver the goods/services within the delivery period and/or against the bid price and/or as specified, the SHRA must be given immediate written notice to this effect. The SHRA serves the right to implement remedies as provided for in the GCC.

## **1.6. WARRANTS**

1.6.1 The Service provider warrants that it is able to conclude this Agreement to the satisfaction of the SHRA.

1.6.2 Although the Service provider will be entitled to provide services to persons other than SHRA, the Service provider shall not without the prior written consent of SHRA, be involved in any manner whatsoever, directly or indirectly, in any business or venture which competes or conflicts with the obligations of the Service provider to provide the Services.

## **1.7. PARTIES NOT AFFECTED BY WAIVER OR BREACHES**

1.7.1 The waiver (whether express or implied) by any Party of any breach of the terms or conditions of this contract by the other Party shall not prejudice any remedy of the waiving party in respect of any continuing or other breach of the terms and conditions hereof.

1.7.2 No favour, delay, relaxation or indulgence on the part of any Party in exercising any power or right conferred on such Party in terms of this contract shall operate as a waiver of such power or right nor shall any single or partial exercise of any such power or right under this agreement.

## **1.8. RETENTION**

1.8.1 On termination of this agreement, the Service provider shall on demand hand over all documentation, information, software, etc., relating to the provision of services as per this bid without the right of retention, to the SHRA.

1.8.2 No agreement to amend or vary a contract or order or the conditions, stipulations or provisions thereof shall be valid and of any force and effect unless such agreement to amend or vary is entered into in writing and signed by the contracting parties. Any waiver of the requirement that the agreement to amend or vary shall be in writing, shall

## **2. GENERAL CONDITIONS OF CONTRACT**

2.1 The General Conditions of Contract must be accepted. The general conditions applicable to government entity bids, contracts and order are attached herein as **Annexure A** as they will apply to this bidding process.

2.2 Bidders are required to initial each page of the General Conditions of Contract as an indication of acceptance.

## INVITATION TO SUBMIT BIDS

**YOU ARE HEREBY INVITED TO PROPOSE FOR REQUIREMENTS OF THE SHRA**

**RFP NUMBER:** SHRA/RFP/CAR/09/202223 **DATE:** 5<sup>th</sup> December 2022 **CLOSING TIME:** 16h00

**DESCRIPTION:** Appointment of an experienced, reputable legal service provider to provide the legal opinion on the linkages between the Housing Act 1920 and Housing Act 107 of 1997 together with the Social Housing Act 16 of 2008

**VALIDITY PERIOD:** Offer to be valid for 90 days from the closing date of the bid

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**The successful bidder will be required to fill in and sign a written Contract Form.**

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**BID DOCUMENT MUST BE email to the mail address: [phindilem@shra.org.za](mailto:phindilem@shra.org.za)**

**Bidders should ensure that proposals are emailed timeously to the correct email address. If the proposal is late, it will not be accepted for consideration.**

Proposals can be emailed anytime from receipt of this request until **16h00 on Monday 5<sup>th</sup> December 2022.**

**All bids must be submitted on the official forms (not to be re-typed).**

**This RFP is subject to the following:**

- General Conditions of Contract (GCC) and, if applicable, any other Special Conditions of Contract.
- the Preferential Procurement Policy Framework Act, 2000
- the Preferential Policy Regulations, 2017
- Bids submitted that do not comply with the following will be disqualified**
  - A late Bid (a bid arriving one second after 16h00 or any time thereafter)

# INVITATION TO BID

**SBD 1**

## PART A

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>					
BID NUMBER:	SHRA/RFP/CAR/09/202223	CLOSING DATE:	5 <sup>th</sup> December 2022	CLOSING TIME:	16h00
DESCRIPTION	Appointment of an experienced, reputable legal service provider to provide the legal opinion on the linkages between the Housing Act 1920 and Housing Act 107 of 1997 together with the Social Housing Act 16 of 2008				
<b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>					
Email Address: <a href="mailto:phindilem@shra.org.za">phindilem@shra.org.za</a>					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>			<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>		
CONTACT PERSON	Ms Phindile Moche		CONTACT PERSON	Ms Phindile Moche	
TELEPHONE NUMBER			TELEPHONE NUMBER		
E-MAIL ADDRESS	<a href="mailto:phindilem@shra.org.za">phindilem@shra.org.za</a>		E-MAIL ADDRESS	<a href="mailto:phindilem@shra.org.za">phindilem@shra.org.za</a>	
<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
NAME OF REPRESENTATIVE					
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:		<b>OR</b>	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>					
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]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3 ]	
<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	
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.					

TERMS AND CONDITIONS FOR BIDDING

<b>1. BID SUBMISSION:</b>	
1.1.	BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
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>
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.	<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b>
<b>2. TAX COMPLIANCE REQUIREMENTS</b>	
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 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.**

**TOTAL BID PRICE (ALL INCLUSIVE) .....**

**SIGNATURE OF BIDDER: .....**

**CAPACITY UNDER WHICH THIS BID IS SIGNED: .....**  
(Proof of authority must be submitted e.g. company resolution)

**DATE: .....**

**PRICING SCHEDULE**  
**(Professional Services)**

NAME OF BIDDER: .....	BID NO.: <b>SHRA/RFP/CAR/09/202223</b>
CLOSING TIME 16h00	CLOSING DATE: 5 <sup>th</sup> December 2022

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

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)
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1. The accompanying information must be used for the formulation of proposals.
2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project, (including VAT and all disbursements).  
R.....

PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)

4.	PERSON AND POSITION	HOURLY RATE	DAILY RATE
	-----	R-----	-----
	-----	R-----	-----
	-----	R-----	-----
	-----	R-----	-----

5.	PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT		
	-----	R-----	----- days
	-----	R-----	----- days
	-----	R-----	----- days
	-----	R-----	----- days

5.1 Travel expenses (specify, for example rate/km and total km, class of air travel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
-----	.....	.....	R.....
-----	.....	.....	R.....
-----	.....	.....	R.....
-----	.....	.....	R.....

TOTAL: .....

\*\*\*all applicable taxes" includes value- added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

5.2 Other expenses, for example accommodation (specify, e.g. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
-----	.....	.....	R.....
-----	.....	.....	R.....
-----	.....	.....	R.....
-----	.....	.....	R.....

TOTAL: R.....

6. Period required for commencement with project after Acceptance of bid .....

7. Estimated man-days for completion of project .....

8. Are the rates quoted firm for the full period of contract? \*YES/NO

9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index. ....

.....



**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

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?

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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.

**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.
- 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

<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.

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 2017**

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.**

**1. GENERAL CONDITIONS**

- 1.1 The following preference point systems are applicable to all bids:
- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
  - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

- 1.2
- a) The value of this RFP is estimated **not to exceed R750 000.00** (all applicable taxes included) and hence it is issued as a closed Request. **Therefore, the 80/20 reference point system shall be applicable.**

- 1.3 Points for this bid shall be awarded for:

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

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

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

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

- 1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

**2. DEFINITIONS**

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1

of the Broad-Based Black Economic Empowerment Act;

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

### 3. POINTS AWARDED FOR PRICE

#### 3.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

**80/20**

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

Where

P<sub>s</sub> = Points scored for price of bid under consideration

P<sub>t</sub> = Price of bid under consideration

P<sub>min</sub> = Price of lowest acceptable bid

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

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

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

**5. BID DECLARATION**

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

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

6.1 B-BBEE Status Level of Contributor: = ..... (maximum of 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

**7. SUB-CONTRACTING**

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

*(Tick applicable box)*

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

7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE

*(Tick applicable box)*

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

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

**SBD 6.1**

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

**8. OUTCOMES AGAINST PREFERENTIAL PROCUREMENT CRITERIA**

B-BBEE status level of contributor	
Percentage owned by black people	
Percentage owned by black people who are youth	
Percentage owned by black people who are women	
Percentage owned by black people with disabilities	
Percentage owned by black people who are military veteran	
Percentage owned by black people living in rural or underdeveloped areas	
Percentage owned by black people living in townships	

**9. DECLARATION WITH REGARD TO COMPANY/FIRM**

- 9.1 Name of company/firm:.....
- 9.2 VAT registration number:.....
- 9.3 Company registration number:.....
- 9.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
  - One person business/sole propriety
  - Close corporation
  - Company
  - (Pty) Limited
- [TICK APPLICABLE BOX]

**9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

.....

.....

.....

.....

9.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

9.7 Total number of years the company/firm has been in business:.....

9.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
  - (a) disqualify the person from the bidding process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
  - (e) forward the matter for criminal prosecution.

<p>WITNESSES</p> <p>1. ....</p> <p>2. ....</p>
--

<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p>
<p>DATE: .....</p> <p>ADDRESS .....</p> <p>.....</p>

**10. BIDDERS ARE ENCOURAGED TO USE THE FOLLOWING CHECKLIST WHEN SUBMITTING THEIR BIDS:**

NO.	DETAILS	TICK BY BIDDER
1.	Part 1: Completed and signed the invitation to bid document (SBD 1)	
2.	Part 2: Completed the pricing schedule (SBD 3.3)	
3.	Part 3: Completed and signed the declaration of interest document (SBD 4). <i>(In case of a consortium/ joint venture, or where sub-Service providers are utilised, each party to the bid <u>must</u> complete and sign the declaration of interest document)</i>	
4.	Part 4: Completed and signed the Preference Points Claim form in terms of the Preferential Procurement Regulations 2017 (SBD 6.1)	
5.	Part 5: Submitted an original/ certified copy of a valid BBEE Certificate. <i>(In case of a trust, consortium or joint venture, bidders will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity <u>submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.</u></i>	
6.	Part 6: Submitted the General Conditions of Contract (initialled each page)	
7.	Part 7: Submitted the Technical approach	
8.	Part 8: Submitted the Details of the team and included their CV	
9.	Part 9: Submitted Experience in the field document and 3 reference letters	
10.	Part 10: Bidders National Treasury Central Supplier Database (CSD) forms indicating the validity of the bidder's registration	