



**home affairs**

Department:  
Home Affairs  
**REPUBLIC OF SOUTH AFRICA**

## **Terms of Reference TOR 02/2024**

**APPOINTMENT OF THE SERVICE PROVIDER TO CONDUCT A STUDY TITLED “THE ASSESSMENT OF THE IMPLICATIONS OF RELOCATING THE REFUGEE RECEPTION CENTRES CLOSER TO THE BORDERS” (PERIOD: 8 MONTHS)**

**Closing date and time:**

**Date: 12 July 2024**

**Time: 11:00 AM**

**Venue: 230 Johannes Ramokhoase Street, Pretoria**

**SUBJECT**

APPOINTMENT OF THE SERVICE PROVIDER TO CONDUCT A STUDY TITLED “THE ASSESSMENT OF THE IMPLICATIONS OF RELOCATING THE REFUGEE RECEPTION CENTRES CLOSER TO THE BORDERS” (PERIOD: 8 MONTHS)

**SPECIFICATIONS / TERMS OF REFERENCE****SPECIFICATIONS / TERMS OF REFERENCE (Will form part of the bid documents)****1. Objectives**

1.1 The objectives (aim) of this tender are:

To invite bids from suitable service provider(s) to

(a) Conducting a study to determine the implications of moving the Refugee Reception Offices to the border areas by looking at socioeconomic implications, legal and policy, technical, administrative implications etc.

(b) Conducting a stakeholder impact assessment to examine how the relocation of RROs will impact the various groups involved in asylum seeker management.

Identify potential risks and uncertainties associated with moving the Refugee Reception Offices to the border areas and advise the Department on issues to take into consideration and possible solutions or mitigation measures.

**2. Background**

- South Africa adopted the Refugees Act 130 of 1998, which incorporated the Republic’s global and regional international refugee law obligations. The Refugees Act mandated the DHA to implement the Refugees Act, this involved issuing in a right manner appropriate permit to refugees and asylum seekers in order to protect their rights and legalise their stay in the country.
- Following the coming into effect of the Refugees Act 130 of 1998, the Refugee Reception Centres were subsequently established in Gauteng, KwaZulu Natal, Limpopo, Western Cape and Eastern Cape to administer asylum seeker applications.

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- South Africa like other countries has been a receiver of a number of asylum seekers and the majority of them as a result of forced migration, often resulting from human security challenges, which include but not limited to the high levels of political instability, the lack of social stability and political repression.<sup>1</sup> As a result, since 1994, South Africa has hosted increasingly large numbers of asylum-seekers and refugees. According to the UN, about 250,000 refugees and asylum seekers live in South Africa. These are separate from documented or undocumented foreign nationals in the country for other reasons, including those seeking better economic opportunities.
- The major pull factor is that South Africa has adopted a policy of non-encampment of asylum seekers and refugees, which allows for the freedom of movement. As such asylum seekers and newcomers seeking asylum are permitted to reside anywhere in South Africa.
- Despite the strong legal and human rights framework on refugees and asylum seekers' rights, South Africa's asylum management system has been faced with a number of challenges. These problems include policy implementation, xenophobia, and access to services, corruption and lack of awareness of human rights for refugees. The major problem is the lack of adequate administrative machinery for processing asylum seekers efficiently, humanely and securely. The DHA has been continuously addressing these gaps. Criticism suggest that the asylum management system, including interactions with staff and procedures, are distressing events that occur across prolonged periods of time.
- As a consequence, the White Paper on Citizenship, Immigration and Refugee Protection: Towards a Complete Overhaul of the Migration System in South Africa

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<sup>1</sup> Hagen-Zanker, J. (2008). Why do people migrate? A review of the theoretical literature. Maastricht: Maastricht Graduate School of Governance.

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(2024), makes recommendation for the Refugee Reception Offices to be located at ports of entry to facilitate immediate assessment of asylum claims.

- Thus the Department took a decision for asylum seeker processing centres to be established closer to the borderline, in order to admit asylum seekers in the refugee regime in a humane, secure and effective manner. The move is envisaged as the a kind of a “one stop shop” facilities that will receive and process asylum applications, determine the credibility and veracity of alleged asylum grounds, hear appeals to the Refugee Appeals Board alternatively the Standing Committee for Refugee Affairs (SCRA) and make available on the same premises in as much as possible, every kind of support required by asylum seekers, including interpreters and counselling and arguably access to legal counsel, in the event of a review application to the High Court. The centres will be a multi-stakeholder facility with stakeholders like DHA, RAA, SCRA, DSD, DOE, DOH, and UNHCR playing active and regulated roles.
- It is envisaged that this policy direction will assist in addressing the current challenges experienced in local integration approach, that is speeding up asylum seeker application processing, ability to separate economic migrants from genuine refugees and ultimately to better manage the refugees and asylum seekers in the country.
- It is for this reason that the DHA seek to conduct a full assessment of the implications of moving the RROs to the border areas, by examining socioeconomic implications, legal implications and risk assessment, of such move. The implications should consider the impact on all structures involved in administering status determination, these include statutory bodies created under the Refugees Act, namely the Standing Committee for Refugee Affairs (SCRA) and the Refugee Appeals Authority (RAA). The implications should also consider the impact on a range of other actors, including DHA’s internal operations on asylum seekers and refugees, and on civil society organisations working with and on behalf of this constituency. Other important actors

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that need to be considered are Government Departments such as Department of Health, Department of Social Development, South African Police Services, and the Local Municipalities into which the RROs aim to move, as well as the local residents/businesses/ employers of those target communities.

### **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:

#### **Undertaking of Research**

Primary research will need to be undertaken so that the decision by the Department to move RROs to the border areas, take into consideration implications thereof. The following deliverables are expected:

##### **(a) Literature Review Report**

- Conduct Secondary research on the implications of moving the Refugee Reception Offices to the border areas by looking at socioeconomic implications, legal and policy, technical, administrative implications etc.
- Compile the Literature Review Report for approval

##### **(b) Stakeholder engagement Report**

- Identify key stakeholders for the study
- Conduct stakeholder consultations and engagements within and outside government on the implications and proposed solutions, examining how the relocation of RROs will impact the various groups involved

##### **(c) Site observation Report**

- Conduct site observations to document setting characteristics and assess the implications on the natural setting. The report should enable the Department to take

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appropriate action, make changes if need be

**(d) Research Validation Workshop**

- Facilitate internal and external stakeholder workshops on the encounters and proposed solutions;

**(e) Compilation of a Research Report and Research Brief**

- Compile the Research Report and Research Brief to outline implications of moving the RROs to the border areas, this will include socioeconomic implications, legal implications and risk assessment, of such move.

**(f) Presentation of Findings**

- Present the findings to the Executive Committee (EXCO) and other relevant structures within the Department.

**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 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.

**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.

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- (c) Payment will be against the nine (6) 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.

**The Department’s management of the service provider**

- a) The successful service provider will be reporting to the Director: Research Management: Ms. Lettie Masilo
- b) The service provider is required to sign a non-disclosure agreement which will be in force 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.
- (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.

**5. Tender Deliverables / Outputs and Timeframes****5.1. The primary deliverables to be achieved**

**30 Days post appointment:** Submission and approval of project inception report/project charter comprising a plan execution of the project;

**15 September 2024:** Submission of the Literature Review Report

**15 December 2024:** Submission of the final stakeholder engagements report

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## 6.1 Project location(s):

The Service provider will be reporting at the Department of Home Affairs, Hallmark building 230 Johannes Ramokhoase Street, Pretoria, However the study involves all DHA Refugee Reception Centers located in Gauteng, KwaZulu-Natal, Limpopo, Western Cape and Eastern Cape.

## 6.2 Expected commencement date:

01 August 2024

## 6.3 Project period:

01 August 2024 – 31 March 2025

## 6.4 Bid proposal

- a) Proposals must be submitted on 10 July 2024 in a clearly marked / labeled and sealed envelope and must include the following:
- b) Technical Proposal: One (1) original plus three (3) copies of the original technical proposal must be submitted; and
- c) Financial Proposal: One (1) original plus three (3) copies of the original financial proposal must be submitted as indicated below.

## 6.5 Fee structure

Financial proposal



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6.6 Briefing (pre-bid) session

Not applicable
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**7. EVALUATION CRITERIA**

*(Indicate how the evaluation will be done)*

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

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

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No.	Compliance Checklist	Yes / No
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.

Not applicable
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**Third Stage:**

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

Not applicable
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**Fourth Stage:**

*(When inviting bids an institution must indicate: -*

- *Whether the bids will be evaluated on functionality;*
- *The evaluation criteria for measuring functionality;*
- *The weight of each criterion; and*
- *The applicable values as well as the minimum threshold for functionality)*
- 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 60 ***Indicate the minimum points***) points. Bidders that score less than minimum of 60 ***Indicate the minimum points***) points will be disqualified.

Bidders must score a minimum of 60 ***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
	<b>Align with above if to be changed</b>		
1.	<p>The Project lead must possess qualification in Social Sciences.</p> <p>Copies of certified qualifications must be included:</p> <p>None = 0</p> <p>3 Year National Diploma = 10</p> <p>Degree/Hons Degree = 15</p> <p>Master’s Degree = 20</p> <p>PHD Degree = 30</p>	30	
2.	<p>A minimum of 10 years relevant / similar research and project management experience. It is required that portfolio of evidence be provided on previous research management projects. The service provider should provide signed and dated reference letters/testimonials indicating acceptable / satisfactory level of performance on a company letterhead from clients:</p> <p>0 – 1 year = 0</p> <p>2 – 5 years = 10</p> <p>5 – 7 years = 15</p> <p>7 – 10 years = 20</p> <p>10 + years = 30</p>	30	
3.	<p>A minimum of 5 years proven track record and experience in similar research within the public service or any other sector. The service provider should provide signed and dated reference letters/testimonials indicating acceptable / satisfactory level of performance on a company letterhead from clients:</p> <p>0 – 1 year = 0</p> <p>2 – 5 years = 10</p> <p>5 – 7 years = 15</p> <p>7 – 10 years = 20</p> <p>10 + years = 30</p>	30	

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4.	Research Methodology to be used with clear time frames	10	
	<b>SUB-TOTAL</b>	<b>100</b>	
	<b>FINAL SCORE AS A % = (Subtotal 100)</b>		

- 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.	<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)
The company owned / director/s / shareholders by people who are Black. <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</li> </ul>	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:	

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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>
people who are Black = <b>5 points</b> <ul style="list-style-type: none"> <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>		<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 Women. <ul style="list-style-type: none"> <li>100% company owned by people who are Women = <b>10points</b></li> <li>≥51% and &lt;100% company owned by people who are Women = <b>7 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>	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: <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 Disabled. <ul style="list-style-type: none"> <li>100% company owned by people who are Disabled = <b>3 points</b></li> </ul>	3	Proof of claim as declared on SBD 6.1 in verifying the tenderer’s status.  The following must be submitted as proof of claim	

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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>
<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>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>	

**\*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

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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.

- (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. Lettie Masilo**Name:** Ms Nomakholwa Makaluza**Tel:** (012) 406 4096 / 084 457 9999**Tel:** (012) 406 7281 /063 681 0091**Email:** [Lettie.masilo@dha.gov.za](mailto:Lettie.masilo@dha.gov.za)**Email:** [Nomakholwa.makaluza@dha.gov.za](mailto:Nomakholwa.makaluza@dha.gov.za)**Envelopes must be hand delivered to:**

Department of Home Affairs

Hallmark building

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

For attention: Ms. Valencia Ndhlovu

Tel (012) 406 2771

Email: [Valencia.ndhlovu@dha.gov.za](mailto:Valencia.ndhlovu@dha.gov.za)



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**PART A**

**SBD1**

**INVITATION TO BID**

**YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE DEPARTMENT OF HOME AFFAIRS**

BID NUMBER:	TOR 02/2024	CLOSING DATE:	12 July 2024	CLOSING TIME:	11:00 am
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DESCRIPTION	APPOINTMENT OF THE SERVICE PROVIDER TO CONDUCT A STUDY TITLED “THE ASSESSMENT OF THE IMPLICATIONS OF RELOCATING THE REFUGEE RECEPTION CENTRES CLOSER TO THE BORDERS” (PERIOD: 8 MONTHS)
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**BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)**

<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>	<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>
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CONTACT PERSON	<b>Valencia Ndhlovu</b>	CONTACT PERSON	
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TELEPHONE NUMBER	<b>012 406 2771</b>	TELEPHONE NUMBER	
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FACSIMILE NUMBER		FACSIMILE NUMBER	
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E-MAIL ADDRESS	<b>Valencia.ndhlovu@dha.gov.za</b>	E-MAIL ADDRESS	
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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:		<b>OR</b>	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]

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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 (SBD 7).**

**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](http://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 /

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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 interest<sup>2</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

<sup>2</sup> 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 consortium<sup>3</sup> 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, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

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- 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.

2 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**

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**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**

The applicable preference point system for this tender is the **80/20** preference point system.

a) 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:

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	<b>POINTS</b>
<b>PRICE</b>	<b>80</b>
<b>SPECIFIC GOALS (B-BBEE)</b>	<b>20</b>
<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).

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### 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:

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

Where

$P_s$  = Points scored for price of tender under consideration

$P_t$  = Price of tender under consideration

$P_{min}$  = 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:

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

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

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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.***

***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 /	7	Proof of claim as declared on	

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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>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>		<p>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>	
<p>The company owned / director/s / shareholders by people who are 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</li> </ul>	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>	

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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>Women = <b>5 points</b></p> <ul style="list-style-type: none"> <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>		<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 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 Consolidated B-BBEE certificate for Consortium,</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)
		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:

- 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;

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- 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.

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