



**home affairs**

Department:  
Home Affairs  
REPUBLIC OF SOUTH AFRICA

## Terms of Reference - TOR 001 - 2026

Request for Quotation ("RQF") for appointment of a service provider to provide support to the Department on the drafting, vetting and reviewing of commercial contracts, on behalf of the Department in for a period of six (6) months, as and when required.

Closing date and time:

Date: 06 February 2026

Time: 11:00 AM

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](http://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.

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## **SPECIFICATIONS / TERMS OF REFERENCE**

### **1. Objectives**

1.1 The objectives (aim) of this tender are:

- To invite bids from suitable service providers with suitable legal experience to provide services relating to the negotiation, drafting, vetting, and reviewing of commercial agreements entered into between the Department and Service Providers, for a period of six (6) months, as and when, required.

### **2. Background**

- 2.1 The DHA derives its mandate from the Constitution and various policies and acts of Parliament. This mandate relates to the management of citizenship and civil registration, the management of international migration and the management of refugee protection.
- 2.2 The function of the Chief Directorate: Legal Services is to provide professional legal support services to the Department, Ministry and the line function. The legal support services that the Chief Directorate: Legal Services provides include the drafting, reviewing and vetting of Agreements, and the provision of legal opinions.
- 2.3 In order to achieve its mandate, the Department procures, amongst others, service providers to perform various services on behalf of the Department. To enable the service providers to provide the services, the Department enters into contracts with the service providers. These contracts carry significant financial implications and therefore require thorough research, scrutiny, careful drafting and amendment or review.

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### 3. Scope and Extent of the Tender

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

#### 3.1.1 Negotiation of Agreements when required

- Engage with Service Providers during contractual negotiations to secure terms that protect the interests of the Department; and
- Provide legal guidance to departmental officials during negotiations.

#### 3.1.2 Draft, review or vet Agreements

- Draft commercial agreements, contract addenda, SLAs, or related legal instruments.
- Review and vet agreements for legal adequacy and alignment with the requirements of the Department.
- Ensure that all contractual provisions safeguard the interests of the Department and minimise exposure to liability.
- Compliance with all applicable legislation, including public procurement laws, Public Finance Management Act, 1999 (Act No. 1 of 1999), Treasury Regulations, Departmental policies and relevant legal prescripts.
- Ensure all information is kept confidential.

#### 3.1.3 Assessment of legal risk, if required

- To identify, assess and mitigate legal risks arising from commercial agreements.
- Provide risk mitigation recommendations and proposed amendments.
- Advise the Department on potential implications of contractual terms.

### 4. Special Conditions of Contract

- The service provider may not recruit or attempt to recruit an employee of the Department for the duration of the contract or any part thereof.

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- Be an Attorney as contemplated in terms of section 24 of the Legal Practice Act, 2014 (Act No. 28 of 2014).
- The service provider must be in good standing in all respects including ethically and professionally and should provide proof of registration when required in respect of professional registration.
- The service provider may be required to sign a non-disclosure agreement which will survive the termination of the contract. No information about the Department, projects undertaken, evidence obtained and general scope of the contracts should be discussed or shared with any party without the written consent of the Department.
- The Department retains the right to negotiate professional rates and fees with the successful bidder on a case-by-case basis.
- There might be instances where a service provider will be required to perform services at the same time which will be dependent on volumes received.
- The appointment of a successful bidder does not guarantee that work will be allocated to them.
- The person/s proposed for professional work shall remain on the team unless permission is granted by the Department to change the individual/s. Such permission will only be granted in exceptional circumstances.
- The service provider should maintain confidentiality of all work performed at all times.
- The service provider should act in a professional and ethical manner at all times.
- The service provider and its employees must be South African citizens.
- The Department reserves the right to appoint one or more service providers.
- The General Conditions of Contract (GCC's) will form part of this bid. Service providers are therefore required to initial every page of the GCC's as well as the proposal's submitted.
- Copyright and Intellectual Property rights to all documentation, reports etc. that emanate from the services shall vest in the Department.

## **5. Tender Deliverables / Outputs and Timeframes**

### **5.1. The primary deliverables to be achieved**

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- Draft commercial agreements, contract amendments, and related instruments.
- Review and vet agreements with detailed comments, recommendations and basis thereof, reflected in tracked changes.
- Legal risk assessment reports and/or written legal opinions when required.
- Inputs during negotiation processes, including proposed positions and justification, when required.
- Agreements must be finalized within three (3) days of receipt of the instructions from the Department.
- Submit all draft and final documents within agreed timelines.
- Attend meetings, negotiations, and consultations when required.

## 6. Logistics and Timing

### 6.1 Project location(s):

Based at the service provider's premises.

### 6.2 Expected commencement date:

Immediately after the award.

### 6.3 Project period:

Six (6) months.

## 7. Team Members

The Department requires the service provider to supply 1x Senior Resource and 1x Junior Resource.

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## 7.2 Bid proposal

The 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.

## 7.3 Fee structure

**The cost should be all-inclusive (professional fees, VAT, disbursements, transport, etc.) for the drafting of each contract**

Legal Resource fees	Quantity	Amount (R)
1x Senior Resource	1	
1x Junior Resource	1	

## 7.4 Briefing (pre-bid) session

Not required.

## 8. EVALUATION CRITERIA

**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

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<b>Stage</b>	<b>Description</b>	<b>Applicable for this bid (Yes / No)</b>
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

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

<b>No.</b>	<b>Compliance Checklist</b>	<b>Yes / No</b>
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.	

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### Second stage: Pre-qualification

- Service provider(s) must indicate their compliance with the following prequalification criteria's as required by the DHA. Bidders who fail to meet the prequalification criteria's will be disqualified.
- Only bidders who have fully completed the below table, sign and dated will be evaluated for mandatory criteria.
- The Bidder must complete the table below, sign and date by confirm in writing the names and surnames of the two Resources

Prequalification	
Discipline	Name and Surname of Resource
Senior Resource	
Junior Resource	

**Signature**\_\_\_\_\_

**Date:**\_\_\_\_\_

### Third Stage: Mandatory requirements

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

Mandatory criteria 1	Comply	Do not comply
The Senior Resource must be a registered Attorney		
<b>EVIDENCE:</b> Copy of admission		



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<b>Mandatory criteria 2</b>	<b>Comply</b>	<b>Do not comply</b>
The Junior Resource must be a registered Attorney		
<b>EVIDENCE:</b> Copy of admission		

#### **Fourth Stage: Functionality requirements**

- The Technical proposal will be evaluated out of 100 points with a threshold of 70 points.
- Bidders that score less than minimum of 70 points will be disqualified.
- Bidders must score a minimum of 70 points on functionality to qualify for further evaluation on price and preference points.

<b>Evaluation Criteria</b>				
<b>No</b>	<b>Category</b>	<b>Evidence</b>	<b>Weight</b>	<b>Score</b>
1	Senior Resource relevant qualification No relevant information = 0 BPROC / NQF 7= 10 LLB / NQF 8= 15 LLM/MBA / NQF 9 = 20	Copy of qualification	<b>20</b>	
2	Senior Resource relevant experience in commercial contracts or similar 1 x Reference letter = 5 2 x Reference letters = 10 3 x Reference letters = 15	Signed and dated reference letter/s indicating acceptable / satisfactory level of performance on a company letterhead from clients or company that he or she worked for.	<b>15</b>	
3	Junior Resource relevant experience in commercial contracts or similar 1 x Reference letter = 5 2 x Reference letters = 10	Signed and dated reference letter/s indicating acceptable / satisfactory level of performance on a	<b>15</b>	

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	3 x Reference letters = 15	company letterhead from clients or company that he or she worked for.		
4	Senior Resource relevant experience in commercial contracts or similar less than 8 years = 0 8 years of experience = 10 9 years of experience = 20 10 and more years of experience = 30	CV of the Senior Resource must demonstrate the relevant number of years of experience in commercial contracts or similar.	<b>30</b>	
5	Junior Resource relevant experience in commercial contracts or similar less than 3 years = 0 3 years of experience = 5 4 years of experience = 10 5 years of experience = 15 6 and more years of experience = 20	CV of the Junior Resource must demonstrate the relevant number of years of experience in commercial contracts or similar.	<b>20</b>	
<b>TOTAL</b>			<b>100</b>	

#### **Fifth Stage: Price and Preferential Points**

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 R 50 000 000, inclusive of all applicable taxes.

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:

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

### 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)
<p>The company owned / director/s / shareholders by people who are Black.</p> <ul style="list-style-type: none"> <li>100% company owned by people who are Black = <b>7 points</b></li> <li>≥51% and &lt;100% company owned by people who are Black = <b>5 points</b></li> <li>&gt;0% and &lt;51% company</li> </ul>	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>	

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

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<b>The specific goals allocated points in terms of this tender</b>	<b>Number of points allocated (80/20 system) (To be completed by the organ of state)</b>	<b>Evidence</b>	<b>Number of points claimed (80/20 system) (To be completed by the tenderer)</b>
<p>people who are Women = <b>10 points</b></p> <ul style="list-style-type: none"> <li>• <math>\geq 51\%</math> and <math>&lt; 100\%</math> company owned by people who are Women = <b>5 points</b></li> <li>• <math>&gt; 0\%</math> and <math>&lt; 51\%</math> company owned by people who are Women = <b>2 points</b></li> <li>• <math>0\%</math> company owned by people who are Women = <b>0 points</b></li> </ul>		<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"> <li>• Company Registration Certification as issued by the Companies and Intellectual Property Commission (CIPC).</li> <li>• Sworn Affidavit or valid B-BBEE Certificate or Consolidated B-BBEE certificate for Consortium, Joint Venture, or Trust</li> </ul>	

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<b>The specific goals allocated points in terms of this tender</b>	<b>Number of points allocated (80/20 system) (To be completed by the organ of state)</b>	<b>Evidence</b>	<b>Number of points claimed (80/20 system) (To be completed by the tenderer)</b>
<p>The company owned / director/s / shareholders by people who are Disabled.</p> <ul style="list-style-type: none"> <li>• 100% company owned by people who are Disabled = <b>3 points</b></li> <li>• ≥51% and &lt;100% company owned by people who are Disabled = <b>2 points</b></li> <li>• &gt;0% and &lt;51% company owned by people who are Disabled = <b>1 points</b></li> <li>• 0% company owned by people who are Disabled = <b>0 points</b></li> </ul>	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"> <li>• Company Registration Certification as issued by the Companies and Intellectual Property Commission (CIPC).</li> <li>• Sworn Affidavit or valid B-BBEE Certificate or</li> </ul>	

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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)
		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.**

## **9. 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.

## **10. Enquiries**

**Direct all technical questions to:**

**Name: Ms Zukiswa Adams**

**Tel: (012) 406 2821**

**Email: Zukiswa.Adams@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**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE DEPARTMENT OF HOME AFFAIRS</b>					
<b>BID NUMBER:</b>	<b>TOR 001-2026</b>	<b>CLOSING DATE:</b>	<b>06 February 2026</b>	<b>CLOSING TIME:</b>	<b>11:00 AM</b>
<b>DESCRIPTION</b>	Request for Quotation ("RQF") for appointment of a service provider to provide support to the Department on the drafting, vetting and reviewing of commercial contracts, on behalf of the Department in for a period of six (6) months, as and when, required.				
<b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>					
Department of Home Affairs					
230 Hallmark building					
Cnr of Thabo Sehume and Johannes Ramokhoase Street					
Pretoria central					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>			<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>		
CONTACT PERSON	Valencia Ndhlovu		CONTACT PERSON	Ms Zukiswa Adams	
TELEPHONE NUMBER	012 406 2771		TELEPHONE NUMBER	(012) 406 2821	
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	<a href="mailto:Valencia.ndhlovu@dha.gov.za">Valencia.ndhlovu@dha.gov.za</a>		E-MAIL ADDRESS	Zukiswa.Adams@dha.gov.za	
<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					

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NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]	

#### 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.**

#### 2.1 PART B

#### 2.2 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

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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**

- 2.3 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.4 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.
- 2.5 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
- 2.6 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.7 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.8 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
- 2.9 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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**SBD 4****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 interest<sup>1</sup> 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

<b>SUBJECT</b>	<i>Request for Quotation ("RQF") for appointment of a service provider to provide support to the Department on the drafting, vetting and reviewing of commercial contracts, on behalf of the Department in for a period of six (6) months, as and when, required.</i>
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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 consortium<sup>2</sup> will not be construed as collusive bidding.

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

<b>SUBJECT</b>	<i>Request for Quotation ("RQF") for appointment of a service provider to provide support to the Department on the drafting, vetting and reviewing of commercial contracts, on behalf of the Department in for a period of six (6) months, as and when, required.</i>
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- 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, 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

<b>SUBJECT</b>	<i>Request for Quotation ("RQF") for appointment of a service provider to provide support to the Department on the drafting, vetting and reviewing of commercial contracts, on behalf of the Department in for a period of six (6) months, as and when, required.</i>
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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.

<b>SUBJECT</b>	<i>Request for Quotation ("RQF") for appointment of a service provider to provide support to the Department on the drafting, vetting and reviewing of commercial contracts, on behalf of the Department in for a period of six (6) months, as and when, required.</i>
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#### 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 (B-BBEE)	20
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

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





<b>SUBJECT</b>	<i>Request for Quotation ("RQF") for appointment of a service provider to provide support to the Department on the drafting, vetting and reviewing of commercial contracts, on behalf of the Department in for a period of six (6) months, as and when, required.</i>
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#### 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.**

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

<b>SUBJECT</b>	<i>Request for Quotation ("RQF") for appointment of a service provider to provide support to the Department on the drafting, vetting and reviewing of commercial contracts, on behalf of the Department in for a period of six (6) months, as and when, required.</i>
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<b>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</b>	<b>Number of points allocated (80/20 system) (To be completed by the organ of state)</b>	<b>Evidence</b>	<b>Number of points claimed (80/20 system) (To be completed by the tenderer)</b>
<p>The company owned / director/s / shareholders by people who are Black.</p> <ul style="list-style-type: none"> <li>100% company owned by people who are Black = <b>7 points</b></li> <li>≥51% and &lt;100% company owned by people who are Black = <b>5 points</b></li> <li>&gt;0% and &lt;51% company owned by people who are Black = <b>2 points</b></li> <li>0% company owned by people who are Black = <b>0 points</b></li> </ul>	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"> <li>Company Registration Certification as issued by the Companies and Intellectual Property Commission (CIPC).</li> <li>Sworn Affidavit or valid B-BBEE Certificate or Consolidated B-BBEE certificate for Consortium, Joint Venture, or Trust.</li> </ul>	
The company owned / director/s / shareholders by people who are	10	Proof of claim as declared on SBD 6.1 in verifying the tenderer's status.	

<b>SUBJECT</b>	<i>Request for Quotation ("RQF") for appointment of a service provider to provide support to the Department on the drafting, vetting and reviewing of commercial contracts, on behalf of the Department in for a period of six (6) months, as and when, required.</i>
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<b>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</b>	<b>Number of points allocated (80/20 system) (To be completed by the organ of state)</b>	<b>Evidence</b>	<b>Number of points claimed (80/20 system) (To be completed by the tenderer)</b>
<p>Women.</p> <ul style="list-style-type: none"> <li>100% company owned by people who are Women = <b>10 points</b></li> <li>≥51% and &lt;100% company owned by people who are Women = <b>5 points</b></li> <li>&gt;0% and &lt;51% company owned by people who are Women = <b>2 points</b></li> <li>0% company owned by people who are Women = <b>0 points</b></li> </ul>		<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"> <li>Company Registration Certification as issued by the Companies and Intellectual Property Commission (CIPC).</li> <li>Sworn Affidavit or valid B-BBEE Certificate or Consolidated B-BBEE certificate for Consortium, Joint Venture, or Trust.</li> </ul>	
<p>The company owned / director/s / shareholders by people who are Disabled.</p> <ul style="list-style-type: none"> <li>100% company owned by</li> </ul>	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</p>	

<b>SUBJECT</b>	<i>Request for Quotation ("RQF") for appointment of a service provider to provide support to the Department on the drafting, vetting and reviewing of commercial contracts, on behalf of the Department in for a period of six (6) months, as and when, required.</i>
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<b>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</b>	<b>Number of points allocated (80/20 system) (To be completed by the organ of state)</b>	<b>Evidence</b>	<b>Number of points claimed (80/20 system) (To be completed by the tenderer)</b>
<p>people who are Disabled = <b>3 points</b></p> <ul style="list-style-type: none"> <li>• ≥51% and &lt;100% company owned by people who are Disabled = <b>2 points</b></li> <li>• &gt;0% and &lt;51% company owned by people who are Disabled = <b>1 points</b></li> <li>• 0% company owned by people who are Disabled = <b>0 points</b></li> </ul>		<p>of claim as declared on SBD 6.1 for the specific goals:</p> <ul style="list-style-type: none"> <li>• Company Registration Certification as issued by the Companies and Intellectual Property Commission (CIPC).</li> <li>• Sworn Affidavit or valid B-BBEE Certificate or Consolidated B-BBEE certificate for Consortium, Joint Venture, or Trust.</li> </ul>	

#### DECLARATION WITH REGARD TO COMPANY/FIRM

- 4.3. Name of company/firm.....
- 4.4. Company registration number: .....
- 4.5. TYPE OF COMPANY/ FIRM

<b>SUBJECT</b>	<i>Request for Quotation ("RQF") for appointment of a service provider to provide support to the Department on the drafting, vetting and reviewing of commercial contracts, on behalf of the Department in for a period of six (6) months, as and when, required.</i>
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- ☐ 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:

- 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

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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.

<p>.....</p> <p><b>SIGNATURE(S) OF TENDERER(S)</b></p>	
<b>SURNAME AND NAME:</b>	.....
<b>DATE:</b>	.....
<b>ADDRESS:</b>	.....
	.....
	.....
	.....

<b>SUBJECT</b>	<i>Request for Quotation ("RQF") for appointment of a service provider to provide support to the Department on the drafting, vetting and reviewing of commercial contracts, on behalf of the Department in for a period of six (6) months, as and when, required.</i>
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**SBD 3.3**

**PRICING SCHEDULE**  
**(Professional Services)**

<b>NAME OF BIDDER:</b> .....	<b>BID NO:</b> TOR 001-2026
<b>CLOSING TIME:</b> 11h00	<b>CLOSING DATE:</b> 06 February 2026

OFFER TO BE VALID FOR 90 DAYS FROM THE CLOSING DATE OF BID.

ITEM	DESCRIPTION BID PRICE IN RSA CURRENCY
NO	**(ALL APPLICABLE TAXES INCLUDED)

- The accompanying information must be used for the formulation of proposals.
- Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project.  
R.....
- PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND  
RATES APPLICABLE (CERTIFIED INVOICES MUST BE  
RENDERED IN TERMS HEREOF)

4.	PERSON AND POSITION	HOURLY RATE	DAILY RATE
	-----	R-----	R-----
	-----	R-----	R-----
	-----	R-----	R-----



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5. PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN- DAYS TO BE SPENT

-----	R-----	----- days
-----	R-----	----- days
-----	R-----	----- days
-----	R-----	----- days

5.1 Travel expenses (specify, for example rate/km and total km, class of air travel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	AMOUNT
-----	-----	R.....
-----	-----	R.....
-----	-----	R .....
-----	-----	R.....

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

5.2 Other expenses, for example accommodation (specify, e.g. Three-star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

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DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	AMOUNT
-----	-----	R .....
-----	-----	R.....
-----	-----	R.....
-----	-----	R.....
TOTAL: R.....		

6. Period required for commencement with project after acceptance of bid .....
7. Estimated man-days for completion of project .....
8. Are the rates quoted firm for the full period of contract? \*YES/NO
9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index. ....

**\*[Delete if not applicable]**