



**RFQ 51 of 2024: APPOINTMENT OF A PROFESSIONAL HUMAN RESOURCE
SPECIALIST TO LEAD THE HUMAN RESOURCE UNIT OF THE NELSON MANDELA M
FOR A PERIOD OF THREE MONTHS.**

TERMS OF REFERENCE

➤ ASSIGNMENT OBJECTIVE

The objective is to appoint a professional and competent Human Resource Practitioner of high calibre to;

- To lead and drive the Human Resources Unit turnaround strategy with emphasis on organisational design, change management, restructuring of the organization and employee relations etc
- The incumbent will ensure that Nelson Mandela Museum HR policies comply with the laws and regulations,
- The incumbent will help to promote a good and conducive working environment within NMM and institutional stability
- And will respond timeously to strategical requirements relating to the HR unit and ensure that, ultimately, NMM has a productive and positive institutional culture.

➤ BACKGROUND

The Nelson Mandela Museum is a not-for-profit institution established by the government of South Africa as an agency of the National Department of Sport, Arts and Culture (DSAC). It was established as part of a portfolio of legacy projects that seek to transform the heritage landscape from our apartheid past.

The mandate of the Nelson Mandela Museum (NMM) is to preserve and promote the legacy of Nelson Mandela, and one of its main strategic goals is to improve the museum's public profile and access. This mandate is executed through the museum's two main facilities, the Qunu Youth and Heritage Centre and the Bhunga Building in Mthatha CBD. NMM has since signed Implementation Protocol which

directs the museum to manage and monitor two additional link sites; that are OR Tambo Garden of Remembrance and Ingquza Hill Museum for a period of 3 months.

➤ **SCOPE OF WORK**

The NMM has decided to appoint an HR specialist of high calibre with impeccable experience for a period of three months (November to December 2024 and January 2025) . NMM's Human Resource Management function has a directive and mandate to drive organizational effectiveness, organizational alignment, instill good organizational culture, undertake change management, enforce team and individual performance, encourage staff engagement, and promote good and effective communication across the organization. It also focuses on recruitment and selection initiatives. This implies that the HR position is not transactional and administrative work but plays a strategic business partner role.

▪ **Strategic Duties**

The project scope entails the following:

- Establish and manage medium- to long-term objectives through thorough planning and responding to the needs of the strategy.
- Review and respond to the Annual plan requirements.
- Analyse, review and control internal work methods and inter-unit procedures to ensure effective workflow and compliance with established policies and procedures.
- Analyse, review and coordinate the reduction of risks identified for the unit.
- Compile and present reports on the Unit's outputs and trends and make recommendations where applicable.

- **Administrative Duties**

- Exercise overall control and responsibility for the efficient management of all assets and resources of the Unit.
- Prepare submissions, reports, memorandums and letters on all activities in the Unit.
- Advise and report on the formulation and implementation of a budget for the acquisition and maintenance of assets and equipment.
- Attend/Chair a wide variety of meetings/discussions with subordinates in departmental management meetings and provide the required input/guidance at such meetings/discussions.
- Develop, implement, maintain, and review administrative systems and controls that ensure the unit's efficient, effective, and economical functioning.
- Undertake related assignments.

- **Human Resources**

- Manage the Unit's employees so that they are able to meet their objectives as stated in their job descriptions, duty sheets and performance plans.
- Manage employees by leading and guiding them in the achievement of the Unit's objectives.
- Ensure that through processes of participative and consultative management mechanisms, employees are regularly informed and interact with in relation to the achievement of the Unit's service delivery objectives.
- Ensure workplace discipline in the Unit by administering the Code of Conduct and the Museum's Disciplinary Code and Procedures.
- Evaluate and appraise employees' performance by conducting performance appraisals and other evaluations as needed, holding subordinates

accountable for performance requirements, and taking progressive corrective action as required.

- Manage and control the development and implementation of internal policies and guidelines relating to the Unit's functioning and ensure that these are practised in accordance with legislative requirements, norms, and standards.
- Administer the recruitment, selection, and advancement process of the Unit's employees in accordance with the Museum's Employment Equity Strategy.
- Perform regular skills assessments in relation to changing environment and technology.
- Direct and control the formulation of in-service training and skills development programmes for the Unit's employees
- Plan, direct, guide, facilitate, oversee, and account for all education, training and development projects in the Museum.
- Monitor and report on all education, training and development.
- Plan, direct, guide, facilitate, coordinate, and oversee the identification of human resources development needs that align with organizational knowledge and skills requirements.
- Direct, guide, facilitate and oversee the implementation of the Skills development as required by the act.
- Plan, direct, guide, facilitate and oversee the rendering of succession planning and career pathing service.
- Plan, direct, guide, facilitate, coordinate and oversee the payroll
- Plan, direct, guide, facilitate, coordinate and oversee learnership and internship programmes.
- Plan, direct, guide, facilitate and oversee all policies of the Museum
- Facilitate and coordinate the identification of hazards and risks in the workplace.

▪ **4.4 Organisational Development**

- Oversee the conducting of organisational design.
- Direct, guide, coordinate and oversee the drawing up of job descriptions and the conducting of job evaluation.
- Direct, guide, coordinate and oversee business process and procedure improvement.
- Direct, guide, coordinate and oversee productivity improvement measures.
- Direct, guide, coordinate and oversee the labour relations requirements
- Oversee all the HR related projects and provide guidance to NMM

➤ **CONFIDENTIALITY OF DOCUMENTS**

All produced documents and any other documentation of the assignment must be completed and handed over to Nelson Mandela Museum-they remain property of NMM.

➤ **REQUIRED EXPERTISE, QUALIFICATIONS, AND EXPERIENCE**

A service provider bidding for this assignment should demonstrate possession of the following required expertise, qualifications, and experience:

- Extensive experience in HR Management.
- Resource with the requisite expertise to execute the scope of work and registration with the HR Professional body and any relevant professional body
- Extensive knowledge of South African labour legislations and prescripts and any other relevant prescripts.
- Extensive knowledge of the Protection of Personal Information Act.

Service providers must reflect the above in the form of a proposal to execute the assignment detailed in this ToR with a clear and eloquent approach and methodology.

➤ **TIMEFRAMES**

The appointed service provider will be expected to attend a detailed project briefing with the NMM soon after the appointment. Following the briefing, the service provider will be expected to produce a detailed work plan reflecting all the tasks necessary to complete the assignment and the corresponding timeframes. The assignment period of the envisaged service provider will be in line with the required period to complete the implementation of the project.

The performance of the appointed service will be reviewed continuously based on the approved work plan of the service provider. Should performance be below the required standard according to the work plan, the contract may be terminated through written notification. Adequate opportunities to improve performance will be provided to the service provider through written notices of poor performance.

The Service Provider is to submit a close-out report in the format provided by the NMM and all other developed documentation 20 working days before the last day of the assignment.

On appointment, the Service Provider is to liaise with the NMM to agree on the date for submission of the work plan.

➤ **ACCOUNTABILITY**

The service provider will be accountable to and under the direction of the NMM: CEO in the performance of the assigned duties.

➤ **ASSIGNMENT COST**

Payment for the assignment will be in progress based on the agreed stages of development and delivery of the entire project. The envisaged stages of the project are shown in the table below:

Stage	Description
1	Project Inception
2	Data Collection and Analysis
3	HR Management and documentation
4	Submission of Closeout Report

A detailed pricing schedule inclusive of professional fees, disbursements, and VAT must be provided by the service provider.

Service providers are required to submit all the returnable documents together with their quotations. ***Failure to provide all the Compulsory Returnable Documents at the closing date and time of this RFQ will result in a respondent's disqualification. Respondents are therefore urged to ensure that all these Documents are returned with their Proposals. Failure to submit the Supporting documents for functionality scoring will result in a scoring of zero.***

➤ **COMPULSORY RETURNABLE DOCUMENTS**

- Duly signed & completed **SBD 1** Invitation to BID
- Duly signed & completed **SBD 3.3** Pricing Schedule
- Duly signed & completed **SBD 4** Declaration of Interests form.
- Duly signed & completed **SBD 6.1** Preference points claim form
- Proof of CSD registration

Supporting Returnable Documents (for functionality scoring)

- Reference Letters
- Qualification(s) and CVs
- Project Plan & Methodology
- Proof of Professional body registration

➤ **ESSENTIAL SUPPORTING DOCUMENTS**

Specific goals verification documents as stipulated below must be submitted on or before the closing date and time (*failure to submit on or before the closing date will result in an automatic score of zero for preference*)

➤ **APPLICABLE PREFERENCE POINTS ALLOCATION SYSTEM**

(1) Points for this shall be awarded for:

- (a) Price; and
- (b) Specific Goals.
- (c) Where 80 points will be allocated for price and 20 points allocated for specific goals

(2) The following specific goals are applicable to all procurements of a transaction value above R2 000 and up to R50 000 000

- a. The NMM will utilize the following preference criteria;
 - i. Service providers within the OR Tambo region & Eastern Cape
 - ii. Historically Disadvantaged Individuals (Women, Youth, and People living with disabilities)
 - iii. SMMEs

b.

Category		Sub-categories	Specific goals points	Verification documents
Local Supplier	5	OR Tambo supplier	5	CIPC Registration Certificate (CK) or Proof of residence
		Eastern Cape Supplier	4	
		Anywhere in South Africa	3	
		Non-South African	0	
Women-owned supplier	4	Black African Women	4	CIPC Registration Certificate (CK) and CSD Report
		Non-Black African Women	2	
Youth Owned Supplier	4	Youth Owned (< 35-year-old persons)	4	CIPC Registration Certificate (CK) and CSD Report
		Non-Youth Ownership (> 35-year-old persons)	2	
People living with disabilities	3	People living with disabilities	3	CSD Report
Small Micro, Medium & Enterprises	4	SME – Owned by people with disability	4	CSD Report
		SME – Black owned	3	Sworn Affidavit (BBBEE Affidavit)

		SME – Other	2	
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➤ **EVALUATION CRITERIA**

The bid will be evaluated and adjudicated using the 80/20 system (80 for functionality and 20 for Specific Goals). Functionality will be scored at a maximum of 100 points whereby the bidder must obtain a minimum of 70 points to qualify for the financial evaluation according to the following criteria:

Table 1 below shows the evaluation criteria to be used in evaluating the functionality of the bids.

Evaluation Criteria	Range	Score
1. Reference Letters The service provider must have at least four (4) signed reference letters on the recommending company's letterhead (not older than 3 years).	4 letters= 40 points	40
	3 letters=30 points	
	2 letters=20 points	
	1 letter =10 points	

<p>the HR management</p> <p><i>Submission of purchase orders or appointment letters WILL NOT count.</i></p>	<p>No reference letter(s) or irrelevant letters</p> <p>0 points</p>	
<p>2. Expertise</p> <p>CV and Qualification(s): The team leader must be in possession of a minimum of a relevant NQF level 7 Qualification in Human Resources Management, Job/Organisational Design or relevant.</p> <p>CV with a minimum of five (5) years' experience in Human Resource Management.</p> <p>CV and Copy of Qualifications must be submitted. The service provider should make clear the relevant skills, experience, and capacity. The service provider must have adequate</p> <p>Experience and exposure</p>	<p>Experience</p> <ul style="list-style-type: none"> ▪ 3 or more years' experience = 10 points ▪ 2 years' experience = 5 points <ul style="list-style-type: none"> ▪ 1 years' experience = 3 points <p>Less than 1 year to 0 experience =0 points</p>	10
	<p>Qualification</p> <ul style="list-style-type: none"> ▪ NQF level 7 and above=10 points ▪ NQF level 6 = 5 points ▪ NQF level 5= 3 points ▪ NQF level 4= 2 points 	10

	<ul style="list-style-type: none"> ▪ NQF level 3 and lower= 1 points <p>No qualification = 0 points</p>	
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<p>3. Project Plan and Methodology</p> <p>Provide a project plan and methodology clearly articulating the stages of the required services and period of delivery with a project duration of two (2) months period. The service provider must explain the understanding of the objectives of this exercise, the approach, and the methodology for carrying out this exercise. The main activities of the exercise are the content and duration, phasing and interrelations, milestones, and delivery dates of the reports. The proposed work plan should be consistent with the approach and methodology.</p>	<ul style="list-style-type: none"> ▪ Excellent = 20 points ▪ Good =15 points ▪ Poor = 10 points ▪ None= 0 points 	20
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<p>4. Professional Registration</p> <p>Registration with Human Resources Professional body (e.g. South African Board of People Practices – SABPP)</p>	<p>-Registered as Master HR Professional = 20 points</p> <p>-Registered as Chartered HR Professional = 18 points</p> <p>-Registered as HR Professional = 16 points</p> <p>-Registered as HR Associate = 12 points</p> <p>-Registered as HR Technician = 10 points</p> <p>-Registered as HR Candidate = 5 point</p> <p>-No Registration = 0 points</p>	<p>20</p>
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➤ **RFQ DOCUMENT SUBMISSION**

- All quotations together with the compulsory and essential returnable documents must be forwarded to: supplychain@nelsonmandelamuseum.org.za
- Closing date for the submission of quotations is **8 November @ 12h00**
- **NO FAXED OR HAND DELIVERED QUOTATIONS SHALL BE ACCEPTED**

➤ **DISCLAIMERS**

The NMM is not committed to any course of action as a result of its issuance of this RFQ and/or its receipt of a Proposal in response to it. Please note that the NMM reserves the right to:

- modify the RFQ's service(s) and request Respondents to requote on any changes;
- reject any Quotation which does not conform to instructions and specifications which are detailed herein;
- disqualify Quotations submitted after the stated submission deadline;
- not necessarily accept the lowest priced bid;

➤ **ENQUIRIES**

All communications and enquiries/requests for clarification relating to this RFQ should be directed to the contact person:

FOR BID ADMINISTRATION & SERVICE PROVIDER SPECIFICATIONS
Ms M Mputa
Email: mihlali@nelsonmandelamuseum.org.za
Supply Chain Specialist
<i>Technical Enquiries:</i>
Dr V Booï
Email: vuyani@nelsonmandelamuseum.org.za
NMM CEO



Vuyani Gweki Booï - CEO



in the footsteps ...

NELSON MANDELA MUSEUM

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Telephone: + 27 (0) 47 501 9500 | Facsimile: + 27 (0) 047 532 3345

Email: info@nelsonmandelamuseum.org.za | www.nelsonmandelamuseum.org.za

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON			CONTACT PERSON		
TELEPHONE NUMBER			TELEPHONE NUMBER		
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS			E-MAIL ADDRESS		
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES 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?

YES NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?

YES NO

IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.

PRICING SCHEDULE
(Professional Services)

NAME OF BIDDER:	BID NO.:
.....	
CLOSING TIME 11:00	CLOSING
DATE.....	

OFFER TO BE VALID FORDAYS FROM THE CLOSING DATE OF BID.

ITEM NO INCLUDED)	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES
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1. The accompanying information must be used for the formulation of proposals.
2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project.
R.....

3. PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)

RATE	4. PERSON AND POSITION	HOURLY RATE	DAILY
-----	-----	-----	R-----
-----	-----	-----	R-----
-----	-----	-----	R-----
-----	-----	-----	R-----
-----	-----	-----	R-----
-----	-----	-----	R-----

5. PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT

-----	-----	R-----
-----	----- days	R-----
-----	----- days	R-----
-----	----- days	R-----
-----	----- days	R-----

5.1 Travel expenses (specify, for example rate/km and total km, class of airtravel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED AMOUNT	RATE	QUANTITY
..... R.....		.....
..... R.....		.....
..... R.....		.....
..... R.....		.....
	TOTAL:	
R.....		

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

5.2 Other expenses, for example accommodation (specify, eg. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED AMOUNT	RATE	QUANTITY
..... R.....	
..... R.....	
..... R.....	
..... R.....	

TOTAL:

R.....

6. Period required for commencement with project after acceptance of bid
.....

7. Estimated man-days for completion of project
.....

8. Are the rates quoted firm for the full period of contract?
*YES/NO

9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index.
.....

.....

.....

.....

*[DELETE IF NOT APPLICABLE]

Any enquiries regarding bidding procedures may be directed to the –

(INSERT NAME AND ADDRESS OF DEPARTMENT/ENTITY)

Tel:

Or for technical information –

(INSERT NAME OF CONTACT PERSON)

Tel:

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state? **YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

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

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

2.2.1 If so, furnish particulars:

.....
.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

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

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

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

3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.

3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.

3.5 The terms of the accompanying bid have not been, and will not be, disclosed by

² Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

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.

- 3.6 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.7 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.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON ENHANCING COMPLIANCE, TRANSPARENCY AND ACCOUNTABILITY IN SUPPLY CHAIN MANAGEMENT SHOULD THIS DECLARATION PROVE TO BE FALSE.

..... Signature	..... Date
..... Position	..... Name of bidder

SBD 6.1

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

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

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

1. GENERAL CONDITIONS

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

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

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

(delete whichever is not applicable for this tender).

- a) The applicable preference point system for this tender is the 90/10 preference point system.
- b) The applicable preference point system for this tender is the 80/20 preference point system.
- c) Either the 90/10 or 80/20 preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

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

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

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

The maximum points for this tender are allocated as follows:

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

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

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

80/20

or

90/10

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

3.2.1. POINTS AWARDED FOR PRICE

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

80/20

or

90/10

$$Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right) \text{ or } Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based

on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

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

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

(b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

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

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

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)

		state)		

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name _____ of
 company/firm.....

4.4. Company _____, registration _____ number:

4.5. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One-person business/sole propriety
- Close corporation
- Public Company
- Personal Liability Company
- (Pty) Limited
- Non-Profit Company
- State Owned Company

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

	..... SIGNATURE(S) OF TENDERER(S)
SURNAME AND NAME:	.....
DATE:	.....
ADDRESS:	.....

CONTRACT FORM - PURCHASE OF GOODS/WORKS

THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SUCCESSFUL BIDDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SUCCESSFUL BIDDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.

PART 1 (TO BE FILLED IN BY THE BIDDER)

1. I hereby undertake to supply all or any of the goods and/or works described in the attached bidding documents to (name of institution)..... in accordance with the requirements and specifications stipulated in bid number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the purchaser during the validity period indicated and calculated from the closing time of bid.
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (i) Bidding documents, viz
 - Invitation to bid;
 - Proof of tax compliance status;
 - Pricing schedule(s);
 - Technical Specification(s);
 - Preference claim form for Preferential Procurement in terms of the Preferential Procurement Regulations;
 - Bidder's Disclosure form;
 - Special Conditions of Contract;
 - (ii) General Conditions of Contract; and
 - (iii) Other (specify)
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the goods and/or works specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES

1

2.