



RFP NUMBER	SAHRC RFP HO 06-2024
DESCRIPTION	The purpose of this document is to request for proposals from qualifying service providers to work as a Project Manager: Monitoring Programme.
RFP BRIEFING	Not applicable
CLOSING DATE	DATE: 24 Jan 2025 TIME: 11H00 (GMT +2) ADDRESS: South African Human Rights Commission Supply Chain Management 32 Princess of Whales Terrace Sunnyside Office Park Parktown Submissions to be done via email to: HOprocurement@sahrc.org.za

1. PURPOSE AND PROJECT DESCRIPTION

1.1 The purpose of this document is to request for proposals from qualifying service providers to work as a Project Manager: Monitoring Programme.

2. BACKGROUND INFORMATION

2.1 The South African Human Rights Commission (Commission/SAHRC) is an independent institution established in terms of the Constitution of the Republic of South Africa 1996 (Constitution). It is one of the constitutional institutions established to strengthen a constitutional democracy.

2.2 In terms of Sections 184(1) of the Constitution, the Commission is mandated to:

- a) promote respect for human rights and a culture of human rights;
- b) promote the protection, development and attainment of human rights; and
- c) monitor and assess the observance of human rights in the Republic.

2.3 In order to realise the above mandate, the Commission is empowered to investigate, report on human rights, take steps to ensure redress, undertake research and educate on human rights.

2.4 Since its establishment the SAHRC has dedicated itself to raising awareness of human rights issues; monitoring and assessing the observance of human rights; education and training on human rights; addressing human rights violations and seeking effective redress.

2.5 In line with its three mandate areas, the commission's work is structured according to three core programmes, namely: Promotion Programme, Protection Programme, and Monitoring Programme.

3. MONITORING PROGRAMME: 2024/2025 KEY OUTCOMES

3.1 In terms of its Annual Performance Plan, the commission's monitoring programme has the following four outcome indicators for the 2024 / 2025 annual cycle:

3.2 Report on the State of Human Rights in South Africa

3.3 Report on the implementation of recommendations of the SAHRC

3.4 Report on Section 184(3) mandate completed

3.5 Report on International and Regional Human Rights

4. THE LEVELS OF FUNCTION OF THE MONITORING PROGRAMME

4.1 The SAHRC monitoring function exists on three levels.

4.1.2 Level 1: Commissioner's Programme:

Commissioners are responsible for the execution of the mandate of the commission. In consideration for this task, the commission considers the content and scope of its relationships with the Executive, Parliament, the courts, civil society and the media as key determining factors in the effectivity of the institution in discharging its mandate. Key to the activities of commissioners is the coordination, and sustenance of strategic engagements with key stakeholders in order to fulfil the monitoring function.

4.1.3 Level 2: National Office

The monitoring programme at the Commission's National Office is supported by the Sub-Programme: Research. The Research sub-unit utilises various data collections approaches in supporting the Monitoring mandate of the commission.¹ The use of questionnaires, however, has historically been the main data collection methodology. The questionnaires assessed the measures taken by organs of state towards the realisation of the rights in the Bill of Rights – mainly as they concern housing, health care, food, water, social security, education and the environment. Response rates have been varied over the years, which has led to a rather irregular reporting record.

4.1.4 Level 3: Provincial Offices

The rights envisaged in section 184(1), and as expressed in the Bill of Rights, are realized at national, provincial, and local sphere of government. However, socio-economic rights are experienced at the local sphere of government. Local authorities and municipalities are vested with the fiduciary duty of interacting directly with rights holders in the delivery of basic services such as water, refuse removal, sanitation, electricity.

Considering the indispensability of local government in the realization of human rights, the SAHRC has a critical role to play in providing oversight and holding government, particularly at the local sphere, accountable. In Provincial Offices, Human Rights Officers are tasked with the responsibility to monitor the respect and protection of human rights in the local sphere of government.

5 SCOPE OF SERVICES - PROJECT MANAGER: MONITORING PROGRAMME

5.1 The Project Manager: Monitoring Programme, will be required fulfil the following Key Performance Areas:

- a) Drawing on the document "*Towards the Construction of an Integrated Human Rights Monitoring Framework for the South African Human Rights Commission*" - develop a monitoring strategy that fosters

¹ The Research Sub unit also publishes ad hoc or occasional reports that include reports on Public Hearings, General Reports, Trend Reports, Investigative Reports, Equality Reports and Submissions on Legislation.

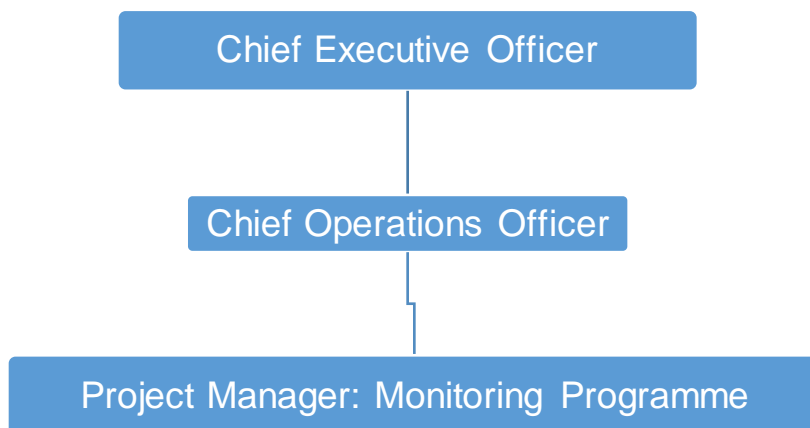
coherence and coordination across the three levels of the commission's monitoring function as detailed in section 4 above;

- b) Support the Chief Operations Officer in repurposing the Sub-Programme: Research to support the effective execution of the monitoring strategy;
- c) With the support of the research unit, oversee the development of a regularly updated database of the recommendations of SAHRC inquiries and investigations;
- d) Develop a system to monitor the implementation of recommendations of SAHRC inquiries and investigations;
- e) Oversee the receipt, consolidation, and analysis of monitoring reports from all provinces, and desegregate into thematic / focal areas;
- f) Oversee dissemination of monitoring reports and outputs to internal and external stakeholders;
- g) Oversee the production and finalisation of the commission's section 184.3 report;
- h) Oversee the production and finalisation of the State of Human Rights Report;
- i) Keep regular updates on the establishment, and function, of the National Mechanism for Reporting and Follow-up (NMRF);
- j) Monitor implementation of treaty commitments (Includes efforts to strengthen monitoring systems as envisaged in prioritised selected international and regional human rights instruments, such as CRC; CPRD; ICESCR; and the NPM under the OPCAT); and
- k) Oversee the achievement of all monitoring targets as prescribed in the 2024/2025 APP.

6 PROJECT TIMELINES

6.1 The project duration shall be for a period of 6 months from the date of inception

7 STRUCTURE: PROJECT MANAGER AND REPORTING LINES



8 KEY COMPETENCIES

- 8.1 Written and verbal communication skills
- 8.2 Ability to multi-task and manage various project elements simultaneously
- 8.3 Attention to detail
- 8.4 Managing relationships with stakeholders
- 8.5 Preparation of reports, gathering, analysing, and summarising information
- 8.6 Research and data analysis

9 REQUIRED EXPERTISE

- 9.1 Successful completion of a Master's Degree in any field related to Human Rights Monitoring.
- 9.2 Demonstrable knowledge of domestic, regional and international human rights standards, such as the Bill of Rights.
- 9.3 Demonstrable knowledge and understanding of the structure and function of the Public Service, with particularly reference to the role of the Department of Planning, Monitoring and Evaluation in Human Rights monitoring.
- 9.4 Experience in undertaking research, analysis, synthesis and monitoring of human rights. Specifically, the service provider must have knowledge of the constitutional and statutory allocation of powers relating to socio-economic rights
- 9.5 The ability to analyse Treasury budgets.
- 9.6 Proven experience in the development of human rights monitoring tools and indicators.
- 9.7 *Where a company is submitting it RFP, the Project Lead must meet the requirements set out in this proposal.*

10 PAYMENT SCHEDULE AND METHOD

- 10.1 Payment of service provider's fee will be as per the quotation submitted.
- 10.2 Payment will be via electronic transfer to the service provider's bank account as per the submitted invoice and will be processed in line with the SAHRC's Supply Chain Management and Finance processes.
- 10.3 Please note that related project costs such as printing, data, or materials cost or related expenditure incurred using external services will not be borne by the SAHRC.
- 10.4 The Commission pays its service providers on a 30 days payment cycle.

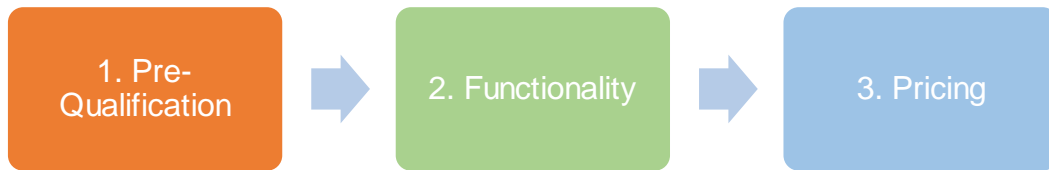
11 PRICING

- 11.1 A detailed fee breakdown structure must be included; and
- 11.2 All pricing must be shown inclusive of any applicable VAT.

12 EVALUATION CRITERIA

Please note that all quotes received will be evaluated based on the following criteria:

Bids will be evaluated on 80/20 point system as outlined in the PPR of 2022. The proposals will be evaluated in three phases:



Phase 1: Pre-qualification Documents

- RFQ proposal
- Central Supplier Database report
- SBD 1
- SBD 3.1
- SBD 4
- SBD 6.1

Note: Bidders who fail to comply with the mandatory requirements will be regarded as submitting a non-responsive bid, disqualified and not considered for further evaluation. It is important that companies submitting their proposal should include detailed CV of the Project Lead, which should clearly show how he/she meets the requirements of this work package.

Phase 2: Functionality

Please note that all quotes received will be evaluated based on the following criteria: functionality criteria will be further evaluated on applicable values as outlined below:

Please note that the following evaluation criteria will be used:

Price evaluation based on the 80/20 preferential point system.

The minimum threshold for qualification by functionality is 70 points, assessed as per criteria listed in Table 1 below:

Table 1: Functionality evaluation

Criterion	Measurement	Scoring Method	Points Weighting
Master's Degree in Related Field	Master's Degree certificate or official transcripts	10 - Degree specifically in Human Rights Monitoring or directly related field (e.g., Law, Public Policy with a focus on Human Rights). 5 - Degree in a related field (e.g., Development Studies, Governance). 3 - Degree in a non-related field (e.g., Business, Management). 1 - No Master's Degree.	10
Knowledge of Human Rights Standards	Written description of experience, referencing specific standards (e.g., the Bill of Rights, African Charter on Human and Peoples' Rights). Work samples (e.g., reports, publications, presentations) or certifications from relevant human rights training.	20 - Comprehensive understanding demonstrated through multiple examples of applied knowledge (e.g., contributing to policy, legal reviews). 10 - Basic understanding with some evidence of application. 5 - Limited understanding with unclear evidence. 0 - No evidence provided	20
Knowledge of Public Service Functions	CV highlighting experience working with or within the Public Service. Written examples of work involving the Department of Planning, Monitoring and Evaluation (DPME). Training certificates related to public service structures.	15 - Strong understanding, demonstrated through practical experience in public service human rights monitoring. 10 - Moderate understanding with indirect evidence of involvement. 5 - Basic understanding but no direct experience. 0 - No knowledge demonstrated.	15
Experience in Research, Analysis, and Monitoring of Human Rights	Research outputs (e.g., publications, reports). Examples of work in socio-economic rights analysis (e.g., policy reviews, monitoring reports). References or testimonials highlighting contributions.	10 - Extensive experience, with significant contributions to human rights research and analysis. 5 - Moderate experience with clear outputs or references. 3 - Limited evidence of experience. 0 - No experience or outputs provided.	10
The Ability to Analyse Treasury Budgets	Examples of budget analysis work (e.g., financial reviews, audit reports, budget planning documents). Testimonial from past supervisors or collaborators. Certifications or training in financial analysis or public sector budgeting	15 - Demonstrates expert analysis of Treasury budgets with documented HO outcomes. 10 - Moderate ability evidenced by some financial work. 5 - Basic understanding with minimal direct experience. 0 - No experience in budget analysis.	15
Proven Experience in Developing Human Rights Monitoring Tools and Indicators	Examples of tools and indicators developed (e.g., dashboards, M&E frameworks). Written explanation of the process, methodology, and outcomes. References from organizations where tools were implemented.	10 - Developed 3+ tools or indicators that were implemented and recognized as effective. 5 - Developed 1-2 tools with evidence of moderate impact. 3 - Limited involvement in tool development. 0 - No evidence of tool development.	10
Policy Development	Experience in developing human rights-related policies, frameworks, or strategies. - Evidence of contributions to policy-making processes or authored policies.	10 - Authored 3+ policies/frameworks with proven impact. 5 - Authored 1-2 policies with limited scope. 3 - Limited/no policy experience. 0 - No evidence provided	10

Monitoring Implementation of Recommendations	Demonstrable experience in monitoring the implementation of human rights-related recommendations. - Evidence of follow-up mechanisms or reports on implemented recommendations.	10 - Successfully tracked and reported on 3+ recommendations. 5 - Moderate experience tracking 1-2 recommendations. 0 - No experience.	10
			100

Bidders must obtain a minimum threshold of 70 points on Functionality to proceed to the next stages of the evaluation process. Failure to obtain the minimum of 70 points will result in your bid being considered non-responsive.

Phase 3: Price and Specific Goals evaluation

Only Bidders that have met the 70 point threshold to be considered for price and specific goals. Price and specific goals will be evaluated as follows:

In terms of regulation 6 of the Preferential Procurement Regulations pertaining to the Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000), responsive bids will be adjudicated on the 80/20-preference point system in terms of which points are awarded to bidders based on:

- The bid price (maximum 80 points)
- Specific Goals (maximum 20 points)

Stage 1 – Price Evaluation (80 Points)

Criteria	Points
Price Evaluation $P_s = 80 \left[1 - \frac{P_t - P_{min}}{P_{min}} \right]$	80

The following formula will be used to calculate the points for price:

- Where
- P_s = Points scored for comparative price of bid or offer under consideration.
 - P_t = Comparative price of bid or offer under consideration.
 - P_{min} = Comparative price of lowest acceptable bid or offer
 - Points must be awarded to a bidder for attaining the specific status level of contribution in accordance with the table below.

Specific goals allocation

A maximum of 20 points may be allocated to a bidder for attaining their specific goals status level of contributor in accordance with the table below:

SPECIFIC GOALS	POINTS
Suppliers with ownership of 51% or more by person/s who are black person/s	10
Suppliers with ownership of 51% or more by person/s who are women	5
Suppliers with ownership of 51% or more by person/s who are youth	3
Suppliers with ownership of 51% or more by person/s with disability	2

Specific goal points may be allocated to bidders on submission of the following documentation or evidence

- A duly completed Preference Point Claim Form: Standard Bidding Document (SBD 6.1); and evidence on how points are claimed.

13 CONFIDENTIALITY, INDEPENDENCE AND OBJECTIVITY

The appointed Project Manager will hold all material and information produced in the course of the implementation of this project in the strictest confidence and will take all steps necessary to prevent dissemination of this information to any third party, without the prior written agreement of the SAHRC.

14 CLOSING DATE

14.1 Proposals must be submitted on or before 24 Jan 2025 at **11h00**

14.2 All documentation must be emailed to: HOpurchase@sahrc.org.za

14.3 Submissions should be made using the RFP number for ease of reference

For further information or clarification please contact HOpurchase@sahrc.org.za

**PART A INVITATION TO
BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION					
BID NUMBER:				CLOSING TIME:	
DESCRIPTION					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT					
Sentinel House, Sunny Side Office Park, 32 Princess of Wales Terrace, Parktown					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Tender office		CONTACT PERSON		
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:		O R	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [[IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [[IF YES, ANSWER THE QUESTIONNAIRE BELOW]
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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.

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, 2017, 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 STATE." 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

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:

SCHEDULE – FIRM PRICES (PURCHASES)

NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED

IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of bidder.....	Bid number.....
Closing Time 11:00	Closing date.....

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

ITEM NO.	QUANTITY	DESCRIPTION	BID PRICE IN RSA CURRENCY ** (ALL APPLICABLE TAXES INCLUDED)
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Required by:

At

Brand and model

Country of origin

- Does the offer comply with the specification(s)? *YES/NO
- If not to specification, indicate deviation(s)

Period required for delivery

*Delivery: Firm/not firm
Delivery basis

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination.

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

*Delete if not applicable



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 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.

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

Full Name	Identity Number	Name of institution	State

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 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 ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....

Signature

.....

Date

.....

Position

.....

Name of bidder

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 **To be completed by the organ of state**

(delete whichever is not applicable for this tender)..

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

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

1.4 **To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim 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 OR 90/10 PREFERENCE POINT SYSTEMS

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \\
 \mathbf{PPPP} = \mathbf{8888} \text{ R} - \frac{\mathbf{PPPP} - \mathbf{PP}}{\mathbf{PP}} & \mathbf{or} & \mathbf{PPPP} = \mathbf{9988} \text{ R} - \frac{\mathbf{PPPP} - \mathbf{PP}}{\mathbf{PP}}
 \end{array}$$

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmin = Price of lowest acceptable tender

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

3.2.1. **POINTS AWARDED FOR PRICE**

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \\
 \frac{PPPP}{mmmmmm} = 8888 \text{ ⚡11} + \frac{PPPP-PP}{PP \text{ mmmmm}} \text{ ⚡} & \text{or} & \frac{PPPP-PP \text{ mmmmm}}{PPmmmmmm} \text{ ⚡}
 \end{array}$$

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/documentation stated in the conditions of this tender:

4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of

- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
- (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Suppliers with ownership of 51% or more by person/s who are black person/s		10		
Suppliers with ownership of 51% or more by person/s who are women		5		
Suppliers with ownership of 51% or more by person/s who are youth		3		
Suppliers with ownership of 51% or more by person/s with disability		2		

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: