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**National Heritage Council**  
SOUTH AFRICA

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**an agency of the**  
Department of Arts and Culture

**TERMS OF REFERENCE  
AND BID DOCUMENT  
LEASING OF OFFICE ACCOMMODATION  
REF: NHC/04/2018/19**

## SUMMARY OF TENDER

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<b>1. Assignment:</b>	Leasing of Office Accommodation for the NHC for a period of 5 years.
<b>2. Name of the responsible office:</b>	Supply Chain Management.
<b>3. Address for submitting proposals &amp; other correspondence:</b>	The Supply Chain Manager, National Heritage Council, Room 201, No 57 Kasteel Road, Domus Building, Lynnwood Glen, Pretoria
<b>4.Telephone:</b>	012-3481663/8223
<b>5.Email:</b>	<a href="mailto:procurement@nhc.org.za">procurement@nhc.org.za</a>
<b>6. Attention:</b>	Mr. Sipehelele Skenjana
<b>7. Advert Date</b>	12 October 2018
<b>8. Closing Date &amp; Time for submission of proposals:</b>	13 November 2018 at 11H00
<b>9. Bid Description:</b>	Appointment of a reputable and experienced service provider for the leasing of office accommodation to the NHC.
<b>10. Bid Number:</b>	NHC/04/2018/19
<b>11. Compulsory Briefing Session:</b>	30/10/2018 at 10h00 at NHC Offices

## TERMS OF REFERENCE

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**TERMS OF REFERENCE**

## **1 BACKGROUND AND ABBREVIATIONS**

### **1.1 Introduction to the National Heritage Council**

The National Heritage Council of South Africa (NHC) is a Schedule 3(A) Public Entity that is responsible for the preservation of the country's heritage. The important areas that the NHC focuses on is policy development for the sector to meet its transformation goals, public awareness and education, knowledge production in heritage subjects that were previously neglected, and making funding available to projects that place heritage as a socio-economic resource. The NHC came into existence through an amendment of the Cultural Laws Second Amendment Act 69 of 2001, and was officially constituted through the National Heritage Act of 1999.

#### **ACCRONYMS:**

**CSD** – CENTRAL SUPPLIER DATABASE

**DAC** – DEPARTMENT OF ARTS AND CULTURE

**NHC** – NATIONAL HERITAGE COUNCIL

**PFMA** – PUBLIC FINANCE MANAGEMENT ACT

**SLA** – SERVICE LEVEL AGREEMENT

**TOR** – TERMS OF REFERENCE

## **2 GENERAL GUIDELINES ON SUBMISSION**

Completed Tender submissions should be hand-delivered in sealed envelopes to the NHC at the address on page 2 of this document.

All enquiries must be in writing and directed to: [procurement@nhc.org.za](mailto:procurement@nhc.org.za) for the attention of Mr S. Skenjana. Enquires will be allowed from the date of invitation until seven working days before the closing date for submission of proposals.

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## **2.1 Purpose of the Terms of Reference (ToR)**

The purpose of this bid is to provide information that will enable the bidder to develop a scope and comprehensive proposal for suitably qualified and experienced service providers to provide Leasing of Office Accommodation in accordance with the given scope. Since not all services and requirements can be fully defined, the ToR provides an environmental sketch for Bidders to enable them to formulate their proposal for the NHC.

## **2.2 Objectives**

The primary objective of this request for proposal is to invite reputable and experienced service providers to submit proposals to the NHC to provide Leasing of Office Accommodation for the period of five years from the date of commencement/appointment.

## **2.3 Submission of Proposals**

2.3.1 The bid should be hand delivered or couriered (**No Email/Faxes**) to the address specified on Page 2 in six (6) sets of each as follows:

- a) The original;
- b) Four copies of the Original proposal; and
- c) Plus one CD (which also includes the copy of the original proposal (both the Technical proposal and the Financial Proposal) plus any relevant information concerning the bid and the bidder's experience).

The **ENVELOPE** should be clearly marked:

**THE COMPANY NAME**

**BID NAME "LEASING OF OFFICE ACCOMMODATION",**

**REFERENCE NUMBER: NHC/04/2018/19"**

**CENTRAL SUPPLIER DATABASE NUMBER (CSD)**

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2.3.2 Bidders are requested to indicate clearly on the cover page of each document, whether it is the original or copy 1, copy 2, copy 3 etc.

The **Original Document** should be as follows:

- a) Financial proposal;
- b) Technical proposal; and
- c) All other relevant information as per evaluation criteria.

2.3.3 Bidders should adhere to the following mandatory requirements:

2.3.3.1 The Bid document is free of charge to be downloaded on National Treasury e-Tender Portal and NHC website;

2.3.3.2 All proposals must be costed in South African Rand, inclusive of VAT;

2.3.3.3 The Bid total amount must be stated on quotation and Pricing Schedule;

2.3.3.4 If the bid does not include all the information required or is incomplete, such a bid will be deemed as non-compliant and thus be invalidated;

2.3.3.5 Any bid received after the closing date and time, will be rejected; and

2.3.3.6 All costing must remain valid and open for evaluation for a period of at least ninety (90) days from the time of submission.

2.3.3.7 Bidders to strictly adhere to requirements on section 2.3 sub- section 2.3.1 and 2.3.2.

2.3.3.8 The bidder that does not meet all the requirements as per section 2.3.3 (from sub-section 2.3.3.1 to 2.3.3.7) will be disqualified.

## **2.4 Infrastructure**

It is expected that Bidders will be able to provide all necessary facilities, systems, equipment, personnel needed for effective and efficient delivery of the ToR requirements and Service Level Agreement (SLA), without any upfront payment by the NHC.

## **2.5 Cost to be borne by Service Provider**

All costs and expenses incurred by the Bidder, in any way associated with the development, preparation and submission of bid documents, responses and providing any additional information required by the NHC, will be borne entirely and exclusively by the Bidder.

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## **2.6 No Legal Relationship**

No binding legal relationship will exist between any of the Bidders and the NHC until the execution of a signed contractual SLA. The ToR document will not form part of any such contract or arrangement. The SLA will be based upon the Successful Bidder's Technical Bid document.

The NHC reserves the right to split the award, or award the tender to more than one Bidder where no Bid satisfies all the requirements or the ToR document.

## **2.7 Evaluation of Offers**

Each Bidder acknowledges and accepts that the NHC may, at its absolute discretion apply selection criteria, specific in this document for the evaluation of proposals for shortlisting/selection of eligible bidders(s), in a phased approach.

## **3 INSTRUCTION FOR PROPOSALS:**

### **3.1 Format of your Proposal**

The proposal should be presented in two separate sealed envelopes i.e. Technical Proposal and Financial Proposal.

#### **TECHNICAL PROPOSAL:**

1. PURPOSE
2. SCOPE OF WORK
3. METHODOLOGY
4. PROJECT IMPLEMENTATION APPROACH
5. EXPERIENCE AND REQUIREMENTS

#### **FINANCIAL PROPOSAL:**

1. COSTING
2. FINANCIAL RESPONSIBILITIES
3. SBD 3.1
4. COMPANY FINANCIAL STATEMENTS

NB: Each section must be separated by a clearly labelled divider.

## **TERMS OF REFERENCE**



## **4 STANDARD REQUIREMENTS OF THE BID**

### **4.1 Disclosures**

4.1.1 The bidder must disclose:

- (i) If they are or have been the subject of any proceedings or other arrangement relating to bankruptcy/insolvency.

4.1.2 If they have been convicted or, or are the subject of any proceedings, relating to:

- (i) A criminal offence or other offence, involving the activities of a criminal nature in its organization or found by any regulator or professional body to have committed professional misconduct.
- (ii) Corruption, including the offer or receipt of any inducement or any kind in relation to obtaining any contract with any contracting authority.
- (iii) Failure to fulfil any obligation in any jurisdiction relating to the payment of taxes and other legal obligations.
- (iv) If a bidder or related Disclosure extends to any company in the same group of the bidder, including but not limited to parent, subsidiary and sister companies, companies with common shareholders (whether direct or indirect) and parties with whom the Bidder is associated in respect of this tender.
- (v) Disclosure extends to any company in the same group of the bidder, including but not limited to parent, subsidiary and sister companies, companies with common shareholders (whether direct or indirect) and parties with whom the Bidder is associated in respect of this tender.

#### **4.1.3 Disclaimer:**

The NHC reserves the right not to appoint a service provider. The NHC also reserves the right to:

4.1.3.1 Reject all bids;

4.1.3.2 Decline to consider any bids that do not confirm to any aspect of the bidding requirements;

4.1.3.3 Request further information from any Bidder, after the closing date for clarity purposes;

4.1.3.4 Cancel this tender or any part thereof at any time; and

4.1.3.5 Should any of the above occur, it will be communicated in writing to the Bidders.

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## **4.2 Confidentiality**

- 4.2.1 Bids submitted will not be revealed to any other Bidders and will be treated as contractually binding;
- 4.2.2 All information pertaining to the NHC obtained by the Bidder as a result of participation in this Request for Bid (RFB) is confidential and must not be disclosed without written authorization from the NHC; and
- 4.2.3 The successful Bidder will be expected to sign an SLA with the NHC.

## **4.3 Disqualification**

- 4.3.1 Any form of canvassing/lobbying/influencing regarding the short listing will result in disqualification;
- 4.3.2 Any non-disclosure of any information pertaining to this bid will result in disqualification;
- 4.3.3 Non-compliance with the bid requirements will invalidate the bid; and
- 4.3.4 Non-compliance with all the applicable Acts, Regulations and by-laws will result in the disqualification of the bid.

## **5 EVALUATION CRITERIA**

- 5.1 The bid will be evaluated in three (3) phases:

### **Phase 1 – Evaluation on Compliance (Minimum qualification requirements)**

This entails screening of all bid responses received at the close of the bid. During this phase, bid responses are registered to ascertain the number of bid responses received before the closing date and time, and to verify if the Bidders have submitted all mandatory requirements. The following compliance mandatory documents should be submitted to qualify for the next phase of evaluation:

- 5.1.1 SBD 1 – Invitation to Bid;
- 5.1.2 SBD 3.1- Pricing Schedule – Firm Prices (Purchases);
- 5.1.3 SBD 3.3 – Pricing Schedule –Professional Services;
- 5.1.4 SBD 4 - Declaration of Interest;

## **TERMS OF REFERENCE**

- 5.1.5 SBD 6.1- PPFA Regulations claim form;
- 5.1.6 SBD 8 - Declaration of Service Providers Past Supply Chain Management practices;
- 5.1.7 SBD 9 – Certificate of Independent Bid Determination;
- 5.1.8 Registration on National Treasury Central Supplier Database (CSD); (Compulsory)
- 5.1.9 Certified Copy of a valid B-BBEE certificate issued by the verification agency accredited by SANAS or Original Sworn Affidavit signed by the EME representative and attested by a Commissioner of Oaths in respect of EMEs;
- 5.1.10 Joint Venture Certificates or Agreement signed (if applicable);
- 5.1.11 Bidders must be Tax Compliant on the CSD on the date of award; and
- 5.1.12 Bidders must attach a copy of the CSD Report as proof of registration on the CSD.
- 5.1.13 All the Requirements of section 2.3 sub section 2.3.1 and 2.3.2 as stated above.

5.2 **Phase 2** – Technical Requirements (Functional Specifications, skills and experience, references and resources):

- 5.2.1 This evaluation will be based on the responses provided in the Bidders bid documents, using the functionality requirements in the TERMS OF REFERENCE section. The threshold values set for qualification of a bid is a score of 80/100 and all bidders who score below this score will be eliminated.

## TECHNICAL FUNCTIONALITY CRITERIA

<b>A. MANDATORY REQUIREMENTS</b> (minimum of 50 points)		
<b>Evaluation criteria</b>	<b>Deliverables</b>	<b>Points</b>
<p><b>A1. LOCATION of building</b> The building should preferably be located within a business district, within a 6km radius from the current location (Pretoria - Lynnwood Glen) and public transport route respectively.</p>	<p>A letter from the Local Municipality confirming requirement.</p> <p><b>Key:</b> <i>15 = within 6km from current location and within 6km of a business district.</i></p> <p><i>10 = within 6km of current location outside a business district.</i></p> <p><i>5 = outside the radius of 6km outside the current location in a business district</i></p> <p><i>0 = over 6km from current location and outside business district</i></p>	15
<p>A2. Extent of space offered: Provisions of 1071M<sup>2</sup> (assignable) and area offered (non-assignable 20%). 214M<sup>2</sup></p> <p><b>Total : 1285M<sup>2</sup></b></p>	<p>A layout plan based on client's needs and specification of minimum requirements must be prepared and signed off by registered professional architect. The plan is to be in colour showing assignable and non-assignable areas. Clear tabulation of assignable and non-assignable square areas to be placed on the plans. Clear measurable timelines for the refurbishment process must be shown on the plan.</p> <p><b>Key:</b> <i>10= Meeting the specifications</i></p>	10

## TERMS OF REFERENCE

<b>A. MANDATORY REQUIREMENTS (minimum of 50 points)</b>		
<b>Evaluation criteria</b>	<b>Deliverables</b>	<b>Points</b>
	<i>0= Not meeting the specification</i>	
<p><b>A3. Parking:</b> Provision of adequate safe secure on-site parking as per requirements.</p> <p>Indicate number of bays and categories</p> <p>1.1. 2 Lock-up garages</p> <p>1.2. 50 Secure on-site Undercover parking bays</p> <p>1.3. 20 secure on-site Open Bays</p> <p>1.4. 2 Secure disabled on-site parking bays (<i>closest to entrance</i>)</p> <p>If offered premises cannot provide for all onsite parking, a plan must be submitted with the bid indicating provision of remaining parking (not more than 20% of the total required parking) should be on site and remaining parking shall not be more than 100m away from the offered premises. Proof of lease/ownership of such property to be furnished.</p>	<p>Attach drawings for proposed parking layout and site plan to confirm number of bays prepared and signed off by registered Professional Architect. Layout to clearly show parking bays, circulation, ingress and egress and access control</p> <p><b>Key:</b></p> <p><i>10 = All bays on site as specified</i></p> <p><i>8 = Parking onsite and offsite</i></p> <p><i>6 = Parking offsite</i></p> <p><i>4 = parking not meeting any of the above requirements</i></p> <p><i>0 = no parking</i></p>	10
<p><b>A4. LAYOUT OF THE BUILDING</b></p> <p>Building is available for total occupancy or partial occupancy.</p> <p>If the building is shared then the space offered must be dedicated space on contiguous floors either from highest level coming down or lowest level going up (no points will be allocated for space offered between floors and between</p>	<p>Draft layout plan based on client's needs and specification of minimum requirements must be prepared and signed off by registered professional architect and attached to this bid.</p> <p>Submit a list of all tenants with bid</p> <p><b>Key:</b></p>	10

## TERMS OF REFERENCE

<b>A. MANDATORY REQUIREMENTS (minimum of 50 points)</b>		
<b>Evaluation criteria</b>	<b>Deliverables</b>	<b>Points</b>
<p>other tenants) except for common areas like foyer, etc. If the building is shared, then it may be shared only with other corporate/government tenants and it must have its own separate entrance.</p>	<p><i>10 = Total occupancy meeting all other criteria</i></p> <p><i>8 = Partial occupancy with no shared space or floor in between with other tenants</i></p> <p><i>0 = none of the above met</i></p>	
<p>A5. Disability Compliance of building Walking surfaces, doors &amp; doorways, ramps, kerb ramps, stair ways, handrails, elevator; parking and toilets i.e. building above one floor must have provision for full wheelchair access.</p>	<p>Letter from Architect together with relevant drawings/plans indicating unrestricted accessibility for disabled persons throughout the building, provision of toilets, ramps and lifts for disabled persons.</p> <p><b>Key:</b> <i>10= Meeting Specification</i> <i>0= Not meeting Specification</i></p>	10
<p>A6. Zoning of premises Buildings must be zoned either; Commercial; Office or Public Buildings</p> <p>If building needs to be re-zoned to meet the above criteria, the bidder must comply with a re-zoning application</p>	<p>Town planning Zoning Certificate from the Local Municipality confirming the zoning without any onerous conditions</p> <p>Re-zoning application must be attached to the bid</p> <p><b>Key:</b> <i>3= If location is surrounded by commercial property</i> <i>1= If location is not in a commercial zone but near a non-commercial zone</i> <i>0 = If it is near an unzoned property</i></p> <p>Re-zoning</p>	<p>3</p> <p>2</p>

## TERMS OF REFERENCE

<b>A. MANDATORY REQUIREMENTS (minimum of 50 points)</b>		
<b>Evaluation criteria</b>	<b>Deliverables</b>	<b>Points</b>
	<p>2 = If property does not need to be rezoned</p> <p>1 =If building need to be rezoned and service provide can provide proof</p> <p>0= If place is not for commercial use and no rezoning planned.</p>	
<b>B. TECHNICAL &amp; ENVIRONMENTAL COMPLIANCE</b>		<b>(Minimum of 20 points)</b>
B1. Rational assessments of the following professions in relation to the building offered "as is"; these should be not older than 12 months	<ol style="list-style-type: none"> <li>1. electrical engineers report;</li> <li>2. mechanical engineer's report,</li> <li>3. architectural report;</li> <li>4. structural engineers report (to cover both building structure and parking)</li> <li>5. fire consultant's report (to cover an evacuation plan and demarcated assembly points).</li> <li>6. Plumbing report</li> <li>7. Occupation certificate</li> </ol> <p><b>COMPLAINCE LETTERS / CERTIFCATES MUST ACCOMPANY EACH OF THE ABOVE REPORTS.</b></p> <p><b>Key:</b>  12= If it is compliant</p> <p>6= If not compliant but applied for compliance letter</p> <p>0= If not compliant and not applied for compliance letter</p>	12
B2. Green building elements. The building should demonstrate effective and efficient utilization of natural resources and environmentally friendly measure which	Bidder to submit a full proposal outlining sustainable measures in respect of; <ol style="list-style-type: none"> <li>1. Rainwater harvesting;</li> <li>2. reduction of electricity consumption</li> </ol>	6

**TERMS OF REFERENCE**

<b>A. MANDATORY REQUIREMENTS (minimum of 50 points)</b>		
<b>Evaluation criteria</b>	<b>Deliverables</b>	<b>Points</b>
incorporates operational practices that significantly reduce or eliminate negative impact on the environment and its occupants.	3. Waste reduction 4. Use of natural lighting and 5. Provision of back-up power  <b>Key:</b> <i>6= Environmentally friendly services</i>  <i>0= If the service provider cannot put a plan in place</i>	
B3. Compliance with Occupational Health and Safety	Fire safety certificate, fire equipment service records and fire plan depicting evacuation routes and demarcated assembly points with areas of refuge.  <b>Key:</b> <i>10= If it complies</i>  <i>3= Plan to comply</i>  <i>0= No plan to comply</i>	10
B4. Grading of building A- Grade building B- Grade building	Letter, not older than 12 months, issued by Municipality confirming the grading as defined by SAPOA.  <b>Key:</b> <i>10= If letter is not older than 12 months and A grading</i>  <i>5= If letter not older than 12 months with in B grading</i>  <i>3= If letter is older than 12 months</i>  <i>0= No letter</i>	10

## TERMS OF REFERENCE



<b>A. MANDATORY REQUIREMENTS (minimum of 50 points)</b>		
<b>Evaluation criteria</b>	<b>Deliverables</b>	<b>Points</b>
B5. Completeness and Quality of Bidder's Submission	The bid submission must be well structured and to include relevant drawings/returnable documents and be of sufficient standard that demonstrates the bidders understanding the terms of the bid requirements.  <b>Key:</b> <i>2= Meeting Requirements</i>  <i>0= Not meeting requirements</i>	2
<b>TOTAL</b>		<b>100</b>

The functionality criteria will be used as selection criteria and bidders that score less than 70 points out of 100 in respect of functionality will be regarded as having submitted a non-responsive proposal and will be disqualified. A site visit will be conducted on qualifying bids. Only those bidders with buildings that meet the above requirements will proceed for pricing and PPPFA evaluation.

## **6 SPECIFICATION OF MINIMUM REQUIREMENTS FOR WORK TO BE CARRIED OUT ON HIRED PROPERTIES.**

### **6.2 ARCHITECTURAL & STRUCTURAL**

- 6.2.1 The Lessor is to reconfigure the premises to the client's requirements
- 6.2.2 All buildings are to be disabled friendly including ramps for access to the buildings, toilets, parking etc., as per the SANS 10400 building code of practice.
- 6.2.3 The whole building to be repainted in an acceptable paint of a pastel shade. Paint to be of a durable washable SANS, approved type.
- 6.2.4 All Structural steel including windows, burglar bars, door frames, etc. to be painted which is to be applied as per the manufacturer's instructions.
- 6.2.5 All wood skirtings and wood panelling are to be varnished.
- 6.2.6 All new doors to sapele semi-solid varnished type.
- 6.2.7 Existing doors are to be of semi-solid type or better.
- 6.2.8 All damaged doors to be replaced and may not be patched.
- 6.2.9 All locks on doors to be of a cylindrical lock type, dead bolt with latching devise, with one registered master key per floor.
- 6.2.10 All doors, passages to be numbered in Perspex type in a size 50mm high, 5mm thick and appropriate length.
- 6.2.11 All toilets, emergency escape doors, emergency exits, disabled toilets and disabled parking is to be adequately signed.
- 6.2.12 Partitioning for the construction of offices, storerooms etc, is to be of the "Rhino-Drywall" type complete with aluminium studs and Rhino-Wallboard on both sides. (Partitioning dismantled in the existing building may not be re-utilized.)
- 6.2.13 No glass panels are allowed in any office partitioning unless specified.
- 6.2.14 Ceilings are to be of a Gypsum "Rhinodek" type or other approved ceiling tiles on T38 exposed Tee suspension grid of pre-painted aluminium components. Ceiling boards that are dirty are to be cleaned. Ceiling boards that cannot be cleaned are to be replaced with new. Old ceiling boards are not to be reutilized. Patching will not be accepted.
- 6.2.15 Existing partitioning which is damaged may not be reused and is to be replaced with new through-out the damaged section.
- 6.2.16 All carpets in offices to be Berber point sheeting type. Areas which require different carpeting will be done at the cost of the Lessee.
- 6.2.17 All passages, registries and archives are to have vinyl tile flooring/carpeting tile.

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- 6.2.18 Toilets are to be totally refurbished with new pans, wash hand basins, partitioning, and floor and wall tiles unless accepted by Architect. All toilet seats are to be of “Armitage Shanks Magnia ASA5101” type seats prior to occupation.
- 6.2.19 The building is to be fumigated for rodents, insects and rancid odours prior to the occupation of the building and on a quarterly (1/4) basis for the duration of the occupation of the building
- 6.2.20 All external doors, PABX, file server rooms to be provided with a “Trellidor” security gate.
- 6.2.21 All ground floor level windows are to be supplied with “Trellidor” type burglar bars or equal.
- 6.2.22 All fire escapes/emergency exits are to conform to the relevant clauses of SANS code(s).

## **7 CONSTRUCTION AND APPEARANCE OF THE BUILDING**

The design, construction and appearance of the building, including the internal and external finishes shall be of a standard acceptable to the National Heritage Council. The building must comply with the national Building Regulations as proclaimed by the National Building Regulations and Building Standards Act 1977 (Act 103 of 1977) as well as the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended. The building shall be fully accessible to the disabled and the facilities must be provided as required by the Occupational Health and Safety Act, 1993 (Act 85 of 1993). A certificate to this effect must be submitted.

## **7.2 COMFORT REQUIREMENTS**

- 7.2.1 All workspaces to have a minimum of 10% daylight factor. Electrical Engineer's report to confirm as such.
- 7.2.2 Borrowed natural light to be provided  $\pm 500$ mm on top of doors to transfer light.
- 7.2.3 Natural ventilation to all offices.
- 7.2.4 Shop front on the entrance.
- 7.2.5 Ceiling height to be a minimum of 3m and maximum of 3.2m above finished floor level.
- 7.2.6 Fully compliant to all disability requirements, elevator if applicable.
- 7.2.7 Ramps, ablutions, parking and paved pathways, service counter and light switches and sockets.

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### **7.3 ELECTRICAL**

- 7.3.1 Each user/desk is to be provided with one dedicated and two normal 15A sockets outlet points.
- 7.3.2 Five dedicated and three normal socket outlets to be provided in both the PABX and File server rooms.
- 7.3.3 Two tier, three compartment trunking to be provided through-out the office block with adequate trunking linking both the PABX and file server rooms. Second hand trunking will not be accepted.
- 7.3.4 Luminaries to all offices and passages to be separately switched and located in each office.
- 7.3.5 Lighting is to be provided in all offices, storage areas, passage ways and fire escapes and is to conform to the relevant Lux levels as per the SANS 0400 regulations. (Open channel type luminaries are not acceptable for office accommodation.)
- 7.3.6 Adequate lighting to be provided in all toilets and kitchens.
- 7.3.7 Adequate lighting to be provided around the exterior of building and to all parking areas, pathways, staircases etc.
- 7.3.8 Strong rooms to be provided with suitable lighting which is to be switched both internally and externally complete with an external audible bell and exterior indicator light which is to be operated from the interior.
- 7.3.9 Distribution Board's to conform to the SANS 10142 regulations.
- 7.3.10 Main Municipal/Eskom power supply to be adequate and all costs for upgrading to be borne by the Lessor.
- 7.3.11 All electrical maintenance to be the responsibility of the Lessor.
- 7.3.12 An electrical compliance certificate covering the complete leased building is to be provided by an accredited person prior to occupation.

#### **7.3.13 NOTE**

- 7.3.13.1 Maximum of three socket outlets per circuit and ten lights per circuit.
- 7.3.13.2 All electrical work to be done according to the SANS 10142 specification.

### **TERMS OF REFERENCE**

## **7.4 AIR-CONDITIONING**

- 7.4.1 Air-conditioning of the plant and ducting type, to be contracted out to a reputable air-conditioning contractor. All plant and ducting are to be inspected by a reputable Air-conditioning contractor specialised in this field. The efficiency of the system is to be checked by a reputable mechanical engineer and a certificate of condition is to be provided. The costs of the engineer and all remedial costs to bring the system to an acceptable level are to be borne by the Lessor. Plant and ducting type air-conditioners (e.g. chilled water) are to be serviced by a reputable contractor on quarterly basis.
- 7.4.2 Stand-alone units that are older than 5 years are to be replaced with new.
- 7.4.3 All air-conditioners are to be serviced by a reputable contractor on a quarterly basis. (Units that reach the 5-year period in the lease period are to be replaced by the Lessor)
- 7.4.4 All new air-conditioner units are to be hard wire. (Remote controlled air-conditioners will not be accepted)
- 7.4.5 Areas demarcated as file, server and PABX areas are to be provided with separate stand-alone air-conditioner units to operate continuously.
- 7.4.6 Each air-conditioner unit to be provided with a separate circuit terminated in a cord grip type isolator. (Not 15A socket outlet.)
- 7.4.7 All air-conditioner maintenance to be the responsibility of the Lessor/landlord and a fully signed maintenance contract with a reputable service provider must be submitted as a returnable document.
- 7.4.8 NOTE Maintenance schedule to be provided for checking and approval by the NHC prior to occupation.

## **7.5 LIFTS**

- 7.5.1 All lifts are to be serviced in terms of the Occupational Health and Safety Act 85 of 1993 by a recognized service provider prior to occupation of the building.
- 7.5.2 The lifts are to be inspected by a registered lift inspector and condition report submitted prior to occupation. The costs of the lift inspector and all remedial costs to bring the system to an acceptable level are to be borne by the Lessor.
- 7.5.3 A comprehensive service agreement is to be in place for the duration of the lease of the building. Proof of the above contract must be provided to the National Heritage Council prior to occupation.
- 7.5.4 The lifts must be disabled friendly.

## **TERMS OF REFERENCE**

## **7.6 KITCHENS**

7.6.1 Tea kitchens to have tiles and hydro-boils with basic cupboards and sink. These must not be located near toilet facilities.

## **7.7 PARKING**

7.7.1 Parking areas are to be properly macadamised. Bays must be 3m x 5m

7.7.2 Under cover parking is to be according to the SANS 10400 building code of practice. Roof covering is to be covered with metal roof sheeting or shade cloth with lockable gates.

7.7.3 Open bays must be secured within lockable gates.

## **7.8 OTHER**

7.8.1 Fire extinguisher to be positioned near file server and PABX rooms.

## **8 TIME FRAME FOR COMPLETION OF RECONFIGURATION**

8.2 Reconfiguring of the building will be two months from award of the contract.

8.3 The penalty for failure to comply with the delivery period will be calculated per day at a rate of 10% of the monthly rental.

8.4 Penalty charges will be deducted from the first rental payment exclusive of VAT.

## **9 PASSAGE WIDTH**

9.2 As a general standard an average passage width of a minimum of 1,5m over short distances shall be provided. Where certain functions within the building necessitate wider passages, those specific areas will be identified by the representative of the National Heritage Council managing the internal planning or will be specified separately in the accommodation schedule.

## **TERMS OF REFERENCE**

## **10 FLOOR TO CEILING HEIGHTS**

10.2 A clear floor to ceiling height of approximately 3.0m must be maintained throughout the building. Where a certain function necessitates the ceiling to be higher, this will be specified as part of the accommodation requirements. Conduits, water pipes, air ducts and other services shall not be visible underneath the ceiling in offices and public areas.

## **11 DOORS, LOCKS AND KEYS**

11.2 All offices shall be provided with a door of at least 800mm in width and each fitted with a good quality lock with two keys fitting one lock only and shall be handed over to the Client Department's representative upon occupation of the building. Two master keys which can unlock the locks of all offices shall also be provided.

## **12 FLOOR COVERING**

12.2 Floor covering shall be of an acceptable standard and quality which last approximately 10 years.

## **13 POWER POINTS**

13.2 Offices and other rooms where electrical equipment and appliances can be used shall be provided with 16A socket outlets. One dedicated/clear computer power point and one normal power point shall be provided per 8m<sup>2</sup> or part thereof of office accommodation. Any additional socket outlets will be specified in the accommodation requirements.

**NB:** Electrical circuits for socket outlets shall be secured by means of single-phase earth leakage relays having a sensitivity of 25mA, except for dedicated/clear lines for computer power points.

## **TERMS OF REFERENCE**



## **14 LIGHTING**

14.2 Each office shall be provided with its own light switch in a suitable position near the door. Lighting shall conform to the following standards at working plane:

14.2.1	Reception areas	100 lux
14.2.2	General offices	300 lux
14.2.3	Drawing offices	500 lux
14.2.4	Passages	50 lux
14.2.5	Auditoriums	100 lux
14.2.6	Conference rooms	100 lux
14.2.7	Classrooms	200 lux
14.2.8	Libraries	300 lux
14.2.9	Store rooms	200 lux
14.2.10	Parking	50 lux

## **15 TELEPHONES**

Each office, conference room, security control and reception areas shall be fitted with a telephone jack in accordance with the requirements of Telkom.

## **16 COMPUTER FACILITIES**

16.2 The Lessor must provide the required ducting.

## **17 MATERIALS AND FINISHES**

17.2 All walls and ceilings, whether painted or otherwise finished shall be of a neutral colour. Walls of tea kitchens, stair wells, entrance halls and toilets shall be of a washable and hardwearing finish.

## **18 TRUNKING**

18.2 The trunking servicing the building to conform to SABS standards.

## **TERMS OF REFERENCE**

## **19 INSPECTION**

19.2 The National Heritage Council considers it a condition of contract that, in consultation with the Lessor and with reasonable frequency during the process of refurbishment, prior to occupation, its inspector shall be given access to the building to ensure that the specified minimum standards are complied with. The Owner/Lessor shall allow the inspector access to any part of the building he wishes to see. The inspector's approval of any part of the building does not exempt the Owner/Lessor from complying with any of the minimum standard requirements. A deviation from the minimum requirements may only be allowed with the written permission of the National Heritage Council.

## **20 ABLUTION FACILITIES**

The following norms shall be applied:

### **20.2 Males – staff and public**

20.2.1 1 WC for every 15 persons to a total of 60 and thereafter one for every 20 additional persons or part thereof. One urinal for every person to a total of 30 and thereafter 1 for every 30 additional persons or part thereof. One wash hand basin for every two WC's.

### **20.3 Females – staff and public**

20.3.1 One WC (Water Closet) for every 10 persons to a total of 60 and thereafter one for every 20 additional persons or part thereof. One wash hand basin for every two WC's.

### **20.4 Physically challenged persons**

20.4.1 Toilet facilities for physically challenged persons must be provided according to norms and standards.

## **TERMS OF REFERENCE**

## 21 PARKING

21.2 Parking provided must be secured within lockable gates and covered with IBR roof sheeting.

21.3 Provide disable parking bays according to norms and standards

## 22 SCHEDULE OF RETURNABLE DOCUMENTS

22.2 The bidder undertakes to adhere to the schedule of returnable documents as set out below.

22.3 Failure to comply fully with the schedule will impact on the evaluation of this bid.

Number	Description	To be returned with bid document	To be returned before occupation (Region to insert date here)
1.	Certificate of technical compliance of the building prior to re-configuration in respect of -electrical - Structural and - plumbing		Yes
2.	Proposed plan for parking if not all parking required can be accommodated on site.	Yes	
3.	Submission of all returnable documents at close of bid	Yes	
4.	Letter of appointment of building manager		Yes
5.	Layout/Re-configuration plan detailing the names of contractors to be used. This plan must indicate use of youth in the re-configuration.	Yes	
6.	Architects Layout drawing and design.		Yes

## TERMS OF REFERENCE

Number	Description	To be returned with bid document	To be returned before occupation (Region to insert date here)
7.	<p>Maintenance Plan indicating reputable companies to be used in respect of electrical, plumbing, air-conditioning and lift</p> <p>maintenance for the duration of the lease period.</p>	Yes	
8.	Occupation Certificate Issued by the Municipality (This certificate will form an attachment to the signed lease)		Yes
9.	Completion of Annexure A of the bid document which details youth used in the re-configuration process.		Yes
10.	<p>The following compliance certificates to be provided to the National Heritage Council on submission of this bid:</p> <ul style="list-style-type: none"> <li>a) Occupation Health and Safety Certificate</li> <li>b) Air-conditioning Certificate</li> <li>c) Plumbing Certificate</li> <li>d) Fire Safety certificate that building complies with fire escape and exit plan</li> <li>e) Entomologists certificate</li> <li>f) Electrical Compliance Certificate</li> </ul>		Yes

**TERMS OF REFERENCE**

Number	Description	To be returned with bid document	To be returned before occupation (Region to insert date here)
11.	Copies of signed contracts with reputable service providers for the maintenance of the premises for the duration of the lease in respect of the following must be submitted by (insert date here); a) Lifts b) Air-conditioning c) Plumbing d) Fire fighting e) Entomologists f) Electrical g) Shopfitting		
12.	Legal Property Owner's original mandate	Yes	
13.	Shareholding Certificates with copies of title deed of the premises	Yes	
14.	CIPC Certificate	Yes	
15.	Layout plan indicating layout in line with the client specification and signed off by reputable Architect that has proven project management experience.	Yes	

**TERMS OF REFERENCE**

## **23 SPECIFIED NEEDS FOR OFFICE ACCOMMODATION**

### **23.2 MAINTENANCE**

The Owner/Lessor shall be responsible for all maintenance of electrical installations which form an integral part of the building and shall include *inter alia*:

23.2.1 Air-conditioning and heating units

23.2.2 Lighting installations, including ballasts of fluorescent fittings

23.2.3 Extractor fans

23.2.4 Lifts

23.2.5 Security access points

23.2.6 Electrical gates

23.2.7 Alarm systems, and

23.2.8 Any other electrical appliance or installation forming an integral part of the building and grounds, which shall include maintaining all Fire Fighting Equipment and Portable Fire Extinguishers. The Owner/ Lessor is to provide a list of his maintenance team who will attend to all minor or major works in respect of plumbing, electrical, general maintenance for the duration of the lease, such teams must be BBEE companies. The occupying Client Department shall attend to internal maintenance, fair wear and tear excepted.

### **23.3 FIRE FIGHTING EQUIPMENT**

23.3.1 The successful bidder shall provide the necessary Fire Fighting Equipment in terms of the Local Fire Chief's requirements and maintain same at his / her own expense. A service contract to be provided with this from the service provider.

## **TERMS OF REFERENCE**

## **23.4 SPECIAL REQUIREMENTS**

23.4.1 Premises must be fully accessible to disabled persons from the parking lot to the building. At least one designated disabled toilet and parking facility must be provided in terms of the specification of minimum requirements which forms part of the bid document. Window blinds in all offices must be in terms of space requirements. Carpeting in offices. Loading areas to be easily accessed. Counters at reception areas.

## **23.5 SECURITY**

23.5.1 Perimeters of the premises to be fenced (where applicable). Burglar proof security doors/gates on each external door. All external windows must be burglar proofed. Alarm system to be provided.

## **23.6 CLEANING**

23.6.1 Should the premises offered form part of a supervised building the bidder is to indicate on the offer to lease form pro rata portion that is serviced and who is to bear the cost of such service and such costs if any to be indicated and included in the tender price.

23.6.2 On every floor of a multi storey building or for every 1350m<sup>2</sup> gross floor areas a cleaner's room of not less than 6m<sup>2</sup> shall be provided as a storeroom for cleaning equipment and material. It must be provided with a drip sink, 40 long shelves and sufficient cross ventilation, preferably by means of an outside window and shall comply with the requirements of the hazardous Chemicals Act regarding storage of chemicals.

## **TERMS OF REFERENCE**

## **24 ALTERATION OF PREMISES TO MEET SPECIFICATION**

24.2 Should the premises offered not match the attached specified need precisely, the prospective landlord must adapt the premises to meet the need at his/her own cost and must submit a proposed plan indicating the alteration / addition of the premises including lock up or open parking, as applicable. The National Heritage council will provide internal layout drawings once a suitable property has been identified. The landlord is to provide the specified tea rooms, toilets etc. and statutory services as may be required.

24.3 The bidder is to clearly indicate on the "Offer to Lease" form what time frame he/she will allow to match the specification which is not to exceed a maximum period of 2 months from date of notification of award. Penalties will be levied if the building is not ready on the due date as per below clause.

24.4 The accommodation offered must be on contiguous floors. The layout of various components must allow for effective functioning.

24.5 The final layout plan/drawings must be submitted to the building owner within 30 days from the date of letter of award of this bid.

## **25 PENALTY**

25.2 The penalty for failure to comply with the delivery period will be calculated per day at a rate of 10% of the monthly rental. Penalty charges will be deducted from the first rental payment exclusive of VAT.

## **TERMS OF REFERENCE**



## 26 INSPECTIONS

26.2 The National Heritage Council considers it a condition of contract that in consultation with the Lessor and with reasonable frequency during the process of refurbishment/re-configuration its inspectors shall be given access to the building. The inspector's approval of any part of the building does not exempt the owner from complying with any of these minimum standard requirements. A deviation from the minimum requirements may only be allowed on the written permission of the Professional Architect.

26.3 A letter of appointment of a Building manager who will attend to all problems of maintenance for the duration of the lease must be submitted with this bid at the time of the bid closing.

## 27 PROPOSED ACCOMODATION SCHEDULE

DESCRIPTION	No of rooms	AREA	TOTAL
<b>TOP LEVEL, SUPPORT &amp; NEW BUSINESS</b>			
CEO	1	1 x 25	25
PA	1	1 x 12	12
<b>HEAD: STRATEGY PLANNING M&amp;E</b>	1	1 X 20	20
M&E COORDINATOR	1	1 X 16	16
INTERNAL AUDIT COORDINATOR	1	1 X 16	16
<b>HEAD COMMUNICATION &amp; STAKEHOLDER ENGAGEMENT</b>	1	1 X 16	16
PUBLIC RELATIONS OFFICER	2	2 X 16	32
STAKEHOLDER & ENGAGEMENT OFFICER	2	2 X 12	24

## TERMS OF REFERENCE

DESCRIPTION	No of rooms	AREA	TOTAL
<b>HEAD: NEW BUSINESS &amp; INNOVATION</b>	1	1 X 20	20
NEW BUSINESS & INNOVATION OFFICER	1	1 X 12	12
PROGRAMME SUPPORT OFFICER	1	1 X 12	12
COMPANY SEC. & LEGAL COUNCIL	1	1 X 20	20
COUNCIL & COMMITEES COORDINATOR	1	1 X 12	12
LEGAL OFFICER	1	1 X 12	12
CFO	1	1 X 20	20
Pa / Admin Support	1	1 X 12	12
Risk Officer	1	1 X 16	16
Finance Manager	1	1 X 16	16
Accountant Assets & Revenue	1	1 X 12	12
Accountant Liabilities, Expense & Payroll	1	1 X 12	12
Accounting Clerk	1	1 X 12	12
Supply Chain Manager	1	1 X 16	16
SCM Officer	1	1 X 12	12
Human Resources Manager	1	1 X 16	16
HR Officer	1	1 X 16	16
Receptionist	1	1 X 12	12

## TERMS OF REFERENCE

<b>DESCRIPTION</b>	<b>No of rooms</b>	<b>AREA</b>	<b>TOTAL</b>
Driver	1	1 X 8	8
Housekeeper	1	1 X 8	8
Information Technology Manager	1	1 X 16	16
System Administrator	1	1 X 12	12
Executive Core Business	1	1 x 20	20
PA	1	1 X 12	12
Program Manager Living Heritage	1	1 X 16	16
Preservation & Promotion Coordinator	2	2 X 12	24
Identification & Inventory Specialist	2	2 X 12	24
National Building & Integration Practitioner	1	1 X 12	12
Language Practitioners	3	3 X 12	36
Programme Support Officer	1	1 X 12	12
Research & Policy Specialist	2	2 X 12	24
Knowledge Management Practitioner	1	1 X12	12
Programmes Manager (RLHR)	1	1 X 16	16
Principal World Heritage Specialist	1	1 X 12	12
World Heritage Practitioner	1	1 X 12	12
RLHR Engagement Officer	1	1 X 12	12
Programme Support Officer	1	1 X 12	12
Programmes Manager: Funding	1	1 x 16	16
Resource Mobilisation Specialist	1	1 x 12	12
Funding: Project Officer	1	1 X 12	12
Programme Support Officer	1	1 X 12	12

## **TERMS OF REFERENCE**

DESCRIPTION	No of rooms	AREA	TOTAL
<b>Open Serving Space</b>			
Boardroom CEO	1	1 x 26	26
Conference Hall	1	1 x 56	56
General boardroom	2	2 x 18	36
Reception	1	1 x 10	10
Waiting room	1	1 x 10	10
Records/ Archives room	1	1 x 20	20
Tea Room	3	3 x 6	18
Server room	1	1 x 8	8
Information room / Resorts centre	1	1 x 20	20
First Aid room	1	1 x 8	8
Security	1	1 x 6	6
Archives / Registry	1	1 X 50	50
Dining Hall	1	1 X 30	30
<b>PARKING</b>			
Lock Up	2		
Under Cover	10		
Open Bay	50		
Disabled	2		
<b>ASSIGNABLE SPACE REQUIRED</b>			1071
<b>NON-ASSIGNABLE SPACE PLUS 20%</b>			214
<b>TOTAL SPACE REQUIRED</b>			1285

The above aims to assist the National Heritage Council to procure suitable accommodation facilities for their needs. It is important to note that rigorous monitoring is employed through the bid process and in assessing the premises that will be offered for lease.

## TERMS OF REFERENCE

27.2 Phase 3 – Evaluation in terms of the PPPFA Regulations, 2017 pertaining to the Preferential Procurement Policy Framework Act, Act No 5 of 2000 (Preference Points: BBEE contribution)

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

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

27.2.2 The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable,

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

27.2.3 Preference Points for this bid will be awarded to a bidder for attaining the B-BBEE status level of contributor in accordance with the table below:

Breakdown of points:

**TERMS OF REFERENCE**

<b>80/20 Preference Point Component</b>	<b>Points</b>
Pricing	80
B-BBEE Level Contribution	20
Total	100

27.2.4 The Bidder obtaining the highest number of total points will be awarded the tender.

27.2.5 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. Conditional discounts will not be taken into account for evaluation purposes but will be implemented when payment is affected.

27.2.6 Points scored must be rounded off to the nearest two decimal places.

27.2.7 In the event that two or more tenderers have scored equal total points, the successful tenderer must be the one that scored the highest number of preference points for B-BBEE.

27.2.8 However, when functionality is part of the evaluation process, and two or more tenderers have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality, documented in Phase 2.

27.2.9 Should two or more tenderers be equal in all respects, the award shall be decided by the drawing of lots. (panel)

27.2.10 Failure on the part of the bidder to fill in and/or sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or Sworn Affidavit signed by the EME representative and attested by a Commissioner of Oaths in respect of EMEs will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

27.2.11 The NHC 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.

27.2.12 Bidders wishing to claim preference points must complete the Annexure 5: SBD6.1 - Preference Point Claim form in terms of Preferential Procurement Regulations, 2017.

## **TERMS OF REFERENCE**

## **28 PRICES**

- 28.2 All services pricing should be inclusive of all taxes and payment shall be made in South African Rand;
- 28.3 Service Provider to provide rates per person, per hour on human resources that will be providing services to NHC;
- 28.4 The NHC may require a breakdown of rates on any of the items priced and the Bidders are to provide same without any additional costs and also provide a “Pricing Guide” or “Transaction Fee Schedule”; and
- 28.5 The total amount should be carried out on the Standard Bidding Form SBD1 – Annexure 1.

### **28.6 PRICE ADJUSTMENTS**

Prices submitted for this bid will be regarded as non-firm subject to the following price adjustments:

- 28.6.1 Annual price adjustment; and
- 28.6.2 Application for price adjustments must be accompanied by documentary evidence in support of any adjustment on an annual basis.

## **29 PAYMENT TERMS**

- 29.2 The NHC undertakes to pay valid tax invoices in full within thirty (30) days from statement date for services rendered; and
- 29.3 All supporting documents for services rendered should be submitted together with the tax invoice as and when a service has been rendered.

## **30 VALIDITY**

- 30.2 A Proposal shall remain valid for ninety (90) days after the closing date of the submission for proposals. A Proposal which is valid for a shorter period may be rejected by the NHC for non-responsiveness.
- 30.3 In exceptional circumstances, the NHC may solicit the Bidder’s consent to an extension of the period of the validity of the bid. The request and responses thereto shall be made in writing. A Bidder that has been granted the request will neither be required nor permitted to modify the Proposal.

## **TERMS OF REFERENCE**

### **31 SIGNATORIES**

All responses to this RFB should be signed off by the authorised signatories of the Bidder.



## **32 SPECIAL TERMS AND CONDITIONS**

- 32.2 The NHC reserves the right to accept or reject any submission in full or in part, and to suspend this process and reject all proposals or part thereof, at any time prior to the awarding of the contract, without thereby incurring any liability to the affected bidders.
- 32.3 This bid and the contract will be subject to the General Conditions of Contract issued in accordance with Treasury Regulation 16A published in terms of the PFMA. The special terms and conditions of contract are supplementary to that of the general conditions of the contract.
- 32.4 Where, however, the special conditions of contract are in conflict with the general conditions of contract, the general conditions of contract will prevail.
- 32.5 The NHC is the sole adjudicator of the suitability of the Backup / Business Continuity facility for the purpose for which it is required. Therefore, the NHC's decision in this regard will be final.
- 32.6 No bids sent by the facsimile or email will be accepted.
- 32.7 Bids must only be submitted at the NHC Office in Pretoria by the specified date and time.
- 32.8 Bidders are welcome to be present at the opening of bids.
- 32.9 The annexures are part of the bid documentation and must be signed by the bidder and attach to the bid document.
- 32.10 The bid forms must not be retyped or redrafted but copies may be used.
- 32.11 Additional offers may be made but only photocopies of the original supporting documents are required. Additional offers/submissions are regarded as separate and must be treated as such by the bidder. The inclusion of various offers as part of a single submission in one envelope is not allowed and will not be considered. Additional bid offers must be submitted separately in separate sealed envelopes.
- 32.12 Failure to comply with the above-mentioned conditions will invalidate the bid.
- 32.13 Subcontracting of all or any part of this contract will not be permitted.

## **TERMS OF REFERENCE**

### **33 SUBMISSION OF BID DOCUMENTS**

Responses to this bid must be submitted to the NHC by no later than:

**Date:** 13 November 2018

**Time:** 11H00

**Address:** NHC Offices, 57 Kasteel Road, Domus Building, Room 201,  
Lynnwood Glen, Pretoria.

### **34 LATE SUBMISSION**

34.2 A response to this RFB shall be late if it is received by the NHC at any time after the closing date and time indicated in Paragraph above.

34.3 A late submission shall be clearly marked as late and shall not be admitted for consideration by the NHC.

### **35 CLARIFICATIONS / ENQUIRIES**

Telephonic request for clarification will not be considered. Any clarification required by a bidder regarding the meaning or interpretation of the Terms of Reference or any other aspects concerning the bid is to be requested in writing (letter or e-mail) from the below contact persons. The bid reference number should be mentioned in all correspondence.

**Bid Enquiries:** Mr Sipehelele Skenjana

**Email:** [procurement@nhc.org.za](mailto:procurement@nhc.org.za)

Enquiries received will be responded to within three (3) working days.

## **TERMS OF REFERENCE**

## **36 ANNEXURES**

36.2 Annexure 1: SBD 1 – Invitation to Bid;

36.3 Annexure 2: SBD 3.1 – Pricing Schedule – Firm Prices (Purchases)

36.4 Annexure 4: SBD 4 – Declaration of Interest;

36.5 Annexure 5: SBD 6.1 – Preference Point Claim form in terms of Preferential Procurement Regulations 2011;

36.6 Annexure 6: SBD 8 – Declaration of Service Provider's past supply chain

36.7 Management practices;

36.8 Annexure 7: SBD 9 – Certificate of Independent Bid Determination;

(Annexure 1)

SBD1

**PART A  
INVITATION TO BID**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>					
BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					
<b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>			<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>		
CONTACT PERSON			CONTACT PERSON		
TELEPHONE NUMBER			TELEPHONE NUMBER		
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS			E-MAIL ADDRESS		
<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		<b>OR</b>	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					

**TERMS OF REFERENCE**

LEASING OF OFFICE ACCOMMODATION (REF: NHC/04/2018/19)

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ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR <b>THE GOODS /SERVICES /WORKS OFFERED?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW ]
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**QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?   
 YES  NO

DOES THE ENTITY HAVE A BRANCH IN THE RSA?   
 YES  NO

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?  
 YES  NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?  
 YES  NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?   
 YES  NO

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

## PART B TERMS AND CONDITIONS FOR BIDDING

<b>1. BID SUBMISSION:</b>
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. <b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.</b>
1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4. <b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b>
<b>2. TAX COMPLIANCE REQUIREMENTS</b>
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

**NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.**

SIGNATURE OF BIDDER:

.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:

.....

(Proof of authority must be submitted e.g. company resolution)

DATE:

.....

**TERMS OF REFERENCE**

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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

**TERMS OF REFERENCE**

## DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state<sup>1</sup>, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-
  - the bidder is employed by the state; and/or
  - the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.
  
2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**
  - 2.1 Full Name of bidder or his or her representative:  
.....
  - 2.2 Identity Number:  
.....  
...
  - 2.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>):  
.....
  - 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 / Persil numbers must be indicated in paragraph 3 below.

### TERMS OF REFERENCE



<sup>1</sup>“State” means –

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

<sup>2</sup>“Shareholder” means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

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

2.7.1 If so, furnish the following particulars:

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

.....

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

.....

Position occupied in the state institution:

.....

Any other particulars:

.....

.....

.....

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

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**

**TERMS OF REFERENCE**

2.8.1 If so, furnish particulars:

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

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

2.9.1 If so, furnish particulars.

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

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

2.10.1 If so, furnish particulars.

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

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

2.11.1 If so, furnish particulars:

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

Full details of directors / trustees / members / shareholders.

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

**TERMS OF REFERENCE**

**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

**TERMS OF REFERENCE**

**SBD 6.1**

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL  
PROCUREMENT REGULATIONS 2017**

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

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.**

**1. GENERAL CONDITIONS**

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

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

1.2

- a) The value of this bid is estimated to **exceed/not exceed** R50 000 000 (all applicable taxes included) and therefore the **.....** preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

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

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

	<b>POINTS</b>
<b>PRICE</b>	
<b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>	
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor

**TERMS OF REFERENCE**

together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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

## 2. DEFINITIONS

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

## TERMS OF REFERENCE

### 3. POINTS AWARDED FOR PRICE

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

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

**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 price of bid under consideration

$P_t$  = Price of bid under consideration

$P_{\min}$  = Price of lowest acceptable bid

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

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

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

**5. BID DECLARATION**

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

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

6.1 B-BBEE Status Level of Contributor: . = .....(maximum of 10 or 20 points)  
 (Points claimed in respect of paragraph 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	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

7.1.1 If yes, indicate:

i) What percentage of the contract will be subcontracted.....%

ii) The name of the sub-contractor.....

iii) The B-BBEE status level of the sub-contractor.....

iv) Whether the sub-contractor is an EME or QSE

*(Tick applicable box)*

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

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

<b>Designated Group: An EME or QSE which is at last 51% owned by:</b>	<b>EME</b> √	<b>QSE</b> √
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		
<b>OR</b>		
Any EME		
Any QSE		

**TERMS OF REFERENCE**



**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;

**TERMS OF REFERENCE**

- 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 .....

.....

.....

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

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

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

## TERMS OF REFERENCE

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**

**TERMS OF REFERENCE**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

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

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

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

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

---

(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

**TERMS OF REFERENCE**

- (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
- (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

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

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

Js914w 2



THE NATIONAL TREASURY  
Republic of South Africa



**GOVERNMENT PROCUREMENT:**

GENERAL CONDITIONS OF CONTRACT

GOVERNMENT PROCUREMENT GENERAL CONDITIONS OF CONTRACT (**ANNEXURE A**)

**TERMS OF REFERENCE**

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