

**Supply and Install Metro Ethernet Fibre Services
to International Frontier Technologies for a
period of three (3) years
Company Reg. no: 2009/007987/30**

Tender Number	RFT-1-2019/20 Metro Ethernet Fibre Services
Mode of Bid Submission	Hand delivery / courier
Date of advertisement	14 June 2019
Site visits	On request
Last Date & Time of Submission of Bid	05 July 2019 at 11H00 Tender documents received after this date and time will not be accepted regardless of the method used to send or deliver such documents
Date & Time of Opening of Bids	05 July 2019 at 11H00
Bidding Document Cost	No cost
Bidding Documents Obtainable From	Bidders are requested to download the bid documents from Interfront's website at: http://www.interfront.co.za/procurement.html
Bid Submission Address	Bid documents must be deposited into the Tender Box at: Gleneagles Building, Somerset Links Office Park, De Beers Avenue, Somerset West The bid box will only be available from: Mondays to Fridays 08H00 to 17H00
Contact Details (for enquiries only)	Mrs. Lynn Solomons Tel no: 021 840 3400 Fax no: 021 840 3401 E-Mail: procurement@interfront.co.za



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1. PART 1 – INTRODUCTION

1.1 Introduction

International Frontier Technologies SOC Ltd (hereinafter referred to as “Interfront”) is a wholly owned subsidiary of the South African Revenue Service (SARS). However, Interfront’s business operations function independently through its own Board of Directors and it strives to be a fully sustainable, eco-friendly body. Interfront is developing customs and border management information technology (IT) solutions for SARS and supports the systems it has in operation with clients.

1.2 Invitation to prospective suppliers

This request for tender RFT-1-2019/20 Metro Ethernet Fibre Services (hereinafter referred to as “Deliverables”), is an invitation by Interfront to prospective service providers to submit tenders, as further described in Annexure 2 hereof.

1.3 Duration of service

It is Interfront’s intention to enter into an agreement with the awarded service provider for a period of three (3) years.

1.4 Type of contract for Deliverables

The selected service providers will be requested to enter into negotiations with Interfront in order to conclude a service level agreement for the provision of the Deliverables as described in Annexure 2 to this Request for Tender (RFT). It is Interfront’s intention to enter into an agreement based on the specifications as set out in Annexure 2 to this RFT with only one (1) legal entity. The quantity of the order may vary and the Annexure serves only as a best estimate.

1.5 Contact details

Any queries regarding this bid or on any matter arising from or referred to in this document, must be addressed to Mrs. Lynn Solomons, in writing, as set out hereunder in table 1. Under no circumstances may any other employee of Interfront be approached for any information. Any such action may result in a disqualification of a tender submitted in response to this RFT.

Table 1

Enquiries	
Contact Person:	Lynn Solomons
Tel no:	021 840 3400
email address:	procurement@interfront.co.za
Closing date for enquiries:	28 June 2019

2. PART 2 – CONDITIONS OF CONTRACT

2.1 General Conditions of Contract

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

2.2 Special Conditions of Contract

2.2.1 Tax Compliance

When submitting a tender to Interfront, bidders must be tax compliant and registered on the Central Supplier Database (CSD) of National Treasury. Bidders must also submit a **valid** Tax Clearance Certificate as part of their tender documents with their tax compliance status (TCS) authorization pin for Interfront to validate the bidders' tax compliance status on e-filing if needed. Bidders' tax compliance status will also be checked on National Treasury's CSD. No tender will be awarded to a bidder who is not tax compliant and/or not registered on National Treasury's CSD.

2.2.2 Interfront reserves the right to:

2.2.2.1 Cancel or reject any bid; not award the tender to the bidder who scores the highest price preference points; award the tender in part or in full to one or more bidders on a non-exclusive basis, cancel or reject any tender and not award the tender at all.

2.2.2.2 Interfront reserves the right in its sole discretion to:

- withdraw, suspend or cancel this RFT at any time;
- change any condition, procedure or rule of the RFT by notice to all bidders;
- 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 bidders;
- re-advertise for RFT responses;
- provide further information in respect of, and modify the provisions or rectify any mistakes of this RFT at any time prior to the closing date by notice to all bidders;
- disqualify any person who is a bidder or prospective provider of goods or services, or a recipient or prospective recipient of goods disposed of or to 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.

2.2.3 The following will lead to the immediate disqualification of a bidder:

2.2.3.1 Bidders who submit information that is fraudulent, factually untrue or inaccurate, for example memberships that do not exist, falsified BEE credentials, experience, qualifications, etc.

2.2.3.2 Bidders who received information not available to other vendors through fraudulent means;

2.2.3.3 Bidders who try to influence the bidding process by illegal means.

- 2.2.3.4 Bidders who fail to declare their interest in Interfront, dealings or relationships with any staff member of Interfront.
- 2.2.3.5 Tenders that are delivered after the closing date and time of the tender, regardless of the method used to send or deliver the tender documents.
- 2.2.4 The following bidders may be disqualified:**
- 2.2.4.1 Bidders who fail to provide proof of their tax compliance status;
- 2.2.4.2 Bidders who fail to provide written proof from the SARS that, that Bidder has no tax obligations;
- 2.2.4.3 Bidders who submitted incomplete information and/or documentation according to the requirements of this RFT;
- 2.2.4.4 Bidders who do not comply with any other requirements as stipulated in this document;
- 2.2.4.5 Bidders who do not meet any of the mandatory requirements;
- 2.2.4.6 Bidders who are not registered on the CSD of National Treasury.
- 2.2.4.7 Proposals/bids that are qualified by a bidder's own conditions may be rejected as being invalid, and failure of the bidder to renounce such conditions when called upon to do so may invalidate the proposal.
- 2.2.5 Costs**
All costs must be stipulated. No costs will be paid for if not stipulated in the tender.
- 2.2.6 Submission of tender documents:**
Tender documents must be in hardcopy, sealed and properly packaged with RFT-1-2019/20 Metro Ethernet Fibre Services on it. Each page of the tender documents must be initialled by the bidder. Tender documents will only be considered if received by Interfront before the closing date and time, regardless of the method used to send or deliver such documents to Interfront. No electronic submission of tender documents is allowed. Late bids will not be accepted. Only originally signed tender documents will be accepted. No photocopies of signed documents will be allowed.
- 2.2.7 Central supplier database (CSD) registration**
All bidders partaking in this tender must be registered on National Treasury's Central Supplier Database (CSD) at website www.csd.gov.za
- 2.2.8 Checklist**
Take note of Returnable Schedule 7 attached hereto.
- 2.2.9 Information to be provided by the bidder**
- 2.2.9.1 Proven relevant experience and success, as well as the ability to deliver a reliable, efficient and effective service will be important considerations. By submission of a tender each bidder warrants that he/she/it is highly skilled, professional, competent and experienced in the area for which he/she/it has tendered.
- 2.2.9.2 Any work performed by a successful bidder will be evaluated against these criteria.
- 2.2.9.3 The bidder also warrants that the goods/service provided will be of a superior standard, and is unlikely to cause undue difficulties.
- 2.2.9.4 Interfront may request clarification or additional information regarding any aspect of the proposal. The bidder must supply the requested information promptly and in writing.
- 2.2.9.5 Interfront may also request a demonstration and bidders must comply with such a request within acceptable time frames.
- 2.2.10 Acceptance of RFT conditions**
The bidders' participation in this RFT process is deemed to constitute acknowledgement and acceptance by the bidder of the Special Conditions of Contract contained in this RFT as well and National Treasury's General Conditions of Contract.

2.2.11 Validity of information

Interfront has made reasonable efforts to ensure accuracy in compiling this RFT. However, neither Interfront, nor its employees, directors, officers, advisers, shareholder or representatives 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 a bid.

2.2.12 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 employees, directors, officers, advisers, shareholder or representatives) is a representation that Interfront will offer, award or enter into a contract.

2.2.13 Preparation Costs

The bidder will bear all its costs in preparing, submitting and presenting any response or tender 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 employees, directors, officers, advisers, shareholder or representatives under any obligation whatsoever, including in respect of costs, expenses or losses incurred by the bidders in the preparation of their response or tender to this RFT.

2.2.14 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.

2.2.15 Responsibility for subcontractors and bidder's personnel

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

2.2.16 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 bid(s) may be disclosed by any bidder or other persons not officially involved with Interfront's examination and evaluation of a bid.

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 bid. 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.

2.2.17 Joint Ventures, Consortiums and Trusts

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.

A trust, consortium or joint venture will qualify for points for the 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 preferred for every separate bid.

Bidders must submit concrete proof of the existence of joint ventures and/or consortium arrangements. Signed agreements will be acceptable as proof of the existence of a joint venture and/or consortium arrangement.

The joint venture and/or consortium agreements must clearly set out the roles and responsibilities of the lead partner and the joint venture and/or consortium party. The agreement must also clearly identify the lead partner, with the power of attorney to bind the other party/parties in respect of matters pertaining to the joint venture and/or consortium arrangement.

Bidders must submit concrete proof of the existence of joint ventures and/or sub-contracting arrangements. Interfront will accept signed agreements as acceptable proof of the existence of a joint venture and/or sub-contracting arrangement.

2.2.18 National Treasury

No tender shall be awarded to a bidder whose name (or any of its members, directors, partners or trustees) appears on the Register of Tender Defaulters kept by National Treasury, or who have been placed on National Treasury's List of Restricted Suppliers. Interfront reserves the right to withdraw an award, or cancel a contract concluded with a bidder should it be established, at any time, that a bidder has been blacklisted with National Treasury by another government institution.

2.2.19 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.

3. PART 3 – EVALUATION

3.1 After the closing date:

- Interfront may request additional information, clarification or verification in respect of any information contained in or omitted from a bidder's bid, which Interfront may do either in writing or at a meeting convened with the bidder for that purpose;
- no amendment may be made to a bid, unless specifically permitted or requested by Interfront;
- Interfront may shortlist bidders and may request presentations from short-listed bidders to give an oral presentation, which may include, but is not limited to, an equipment/service demonstration of their bid. This is an optional fact finding process which provides an opportunity for the bidder to clarify or elaborate on their bid. 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
- Interfront will enforce whatever measures it considers necessary to ensure the confidentiality and integrity of the contents of the RFT responses;
- Interfront will evaluate the RFT responses with reference to Interfront's Evaluation Criteria detailed in paragraph 3.2. Interfront reserves the right to employ subject matter experts to assist in performing such evaluations.

3.2 Evaluation criteria and methodology

Documents (mandatory and non-mandatory) will be evaluated according to the criteria specified in this RFT.

3.2.1 Pre-qualification

Bidders who respond to this RFT must have Internet Service Providers' Association (ISPA) membership.

Furthermore, only bidders who have a minimum level four (4) B-BBEE status level of contributor may respond with tenders to this RFT as provided for in the Preferential Procurement Regulations, 2017.

3.2.2 Gate 1 - Pre-evaluation / Mandatory requirements

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 tender complies with the provisions of Part 2 and Part 3 of this RFT.

Table 2

Pre-qualification / Mandatory requirements	Tick	
Bidder has a minimum level 4 B-BBEE status level of contributor?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Invitation to bid – SBD 1 document included	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Pricing schedule – SBD 3.1 document included	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Declaration of Interest – SBD 4 document included	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Preference points claim form – SBD 6.1 document included	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Declaration of Bidder’s past Supply Chain Management Practices – SBD 8 document	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Certificate of Independent Bid Determination – SBD 9 document included	Yes <input type="checkbox"/>	No <input type="checkbox"/>
General Conditions of Contract (GCC) document included	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Central Supplier Database (CSD) registration report with supplier CSD number included	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Company bank stamped letter (not older than six (6) months) document included	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Tax Clearance Certificate and Tax Compliance Status pin documents included	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Bidders to provide proof of membership with ISPA	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Two (2) complete sets of the most recent of audited / reviewed annual financial statements in the name of the bidding entity.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Non-compliance to the above mentioned documents will disqualify the bid.		

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:

- 3.2.2.1 Entirely reject the tender in question and not to evaluate it at all;
- 3.2.2.2 Give the bidder an opportunity to supplement the information provided by it under its tender so as to achieve full compliance with the pre-qualification criteria within a period prescribed by Interfront;
- 3.2.2.3 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
- 3.2.2.4 In any event permit the tender to be evaluated.

3.2.3 Gate 2 – Functionality evaluation

Only bidders who submitted all the mandatory documents as listed in Gate 1 will be evaluated in Gate 2. Bidders must score a minimum of 85 out of 100 during the functionality evaluation. The points scored for each criterion will be multiplied with the specified weighting for the relevant criterion to obtain the marks scored for each criterion. The total score will be converted to a percentage and only bidders who have met or exceeded the minimum threshold of 85% for functionality will be considered. A bidder who scores **LESS than 85%** will be regarded as submitting a non-responsive bid and shall not be evaluated further.

All bidders who score 85% or more for functionality will be evaluated further on points for price and B-BBEE in terms of the 80/20 preference point system.

The bidder’s quotation must be included and must meet the required specifications on page 17 to 19 in full in order to proceed to price and BEE evaluation. If the bidder’s specifications do not meet Interfront’s specifications 100% the bidder will not be evaluated further.

Table 3

Functionality Evaluation Criteria	Weighting	Scoring Criteria
<p>3.2.3.1 The bid must be complete and must meet the technical specification provided.</p> <p>Quotations must be clearly detailed with descriptions of all specifications required in the statement of requirements.</p> <p>Any deviations from the specification must be sufficiently motivated and detailed on the proposal.</p>	20	<p>Invalid/incorrect or incomplete specification – 0 points</p> <p>Quotations that do not have a full detailed breakdown of all specifications required – 0 points</p> <p>Complete and correct specification – 5 points</p>
<p>3.2.3.2 Bidders are required to provide a fully detailed Project Plan covering the project kick-off through to project sign-off. Provide all tasks, activities and resources as well as milestones and contingency plans to manage milestones.</p> <p>The service is estimated to be activated on the 01 September 2019, however prior to this, we require the service to run parallel for 30 days with the current provider for testing purposes.</p>	20	<p>Activation of service within 2 weeks of placing order – 5 points</p> <p>Activation of service within 4 weeks of placing order – 4 points</p> <p>Activation of service more than 4 weeks after placing order – 0 points</p>
<p>3.2.3.3 Bidders to submit a Service Level Agreement (SLA) offering and guaranteeing minimum quality of service and technical support response time, align to proposed SLA in point 3.2.4</p>	20	<p>All SLA information provided – 5 points</p> <p>SLA requirement not provided – 0 points</p>
<p>3.2.3.4 Telephonic and Technical support 24H/day/365 days/year, based in South Africa.</p>	20	<p>Requirement met – 5 points</p> <p>Requirement not met – 0 points</p>
<p>3.2.3.5 Bidder's experience in delivering ISP services</p>	20	<p>Less than 1 year experience = 0 points</p> <p>1-5 year experience = 3 points</p> <p>6-10 year experience = 4 points</p> <p>+10 year experience = 5 points</p>
Total	100	Minimum threshold is 85

3.2.4 Proposed Service Level Agreement

Service Availability Guarantee

The ISP shall guarantee that:

- 99.8% availability of the solution provided on a yearly basis.
- The Service Provider must have network redundancy in place to provide failover connectivity in the case of link failure. The failover should be automatic and seamless. The network implementation with regard to routing and IP addressing should remain the same,

irrespective of mode of operation. Once the service is restored, failback to the primary link should also be automatic. When an outage is experienced, a detailed incident report will always be required.

Bandwidth Guarantee

The ISP shall provide a guarantee that:

- 95% of the bandwidth will be available, at any moment, to reach a destination within the ISP network
- 80% of the bandwidth will be available, at any moment, to reach a destination of a major service or content provider.

Latency Guarantee

The ISP shall provide a guarantee that latency shall be no more than 35ms.

Packet Loss

The ISP shall provide a guarantee that packet loss will not exceed 0.01% for 99% of the time on a monthly basis.

SLA Violations

The ISP shall provide a document that describes compensations based on requested SLAs. For this purpose, the ISP shall provide a reporting platform which shows accurate statistics and service performance.

Maintenance Windows

Notice of planned maintenance impacting services must be given to Interfront in advance.

ISP Contact

The ISP shall provide a single point of contact (SPOC) for Incident Management and Service Requests and another single point of contact for Contractual issues.

Technical Support

Telephonic and Technical support 24H/day / 365 days/year, based in South Africa.

3.2.5 Gate 3 – Financial viability

An analysis of the bidders' financial statements will be conducted for the purposes of establishing the bidders' financial viability and ability to meet all of its contractual obligations for the duration of the contract, should the bidder be awarded the contract.

3.2.6 Gate 4 – Price and BEE evaluation

3.2.6.1 Only bidders who score a minimum of 85% in gate 2 and who passed gate 3, will move on to gate 4. The price and BEE evaluation shall be based on the Preferential Procurement Policy Framework Act, 2000: Preferential Procurement Regulations, 2017 and the points for evaluation criteria are as follows:

The 80/20 Preference point system will be used for this tender for the acquisition of goods/services with the Rand value equal to or above R30 000 and up to a Rand value of R50 million, inclusive of all applicable taxes:

Table 4

Adjudication Criteria	Points
Price Evaluation	80
BEE Evaluation	20
TOTAL	100

3.2.6.2 Price shall be scored as follows:

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

Where: **P_s** is the number of points scored for price;
P_t is the comparative price of the bid under consideration;
P_{min} is the comparative price of the lowest acceptable bid.

3.2.6.3 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 4: SBD6.1
- B-BBEE Status Level of Contributor.
- A bidder may not be awarded points for B-BBEE status level of contributor if the bid documents indicate that the bidder intends subcontracting more than 25% of the value of the contract to any other person not qualifying for at least the points that the bidder qualifies for, unless the intended subcontractor is an EME that has the capability to execute the subcontract.
- Up to 20 evaluation points (NP) will be awarded for the level of B-BBEE contribution, in accordance with table 5 below:

Table 5

B-BBEE Status Level of Contributor	Number of Points for Preference
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

Refer to: http://www.thedti.gov.za/economic_empowerment/bee.jsp for the BEE Act and information.

3.2.6.4 The total number of adjudication points (N_T) shall be calculated as follows:

$$N_T = P_S + N_P$$

Where: P_S is the number of points scored for price

N_P is the total number of BBBEE points obtained

3.3 Process following evaluation

3.3.1 Following Interfront's evaluation of the RFT responses in this RFT, Interfront has the right to, *inter alia*, in its sole discretion:

3.3.1.1 Shortlist one or more bidder(s) for award;

3.3.1.2 Undertake a Best and Final Offer (BAFO) process;

3.3.1.3 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

3.3.1.4 Take any other action it deems appropriate.

3.3.2 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.

3.3.3 Interfront will be under no obligation to select the bidder with the highest number of points.

3.3.4 Upon an award, the successful bidder will be required to enter into the agreement with Interfront. In this regard:

3.3.4.1 Interfront may require the bidder to enter into an interim agreement under which the transition services would commence;

3.3.4.2 Interfront may enter into negotiations with the bidder with a view to concluding the agreement;

3.3.4.3 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 bid; the bidder is not negotiating in good faith; or an agreement may not be expeditiously concluded with the bidder for any other reason.

RETURNABLE SCHEDULE 1 - ANNEXURE 1 – SBD 1

PART A
INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF INTERFRONT					
BID NUMBER:	RFT-1-2019/20	CLOSING DATE:	05 July 2019	CLOSING TIME:	11H00
DESCRIPTION	Supply and Install Metro Ethernet Fibre Services				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
Gleneagles Building					
Somerset Links Office Park					
De Beers Avenue, Somerset West					
The bid box will only be available from Mondays – Fridays, 08H00 to 17H00					
BIDDING PROCEDURE ENQUIRIES & TECHNICAL ENQUIRIES MAY BE DIRECTED TO:					
CONTACT PERSON	Lynn Solomons				
TELEPHONE NUMBER	021 840 3400				
FACSIMILE NUMBER	021 840 3401				
E-MAIL ADDRESS	procurement@interfront.co.za				
SUPPLIER INFORMATION					
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					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	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]	
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?				<input type="checkbox"/> YES	<input type="checkbox"/> NO
DOES THE ENTITY HAVE A BRANCH IN THE RSA?				<input type="checkbox"/> YES	<input type="checkbox"/> NO
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?				<input type="checkbox"/> YES	<input type="checkbox"/> NO
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?				<input type="checkbox"/> YES	<input type="checkbox"/> NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? YES NO
IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.

PART B
TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>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.</p> <p>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.</p> <p>1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</p>
2. TAX COMPLIANCE REQUIREMENTS
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>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.</p> <p>2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.</p> <p>2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>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.</p> <p>2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE.”</p>

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:

RETURNABLE SCHEDULE 2 - ANNEXURE 2 – SBD3.1**PRICING SCHEDULE – FIRM PRICES SBD 3.1 (ANNEXURE 2A)
(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.

OFFER TO BE VALID FOR **180** DAYS FROM THE CLOSING DATE OF BID.

Name of bidder.....	Bid number: RFT-1-2019/20
Closing Time: 11H00	Closing date: 05 July 2019

**** (ALL APPLICABLE TAXES INCLUDED)**

Item no and Description	Price in ZAR
<u>SITE-TO-SITE VPN OVER FIBRE:</u> Cape Town CBD to Somerset West Layer 2 VPN: 30Mbit/s, dedicated synchronous 1:1 contention, unthrottled and unshaped connectivity over fibre for three (3) years	
<u>INTERNET BREAKOUT OVER FIBRE:</u> <u>Somerset West Internet Access:</u> 100Mbit/s, dedicated synchronous 1:1 contention, unthrottled and unshaped Internet breakout over fibre, include 8 static IP addresses for three (3) years	
<u>INTERNET BREAKOUT OVER FIBRE:</u> <u>Somerset West Internet Access:</u> 10Mbit/s, dedicated synchronous 1:1 contention, unthrottled and unshaped Internet breakout over fibre, include 8 static IP addresses for three (3) years	
<u>Cape Town CBD Internet Access:</u> 10Mbit/s, dedicated synchronous 1:1 contention, unthrottled and unshaped Internet breakout over fibre, include 8 static IP addresses for three (3) years	
<u>Additional Requirements</u> The secondary site will move from Cape Town CBD to a new location in the greater Cape Town Metropolitan area during the contract period. The new location which will be advised / confirmed at a later date will require the Cape Town CBD services to be moved to this new site. If the awarded bidder has no presence at the new location, the CAPE TOWN CBD services will be cancelled, unless these services can be made available at the new location.	

Note to pricing

The bidder must take the following into consideration when pricing:

- Detailed deliverables as per the specifications as set out in Annexure 2B;
- 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);

- Required by: **Interfront**

- 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 2B)

1. Background

Interfront seeks to conclude a service contract supported by a Service Level Agreement, to provide site to site connectivity and Internet services over fibre.

2. Key objectives

The objective of this request is to appoint a service provider to provide site to site connectivity and Internet access over fibre for a period of three (3) years. The anticipated contract commencement date is 01 August 2019. The service provider should ensure a smooth transition of the existing services.

3. Statement of requirements

Should the awarded service provider fail to deliver any or all of the deliverables within the delivery time specified on page 11 and 18, Interfront has the right to impose penalties or terminate the order/contract. See clause 21, 22 and 23 of the General Conditions of Contract.

The supplier must be able to supply the exact specification detailed below or latest equivalent specification which has been approved by Interfront. The bidder is to supply Interfront proposals as per the specifications listed in the paragraph 4 below.

4. Specification

4.1 Scope of the Services

The bidder must supply the specification as below or latest equivalent:

SITE-TO-SITE VPN OVER FIBRE:

Cape Town CBD to Somerset West Layer 2 VPN:

30Mbit/s, dedicated synchronous 1:1 contention, unthrottled and unshaped connectivity over fibre

INTERNET BREAKOUT OVER FIBRE:

Somerset West Internet Access:

- 100Mbit/s, dedicated synchronous 1:1 contention, unthrottled and unshaped Internet breakout over fibre, include 8 static IP addresses
- 10Mbit/s, dedicated synchronous 1:1 contention, unthrottled and unshaped Internet breakout over fibre, include 8 static IP addresses

Cape Town CBD Internet Access:

- 10Mbit/s, dedicated synchronous 1:1 contention, unthrottled and unshaped Internet breakout over fibre, include 8 static IP addresses

The primary site is located at:

Gleneagles Building, Somerset Links Office Park, De Beers Avenue, Somerset West, Western Cape, 7130

The secondary site is located at:

SARS, 22 Hans Strijdom Avenue, Cape Town, Western Cape, 7530

Additional Requirements

The secondary site will move from Cape Town CBD to a new location in the greater Cape Town Metropolitan area during the contract period.

The new location which will be advised / confirmed at a later date will require the **Cape Town CBD** services to be moved to this new site.

If the awarded bidder has no presence at the new location, the **CAPE TOWN CBD** services will be cancelled, unless these services can be made available at the new location.

RETURNABLE SCHEDULE 3 - ANNEXURE 3 – SBD4**SBD 4****DECLARATION OF INTEREST**

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes 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, shareholder²):
 - 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.

¹"State" means –

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

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

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

2.7.1 If so, furnish the following particulars:

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

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

Position occupied in the state institution:

Any other particulars:

.....

.....

.....

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

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

(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 / **YES / NO**
trustees / shareholders / members or their spouses conduct
business with the state in the previous twelve months?

2.8.1 If so, furnish particulars:

.....

.....

.....

2.9 Do you, or any person connected with the bidder, have **YES / NO**
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?

2.9.1 If so, furnish particulars.

.....

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

2.10.1 If so, furnish particulars.

.....

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

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

RETURNABLE SCHEDULE 4 - ANNEXURE 4 – SBD6.1**SBD 6.1****PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017**

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, 2017.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

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

1.2

- a) The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable; or
- b) The 80/20 preference point system will be applicable to this tender.

1.3 Points for this bid shall be awarded for:

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

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

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE must not exceed	100

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of

good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

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

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) & \mathbf{or} & P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)
 \end{array}$$

Where

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

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

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

5. BID DECLARATION

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

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

6.1 B-BBEE Status Level of Contributor: =(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 6.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of

Preferential Procurement Regulations,2017:

Designated Group: An EME or QSE which is at last 51% owned by:	EME	QSE
	√	√
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

8.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

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

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing 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 paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered 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 bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

<p>WITNESSES</p> <p>1.</p> <p>2.</p>
--

<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE:</p> <p>ADDRESS</p> <p>.....</p> <p>.....</p>

RETURNABLE SCHEDULE 5 - ANNEXURE 5 – 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-
- abused the institution's supply chain management system;
 - committed fraud or any other improper conduct in relation to such system; or
 - 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	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? (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). The Database of Restricted Suppliers now resides on the National Treasury's website (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If YES, furnish particulars:		
4.2	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)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If YES 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 YES , 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 YES , 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

RETURNABLE SCHEDULE 6 - ANNEXURE 6 – SBD9**SBD 9****CERTIFICATE OF INDEPENDENT BID DETERMINATION**

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

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

RFT-1-2019/20 Metro Ethernet Fibre Services

(Bid Number and Description)

in response to the invitation for the bid made by:

Interfront

(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 consortium³ 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.

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

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

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RETURNABLE SCHEDULE 7 - ANNEXURE 7 - Checklist:

<u>Documents to include in your tender pack / Action taken</u>	<u>Tick if you have included/actioned</u>
Completed Invitation to bid (SBD 1)	<input type="checkbox"/>
Tax Clearance Certificate and TCS authorisation pin	<input type="checkbox"/>
Bidder has a minimum level 4 B-BBEE status level of contributor	<input type="checkbox"/>
BEE certificate / Sworn Affidavit	<input type="checkbox"/>
Completed Price Schedule (SBD 3.1) (Annexure 2A and 2B)	<input type="checkbox"/>
Completed Declaration of Interest (SBD4)	<input type="checkbox"/>
Completed Preference points claim form (SBD 6.1)	<input type="checkbox"/>
Completed Declaration of past supply chain management practices (SBD 8)	<input type="checkbox"/>
Completed Certificate of independent bid determination (SBD 9)	<input type="checkbox"/>
CSD report	<input type="checkbox"/>
Proof of ISPA membership	<input type="checkbox"/>
Two (2) complete sets of the most recent of audited / reviewed annual financial statements	<input type="checkbox"/>
Company profile	<input type="checkbox"/>
The tender is complete and meets specification 100%	<input type="checkbox"/>
Fully detailed project plan included	<input type="checkbox"/>
SLA included	<input type="checkbox"/>
Technical and telephonic support included	<input type="checkbox"/>
Experience in delivering ISP services included	<input type="checkbox"/>
Quotation on company letterhead	<input type="checkbox"/>
Company stamped bank letter (not older than six months)	<input type="checkbox"/>
Print General Conditions of Contract, initial each page and include in this pack http://www.treasury.gov.za/divisions/ocpo/sc/GeneralConditions/default.aspx	<input type="checkbox"/>
All pages of the tender pack has been initialled	<input type="checkbox"/>