



**APPOINTMENT OF PANEL OF LEGAL
ADVISORS AND RELATED SERVICES TO
RTMC
FOR A PERIOD OF THREE (3) YEARS**

RTMC BID 25/2015/16

SECTION: 1

CONDITIONS AND UNDERTAKINGS BY BIDDER IN RESPECT OF THIS BID



Road Traffic
Management Corporation



Road Traffic Management Corporation

SECTION 01: CONDITIONS AND UNDERTAKINGS BY BIDDER IN RESPECT OF THIS BID

1. **Proprietary Information**

Road Traffic Management Corporation (RTMC) considers this bid and all related information either written or verbal, which is provided to the respondent to be proprietary to RTMC. It shall be kept confidential by the respondent and its officers, employees, agents and representatives. The respondent shall not disclose, publish, or advertise this specification or related information to any third party without the prior written consent of RTMC.

2. **Enquiries**

2.1 All communication and attempts to solicit information of any kind relative to this bid should be channeled to the email below:

| | |
|---------------|--|
| Name | RTMC |
| Email Address | Legaladvisors@rtmc.co.za |

2.2 All the documentation submitted in response to this bid must be in English.

2.3 The RTMC may respond to any enquiry in its sole discretion and the bidder acknowledges that it will have no claim against the RTMC on the basis that its bid was disadvantaged by lack of information or inability to resolve ambiguities.

3. **Validity Period**

Responses to this bid received from bidders will be valid for a period of **120 days** counted from the closing date of the bid.

4. **Supplier Performance Management**

4.1 Supplier Performance Management is viewed by the RTMC as critical component in ensuring value for money acquisition and good supplier relations between the RTMC and all its suppliers.

4.2 The successful bidder shall upon receipt of written notification of an award, be required to conclude a Service Level Agreement (SLA) with the RTMC, which will form an integral part of the supply agreement. The SLA will serve as a tool to measure, monitor and assess the supplier's performance level and ensure effective delivery of service, quality and value-add to RTMC business.

4.3 Successful bidder(s) are required to comply with the above condition, and also provide a scorecard on how their product / service offering is being measured to achieve the objectives of this condition.

5. Instructions on submission of Bids

5.1 Bids should be submitted in **Five (5) copies** and one electronic copy (on CD in PDF format) all bound in a sealed envelope endorsed, **RTMC BID 25/2015/16: Appointment of Panel of Legal Advisors and related services to RTMC for a period of three (3) years.**

5.2 The sealed envelope must be placed in the bid box at the Main Reception area of the RTMC Building, Boardwalk Office Park, Boardwalk Boulevard, Phase 5, Faerie Glen, Pretoria East by no later than **11:00 AM on 18 January 2016.**

5.3 A valid tax clearance certificate must be included in the bid response, or proof of application endorsed by SARS in this regard.

5.4 The bidder's company name, closing date and the return address must also be endorsed on the envelope.

5.5 All bids submitted must be signed by a person or persons duly authorised thereto.

5.6 If a courier service company is being used for delivery of the bid document, the bid description must be endorsed on the delivery note/courier packaging to ensure that documents are delivered into the bid box. The RTMC will not be held responsible for any delays where documents are not placed in the bid box before closing time.

5.7 Bid received by telegram, telex, email, facsimile or similar medium will not be considered.

5.8 Where a bid document is not placed in the bid box at the time of the bid closing, such a bid document will be regarded as a late bid. Late bids will not be considered.

5.9 Amended bids may be sent in an envelope marked "**Amendment to Bid**" and should be placed in the bid box before the closing time.

5.10 Where a bid has a **compulsory briefing session** as a condition, bidders who do not attend or send a representative **will be automatically disqualified** and bid responses will not be accepted/evaluated.

5.11 Bidders should check the numbers of the pages to satisfy themselves that none are missing or duplicated. No liability will be accepted by RTMC in regard to anything arising from the fact that pages are missing or duplicated.

6. Undertakings by the Bidder

6.1 The bidder accepts that all costs incurred in preparation, presentation and any demonstration in relation to this bid shall be for the account of the bidder.

6.2 The bidder hereby offer to render all or any of the services described in the attached documents to the RTMC on the terms and conditions and in accordance with the specifications stipulated in this bid documents (and which shall be taken as part of, and incorporated into, this proposal at the prices inserted therein).

6.3 The bidder shall prepare for a possible presentation should RTMC require such and the bidder shall be notified thereof no later than 4 (four) days before the actual presentation date. Such presentation may include demonstration of products or services as called for by the RTMC in relation to this bid.

6.4 The successful bidder hereby accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on him/her under this agreement as the principal(s) liable for the due fulfilment of this contract.

6.5 The bidder furthermore confirm that he/she has satisfied himself/herself as to the correctness and validity of his/her bid response that the price(s) and rate(s) quoted cover all the work/item(s) specified in the bid response documents and that the price(s) and rate(s) cover all his/her obligations under a resulting contract and that he/she accept that any mistakes regarding price(s) and calculations will be at his/her risk

7. RTMC's Rights

- 7.1 The RTMC reserves the right not to accept the lowest bid or any bid in part or in whole. RTMC normally awards the contract to the bidder who proves to be fully capable of handling the contract and whose bid is technically acceptable and/or financially advantageous to the RTMC.
- 7.2 The RTMC also reserves the right to award this bid as a whole or in part without furnishing reasons.
- 7.3 The RTMC reserves the right to conduct a site visit at the premises of the offices or at any client sites if so required.
- 7.4 The RTMC reserves a right to amend any bid conditions, validity period, specifications, or extend the closing date of bid prior to the initially stated closing date. Bidders will be advised in writing of such amendments in good time.
- 7.5 The RTMC reserves the right to request all relevant information, agreements and other documents to verify information supplied in the bid response. The bidder hereby gives consent to the RTMC to conduct background checks on the bidding entity and any of its directors/trustees/shareholders/members.
- 7.6 RTMC reserves the right to categorise the appointed suppliers according to their capacity i.e category 1 and/or reseller etc.
- 7.7 RTMC reserves the right to appoint more than one service provider.

8. Supplier Development and Promotion of Emerging Black Owned Service Provider

- 8.1 The RTMC promotes enterprise development. In this regard, successful bidders are encouraged to mentor SMME's and/or Youth owned businesses. The implications of such arrangement will be subject to negotiations between the RTMC and the successful bidder.
- 8.2 It is also the objective of the RTMC to promote transformation of the South African economy and as such, bidders are encouraged to partner with a black owned entity (being 50%+1 black owned and controlled). Such partnership may include the formation of a Joint Venture and/ or subcontracting agreement etc., where a portion of the work under this bid would be undertaken by black owned entities.
- 8.3 To give effect to this requirement, bidders are required to submit a partnership/ subcontracting proposal detailing the portion of work to be outsourced, level of involvement of the black owned partner and where relevant, submit a consolidated B-BBEE scorecard in-line

with the provisions of the PPPFA Regulations which will be considered as part of the B-BBEE scoring.

9. Bidders Details and Contact Person

| DETAILS OF BIDDERS | | | |
|---|--|-------------|--|
| Name of your Company (in block letters) | | | |
| Signature(s) of the Bidder or assignee(s) | | Date | |
| Name of person signing (in block letters) | | | |
| Capacity | | | |
| Are you duly authorized to sign this Bid? | | | |
| Company Registration Number | | | |
| VAT Registration Number | | | |
| Postal address (in block letters) | | | |
| Physical address (in block letters) | | | |
| Domicilium citandi et executandi in the RSA (full street address) (in block letters) | | | |

| DETAILS OF THE CONTACT PERSON | |
|--------------------------------------|--|
| Name of Contact Person | |
| Telephone Number | |
| Fax Number | |

| | |
|-------------------------|--|
| Cellphone Number | |
| E-Mail Address | |

10. RESPONSE FORMAT

Bidders shall submit their responses in accordance with the response format specified below (each schedule must be clearly marked):

10.1 Cover Page:

10.1.1 The cover page must clearly indicate the bid reference number, bid description and the bidder's name

10.1.2 **Annexure 1** Invitation to Bid (SBD 1 - duly completed and signed)

Note: Prices should not be indicated on the SBD 1 form

10.2 Schedule 1:

10.2.1 Executive summary of the bidder's Company/Joint Venture/Partnership/Close Corporation.

10.2.2 **Annexure 2** of this RFP document (Duly completed and Signed)

10.3 Schedule 2:

10.3.1 Original and Valid Tax clearance certificate(s); please refer to annexure below:

Annexure 3 Tax Clearance Certificate Requirements

10.3.2 Certified copies of your CIPRO company registration documents listing all members with percentages, in case of a CC. Or latest certified copies of all share certificates in case of a company;

10.3.3 BEE Certificate verified by a SANAS accredited verification agency or a letter from the supplier's auditor (option only for Exempted Micro Enterprises with annual turnover less than R5 million)

10.3.4 **Annexure 4** Declaration of Interest (SDB 4)

10.3.5 **Annexure 5** Declaration of Bidders Past SCM Practices (SBD 8)

10.3.6 **Annexure 6** Certificate of Independent Bid Determination (SBD 9)

Note: *If a Consortium, Joint Venture or Subcontractor, the documents listed above (10.3.2) must be submitted for each Consortium/ JV member or subcontractor.*

10.4 Schedule 3:

10.4.1 Responses to Section two of this document, in line with the format indicated in this bid document.

10.5 Schedule 4:

10.5.1 A detailed pricing schedule breakdown for the bid including any supporting schedules on price determination. The price schedule must be submitted on a separate sealed envelope.

10.5.2 **Annexure 7** Price Schedule Summary (SBD 3.3)

10.5.3 **Annexure 8** Preferential Point Claim (SBD 6.1)

11. SPECIAL INSTRUCTIONS TO BIDDERS

11.1 Bidders shall provide full and accurate answers to the questions posed in this document. Bidders **must** substantiate their response to all questions, including full details on how their proposal/solution will address specific functional/technical requirements. All documents as indicated must be supplied as part of the bid response.

11.2 Should additional needs arise that are related to the above and are currently excluded, RTMC reserves the right to contact the appointed service providers and negotiate their inclusion in the contract.

12. Local Production and Content

The RTMC promotes Local Production and Content. In the case of designated sectors, only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered. RTMC reserves the right at its sole discretion to set minimum thresholds for sectors which may not have been declared as designated sectors by Treasury Authorities in an effort to stimulate local production and content

13. EVALUATION CRITERIA

The bid will be evaluated on a one (1) stage process, which will be based on Functionality and Stage 2 will be conducted once the panel of preferred service providers has been determined either through rotation / roster system or RFQ process.

13.1 STAGE 1 – FUNCTIONALITY CRITERIA

13.1.1 Category 1 and 2 Bidders (See Table 2 on page 17)

Bidders in this category will be evaluated on functionality as stated below and will be required to score 60 points in order to qualify or shortlisted into the panel of preferred service providers.

13.1.2 Category 3 (See Table 2 on page 17)

Bidders in this category will be evaluated on functionality as stated below and will be required to score 70 points in order to qualify or shortlisted into the panel of preferred service providers.

13.1.3 Presentations (This will be discretionary should a need arise)

The bidder shall prepare for a possible presentation should RTMC require such and the bidder shall be notified thereof no later than 4 (four) days before the actual presentation date. Such invitations will only be confined to the shortlisted bidders in order to determine the final panel of preferred service providers.

| | |
|--|-----------|
| A. Bidders Relevant Experience, Portfolio, Financial Capacity, Capacity to execute Service | |
| A1 Bidders to submit letters of reference from current and past clients indicating bidders' ability to deliver timeously, quality service and handling of client queries. <ul style="list-style-type: none">Reference letters should be on letterhead/s of institutions where services were rendered and indication of quality of service/s delivered. (Reference letters should be signed by the Head of SCM/ CFO , letter must not be older than 1 year) Succesful submission of reference letters: 1-3 letters = 5 points 4 -6 letters = 10 points | 10 |

| | |
|--|-----------------------------------|
| <p>A2. Value Proposition</p> <p>A2.1 Bidders must indicate their firm's value proposition to the RTMC and further outline what sets them apart in legal services fraternity.</p> <p>Substantiate / Motivate your response in bullet form (points will be allocated for quality of each point provided)</p> <p>1 – 2 motivations / responses = 2 points 3 – 5 motivations / responses = 5 points</p> | <p>5</p> |
| <p>A3. Bidders Capacity to Create New Employment and/or participation of businesses owned by youth, women and people with disabilities.(Specific to this bid)</p> <p>A3.1. Bidders must demonstrate the capability to create new employment through this contract. (Provide a dedicated number of new employees to be involved in the project).</p> <p>Successful submission of proof/supporting documents:</p> <ul style="list-style-type: none"> • Less than 2 employees = 2 points • Above 3 employees = 5 points <hr/> <p>Successful submission of proof/supporting documents for categories of businesses owned by youth, women and people with disabilities.</p> | <p>5</p> |
| <p>A4. Team Experience</p> <p>A4.1 The bidder or lawyers in its current employ must have demonstrable experience in the service categories that the bidder is bidding for.</p> <p>A4.2 The bidder must submit as part of the proposal the following:-</p> <ul style="list-style-type: none"> ➤ Details of at least two recent transactions / matters the bidder has handled for each service category for either RTMC and / or any public entity at least listed under schedule 3A of PFMA (RTMC reserves the right to consider experiences of law firms that have done work for the RTMC or any similar bigger public entity in the past) | <p>20</p> <p>10</p> |

| | |
|---|----|
| <ul style="list-style-type: none"> ➤ List of lawyers / attorneys etc, in the current bidder's employ / team (details of cases / matters handled or involved in relation to the relevant category) | 5 |
| <ul style="list-style-type: none"> ➤ CVs of the lawyers / attorneys etc (CVs must clearly highlight qualifications, areas of competence relevant to service categories the bidder is bidding for) | 5 |
| B. Systems and Procedures | |
| B.1 Implementation Plan (The bidder's systems and procedures must be effective to ensure effective delivery of quality service to RTMC) | |
| Bidders must submit / provide a detailed plan of how they will deliver the required service to RTMC. | |
| <ul style="list-style-type: none"> a) The bidder must demonstrate ability to carry out the contract by outlining key variables that must be in place to ensure compliance to agreed deliverables, brief / mandate or / and terms of reference. | 10 |
| <ul style="list-style-type: none"> b) The plan must outline contingency measures should urgent request arise. | 10 |
| <ul style="list-style-type: none"> c) The bidder must demonstrate the capacity / means of delivery through existence of arrangements / agreements with reputable agencies / entities. | 10 |
| <ul style="list-style-type: none"> d) Skills transfer plan to newly qualified legal professionals from historically disadvantaged groups in society (Please indicate your detailed commitment plan in this regard) | 10 |
| <ul style="list-style-type: none"> e) Managing conflict of interest (Please indicate how this aspect is managed and what controls are in place to ensure effectiveness) | 10 |
| Total Score | |
| 75 | |

Scale 0-5 as follows: Poor = 0 Average = 2 Good = 3 Very Good = 4 Excellent = 5

| Value | Description |
|------------------|--|
| 5- Excellent | Meets and exceeds the functionality requirements |
| 4- Very Good | Above average compliance to the requirements |
| 3- Good | Satisfactory and should be adequate for stated element |
| 2- Average | Compliance to the requirements |
| 0- Non Compliant | Does not comply to the requirements |





SECTION: 2
SPECIFICATION DETAILS AND
FUNCTIONALITY REQUIREMENTS

Road Traffic
Management Corporation

SECTION 2: SPECIFICATION AND DETAILED FUNCTIONALITY REQUIREMENTS

1. PURPOSE

The purpose of this bid is to appoint a panel of Legal firms who shall be engaged on a need basis to provide legal advisory services to the RTMC.

2. OVERVIEW AND BACKGROUND

The Road Traffic Management Corporation (RTMC) was established in terms of Section 3 of the Road Traffic Management Corporation Act, No. 20 of 1999, for co-operative and coordinated strategic planning, regulation, facilitation and law enforcement in respect of road traffic matters by the national, provincial and local spheres of government. It is a state-owned entity listed under Schedule 3A of the Public Finance Management Act.

3. SCOPE OF SERVICE

The Legal Services is responsible for providing objective, value adding and innovative legal advisory services to the RTMC. The Legal Services ensures that the institution's legal risks are managed adequately and reduces the RTMC's exposure to litigation. The RTMC seeks to establish a panel of external attorneys from whom assistance shall be sought on a need basis. Therefore, the RTMC requests proposals from capable legal firms or practitioners of good standing within the legal fraternity.

NB: The required legal advisory services have been categorised into nine (9) categories as reflected below. The bidder must indicate, in the table below with a tick (✓) the category the bidder is bidding for:

Table 1

| | | |
|----|---------------------------------|--|
| 1. | Foreclosure and insolvency law | |
| 2. | Debt Collection | |
| 3. | Structured Finance transactions | |
| 4. | Project Finance transactions | |

| | | |
|----|--|--|
| 5. | Corporate Law and Corporate Finance transactions | |
| 6. | Conveyancing | |
| 7. | Tax Law | |
| 8. | Litigation relating to categories 1 to 7 above | |
| 9. | Labour Law | |
| | | |

Note: The bidder must ensure that they provide the required response / information to the evaluation criteria for each service category the bidder is bidding for.

The RTMC would also like to promote broad based transformation and development of small and medium firms in this industry and as such will appoint firms in the following categories. The bidder must indicate, in the table below with a tick (✓) the relevant category:

Table 2

| Firm Categories | Definition | PLEASE TICK (✓) |
|--------------------------|---|------------------------|
| Category 1: Small Firms | Firm with an annual turnover of not more than R10 million | |
| Category 2: Medium Firms | Firm with an annual turnover greater than R10 million but below R50 million | |
| Category 3: Large Firms | Firm with an annual turnover greater than R50 million | |

Note: The bidder must submit their latest Financial Statements as proof of their annual turnover as confirmed by an independent accountant. Small businesses with no financial history must submit a letter from their independent accounting firm confirming their financial status and / or projections.

It is for this purpose that the RTMC will be using different evaluation criteria for the small and medium sized law firms as outlined in the evaluation criteria.

Note: Bidders bidding for Labour Law, must in addition to the relevant requirements of this bid also provide a detailed response to the Labour requirements,irrespective of whether they are a small, medium or large firm.

Project Timelines

The appointed service provider(s) will be required to start immediately after signing the contract and provide the services for a period of three (3) years subject to annual review of service performance. The RTMC reserves the right to extend the term of appointment for a longer period but not beyond five (5) years.

SECTION 2 (A) TECHNICAL REQUIREMENTS APPLICABLE TO SMALL AND MEDIUM SIZED LAW FIRMS

Mandatory Technical requirements (Small and Medium Firms)

The bidder must indicate its compliance / non-compliance to the requirements and should substantiate its response in the space provided below. If more space is required to justify compliance, please ensure that the substantiation is clearly cross-referenced to the relevant requirement.

| Registration with Law Society | Comply | Not Comply |
|---|--------|------------|
| The firm must be registered with the Law Society. Proof of registration from the relevant Law Society must be provided. Note: Bidders may be required to submit a valid letter of good standing issued by the Law Society prior to work being allocated. | | |

| Conveyancing Certificate | Comply | Not Comply |
|--|--------|------------|
| For firms applying for the category of conveyancing a certificate of admission as conveyancer of the individual conveyancer employed on a full time basis by the la firm must be provided. | | |

Other Technical Requirements (Small and Medium Sized Firms)

The bidder must indicate its compliance / non-compliance to the requirements and should substantiate its response in the space provided below. If more space is required to justify compliance, please ensure that the substantiation is clearly cross-referenced to the relevant requirement.

| BIDDER'S / TEAM'S EXPERIENCE | Comply | Not Comply |
|---|--------|------------|
| <p>The bidder or lawyers in its current employ must have demonstrable experience in the service categories that the bidder is bidding for.</p> <p>The bidders must submit, as part of its proposal, the following:</p> <ul style="list-style-type: none"> • Details of recent transactions/ matters the bidder has handled for each service category. The RTMC reserves the right to consider experiences of law firms that have done work for the RTMC or similar Corporations in the past. • List of lawyer(s) in the current bidder's employ. • CVs of the lawyer(s); and the CVs must clearly highlight qualifications, areas of experience/ competence relevant to commercial legal services. | | |

| VALUE PROPOSITION | Comply | Not Comply |
|---|--------|------------|
| <p>Please indicate your firm's value proposition to the RTMC and indicate what sets you apart in the legal services fraternity.</p> | | |

SECTION 2 (B) TECHNICAL REQUIREMENTS APPLICABLE TO LARGE SIZED LAW FIRMS
Mandatory Technical Requirements (Large Sized Firms)

| REGISTRATION WITH LAW SOCIETY | Comply | Not Comply |
|--|--------|------------|
| <p>The firm must be registered with the Law Society. Proof of registration from the relevant Law Society must be provided. Note: Bidders may be required to submit a valid letter of good standing issued by the Law Society prior to work being allocated.</p> | | |

| BIDDER'S EXPERIENCE | Comply | Not Comply |
|---|--------|------------|
| <p>The bidder must have demonstrable experience in the service categories that they are offering.</p> <p>The bidder must provide details of recent transactions / matters they have handled for each service category. The RTMC reserves the right to consider experiences of law firms that have done work for the RTMC in the past.</p> | | |

| QUALIFICATIONS AND EXPERIENCE OF THE LAW | Comply | Not Comply |
|--|--------|------------|
| <p>The bidder must have in its current employ lawyers that have experience in the service categories the bidder is bidding for.</p> <p>The bidders must submit, as part of its proposal, the following:</p> <ul style="list-style-type: none"> • List of lawyer(s) in the current bidder's employ. • CVs of the lawyer(s); and the CVs must clearly highlight qualifications, areas of experience/ competence relevant to commercial legal services. | | |

| SYSTEMS AND PROCEDURES | Comply | Not Comply |
|--|--------|------------|
| <p>The bidder's systems and procedures must be effective to ensure effective delivery of quality services to the RTMC.</p> <p>Please submit a detailed plan on how you will ensure Quality of service to the RTMC.</p> | | |

| VALUE PROPOSITION | Comply | Not Comply |
|--|--------|------------|
| <p>Please indicate your firm's value proposition to the RTMC and indicate what sets you apart in the legal services fraternity</p> | | |

| SKILLS TRANSFER PLAN TO NEWLY QUALIFIED LEGAL PROFESSIONALS FROM PREVIOUSLY DISADVANTAGED GROUPS IN SOCIETY | Comply | Not Comply |
|--|--------|------------|
| <p>The RTMC intends promoting the transformation of the legal field through inclusive development of newly qualified legal professionals. Bidders are required to indicate their commitment to assist the RTMC through this tender / contract by indicating its plans to support this objective of the RTMC. Please indicate your detailed commitment plan in this regard.</p> | | |

| WILLINGNESS TO ACCEPT JOINT ENGAGEMENT FOR INDIVIDUAL ASSIGNMENTS WITH SMALL BLACK LAW FIRMS | Comply | Not Comply |
|--|--------|------------|
| <p>The RTMC intends promoting the transformation of the legal field through inclusive development of small Black owned law firms. Successful Bidders may be required from time to time to enter into twinning arrangements with small Black owned law firms. Bidders are required to confirm their acceptance of this condition.</p> | | |

SECTION 2 (C) LABOUR LAW REQUIREMENTS (APPLICABLE TO ALL FIRMS WHO TENDERS FOR THE LABOUR LAW CATEGORY)

Labour Law requirements for All Firms

| LABOUR LAW | Comply | Not Comply |
|---|--------|------------|
| <p>The bidder must demonstrate relevant experience in providing legal advisory services in labour relations matters which may include the following:</p> <ol style="list-style-type: none"> 1. <i>Provision of general labour related advice, legal opinions or related services including but not limited to:</i> <ul style="list-style-type: none"> • Changing labour law employment legislation and its potential impact (e.g. BCEA, LRA and Employment Equity Act etc.) • Represent the employer at arbitrations, mediations, the Labour Courts and other administrative hearings; • Handling grievance and, disciplinary and arbitration hearings; • Workplace discipline and counselling | | |

| | | |
|--|--|--|
| <ul style="list-style-type: none"> • Preside over disciplinary and grievance hearings and also act as initiators/prosecutors at hearings; • Dealing with Dismissals for Misconduct, Incapacity and Operational requirements matters under Section 189. | | |
| <p>2. Drafting of relevant labour related documentation including but not limited to:</p> <ul style="list-style-type: none"> • employment contracts, disciplinary codes, grievance procedures and collective agreements; | | |
| <p>3. Provision of specific labour related advice, legal opinions or related services as it relates to collective bargaining, union related matters, where applicable</p> | | |
| <p>4. Provision of Labour Relations training as and when required</p> | | |
| <p>5. Litigation relating to Labour Law matters</p> | | |
| <p>The bidder must provide details of recent matters handled by the Bidder.</p> | | |





SECTION: 3

Road Traffic
Management Corporation



SECTION: 3

**ANNEXURES AND STANDARD
BIDDING DOCUMENTS**

Road Traffic
Management Corporation

ANNEXURE AND STANDARD BIDDING DOCUMENTS

| DOCUMENT | DESCRIPTION |
|--------------------|---|
| BDGI | Bid Documents General Information |
| Annexure 1 | Invitation to Bid (SBD 1) |
| Annexure 2 | Acceptance of Bid Conditions and Bidder's Structure |
| Annexure 3 | Tax Clearance Requirements (SBD 2) |
| | Annexure 4 SBD 6.2 Local content certificate |
| Annexure 5 | Declaration of Interest (SBD 4) |
| Annexure 6 | Declaration of Bidder's Past Supply Chain Management Practices (SBD 8) |
| Annexure 7 | Certificate of Independent Bid Determination (SBD 9) |
| Annexure 8 | Pricing Schedule (SBD 3.3) |
| Annexure 9 | Preference Points Claim Forms (SBD 6.1) |
| Annexure 10 | Template of Contactable References |
| Annexure 11 | Template of a Detailed Price Schedule (To Accompany SBD 3.3) |



Road Traffic Management Corporation

BIDDING DOCUMENTS : GENERAL INFORMATION

1. The bidding forms are drawn up so that certain essential information is to be furnished in a specific manner. Any additional particulars shall be furnished in the enclosed questionnaire(s) or in a separate annexure.
2. The bidding forms should not be retyped or redrafted but photocopies may be prepared and used. Additional offers may be made for any item, but only on a photocopy of the page in question. Additional offers made in any other manner may be disregarded.
3. Bidding forms not filled in using a computer and printer shall be completed in black ink.
4. Bidders shall check the numbers of the pages and satisfy themselves that none are missing or duplicated. No liability shall be accepted in regard to claims arising from the fact that pages are missing or duplicated.
5. The forms in respect of Preference Points Claim, if attached, shall be completed and submitted with the completed Bid.
6. Firm bid prices and delivery periods are preferred. Consequently bidders shall clearly state whether prices and delivery periods will remain firm for the duration of the contract or not.
7. If non-firm prices are submitted, this fact should be clearly stated in the bidding documents.
8. Where items are specified in detail, the specifications from an integral part of the bidding document and bidders shall indicate in the space provided whether the items offered are to specification or not.
9. In respect of the paragraphs where the items offered are strictly to specification, bidders shall insert the words "as specified".
10. In cases where the items are not to specification, the deviations from the specifications shall be indicated.
11. The bid prices shall be given in the units shown.
12. All prices shall be quoted in South African currency.

13. All delivery costs must be included in the submitted bid prices.
14. Unless specifically provided for in the bidding document, no bids transmitted by telegram, telex, facsimile, e-mail or similar apparatus shall be considered.
15. All forms and tables must be completed as required. Non-submission of some required information will result in the bid declared invalid. In addition to the required information, brief additional information may be appended.
16. Bidders must ensure themselves that all the required forms, certificates and required documents are completed, signed and attached.
17. All bids are subjected to : the Project Specification, Special Provisions, Special Conditions and General Conditions of Contract.
18. Only the successful Bidder will be required to complete and sign a written Contract – Form SBD 7.
19. These conditions and information from part of the bid and failure to comply therewith may invalidate a bid.
20. For completion of SBD 6 Forms see relevant sections in Special Conditions of Contract.
21. Have the company or any of its Directors, Shareholders or Joint Venture Partners in their present or previous capacity ever been restricted from bidding by any organ of the State? ***Yes / No**

If in the affirmative, please provide full details of restriction:

.....

.....

.....

.....

(*Please circle the applicable Yes or No response above clearly)

| | | |
|--|---|--------------------------|
| Signature of Declarant | Bid Number | Date |
| 1.1.1.1.1 Position of Declarant | 1.1.1.1.2 Name of Company / Organisation / Enterprise / Bidder | |
| Witness 1 : | | Witness 2 : |

IMPORTANT BIDDING CONDITIONS

1. Failure on the part of the bidder to sign this bid form and thus to acknowledge and accept the conditions in writing, or to complete the attached forms, questionnaires and specification in all respects, may invalidate the bid.
2. Bids should be submitted on the official forms and should not be qualified by the bidder's own conditions of bidding. Failure to comply with these requirements or to renounce specifically the bidder's own conditions of bid, when called upon to do so, may invalidate the bid.
3. If any of the conditions on these bid forms are in conflict with any special conditions, stipulations or provisions incorporated in the bidding documents, such special conditions, stipulations or provisions shall apply.
4. Each bid must be submitted in a separate, sealed envelope on which the **bid number, bid description, name and address of the bidder, and the closing date and time** must be clearly endorsed.

BIDDERS ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE ROAD TRAFFIC MANAGEMENT CORPORATION

BID NUMBER: **CLOSING DATE:** **CLOSING TIME:** 11:00

DESCRIPTION.....
.....

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

BID **DOCUMENTS** **MAY** **BE** **POSTED**
TO:.....
.....

OR

DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)
.....
.....

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

The bid box is generally open 24 hours a day, 7 days a week.

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

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

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

NAME OF BIDDER

POSTAL ADDRESS

STREET ADDRESS
.....

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

FASCIMILE NUMBER CODE..... **NUMBER**.....

EMAIL ADDRESS

VAT REGISTRATION NUMBER

HAS AN ORIGINAL AND VALID TAX CLEARANCE CERTIFICATE BEEN SUBMITTED? (SBD 2)

YES or NO

HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE BEEN SUBMITTED? (SBD 6.1)

YES or NO

IF YES, WHO WAS THE CERTIFICATE ISSUED BY?

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

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

OR

A REGISTERED AUDITOR

[TICK APPLICABLE BOX]

(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE)

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS / SERVICES / WORKS OFFERED?

YES or NO

[IF YES ENCLOSE PROOF]

SIGNATURE OF BIDDER.....

DATE.....

CAPACITY UNDER WHICH THIS BID IS

SIGNED.....



ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:

Department:
Contact Person:
Tel:
Fax:
E-mail address:.....

ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:

Contact Person:
Tel:
Fax:
E-mail address:.....



ANNEXURE 2 ACCEPTANCE OF BID CONDITIONS AND BIDDERS STRUCTURE

ACCEPTANCE OF BID CONDITIONS

| | |
|---|--|
| BID REFERENCE NO. | |
| NAME OF BIDDER: | |
| AUTHORISED SIGNATORY: | |
| NAME OF AUTHORISED SIGNATORY: | |
| POSITION OF AUTHORISED SIGNATORY: | |
| BY SIGNING ABOVE, THE BIDDER HEREBY ACCEPT FULL RESPONSIBILITY FOR THE PROPER EXECUTION AND FULLFILMENT OF ALL OBLIGATIONS AND CONDITIONS DEVOLVING ON HIM/HER UNDER THIS BID. | |



BIDDING STRUCTURE

| Indicate the type of bidding structure by marking with "X" | |
|---|--|
| Individual Bidder | |
| Joint Venture/Consortium | |
| Company | |
| Other | |

BIDDING STRUCTURE INFORMATION

| Bidder Information: | |
|--------------------------------|--|
| Name of Company | |
| Registration Number | |
| VAT Registration Number | |
| Contact Person | |
| Telephone Number | |
| Cellphone Number | |
| Fax Number | |
| Email Address | |
| Postal Address | |
| Physical Address | |

If Partnership/Joint Venture/Consortium, bidders must provide bidder information for each partner/joint venture member/consortium member.

**APPLICATION FOR TAX CLEARANCE CERTIFICATE
(IN RESPECT OF TENDERS)**

| | |
|----|--|
| | IT IS A CONDITION OF TENDER THAT: – |
| 1. | It is an absolute requirement that the taxes of the successful tenderer must be in order or that suitable arrangements have been made with the Receiver of Revenue to satisfy them. |
| 2. | The Application for Tax Clearance Certificate (in respect of tenders), must be completed by the tenderer in all respects and submitted to the Receiver of Revenue where the tenderer is registered for income tax purposes. The Receiver of Revenue will then furnish the tenderer with a Tax Clearance Certificate that will be valid for a period of twelve (12) months from date of issue. This Tax Clearance Certificate must be submitted in the original with the tender under this section , that is before the closing time and date of the tender. Failure to submit an original and valid Tax Clearance Certificate may invalidate your tender. |
| 3. | Each party to a Consortium/Sub-contractors must complete a separate Tax Clearance Certificate. Copies of the Application for Tax Clearance Certificate are available at any Receiver's Office. |

Road Traffic
Management Corporation

**APPLICATION FOR TAX CLEARANCE CERTIFICATE
(IN RESPECT OF BIDDERS)**

1. Name of taxpayer / bidder :
2. Trade name:
3. Identification number

| | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
4. Company / Close Corporation registration number:

| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
5. Income tax reference number:

| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
6. VAT registration number (if applicable):

| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
7. PAYE employer's registration number (if applicable):

| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

Contact person requiring Tax Clearance Certificate: Signature :

Name :

Telephone number : Code: () Number :

Address :

Road Traffic
Management Corporation

Code :

Date :

PLEASE NOTE

THE COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE (SARS) WILL NOT EXERCISE HIS DISCRETIONARY POWERS IN FAVOUR OF ANY PERSON WITH REGARD TO ANY INTEREST, PENALTIES AND/ OR ADDITIONAL TAX LEVIABLE DUE TO THE LATE- OR UNDERPAYMENT OF TAXES, DUTIES OR LEVIES OR THE RENDITION RETURNS BY ANY PERSON AS A RESULT OF ANY SYSTEM NOT BEING YEAR 2000 COMPLIANT



DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

This Standard Bidding Document (SBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2011, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

1. General Conditions

- 1.1. Preferential Procurement Regulations, 2011 (Regulation 9) makes provision for the promotion of local production and content.
- 1.2. Regulation 9.(1) prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for bids referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = [1 - x / y] * 100$$

Where

- x is the imported content in Rand
- y is the bid bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as indicated in paragraph 4.1 below.

The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial development/ip.jsp](http://www.thedti.gov.za/industrial%20development/ip.jsp) at no cost.

Annexure 4

SBD 6.2 (Page 2)

1.6 A bid may be disqualified if –

- (a) this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation; and
- (b) the bidder fails to declare that the Local Content Declaration Templates (Annex C, D and E) have been audited and certified as correct.

2. Definitions

- 2.1. **“bid”** includes written price quotations, advertised competitive bids or proposals;
- 2.2. **“bid price”** price offered by the bidder, excluding value added tax (VAT);
- 2.3. **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.4. **“designated sector”** means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;
- 2.5. **“duly sign”** means a Declaration Certificate for Local Content that has been signed by the Chief Financial Officer or other legally responsible person nominated in writing by the Chief Executive, or senior member / person with management responsibility (close corporation, partnership or individual).
- 2.6. **“imported content”** means that portion of the bid price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad (this includes labour or intellectual property costs), plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;
- 2.7. **“local content”** means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;
- 2.8. **“stipulated minimum threshold”** means that portion of local production and content as determined by the Department of Trade and Industry; and

2.9. “**sub-contract**” means the primary contractor’s assigning, leasing, making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.

3. **The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:**

Annexure 4

SBD 6.2 (Page 3)

| <u>Description of services, works or goods</u> | <u>Stipulated minimum threshold</u> |
|--|-------------------------------------|
| _____ | _____ % |
| _____ | _____ % |
| _____ | _____ % |

4. Does any portion of the services, works or goods offered have any imported content?
(Tick applicable box)

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

4.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on www.reservebank.co.za.

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

| Currency | Rates of exchange |
|-----------------|--------------------------|
| US Dollar | |
| Pound Sterling | |
| Euro | |
| Yen | |
| Other | |

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

5. Were the Local Content Declaration Templates (Annex C, D and E) audited and certified as correct?
(Tick applicable box)

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

5.1. If yes, provide the following particulars:

- (a) Full name of auditor:
- (b) Practice number:
- (c) Telephone and cell number:
- (d) Email address:

(Documentary proof regarding the declaration will, when required, be submitted to the satisfaction of the Accounting Officer / Accounting Authority)

Annexure 4

SBD 6.2 (Page 4)

- 6. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the AO/AA provide directives in this regard.

LOCAL CONTENT DECLARATION
(REFER TO ANNEX B OF SATS 1286:2011)

LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)

IN RESPECT OF BID NO.

ISSUED BY: (Procurement Authority / Name of Institution):

NB

1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.

2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on <http://www.thdti.gov.za/industrial-development/ip.jsp>. Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, (full names),
 do hereby declare, in my capacity as
 of(name of bidder
 entity), the following:

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:

- (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
- (ii) the declaration templates have been audited and certified to be correct.

(c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

| | |
|--|---|
| Bid price, excluding VAT (y) | R |
| Imported content (x), as calculated in terms of SATS 1286:2011 | R |
| Stipulated minimum threshold for local content (paragraph 3 above) | |
| Local content %, as calculated in terms of SATS 1286:2011 | |

If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above. The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.

(d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.

(e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2011 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____

DATE: _____

WITNESS No. 1 _____

DATE: _____

WITNESS No. 2 _____

DATE: _____

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.

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.

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

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:
Name of state institution at which you or the person connected to the bidder is employed :
Position occupied in the state institution:

Any other particulars:
.....
.....
.....

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

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

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

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

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:
.....
.....
.....

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

2.9.1 If so, furnish particulars.
.....
.....
.....

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

YES/NO

2.10.1 If so, furnish particulars.

.....

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

YES/NO

2.11.1 If so, furnish particulars:

.....

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

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

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



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><i>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?</i></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> | Yes <input type="checkbox"/> | No <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> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4.2.1 | If so, furnish particulars: | | |
| 4.3 | <p>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?</p> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4.3.1 | If so, furnish particulars: | | |
| 4.4 | <p>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?</p> | 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

Js365bW



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:

(Bid Number and Description)

in response to the invitation for the bid made by:

(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.

CERTIFICATE OF INDEPENDENT BID DETERMINATION

.....

Signature

.....

Date

.....

Position

.....

Name of Bidder

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.

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**PRICING SCHEDULE – FIRM PRICES
(PURCHASES)**

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

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

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

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

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

- Required by:
- At:
- Brand and model
- Country of origin
- Does the offer comply with the specification(s)? *YES/NO
- If not to specification, indicate deviation(s)
- Period required for delivery
- *Delivery: Firm/not firm
- Delivery basis

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

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

*Delete if not applicable



PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011.

1. GENERAL CONDITIONS

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 R1 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R1 000 000 (all applicable taxes included).

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

1.3 Preference points for this bid shall be awarded for:

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

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

POINTS

1.3.1.1 **PRICE**

1.3.1.2 **B-BBEE STATUS LEVEL OF CONTRIBUTION**

Total points for Price and B-BBEE must not exceed 100

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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

2. DEFINITIONS

- 2.1.1 **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- 2.2 **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 2.3 **“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.4 **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 **“comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 **“consortium or joint venture”** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract;
- 2.8 **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 **“EME”** means any enterprise with an annual total revenue of R5 million or less .
- 2.10 **“Firm price”** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 **“functionality”** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 **“non-firm prices”** means all prices other than “firm” prices;
- 2.13 **“person”** includes a juristic person;
- 2.14 **“rand value”** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.16 **“total revenue”** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;

2.17 “trust” means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and

2.18 “trustee” means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ADJUDICATION USING A POINT SYSTEM

3.1 The bidder obtaining the highest number of total points will be awarded the contract.

3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;

3.3 Points scored must be rounded off to the nearest 2 decimal places.

3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.

3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.

3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

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

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

80/20 or 90/10

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

P_{\min} = Comparative price of lowest acceptable bid

5. Points awarded for B-BBEE Status Level of Contribution

5.1 In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

| B-BBEE Status Level of Contributor | Number of points (90/10 system) | Number of points (80/20 system) |
|---|--|--|
| 1 | 10 | 20 |
| 2 | 9 | 18 |
| 3 | 8 | 16 |
| 4 | 5 | 12 |
| 5 | 4 | 8 |
| 6 | 3 | 6 |
| 7 | 2 | 4 |
| 8 | 1 | 2 |
| Non-compliant contributor | 0 | 0 |

- 5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.
- 5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that

such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended subcontractor is an EME that has the capability and ability to execute the sub-contract.

5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

6. BID DECLARATION

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

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

7.1 B-BBEE Status Level of Contribution: =(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

8 SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 If yes, indicate:

- (i) what percentage of the contract will be subcontracted?%
- (ii) the name of the sub-contractor?
- (iii) the B-BBEE status level of the sub-contractor?
- (iv) whether the sub-contractor is an EME? YES / NO (delete which is not applicable)

9 DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of company/firm

9.2 VAT registration number :

9.3 Company registration number
:

9.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

9.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

9.7 Total number of years the company/firm has been in business?

9.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- (i) The information furnished is true and correct;
- (iii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.
- (iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- (iv) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution

WITNESSES:

1.

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

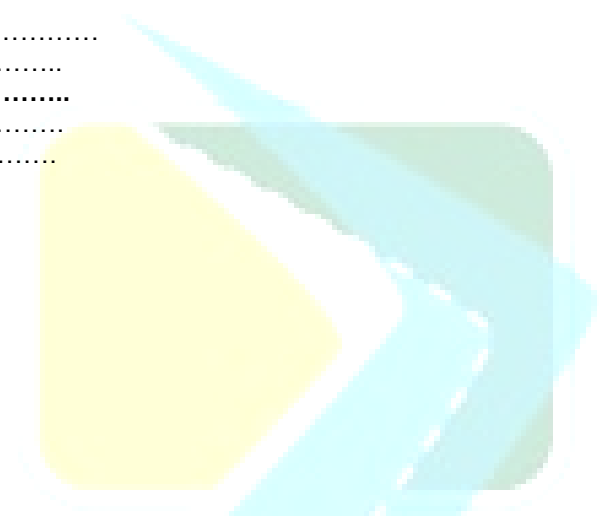
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DATE:.....

ADDRESS:.....

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Road Traffic
Management Corporation

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| PROJECT NAME: | | | | | |
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| PROJECT DURATION | | | | | |
| PROJECT VALUE | | | | | |
| ROLE PLAYED | | | | | |
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| RELEVENCE TO THIS BID | | | | | |
| | | | | | |
| KEY LESSONS LEARNT | | | | | |
| | | | | | |
| REFERENCE CONTACT DETAILS | NAME AND SURNAME | EMAIL ADDRES | BUSINESS ADDRESS | CELL NUMBERS | TELEPHONE NUMBERS |
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