



TERMS OF REFERENCE

BID NUMBER: CCF/001/2016

**FOR COOK-CONVENIENCE FOODS SKILLS
PROGRAMME**

2016/2017

1. Background to CATHSSETA and Expanded Public Works Programme

CATHSSETA is a statutory body established through the Skills Development Act of 1998 to enable its stakeholders to advance the national and global position of Culture, Arts, Tourism, Hospitality and Sport in the Large, Medium, Small levy paying and non-levy paying companies in the sector.

As guided by its mandate, the CATHSSETA is, as such, an agent of transformation by promoting employment equity and broad-based BEE through skills development. In this context, the CATHSSETA is keen to form sustainable partnerships that will further promote its support for transformation.

CATHSSETA has been appointed by the National Department of Public Works as an implementing agent for the provision of skills training programmes to beneficiaries under their Expanded Public Works Programme (EPWP). The EPWP is a South African Government programme aimed at creating work opportunities by all spheres of Government including the non-state funded entities, across the four sectors namely, Infrastructure, Social sector, Environment and Culture as well as the non-state sector.

For this project training, CATHSSETA would like to appoint suitable training provider/s to deliver the following Skills Programme in Mpumalanga:

- Cook-Convenience Foods (**HSP/CKCONF/2/0019**) for 128 beneficiaries

Unit Standards Title	Unit Standard ID
Describe layout, services and facilities of the organisation	7793
Maintain a secure working environment	7796
Maintain a safe working environment	7799
Maintain health, hygiene and professional appearance	7800
Maintain hygiene foods preparation, cooking and storage areas	7637
Handle and maintain knives	7705
Prepare vegetables for hot and cold dishes	7660
Prepare and fry food	7664
Prepare and bake food	7697
Prepare and boil, poach or steam foods	7701

2. Background to project/service requirements

CATHSSETA has entered into an agreement with The National Department of Public Works to provide skills programmes to beneficiaries on the Expanded Public Works Programme (EPWP), in order to ensure beneficiaries in this programme are able to contribute meaningfully to their communities and to the country's socio economic development. This project will be targeting EPWP beneficiaries in the Mpumalanga province for:

- Cook – Convenience Foods (**HSP/CKCONF/2/0019**) for 128 beneficiaries.

3. Overall objective

To train a total of 128 beneficiaries on Cook – Convenience Foods, NQF L2 (**HSP/CKCONF/2/0019**).

4. Contract period

6 months

5. Indication if the quote will be evaluated on functionality as well as minimum acceptable qualifying score

Yes

6. Indication if the bid will be evaluated related to local production and contents as well as the minimum thresholds applicable to local production and contents

No

7. Detailed scope of services to be rendered by the service provider

Which services are required (detail);

To train 128 beneficiaries on Cook – Convenience skills programme (HSP/CKCONF/2/0019) in Mpumalanga.

The programme will be managed by CATHSSETA Skills Development Unit together with the Department of Public Works and will be implemented by the appointed service provider.

The scope of this project is:

1. To prepare a training implementation plan outlining the deliverables of the programme.

1.1 The training plan includes the following:

- Pre-assessment to determine the suitability of the learners for the programme
- Learner enrolment
- Induction of learners
- Contact sessions
- Workplace activities
- Assessments
- Moderations
- Certification

2. Train and assess according to CATHSSETA's ETQA standards

3. Provide suitably equipped training venue for all contact sessions.

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	<ol style="list-style-type: none"> 4. Provide all learners with training material and required equipment (PPE's, consumables & equipment) 5. Conduct diagnostic assessment. 6. Classroom facilitation. 7. Coordinate workplace learning. 8. Summative assessments of all learners. 9. Moderation of at least 10% of assessments. 10. Facilitate certification of all competent learners. 11. Prepare a training report as per project phases as stipulated above. 12. Prepare the training close out report. The report should highlight the provider and participants' overall perspective of the training, challenges, and recommendations for improving similar training sessions in the future. 13. Pay out learner allowances in advance and claim as per tranche payment (Admin fee of 10% of the total allowance). 		
Where the services are needed;	Skills Programme	Project Name	Number of Learners and number of days
	<ul style="list-style-type: none"> • Cook – Convenience Foods (HSP/CKCONF/2/0019) 	Mgwenya National School Nutrition	35
		Marapyane National School Nutrition	29
		Manyeleti National School Nutrition	38
		Agincourt National School Nutrition	26
Total			128 learners (18 days)
Possible phases and how the project will progress from one phase to another;	<p>Pre-assessment</p> <p>↓</p> <p>Training</p> <p>↓</p> <p>Monitoring</p> <p>↓</p> <p>Assessment</p> <p>↓</p> <p>Moderation</p> <p>↓</p> <p>Verification</p> <p>↓</p> <p>Certification</p> <p>↓</p> <p>Close- out report</p>		
Detailed project implementation plan and methodology;	To be submitted by the Training Provider as per the scope of services above		
Milestones and date of completion of service.	In accordance with the approved training plan		

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Critical and Minimum performance areas related to that services;	<p>The bidder must be accredited with CATHSSETA and have required skills programmes on their scope.</p> <ul style="list-style-type: none"> • The bidder's accreditation must be valid for the full duration of the project. • The bidder should demonstrate that they have qualified facilitators, registered assessors and moderators Bidder's must supply an abridged CV of each facilitators, assessor and Moderator with copies of the signed contracts. • Schedule and conduct a comprehensive learner induction with all participants present. • The bidder should indicate that they can provide learner support until completion of the programme. • The Bidder must ensure that the continuous quality control measures are put in place to ensure that the project is implemented properly. • Liaise directly with CATHSSETA to ensure that learner's information is uploaded and reflects on the CATHSSETA system and that upon completion learner statements of results and certificates will be issued before graduation. • The bidder is responsible for all costs and expenses that may be incurred as a result of delivering this project. These include travel, accommodation, meals of project facilitators and payment of training facilities. • Make use of classroom facilities closer to project locality.
Plans and drawings, if applicable;	N/A
Responsibilities of the service provider regarding safety and environment impact;	The safety and environment of the learners in this programme is the sole responsibility of the service provider.
Other stipulations	N/A

8. Details of CATHSSETA's role and functions in the service/project

The CATHSSETA Skills Development Unit will;

- oversee the implementation of the project
- monitor and evaluate the project;
- pay the tranches as per the special conditions of the contract

9. Competence and expertise requirements

The service provider should also meet the following requirements:

- Have valid accreditation for the full duration of the training (should the accreditation lapse during training the onus lies on the provider to ensure that the learners are certified);
- Have capacity and resources to successfully complete the programme.
- To ensure that the required workplace activities are performed by the learners taking part in the programme.
- The appointed training provider will be expected to provide mentors for workplace/practical exercises.
- Train and assess all learners in the programme.
- Moderate 10% of learners' assessments;
- Have the experience and capacity to implement the training as per the skills programmes requirements.
- Submit reports (including close out report).

Performance Capabilities

The bidder must provide proof that they are capable of completing project.

10. Monitoring and report requirements after contract is signed

- The monitoring and evaluation visits
- Required reporting as per the scope of services

11. Price specification/ requirements

Firm price required

12. Requirements regarding pre-bid meeting

None

13. Validity period

Validity period: 90 days. The Bidder is required to confirm that it will hold its proposal valid for 90 days from the closing date of the submission of proposals, during which time it will maintain without change, the personnel proposed for the services together with their proposed rates.

14. Available data/information to the potential supplier relevant to this bid

Bidders should please complete attached template, and include a learner stipend of R75.10 per day in their quote

15. Transfer of knowledge and/ training

N/A

16. The following bid process will be followed

Description	Due Date
Request for Proposals	18 October 2016
Closing Date for clarity seeking questions	14 November 2016
Closing Date	22 November 2016 at 11:00am

17. Evaluation process

Bid evaluation process if functionality/local content production is stipulated	Bid evaluation process if functionality is not a requirement
<p>All bids duly lodged will be examined to determine compliance with bidding requirements and conditions.</p> <p>Bids that do not meet the minimum qualifying score for functionality/ or minimum stipulated</p>	<p>All bids duly lodged will be examined to determine compliance with bidding requirements/ specifications and other conditions.</p> <p>The responsive proposals will then be evaluated further based on the 90/10 preference point</p>

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<p>threshold for local content or production will be eliminated from further evaluation.</p>	<p>system in terms of the PPPFA Act and its regulations 2011. (See SBD 6.1)</p>
<p>The responsive proposals will then be evaluated further based on the 90/10 preference point system in terms of the PPPFA Act and its regulations 2011. (See SBD 6.1)</p>	<p>The contract will be awarded to the bid proposal that scored the highest total number of points.</p>
<p>The contract will be awarded to the bid proposal that scored the highest total number of points.</p>	

<p>18.Evaluation criteria that will be used to evaluate functionality</p>		
<p>Evaluation criteria</p>	<p>Sub evaluation criteria</p>	<p>Points allocation for sub-evaluation criteria</p>
<p>Technical merits of the proposal received – (Completeness of bid, logical layout)</p>	<ul style="list-style-type: none"> • Proposal provided is fully completed and displays logical layout 	<p>30</p>
	<ul style="list-style-type: none"> • Proposal provided is completed and displays some logical layout 	<p>20</p>
	<ul style="list-style-type: none"> • Proposal provided is incomplete and lacks logical layout 	<p>5</p>
<p>Response to the scope of work- (Implementation plan for training, Costing, Timeframes)</p>	<ul style="list-style-type: none"> • Implementation plan provided is fully completed and displays detailed costing and clear timeframes 	<p>50</p>
	<ul style="list-style-type: none"> • Implementation plan provided is completed and contains some costing and timeframes 	<p>25</p>
	<ul style="list-style-type: none"> • Implementation plan provided is incomplete and lacks detailed costing and clear timeframes 	<p>10</p>
<p>Ability to relate to the scope of work. Proven ability to provide suitable training solutions for learners with learning difficulties.</p>	<ul style="list-style-type: none"> • Highly appropriate 	<p>50</p>
	<ul style="list-style-type: none"> • Appropriate 	<p>30</p>
	<ul style="list-style-type: none"> • Less appropriate 	<p>15</p>
<p>Experience in comparative projects. Please supply reference letters with contact details from previous clients.</p>	<ul style="list-style-type: none"> • Execution of 5 or more comparative projects 	<p>20</p>
	<ul style="list-style-type: none"> • Execution of 3 or 4 comparative projects 	<p>15</p>
	<ul style="list-style-type: none"> • Execution of 1 or 2 more comparative projects 	<p>10</p>
	<ul style="list-style-type: none"> • No comparative projects 	<p>5</p>
<p>Indicate the minimum qualifying score for functionality and motivate decision</p>		
<p>105 out of 150</p>		

<p>19.Additional Bid requirements if a consortium/ joint venture/ trusts is submitting a bid proposal</p>
<p> </p>

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The name of the entity with whom the CATHSSETA will ultimately contract and who will be responsible for the overall service delivery. This is required in all instances and is particularly relevant in a consortium.

The names of all consortium/ joint venture members and evidence there-of.

SARS tax clearance certificates (if consortium and/or joint venture kindly ensure that all members submit an original Tax Clearance Certificate);

Consortiums must submit a Copy of Registration Documents with the Registrar of Companies (CIPS)

All members of a consortium or joint venture must provide an original SARS tax clearance certificate.

A trust, consortium or joint venture will qualify 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 quote.

Regarding joint ventures, the joint venture agreement between the different suppliers must be provided clearly indicating the role and responsibilities of each supplier towards the contract.

20. General Bid administrative information

The completed response and submissions must be returned to –

**CATHSSETA,
01 Newtown Avenue,
Killarney
Attention: Supply Chain Office**

Proposals must consist of at least two (2) hardcopies.

Incomplete submissions, including insufficient numbers of printed copies may result in disqualification or will negatively impact scoring during evaluation process.

E-mailed Proposals are not acceptable.

Questions for clarification of issues will be considered by the CATHSSETA up to the close of business 72 hours before the closing date and time. No verbal requests for information or clarification will be accepted. Questions may be addressed to supplychain@cathsseta.org.za

All documentation and responses will be supplied and exchanged utilising standard Microsoft Office (Word, Excel and PowerPoint) products.

Any attempt to gain information in a manner deemed to be fraudulent or disadvantageous to other respondents or any attempt to influence the outcome of the response evaluation will result in immediate disqualification from the bid process.

The following Standard Bid documents must be completed and will form part of a signed contract.

TAX CLEARANCE CERTIFICATE REQUIREMENTS

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

- 1 In order to meet this requirement bidders are required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
- 2 SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
- 3 The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
- 4 In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
- 5 Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website www.sars.gov.za.
- 6 Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za.



DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes an advertised competitive bid, a limited bid, a proposal or written price quotation). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

2.1 Full Name of bidder or his or her representative:

2.2 Identity Number:.....

2.3 Position occupied in the Company (director, trustee, shareholder², member):
.....

2.4 Registration number of company, enterprise, close corporation, partnership agreement or trust:
.....

2.5 Tax Reference Number:

2.6 VAT Registration Number:

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / PERSAL numbers must be indicated in paragraph 3 below.

2.7 Are you or any person connected with the bidder **YES / NO**
presently employed by the state?

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:

Name of state institution at which you or the person
connected to the bidder is employed :

Position occupied in the state institution:

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presently employed by the state?

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:

Name of state institution at which you or the person connected to the bidder is employed :

Position occupied in the state institution:

Any other particulars:

.....
.....
.....

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

2.7.2.1 If yes, did you attach proof of such authority to the bid document? **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:

.....
.....
.....

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:

.....
.....
.....

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

2.9.1 If so, furnish particulars.

.....
.....
.....

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Are you, or any person connected with the bidder, **YES/NO**
 aware of any relationship (family, friend, other) between
 any other bidder and any person employed by the state
 who may be involved with the evaluation and or adjudication
 of this bid?

1 If so, furnish particulars.

.....

Do you or any of the directors / trustees / shareholders / members **YES/NO**
 of the company have any interest in any other related companies
 whether or not they are bidding for this contract?

1 If so, furnish particulars:

.....

Full details of directors / trustees / members / shareholders

Full Name	Identity Number	Personal Income Tax Reference Number	State Employee Number / Persal Number

¹"State" means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

²"Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

4 DECLARATION

I, THE UNDERSIGNED (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.
I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME 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 2011

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, 2011.

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 R1 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R1 000 000 (all applicable taxes included).

1.2 The value of this bid is estimated to exceed/not exceed R1 000 000 (all applicable taxes included) and therefore the.....system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

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

1.3.1 The maximum points for this bid are allocated as follows:

	POINTS
1.3.1.1 PRICE
1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION
Total points for Price and B-BBEE must not exceed	100

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.5 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

- 2.1 “**all applicable taxes**” includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- 2.2 “**B-BBEE**” means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 2.3 “**B-BBEE status level of contributor**” means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.4 “**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 services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 “**Broad-Based Black Economic Empowerment Act**” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 “**comparative price**” means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 “**consortium or joint venture**” 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;
- 2.8 “**contract**” means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 “**EME**” means any enterprise with an annual total revenue of R5 million or less .
- 2.10 “**Firm price**” means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 “**functionality**” means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 “**non-firm prices**” means all prices other than “firm” prices;
- 2.13 “**person**” includes a juristic person;
- 2.14 “**rand value**” means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 “**sub-contract**” means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.16 “**total revenue**” bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;

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- 2.17 **“trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.18 **“trustee”** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ADJUDICATION USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

4.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

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

Where

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

P_{\min} = Comparative price of lowest acceptable bid

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5. Points awarded for B-BBEE Status Level of Contribution

5.1 In terms of Regulation 5 (2) and 6 (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	8	16
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.

5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.

5.4 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.

5.5 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.

5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.

5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.

5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

BID DECLARATION

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

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

7.1 B-BBEE Status Level of Contribution:..... =(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

8 SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 If yes, indicate:

What percentage of the contract will be subcontracted?	The name of the sub-contractor?	The B-BBEE status level of the sub-contractor?	Whether the sub-contractor is an EME?

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/Trust
- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

Bid number: Cook-Convenience Foods (HSP/CKCONF/2/0019), MPUMALANGA

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 contribution indicated in paragraph 7 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 paragraph 7, 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 contribution 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) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, 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

WITNESSES:

1.

1.

.....

SIGNATURE(S) OF BIDDER(S)

DATE:.....

ADDRESS:.....



CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

1. 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 consortium³ will not be construed as collusive bidding.
2. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
3. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
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 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.

10. 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