

## REQUEST FOR QUOTATION (RFQ)

|                |   |   |                  |   |                          |
|----------------|---|---|------------------|---|--------------------------|
| Description    | : | Provision and Installation of Endpoint Data Protection Solution |                  |   |                          |
| RFQ issue date | : | 06 January 2020   | RFQ closing date | : | 16 January 2020 at 11h00 |
| RFQ number     | : | RFQ/2019/99   | Enquiries        | : | Greta Shikwambane        |
| Email          | : | <a href="mailto:gretaS@inseta.org.za">gretaS@inseta.org.za</a>  | Lead Time        | : |                          |

### 1. PURPOSE

The Insurance Sector Education and Training Authority hereby invites prospective Suppliers to submit Quotations for the provision and installation of endpoint Data Protection solution.

### 2. SCOPE OF WORK

The Endpoint Data Protection solution should cover the following requirements:

| No.  | Specifications   |
|------|--|
| 2.1. | <b>Single Data Backup &amp; Protection Solution</b> <ul style="list-style-type: none"> <li>a) Endpoint Backup &amp; Recovery</li> <li>b) Local Data Encryption</li> <li>c) Remote Wipe capabilities</li> <li>d) Remote Revoke of access to data</li> <li>e) Device Geolocation</li> <li>f) Migration support</li> </ul>  |
| 2.2. | <b>Integrated Discovery, Inventory &amp; Deployment</b> <ul style="list-style-type: none"> <li>a) The solution should have integrated discovery and inventory of user devices (including data, hardware and software)</li> <li>b) An agent deployment to streamline the rollout process and ensure full implementation of the solution.</li> </ul>   |
| 2.3. | <b>Hybrid Cloud</b> <ul style="list-style-type: none"> <li>a) The solution should provide a centrally hosted Cloud application that enables control over all aspects of configuration, management &amp; monitoring.</li> <li>b) The system should allow for the storage servers, where backed up data is stored, to be located on premise securely behind the firewall at the various locations or sites.</li> </ul> |
| 2.4. | The system should provide a complete central management and monitoring across multiple sites and storage servers from a central console within a single unified view without having to manage sites separately.  |
| 2.5. | The system should provide an extensive central control over all aspects of user backups.   |

| No.   | Specifications  |
|-------|---|
| 2.6.  | <p><b>The Solution should allow centrally set &amp; configure backup policies to ensure inclusion of business-critical data and exclusion of non-business data such as:</b></p> <ul style="list-style-type: none"> <li>a) Backup filters to include files based on file extensions independent of where the data is stored, for example: Office Files located everywhere on the device</li> <li>b) Backup locations configurable to include data in specific locations such as My Documents, Desktop, etc.</li> <li>c) Backup filters to excludes files based on file types and path to ensure that non-business data is not included.</li> <li>d) Backup filters that caters Microsoft Outlook Archive (PST) Files regardless of where they are stored.</li> </ul> |
| 2.7.  | <p><b>Backup scheduling</b></p> <ul style="list-style-type: none"> <li>a) The system should allow Near Continuous Data Protection scheduling with backups occurring on an hour-based frequency.</li> <li>b) The system should allow a scheduling option that will consider the user's computer not being powered on or connected to the network at the time of backup and reschedule backups accordingly.</li> </ul>  |
| 2.8.  | <p><b>Backup policies for different groups</b></p> <ul style="list-style-type: none"> <li>a) Policies should be defined centrally and automatically applied to the users without the need for manual configuration on a per user basis.</li> <li>b) The system should allow policies to be defined per group of users.</li> </ul>   |
| 2.9.  | <p><b>Device Discovery &amp; Inventory</b></p> <ul style="list-style-type: none"> <li>a. The system should allow all endpoint computers on the network to be discovered automatically to provide a full inventory of all user computers that are at risk and that should be protected.</li> </ul>   |
| 2.10. | <p><b>Data Discovery</b></p> <ul style="list-style-type: none"> <li>a. The system should have the ability to discover all data located on user devices.</li> <li>b. The system should be able to classify discovered data into business and non-business data to highlight the amount of data that is at risk and the amount of storage required to protect it.</li> </ul>  |
| 2.11. | <p><b>Hardware &amp; Software Inventory</b></p> <ul style="list-style-type: none"> <li>a. The system should provide a detailed list of computer hardware for each device to assist in hardware refresh planning.</li> <li>b. The system should also provide a detailed list of installed software including applications, drivers, services &amp; updates for each user's computer to aid recovering the user to the same configuration.</li> </ul>   |
| 2.12. | <p><b>Integrated Remote Deployment</b></p> <ul style="list-style-type: none"> <li>a. The system should allow the data protection client software to be remotely and silently deployed without requiring any user intervention and should be done from within the application and not require any external processes.</li> </ul>   |
| 2.13. | <p><b>Active Directory Cloud Connector</b></p> <ul style="list-style-type: none"> <li>a. The system must provide a centralized Cloud management, it also should allow for on-premise Active Directory users to be authenticated during the client application installation through the means of a connector that can be installed on-premise, to allow users of the system to be authenticated and identified without requiring user credentials to be entered.</li> </ul>  |

| No.   | Specifications  |
|-------|---|
| 2.14. | <b>Automatically protect new devices</b> <ol style="list-style-type: none"> <li>The system should be able to automatically discover new user devices on the network and provide the ability to automatically protect them.</li> </ol>   |
| 2.15. | <b>Automatically classify inactive devices</b> <ol style="list-style-type: none"> <li>The system should be able to automatically classify devices as inactive for user's that have left the INSETA, to reduce the management overhead of having to manually manage the process and to ensure accurate management and reporting.</li> </ol>  |
| 2.16. | <b>Automated backups</b> <ol style="list-style-type: none"> <li>Backups should occur automatically without requiring the user to initiate the process and without any user involvement.</li> </ol>  |
| 2.17. | <b>Activity based performance throttling</b> <ol style="list-style-type: none"> <li>The client application should be able to detect if the user's computer is in use and throttling the backup process to ensure no impact to the user.</li> <li>The client application should also be able to detect if the computer is idle and reduce throttling to allow backups to complete faster.</li> </ol>   |
| 2.18. | <b>Backup open files</b> <ol style="list-style-type: none"> <li>The system should provide integration with Microsoft VSS (Microsoft Volume Shadow Copy services) as it must allow users to continue to work on open files while the backup runs in the background.</li> </ol>   |
| 2.19. | <b>Secure transmission of backup data</b> <ol style="list-style-type: none"> <li>Backup data should securely transmitted to the backup server using SSL.</li> </ol>   |
| 2.20. | <b>Optimization for backing up Microsoft Outlook Archive Files (PSTs)</b> <ol style="list-style-type: none"> <li>The client software should efficiently backup multiple Outlook Archive PST Files.</li> </ol>   |
| 2.21. | <b>Global Source &amp; Target Based Deduplication</b> <ol style="list-style-type: none"> <li>The system should support Source Based Deduplication technology to ensure any parts of user data that is already stored by any other user is not transferred again, to reduce unnecessary network usage.</li> <li>The system should support Global Target Based deduplication technology and only store duplicated data shared amongst all users on the system once to reduce storage requirements.</li> </ol> |
| 2.22. | <b>Support for Roaming &amp; Mobile workforce</b> <ol style="list-style-type: none"> <li>The system should provide for mobile users backing up over an internet connection with limited speed and bandwidth availability.</li> </ol>  |
| 2.23. | <b>Granular data restores</b> <ol style="list-style-type: none"> <li>The client software should provide the ability to restore all or specific files.</li> </ol>  |
| 2.24. | <b>Users must be able to restore files</b>  |

| No.   | Specifications   |
|-------|--|
|       | a. The should provide self-service recovery to allow users to restore files.   |
| 2.25. | <b>Data Migration</b> <p>a. The solution should provide recovering data to a different version of the operating system where it was backed up, migrates all the common locations such as Desktop and My Documents to the new version of Windows to allow for migration scenarios.</p>  |
| 2.26. | <b>Profile Settings Restore</b> <p>a. The system should support restoring the user's computer profile including system and application settings.</p>   |
| 2.27. | <b>Central Device Migration</b> <p>b. The system should support executing and monitoring the migration of devices centrally.<br/> c. The migration process should directly be between two devices to reduce the requirement for additional server storage of personal data.<br/> d. The migration should include all user data including business and personal to ensure that the device is fully migrated</p> |
| 2.28. | <b>Profile Settings Migration</b> <p>a. The system should support migrating the user's computer profile including system and application settings to a new device.</p>   |
| 2.29. | <b>Centrally enable encryption</b> <p>a. The system should provide local data encryption to be centrally enabled on all user devices without any user intervention.</p>  |
| 2.30. | <b>Transparent encryption &amp; decryption</b> <p>a. Both encryption and decryption should be completely transparent to the user as to not interfere with the users work.</p>  |
| 2.31. | <b>Industry standard encryption</b> <p>a. The encryption should be secure and leverage industry standards.</p>   |
| 2.32. | System files should be excluded from the encryption process to eliminate unnecessary impact on end users caused by whole disk encryption.  |
| 2.33. | <b>Centrally manageable</b> <p>a. The administrator should be able to request all selected data to be deleted from the local device.</p>   |
| 2.34. | <b>Secure delete</b> <p>a. The deletion of data should be secure to ensure that it cannot be recovered using data recovery tools.</p>  |
| 2.35. | a. The administrator should be able to check whether a remote wipe request has been successful.  |
| 236.  | <b>Revoking access</b>   |



| No.   | Specifications  |
|-------|---|
|       | a. The system should allow access to user files located on their local device to be remotely revoked on demand.   |
| 2.37. | <b>Automatically revoke access</b> <p>a. The system should allow access to user files located on their local device to be revoked if the user has not connected to the network for a defined period of time.</p> <p>b. The revoking of access should not be destructive and should be reversible.</p> |
| 2.38. | <b>Remotely grant access</b> <p>a. The system should have the ability to remotely grant access to the user's files if access was revoked.</p>   |
| 2.39. | <b>Central device geolocation</b> <p>a. The administrator should be able to centrally request the location of a device.</p> <p>b. The location should be displayed on a map with a street address.</p>  |
| 2.40. | a. The system should provide a single metric to identify the percentage of computers that are protected against data loss and meet compliance requirements.   |
| 2.41. | a. Filtering should be available to allow for the protection metric to be monitored per department or groups.   |
| 2.42. | a. The system should be able to classify users and devices into categories of risk versus protected to simplify reporting across a number of devices.   |
| 2.43. | <b>Reporting API</b> <p>a. The system should provide a reporting API to allow for both custom reports as well as integration with existing systems.</p>   |
| 2.44. | <b>The system should provide snapshots of backed up files.</b> <p>a. The system should have the ability to restore from previous point in time snapshots.</p>   |
| 2.45. | <b>Strong Data encryption on backed-up data.</b> <p>a. The system should be able to encrypt the backup data at rest using AES 256-bit encryption or higher.</p>   |
| 2.46. | <b>Zero Knowledge Encryption</b> <p>a. The system should provide zero knowledge encryption to ensure that the encryption keys are never exchanged with the storage system at any point in time.</p>   |
| 2.47. | <b>Zero Knowledge Encryption Key Management</b> <p>a. The system should implement a mechanism for managing encryption keys that is seamless and does not require Administrators to enter encryption keys for users that are authenticated by Active Directory.</p>                                    |
| 2.48. | The client application should support all versions of Windows.  |
| 2.49. | The server software should support operations on Windows and Linux.   |

1. How many users do you want us to quote on?
  - 100 users
2. Do you want us to deploy on premise solution **or** do you want the cloud hosted solution?
  - Please provide both separately

### 3. MANDATORY REQUIREMENTS

**The following compulsory requirements must be provided:**

- a) The bidder must provide two (2) reference letters for the provision and installation of endpoint Data Protection solution, reference letters must be on referring client's letterhead, signed and dated.
- b) Proof of Valid Registration with the South African Department of Communications as a Registered Cryptography provider (as per Section 5 of the ECT Act, 2002 registered).
- c) The proposed solution must meet all the specification requirements as indicated in the scope of work and must be satisfied by a single solution managed in a single console, therefore not multiple solutions sold together.
- d) Provide a company profile reflecting a minimum of three (3) years experience in proving and installing Information Technology Software Services.

**NB! Failure to provide the above-mentioned compulsory requirements, will lead to proposals being disqualified and will not be evaluated further on Price and BBBEE.**

### 4. PRICING SCHEDULE:

Price quotations must be inclusive of all applicable taxes (e.g. VAT).

1. How many users do you want us to quote on?
  - 100 users
2. Do you want us to deploy on premise solution or do you want the cloud hosted solution?
  - Please provide both quotations separately (Two Quotations)
3. Professional services, if you need a resource to install the solution.
  - Yes.

### 5. EVALUATION CRITERIA

The following criteria and weights will be used to evaluate the bid for price and preference points

| PRICE AND PREFERENCE POINTS           |   | MAXIMUM POINTS TO BE AWARDED |
|---------------------------------------|---|------------------------------|
| 1.                                    | <b>Price</b>  |                              |
|                                       | <input type="checkbox"/> Relative competitiveness of proposed price | 80                           |
| 2.                                    | <b>B-BBEE Status Level of Contribution</b>                          | 20                           |
| <b>TOTAL FOR PRICE AND PREFERENCE</b> |   | <b>100</b>                   |

## ANNEXURE – A

Full Name of Bidder: \_\_\_\_\_

Company Address: \_\_\_\_\_

\_\_\_\_\_

CSD Number: MAAA \_\_\_\_\_

Contact Person: \_\_\_\_\_

Contact Number: \_\_\_\_\_

Name of the Company Representative: \_\_\_\_\_

Signature: \_\_\_\_\_

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

### 6. TERMS AND CONDITIONS APPLICABLE TO THIS RFQ:

- INSETA reserves the right to request new or additional information from all bidders associated with their quotations.
- INSETA reserves the right to verify the information submitted by bidders.
- INSETA will reject/disqualify a bidder's offer/quotation without any further consideration where that Bidder makes culpable misrepresentation to INSETA in its submission or at any stage during and after this RFQ process.
- Bidders are required to declare any conflict of interests and potential conflict of interests they may have in the transaction for which this RFQ is submitted.
- INSETA reserves the right not to consider any quotation/proposal where such a conflict of interests exists.
- Any and all documentation relating to this contract shall be the property of INSETA.
- In adherence to the specific terms and conditions of this RFQ, the bidder shall be bound by the provisions of the Government Procurement: General Conditions of Contract of 2010.
- Late and incomplete submissions will not be accepted.
- Quotations/proposals shall be valid for at least 30 days from date of submission.
- **Quotations/proposals not in line with the scope of work and conditions of this RFQ shall be regarded as non-responsive and will not be accepted.**
- Bidders **MUST** be registered on the National Treasury Central Supplier Database (CSD) and state their supplier number in their quotations/proposals.

- Bidders are required to submit a certified copy of their BBBEE certificate or sworn affidavit in line with the Regulations.
- Should all quotations received exceed R30 000.00, then the 80/20 preference point system prescribed by the Preferential Procurement Regulations, 2017 shall apply.
- Bidders must complete and sign SBD4, SBD6.1, SBD8 and SBD 9.
- INSETA does not make any upfront/advance payments.
- Quotations along with required documentation and SBD forms must be emailed to [gretas@inseta.org.za](mailto:gretas@inseta.org.za) on or before 16 January 2020 at 11h00.

**Failure to comply with the above conditions invalidates your offer.**

## **SBD 4**

### **DECLARATION OF INTEREST**

1. Any legal person, including persons employed by the state, 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 authorized representatives 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.
  2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**
    - 2.1 Full Name of bidder or his or her representatives: .....
    - 2.2 Identity Number: .....
    - 2.3 Position occupied in the Company (director, trustee, shareholder, member):  
.....
    - 2.4 Registration number of company, enterprise, close corporation, partnership agreement or trust:  
.....
    - 2.5 Tax Reference Number: .....
    - 2.6 VAT Registration Number: .....
    - 2.6.1 The names of all directors/trustees/shareholders/members, their individually identity numbers, tax reference numbers and, if applicable, employee/PERSAL number must be indicated in paragraph 3 below.
- 1"state means-
- (a) any national or provincial department, national or provincial public entity or constitutional within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
  - (b) any municipality or municipal entity;
  - (c) provincial legislature;
  - (d) national Assembly or the national Council of provinces; or
  - (e) Parliament



2"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.

2.7 Are you or any person connected with the bidder presently employed by the state? **YES/NO**

2.7.1 If so, furnish the following particulars:

Name of person /director /trustees /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:

.....

.....

2.7.2 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**

2.7.2.1 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.)**

2.7.2.2 If no, furnish reasons for non-submission of such proof:

.....

.....

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

2.8.1 If so, furnish particulars:

.....

.....

.....

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person **YES/NO**

employed by the state and who may be involved with the evaluation and or adjudication of this bid?

2.9.1 If so, furnish particulars:

.....

.....

.....

2.10 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

2.10.1 If so, furnish particulars:

.....

.....

.....

2.11 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

2.11.1 If so, furnish particulars:

.....

.....

.....

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

| Full Name | Identity Number | Personal Income<br>Tax<br>Number | Reference | State Employee<br>Number/<br>Persal Number |
|-----------|-----------------|----------------------------------|-----------|--|
|           |                 |                                  |           |  |
|           |                 |                                  |           |  |
|           |                 |                                  |           |  |
|           |                 |                                  |           |  |
|           |                 |                                  |           |  |
|           |                 |                                  |           |  |
|           |                 |                                  |           |  |

4 DECLARATION

I, THE UNDERSIGNED (NAME).....  
 CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPH 2 and 3 ABOVE IS CORRECT.  
 I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME SHOULD THIS  
 DECLARATION PROVES TO BE FALSE.

|                           |                                |
|---------------------------|--------------------------------|
| .....<br><b>Signature</b> | .....<br><b>Date</b>           |
| .....<br><b>Position</b>  | .....<br><b>Name of bidder</b> |

**SBD 8**

### DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by Institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
  - a. abused the institution supply chain management system
  - b. committed fraud or any other improper conduct in relation to such system; or
  - c. failure to perform on any previous contract.
- 4 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

| Item  | Question   | Yes  | No  |
|-------|--|--|---|
| 4.1   | <p>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?</p> <p style="text-align: center;"><b>(Companies or persons who are listed on this Database were informed in Writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audialterampartem</i> rule was applied).</b></p> <p>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.</p> | <p>Yes</p> <p><input type="checkbox"/></p> | <p>No</p> <p><input type="checkbox"/></p> |
| 4.1.1 | If so, furnish particulars:  |  |   |
| 4.2   | <p>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)?</p> <p style="text-align: center;"><b>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.</b></p>   | <p>Yes</p> <p><input type="checkbox"/></p> | <p>No</p> <p><input type="checkbox"/></p> |

|       |  |                                 |                                |
|-------|--|---------------------------------|--------------------------------|
| 4.2.1 | If so, furnish particulars:  |                                 |                                |
| 4.3   | Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years? | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.3.1 | If so, furnish particulars:  |                                 |                                |
| 4.4   | 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<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.4.1 | If so, furnish particulars:  |                                 |                                |

### CERTIFICATION

**I, THE UNDERSIGNED (FULL NAME) .....CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.**

**I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.**

.....  
**Signature**

.....  
**Date**

.....  
**Position**

.....  
**Name of Bidder**





## SBD 6.1

### PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.**

#### 1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- 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

- a) The value of this bid is estimated not to exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable.

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

1.4 The maximum points for this bid are allocated as follows:

|  | POINTS     |
|--|------------|
| <b>PRICE</b>   | 80         |
| <b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>                | 20         |
| <b>Total points for Price and B-BBEE must not exceed</b> | <b>100</b> |

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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

## 2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“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 goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
  - 1) B-BBEE Status level certificate issued by an authorized body or person;
  - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

## 3. POINTS AWARDED FOR PRICE

### 3.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

**80/20**

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

Where

- $P_s$  = Points scored for price of bid under consideration
- $P_t$  = Price of bid under consideration
- $P_{\min}$  = Price of lowest acceptable bid

## 4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1 In terms of Regulation 6 (2) and 7 (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-BBEE Status Level of Contributor | Number of points (90/10 system) | Number of points (80/20 system) |
|------------------------------------|---------------------------------|---------------------------------|
| 1                                  | 10                              | 20                              |
| 2                                  | 9                               | 18                              |
| 3                                  | 6                               | 14                              |
| 4                                  | 5                               | 12                              |
| 5                                  | 4                               | 8                               |
| 6                                  | 3                               | 6                               |
| 7                                  | 2                               | 4                               |
| 8                                  | 1                               | 2                               |
| Non-compliant contributor          | 0                               | 0                               |

## 5. BID DECLARATION

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

## 6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

- 6.1 B-BBEE Status Level of Contributor: . = .....(maximum of 20 points)  
(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

## 7. SUB-CONTRACTING

- 7.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

|     |  |    |  |
|-----|--|----|--|
| YES |  | NO |  |
|-----|--|----|--|

- 7.1.1 If yes, indicate:

- What percentage of the contract will be subcontracted.....%
- The name of the sub-contractor.....
- The B-BBEE status level of the sub-contractor.....
- Whether the sub-contractor is an EME or QSE

(Tick applicable box)

|     |  |    |  |
|-----|--|----|--|
| YES |  | NO |  |
|-----|--|----|--|

- v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations, 2017:

| Designated Group: An EME or QSE which is at least 51% owned by:   | EME<br>√ | QSE<br>√ |
|---|----------|----------|
| Black people  |          |          |
| Black people who are youth  |          |          |
| Black people who are women  |          |          |
| Black people with disabilities                                    |          |          |
| Black people living in rural or underdeveloped areas or townships |          |          |
| Cooperative owned by black people                                 |          |          |
| Black people who are military veterans                            |          |          |
| <b>OR</b>   |          |          |
| Any EME   |          |          |
| Any QSE   |          |          |

**8. DECLARATION WITH REGARD TO COMPANY/FIRM**

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

**8.4 TYPE OF COMPANY/ FIRM**

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

[TICK APPLICABLE BOX]

**8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

.....  
.....  
.....  
.....

**8.6 COMPANY CLASSIFICATION**

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

[TICK APPLICABLE BOX]

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

8.8 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 contributor indicated in paragraphs 1.4 and 6.1 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 in paragraphs 1.4 and 6.1, 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 contributor 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) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audialterampartem* (hear the other side) rule has been applied; and
  - (e) forward the matter for criminal prosecution.

WITNESSES

1. ....
2. ....

.....  
SIGNATURE(S) OF BIDDERS(S)

DATE: .....

ADDRESS  
.....



**SBD 9**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Standard Bidding Document (SBD) must form part of all bids<sup>1</sup> invited.
- 2 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).<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
  - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
  - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> 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.

**SBD 9**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

\_\_\_\_\_  
(Bid Number and Description)

in response to the invitation for the bid made by:

\_\_\_\_\_  
(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: \_\_\_\_\_ that:

(Name of Bidder)

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.

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.

<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.**

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.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder