TERMS OF REFERENCE

INVITATION TO PROSPECTIVE BIDDERS TO ASSIST WITH PROVISON OF MICROSOFT AZURE CLOUD HOSTING FOR A PERIOD OF FIVE (05) YEARS.

Bid Number: CHIETA-HS-06-2024-2025

Bid opening date : 28 June 2024

Closing date : 24 July 2024

Closing time: 11:00AM

CONDITIONS AND INSTRUCTIONS THAT BIDDERS NEED TO TAKE NOTE OF

1. General submission

1.1. Bid proposals must reach the CHIETA before the closing date and time as specified above and be deposited in the tender box at the address below. Bidders are urged to sign bid register as confirmation of submission. **NB**: Bidders who will send delivery companies on their behalf to submit, must ensure that the driver sign on the bid register submission register and indicate name of bidding company. Noncompliance will result into disqualification.

The Chemical Industries Education and Training Authority (CHIETA)
No. 72 New Road
Glen Austin (Grand Central)
Midrand
1685

1.2. The bidder(s) are required to submit four (4) copies where, one (1) is original and three (3) are duplicates. Pricing Schedule should be in a separate sealed envelope. Each copy must be marked correctly and sealed separately for ease of reference during the evaluation process. Each copy must be indexed and dived with file dividers according to the evaluation Gates stipulated in the bid documents. Non submission will result into disqualification.

2. Payment

2.1. CHIETA will pay the fees set out in the final contract according to the table of deliverables and no additional amounts will be payable.

2.2. The contractor shall from time to time during the duration of the contract, invoice CHIETA for the services rendered and CHITA shall pay invoices due within 30 days.

2.3. The invoice shall be accompanied by supporting source document(s) containing detailed information, as CHIETA may require, for the purposes of establishing the specific nature, extent and quality of the services which were undertaken by the Contractor.

2.4. No payment will be made to the Contractor unless an original tax invoice complying with section 20 of the VAT Act No 89 of 1991, as amended, has been submitted to CHIETA.

2.5. Payment shall be made by bank transfer into the Contractor's back account normally 30 days after receipt of an acceptable, original, valid tax invoice. Money will only be transferred into a South African bank account (CHIETA will make payment only to verified accounts that appear on Central Supplier Database.)

2.6. The Contractor shall be responsible for accounting to the appropriate authorities for its income tax, VAT or other moneys required to be paid in terms of the applicable law.

3. Enquiries

3.1. Any clarification required by a bidder regarding the meaning or interpretation of the Terms of Reference, is to be requested in writing (e-mail) to CHIETA procurement Unit. A reply will be forwarded within three (3) working days. Telephonic requests for clarification will not be accepted. If appropriate, the clarifying information will be made available to all Bidders by e-mail only. The bid number and the name of the bidder should be mentioned in all correspondence. No enquiries will be attended to on the bid closing date.

4. General conditions of contracting

4.1. The General Conditions of Contract must be accepted.

http://www.treasury.gov.za/divisions/ocpo/sc/GeneralConditions/General%20Conditions%20

1. BID PURPOSE

This document has been prepared to invite service providers with experience in constructing and managing cloud hosting environments to make a proposal based on scope of work laid out herein for a period of five (05) years. This request for proposal (RFP) therefore consists of a detailed description of the service required, the goals to be achieved, the features and elements to be demonstrated in the proposal.

It is expected that the resulting cloud environment will be stable, secure, scalable, easy to manage, and cost-effective to run. This project is open to any service provider with experience in cloud computing. Different Azure services offer a wide range of tools and features that could be used to fulfil the requirements, and any Azure engineers have the expertise to utilize these services cost-effectively. We are also open to any third-party tools or services that could be used in conjunction with an Azure environment to improve functionality, ease of management, or cost-effectiveness. Any third-party services must be well-documented and well supported.

2. PROCUREMENT LEGISLATION

The CHIETA has a detailed evaluation methodology premised on Treasury Regulation 16A3 promulgated under Section 76 of the Public Finance Management Act, 1999 (Act, No. 1 of 1999), the Preferential Procurement Policy Framework Act 2000 (Act, No.5 of 2000): Preferential Procurement Regulations, 2022 and the Broad-Based Black Economic Empowerment Act, 2003 (Act, No. 53 of 2003).

3. TECHNICAL ADMINISTRATIVE ENQUIRIES

A nominated official of the bidder can make technical and administrative enquiries in writing to rtsedu@Chieta.org.za and tramathoka@Chieta.org.za for administrative and technical enquiries will be responded to within 3 business working days.

Whilst all due care has been taken in connection with the preparation of this bid, the CHIETA makes no representations or warranties that the content of the bid or any information communicated to or provided to Bidder(s) during the bidding process is, or will be, accurate, current, or complete. The CHIETA, its employees and advisors will not be liable with respect to any information communicated which may not be accurate, current, or complete.

4. COUNTER CONDITIONS AND FRONTING

Bidders' attention is drawn to the fact that amendments to any of the bid conditions or setting of counter conditions by bidders or qualifying any bid conditions will result in the invalidation of such bids.

The Government, in ensuring that bidders conduct themselves in an honest manner will, as part of the bid evaluation processes, conduct, or initiate the necessary enquiries/investigations to determine the accuracy of the representation made in bid documents. Should any of the fronting indicators as contained in the guidelines on complex structures and transactions and fronting, issued by the Department of Trade and Industry, be established during such enquiry / investigation, the onus will be on the Bidder / contractor to prove that fronting does not exist. Failure to do so within a period of 14 days from date of notification may invalidate the bid.

5. BID VALIDITY

The period of validity of tender and the withdrawal of offers, after the closing date and time is 120 days

6. SCOPE OF WORK AND TERMS OF REFERENCE

The CHIETA's current infrastructure is piloted through Microsoft foundations. Our applications are under SQL Servers with Microsoft operating systems. This is also tied to a Microsoft Active directory service which is supported by a two-factor authentication application.

We are looking for a service provider that will migrate our current infrastructure to Azure for a period of five(05) years commencing in April 2025. The infrastructure to be moved is SQL driven applications, Hyper-V infrastructure VMs. The hosting should comply with POPIA, and data should reside within the South African boarders.

6.1. Hosting environment overview

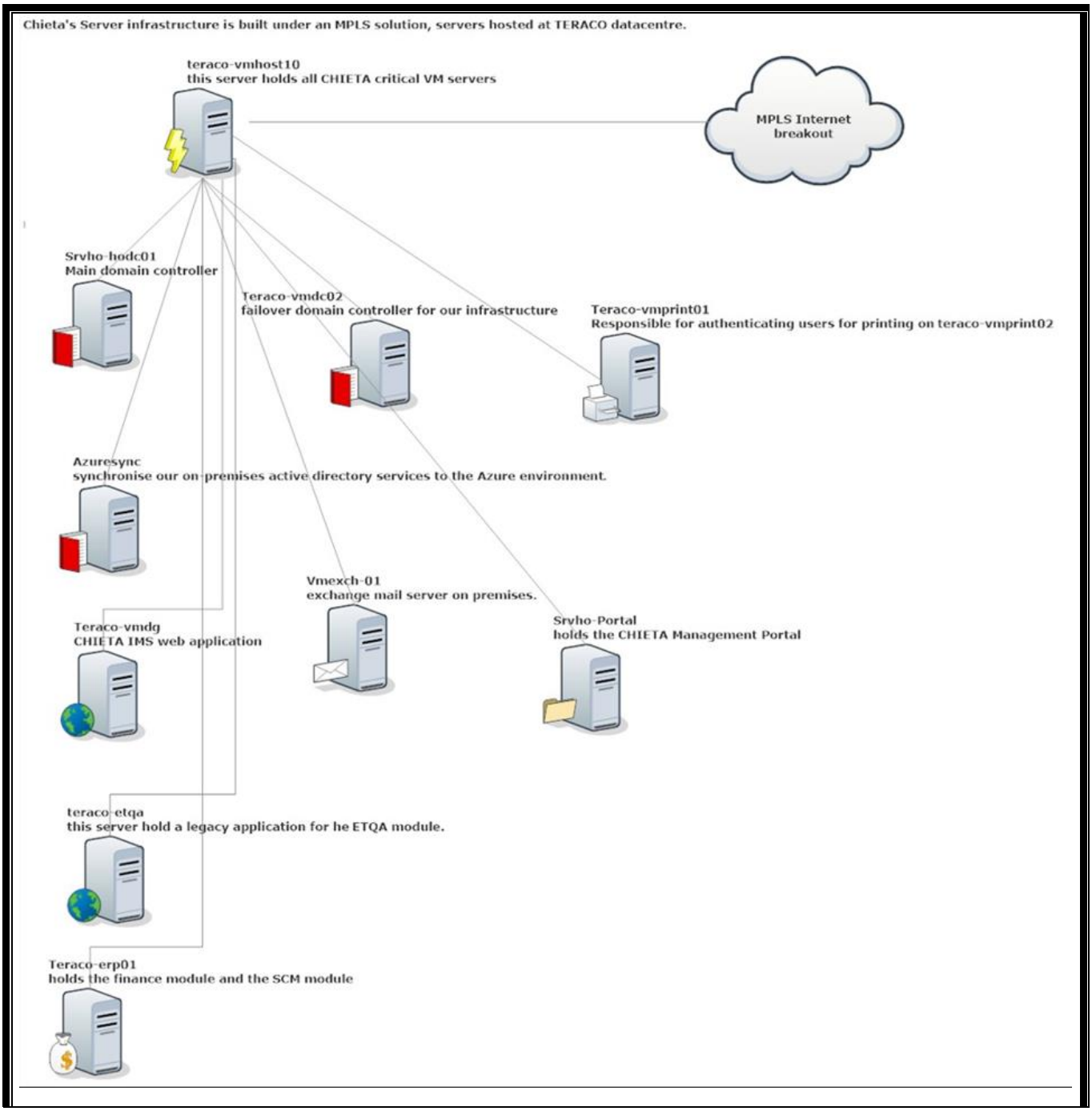
Hosting requirements	Description
Components and Services	Make provision or avail these services for, Azure Services, Azure Virtual Machines, Azure SQL Database **Server specifications** Two servers (production and testing environment Microsoft windows server 2022 standard x2 12 vCpus per server 128 GB Ram

	2TB Disks for each server - SQL database: SQL enterprise edition (production and testing environment)
Identity and Access Management (IAM)	Detail the IAM strategy, including the use of Azure Active Directory, role-based access control (RBAC) settings, and any multi-factor authentication requirements.
Data security	Data protection for in transit and at rest, data masking, data access policies implementation and configuring.
Network security	Create, deploy and maintain VPN, network security configuration, including firewalls, network security groups, and virtual network peering configuration. Cloud security posture management, workload protection for machines, advanced thread protection.
Performance Monitoring and Optimization	Performance and Monitoring reports must be made available if requested by CHIETA representative for any of the connected resources. The service provider will make use of Azure tools to achieve this.
Disaster Recovery, Backup and Restore	The proposed solution must include the deploy and support CHIETA's DR solution for our current infrastructure, this live environment must be replicated to a different tenant/ a secondary tenant or infrastructure. A day to date backup and recovery solution must be implemented with a functionality or capability of offsite storage, away from out azure tenant
High Availability	CHIETA infrastructure is to be made available using any solution or application withing the Azure environment.
Costs and Billing	All subscription and licensing arrangements are to be covered by the service provider, the billing and usage payments must fall within our SLA. This will include all support included withing application subscription.
Capacitation of ICT officials	The recommended bidder will be required to conduct hand over training to ICT officials

6.2. Current detailed overview of CHIETA server

#No	Virtual machine name	Applications on the server	RAM	CPU	Storage	Microsoft Version
#1	Azure sync	synchronise our on-premises active directory services to the Azure environment.	3GB	Intel Xeon® 3.00GHz CPU	130GB	Windows Server 2019
#2	Teraco-erp01	holds the finance module and the SCM module	15GB	Intel Xeon® 3.00GHz CPU	820GB	Windows Server 2019
#3	Teraco-vmdg2	DG application	10GB	Intel Xeon® 2.20GHz CPU	350GB	Windows Server 2019
#4	Srvho-fp01	Holds all CHIETA user shared data folders,	20GB	Intel Xeon® 2.20GHz CPU	2TB	Windows Server 2019
#5	Srvho-Portal	holds the CHIETA Management Portal	10GB	Intel Xeon® 2.20GHz CPU	600GB	Windows Server 2019
#6	Teraco-vmprint01	Responsible for authenticating users for printing on teraco-vmprint02	10GB	Intel Xeon® 2.20GHz CPU	400GB	Windows Server 2019
#7	ETQA	Housing ETQA applications	20GB	n/a	1TB	Linux
#8	Teraco-vmdc01	main domain controller for chieta.chieta.org.za	4GB	Intel Xeon® 3.00GHz CPU	130GB	Windows Server 2019
#9	Teraco-vmdc02	failover domain controller for our infrastructure	4GB	Intel Xeon® 2.20GHz CPU	130GB	Windows Server 2019
#10	Srvho-hodc01	user access and domain policies deployment	7GB	Intel Xeon® 2.20GHz CPU	300GB	Windows Server 2019
#11	Vmexch-01	exchange mail server on premises.	128GB	Intel Xeon® 2.20GHz CPU	2TB	Windows Server 2019

6.3. Current CHIETA network diagram hosted servers at Teraco



7. EVALUATION AND SELELECTION CRITERIA

The CHIETA has set minimum standards (Gates) that bidders must meet to be considered. All bidders' proposals duly lodged as specified in the tender document will be examined to determine compliance with bid requirements and conditions. Bids proposals with obvious deviations from the requirements/conditions will be eliminated from further consideration. Below criteria will be used to assess individual bidders' proposals.

GATE 1	GATE 2	GATE 3
Pre-administrative assessment	**Technical Criteria**	**Price and Preference**
Bidders must submit all documents as outlined under GATE 1.	Bidders are required to achieve a minimum of 80 points to be evaluated further.	Bidders will be evaluated on Price and Preference in terms of the Preferential Procurement Regulation of 2022.

7.1. GATE 1 : PRE – ADMINISTRATIVE ASSESSMENT

Bidders will be evaluated according to pre-qualification requirements which include the submission of mandatory information or documentation. Bidders that fail to meet the pre-qualification requirements of the bid will not be considered further for evaluation on technical requirements.

Documents that must be submitted.	**Non -submission will result in disqualification.**	
Registration on Central Supplier Database (CSD)	**Yes**	Central supplier database registration report and /or MAAA Number.
Bidders company profile	**Yes**	Company profile outlining service offering. The bidder must be in 100% in ICT service offering
Standing bidding form 1 (SBD1)	**Yes**	Complete and signed standard bidding document (SBD1)
Declaration of Interest – SBD 4	**Yes**	Complete and signed standard bidding document (SBD4)
Preference Point Claim Form – SBD 6.1	**No**	Non-submission will lead to a zero (0) score on BBBEE.
Standard Bidding form 7.2	**Yes**	Complete and signed standard bidding document (SBD7.2)

7.2. GATE 2 : TECHNICAL CRITERIA

The minimum qualifying score for technical criteria is 80 points. All bids that fail to achieve the minimum qualifying score on technical criteria shall not be considered for further evaluation on Price and Preference **NB**: The CHIETA reserves the right to invite shortlisted bidders to give a presentation on their service offering.

Only evidence from the bidding company will be considered for the evaluation criteria below. Evidence of a sub-contractor that the bidding company intends to subcontract will not be considered unless the bidding company has entered into a valid joint venture agreement signed by both parties.

<table>
<tr><th>CRITERION</th><th>WEIGHT</th></tr>
<tr><td>

BIDDER EXPERINCE

Bidders are required to submit contactable reference letters from companies where they have provided azure platform in the past five (5) years. The bidding company must submit reference letters which include:

- Contract amount
- the contact person who was handling the contract
- description of services rendered
- the date on which the service was rendered
- Signed letter in company letterhead (Client) addressed to a bidding company.

The CHIETA shall conduct the validity of reference letters provided through the legal unit. Bidders are encouraged to provide valid reference letters. Should the bidders submit fraudulently obtained reference letters, the prohibition of directors and company in doing business with all state organs will apply.

<table>
<tr><td>Five (05) reference letters</td><td>20 points</td></tr>
<tr><td>Four (04) reference letters</td><td>15 points</td></tr>
<tr><td>Three (03) reference letters</td><td>10 points</td></tr>
<tr><td>Two reference letters</td><td>5 points</td></tr>
<tr><td>One reference letter</td><td>0 points</td></tr>
</table>

</td><td>20</td></tr>
<tr><td>

PROJECT TEAM EXPERIENCE

Bidders are required to submit a minimum of three (3) CVs of Key Personnel that have a minimum of five years deploying the proposed azure hosting. CV's that do not indicate the related experience in deploying cloud solutions, will not be considered for points.

<table>
<tr><td>Three CVs have been submitted and each key personnel has experience of more than five (5) years in the proposed azure hosting.</td><td>20 points</td></tr>
<tr><td>Three CVs have been submitted and each key personnel has of up to four (4) years in the proposed azure hosting</td><td>15 points</td></tr>
<tr><td>Three CVs have been submitted and each key personnel has of up to three (3) years in the proposed azure hosting</td><td>10 points</td></tr>
<tr><td>Three CVs have been submitted and each key personnel has of up to two (2) years in the proposed azure hosting</td><td>5 points</td></tr>
</table>

</td><td>20</td></tr>
<tr><td>

AZURE CERTIFICATION

Bidders has Certified Azure Cloud Hosting personnel on board. NB: Please provide valid Azure Cloud Hosting Certificate together with an identification document.

</td><td>20</td></tr>
</table>

Bidder has two Certified Azure Cloud Hosting personnel who are permanent residents of RSA and/or naturalised.	**20points**	
Bidder has one Certified Azure Cloud Hosting personnel who are permanent residents of RSA and/or naturalised.	**10 pints**	

MICROSOFT PARTNER CERTIFICATION /AFFILIATION REQUIREMENTS — **30**

The bidder must be accredited by Microsoft or an equivalent OEM, Based on latest competencies for Azure Cloud or equivalent deployments.

Provide proof of official solution partner certification from the product manufacturers. The service provider should have certification for competencies on the following technologies. Recent competency letter from an OEM is also required.

(a) The bidder names the bidder latest competencies based on the below;

I. Datacentre

II. Windows/Other Devices and Deployment

III. Cloud Productivity

IV. Cloud Platform

V. Messaging

VI. Data Platform

(b) date the partnership was established, and

(c) Information stating that the partnership is valid at time of bid.

(d) Level of the partnership.

Provide the latest letter of competency from the manufacturers Based on each individual competency; Gold = 5 **(30 points)** Silver = 3 **(15 points)** Bronze =2 (10 **points)** (or equivalent OEM's affiliation rating) Each competence is evaluated separately based on the letters of competencies received Maximum score is calculated on 6 competencies.

APROACH AND METHODOLGY — **10**

Bidders are required to submit high level project plan and methodology for the configuration and migration of on-premises systems into the cloud

Note: Bidders must submit both the project plan and methodology to be allocated points

Bidder has submitted a Project Management methodology and Project plan	**10 points**
Bidder has not provided methodology and project plan	**0 points**

TOTAL — **100**

7.3. GATE 3: Price and Preference

Bidders that have successfully progressed through to Gate 2 & 3 will be evaluated in accordance with the **80/20** Preference Point System as contemplated in the Preferential Procurement Regulations 2022.

If appropriate, implied contract price adjustments will be made to the cost proposals of all remaining quotations.

The points scored for the B-BBEE status level certificate for each acceptable quotation will now be added to the price points.

REFER BELOW FOR RETURNABLE DOCUMENTS BELOW

STANDARD BIDING DOCUMBER (SBD1)

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE CHEMICAL INDUSTRIES EDUCATION AND TRAINING AUTHORITY				
BID NUMBER:		CLOSING DATE:		CLOSING TIME:
DESCRIPTION				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).				

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID INCLUDING ENQUIRIES

As per Tender Instruction

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					
	TCS PIN:		**OR**	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	☐ Yes ☐ No	
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT	☐	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)
	☐	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)
	☐	A REGISTERED AUDITOR

(CCA) AND NAME THE APPLICABLE IN THE TICK BOX		NAME:

[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT (FOR EMEs& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]			
1 ARE YOU THE ACCREDITED REPRESENTATIVE **IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?**	☐Yes ☐No [IF YES ENCLOSE PROOF]	**2** ARE YOU A FOREIGN BASED SUPPLIER FOR **THE GOODS /SERVICES /WORKS OFFERED?**	☐Yes ☐No [IF YES ANSWER PART B:3 BELOW]
3 SIGNATURE OF BIDDER	……	**4 DATE**	
5 CAPACITY UNDER WHICH THIS BID IS SIGNED			
6 TOTAL NUMBER OF ITEMS OFFERED		**7 TOTAL BID PRICE (ALL INCLUSIVE)**	

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		**TECHNICAL INFORMATION MAY BE DIRECTED TO:**	
DEPARTMENT/ PUBLIC ENTITY	CHIETA	CONTACT PERSON	SCM
CONTACT PERSON	SCM	TELEPHONE NUMBER	N/A
TELEPHONE NUMBER		FACSIMILE NUMBER	N/A
FACSIMILE NUMBER		E-MAIL ADDRESS	rtsedu@chieta.org.za
E-MAIL ADDRESS	procurement@chieta.org.za		

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 ONLINE**

1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN STATEMENT FOR B-BBEE MUST BE SUBMITTED TO THE BIDDING INSTITUTION.

1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN STATEMENT FOR B-BBEE MUST BE SUBMITTED TO THE BIDDING INSTITUTION.

1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.

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 VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.

2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.

2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.

2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / 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.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS
3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO 3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO 3.3. DOES THE BIDDER HAVE PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO 3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ NO **IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.**

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

STANDARD BIDDING DOCUMENT (SBD4)

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[1] 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

[1] the power, by one person or a group of persons holding most of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

……
……

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract?

YES/NO

2.3.1 If so, furnish particulars:

…….
…….

3 DECLARATION

I, the undersigned, (name)…… in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

3.1 I have read, and I understand the contents of this disclosure;

3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;

3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement, or arrangement with any competitor. However, communication between partners in a joint venture or consortium[2] 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.

…… ……

Signature Date

…… ……

Position Name of bidder

STANDARD BIDDING DOCUMENT (SBD6.1)

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2023

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, 2022.

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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 bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the …… preference 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:

	POINTS
PRICE	
B-BBEE STATUS LEVEL OF CONTRIBUTOR	
Total points for Price and B-BBEE must not exceed	**100**

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 regarding 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) An 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 OR 90/10 PREFERENCE POINT SYSTEMS

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

80/20 **or** **90/10**

$$Ps = 80\left(1 - \frac{Pt - P\min}{P\min}\right) \quad \text{or} \quad Ps = 90\left(1 - \frac{Pt - P\min}{P\min}\right)$$

Were

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmin = 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-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

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 10 or 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		NO	

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		NO	

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2024:

Designated Group: An EME or QSE which is at last 51% owned by:	EME √	QSE √
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		

OR		
Any EME		
Any QSE		

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

8.1 Name of company/firm……

8.2 VAT registration number……

8.3 Company registration number……..

8.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

……

……

8.6 COMPANY CLASSIFICATION

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

[*TICK APPLICABLE BOX*]

8.7 Total number of years the company/firm has been in business: …

8.8 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 certificates,

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 because 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 because of that person's conduct;

(c) cancel the contract and claim any damages which it has suffered because of having to make less favourable arrangements due to such cancellation;

(d) recommend that the 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.

	……. SIGNATURE(S) OF BIDDERS(S)
DATE:	……..

STANDARD BIDDING DOCUMENT (SBD7.2)

1. We hereby undertake to render services described in the attached proposal documents to CHIETA in accordance with the requirements and task directives/proposals specifications at the price/s quoted. Our offer remains binding upon us and open for acceptance by CHIETA during the validity period indicated and calculated from the closing date of the bid.

2. The following documents shall be deemed to form and be read and construed as part of this agreement:

2.1 Bidding documents, viz

- Request for Bids
- Proposal submitted by the Service Provider in response to CHIETA 's Request for quotation
- Tax Clearance Certificate
- Pricing Schedule
- B-BBEE certificates in terms of the Preferential Procurement Regulations, 2022.
- Declaration of interest
- Special Conditions of Contract (if applicable)

3. We agree that, for purposes of clause 27.4 of the TGCC, all disputes, unless otherwise agreed to between parties, shall be referred to mediation with an Arbitration Foundation of Southern Africa ("AFSA") accredited and appointed mediator in accordance with the then current rules of the AFSA or its successor.

4. We confirm that we have satisfied us as to the correctness and validity of our bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all our obligations and we accept that any mistakes regarding price(s) and rate(s) and calculations will be at our own risk.
5. We accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on us under this agreement as the principal liable for the due fulfilment of this contract.
6. We declare that we have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
7. I confirm that I am duly authorized to sign this contract for and/or on behalf of the Service Provider.

I confirm that I am duly authorised to sign this contract.

NAME (PRINT) …….

CAPACITY…….

SIGNATURE…….

NAME OF FIRM…….

DATE…….

WITNESSES

1 ……

2. ……..

0000END0000