

To:	All participating bidders
Issue Date	25 August 2025
SCM Contact person:	SCM
Project description:	BUSINESS DIAGNOSTICS AND BUSINESS DEVELOPMENT SPECIALIST
Closing date and time	02 September 2025 @16:00
Submission email	<u>Quotations@landbank.co.za</u>

RFQ issued by:

The Land and Agricultural Development Bank of South Africa
 P O Box 375 Pretoria 0001,
 First Floor Block A,
 Lakefield Office Park
 272 West Avenue (Corner of Lenchen Avenue and West Avenue
 De Hoewes, Centurian
 Web address: www.landbank.co.za

Name of Bidder:**ADDRESS:****LAND LINE:** **Cell No:****EMAIL:**

Table of Contents

SBD 1 - INVITATION TO BID	3
OVERVIEW OF LAND BANK.....	5
EVALUATION CRITERIA:.....	10
CONDITIONS TO BID	18
SBD 4-BIDDER'S DISCLOSURE.....	21
SBD 6.1 PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022	24

SBD 1 - INVITATION TO BID
PART A
INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE LAND BANK							
BID NUMBER:		CLOSING DATE:	02 SEPTEMBER 2025	CLOSING TIME:	16:00 PM		
DESCRIPTION	BUSINESS DIAGNOSTICS AND BUSINESS DEVELOPMENT SPECIALIST						
BID RESPONSE DOCUMENTS MUSY BE EMAIL AT:							
Quotations@landbank.co.za							
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO				TECHNICAL ENQUIRIES MAY BE DIRECTED TO:			
CONTACT PERSON	SCM			CONTACT PERSON	SCM		
TELEPHONE NUMBER				TELEPHONE NUMBER			
FACSIMILE NUMBER				FACSIMILE NUMBER			
E-MAIL ADDRESS				E-MAIL ADDRESS			
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		
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?		☐ Yes ☐ No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]		
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS							
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?				☐ YES ☐ NO			
DOES THE ENTITY HAVE A BRANCH IN THE RSA?				☐ YES ☐ NO			
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?				☐ YES ☐ NO			
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?				☐ YES ☐ NO			
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?				☐ YES ☐ NO			
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.							

PART B

TERMS AND CONDITIONS FOR BIDDING

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

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

SIGNATURE OF BIDDER:

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

DATE:

OVERVIEW OF LAND BANK

Established in 1912 to promote agricultural and rural development, the Land Bank provides production, instalment sale finance, and medium-term or mortgage loans to emerging and commercial farmers. From time to time, the Bank also administers other government programmes, such as drought relief schemes and flood assistance. The Land Bank is wholly-owned by the South African government, and is in turn the sole shareholder of LBIC and LBLIC, which provide insurance products in the agricultural sector.

The Bank's objectives flow from the Land Bank Act, No. 15 of 2002, and are aligned with government policies and the country's socio-economic needs. The Bank is expected to play a pivotal role in advancing agriculture and rural development. Its broad mandate, as expressed in the Land Bank Act, covers 11 objectives:

- Equitable ownership of agricultural land, in particular increasing the ownership of agricultural land by historically disadvantaged persons
- Agrarian reform, land redistribution or development programmes aimed at historically disadvantaged persons
- Land access for agricultural purposes
- Agricultural entrepreneurship
- Removal of the legacy of racial and gender discrimination in agriculture
- Enhancing productivity, profitability, investment and innovation
- Growth of the agricultural sector and better use of land
- Environmental sustainability of land and related natural resources
- Rural development and job creation
- Commercial agriculture
- Food security

Land Bank is committed to contributing to socio-economic transformation in South Africa and will therefore be contributing to the Preference System of all suppliers who are compliant to the Broad-Based Black Economic Empowerment Act no.53 of 2003 and the Preferential Procurement Policy Framework Act no.5 of 2011.

TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO ASSIST IN THE DEVELOPMENT OF A BUSINESS DIAGNOSTICS REPORT AND TURNAROUND PLAN

1. INTRODUCTION

The Land and Agricultural Bank of South Africa is seeking quotations for the provision of services to assist in the development of a business diagnostics report and turnaround plan for the Land Bank client, **AMAJINGQI MACADAMIA FARMING (PTY) LTD.**

2. BACKGROUND

Amajingqi Macadamia Farming (Pty) Limited (AMF) is a community-private enterprise macadamia farming operation established in 2013 in the Jingqi district of the Eastern Cape's Mbashe Municipal Area. The venture operates as a Level I BEE project with shareholders comprising the Amajingqi Investment Trust (AIT), representing the local Jingqi community, and East Cape Macadamia (Pty) Ltd (ECM), a private sector company. The project was modelled on the Ncera Macadamia Farming project and serves as a representative for 12 villages, where unemployment is chronic and 65% of the population consists of youth. All physical assets—including 300 hectares of leased community land, trees, irrigation systems, buildings, and equipment—belong entirely to AIT, while profit distribution follows the shareholding arrangement.

The farm had 267 hectares planted with macadamia trees, distributed across five geographically separate sections. Initially funded through government grants from DTI and DAFF, the project achieved its first harvest of 4 tons in 2019 and 12 tons in 2020, well below projections due to drought and other developmental constraints. However, the project has been severely compromised since then.

3. CURRENT CHALLENGES

The project has become dysfunctional and non-operational, with tree health deteriorating due to drought stress and lack of maintenance, threatening the substantial government investment and the livelihoods of employees and broader community beneficiaries who depend on this agricultural enterprise. Challenges

include, but are not limited to:

- Complete cessation of farming operations with no active management structure in place
- Vandalisation of irrigation systems, electrical components, cracking and sorting machines, and farm equipment
- Fire damage affecting orchard areas and compromising tree health and productivity
- Complete breakdown of irrigation infrastructure with damaged pumps, cut pipes, and destroyed electrical systems preventing water supply to orchards
- Severe decline in tree condition with yellowing, die-back, and approaching point of no return due to lack of care. Overgrown weeds under driplines and between rows, unpruned trees, and abandoned crop management practices. No fertiliser applications since 2019, leading to nutrient deficiencies and compromised tree health
- Ongoing disputes between stakeholders (Traditional Council, Land owners and Economic Cluster Management (ECM) creating operational paralysis
- Non-functional tractors, sprayers, and processing equipment requiring comprehensive repairs and servicing
- Lack of social cohesion among beneficiaries and breakdown of trust between community and funding institutions
- Ongoing theft and vandalism of farm assets and infrastructure due to inadequate security measures

4. SCOPE OF WORK

The Land and Agricultural Bank of South Africa invites proposals from a suitable service provider who have a wealth of knowledge in high value orchard product farming as well as agribusiness operations management and expertise in finance to provide guidance on a business turnaround.

The turnaround of the Amajingqi Macadamia Project requires a coordinated **dual-approach strategy** that addresses both the immediate technical agricultural needs and the complex socio-organisational challenges that have led to the project's current state. While the initial stage of the turnaround plan will include the immediate addressing of orchard health by the Land Bank team to restore orchards to a healthy

and productive status, this intervention must run as a parallel process with the appointed service provider who will be expected to assist in diagnosing and addressing governance, organisational restructuring, and social cohesion concerns.

To facilitate this comprehensive turnaround, funds have been made available to address critical tree health requirements, purchase necessary agricultural inputs, and repair damaged infrastructure. An appropriate turnaround plan must be developed and costed accordingly to guide this budget, ensure sustainable restoration of operations and long-term viability of the project.

The Land Bank has identified several critical challenges and complexities within the Amajingqi project that have directly contributed to its current failures. These challenges, summarised above, range from complex ownership dynamics between traditional authorities and community structures, lack of on-site and appropriate production management expertise, absence of project-related social cohesion among beneficiaries, and deliberate vandalism of trees and infrastructure.

Given these multifaceted challenges, the Land Bank therefore seeks the appointment of a service provider who possesses the expertise and experience to engage meaningfully with the community and project stakeholders, understand the underlying complexities and challenges, and develop appropriate intervention plans that would systematically overcome these obstacles. The service provider must be able to offer practical, implementable solutions that prioritise community-based beneficiaries' interests and welfare.

The primary goal of this intervention is to develop a turnaround plan/brief that will turn the business around in partnership with the community by improving orchard health, successfully harvesting macadamias, and generating sustainable revenues with the overarching objective of putting the community beneficiaries first. This approach ensures that the turnaround strategy is not only technically sound but also socially sustainable and economically beneficial to those who depend on the project for their livelihoods and community development.

The Land Bank has undertaken a comprehensive assessment process to identify the solutions required for the successful turnaround of the Amajingqi Macadamia Project. Through extensive engagement with various stakeholders including the ECM,

Traditional Council representatives, community beneficiaries, and technical experts, the Bank has gained a thorough understanding of the multifaceted challenges facing the project. Multiple site visits to the farm have been conducted for ground truthing purposes, allowing the Bank to assess first-hand the extent of infrastructure damage, orchard deterioration, and operational challenges. These field assessments, combined with stakeholder consultations and technical evaluations, have enabled the Land Bank to develop a clear understanding of the intervention requirements and inform the development of this comprehensive Terms of Reference for service provider appointment, ensuring that the proposed solutions are practical, implementable, and aligned with the actual conditions and needs identified on the ground.

The scope of services encompasses a comprehensive, multi-faceted approach to the turnaround and rehabilitation of the Amajingqi Macadamia Project, structured across six key service areas that address the complex technical, organisational, and social challenges identified in the project assessment. **The service provider will be required to deliver integrated services spanning diagnostic assessment and failure analysis, stakeholder engagement and database development, community alignment and ongoing communication management, and turnaround strategy development.**

These services are designed to work in parallel with Land Bank's immediate agricultural interventions, ensuring that while orchard health is being restored, the underlying governance, management, and community cohesion issues are simultaneously addressed to create a solid foundation for long-term sustainability and success, with all interventions prioritising community beneficiary interests while establishing commercially viable operations. It is envisaged that the service provider should be appointed for a period of 36 (after the initial diagnostic assessment) months with short-term, medium-term and long-term targets.

The successful service provider is expected to deliver comprehensive assessment and strategic planning services across four critical areas of project evaluation and rehabilitation. The following outlines the specific requirements and expected deliverables:

- 1. Orchard Assessment:** Conduct a high-level assessment of orchard infrastructure to determine the extent of damage and identify specific

interventions required for resuscitation. Macadamia orchard expertise is required.

2. **Community Analysis:** Assess project community dynamics with specific focus on beneficiaries, identifying their concerns and engagement levels.
3. **Governance & Risk Assessment:** Analyse current and historical project governance structures and related failures. Conduct a comprehensive project risk assessment to identify institutional weaknesses and compliance gaps.

Required Deliverables

1. **Orchard Health Report:** A high level report highlighting all orchard related concerns, risks, and root causes with practical interventions to address concerns.
2. **Diagnostic Report:** A comprehensive report highlighting all historical and current project concerns, risks, and root causes with stakeholder feedback.
3. **Turnaround Plan:** A strategic framework with implementation roadmap, risk mitigation strategies, and governance recommendations to ensure future project sustainability.

EVALUATION CRITERIA:

- (a) The bid evaluation process consists of two (02) stages, according to the nature of the bid.
- (b) A bidder must qualify for each stage to be eligible to proceed to the next stage of the evaluation. The stages are:

Stage	Description	Applicable for this bid YES/NO
Stage 1	Mandatory requirements	YES
Stage 2	Price and specific goals	YES

1. Stage one - Mandatory requirements

Bidders must comply with and meet all the mandatory requirements referred to below. Bidders who do not meet any of the mandatory requirements listed below will be **immediately disqualified**.

NO	DESCRIPTION	SUBSTANTIATING EVIDENCE OF COMPLIANCE (USED TO EVALUATE BID)	COMPLIANT (YES/NO)
1	The Bidder must have expertise in agricultural project assessment, community development, governance evaluation, and developing successful turnaround strategies with evidence-based recommendations. 1. Agricultural Business Expertise: The service provider must demonstrate comprehensive technical expertise in macadamia cultivation, including orchard management and orchard resuscitation strategies. Experience with high-value tree/vineyard crops and sustainable agricultural models is essential. The provider should possess proven knowledge of agricultural challenges such as soil management, pest control, harvesting techniques, and post-harvest processing requirements, with the ability to assess and rehabilitate underperforming orchards. 2. Project Business Diagnostics: The service provider must	The Bidder must submit documentation that demonstrate proven expertise in agricultural project assessment, community development, governance evaluation, and developing successful turnaround strategies with evidence-based. Points 1 to 6 in the description must be covered in the submission/documentations	

NO	DESCRIPTION	SUBSTANTIATING EVIDENCE OF COMPLIANCE (USED TO EVALUATE BID)	COMPLIANT (YES/NO)
	conduct thorough diagnostic assessments of historical business management concerns, including financial mismanagement, governance failures, and operational planning deficiencies. This includes analysing the root causes of the project's lack of economic viability, evaluating past decision-making processes, and identifying systemic issues that contributed to project failure. The assessment should provide clear insights into financial sustainability gaps and operational inefficiencies. 3. Social Facilitation/Engagement: The service provider must demonstrate expertise in facilitating meaningful community engagement through inclusive participatory sessions. This involves conducting stakeholder mapping, organising community consultations, and employing		

NO	DESCRIPTION	SUBSTANTIATING EVIDENCE OF COMPLIANCE (USED TO EVALUATE BID)	COMPLIANT (YES/NO)
	culturally appropriate communication methods (IsiXhosa is important) to understand community concerns, aspirations, and needs. The provider should have experience working with rural communities and be skilled in conflict resolution and consensus-building techniques. 4. Business Development/Design: The service provider must advise on the design of a scalable, community-driven business model that integrates social, economic, and environmental sustainability goals. This includes advising on governance structures, creating benefit-sharing mechanisms, and ensuring long-term community ownership. The business model should be contextually appropriate for the Eastern Cape environment and demonstrate clear pathways to profitability and community empowerment.		

NO	DESCRIPTION	SUBSTANTIATING EVIDENCE OF COMPLIANCE (USED TO EVALUATE BID)	COMPLIANT (YES/NO)
	5. Implementation Strategy and Change Management: The service provider must present a turnaround plan that addresses the transition from current failed state to sustainable operation. This includes developing phased implementation plans, advising on monitoring and evaluation frameworks, and advising on change management processes that ensure community buy-in and smooth operational transitions. The plan should include risk mitigation measures and contingency planning for potential challenges during the turnaround process. 6. Capacity Building and Knowledge Transfer: The service provider must demonstrate capability to build local capacity through skills transfer, training programs, and mentorship initiatives. This includes a demonstrated ability for developing training curricula for community members in		

NO	DESCRIPTION	SUBSTANTIATING EVIDENCE OF COMPLIANCE (USED TO EVALUATE BID)	COMPLIANT (YES/NO)
	technical agricultural practices, business management, and cooperative governance. The provider should advise on systems for ongoing technical support and sustainable knowledge-sharing mechanisms that reduce long-term dependency on external expertise while ensuring continuous improvement and adaptation.		
2	Proven evidence-based experience of similar project	Bidder must provide Signed Positive testimonial letter/s (on similar project) on the client letter head with contact details	
3	Costing Proposal	The bidder must provide a full cost breakdown of the project	

1.1. Non-mandatory essential returnable documents

Bidders are requested to submit the essential returnable documents with the bid document.

- Land Bank reserves the right to request outstanding essential documents during the evaluation process and the bidder will be expected to provide such within a limited period (not more than 5 working days).
- Failure to provide any outstanding information within the required timeframe will lead to a proposal being deemed non-responsive.

NO	DESCRIPTION
1	A proof that the bidder is in good standing with SARS. Such information will be verified through Central Supply Database (CSD) or using SARS e-filing pin

	in National Treasury compliance with instruction note 9 of 2017/2018 prior to the award of the bid.
2	A proof of registration as a vendor on the National Treasury Central Supply Database (CSD), which can be found at https://secure.csd.gov.za/ in compliance with National Treasury compliance paragraph 4.2 with instruction note 4a of 2016/2017
3	SBD 4 - A fully completed and duly signed disclosure form. Must a conflict of interest be declared or identified, the bid would be declared non-responsive. NB Bidder must ensure all pages are complete and all questions answered, and to indicate not applicable (N/A) where appropriate.
4	SBD 6.1 - fully completed Preference points claim form in terms of the preferential. procurement regulations 2022

1.2. Stage two - Price and specific goals

1.2.1. Pricing schedule

**Note: Bidders are required to submit a quotation in line with Section 2.
SCOPE OF WORK**

1.2.2. Price instructions

- Prices quoted must be valid for 120 days and must be for the duration of contract including provision for price increase;
- **All prices quoted shall remain firm for the duration of the agreement. The Bank reserves the right to opt in or opt out on some quoted modules and other elements of this RFQ scope during contracting phase where deemed necessary.**
- All pricing shown must EXCLUDE VAT, with the VAT components being as shown separately on all costed/priced items/services.
- The price must include all cost to deliver the goods or render the service, including all applicable taxes, duty fees, logistics/delivery, storage, labour, overtime and subsistence and travel
- All pricing assumptions, excluded costs and estimated costs must be clearly documented. Land Bank will not entertain any price adjustments for it assumes that the pricing document is complete and covers all costs associated with these services.

CONDITIONS TO BID

1. Confidentiality

The bidder will be required to sign a confidentiality agreement to ensure that the Bank data and information is managed confidentially.

2. Miscellaneous

The Bank reserves the right, in its sole and absolute discretion to amend these terms of reference as required from time to time.

3. Preference and Financial Evaluation

3.1. Price and Specific Goals

This phase is the final stage in the evaluation process and only successful bidders that have passed stage one will be considered. In this phase only price and specific goals will be considered. To qualify for specific, a valid B-BBEE certificate needs to be submitted with this bid.

Land Bank will evaluate all tenders in terms of Preferential Procurement Policy Framework regulation of 2022 (PPPFA). The scoring methodology will apply. A copy of the PPPFA regulations can be downloaded from www.treasury.gov.za

Either 80/20 or 90/10 preference point system will be utilised for this tender

Bidders are required to complete Annexure I SBD 6.1 in full to ensure all BBBEE and sub-contracting information are submitted at the time of the bid closing

4. GENERAL CONDITIONS

- 4.1. All tenderers responding to this request for Proposals must provide the following statutory compliance documentation in order to be considered:
- Completed Vendor Accreditation Form
 - Proof of registration to the Central Supplier Database (CSD)
 - Cancelled cheque and/or stamped letter from the Bank
 - All Supplier information and disclosure forms must be properly completed, signed and stamped by a Commissioner of Oaths
 - Any false declaration of information will result in the exclusion of the proposal from consideration
 - Bidders to submit a tax compliance status (TCS) pin issued by SARS along with a valid tax clearance certificate
 - A BEE certificate from a SANAS accredited rating agency or Affidavit substantiating the bidders B-BBEE rating
 - Certified copy of Identity Documents of Shareholders/Directors

5. OBJECTIVE CRITERIA & RISK ANALYSIS

5.1. In addition to the financial offer and preference evaluation, the Tenderers having the highest ranking / number of points, will additionally be reviewed against the following points listed in order to ascertain suitability for award.

- a) If having passed Qualifying Criteria, the tenderer will again be checked in terms of having a Compliant Tax Status at time of recommendation to confirm that the status has not changed, based on an active and Tax Complaint Pin issued by the South African Revenue Services
- b) Fully compliant and registered with the National Treasury Central Supplier Database
- c) No misrepresentation in the tender information submitted
- d) Any non-performance on Land Bank projects
- e) The tenderer or any of its directors/shareholders is not listed on the Register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector; and
- f) The tenderer has declared that there are no conflicts of interest which may impact on the tenderer's ability to perform the contract in the best interests of the employer or potentially compromise the tender process and persons in the employ of the state are permitted to submit tenders or participate in the contract
- g) Convicted by a court of law for fraud and corruption
- h) Removed from a contract between them and any organ of state on account of failure to perform on or comply with the contract
- i) Unduly high or unduly low Tendered rates in the Tender offer. In this regard, a financial risk analysis will be performed to verify that the costs are reasonable and balanced. Tenders may be disqualified if tendered rates are found to be distorted.
- j) In terms of unduly high Tendered fees in the Tender offer, refer to the PPR2022.

6. Land Bank may perform a due diligence exercise on the preferred tenderer to determine its risk- profile. The outcome of the due diligence exercise may be considered as an objective criterion. A due diligence exercise may include, but is not limited to, the following factors;

7. Financial Analysis of Tenderers Financial Statements.

Financial health of the bidder may be assessed if deemed necessary, to ensure that the service provider will be able to operate as per required deliverables (Ratios: Accounts Receivable & Payable Turnover, Liquidity & Solvency). In the case of an unincorporated JV or a SPV, each partner of the entity must submit their financial statements and it will be consolidated to determine their capability to execute the applicable contract.

8. Judgements and criminal convictions.

Land Bank may consider previous civil judgements against the preferred tenderer as part of its risk assessment. Land Bank may also consider whether the preferred tenderer or any of its directors have been-convicted of a serious offence.

9. Pending litigation

Land Bank may consider any pending litigation in a court of law or

administrative tribunal as part of its risk assessment.

10. Performance

Land Bank may consider the Service Provider having a history of poor performance on any task orders/purchase orders or contracts, including poor performance in respect of compliance with policies or procedures regarding safety, health, quality control or environment, or having committed a serious and gross breach of contract.

11. Reputational-harm

If Land Bank is likely to suffer substantial reputational harm as a result of doing business with the preferred service provider, it may take this into account as part of its risk assessment.

The above set out other objective criteria may be clarified during the evaluation and correction of any non-compliance may be negotiated with the highest scoring tenderer, if possible. However, must the tenderer not comply with these requirements by the close of negotiations, Land Bank reserves have the right to award to the next ranked tenderer.

12. FICA AND COMPLIANCE CHECKS

Land Bank, in its capacity as an accountable institution, has a duty to verify the identity of all its clients in compliance with the Financial Intelligence Centre Act No 38 of 2001 (FICA).

The Land Bank shall thus conduct a comprehensive PEP screening on the successful bidder and therefore requests all bidders to submit the Know Your Customer (KYC) documents as listed in Annexure D of this RFP document.

13. PROTECTION OF PERSONAL INFORMATION

In submitting any information or documentation requested above or any other information that may be requested pursuant to this RFP, you are consenting to the processing by Land Bank or its stakeholders of your personal information and all other personal information contained therein, as contemplated in the Protection of Personal Information Act, No.4 of 2013 and Regulations promulgated thereunder ("POPI Act"). You also consent that any information, either written or verbal, may be made available to third parties strictly for the purpose of oversight to this tenders' appointment. Further, you declare that you have obtained all consents required by the POPI Act or any other law applicable. Thus, you hereby indemnify Land Bank against any civil or criminal action, administrative fine or other penalty or loss that may arise because of the processing of any personal information that you submit.

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/shaving 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 MUST THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of the 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);

1.2 To be completed by the organ of state

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 in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

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

Where

- P_s = Points scored for price of tender under consideration
- P_t = Price of tender under consideration
- P_{min} = Price of lowest acceptable tender

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

3.2.1. POINTS AWARDED FOR PRICE

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

80/20

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

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 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)
B-BBEE level 1	20	
B-BBEE level 2	15	
B-BBEE level 3	10	
B-BBEE level 4	5	

DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company _____ registration _____ number:
.....

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

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

SURNAME AND NAME:

DATE:

ADDRESS:

.....

.....

.....