

1. MINIMUM AND ADMINISTRATIVE REQUIREMENTS - RETURNABLES

2. CONDITIONS

A. APPOINTMENT

PIC reserves the right to appoint more than one service provider.

B. PIC CLIENT'S AUDITORS

The auditors have the right to audit the valuations performed by the service provider.

C. NON COMMITMENT

Public Investment Corporation (PIC) reserves the right to withdraw or amend these terms of reference by notice in writing to all parties who have received the terms of reference prior to the closing date.

The cost of preparing of bids will not be reimbursed.

D. REASONS FOR REJECTION

- a. PIC reserves the right to reject bids that are not according to specification/Terms of Reference. Bidders must clearly indicate compliance or non-compliance with specification/Terms of Reference.
- b. Bidders shall not contact PIC on any matter pertaining to their bid from the time the bids are closed to the time the bid has been adjudicated. Any effort by a bidder to influence the bid evaluation, bid comparisons or bid award decisions in any matter, may result in rejection of the bid concerned.
- c. PIC shall reject a submission if the bidder has committed a proven corrupt or fraudulent act in competing for a particular contract.

PIC may disregard any submission if that bidder, or any of its directors:

- d. Have abused the Supply Chain Management (SCM) system of any Government Department/ institution.
- e. Have committed proven fraud or any other improper conduct in relation to such system.
- f. Have failed to perform on any previous contract and the proof thereof exists.
- g. Is restricted from doing business with the public sector if such a supplier obtained preferences fraudulently or if such supplier failed to perform on a contract based on the specific goals.
- h. Public Investment Corporation may disregard any submission if that bidder, or any of its directors are in current litigation.

E. CANCELLATION OF BID

PIC may prior to the award of a bid, cancel a bid if:

- i. Due to changed circumstances, there is no longer a need for the goods or services requested;
- j. Funds are no longer available to cover the total envisaged expenditure
- k. No acceptable bids are received.

F. CLARIFICATIONS

Any clarification required by a bidder regarding the meaning or interpretation of the document, or any other aspect concerning the submission, is to be requested in writing e-mail to enquiries4@pic.gov.za.

G. RECEIPT OF BIDS

Each bid shall be in writing using non -erasable ink and shall be submitted on the official document of Bid issued with the bid documents. The bid shall be submitted in a separate sealed envelope with the name and address of the bidder, the bid number and title, the bid box number (where applicable), and the closing date indicated on the envelope. The envelope shall not contain documents relating to any bid other than that shown on the envelope.

The onus shall be on the bidder to place the sealed envelope in the official marked locked bid box provided for this purpose, at the designated venue, not later than the closing date and time specified in the bid notice.

Postal bids will be accepted for consideration only if they are received in sufficient time to be lodged in the appropriate bid box by the closing time for such bids, it being understood that PIC disclaims any responsibility for ensuring that such bids are in fact lodged in the bid box. Proof of posting of a bid will not be accepted as proof of delivery to the appropriate place for the receipt of bids.

Documents submitted on time by bidders shall not be returned and shall remain the property of the Public Investment Corporation (PIC).

H. LATE BIDS

Bids received late shall not be considered. A bid will be considered late if arrived only one second after 11:00 or any time thereafter. The tender box shall be locked at exactly 11:00.

Bids received late shall be returned unopened. Bidders are therefore strongly advised to ensure that bids be despatched allowing enough time for any unforeseen events that may delay the delivery of the bid.

I. PRESENTATIONS

PIC may require presentations from short-listed bidders as part of the bid process.

J. SERVICE LEVEL AGREEMENT

The service level agreement will set out the administration processes, service levels and timelines.

3. DECLARATION OF INTEREST

Please complete the following questionnaire:

1. Any legal person, including persons employed by the state¹, 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 a price quotation, advertised competitive bid, limited bid or proposal). 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 representative declare his/her position in relation to the evaluating/adjudicating authority where-
 - 1.1. the bidder is employed by the state; and/or
 - 1.2.
 - 1.3. 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.
 - 1.4.
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 representative:

.....

2.2. Identity Number:

.....

2.3. Position occupied in the Company (director, trustee, shareholder²):

.....

2.4. Company Registration Number:

¹ "State" means –

- a. 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);
- 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.

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2.5. Tax Reference Number:

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2.6. VAT Registration Number:

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2.7. 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.

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.....

2.8. Are you or any person connected with the bidder

YES / NO

presently employed by the state?

2.8.1. If so, furnish the following particulars:

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:

.....

.....

.....

2.8.2. If you are presently employed by the state, did you obtain **YES / NO**

the appropriate authority to undertake remunerative

work outside employment in the public sector?

2.8.2.1. If yes, did you attached proof of such authority to the bid

YES / NO

document?

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

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

.....
.....

2.8.3. 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**

2.8.3.1. If so, furnish particulars:

.....
.....

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

2.9.1. If so, furnish particulars.

.....
.....

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

2.10.1. If so, furnish particulars.

.....
.....

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

2.11.1. If so, furnish particulars:

.....
.....

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

| Full Name | Identity Number | Personal Tax Reference Number | State Employee Number / Personnel Number |
|------------------|------------------------|--------------------------------------|---|
| | | | |
| | | | |

DECLARATION

I, THE UNDERSIGNED (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE PIC MAY REJECT THE BID OR ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
 Signature Date

.....
 Position Name of bidder

4. COMPANY INFORMATION

Please complete the following questionnaire:

1. COMPANY NAME:

| |
|--|
| |
|--|

2. OTHER TRADING NAMES:

| |
|--|
| |
|--|

3. TYPE OF ORGANIZATION: (PUBLIC COMPANY ('LIMITED'), PRIVATE COMPANY ('PTY LTD'), CLOSE CORPORATIONS ('CC'))

| |
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4. PHYSICAL AND POSTAL ADDRESS OF THE COMPANY:

| | |
|---------------------|---------------------|
| | |
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| | |
| Postal Code: | Postal Code: |

5. CONTACT DETAILS

| | |
|----------------------------|--|
| Contact Name | |
| Contact Number | |
| Cell Number | |
| Email Address | |
| Alternative Contact | |
| Email Address | |
| Contact Number | |

6. COMPANY INFORMATION

| | |
|--|--|
| Average no. of employees: | |
| Average annual turnover: | |
| Type of Enterprise: (e.g. Generic, Qualifying small enterprise, Exempted Micro Enterprise) | |
| Industry in which the entity operates: | |

7. BANKING DETAILS

| | |
|---------|--|
| Banker: | |
|---------|--|

| | |
|--------------------------------|--|
| Auditor: | |
| Year of Establishment: | |
| Registration number of entity: | |
| Sector: | |

*A letter from your bank with a bank stamp or cancelled cheque must be submitted.

8. TAX REGISTRATION DETAILS:

| | |
|------------------------------|--|
| Income Tax Reference Number: | |
| VAT Registration Number: | |
| PAYE Registration Number: | |

9. LIST OF SHAREHOLDERS:

*ID Documents of board of directors/members, owners, shareholders or executive committee must be submitted.

* CIPC Documents must be attached.

B-BBEE (Broad-based Black Economic Empowerment) Status Details:

Please tick the relevant box(es):

| STATUS | INDICATION |
|--|--------------------------|
| The company has been independently verified (assessed / rated / certified) <i>Please submit the B-BBEE verification certificate.</i> | <input type="checkbox"/> |
| The company is in the process of being verified. Please submit letter from verification agency. <i>(i.e. verification to be completed within a maximum of 2 months)</i> | <input type="checkbox"/> |

5. DECLARATION

Bidder Name: _____

Signature: _____

Designation: _____

I declare that:

- All information provided is true and correct
- The signatory of the bid document is duly authorised
- Documentary proof regarding any bid issue, will, when required be submitted to the satisfaction of the PIC

PIC will upon detecting that:

- The BBBEE status level of contribution has been claimed or obtained on a fraudulent basis;
- Any of the conditions have not been fulfilled act against the bidder.

I understand that:

PIC may:

- Disqualify the bidder from the bidding process;
- Recover all costs, losses or damages it has incurred or suffered as a result of the bidder's conduct
- Cancel the contract and claim any damages which has suffered as a result of having less favorable arrangements due to cancellation
- Restrict the bidder, its shareholders and directors or only shareholders and directors who acted on fraudulent basis, from obtaining business from any organ or state for a period not exceeding 10 years after audit alteram partem (hear the other side) rule has been applied; and
- Forward the matter for criminal prosecution

Thus signed and accepted on this _____^{st / nd / rd / th} day of _____, 20____
at _____:

Who warrants his / her authority hereto

For and on behalf of:

THE END _____

