



home affairs

Department:
Home Affairs
REPUBLIC OF SOUTH AFRICA

Terms of Reference: TOR 007-2026

APPOINTMENT OF A SERVICE PROVIDER TO DRAFT THE ZIMBABWEAN EXEMPTION PERMIT AND LESOTHO EXEMPTION PERMIT PUBLIC CONSULTATION REPORT.

Closing date and time:

Date: 28 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.

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

SUBJECT**APPOINTMENT OF A SERVICE PROVIDER TO DRAFT THE ZIMBABWEAN EXEMPTION PERMIT AND LESOTHO EXEMPTION PERMIT PUBLIC CONSULTATION REPORT****SPECIFICATIONS / TERMS OF REFERENCE****SPECIFICATIONS / TERMS OF REFERENCE (Will form part of the bid documents)****1. Objectives**

1.1 The objectives (aim) of this request for quotations are:

To invite suitable service provider(s) to submit quotation(s) to assist the Department of Home Affairs (DHA) to:

- a) Analyse grey literature relating to ZEP and LEP.
- b) Capture, analyse and interpret public comments received during ZEP/LEP public consultation period.
- c) Produce a Draft Report on the ZEP and LEP based on the analysis and interpretation and make high-level recommendations that are aligned to relevant national policy frameworks, Immigration Act, 2002, and the Constitution of the Republic of South Africa.
- d) Participate in an Interdepartmental Workshop on the ZEP and LEP Report.
- e) Review and produce a Final ZEP and LEP Report.
- f) Support the Department in producing a SEIAS Report for the ZEP and LEP Report.

2. Background

- 2.1 The Department of Home Affairs (DHA) is conducting Court-mandated public consultations with holders of the Zimbabwe Exemption Permit (ZEP) and Lesotho Exemption Permit (LEP), Civil Society Organisations and the public in general.
- 2.2 The ZEP and LEP regimes were introduced as temporary measures to regularise undocumented nationals from Zimbabwe and Lesotho. These programmes have been extended several times, and the current extension lapses on 29 May 2027.
- 2.3 Following litigation and a High Court ruling requiring compliance with the Promotion of Administrative Justice Act (PAJA), as well as recommendations from the Immigration Advisory Board (IAB), the Department is compelled to develop a final policy position informed by public consultation.
- 2.4 The DHA therefore seeks to appoint a suitably qualified service provider to support the drafting a Report on the future of the ZEP and LEP dispensations, incorporating legal, socio-economic, and stakeholder considerations.

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2.5 The service provider will be expected to ensure synergy with domestic, regional and international frameworks when developing the ZEP and LEP Report.

3. Scope and Extent of the Tender

This assumes the successful service provider will be appointed by 01 August 2026. The successful bidder(s) will be expected to execute and conduct the deliverables and milestones that are not negotiable:

- 3.1 Analyse grey literature relating to ZEP and LEP including:
 - a) Existing ZEP and LEP frameworks,
 - b) Previous court rulings and legal implications, and
 - c) Relevant legislation, including but not limited to the Immigration Act and Promotion of Administrative Justice Act.
- 3.2 Capture, analyse and interpret public comments received during ZEPLP public consultation period. The comments are in the following format:
 - a) EXCEL Spreadsheet – results from an online survey (approximately 40 000 responses on the spreadsheet);
 - b) Manual Questionnaires- approximately 300;
 - c) Written submissions received – approximately 35 000 emails received on the dedicated email account; and
 - d) MS Teams Chat boxes of 10 online meetings.
 - e) Minutes/Reports of 10 Engagements.
- 3.3 Produce a Draft Report on the ZEP and LEP based on the analysis and interpretation, and make high-level recommendations that are aligned to relevant national policy frameworks, Immigration Act, 2002, and the Constitution of the Republic of South Africa.
- 3.4 Participate in an Interdepartmental Workshop on the ZEP and LEP and produce a Report of the engagement.
- 3.5 Review and produce a Final ZEP and LEP Report.
- 3.6 Develop a Socio-Economic Impact Assessment System (SEIAS) Report on the ZEP and LEP, which must clearly highlight the following:
 - a) Labour market impacts
 - b) Human rights and constitutional compliance
 - c) Legal and Operational Risks and propose mitigation strategies
- 3.7. Draft a high-level Implementation plan and transition framework

4. Special Conditions of Contract

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

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- The service provider(s) may not recruit or shall attempt to recruit an employee of the Department of Home Affairs for the purposes of preparation of bid or the duration of the execution of this contract or any part thereof.
- The service provider must be in good standing in all respects including ethically, professionally and should provide proof of registration where required in respect of professional registration.
- The service provider must be able to provide ownership of the work as their own, and will be held financially and legally liable for any misrepresentation or faults in the work they provide to the DHA.

Remuneration

- (a) The service provider will be remunerated in South African Rands, on a fixed price for the service rendered.
- (b) Payment will be made within 30 days of receipt of the approved invoice according to an agreed payment schedule.
- (c) Payment will be against the eight (8) deliverables as set out in section 3 above, provided professional-level quality standards have been met. Disputes as to what constitutes a reasonable standard will be referred to an agreed provider of arbitration services.
- (d) The service provider will be paid only if original receipts are provided against a list of expenses that are agreed upon in advance of the costs being incurred.

The Department's management of the service provider

- (a) The successful service provider will be reporting to the Director- Policy Development.
- (b) The service provider is required to sign a non-disclosure agreement, which will be in force during and after the termination of the Service Level Agreement.
- (c) The service provider is required to sign a confidentiality agreement.

Rules of Bidding

- (a) DHA will only appoint and enter into a contractual agreement with one entity for the services required, which could be an independent contractor or a company. The appointed entity will be held fully accountable for the delivery against the full terms of the contractual agreement with the DHA. The DHA under no circumstances will avail provision for sub-contracting in the contract. Any additional individuals acquired by the entity must be contracted by the entity.

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- (b) The DHA reserves the right to terminate this appointment or temporarily defer the work, or any part thereof, should it deem necessary. Should the contract between the DHA and the service provider be terminated by either party due to reasons not attributable to the service provider. The service provider will be remunerated for the appropriate portion of work completed up to a maximum amount of not more than the total fee quoted by the service provider for the appropriate phase of the project during which the appointment was terminated.
- (c) The person/s assigned for professional work shall remain on the team unless permission is granted by the DHA to change the individual/s. Such permission will only be granted in exceptional circumstances.
- (d) No material or information derived from the provision of the services under the contract may be used for any purposes except where authorised in writing to do so. Copyright of all documents and electronic aids, software programmes prepared or developed in terms of this appointment shall vest in the government of the Republic of South Africa in its DHA.
- (e) The costs of preparing proposals and of negotiating the contract are not reimbursable. The DHA is not bound to accept any of the proposals submitted and reserves the right to negotiate price with the preferred service provider. Service providers may request clarification on this Terms of Reference only during the advertised period. The DHA will not accept any late submissions.
- (f) Prospective service providers may not contact the DHA or any other participant on any matter pertaining to their quotation from the time when quotations are submitted to the time the contract is awarded. Any effort by a service provider to influence evaluation, RFQ comparisons or award decisions in any manner, may result in rejection of the quotation concerned.

N.B The service provider will perform the required duties as and when needed and will only be remunerated for work completed. The DHA has a prerogative to withdraw any of the items listed on paragraph 3 (Scope and Extent of the Tender).

5. Tender Deliverables / Outputs and Timeframes

5.1. The primary deliverables to be achieved

The following deliverables and milestones are not negotiable. This assumes the service provider will be appointed by 01 August 2026.

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1. **Inception Report and Work plan/ Methodology**
2. **Grey Literature Review Report on the ZEP and LEP**
3. **Data Analysis Report**
4. **Draft ZEP and LEP Report**
5. **Validation/Interdepartmental Workshop Report**
6. **Final Version of the ZEP and LEP Report**
7. **Socio-Economic Impact Assessment System (SEIAS) Report**
8. **High-level Implementation Plan and Transition Framework**

*The Department will make available DHA officials within the relevant areas to interview for any further clarity that might be required by the service provider for the duration of the project.

6. Logistics and Timing

6.1 Project location(s): Gauteng

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

6.2 Expected commencement date:

From date of award. 01 August 2026

6.3 Project period:

From date of award until 31 March 2027

6.4 Bid proposal

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Proposals must be submitted **by 11H00, 28 July 2026** in a clearly marked / labelled and sealed envelope and must include the following:

6.4.1 Technical Proposal: One (1) original plus one (1) copy of the original technical proposal on a USB must be submitted; and

6.4.2 Financial Proposal: One (1) original plus one (1) copy of the original financial proposal on a USB must be submitted as indicated below.

NB: Failure to submit in accordance to the instructions as per 6.4 may result in the service provider being disqualified.

6.5 Fee structure

SBD 3

6.6 Briefing (pre-bid) session

Not applicable

7. EVALUATION CRITERIA

(Indicate how the evaluation will be done)

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

Stage	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	No
Stage 3	Mandatory requirements evaluation	No

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Stage	Description	Applicable for this bid (Yes / No)
Stage 4	Functionality requirements evaluation	Yes
Stage 5	Price / Specific goals evaluation	Yes

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.	
8.	The bidder completed SBD 6.1 Form in full and must indicate claimed points for each preference point system and attach evidence as per Table 1.	

Second stage:

- Compliance with pre-qualification requirements. Bidders who fail to meet the pre-qualification requirements will be disqualified.

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Not applicable

Third Stage:

- Compliance with the mandatory requirements. Bidders who fail to meet the mandatory requirements will be disqualified.

Not applicable

Fourth Stage:

- 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.
- The Technical proposal will be evaluated out of 100 points with a threshold of 65 **Indicate the minimum points** points. Bidders that score less than minimum of 65 **(Indicate the minimum points)** points will be disqualified.

Bidders must score a minimum of 65 **(Indicate the minimum points)** point on functionality to qualify for further evaluation on price and preference points.

Each panel member will rate each criterion on the score sheet using either the points allocated or the following scale:

(For example: 1 = Poor, 2 = Below Average, 3 = Good, 4 = Very Good, 5 = Excellent)

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Phase 1			
No.	Category	Weight	Total
	Align with above if to be changed		
	<u>Qualifications</u> A minimum of an NQF Level 7 qualification in at least two (2) of the following areas: <u>Mandatory</u> (a) Social Sciences - the profile(s)/CV(s) and copies of the qualifications of the service provider's capacity/team to deliver on the scope of the project must be included. and (b) Law - the profile(s)/CV(s) and copies of the qualifications of the service provider's capacity/team to deliver on the scope of the project must be included. Failure to comply with the mandatory requirements will disqualify the service provider. The DHA reserves the right to conduct a security check and/ or clearance on any / all prospective service providers.		
2.	Qualification in Social Sciences National Diploma = 0 Bachelor's Degree = 10 Honours Degree = 15 Master's Degree = 20 Doctoral Degree = 25	25	
1.	Qualifications in Law National Diploma = 0 Bachelor's Degree = 5 Honours Degree/ Postgraduate Diploma/ LLB = 10 Master's Degree = 15 Doctoral Degree = 20	20	
3.	Research Consultancy experience A minimum of 3-5 years' research consultancy experience. It is required that a portfolio of evidence be provided.	20	

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	0 -1 years = 1 2 years = 5 3 years = 10 4 years = 15 5 years+ = 20		
4	Policy Development/drafting experience A minimum of 3-5 years' experience in developing policies or legislation. It is required that a portfolio of evidence be provided. 0 -1 years = 1 2 years = 5 3 year = 10 4 years = 15 5 years+ = 20	20	
5	Methodology - Project Plan including time frames. - Consultation and report writing Plan - Drafting plan for the ZEP/LEP Policy for a period not exceeding 7 weeks	15	
	SUB-TOTAL	100	
	FINAL SCORE AS A % = (Subtotal 100)		

- 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

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)
The company owned / director/s / shareholders by people who are Black. 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	Proof of claim as declared on SBD 6.1 in verifying the tenderer's status. The following must be submitted as proof of claim as declared on SBD 6.1 for the specific goals: - 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	
The company owned / director/s / shareholders by people who are Women. 100% company owned by people who are Women = 10 points ≥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	10	Proof of claim as declared on SBD 6.1 in verifying the tenderer's status. The following must be submitted as proof of claim as declared on SBD 6.1 for the specific goals: - 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	
The company owned / director/s /	3	Proof of claim as declared on SBD	

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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)
shareholders by people who are Disabled. 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		6.1 in verifying the tenderer's status. The following must be submitted as proof of claim as declared on SBD 6.1 for the specific goals: - 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.	

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

8. Minimum requirements

Suppliers must ensure that the following documents are fully completed, signed:

- (i) Price Proposal
- (ii) SBD 1: Invitation to Bid
- (iii) SBD 4 form: Bidders Disclosure
- (iv) SBD 6.1 form: Preference Points Claim Form in terms of the Preferential Procurement Regulations 2022;
(Note to tenderers: The tenderer must indicate how they claim points for each preference point system).
- (v) 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 and QSE's 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.

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- (vi) Ownership Certificates issued by the Companies and Intellectual Property Commission (CIPC).
- (vii) Tax compliance status pin issued by SARS.

9. Enquiries

Direct all technical questions to: Name: Ms Diketso Ratau Tel: 012 406 2712 Email: Diketso.Ratau@dha.gov.za

Direct all Supply Chain Management questions to:

Name: Valencia 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 007/2026	CLOSING DATE:	28 JULY 2026	CLOSING TIME:	11:00 AM
DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER TO DRAFT THE ZIMBABWEAN EXEMPTION PERMIT AND LESOTHO EXEMPTION PERMIT PUBLIC CONSULTATION REPORT				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
Department of Home Affairs Hallmark Building 230 Johannes Ramokhoase Street Pretoria 0001					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Ms V Ndhlovu		CONTACT PERSON	Ms Diketso Ratau	
TELEPHONE NUMBER	(012) 406 2771		TELEPHONE NUMBER	012 406 2712	
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	valencia.ndhlovu@dha.gov.za		E-MAIL ADDRESS	Diketso.Ratau@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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ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?	☐ Yes ☐ 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

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.

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|---|
| <p>2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>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.</p> <p>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."</p> |
|---|

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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REPORT****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,

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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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, 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

SUBJECT**APPOINTMENT OF A SERVICE PROVIDER TO DRAFT THE ZIMBABWEAN EXEMPTION PERMIT AND LESOTHO EXEMPTION PERMIT PUBLIC CONSULTATION REPORT****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 points

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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

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

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

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P_{min} = 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

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{max} = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

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

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

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

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

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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)
The company owned / director/s / shareholders by people who are Black. 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	Proof of claim as declared on SBD 6.1 in verifying the tenderer's status The following must be submitted as proof of claim as declared on SBD 6.1 for the specific goals: - 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.	
The company owned / director/s / shareholders by people who are Women. 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	proof of claim as declared on SBD 6.1 in verifying the tenderer's status The following must be submitted as proof of claim as declared on SBD 6.1 for the specific goals: - 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.	
The company owned / director/s / shareholders by people who are Disabled.	3	proof of claim as declared on SBD 6.1 in verifying the tenderer's status The following must be submitted as	

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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)
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		proof of claim as declared on SBD 6.1 for the specific goals: - 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]

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:

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- 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:

.....

.....