



home affairs

Department:
Home Affairs
REPUBLIC OF SOUTH AFRICA

Terms of Reference: TOR 004-2026

REQUEST FOR QUOTATION: APPOINTMENT OF A SERVICE PROVIDER TO REVIEW BIRTHS AND DEATHS REGISTRATION ACT 51 OF 1992 AND ITS REGULATION THAT PROVIDES FOR THE REGISTRATION OF BIRTHS, FOR A PERIOD OF SIX (6) MONTHS, AS AND WHEN REQUIRED.

Closing date and time:

Date: 24 July 2026

Time: 11h00

Venue: Department of Home Affairs, Hallmark Building, 230 Johannes Ramokhoase Street, Pretoria

All proposals must be dropped at the Silver Quotation Box at the reception area of the building. Late proposals will not be accepted.

DISCLAIMER

The Department of Home Affairs (DHA)'s bid documents and tender processes are free of charge. DHA will not call or send any official to demand payment for tender services.

Be advised that all tender notices, bids received, and awards are published on www.dha.gov.za.

The Department requests all suppliers and the business communities out there to be vigilant around matters of procurement and if in doubt, do not hesitate to contact the contact persons on the relevant procurement document or the department.

BID VALIDITY PERIOD: 90 DAYS

Department of Home Affairs

Supply Chain Management

SPECIFICATIONS / TERMS OF REFERENCE

SPECIFICATIONS / TERMS OF REFERENCE

1. Objectives

1.1 The objectives (aim) of this tender are:

To invite bids from suitable service providers to review the Births and Deaths Registration Act in light of recent court judgments, Identify areas requiring amendment or revision, Provide recommendations for improving the Act's effectiveness and constitutionality, Consider international best practices and their applicability to the South African context, for a period of six (6) months, as and when, required.

2. Background

2.1 The Births and Deaths Registration Act 51 of 1992 regulates the registration of births and deaths in South Africa. Recent court judgments have declared certain sections of the Act constitutionally invalid, necessitating a review and potential amendments.

3 Scope and Extent of the Tender

3.1. The successful bidder(s) will be expected to execute and conduct the following tasks for/ provide the following services/items to the Department:

- Analyses the Act's provisions and recent court judgments
- Consult with stakeholders, including government departments, civil society, and experts
- Examine international best practices in birth registration
- Develop recommendations for amendments or revisions to the Act

4. Special Conditions of Contract

4.1. To achieve the above the successful bidder will be required to meet the following requirements:

- The service provider(s) may not recruit or shall not attempt to recruit an employee of the Department of Home Affairs for the purposes of preparation of a bid or the duration of the execution of this contract or any part thereof.

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5. Tender Deliverables / Outputs and Timeframes

5.1. The primary deliverables to be achieved:

- A comprehensive report outlining recommendations for amendments or revisions to the Act and Regulations
- Draft legislative proposals for consideration by relevant authorities.

6. Logistics and Timing

6.1 Project location(s):

- Gauteng

6.2 Expected commencement date:

- The contract will commence following the awarding of the bid, upon receipt of the signed acceptance letter and the completed SBD 7.2 form from the appointed service provider(s).

6.3 Project period:

- Six (6) Months

6.4 Bid proposal

- Service Provider must provide a properly referenced bid proposal in response to this TOR document with clear headings and information required to evaluate the bid against the requirements stipulated in this TOR document. The bid proposal response must indicate the following:
 - The bidding company's profile, including proof of compliance with all the requirements as per the TOR document.
 - The pricing information. Bid price must include VAT and should be fully inclusive to deliver all goods/services indicated in the terms of reference.
 - Where substantiations are required, a copy of certification or proof is required to be attached to the bid response.
 - **Proposals must be submitted by 11h00am, 24 July 2026 in a clearly marked / labeled and sealed envelope. 1x copy of original 1 x electronic copy.**

6.5 Fee structure

The cost should be all-inclusive (professional fees, VAT, disbursements, transport, etc, as follows:

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Legal Resource fees	Quantity/Hour	Rate (R)
analyses the Act's provisions and recent court judgments	1	
Consult with stakeholders, including government departments, civil society, and experts	1	
Examine international best practices in birth registration	1	
Develop recommendations for amendments or revisions to the Act	1	
Sub-total (1)	4	

Disbursements (<i>Based on actual costs and</i>)	Quantity/Unit	Rate (R)
Telephone calls	1	
Photocopies	1	
Travelling costs	1	
Subsistence Allowance	1	
SMS, WhatsApp messages	1	
Other (specify)	1	
Sub-total (2)	6	

PRICE COMPARISON Legal Resource fees &	Quantity/Hour	Rate (R)
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Disbursements		
Sub-total (1)	5	
Sub-total (2)	6	
TOTAL	11	

7. EVALUATION CRITERIA

The following evaluation process will be followed to evaluate the bids received:

Stages	Description	Applicable for this bid (Yes / No)
Stage 1A	Briefing session	No
Stage 1B	Initial screening process/compliance with bid requirements	Yes
Stage 2	Pre-qualification criteria evaluation	Yes
Stage 3	Mandatory requirements evaluation	Yes
Stage 4	Functionality requirements evaluation	Yes
Stage 5	Price / Specific goals evaluation	Yes

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First stage: Verification of bidder’s compliance with bid requirements.

No.	Compliance Checklist	Yes / No
1.	The bidder is registered on the National Treasury Central Suppliers Database (CSD).	
2.	The bidder is in business (as indicated on CSD).	
3.	The bidder is not a restricted supplier/ or does not have a restricted director(s) (as indicated on CSD).	
4.	The bidder is Tax Compliant (as indicated on CSD) or verified through SARS.	
5.	The bidder is not a government employee (as indicated on CSD).	
6.	The bidder completed SBD 1 Form in full together with the letter of authority.	
7.	The bidder completed SBD 4 Form in full and did not reveal any information or past practices that prohibits the supplier from conducting business with the state.	

Stage 2: Pre-qualification requirement

- Compliance with pre-qualification requirements. Bidders who fail to meet the pre-qualification requirements will be disqualified.
- Bidders must indicate their compliance with the following prequalification criteria as required by the DHA.
- Only bidders who have complied with prequalification criteria will be evaluated for mandatory stage.

Pre-qualification criteria 1	Comply	Do not comply
The Bidder must indicate the Name and Surname of the Lead Legal Resource		
EVIDENCE: Bidder(s) must complete, sign, and date the document below:		
Lead Legal Resource Name and Surname:		
Signature:		
Date:		

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Pre-qualification criteria 2	Comply	Do not comply
The Lead Legal Resource must be a South African Citizen		
EVIDENCE: Bidder(s) must submit a copy of Identity document		

Stage 3: Mandatory Requirements

- Compliance with the mandatory requirements. Bidders who fail to meet the mandatory requirements will be disqualified.
- Bidders must indicate their compliance with the following mandatory requirement(s) as required by the DHA.
- Only bidders who have complied with mandatory requirements will be evaluated for functionality stage.

Mandatory criteria	Comply	Do not comply
The Lead Legal Resource must be an admitted Attorney or an admitted Advocate		
EVIDENCE: Bidder(s) must submit a copy of the Admission Certificate		

Stage 4: Functionality requirement evaluation

- Bids will be evaluated strictly according to the bid evaluation criteria stipulated in the terms of reference.
- The technical proposal will be evaluated out of 100 points with a minimum threshold of 70 points. Bidders that score less than the minimum of 70 points will be disqualified.
- Bidders must, as part of their bid documents, submit supportive documentation for all technical requirements as indicated hereunder. The panel (Bid Evaluation Committee (BEC)) responsible for scoring the respective bids will evaluate and score all bids based on their submissions and the information provided. Bidders are required to ensure that all information is supplied as required

Evaluation Criteria				
No	Category	Evidence	Weight	Score
1	Company relevant experience in legal work <ul style="list-style-type: none"> • No relevant information = 0 • 1 Reference letter = 10 • 2 Reference letters = 20 	Signed, dated and contactable reference letter/s not older than 5 years , indicating a satisfactory or acceptable level of	50	

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	<ul style="list-style-type: none"> • 3 Reference letters = 30 • 4. Reference letters = 40 • 5. Reference letter = 50 	performance,		
2	<p>The Lead Legal Resource relevant experience in legal work</p> <ul style="list-style-type: none"> • Less than 4 years = 0 • 4 - 5 years of experience = 10 • 6 - 7 years of experience = 20 • 8 – 9 years of experience = 30 • 10 - 11 years of experience = 40 • More than 12 years of experience = 50 	The CV of the Lead Legal Resource must demonstrate the relevant number of years of experience in legal work	50	
TOTAL			100	

Stage 5– Price/ Specific goals

- Bids will be evaluated in accordance with the prescripts of the Preferential Procurement Policy Framework Act (PPPFA) and the associated Preferential Procurement Regulations of 2022, which stipulate a 80/20 point split for requirements with a Rand value equal to or below R 50 000 000, inclusive of all applicable taxes.
- A valid SANAS B-BBEE Status Level Verification certificate or a B-BBEE certificate issued by the Companies and Intellectual Property Commission, with the exception of EME's (Exempt Micro Enterprises) and QSE's (Qualifying Small Entity) who are required to submit sworn affidavit in terms of Code of Good Practice. The sworn affidavit must be signed by the EME representative and attested by a Commissioner of oath.
- As bids are only invited for requirements with a Rand value equal to or below R 50 000 000 inclusive of all applicable taxes, the 80/20 system shall be applicable and will be calculated as follows.

SN	COMPONENT	POINTS
1.	Price:	80
2.	Preferential points: Specific goals	20
TOTAL:		100

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Specific goals

- The bidder completed the Preferential Points Claim Forms (SBD 6.1) form in full.

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

***NB: Points will be allocated based on % ownership to the Company (main tendering entity). Please attach proof/ required documents.**

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Evidence	Number of points claimed (80/20 system) (To be completed by the tenderer)
<p>The company owned / director/s / shareholders by people who are Black.</p> <ul style="list-style-type: none"> • 100% company owned by people who are Black = 7 points • ≥51% and <100% company owned by people who are Black = 5 points • >0% and <51% company owned by people who are Black = 2 points • 0% company owned by people who are Black = 0 points 	7	<p>Proof of claim as declared on SBD 6.1 in verifying the tenderer's status.</p> <p>The following must be submitted as proof of claim as declared on SBD 6.1 for the specific goals:</p> <ul style="list-style-type: none"> • Company Registration Certification as issued by the Companies and Intellectual Property Commission (CIPC). • Sworn Affidavit or valid B-BBEE Certificate or Consolidated B-BBEE certificate for Consortium, Joint Venture, or Trust 	
<p>The company owned / director/s / shareholders by people who are Women.</p> <ul style="list-style-type: none"> • 100% company owned by people 	10	<p>Proof of claim as declared on SBD 6.1 in verifying the tenderer's status.</p> <p>The following must be submitted as</p>	

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The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Evidence	Number of points claimed (80/20 system) (To be completed by the tenderer)
<p>who are Women = 10 points</p> <ul style="list-style-type: none"> • ≥51% and <100% company owned by people who are Women = 5 points • >0% and <51% company owned by people who are Women = 2 points • 0% company owned by people who are Women = 0 points 		<p>proof of claim as declared on SBD 6.1 for the specific goals:</p> <ul style="list-style-type: none"> • Company Registration Certification as issued by the Companies and Intellectual Property Commission (CIPC). • Sworn Affidavit or valid B-BBEE Certificate or Consolidated B-BBEE certificate for Consortium, Joint Venture, or Trust 	
<p>The company owned / director/s / shareholders by people who are Disabled.</p> <ul style="list-style-type: none"> • 100% company owned by people who are Disabled = 3 points • ≥51% and <100% company owned by people who are Disabled = 2 points • >0% and <51% company owned by people who are Disabled = 1 points • 0% company owned by people 	3	<p>Proof of claim as declared on SBD 6.1 in verifying the tenderer's status.</p> <p>The following must be submitted as proof of claim as declared on SBD 6.1 for the specific goals:</p> <ul style="list-style-type: none"> • Company Registration Certification as issued by the Companies and Intellectual Property Commission (CIPC). • Sworn Affidavit or valid B-BBEE Certificate or Consolidated B-BBEE certificate for Consortium, 	

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The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Evidence	Number of points claimed (80/20 system) (To be completed by the tenderer)
who are Disabled = 0 points		Joint Venture, or Trust.	

8. Documents Constituting the Bid

The bid prepared by the Bidder shall comprise the following components:

a) Completed Technical Bid, including:

- i. Invitation to Bid (SBD 1)
- ii. **Letter of Authority**
 - The title, name, surname, and position of an authorised person to sign the bidding documents and communicate with the department on behalf of the bidding company.
 - The contact details of the authorised person including the telephone number or work cell number and the email address.
- iii. Bidder's Disclosure (SBD 4)
- iv. General Conditions of contract
- v. CSD report
- vi. Company's profile

b) Financial Bid and Preferential points specific goals:

- i. Pricing Schedule (SBD 3)
- ii. Pricing Schedule Annexure/ Fee Structure as required on the TOR document.
- iii. Preferential Points Claim Forms (SBD 6.1)
- iv. SANAS B-BBEE Certificate/ Sworn Affidavit/ DTIC B-BBEE

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9. Enquiries

Direct all technical questions to:

Name: Patrick Williams

Tel: (012) 402 2169 / 082 572 0596

Email: Patrick.Williams@dha.gov.za

Direct all Supply Chain Management questions to:

Name: Ms V Ndhlovu

Tel: (012) 406 2771

Email: Valencia.ndhlovu@dha.gov.za

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**SBD 1
PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE DEPARTMENT OF HOME AFFAIRS					
BID NUMBER:	TOR 004-2026	CLOSING DATE:	24 July 2026	CLOSING TIME:	11:00 AM
DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER TO REVIEW BIRTHS AND DEATHS REGISTRATION ACT 51 OF 1992 AND ITS REGULATION THAT PROVIDES FOR THE REGISTRATION OF BIRTHS FOR A PERIOD OF SIX (6) MONTHS, AS AND WHEN REQUIRED.				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
Department of Home Affairs					
230 Hallmark building					
Cnr of Thabo Sehume and Johannes Ramokhoase Street					
Pretoria central					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Ms V Ndhlovu		CONTACT PERSON	Mr P Williams	
TELEPHONE NUMBER	(012) 406 2771		TELEPHONE NUMBER	(012) 402 2169 / 082 572 0596	
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	valencia.ndhlovu@dha.gov.za		E-MAIL ADDRESS	Patrick.Williams@dha.gov.za	
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA

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

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**PART B
TERMS AND CONDITIONS FOR BIDDING**

1. BID SUBMISSION:
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED (NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.
1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).
2. TAX COMPLIANCE REQUIREMENTS
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:

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SBD4

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

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

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

2. Bidder's declaration

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

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

Full Name	Identity Number	Name of State institution

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

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

2.2.1 If so, furnish particulars:

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

2.3.1 If so, furnish particulars:

3 DECLARATION

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

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly,

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

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to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

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

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

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SBD 6.1

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

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

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

1. GENERAL CONDITIONS

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

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

1.2 To be completed by the organ of state

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

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

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

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim

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points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

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

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

80/20

or

90/10

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

Where

Ps = Points scored for price of tender under consideration

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Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

3.2.1. POINTS AWARDED FOR PRICE

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

80/20

or

90/10

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

4.1 In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

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

- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
- (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system, then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

80/20 preference point system is applicable, corresponding points must also be indicated as such.

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

The specific goals allocated points in terms of this tender	Number of points Allocated (80/20 system) (To be completed by the organ of state)	Evidence	Number of points claimed (80/20 system) (To be completed by the tenderer)
<p>The company owned / director/s / shareholders by people who are Black.</p> <ul style="list-style-type: none"> • 100% company owned by people who are Black = 7 points • ≥51% and <100% company owned by people who are Black = 5 points • >0% and <51% company owned by people who are Black = 2 points • 0% company owned by people who are Black = 0 points 	7	<p>Proof of claim as declared on SBD 6.1 in verifying the tenderer's status</p> <p>The following must be submitted as proof of claim as declared on SBD 6.1 for the specific goals:</p> <ul style="list-style-type: none"> • Company Registration Certification as issued by the Companies and Intellectual Property Commission (CIPC). • Sworn Affidavit or valid B-BBEE Certificate or Consolidated B-BBEE certificate for Consortium, Joint Venture, or Trust. 	
<p>The company owned / director/s / shareholders by people who are Women.</p> <ul style="list-style-type: none"> • 100% company owned by people who are Women = 10 points • ≥51% and <100% company owned by people who are Women = 7 points • >0% and <51% company owned by people who are Women = 2 points • 0% company owned by people who are Women = 0 points 	10	<p>proof of claim as declared on SBD 6.1 in verifying the tenderer's status</p> <p>The following must be submitted as proof of claim as declared on SBD 6.1 for the specific goals:</p> <ul style="list-style-type: none"> • Company Registration Certification as issued by the Companies and Intellectual Property Commission (CIPC). • Sworn Affidavit or valid B-BBEE Certificate or Consolidated B-BBEE certificate for Consortium, Joint Venture, or Trust. 	

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The specific goals allocated points in terms of this tender	Number of points Allocated (80/20 system) (To be completed by the organ of state)	Evidence	Number of points claimed (80/20 system) (To be completed by the tenderer)
<p>The company owned / director/s / shareholders by people who are Disabled.</p> <ul style="list-style-type: none"> • 100% company owned by people who are Disabled = 3 points • ≥51% and <100% company owned by people who are Disabled = 2 points • >0% and <51% company owned by people who are Disabled = 1 points • 0% company owned by people who are Disabled = 0 points 	3	<p>proof of claim as declared on SBD 6.1 in verifying the tenderer's status</p> <p>The following must be submitted as proof of claim as declared on SBD 6.1 for the specific goals:</p> <ul style="list-style-type: none"> • Company Registration Certification as issued by the Companies and Intellectual Property Commission (CIPC). • Sworn Affidavit or valid B-BBEE Certificate or Consolidated B-BBEE certificate for Consortium, Joint Venture, or Trust. 	

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3 Name of company/firm.....

4.4 Company registration number:

4.5 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

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

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

.....
SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

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