



Call for Proposals

Tender: THC/NDOH-07/2021-01

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TERMS OF REFERENCE: REQUEST FOR QUOTATION (RFQ) FOR the SUPPLY AND DELIVERY OF FOOD PARCELS TO SUPPORT a NATIONAL TB SURVEILLANCE PROGRAMME

1. BACKGROUND

TB HIV Care (THC) is an externally funded NPO that supports health initiatives within communities, mainly but not limited to TB and HIV, in all the nine provinces of South Africa. The National Department of Health appointed THC as one of the Global fund TB Sub-Recipients (SRs) in South Africa to support the finding of missing TB patients' initiative, through screening, diagnoses, linkage and retention to care. THC supports the programme in three (3) districts in Kwa-Zulu Natal province namely; eThekweni, Ugu and King Cetshwayo districts and one (1) district in the Western Cape province namely; City of Cape Town district.

2. PURPOSE

A recognised support strategy within the NDoH Global Fund TB grant is to provide TB patients with food supplements during their treatment. The purpose of the Request for Quotations ("RFQ") is to invite potential bidders to submit a quotation for the procurement, supply (including packaging) and delivery of food parcels that will be used by TB patients within the eThekweni or Cape Metro districts supported under the NDoH Global Fund TB grant in accordance with the terms of reference. The term of the award is to 28 February 2022. The commencement date is anticipated for 01 September 2021 however, the exact date will be dependent on conclusion of the bid evaluation and bid adjudication process.

3. SCOPE OF WORK

The service provider will supply food parcels, in accordance with Annexure A, to eThekweni district (1149 units) and Cape Metro district (3131 units). The number of units is an estimation. A bidder may choose to supply food parcels for one district or both districts. The service provider will be required to submit a representative sample of the food parcels for quality control inspection. The service provider will be required to distribute the food parcels to local TB patients. THC seeks to appoint a suitable service provider who understands the impact of TB on nutritional status and the importance of a balanced diet. The service provider must:

- 3.1 Procure all seventeen (17) non-perishable items as stated on the food items list (Annexure A).
- 3.2 Ensure the expiry date to be a minimum of 12 months on all goods procured from the

date of purchase.

- 3.3 Procure the stated branded items (Annexure A) or the equivalent. Note that “NO NAME” brands will not be accepted.
- 3.4 The food item (Annexure A) are to be procured in the quantities stated. NO items listed in Annexure A can be procured in larger bulk volumes and repackaged into smaller volumes or weights.
- 3.5 Each food parcel unit must be packaged using two strong, transparent, heavy duty, clear plastic packages. The packing shall be sufficient to withstand, without limitation, rough handling during transit and exposure to extreme temperatures, salt and precipitation during transit, and open storage.
- 3.6 Food parcels must be clearly labelled with the contents, batch number, a minimum expiry date using a tamper proof and water-resistant label.
- 3.7 Distribute the food parcels to a pre-approved TB client, in accordance with a patient list issued by the TB HIV Care community liaison officer.
- 3.8 Western Cape: Cape Metro: An estimated 522 food parcels will be delivered per month to patients for seven (6) months (01 Sept 2021 – 28 February 2022).
- 3.9 KZN: eThekweni: An estimated 192 food parcels will be delivered to patients per month for seven (6) months (01 Sept 2021 – 28 February 2022).
- 3.10 Liaise with the TB HIV Care community team leaders weekly for client food delivery. [Cape Metro: 26 units / day; eThekweni: 10 units / day).
- 3.11 Maintain an electronic tracking system to confirm delivery of the food parcel to the client.
- 3.12 Record and report on the delivery outcome (unavailable, RIP's and hospitalisation of TB patients in the delivery register).
- 3.13 Submit an original signed delivery note to the community liaison officer for reconciliation within 3 days of delivery of the food parcel to the patient. Confirmation of a successful delivery to the correct patient will trigger a payment process.
- 3.14 Attend monthly quality assurance meetings with THC
- 3.15 Provide in-date industry certificates to ensure compliance with applicable food hygiene standards.

4. QUANTITIES LINKED TO THE REQUEST FOR QUOTES (RFQ)

The items, brand, quantities and labelling requirements against each food parcel, (Annexure A), represent the total bid. The bidder may quote for one district or both districts. The bidder must be able to procure and supply the total bid for a single district for the duration of the award (until 28 February 2022). Bidders should provide proof that they have the capacity, storage and

ability to supply the stock and provide a supply strategy plan with respective lead times. Submission of bids through a consortium is not be permitted.

5. SUBMISSION OF THE BIDS

5.1 THE BIDDING PROCESS

- 5.1.1 Briefing session: There will be no briefing session for this bid.
- 5.1.2 Interested parties must submit electronic (email) application via email to tenders@tbhivcare.org. Each annexure should be added as a separate and clearly labelled attachment.
- 5.1.3 Interested parties are invited to submit any enquiries to the program manager Amanda Fononda (amandaf@tbhivcare.org). No responses to queries 3 days prior (20 August 2021 at 17:00) to the closure of the bid (23 August 2021 at 17:00) will be attended to.
- 5.1.4 THC shall not be liable for any expense incurred in the preparation and submission of this bid.
- 5.1.5 Adjudication process: THC is a sub recipient of NDoH funded by the Global Fund; as such, these bids will be adjudicated according to policies prescribed by the National Treasury.

5.2 BIDDER QUALIFICATIONS

Bidders must demonstrate their ability to fulfil all requirements in the terms of reference (ToR) and must have a proven record of accomplishment to meet the requirements. THC reserves the right to conduct service provider due diligence prior to final award or at any time during the contract period.

6. MANDATORY LEGISLATIVE REQUIREMENTS

It is the responsibility of each bidder to ensure that completed documents are submitted on or before the closing date and time.

The bidder must submit all required documents indicated hereunder:

- 6.1 A bidder who has an intention to store, distribute, transport or package any kind of foodstuff intended for public consumption must provide in-date industry certificates to prove compliance with food hygiene standards.
- 6.2 It is a legal requirement that data submitted for evaluation should substantiate all claims and should meet technical requirements of quality, safety and performance of the procurement and delivery of the Food parcels for the purposes for which it is intended.

- 6.3 All bidders should clearly demonstrate the means in which any complaints of the food parcels supplied would be reported and addressed.

7. BID EVALUATION: MANDATORY ADMINISTRATIVE CRITERIA

7.1 MANDATORY ADMINISTRATIVE REQUIREMENTS

It is the responsibility of each bidder to ensure that complete documents are submitted electronically (via email) on or before the closing date (**23 August 2021 at 17:00pm**) and time.

- 7.2 No late bids will be accepted.

- 7.3 The bidders must submit all required documents indicated hereunder:

7.3.1 SBD 4 - Declaration of Interest, Annexure B.

7.3.2 SBD 8- Declaration of past supply chain management practices, Annexure C.

7.3.3 SBD 6.1 B-BBEE Status Level two or above. Verification affidavit or certificate (where preference points are claimed) (Original or Certified Copy), Annexure D.

7.3.4 SBD 9 - Independent Bid determination, Annexure E.

7.3.5 Certified copy of registration certificate with CIPC.

7.3.6 A valid certificate of acceptability to handle and distribute food products.

7.3.7 The bidder must submit a valid SARS Tax Clearance Certificate (or PIN) for confirmation of Value Added Tax (VAT) registration and other tax related matters. No contract shall be concluded with any bidder whose tax matters are not in order.

7.3.8 The bidder should highlight if they are registered on the National Treasury Central Supplier Database (CSD). This is not an obligatory requirement.

7.3.9 The bidder must submit a profile of the entity which includes but is not limited to the following:

7.3.9.1 Registered name,

7.3.9.2 Names and identity numbers of all directors, chief operating officers,

7.3.9.3 Business: products and/or services that the entity is trading,

7.3.9.4 No less than three (3) references from previous contractors or clients.

References should be linked to the supply and distribution of Food parcels clearly demonstrating the total value and quantities delivered.

7.3.9.5 Financial stability - Provide proof of banking institution, on a bank letterhead, stamped with a date within three months of the current date.

8. SUBMISSION AND RESPONSIVENESS

- 8.1 Bidders must submit an electronic copy (via email) of the bid documents according to the instructions below:
 - 8.1.1 The signed original soft copy of the bid document will serve as the legal bid document and can be sent to the email address: **Tenders@tbhivcare.org**
 - 8.1.2 The same person must initial all pages with black ink in the bid submission prior to scanning (PDF) and attaching to the email.
 - 8.1.3 Attach supporting documents and annexures as separate and clearly labelled attachments.
 - 8.1.4 Where certified copies of documents are required, such certification must be done within 3 months from 23 August 2021 and the commissioner certifying such documents must not be associated with the bidder in any way.
 - 8.1.5 The use of correction fluid is not acceptable. Any change/s must be clearly indicated and initialed.
 - 8.1.6 All bid documents must be submitted on or before the closing time of the bid, **23 August 2021 by 17:00**.
- 8.2 Incomplete bids will be deemed non-responsive.
- 8.3 A bidder awarded a contract may not subcontract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level of contributor than the person concerned, unless the contract is subcontracted to an EME that has the capability and ability to execute the subcontract.

8.4 AUTHORISATION DECLARATION

- 8.4.1 All bidders must complete the "Authorisation Declaration", Annexure F, in their letterhead.
- 8.4.2 Any bidder who is sourcing goods or services (distribution) from a third party must complete the "Authorisation Declaration" in full.
- 8.4.3 THC reserves the right to verify any information supplied by the bidder in the Authorization Declaration and should the information be found to be false or incorrect, THC will exercise any of the remedies available to it.
- 8.4.4 The appointed service provider may only enter into a subcontracting arrangement with the approval of THC, furthermore THC reserves the right to conduct due diligence on the Subcontractor.
- 8.4.5 In instances where the bidder has entered into a subcontracting arrangement, the bidder is required to include in its submission the written agreement entered into between the bidder and subcontractor. Such agreement MUST set out what

percentage of services will be subcontracted.

- 8.4.6 The bidder must ensure that all financial and supply arrangements for the food parcels have been mutually agreed upon between the bidder and the third party. No agreement between the bidder and the third party will be binding on THC.
- 8.4.7 Failure to submit a duly completed and signed Authorization Declaration, with the required annexure(s), in accordance with the above provisions will invalidate the bid for such goods or services offered.

8.5 STOCK AND DELIVERY PERIOD

- 8.5.1 The food parcels supplied shall conform to the standards mentioned in this bidding document.
- 8.5.2 The submission should clearly indicate the quantities of stock available for delivery within a week of receipt of appointment letter estimated for 01 Sept 2021.
- 8.5.3 The bid outlines the daily delivery of food parcels. Failure to comply with the lead times will render the appointment cancelled, at the sole discretion of THC, in which event neither claim nor liability whatsoever shall lie against THC whatsoever

8.6 PRICE AND QUOTATIONS

- 8.6.1 The bidder must ensure the correctness and validity of the quote per units of measurement specified (Annexure A).
- 8.6.2 All price(s) and quantities quoted are at the bidder's risk.
- 8.6.3 The prices quoted shall be "firm prices" and shall remain valid for the procurement period (estimated from 01/09/21 – 28/02/22). Non-firm prices (including rates of foreign exchange variations) will not be accepted.
- 8.6.4 THC reserves the right to conduct price negotiations at any stage, where deemed necessary.
- 8.6.5 The quote on the unit costs should include any and all operational costs and that at no point in time will THC be liable for any additional expenditure (duties, taxes and other levies) incurred by the service provider
- 8.6.6 Orders should indicate the quantities supplied against respective batch numbers and the expiry dates. Products that have expiry dates of less than 12 months, will be rejected.

9. REQUEST FOR QUOTES AWARD

- 9.1 THC reserves the right to award one bidder per district (Cape Metro / eThekweni). THC

further reserves the right to appoint different service providers per district (Cape Metro / eThekweni).

- 9.2 THC reserves the right to award according to the most economical service option submitted and is under no obligation to accept the lowest or any quote.
- 9.3 THC reserves the right not to award the tender.
- 9.4 THC reserves the right to enter into a separate contract with the successful bidder(s).
- 9.5 Any contract awarded on account of false information furnished by the bidder in order to secure an award, may be cancelled at the sole discretion of THC without prejudice to any other remedies the organ of state may have.
- 9.6 THC reserves the right to conduct due diligence prior to final award or at any time during the contract period.
- 9.7 THC reserves the right to suspend or terminate the contract partly or in whole, temporarily or indefinitely, either due to non-compliance, or non-performance, by the service provider in which event neither claim nor liability whatsoever shall lie against THC whatsoever.
- 9.8 THC reserves the right to request any relevant documentation at any stage of implementation of this RFQ or contract.
- 9.9 At the end of the contract period, the service provider shall make available to THC a record of all the data and information relating to the tender. This will enable a new service provider to transition and efficiently commence delivering services to THC or as otherwise reasonably required by THC.

10. CONFIDENTIALITY

- 10.1 All bidders are bound to protect the confidentiality of all data (including the protection of personal information) and information gathered and accessed through this RFQ and the services performed pursuant to the contract. Information and data received and accessed through this programme may only be used to meet the objectives outlined in these specifications and the contract.
- 10.2 All records, data and information relating to the programme are owned by THC and remain the intellectual property of THC. As such all data must be considered as confidential by the bidder and/or service provider.
- 10.3 The service provider shall permit the purchaser to inspect the service provider's records relating to the performance of the service provider and to have them audited by auditors appointed by THC, if so required by the THC.

11. BID EVALUATION: SCORING

11.1 PHASE I: MANDATORY REQUIREMENTS

- 11.1.1 Bidders' must submit all required documents indicated herein with the bid submission on or before the closing date and time of the bid.
- 11.1.2 During the bid evaluation (phase 1), bidder's responses will be evaluated based on the documents submitted under the mandatory requirements.
- 11.1.3 This phase is not scored and bidders who fail to comply with all the mandatory criteria as outlined in the ToR will be disqualified.
- 11.1.4 THC reserves the right to award in a situation where service delivery may be adversely affected.

11.2 SCORING DESCRIPTION

- 11.2.1 Points will be allocated to each bidder, on the basis that the maximum number of points that may be scored for a combination of functionality and price is 80, and the maximum number of preference points that may be claimed for BEE (as per PPPFA) is 20

11.3 PHASE II: FUNCTIONALITY SCORING

- 11.3.1 There will be a minimum functionality score of 60% based on a combination of section 11.2.2, 11.2.3 and 11.2.4. Should a bidder fail to obtain the minimum functionality score (60%), THC reserves the right to discontinue with the bid application.

11.3.2 **PREVIOUS EXPERIENCE AND CAPABILITIES-RELATED REQUIREMENTS (30%):**

1	Demonstrated supplier experience and certification of products supplied and meeting the minimum requirements of the RFQ.
Substantive documentation supplied.	<ul style="list-style-type: none">• Provide a comprehensive company profile.• Demonstrate at least three (3) years' experience offering food parcels at a similar scale.• Demonstrate a proven track record of food distribution within the district.• Provide three (3) original reference letters (on company letterheads and dated within 3 months) to support food parcel distribution or similar.• Risk management: Provide a clear workplan where potential risk is addressed linked but not limited to: (i) unavailability of a food item; (ii) unavailability of the food item in the required weight / volume; (iii) distribution vehicle breakdown.

11.3.3 **COMPLIANCE with STATUTORY BODIES (5%):**

2	Provide proof of compliance with relevant regulatory requirements.
Substantiate or provide relevant document	<ul style="list-style-type: none"> Food hygiene and handling: The application must include all industry standard certification, company registrations with the applicable regulatory bodies. This includes the distribution networks used to deliver the food parcels.

11.3.4 FINANCIAL CAPACITY (20%):

3	Provide Original Bank Letter, SARS Clearance,
Substantiate or provide relevant document	<ul style="list-style-type: none"> Provide original bank letter confirming bank details from a registered financial institution (Bank Letter must be stamped by the bank after the bid advert date). Provide SARS (PIN).

11.3.5 THE SCORING CRITERIA FOR EVALUATION OF FUNCTIONALITY

SCORE	CLASSIFICATION	DEFINITION
0	No response (complete non-compliance)	No response at all or insufficient information provided in the response such that the solution is totally un-assessable and/or incomprehensible.
1	Unsatisfactory response (potential for some compliance but very major areas of weakness)	Substantially unacceptable submission that fails in several significant areas to set out a solution that addresses and meets the requirements: little or no detail may (and, where evidence is required or necessary, no evidence) have been provided to support and demonstrate that the Bidder will be able to provide the services and/or considerable reservations as to the Bidder's proposals in respect of relevant ability, understanding, expertise, skills and/or resources to deliver the requirements. Would represent a very high-risk solution for THC.
2	Partially acceptable response (one or more areas of major weakness)	Weak submission which does not set out a solution that fully addresses and meets the requirements: response may be basic/ minimal with little or no detail (and, where evidence is required or necessary, with insufficient evidence) provided to support the solution and demonstrate that the Bidder will be able to provide the services and/or some reservations as to the Bidder's solution in respect of relevant ability, understanding, expertise, skills and/or resources to deliver the requirements. May represent a high-risk solution for THC.

SCORE	CLASSIFICATION	DEFINITION
3	Satisfactory and acceptable response (substantial compliance with no major concerns)	Submission sets out a solution that largely addresses and meets the requirements, with some detail (or, where evidence is required or necessary, some relevant evidence) provided to support the solution; minor reservations or weakness in a few areas of the solution in respect of relevant ability, understanding, expertise, skills and/or resources to deliver the requirements Medium, acceptable risk solution to THC.
4	Fully satisfactory /very good response (fully compliant with requirements).	Submission sets out a robust solution that fully addresses and meets the requirements, with full details (and, where evidence is required or necessary, full and relevant evidence) provided to support the solution; provides full confidence as to the relevant ability, understanding, expertise, skills and/or resources to deliver the requirements. Low /no risk solution for THC.
5	Outstanding response (fully compliant, with some areas exceeding requirements)	Submission sets out a robust solution and, in addition, provides or proposes additional value and/or elements of the solution which exceed the requirements in substance and outcomes in a manner acceptable to THC; provides full confidence as to the relevant ability, understanding, expertise, skills and/or resources not only to deliver the requirements, but also exceed it as described. Low /no risk solution for THC.

11.4 PHASE III: SCORING

PRICE (25%):

4	
Substantiate or provide relevant document	<ul style="list-style-type: none"> The quote should include a competitive quotation provided per food parcel inclusive of delivery within the applicable district.

11.5 PHASE IV: SCORING

B-BEEE (20%):

4	
Substantiate or provide relevant document	<ul style="list-style-type: none"> EME or QSE B-BEEE certification of level 2 or higher

Annexure A: Proposed quantity of Food parcels supplied

Item description to be included in each Food parcel	Quantity per food parcel	Cape Metro Total # of food parcels (Units)	eThekwini Total # of food parcels (Units)
Soya Mince	1kg	3131	1149
Mealie Meal	5kg	3131	1149
Morvite Breakfast Cereal	1kg	3131	1149
Iwisa Samp	5kg	3131	1149
Tastic Rice	4kg	3131	1149
Imbo Red Speckled Sugar Beans	4kg	3131	1149
Soup Mix	1kg	3131	1149
Knorr Soup (4 x 50g)	50g X 4	3131	1149
Flour	2.5kg	3131	1149
Sunfoil Oil	2l	3131	1149
Peanut Butter	800g	3131	1149
Trinco Tea Bags	200	3131	1149
Nespray	1kg	3131	1149
Selati White Sugar	2kg	3131	1149
Salt - Fine	500g	3131	1149
Jungle Oats	2kg	3131	1149
Pilchards	400g X 6	3131	1149
Quote (excl VAT)			
Quote (incl VAT)			

(*Brands are included or equivalent. "No Name" brands will not be accepted)

Annexure B: Declaration of Interest

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:
.....
 - 2.2 Identity Number:
.....
 - 2.3 Position occupied in the Company (director, trustee, shareholder²):
.....
 - 2.4 Company Registration Number:
.....
 - 2.5 Tax Reference Number:
.....
 - 2.6 VAT Registration Number:
.....
 - 2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.
 - 2.7 Are you or any person connected with the bidder
presently employed by the state? ¹ **YES / NO**

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);

2.7.1 If so, furnish the following particulars:

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

.....

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

.....

Position occupied in the state institution:

.....

Any other particulars:

.....

.....

.....

2.7.2 If you are presently employed by the state, did you obtain
the appropriate authority to undertake remunerative
work outside employment in the public sector?

YES / NO

2.7.2.1 If yes, did you attach proof of such authority to the bid
document?

YES / NO

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

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

.....

.....

2.8 Did you or your spouse, or any of the company's directors /
trustees / shareholders / members or their spouses conduct
business with the state in the previous twelve months?

YES / NO

2.8.1 If so, furnish particulars:

.....

.....

.....

2.9 Do you, or any person connected with the bidder, have
any relationship (family, friend, other) with a person

YES / NO

-
- (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.

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, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid?

YES/NO

2.10.1 If so, furnish particulars.

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

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

YES/NO

2.11.1 If so, furnish particulars:

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

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

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

4. DECLARATION

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

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

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

Annexure C: History of SCM Practices

SBD 8

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(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).</p> <p>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.</p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p>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.</p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>

4.2.1	If so, 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 so, 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 so, 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

Annexure D: BBB-EE score system

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).

a) The value of this bid will not **exceed** R50 000 000 (all applicable taxes included) and therefore the 90/10 preference point system shall be applicable;

1.2 Points for this bid shall be awarded for:

- (a) Categories (Section 11)
- (b) B-BBEE Status Level of Contributor.

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

	POINTS
Other categories (Section 11)	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points:	100

1.4 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.

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

2. DEFINITIONS

- (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** PREFERENCE POINT SYSTEMS

A maximum of 80 points is allocated for bid structure on the following basis:

80/20

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

Where

- P_s = Points scored for 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 (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	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 20 points)

(Points claimed in respect of paragraph 7.1 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		NO	
-----	--	----	--

- 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		NO	
-----	--	----	--

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 least 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.

WITNESSES

1.

2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....

.....

Annexure E: Independent Bid determination

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.

SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid: **THC/NDoh 10/2020 (PPE)**

(Bid Number and Description)

in response to the invitation for the bid made by: **TB HIV Care**

(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.
 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

Js914w 2

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.

Consortiums are excluded from this bid process.

Annexure F: Declaration on third party

AUTHORISATION DECLARATION

NAME OF THE BIDDER: _____

THC/NDOH 10/2020 FOR SUPPLY AND DELIVERY OF FOOD PARCELS

CLOSING DATE: 23 August 2021

Are you sourcing the goods or services from a third party?

YES	NO
-----	----

**** If you have answered YES to the above question, please provide full details in the table below of the third party(ies) from whom you are sourcing the goods or services.***

1. Declaration by the bidder where the bidder is sourcing goods or services from a third party.

The bidder hereby declares the following:-

- 1.1 The bidder is sourcing the goods or services listed in the TCBD 1.1 attached, from a third party in order to comply with the terms and conditions of the bid.
- 1.2 The bidder has informed the third party of the terms and conditions of the bid and the third party is acquainted with the said terms and the description of the goods or services listed in the TCBD 1.1.
- 1.3 The bidder has received the attached, unconditional written undertaking from the third party to supply the goods or services listed in the TCBD1.1 in accordance with the terms and conditions of the bid document for the duration of the contract. A template has been attached (TCBD1.2) that is to be used for the purpose of the third-party undertaking.
- 1.4 The bidder confirms that all financial and supply arrangements for goods or services have been mutually agreed upon between the bidder and the third party.

2. The bidder declares that the information contained herein is true and correct.

3. The bidder acknowledges that the State reserves the right to verify the information contained therein and if found to be false or incorrect may invoke any remedies available to it in the bid documents.

SIGNATURE BY THE BIDDER

Signed at _____ on the _____ day of _____ 20 _____

Company Executive Signature _____ Full name _____

Designation _____

List of goods or services offered

BID ITEM NO	BRAND NAME	NAME OF THE COMPANY FROM WHERE THE GOODS OR SERVICES WILL BE SOURCED	ADDRESS AND CONTACT DETAILS OF THE COMPANY FROM WHERE THE GOODS

(Should the table provided not be sufficient for all the items offered, please provide additional information as an attachment and it must be properly referenced to this document)