



**iThemba  
LABS**

Laboratory for Accelerator  
Based Sciences

## INVITATION TO BID (SBD 1)

YOU ARE HEREBY INVITED TO BID FOR THE FOLLOWING SPECIFIED SUPPLY REQUIREMENTS

<b>BID NUMBER:</b>	NRF/ iTHEMBA LABS/2013-14:02	<b>CLOSING DATE:</b>	21 November 2014	<b>CLOSING TIME</b>	11:00
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### BID DESCRIPTION

**SUPPLY, INSTALL & COMMISSION  
OF A MULTIFUNCTIONAL INTEGRATED OPTICAL CHARACTERIZATION PLATFORM**

Preferential Procurement System Applicable (points for price: points for procurement preference): 90:10

Validation Period of Bid :150 Days

Briefing Session Date and Time: Not Applicable

Briefing Session Location: Not Applicable

**BID DOCUMENTS ARE TO BE DEPOSITED IN THE BID BOX SITUATED AT:**

**EITHER PHYSICALLY OR BY COURIER**

**iTHEMBA LABS**

**iThemba LABS Reception**

**Old Faure Road**

**Cape Town**

**7131**

**ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE DIRECTED TO:**

**Contact Person:** Technical Enquiries :Prof M Maaza:  
**Tel:** +27 (0) 21 843 1028  
**Email:** Maaza@tlabs.ac.za

**Contact Person:** Technical Enquiries: Dr. M Nkosi  
**Tel:** +27 (0) 21 843 1085  
**Email:** Mlungisin@tlabs.ac.za

**Bidders should timeously deliver bids to the correct address. If the bid is late at the NRF address, it is not considered.**  
The bid box is open from 08h00 to 16h30 South African times, 5 days a week (Monday to Friday).

ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS IN THIS INVITATION (NOT TO BE RE-TYPED) WITH ADDITIONAL INFORMATION ON ATTACHED SUPPORTING SCHEDULES

THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIACEAL PROCUREMENT REGULATIONS - 2011, THE GENERAL CONDITIONS OF CONTRACT (NRF WEBSITE) AND SPECIAL CONDITIONS OF CONTRACT AS STIPULATED IN THIS INVITATION.

**BID RESPONSE SUBMISSION FORMAT / CHECKLIST**

No of originals	1	Number of bid pack copies	4
Pack split into "Technical" and "Awarding" Sections	<u>Yes</u>	Two envelope system required	<u>Yes</u>
Please Tick applicable Proposal – Bidder's B-BBEE Transformation Program must be submitted			Yes/ No
Certified copies of certificate of incorporation (as per entity type) must be included.			Yes/ No

**THE FOLLOWING PARTICULARS MUST BE FURNISHED AS LEAD PAGE OF THE BID RESPONSE**

<b>BID NUMBER:</b> NRF/ iTHEMBA LABS/2013-14:02	<b>CLOSING DATE:</b> 21 November 2014	<b>CLOSING TIME</b>	11:00
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**NAME OF BIDDER**

**REPRESENTED BY**

POSTAL ADDRESS

PHYSICAL ADDRESS

TELEPHONE NUMBER	CODE	NUMBER
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CELL PHONE NUMBER	CODE	NUMBER
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FACSIMILE NUMBER	CODE	NUMBER
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E-MAIL ADDRESS

(Please Stipulate)  
VAT REGISTRATION NUMBER :

HAS AN ORIGINAL AND VALID TAX CLEARANCE CERTIFICATE BEEN SUBMITTED? YES or NO

PREFERENCE CLAIM FORM BEEN SUBMITTED FOR YOUR PREFERENCE POINTS? (SBD 6.1) YES or NO  
**(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE MUST SUPPORT PREFERENCE POINTS CLAIMED)**

IF YES, WHO WAS THE B-BBEE CERTIFICATE ISSUED BY

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)

A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS); OR

A REGISTERED AUDITOR

[Tick Applicable Box]

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS/SERVICES/WORKS OFFERED? YES or NO

IF YES ENCLOSE PROOF

SIGNATURE OF BIDDER \_\_\_\_\_

NAME of BIDDER

DATE

CAPACITY UNDER WHICH THIS BID IS SIGNED

## **1. Background to the National Research Foundation and its business units**

The National Research Foundation (“NRF”) is a juristic person established in terms of Section 2 of the National Research Foundation Act, Act 23 of 1998 and a Schedule 3A Public Entity in terms of the Public Finance Management Act. The NRF is the government’s national agency responsible for promoting and supporting research and human capital development through funding, the provision of National Research Facilities and science outreach platforms and programs to the broader community in all fields of science and technology, including natural science, engineering, social science and humanities.

## **2. Scope of Work**

iThemba LABS seeks to appoint a service provider to supply, install, commission equipment, provide maintenance programs and train users on equipment and maintenance making up a multifunctional and integrated optical characterization platform which is needed for research and routine applications.

## **3. Specification of Equipment and Services being Procured**

The contracted service provider will do the following **(Please attach your detailed response as a separate schedule to this bid invitation when returned):**

### **3.1. General**

The Bid must be expanded where specific dimensions, parameters and measurements are stipulated. Bidders must supply evidential documentation supporting their Bid proposal.

The multi-users unit is intended for research and for postgraduates’ training.

### **3.2. Summary of Deliverables from this Bid Contract**

The deliverable is a multifunctional optical characterization platform consisting of the following units:

- Raman spectrometry unit,
- Photoluminescence/Fluorescence spectrometry unit,
- Fourier transform infrared spectrophotometry unit including an Attenuated Total Reflection (ATR) pro,
- UV-VIS-NIR compact spectrophotometry unit,
- Ellipsometry compact unit,
- Compact reflectometry unit,
- Integrating sphere unit,

- Additional light sources and additional photonics ancillaries.

The deliverable of a planned maintenance program for the useful life of fifteen years (15) inclusive of the necessary machine and software upgrades and the provision of the maintenance support services inclusive of training support

**3.3. Multifunctional optical characterisation platform (Specific dimensions, parameters and measurements) –**

**3.4. Raman spectrometry unit:**

- Excitation Wavelength: 532nm
- Laser Power: ~100 mW
- Spectral Range ( $\text{cm}^{-1}$ ) : ~200 - 4500
- Spectral Resolution ( $\text{cm}^{-1}$ ) ~10
- Wavelength Stability ( $\text{cm}^{-1}$ ) <1 in 10 hours
- Photometric Stability < 4% in 10 hours
- Operating Temperature ( $^{\circ}\text{C}$ ): 25 - 50
- Single license spectral database and,
- Data management package (spectral libraries)

**3.5. Multifunctional optical characterisation platform - Photoluminescence/Fluorescence spectrometry unit:**

- Spectral range: 200-2000nm
- Signal-to-noise ratio: >250:1 (at full signal)
- Sensitivity: >120 photons/count at 400 nm; >50 photons/count at 600 nm

**3.6. Multifunctional optical characterisation platform - Fourier transform infrared spectrophotometry unit:**

- An adjustable collimating lens holder
- Cool red light source with a spectral range: 400-4500  $\text{cm}^{-1}$
- Standard wavenumber resolution
- Including an Attenuated Total Reflection (ATR) probe for indirect absorbance.

**3.7. Multifunctional optical characterisation platform - UV-VIS-NIR compact spectrophotometry unit:**

- Operating both in reflection & transmission modes
- Spectral range: 200-2500nm
- Heating stage 25-150 °C
- Complete Compatible software and related optical databases or equivalent software

**3.8 Multifunctional optical characterisation platform - Ellipsometry compact unit:**

- Spectral range: 250-1000 nm,
- Optical resolution: ~1 nm
- Accuracy: ~0.1 nm
- Film thickness: 1 nm - 10 µm
- Measurement speed: ~10 sec
- With a software for ex-situ direct measurement of thickness and n & k coefficients, recipe structure,
- Admin capabilities (compatible software/ spectrum simulation program),
- Including standard calibration references samples, and XYZ mapping capabilities.

**3.9 Multifunctional optical characterisation platform - Compact reflectometry unit:**

- Capabilities of measurement, simulation and analysis of at least up to 10 layers,
- Spectral range: 250-1000nm,
- Thickness capabilities: measurements range 10nm-100µm.

**3.10 Multifunctional optical characterisation platform - Integrating sphere unit:**

- > 1.3" in diameter
- Illumination spectral: 360-1000 nm
- Sphere coating: Reflectivity: >95% (250-2000 nm)
- Bulb life: > 800 hours

### **3.11 Operator Training Services:**

The supplier must provide documentation of their capabilities in each of the service, applications, and training support for this new equipment.

The supplier must detail the service force supporting the instrument, including name, location, and experience with the instrumentation being bid its applications support, with documentation of the capabilities and experience; and the training support.

Where the service and training is not performed by the supplier, full details of the sub-contractors to be used is to be included as well as a copy of the contract sub-contracting the service provider to provide these services.

The supplier must document the formal training on the system and peripheral devices as required, and the training program by inclusion of syllabi, reference to sources of information, especially web based accessible resources

### **3.12 Operational manual and Maintenance Programme:**

The supplier provides comprehensive documentation in the operation and service maintenance of the various components of the multifunctional platform. The supplier provides hardcopies as well as electronic versions of all manuals and programmes.

### **3.13 Downstream Training Services:**

The supplier provides schedules with details of formal hardware training courses that they can offer to the users.

The supplier must offer regularly scheduled, formal user training courses with published syllabi and supported by formal printed documentation or e-literature. The supplier is to submit a copy of schedule for current year, along with the published syllabus.

#### **Maintenance Services:**

##### Maintenance cycle

Bidders are to submit the planned maintenance program detailing minor servicing, major servicing etc.

##### After Sales Support, Contacts and Communication

The supplier to provide information on its dedicated service organization, supported by documentation including full disclosure of contact details, locations, training, and years of experience.

Availability of an e-learning support, including web based accessible resources.

### **3.14 Performance levels of Service**

The service providers performance level of services will be monitored by the project manager .



### 3.15 Software and Hardware Upgrades

The supplier must stipulate the frequency, the estimated cost and the extension to the useful life of the platform for each of the recommended upgrades.

### 3.16 Installation / and commissioning of equipment

The supplier installs and commissions the equipment on site and the iThemba LABS, project manager verifies / validates the commissioning to the satisfaction of the user community.

### 3.17 Product/Service Delivery Validation

Invoices are submitted to iThemba LABS representatives validate that delivery of goods / works / services has been made and at the required quality and on time. No invoices for outstanding deliverables or for any unproductive or duplicated time spent by the service provider are validated for payment.

## 4. Local Content Requirements

A supplier should have South African based parts stocking, for which documentation and pricing of all maintenance parts are required. Availability of telephone support, including telephone numbers and email addresses, must stipulated in the Bid.

## 5. Evidence of Supply Capacity and Capability (Technical Merit)

Bidders are required to provide a profile of themselves for evaluation of their capacity to supply the required equipment including resources including details of agency or distribution agreements that they hold as well as details of equipment that they manufacture

Bidders are required to provide three (3) written references from previous clients in which the clients declare the following:

<u>Criteria</u>	<u>Below Expectations</u>	<u>Meets Expectations</u>	<u>Above Expectations</u>
Professionalism			
Interpersonal skills			
Telephone support response and timing			
Uptime of equipment i.e. frequency of breakdowns			
Spares support and availability			
Turn around/completion times of work requested			
Satisfaction of research done with the equipment			
Satisfaction with the work done.			
Overall Impression (i.e. would use again)			

Bidders are required to provide a profile of themselves for evaluation of their capacity to perform the work which details the resources available.

## 6. Contract Management and Purchase Orders

The acceptance of the written offer as set out in this document with the selected supply and services provider establishes

the master/framework contract between iThemba LABS and the appointed supplier.

The contract is inclusive of the initial equipment and its commissioning as well as downstream work as specified in this document (upgrades, consumables, maintenance, training, service support) where the nature and quantity of such work is not determinable at the commencement of this contract.

All work in terms of this contract is advised to the contracted supplier as and when required during the contract period in the manner stipulated below:

#### Initial Work:

All initial work is communicated through the issue of Purchase Orders for each component. The purchase order is accompanied by detail documentation where relevant.

#### Downstream work:

The contracted supplier provides iThemba LABS with a detailed quotation of the work required upon receipt of such request under this master agreement.

iThemba LABS will evaluate the work quotation received and, where necessary, request either further detail or negotiate on value of work quoted. iThemba LABS will issue an official Purchase Order for the agreed work prior to the commencement of such work.

All such purchase orders issued are in terms of this master contract.

The appointed supplier reports to the specified iThemba LABS project manager. Meetings, where needed, will be scheduled between both parties.

## **7. Safety and Health Administration**

The contract supplier is solely responsible for the safety and well-being of its employees when working at the NRF's Business Unit (iThemba LABS). Before installation can commence the service provider is required to complete an iThemba LABS indemnity form.

## **8. Payment**

### Work validation

iThemba LABS requires that all work performed in terms of this contract is verified in writing by the relevant internal staff with the necessary technical skills (validation).

### Invoice Referencing

All validation and invoice documentation quote both the contract number (master purchase order number) and the purchase order number for the relevant work.

Payment of validated invoices

iThemba LABS undertakes to pay **validated** invoices in full within thirty (30) days from the monthly statement date.

iThemba LABS does not accept predating of invoices.

**9. Pricing Schedule for the Duration of the Contract  
(Standard Bidding Document 3.1 and 3.3)**

**NOTE** Only firm prices will be accepted. Non-firm prices (including prices subject to rates of exchange variations) will not be considered

Price quoted is fully inclusive of all costs including delivery to the specified NRF Business Unit geographical address and includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

Detailed information is optional and is provided as annexures to the details provided below

No changes or extensions or additional ad hoc costs are accepted once the contract has been awarded

Bid price in South African currency, foreign exchange risk is for the account of the bidder

Pricing is subject to the addition of Preference Points as stipulated in Section 23 below - Standard Bidding Document 6.1 Preference claim form

OFFER TO BE VALID FOR **150 Days** FROM THE CLOSING DATE OF BID.

**BID PRICE IN RSA CURRENCY (ALL APPLICABLE TAXES INCLUDED)**

<u>ITEM NO</u>	<u>QUANTITY (unit of measure)</u>	<u>DESCRIPTION OF WORKS / GOODS / SERVICES</u>	<u>BID/QUOTE PRICE</u>
		The deliverable is a multifunctional optical characterization platform consisting of the following units:	
1	1	Raman spectrometry unit,	
2	1	Photoluminescence/Fluorescence spectrometry unit,	
3	1	Fourier transform infrared spectrophotometry unit,	
4	1	UV-VIS-NIR compact spectrophotometry unit,	
5	1	UV-VIS-NIR compact spectrophotometry unit,	
6	1	Ellipsometry compact unit,	
7	1	Compact reflectometry unit,	

8	1	Integrating sphere unit,	
9	1	Additional light sources and additional photonics ancillaries.	
10		Training	
11		Annual Maintenance	
TOTAL			
<p>For unforeseen maintenance and repairs, quotation costs are to be determined at the time of such occurrence and submitted to the NRF Business Unit for consideration in accordance with contract performance clause and the NRF Business Unit will issue an official purchase order for the agreed cost of executing such unforeseen maintenance and repairs</p>			
<p>ADDITIONAL PRICE ITEMS OR DETAIL PRICE SCHEDULES ATTACHED</p>			<p>YES</p>
			<p>NO</p>
Brand and model	<p>Attach information as additional schedules</p>		
Country of origin	<p>_____</p>		
Does the offer comply with the specification(s)?	<p>*YES/NO</p>		
<p>If not to specification, indicate deviation(s) in a separate attached schedule</p>			
Period required for delivery	<p>_____</p>		
*Delivery:	<p>Firm / Not Firm</p>		
Delivery basis (on site, delivery on site)	<p>_____</p>		
<p><b>10. Selection and Awarding of Contract</b></p>			
<p>This bid is evaluated through a two stage process.</p>			
<p><b>10.1. Stage 1 – Selection of Qualified Bidders</b></p>			
<ul style="list-style-type: none"> <li>Bidders bid response / submission is evaluated against the bid invitation specifications as well as the bidder's capacity and capability.</li> <li>Evaluation is made in accordance to published evaluation criteria and the scoring set for each criterion.</li> </ul>			

- All qualifying bidders are shortlisted for the awarding stage.

## 10.2. Stage 2 – Awarding of the Contract

- Bidders are compared on a fair and equal basis taking into account all aspects of the proposals
- The award criterion are:
  - **Price** – with the lowest priced bid on an equal and fair comparison basis receiving the highest price score as set out in the 2011 Preference Regulations
  - **Preference** – preference points as claimed in the preference claim form are added to the price ranking scores and the highest combined score is nominated for the contract award
  - **Administration** - Contracts are awarded where bidders have supplied the relevant administrative documentation especially the tax certificate.

## 10.3. Qualifying Thresholds for Selection (Stage 1) Evaluation

Bids scoring less than the minimum threshold of **70%** will not be considered in the next stage of evaluation.

## 11. Selection on Specifications and Technical / Functional Capabilities and Capacities

<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
No Information to make assessment	Poor	Average	Meets Requirements	Exceeds Requirements	Exceeds Requirements and value adding

Total Evaluation Score := [ Score x weighting x No of Evaluators] / [ Maximum Score x 100 x No of Evaluators]

Example Total Score – [(3 x 40x 4)+(4 x 30 x 4)+(5 x 30 x 4)] / [5 x 100 x 4] = [1560 /2000] = 78%

### SELECTION CRITERIA

NO.	ELEMENT	WEIGHT
1	Raman spectrometry unit,	
2	Photoluminescence/Fluorescence spectrometry unit,	
3	Fourier transform infrared spectrophotometry unit including an Attenuated Total Reflection (ATR) pro,	
4	UV-VIS-NIR compact spectrophotometry unit,	
5	Ellipsometry compact unit	
6	Compact reflectometry unit,	

7	Integrating sphere unit,	
8	Evaluation of the demonstrated capability to deliver the equipment, support, training and upgrades. Evaluate the quality of references received of the supply capability. Evaluation of the proposed routine maintenance schedule	
9	Evaluation of the demonstrated capacity to deliver the platform on time, to deliver the training, the upgrades and the servicing. Evaluate quality of skills and capacity to deliver the required work (CV's of individuals)	
10	First set of spare	
	<b>Total</b>	

## 12. Conditions of Contract

General Conditions of Contract, as issued by National Treasury, are part of this contractual agreement and are made available on the NRF Website ([www.nrf.ac.za/bids](http://www.nrf.ac.za/bids)).

### a) EVIDENCE OF INTEREST

If you are not interested or cannot meet the specifications of the bid, it is required that you respond by email stating this.

### b) COMPLIANCE WITH FULL SCOPE OF THE BID INVITATION

Only bidders who can comply with the full scope of work and specification will be considered.

### c) JOINT PROPOSALS

Service providers are allowed to submit joint proposals to allow different companies to undertake different components of the work under one single proposal. Each service provider to provide tax certificate, B-BEE certificate, SBD6.1, SBD4 and SBD9

### d) VALIDATION OF SUBMITTED DOCUMENTATION

iThemba LABS has the right to have any documentation submitted by the bidders inspected by another technical body or organisation.

### e) NOT LIABLE FOR BID RESPONSE PREPARATION COSTS

iThemba LABS is not be liable for any cost incurred by a service provider in the process of responding to this bid, including on-site presentations and the proposal a service provider may make and/or submit.

### f) CANCELLATION PRIOR TO AWARDING

iThemba LABS has the right to withdraw and cancel the bid.

g) LATE BIDS.

Bids submitted after the stipulated closing date (and time) is not considered.

h) COLLUSION, FRAUD AND CORRUPTION

Any effort by a bidder to influence bid evaluation, bid comparisons or bid award decisions in any manner, may result in rejection of the bid concerned.

i) LETTER OF AWARD

Once the delegated bid approver(s) has reached the decision, the successful bidder is informed through a written letter of acceptance, which in conjunction with elements detailed in the Standard Bidding Document 7 forms the contract between the iThemba LABS and the Bidder.

j) VALIDITY PERIOD

The bid has a validity period of 150 days from date of closure of the call / bid.

k) PRESENTATIONS AND PROOF OF CONCEPT

iThemba LABS has the right to call interviews / presentations / pitching sessions as well as proof of concept sessions with short-listed service providers before the final selection is done.

l) INTELLECTUAL PROPERTY PROVIDED IN THE BID INVITATION

All the information contained in this document is intended solely for the purposes of assisting bidders to prepare their bids. Any use of the information contained herein for other purpose than those stated in this document is prohibited.

The ownership and intellectual property rights of all designs, specifications, programming code and all other documentation provided by the iThemba LABS to the bidder, both successful and unsuccessful, remains the property of iThemba LABS

m) INTELLECTUAL PROPERTY CONTAINED IN THE DELIVERABLES

The ownership and intellectual property rights of all designs, specifications, programming code and all other documentation required as part of the delivery to iThemba LABS resides with iThemba LABS.

### 13. SUPPLIER DUE DILIGENCE

#### 13.1. DECLARATION OF INTEREST (STANDARD BIDDING DOCUMENT 4)

Any legal person, including persons employed by the state<sup>1</sup>, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes an advertised competitive bid, a limited bid, a proposal or written price quotation). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

the bidder is employed by the state; and/or

the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

**In order to give effect to the above, the following questionnaire must be completed and submitted with this bid.**

Full Name of bidder or his or her representative:

Identity Number:

Position occupied in the Company (director, trustee, shareholder<sup>2</sup>, member):

Registration number of company, enterprise, close corporation, partnership agreement or trust:

Tax Reference Number:

VAT Registration Number:

The names of all directors/trustees/shareholders/members, their individual identity numbers, tax reference numbers and, if applicable, employee/PERSAL numbers must be indicated in paragraph 3 below.

Are you or any person connected with the bidder presently employed by the state?

**YES/NO**

If so, furnish the following particulars in an attached schedule:



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

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

Position occupied in the state institution

Any other particulars:

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

If yes, did you attach proof of such authority to the bid document? YES/NO

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.)

If no, furnish reasons for non-submission of such proof as an attached schedule

Did you or your spouse, or any of the company's directors/ Trustees /shareholders /members or their spouses conduct business with the state in the previous twelve months? YES/NO

If so, furnish particulars as an attached schedule:

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

If so, furnish particulars as an attached schedule.

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

If so, furnish particulars as an attached schedule:

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

If so, furnish particulars as an attached schedule:

**Full details of directors/trustees/members/shareholders.**

Full Name	Identity Number	Personal Income Tax Reference Number	State Employee Number/ Payroll (Persal) Number
Schedule attached with the above details for all directors / members / shareholders			YES NO

**13.2. DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES (STANDARD BIDDING DOCUMENT 8)**

Item	Question	Yes	No
	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?	Yes	No
	The Database of Restricted Suppliers now resides on the National Treasury's website( <a href="http://www.treasury.gov.za">www.treasury.gov.za</a> ) and can be accessed by clicking on its link at the bottom of the home page.		
	If so, furnish particulars as an attached schedule:		
	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?	Yes	No
	The Register for Tender Defaulters can be accessed on the National Treasury's website ( <a href="http://www.treasury.gov.za">www.treasury.gov.za</a> ) by clicking on its link at the bottom of the home page.		
	If so, furnish particulars as an attached schedule:		
	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes	No
	If so, furnish particulars as an attached schedule:		
	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes	No
	If so, furnish particulars as an attached schedule:		

**13.3. CERTIFICATE OF INDEPENDENT BID DETERMINATION (STANDARD BIDDING DOCUMENT 9)**

I, the undersigned, in submitting this bid in response to the invitation for the bid made by **NATIONAL RESEARCH FOUNDATION** do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: \_\_\_\_\_ (Name of Bidder) that:

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - (a) has been requested to submit a bid in response to this bid invitation;
  - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.

<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.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or

(f) bidding with the intention not to win the bid.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation

**14. PREFERENCE POINTS CLAIM FORM (STANDARD BIDDING DOCUMENT 6.1)**

**POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTION**

In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

<b>B-BBEE Status Level of Contributor</b>	<b>Number of points (90/10 system)</b>	<b>Number of points (80/20 system)</b>
1	10	20
2	9	18
3	8	16
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

**BID DECLARATION**

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

**B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF THE ABOVE TABLE**

B-BBEE Status Level of Contribution: ..... = .....(maximum of 10 or 20 points)

(Points claimed must be in accordance with the table reflected above and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

**SUB-CONTRACTING**

Will any portion of the contract be sub-contracted? YES / NO

If yes, indicate:

- (i) what percentage of the contract will be subcontracted? .....%
- (ii) the name of the sub-contractor? .....
- (iii) the B-BBEE status level of the sub-contractor? .....
- (iv) whether the sub-contractor is an EME? YES / NO

**DECLARATION WITH REGARD TO COMPANY/FIRM**

Name of company/firm .....

VAT registration number: .....

Company registration number .....

TYPE OF COMPANY/ FIRM

[Tick applicable box]

- Partnership/Joint Venture / Consortium**
- One person business/sole propriety**
- Close corporation**
- Company**
- (Pty) Limited**

DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

COMPANY CLASSIFICATION

[Tick applicable box]

- Manufacturer**
- Supplier**
- Professional service provider**
- Other service providers, e.g. transporter, etc.**

Total number of years the company/firm has been in business? .....

I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- (i) The information furnished is true and correct;
- (ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.
- (iii) In the event of a contract being awarded as a result of points claimed as shown above, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;

- (iv) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
  - (a) disqualify the person from the bidding process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, 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
- (v) A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- (vi) A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

## 15. Definitions

“**all applicable taxes**” includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;

“**B-BBEE**” means broad-based black economic empowerment as defined in section 1 of the Broad -Based Black Economic Empowerment Act;

“**B-BBEE status level of contributor**” means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

“**bid**” means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, written price quotations, advertised competitive bidding processes or proposals;

“**bid price**” price offered by the bidder, including value added tax (VAT);

“**Broad-Based Black Economic Empowerment Act**” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

“**Closing time**” means the date and hour specified in the bidding documents for the receipt of bids .

“**Collusion**” means Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).

**Collusive bidding** is a pe se prohibition meaning that it cannot be justified under any grounds. Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and/or services for purchasers who wish to acquire goods and/or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

“**comparative price**” means the price after the factors of a non-firm price and all unconditional discounts that can be utilised have been taken into consideration;

“**consortium or joint venture**” 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;

“**Contract**” means the written agreement entered into between the purchaser and the supplier, as recorded in the contract form signed by the parties, including all attachments and appendices thereto and all documents incorporated by reference therein.

“**Contract price**” means the price payable to the supplier under the contract for the full and proper performance of his contractual obligations.



**“Corrupt practice”** means the offering, giving, receiving, or soliciting of anything of value to influence the action of a public official in the procurement process or in contract execution.

**“Countervailing duties”** are imposed in cases where an enterprise abroad is subsidised by its government and encouraged to market its products internationally.

**“Country of origin”** means the place where the goods were mined, grown or produced or from which the services are supplied. Goods are produced when, through manufacturing, processing or substantial and major assembly of components, a commercially recognised new product results that is substantially different in basic characteristics or in purpose or utility from its components.

**“Day”** means calendar day.

**“Delivery”** means delivery in compliance of the conditions of the contract or order.

**“Delivery ex stock”** means immediate delivery directly from stock actually on hand.

**“Delivery into consignees store or to his site”** means delivered and unloaded in the specified store or depot or on the specified site in compliance with the conditions of the contract or order, the supplier bearing all risks and charges involved until the supplies are so delivered and a valid receipt is obtained.

**“designated sector”** means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;

**“duly sign”** means a Declaration Certificate for Local Content that has been signed by the Chief Financial Officer or other legally responsible person nominated in writing by the Chief Executive, or senior member/person with management responsibility(close corporation, partnership or individual).

**“Dumping”** occurs when a private enterprise abroad market its goods on own initiative in the RSA at lower prices than that of the country of origin and which have the potential to harm the local industries in the RSA.

**“EME”** means any enterprise with an annual total revenue of R5 million or less.

**“Firm price”** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;

**“Force majeure”** means an event beyond the control of the supplier and not involving the supplier’s fault or negligence and not foreseeable. Such events may include, but is not restricted to, acts of the purchaser in its sovereign capacity, wars or revolutions, fires, floods, epidemics, quarantine restrictions and freight embargoes.

**“Fraudulent practice”** means a misrepresentation of facts in order to influence a procurement process or the execution of a contract to the detriment of any bidder, and includes collusive practice among bidders (prior to or after bid submission) designed to establish bid prices at artificial non-competitive levels and to deprive the bidder of the benefits of free and open competition.

**“functionality”** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;

**“GCC”** means the General Conditions of Contract.

**“Goods”** means all of the equipment, machinery, and/or other materials that the supplier is required to supply to the purchaser under the contract.

**“Imported content”** means that portion of the bidding price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or his subcontractors) and which costs are inclusive of the costs abroad, plus freight and other direct importation costs such as landing costs, dock dues, import duty, sales duty or other similar tax or duty at the South African place of entry as well as transportation and handling charges to the factory in the Republic where the supplies covered by the bid will be manufactured.

**“Local content”** means that portion of the bidding price which is not included in the imported content provided that local manufacture does take place.

**“Manufacture”** means the production of products in a factory using labour, materials, components and machinery and includes other related value-adding activities.

**“non-firm prices”** means all prices other than “firm” prices;

**“Order”** means an official written order issued for the supply of goods or works or the rendering of a service.

**“person”** includes a juristic person;

**“Project site,”** where applicable, means the place indicated in bidding documents.

**“Purchaser”** means the organization purchasing the goods.

**“rand value”** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;

**“Republic”** means the Republic of South Africa.

**“SCC”** means the Special Conditions of Contract.

**“Services”** means those functional services ancillary to the supply of the goods, such as transportation and any other incidental services, such as installation, commissioning, provision of technical assistance, training, catering, gardening, security, maintenance and other such obligations of the supplier covered under the contract.

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

**“State”** means –

- (i) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (ii) any municipality or municipal entity;
- (iii) Provincial Legislature;
- (iv) National Assembly or the National Council of Provinces; or
- (v) Parliament.

**“stipulated minimum threshold”** means that portion of local production and content as determined by the Department of Trade and Industry;

**“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;

**“total revenue”** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the Government Gazette on 9 February 2007;

**“trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person;

**“trustee”** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

**“Written”** or “in writing” means handwritten in ink or any form of electronic or mechanical writing.