

**Supply of Servers and Server memory for  
International Frontier Technologies  
Company Reg. no: 2009/007987/30**

<b>Mode of Bid Submission</b>	Hand deliver / courier / post
<b>Last Date &amp; Time of Submission of Bid</b>	17 November 2014 at 5:00 PM
<b>Date &amp; Time of Opening of Bids</b>	18 November 2014 at 10:00 AM
<b>Bidding Document Cost</b>	Free
<b>Bidding Documents Obtainable From</b>	Gleneagles Building, Somerset Links Office Park, De Beers Avenue, Somerset West or Website: <a href="http://www.interfront.co.za">www.interfront.co.za</a>
<b>Correspondence Address</b>	Tender Box, Gleneagles Building, Somerset Links Office Park, De Beers Avenue, Somerset West
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<b>Tender Number</b>	RFT-2014/15-007



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## 1. PART 1 – INTRODUCTION

### 1.1 Invitation to prospective suppliers

This Request for Tender (RFT-2014/15-007) is an invitation by International Frontier Technologies SOC Ltd (hereinafter referred to as “Interfront”) to prospective suppliers to submit proposals for the supply of Dell servers or equivalent and server memory (hereinafter referred to as “Deliverables”), as further described in Annexure 3 hereof.

### 1.2 Type of contract for Deliverables

The selected supplier will be requested to enter into negotiations with Interfront in order to conclude an agreement for the provision of the Deliverables as described in Annexure 3 to this RFT. It is Interfront’s intention to enter into an agreement based on the specifications as set out in Annexure 3 to the RFT with only one (1) legal entity. The term of the agreement will be once off as per Annexure 3. The quantity of the order may vary and the Annexure serves only as a best estimate.

### 1.3 No guarantee of volume of work or exclusivity of contract

Interfront provides no guarantees of the value or volume of orders that will be placed with the selected supplier.

### 1.4 Contact details

- 1.4.1** Any queries regarding this bid or on any matter arising from or referred to in this document, must be addressed to Ms Lynn Solomons, in writing, as set out hereunder. Under no circumstances may any other employee of Interfront be approached for any information. Any such action may result in a disqualification of a bid submitted in response to this RFT.

<i>Enquiries</i>	
<b>Contact Person:</b>	Lynn Solomons
<b>Tel #</b>	021 840 3400
<b>email address:</b>	<a href="mailto:procurement@interfront.co.za">procurement@interfront.co.za</a>

- 1.4.2** All enquiries regarding this RFT must be forwarded to Ms Lynn Solomons as per the contact details as provided above.

- 1.4.3** Interfront will, under no circumstances, allow or entertain any enquiries from Bidders after the closing date of this RFT and/or during the subsequent evaluation processes.

## 2. PART 2 – CONDITIONS, REQUIREMENTS AND DOCUMENTATION

### 2.1 Background

Interfront is a state-owned company and provides customs and border solutions to Customs authorities.

### 2.2 General conditions and requirements

All bids, contracts or orders for goods or services shall be subject to the General Conditions of Contract as published by the National Treasury of the Republic of South Africa. In the event of any conflict between the provisions contained in any contract or agreement in place as between Interfront and the supplier / contractor / service provider and the General Conditions of Contract, the provisions as contained in the General Conditions of Contract shall prevail. Kindly familiarise yourself with these provisions at [www.treasury.gov.za](http://www.treasury.gov.za)

### 2.3 The Bidder must submit a valid Tax Clearance Certificate (TCC):

**2.3.1** Bidders are required to submit an **original** and **valid** Tax Clearance Certificate.

**2.3.2** Failure to submit an **original** and **valid** Tax Clearance Certificate will lead to the disqualification of the Bidder.

**2.3.3** A certified copy of the Tax Clearance Certificate will not be accepted.

**2.3.4** The Bidder needs not to submit a Tax Clearance Certificate with every new response, however it is the responsibility of the Bidder to ensure that Interfront has a **valid, original** Tax Clearance Certificate of the Bidder at the time of responding to this RFT.

### 2.4 Interfront reserves the right to:

**2.4.1** Cancel or reject any quote and not to award the tender to the lowest Bidder or award parts of the tender to different Bidders, cancel or reject any bid and not to award the tender to the lowest Bidder or award parts of the tender to different Bidders, or not to award the tender at all.

**2.4.2** Interfront reserves the right in its sole discretion to:

- withdraw, suspend or cancel this RFT or the RFT process at any time, without providing reasons and without notifying the prospective Bidders;
- not provide reasons for its rejection or the failure of any Bidder or Proposal;
- change any of its requirements as set out in this RFT by notice to all prospective service providers;
- change any condition, procedure or rule of the RFT by notice to all prospective service providers;
- amend, vary, or supplement any of the information, terms or requirements contained in this RFT, any information or requirements delivered pursuant to this RFT, or the

- structure of the RFT process by notice to all prospective service providers;
- re-advertise for RFT responses;
- provide further information in respect of, and modify the provisions of, this RFT at any time prior to the closing date by notice to all prospective service providers;
- disqualify any person who is a provider (Bidder) or prospective provider of goods or services, or a recipient or prospective recipient of goods disposed of or be disposed of who directly or indirectly influence or interfere with the work of any Interfront employees involved in the procurement process in order , *inter alia*, to:
  - influence the process and/or outcome of a bid;
  - incite breach of confidentiality and/or the offering of bribes;
  - cause over- or under-invoicing;
  - influence the choice of procurement method or technical standards; and/or
  - influence any of our employees in any way which may secure an unfair advantage during or at any stage of the procurement process.

**2.5 Bidders must ensure that all relevant documentation is completed in full and submitted to Interfront including:**

- 2.5.1** Standard Bidding Documents (SBD’s), namely: SBD1, SDB2, SBD3.1, SBD4, SBD6.1, SBD8 and SBD9; and
- 2.5.2** B-BBEE certificate from an accredited institution.

The checklist below indicates the BEE documents that must be submitted for tenders. Failure to submit will result in scoring zero for BEE but not in disqualification.

Turnover	Classification	Submission Requirement
Below R5 million p.a.	Exempted Micro Enterprise (EME)	BEE Rating Certificate or letter from registered Auditors/Accountants to verify that EME and percentage of black ownership. See below link for IRBA approved auditors.
Between R5 million and R35 million p.a.	Qualifying Small Enterprise (QSE)	BEE Rating Certificate from a SANAS approved accredited rating agency. See below link for SANAS approved agencies.
Above R35 million p.a.	Large Entity (LE)	BEE Rating Certificate from a SANAS approved accredited rating agency

- <http://www.thedti.gov.za> - BEE information
- <http://www.irba.co.za/index.php/b-bbee-verification-assurance> - list of all approved registered auditors
- [http://www.sanas.co.za/af-directory/bbbee\\_list.php](http://www.sanas.co.za/af-directory/bbbee_list.php) - list of SANAS accredited verification agencies on behalf of the DTI

**2.6 The following will lead to the immediate disqualification of a Bidder:**

- 2.6.1** Bidders who do not submit a **valid** and **original** Tax Clearance Certificate on the closing date and time of this RFT (please see par 2.3);
- 2.6.2** Bidders who submit information that is fraudulent, factually untrue or inaccurate, for example memberships that do not exist, falsified BEE credentials, experience, etc.;
- 2.6.3** Bidders who received information not available to other vendors through fraudulent means;
- 2.6.4** Bidders who did not submit the duly completed Declaration of Interest SBD 4.
- 2.6.5** Bidders who try to influence the bidding process by illegal means.
- 2.6.6** Bidders who fail to declare their interest in Interfront dealings or relationship with any staff member of Interfront.

**2.7 The following Bidders may be disqualified:**

- 2.7.1** Bidders who submitted incomplete information and/or documentation according to the requirements of this RFT;
- 2.7.2** Bidders who do not comply with any other requirements as stipulated in this document;
- 2.7.3** Bidders who do not meet any of the mandatory requirements;
- 2.7.4** Bidders who do not sign the declaration.

### 3. PART 3 – EVALUATION

#### 3.1 Demonstration / presentation

Interfront reserves the right to invite Bidders who submit a response to this RFT to give an oral presentation, which may include, but is not limited to, an equipment/service demonstration of their proposal. This is an optional fact finding process which provides an opportunity for the Bidder to clarify or elaborate on their proposal. Interfront shall schedule the time and location of these presentations as and if necessary.

***Please take note that any and all costs involved in setting up these sessions will be borne by the Bidder***

#### 3.2 Pricing

The Bidder must take the following into consideration when pricing:

- Detailed deliverables as per the specifications as set out in Annexure 3;
- Prices must be based on a fixed rate for the duration of the contract;
- Rates must include any cost/charges in respect of labour, material, overheads, profit, delivery etc.;
- Ensure that the rates includes all costs deemed necessary as no additional costs will be admitted later;
- All rates and extended prices must include Value Added Tax (VAT);

***Interfront may require a breakdown of rates on any of the items priced and the Bidder is to provide same without any additional cost.***

#### 3.3 Evaluation criteria and methodology

##### 3.3.1 Pre-evaluation

Documents (mandatory and/or non-mandatory) will be evaluated according to the criteria specified in this RFT. These documents include but are not limited to the Tax Clearance Certificate, BEE certificate, SBD forms and quotation. Bidders who did not submit mandatory documents will be disqualified immediately.

##### 3.3.2 STAGE 1 – Technical evaluation

The Bidder's quotation must be included and must meet the required specifications on page 21 to 22 in full in order to proceed to stage 2. If the Bidder's specifications does not meet Interfront's specifications 100% the Bidder will not be evaluated further.



Technical Criteria	Weighting
The Bidder is an established provider of Dell hardware products. <ul style="list-style-type: none"> <li>• Provide company profile</li> <li>• Dell supplier certificate</li> </ul>	10 40
The Bidder provides: <ul style="list-style-type: none"> <li>• at least 2 (two) contactable references where similar services have been rendered successfully.</li> <li>• Provide a physical address, contact number(s) and e-mail address of references</li> </ul>	10 10
The bidder is an established supplier in the market with: <ul style="list-style-type: none"> <li>• at least 5 (five) years' experience.</li> <li>• Annual Financial Statements for the past 2 (two) years</li> </ul>	10 20
<b>Total</b>	<b>100 %</b>

All Bidders who score **LESS than 70%** on functionality shall not be considered for further evaluation on price and BEE (If applicable).

The applicable values that will be used when scoring each criteria ranges from: **1 being poor, 3 being good and 5 being excellent**

**3.3.3 STAGE 2 – Price and BEE evaluation**

**3.3.3.1 The evaluation of the quotation shall be based on the 80/20 PPPFA principle and the points for evaluation criteria are as follows:**

The 80/20 Preference point system for the acquisition of goods/services up to a Rand value of R1 000 000.00:

Adjudication Criteria	Percentage
Price Evaluation	80%
BEE Evaluation	20%
<b>TOTAL</b>	<b>100%</b>

An 80/20 price/preference points system will be applied to the evaluation of responsive quotations, whereby the order(s) will be placed with the Bidder(s) scoring the highest total number of adjudication points.

**3.3.3.2 Price shall be scored as follows:**

$$Ps = 80 \left( 1 - \frac{(Pt - Pmin)}{Pmin} \right)$$

**Where:** **P<sub>s</sub>** is the number of points scored for price;  
**P<sub>t</sub>** is the comparative price of the quotation under consideration;  
**P<sub>min</sub>** is the comparative price of the lowest responsive quotation.

**3.3.3.3 Preference points shall be scored as follows:**

Points will be awarded to Bidders who are eligible for preferences in respect of:

- B-BBEE contribution in terms of Returnable Schedule 5: SBD6.1
- A maximum of 20 quotation evaluation points will be awarded for preference to vendors with responsive quotations who are eligible for such preference, in accordance with the criteria listed below.
- Exempted Micro Enterprise or B-BBEE Status Level of Contributor.

Up to 20 tender evaluation points (**N<sub>p</sub>**) will be awarded for the level of B-BBEE contribution, in accordance with the tables below:

B-BBEE Status Level of Contributor	Number of Points for Preference
1	20
2	18
3	16
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

*A non-compliant contributor is one who does not meet the minimum score for a level 8 contributor,*

or, in respect of Exempted Micro Enterprises (EMEs)

Black Ownership of EME	Deemed B-BBEE Status Level of Contributor	Number of Points for Preference
> 50%	3	16
≤ 50%	4	12

**3.3.3.4 The total number of adjudication points (**N<sub>T</sub>**) shall be calculated as follows:**

$$N_T = P_s + N_p$$

**Where:** **P<sub>s</sub>** is the number of points scored for price  
**N<sub>p</sub>** is the total number of BBEE points obtained

### **3.4 Evaluation and selection**

#### **3.4.1 Process after closing date**

##### **After the closing date as set out in paragraph 2:**

- 3.4.1.1** Interfront may request additional information, clarification or verification in respect of any information contained in or omitted from a Bidder's Proposal, which Interfront may do either in writing or at a meeting convened with the Bidder for that purpose;
- 3.4.1.2** no amendment may be made to a Proposal, unless specifically permitted or requested by Interfront;
- 3.4.1.3** Interfront may shortlist Bidders and may request presentations from short-listed Bidders;
- 3.4.1.4** Interfront will enforce whatever measures it considers necessary to ensure the confidentiality and integrity of the contents of the RFQ responses;
- 3.4.1.5** Interfront will evaluate the RFT responses with reference to Interfront's Evaluation Criteria detailed in paragraph 3.6 Interfront reserves the right to employ subject matter experts to assist in performing such evaluations.

#### **3.5 Interfront's pre-qualification criteria**

- 3.5.1** Interfront has defined minimum pre-qualification criteria that must be met by the Bidder in order for Interfront to accept a RFT response for evaluation. In this regard a pre-evaluation verification will be carried out by Interfront in order to determine whether a Proposal complies with the provisions of Part 2 and Part 3 of this RFT.
- 3.5.2** Where there is a failure to comply fully with any of the pre-qualification criteria or Interfront is for any reason unable to verify whether the pre-qualification criteria are fully complied with, Interfront will have the right to either:
  - 3.5.2.1** entirely reject the Proposal in question and not to evaluate it at all;
  - 3.5.2.2** give the Bidder an opportunity to supplement the information provided by it under its Proposal so as to achieve full compliance with the pre-qualification criteria within a period prescribed by Interfront;
  - 3.5.2.3** require the Bidder to provide Interfront with such information as Interfront may request within a period prescribed by Interfront in order to enable Interfront to properly verify whether there is full compliance; or
  - 3.5.2.4** in any event permit the Proposal to be evaluated.

**3.6 Interfront’s evaluation criteria**

Interfront’s evaluation criteria provide for the accumulation of points for a Bidder’s Proposal based on the extent to which it:

- 3.6.1** provides a technical solution and services that meet Interfront’s requirements. In this regard the Bidder is directed to examine the requirements set out in this RFT and in particular to those requirements which are essential to the Bidder’s Proposal being acceptable as a technical solution;
- 3.6.2** enables Interfront to contain its risks, which will include an evaluation of the effect of any mark-up made by a Bidder to the proposed contract and a financial analysis of the Bidder’s audited financial statements
- 3.6.3** achieves Interfront’s Broad Based Black Economic Empowerment (B-BBEE) objectives read with the Preferential Procurement Policy Framework Act, No 5 of 2000, Regulations and National Treasury guidelines; and
- 3.6.4** is financially competitive and offers value for money.

***Interfront’s evaluation of RFT responses includes functionality as a criterion and hence the evaluation of RFT responses will be conducted in a two stage process.***

- 3.6.5** In the first stage, an assessment of functionality will be performed in terms of the following:

Criterion	Points
Technical, Performance & Quality	100

If the Bidder’s response to the Technical templates does not indicate that the Bidder can support an acceptable technical solution the Bidder’s response will be rejected and not evaluated further.

Together the Technical, Performance & Quality and Risk criteria make up the functionality criterion and a Bidder’s Proposal will be evaluated for functionality out of a possible 100 (one hundred) points. Only RFT responses achieving an evaluation score of greater than 70 out of the possible 100 points for functionality will be selected to progress to the second stage.

- 3.6.6** In the **second stage** of the evaluation, RFT responses selected from the first stage will be evaluated in terms of the 80/20 preference points system under Section 2 of the Preferential Procurement Policy Framework Act, Act No 5 of 2000, read with the Preferential Procurement Policy Framework Regulations and National Treasury guidelines.

Criterion	Maximum Points
B-BBEE status	20
Price	80

- 3.6.7** Points for the B-BBEE criterion will be allocated in accordance with the Bidder's B-BBEE status level, and those of its sub-contractors in proportion to their expected revenue allocations.
- 3.6.8** Points for the Price criterion will be calculated in accordance with the formula in the Preferential Procurement Regulations. The Price of the Bidder's Proposal will be calculated over the anticipated term of the Agreement. Any additional costs that will be incurred by Interfront in implementing or receiving the solution from the Bidder will be taken into account during evaluation.
- 3.6.9** The Pricing template (Annexure 3) provided in this RFT completed by the Bidder and submitted with the Bidder's Proposal will be used for the calculation of price. In this regard:
- the Bidder must ensure the accuracy of the pricing figures provided in the template.
  - the Bidder's authorised signatory warrants that the electronic copy submitted and the hardcopy contain the same information.
  - the Bidder's Proposal may be regarded as non-responsive if the electronic Pricing template response contains omissions.
- 3.6.10** Interfront, in its sole discretion, may regard the Bidder's Proposal as non-responsive if one or more of the pricing components of the Pricing response template provided in the Proposal are: not firm; subject to negotiation; subject to variation other than by mechanisms contemplated in the proposed contract; dependant on assumptions not provided by Interfront in the RFT; or not reasonably determinable at the time of evaluation for any other reason.
- 3.6.11** The points accumulated for B-BBEE status criterion will be added to the points accumulated for the Price criterion.
- 3.7 Process following evaluation**
- 3.7.1** Following Interfront's evaluation of the RFT responses in this RFT, Interfront has the right to, *inter alia*, in its sole discretion:
- 3.7.1.1** consider the business case for the award of the RFT based on the RFT responses received;

- 3.7.1.2 undertake a Bidder clarification or Best and Final Offer (BAFO) process with respect to some or all of the items;
- 3.7.1.3 short list one or more Bidders in for award;
- 3.7.1.4 Interfront may conduct a due diligence exercise on any Bidder or its Subcontractor, which may include interviewing customer references or other activities to verify a Bidder's submitted or other information and capabilities (including visiting the Bidder's or Subcontractor's premises, sites and facilities to verify certain stated facts or assumptions) and in which regard the Bidder will be obliged to grant Interfront with all such access, assistance and/or information as Interfront may reasonably request and to respond within the timeframes set by Interfront; or
- 3.7.1.5 take any other action it deems appropriate.
- 3.7.2 Interfront reserves the right to revise the points accorded to a Bidder in respect of all or any of the criteria at any time in the event of further information being obtained by Interfront, which in Interfront's opinion justifies such revision.
- 3.7.3 Upon completion of its evaluations, Interfront may select one or more preferred Bidders for award as a single supplier or to form a panel of service providers.

***Interfront will be under no obligation to select the Bidder with the highest number of points.***

- 3.7.4 Upon an award, the successful Bidder will be required to enter into the Agreement with Interfront. In this regard:
  - 3.7.4.1 Interfront may require the Bidder to enter into an interim agreement under which the transition services would commence;
  - 3.7.4.2 Interfront will enter into negotiations with the Bidder with a view to concluding the Agreement;
  - 3.7.4.3 Interfront will be entitled to cease negotiating with a Bidder and negotiate with another Bidder if Interfront, in its sole discretion, is of the opinion that: the Bidder has made misrepresentations in its RFT response; the Bidder is attempting to withdraw from positions or commitments made in its Proposal; the Bidder is not negotiating in good faith; or an agreement may not be expeditiously concluded with the Bidder for any other reason.

## 4. PART 4 – CONDITIONS OF TENDER

### General conditions of tender

#### 4.1 Acceptance of RFT conditions

The Bidder's participation in the RFT process is deemed to constitute acknowledgement and acceptance by the Bidder of the terms and conditions contained in this RFT.

#### 4.2 Reservation of rights

#### 4.3 Validity of information

Interfront has made reasonable efforts to ensure accuracy in compiling this RFT. However, neither Interfront, nor its employees, officers, advisers, shareholder or agents will be liable to the Bidder or any third party for any inaccuracy or omission in the RFT or in respect of any additional information Interfront may provide to the Bidder as part of the RFT process.

The Bidder is deemed to have examined this RFT and any other information supplied by Interfront to the Bidder and to have satisfied itself as to the correctness and sufficiency of such before submitting its Proposal.

#### 4.4 RFT not an offer

This RFT does not constitute an offer to do business with Interfront, but merely serves to facilitate a requirements-based decision process.

Nothing in this RFT or any other communication made and entered into between Interfront (including its officers, directors, employees, shareholder, advisers and representatives) is a representation that Interfront will offer, award or enter into a contract.

#### 4.5 Preparation Costs

The Bidder will bear all its costs in preparing, submitting and presenting any response or Proposal to this RFT and all other costs incurred by it throughout the RFT process. Furthermore, no statement in this RFT will be construed as placing Interfront, its officers, directors, employees, shareholder, advisers, representatives or agents under any obligation whatsoever, including in respect of costs, expenses or losses incurred by the Bidders in the preparation of their response or Proposal to this RFT.

#### 4.6 Indemnity

If a Bidder breaches any condition of this RFT and, as a result of that breach, Interfront incurs costs or damages (including, without limit, the cost of any investigations, procedural impairment, repetition of all or part of the RFT process and enforcement of intellectual property rights or confidentiality obligations), then the Bidder indemnifies and holds Interfront harmless from any and all such costs which Interfront may incur and for any damages or losses Interfront may suffer.

**4.7 Responsibility for subcontractors and Bidder's personnel**

A Bidder is responsible for ensuring that its subcontractors, personnel (including officers, directors, employees, advisors and other representatives of a Bidder) and personnel of its subcontractors comply with all terms and conditions of this RFT.

**4.8 Confidentiality**

Except as may be required by operation of law, by a court or by a regulatory authority having appropriate jurisdiction, no information contained in or relating to this RFT or a Bidder's Proposal(s) may be disclosed by any Bidder or other person not officially involved with Interfront's examination and evaluation of a Proposal.

No part of the RFT may be distributed, reproduced, stored or transmitted, in any form or by any means, electronic, photocopying, recording or otherwise, in whole or in part except for the purpose of preparing a Proposal. This RFT and any other documents supplied by Interfront remain proprietary to Interfront and must be promptly returned to Interfront upon request together with all copies, electronic versions, excerpts or summaries thereof or work derived there from.

Throughout this RFT process and thereafter, Bidders must secure Interfront's written approval prior to the release of any information that pertains to (i) the potential work or activities to which this RFT relates; or (ii) the process which follows this RFT. Failure to adhere to this requirement may result in disqualification from the RFT process and civil action.

After the closing date, no confidential information relating to the process of evaluating or adjudicating RFT responses or appointing a Bidder will be disclosed to a Bidder or any other person not officially involved with such process.

**4.9 Governing Law**

South African law governs this RFT and the response process of this RFT. The Bidder agrees to submit to the exclusive jurisdiction of the South African courts in any dispute of any kind that may arise out of or in connection with the subject matter of this RFT, the RFT itself and all processes associated with this RFT.

**4.10 Checklist**

Please see Annexure 8 attached hereto.



### 5. RETURNABLE SCHEDULE 1 - ANNEXURE 1 – SBD1

SBD 1

#### INVITATION TO BID

**YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF INTERFRONT**

BID NUMBER: RFT-2014/15-007                      CLOSING DATE: 17 November 2014                      CLOSING TIME: 17:00

DESCRIPTION: Supply of Dell Servers and Server memory

***The successful bidder will be required to fill in and sign a written Contract Form (SBD 7).***

BID DOCUMENTS MAY BE POSTED TO: Postnet Suite #10, P O Box X15, Somerset West, 7129

OR

DEPOSITED IN THE TENDER BOX SITUATED AT (STREET ADDRESS): Gleneagles Building, Somerset Links Office Park, De Beers Avenue, Somerset West

***Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.***

The bid box is generally open 8:00am to 17:00pm on week days only.

ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS  
– (NOT TO BE RE-TYPED)

THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT

**THE FOLLOWING PARTICULARS MUST BE FURNISHED  
(FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)**

NAME OF BIDDER .....

POSTAL ADDRESS .....

STREET ADDRESS .....

CONTACT PERSON .....

TELEPHONE NUMBER    CODE .....    NUMBER.....

CELLPHONE NUMBER .....

FACSIMILE NUMBER    CODE .....    NUMBER.....

E-MAIL ADDRESS .....

VAT REGISTRATION NUMBER .....

HAS AN ORIGINAL AND VALID TAX CLEARANCE CERTIFICATE BEEN SUBMITTED? (SBD 2)  YES or  NO

HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE BEEN SUBMITTED? (SBD 6.1)  YES or  NO

IF YES, WHO WAS THE CERTIFICATE ISSUED BY?

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) .....

A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS); OR .....

A REGISTERED AUDITOR .....

[TICK APPLICABLE BOX]

**(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE 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?  
YES or NO

[IF YES ENCLOSE PROOF]

SIGNATURE OF BIDDER .....

DATE .....

CAPACITY UNDER WHICH THIS BID IS SIGNED .....

TOTAL BID PRICE.....(All inclusive)      TOTAL NUMBER OF ITEMS OFFERED .....

**ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:**

**Department:**            PROCUMENT  
**Contact Person:**    LYNN SOLOMONS  
**Tel:**                      021 840 3400  
**Fax:**                      021 840 3401  
**E-mail address:**      procurement@interfront.co.za

**ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:**

**Contact Person:**    LYNN SOLOMONS  
**Tel:**                      021 840 3400  
**Fax:**                      021 840 3401  
**E-mail address:**      procurement@interfront.co.za

## 6. RETURNABLE SCHEDULE 2 - ANNEXURE 2 – SBD2

SBD 2

### 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 form TCC 001
- 2** “Application for a Tax Clearance Certificate” and submit it to any SARS branch office nationally.
- 3** The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
- 4** 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.
- 5** 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.
- 6** In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
- 7** 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](http://www.sars.gov.za).
- 8** 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](http://www.sars.gov.za).

**7. RETURNABLE SCHEDULE 3 - ANNEXURE 3 – SBD3.1**

**PRICING SCHEDULE – FIRM PRICES SBD 3.1 (ANNEXURE 3A)  
(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: <u>RFT-2014/15-007</u>
Closing Time: <u>17:00</u>	Closing date: <u>17 November 2014</u>

OFFER TO BE VALID FOR 30 DAYS FROM THE CLOSING DATE OF BID.

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

- Required by: Interfront SOC Ltd
- At: Gleneagles Building, Somerset Links Office Park, De Beers Avenue, Somerset West
- 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

**PRICE SCHEDULE AND SPECIFICATIONS (ANNEXURE 3B)**

**1. Background**

Interfront requires services of a professional IT Solutions provider company with a good track record to supply 4 X Dell PowerEdge R720 Servers or equivalent and 24 X 16GB Dell 1600MHz Memory Modules or equivalent.

**2. Scope**

The scope of this request is to appoint 1 (one) supplier to supply 4 X Dell Servers and memory.

**3. Deliverables**

**Price Schedule – (Mandatory) must be completed by all bidders**

Prices on this price schedule has to be in accordance with the specifications provided below.

Please return the below price schedule with your tender documents and include a detailed quotation.

Spec No and Description	Quantity	Price
Dell PowerEdge R720 Server or equivalent	4	
16GB Dell RDIMMS,1600MHz,Low Volt, Dual Rank for Dell R720 or equivalent	24	
Estimated delivery/lead time	In days	

***Should the awarded supplier fail to deliver any or all of the deliverables within the lead time specified above, Interfront has the right to impose penalties or terminate the order/contract. See clause 21, 22 and 23 of the General Conditions of Contract.***

**4. Specifications**

The successful bidder must be able to provide servers with the exact specifications as below or latest equivalent spec released by Dell which has been approved by Interfront.

Spec No and Description
4 X PowerEdge R720 <ul style="list-style-type: none"> <li>• 3Yr Basic Warranty - Next Business Day</li> <li>• 3Yr Basic Warranty - NBD Included-No upgrade Selected</li> </ul>

- PowerEdge Order - South Africa
- Declined Proactive Maintenance (Info)
- INFO Declined Remote Consulting
- Order Config. Shipbox Label (PO Number ,Ship Date, Model, Processor Speed ,HDD Size, RAM)
- No Installation Service Selected
- PowerEdge R720 Shipping  
EMEAM1(English/French/German/Spanish/Russian/Hebrew)
- Risers with up to 6, x8 PCIe Slots +1,x16 PCIe
- Broadcom 5719 QP 1Gb Network Interface Cardcalc
- iDRAC7 Enterprise with VFlash,8GB SD Card
- (2)Emulex Oneconnect OCe141022-UX-D,Dual Port PCIe 10GbE CNA Card, Low Profile
- QLogic 2560,Single Port 8Gb Optical Fibre Channel HBA.
- QLogic 2560,Single Port 8Gb Optical Fibre Channel HDBA, Low Profile
- Broadcom 5720 QP 1Gb Network Daughter Card
- 2.5" Chassis with up to 16 Hard Drives
- Bezel
- Performance BIOS Setting
- C3-RAID 1 for H710p/H710/H310, 2 HDDs
- PERC H710 Integrated RAID Controller,512MB NV Cache
- Intel Xeon E5-2670,2.60GHz,20M Cache,8.0GT/s QPI Turbo,8C,115W,DDR3-1600MHz.
- Intel Xeon E5-2670,2.60GHz,20M Cache,8.0GT/s QPI Turbo,8C,115W,DDR3-1600MHz
- (16) 16GB RDIMMS,1600MHz,Low Volt, Dual Rank,x4 Data
- RDIMMS Performance Optimized
- (2) 146GB,SAS 6Gbps,2.5",15K RPM HDD(Hot Plug)
- Electronic System Documentation & Open Manage DVD Kit for R7520 & R720xd.
- 8X DVD +/-RW, SATA Internal
- Ready Rails Sliding Rails with Cable Management Arm.
- Dual, Hot Plug, Redundant Power Supply (1+1),750W
- (2) Rack Power Cord 2M (C13/C14 12A)
- Emulex Transceiver,SFP+,10Gbe,Short-Range,for use in Emulex OCe141022 10Gb Server Network Adapter
- Internal Dual SD Module with 2x 1GB SD Card
- No Operating System

24 X 16GB Dell RDIMMS,1600MHz,Low Volt, Dual Rank for Dell PowerEdge R720

## 8. RETURNABLE SCHEDULE 4 - ANNEXURE 4 – SBD4

SBD 4

### DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state<sup>1</sup>, 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 a price quotation, advertised competitive bid, limited bid or proposal). 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: .....
  - 2.1 Identity Number: .....
  - 2.2 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>): .....
  - 2.3 Company Registration Number: .....
  - 2.4 Tax Reference Number : .....
  - 2.5 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.

<sup>1</sup>“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.

<sup>2</sup>“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.

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

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 / N/A**

2.7.2.1 If yes, did you attached 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.

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

2.10 Are you, or any person connected with the bidder, 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?

**YES/NO**

2.10.1 If so, furnish particulars.

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

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract?

**YES/NO**

2.11.1 If so, furnish particulars:

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

**3. Full details of directors / trustees / members / shareholders.**

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

**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 IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....

Signature

.....

Date

.....

Position

.....

Name of bidder

May 2011

## 9. RETURNABLE SCHEDULE 5 - ANNEXURE 5 – SBD6.1

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

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).

1.1 The value of this bid is estimated to exceed/not exceed R1 000 000 (all applicable taxes included) and therefore the 80/20 system shall be applicable.

1.2 Preference points for this bid shall be awarded for:

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

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

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

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;
- 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:

- Ps** = Points scored for comparative price of bid under consideration
- Pt** = Comparative price of bid under consideration
- Pmin** = Comparative price of lowest acceptable bid

**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.

**6. BID DECLARATION**

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:

- (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? **YES / NO** (delete which is not applicable)

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

9.1 Name of company/firm .....

9.2 VAT registration number .....

**9.3** Registration number .....

**9.4** Type of company or firm (please select)

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

**9.5** Describe the principal business activities

.....  
 .....

**9.6** Company classification (please select)

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

**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. ....

2. ....

..... SIGNATURE(S) OF BIDDER(S)
------------------------------------

DATE: .....

ADDRESS: .....



## 10. RETURNABLE SCHEDULE 6 - ANNEXURE 6 – SBD8

SBD 8

### DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
  - a. abused the institution’s supply chain management system;
  - b. committed fraud or any other improper conduct in relation to such system; or
  - c. failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury’s Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p><b>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</b></p> <p>The Database of Restricted Suppliers now resides on the National Treasury’s website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If YES, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p><b>The Register for Tender Defaulters can be accessed on the National Treasury’s website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

4.2.1	If <b>YES</b> furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If <b>YES</b> , furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If <b>YES</b> , furnish particulars:		

**CERTIFICATION**

I, THE UNDERSIGNED (FULL NAME).....  
**CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.**

**I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.**

.....  
**Signature**

.....  
**Date**

.....  
**Position**

.....  
**Name of Bidder**

Js365bW

## 11. RETURNABLE SCHEDULE 7 - ANNEXURE 7 – SBD9

SBD 9

### CERTIFICATE OF INDEPENDENT BID DETERMINATION

1. This Standard Bidding Document (SBD) must form part of all bids<sup>1</sup> 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).<sup>2</sup> 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:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> 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:

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—  
(Bid Number and Description)

in response to the invitation for the bid made by:

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—  
(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.

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
7. 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.
8. 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.
9. 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.

<sup>3</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

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**

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**12. RETURNABLE SCHEDULE 8 - ANNEXURE 8 - Checklist:****Documents to include in your tender pack****Tick if you have included**

Invitation to bid (SBD 1)	<input type="checkbox"/>
Original and valid Tax Clearance Certificate (SBD 2)	<input type="checkbox"/>
Price Schedule (SBD 3.1) (Annexure 3A)	<input type="checkbox"/>
Completed Price Schedule and Specifications (Annexure 3B)	<input type="checkbox"/>
Declaration of Interest (SBD4)	<input type="checkbox"/>
Preference points claim form (SBD 6.1)	<input type="checkbox"/>
BEE certificate	<input type="checkbox"/>
Declaration of past supply chain management practices (SBD 8)	<input type="checkbox"/>
Certificate of independent bid determination (SBD 9)	<input type="checkbox"/>
Company profile	<input type="checkbox"/>
Dell Certificate	<input type="checkbox"/>
Audited Annual Financial Statements	<input type="checkbox"/>
Contactable references x 2	<input type="checkbox"/>
Print General Conditions of Contract, initial each page and include in pack <a href="http://www.treasury.gov.za/divisions/ocpo/sc/GeneralConditions/default.aspx">http://www.treasury.gov.za/divisions/ocpo/sc/GeneralConditions/default.aspx</a>	<input type="checkbox"/>
All pages of the Tender pack has been initialled	<input type="checkbox"/>