



## KWAZULU-NATAL LEGISLATURE

AN ACTIVIST PEOPLE-CENTRED LEGISLATURE

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Pietermaritzburg, 3201  
Private Bag X9112  
Pietermaritzburg, 3200  
[www.kznlegislature.gov.za](http://www.kznlegislature.gov.za)

**DESCRIPTION: APPOINTMENT OF THREE PANEL OF SERVICE PROVIDERS TO RENDER GRAPHIC DESIGN, BRANDING AND PRINTING SERVICES TO THE KWAZULU-NATAL LEGISLATURE FOR THE PERIOD OF THREE YEARS**

Bid No. : **KZNL 6/2021**

COMPANY NAME : \_\_\_\_\_

Registration No. \_\_\_\_\_

### Type of Bidder (Tick One Box)

One-person Business/Sole Trader	
Close corporation	
PTY (Ltd)	
Private Company	
Partnership	
Consortium/Joint Venture	
Co-operative	

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### RETURN OF PROPOSAL

Proposal must be deposited in the **Bid box situated at Ground Floor, KZN Legislature, 244 Langalibalele Street PIETERMARITZBURG 3201** The Senior Manager: Supply Chain Management.

**KWAZULU-NATAL LEGISLATURE**  
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## SECTION A

### INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF  
THE KWAZULU-NATAL LEGISLATURE

BID NUMBER:	<b>KZNL 6/2021</b>	COMPULSORY BRIEFING SESSION	<b>27 JANUARY 2022</b>	CLOSING DATE:	<b>15 FEBRUARY 2022</b>	CLOSING TIME:	<b>11:00</b>
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**DESCRIPTION: APPOINTMENT OF PANEL OF SERVICE PROVIDERS TO RENDER GRAPHIC DESIGN, BRANDING AND PRINTING SERVICES TO THE KWAZULU-NATAL LEGISLATURE FOR PERIOD OF 3 YEARS**

PERIOD: **Thirty-Six Months**

VALIDITY PERIOD: **120 DAYS**

**Tender Briefing session will be held on the 27 January 2022 at 11h00 via Microsoft teams . Interested bidders are requested to forward their email addresses and name of the company to [tenders@kznleg.gov.za](mailto:tenders@kznleg.gov.za) by end of business on the 26 January 2022**

**The successful bidder will be required to fill in and sign a written Contract Form (SBD 13.1 or 13.2) depending on the nature of the supply/service**

<b>BID DOCUMENTS MAY BE POSTED TO:</b> The Head SCM Unit, KZN Legislature Private Bag 9112 Pietermaritzburg, 3200	<b>NOTE: THE POST IS CLEARED FROM THE PIETERMARITZBURG POST OFFICE BEFORE 10:00 ON DUE DATE</b>
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**OR**

<b>BID DOCUMENTS DELIVERED BY HAND MUST BE DEPOSITED IN THE BID BOX SITUATED AT:</b> Ground Floor, KZN Legislature 244 Langalibalele Street PIETERMARITZBURG 3201	<b>THE BID BOX IS AVAILABLE ON THE FOLLOWING DAYS AND TIME:</b> <b>MONDAY TO FRIDAY (EXCLUDING PUBLIC HOLIDAYS)</b> <b>08:00 TO 16:00</b>
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**Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.**

**ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – (NOT TO BE RE-TYPED)**

**THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.**

THE FOLLOWING PARTICULARS MUST BE FURNISHED  
(FAILURE TO DO SO WILL RESULT IN YOUR BID BEING DISQUALIFIED)

NAME OF BIDDER \_\_\_\_\_

POSTAL ADDRESS \_\_\_\_\_

STREET ADDRESS \_\_\_\_\_

TELEPHONE NUMBER CODE \_\_\_\_\_ NUMBER \_\_\_\_\_

CELLPHONE NUMBER \_\_\_\_\_

FACSIMILE NUMBER CODE \_\_\_\_\_ NUMBER \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_

VAT REGISTRATION NUMBER \_\_\_\_\_

**CENTRAL SUPPLIER DATABASE (CSD) NO.** \_\_\_\_\_

HAS A VALID TAX CLEARANCE CERTIFICATE AND PIN BEEN SUBMITTED? (Section B) YES ☐ NO ☐

HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE BEEN SUBMITTED? (Section F) YES ☐ NO ☐  
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?

**[TICK APPLICABLE BOX]**

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 ..... ☐

**(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE)**

ARE YOU THE ACCREDITED REPRESENTATIVE  
 IN SOUTH AFRICA FOR THE GOODS / SERVICES / WORKS OFFERED? YES ☐ NO ☐  
**[IF YES ENCLOSE PROOF]**

SIGNATURE OF BIDDER .....

DATE.....

CAPACITY UNDER WHICH THIS BID IS SIGNED .....

**TOTAL BID PRICE: R** \_\_\_\_\_

BID PRICE IN  
 WORDS: \_\_\_\_\_

**ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE(SCM) MAY BE DIRECTED TO:**

**Contact Person:** Mr G.N Ngcamu  
**Tel:** 033 355 7548 /060 569 2722  
**E-mail address:** [ngcamun@kznleg.gov.za](mailto:ngcamun@kznleg.gov.za)

**ANY ENQUIRIES REGARDING THE TECHNICAL SPECIFICATION MAY BE DIRECTED TO:**

**Contact Person:** Mr S Nxumalo  
**Tel:** 082 906 0449  
**E-mail address:** [NXUMALOW@kznleg.gov.za](mailto:NXUMALOW@kznleg.gov.za)

## SECTION B

### SPECIAL INSTRUCTIONS AND NOTICES TO BIDDERS REGARDING THE COMPLETION OF BIDDING FORMS

1. Unless inconsistent with or expressly indicated otherwise by the context, the singular shall include the plural and visa versa and with words importing the masculine gender shall include the feminine and the neuter.
2. Under no circumstances whatsoever may the bid forms be retyped or redrafted.
3. Photocopies of the original bid documentation may be used, but an original signature must appear on such photocopies.
4. The bidder is advised to check the number of pages and to satisfy himself that none are missing or duplicated.
5. Bids submitted must be complete in all respects. (All sections must be completed).
6. Bids shall be lodged at the address indicated not later than the closing time specified for their receipt, and in accordance with the directives in the bid documents.
7. Each bid shall be addressed in accordance with the directives in the bid documents and shall be lodged in a separate sealed envelope, with the name and address of the bidder, the bid number and closing date indicated on the envelope. The envelope shall not contain documents relating to any bid other than that shown on the envelope. If this provision is not complied with, such bids may be rejected as being invalid.
8. All bids received in sealed envelopes with the relevant bid numbers on the envelopes are kept unopened in safe custody until the closing time of the bids. Where, however, a bid is received open, it shall be sealed. If it is received without a bid number on the envelope, it shall be opened, the bid number ascertained, the envelope sealed and the bid number written on the envelope.
9. A specific box is provided for the receipt of bids, and no bid found in any other box or elsewhere subsequent to the closing date and time of bid will be considered.
10. No bid sent through the post will be considered if it is received after the closing date and time stipulated in the bid documentation, and proof of posting will not be accepted as proof of delivery.
11. No bid submitted by telefax, telegraphic or other electronic means will be considered.
12. Bidding documents must not be included in packages containing samples. Such bids may be rejected as being invalid.
13. Any alteration made by the bidder must be initialled.
14. Use of pencil and correcting fluid is prohibited.
15. Bids will be opened in public as soon as practicable after the closing time of bid.
16. Where practical, prices are made public at the time of opening bids.
17. If it is desired to make more than one offer against any individual item, such offers should be given on a photocopy of the page in question. Clear indication thereof must be stated on the schedules attached.
18. All consortia/joint ventures must submit individual company valid Tax Clearance Tax Clearance Certificates and pin. (Where required, individual company profiles must be included). Please also refer to Annexure D - para. 2.3 regarding B-BBEE Status Level Certificates.
19. If a **compulsory briefing session/site inspection** is held, the bid document must be stamped and signed at the session. Failure to comply will render the bid disqualified at the time of closure of the bid.
20. The Legislature is not bound to accept any of the proposals submitted and reserves the right to cancel the bid at any time and to call for the best and final offers from shortlisted bidders before final selection.
21. The Legislature reserves the right to call for presentations/interviews with shortlisted bidders before final selection.
22. Only bids that were submitted with a valid Tax Clearance pin **status** will be considered for appointment.
23. The Legislature reserves the right to appoint more than one service provider.
24. Prices will be deemed as firm for the first year and subject to statutory price increases. (**Note:** Any price escalation will be subjected to approval by the Legislature and will only be affected after the first completed year)
25. All bidders must attach all required annexures.
26. Bidding documents must be completed in accordance to the conditions and bidding rules contained therein.
27. The lowest or any proposal will not necessarily be accepted and the KZN Legislature reserves the right not to consider any proposal, not suitably endorsed or comprehensively completed, as well as the right to accept a proposal in whole or in part.

28. Registration on National Treasury's Central supplier Database (CSD) is compulsory. For more information on how to register go to [www.csd.gov.za](http://www.csd.gov.za) . Failure to submit a CSD supplier registration report will result in the disqualification of proposals.
- 29. Appointment will be subject to positive outcome of the screening by SSA**

## SECTION C (SBD 2)

### TAX CLEARANCE CERTIFICATE REQUIREMENTS

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

1. In order to meet this requirement bidders are required to complete in full the TCC 001 form. "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
2. SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
3. The Tax Clearance Certificate and CSD must be submitted together with the bid.
4. In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
5. Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website [www.sars.gov.za](http://www.sars.gov.za).
6. Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website [www.sars.gov.za](http://www.sars.gov.za).

Jeyrel:\Mdk416-SBD2 tax clearance

**I HAVE READ, UNDERSTOOD AND COMPLY WITH THE SPECIAL INSTRUCTIONS ABOVE:**

\_\_\_\_\_  
**SURNAME AND INITIALS OF COMPANY REPRESENTATIVE**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**SIGNATURE**

COMPANY OFFICIAL STAMP

## SECTION D (SBD 4)

### DECLARATION OF INTEREST

1. 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.
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: .....
  - Of (Company Name).....
  - 2.2 Identity Number:.....
  - 2.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>, 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 individual identity numbers, tax reference numbers and, if applicable, employee / PERSAL numbers must be indicated in paragraph 3 below.

<sup>1</sup>"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.

<sup>2</sup>"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 YES ☐ NO ☐  
presently employed by the state?

- 2.7.1 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: .....



2.7.2 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 spouses 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 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, 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 Tax Reference Number	State Employee Number / Persal Number

4 DECLARATION

I, THE UNDERSIGNED (NAME) \_\_\_\_\_

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

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Position

\_\_\_\_\_  
Date

## SECTION E (SBD6.1)

### 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 The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 Preference point system shall be applicable; or

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.

- ### 3. POINTS AWARDED FOR PRICE

A maximum of 80 or 90 points is allocated for price on the following basis:

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

$P_{min}$  = Price of lowest acceptable bid

## 12

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 10 or 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:

- 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 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 last 51% owned by:	EME √	QSE √
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		
OR		
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 *audi alteram partem* (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 .....

.....

.....

OWNERS/SHAREHOLDERS/PARTNERS/SOLE PROPRIETORS/TRUSTEES / BENEFICIARIES.

*(This information is required for statistical purposes only)*

FULL NAME	ID NUMBER	CAPACITY : MEMBER/PARTNER/ PROPRIETOR/SHARE -HOLDER/TRUSTEE/ BENEFICIARY	% OWNERSHIP/ PARTNERSHIP/T RUST/ CO-OPERATIVE	MALE/ FEMALE	DISABL ED YES/NO	AFRICAN (A) / COLOURED (C) / INDIAN (I) WHITE (W)	YOUTH YES/N O	% OF TIME DEVOTED TO THE FIRM



## SECTION F

### CONDITIONS OF BID

1. I/We hereby bid to supply all or any of the supplies and/or to render all or any of the services described in the attached documents to the KwaZulu-Natal Legislature (hereinafter called the "Legislature") on the terms and conditions and be in accordance with the specifications stipulated in the bid documents (and which shall be taken as part of and be incorporated into this bid) at the prices and on the terms regarding time for delivery and/or execution inserted therein.
2. I/we agree that:
  - (a) the offer herein shall remain binding upon me and open for acceptance by the Legislature during the validity period indicated and calculated from the closing time of the bid;
  - (b) this bid and its acceptance shall be subject to SCM Regulations issued in terms of the Financial Management of Parliament Act, the KwaZulu-Natal Legislature's Supply Chain Management Policy, the Treasury Practice Notes, and the General Conditions of Contract, with which I/we am fully acquainted;
  - (c) if I/we withdraw my bid within the period for which I/we have agreed that the bid shall remain open for acceptance, or fail to fulfil the contract when called upon to do so, the Legislature may, without prejudice to its other rights, agree to the withdrawal of my bid or cancel the contract that may have been entered into between me and the Province. I/we will then pay to the Legislature any additional expenses incurred by the Legislature having either to accept any less favourable bid or, if fresh bids have to be invited, the additional expenditure incurred by the invitation of fresh bids and by the subsequent acceptance of any less favourable bid. The Legislature shall have the right to recover such additional expenditure by set-off against monies which may be due to me under this or any other bid or contract or against any guarantee or deposit that may have been furnished by me or on my behalf for the due fulfilment of this or any other bid or contract and pending the ascertainment of the amount of such additional expenditure to retain such monies, guarantee or deposit as security for any loss the Legislature may sustain by reason of my default;
  - (d) if my bid is accepted, the acceptance may be communicated to me by registered post, and that the South African Post Office Limited shall be treated as delivery agent to me;
  - (e) the law of the Republic of South Africa shall govern the contract created by the acceptance of my bid and I choose *domicilium citandi et executandi* in the Republic at (full physical address) :  
.....  
.....
3. I/we furthermore confirm that I/we have satisfied myself as to the correctness and validity of my bid: that the price(s), rate(s) and preference quoted cover all of the work/item(s) and my obligations under a resulting contract, and I accept that any mistakes regarding the price(s) and calculations will be at my risk.
4. I/we hereby accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement, as the Principal(s) liable for the due fulfilment of this contract.
5. I/we agree that any action arising from this contract may in all respects be instituted against me and I/we hereby undertake to satisfy fully any sentence or judgement which may be pronounced against me as a result of such action.
6. I/we confirm that I/we have declared all and any interest that I or any persons related to my business has with regard to this bid or any related bids by completion of the Declaration of Interest Section.

# **6. CERTIFICATION OF CORRECTNESS OF INFORMATION SUPPLIED IN THIS DOCUMENT**

I/we, THE UNDERSIGNED, WHO WARRANT THAT I AM DULY AUTHORISED TO DO SO ON BEHALF OF THE BIDDER, CERTIFY THAT THE INFORMATION SUPPLIED IN TERMS OF THIS DOCUMENT IS CORRECT AND TRUE, THAT THE SIGNATORY TO THIS DOCUMENT IS DULY AUTHORISED AND ACKNOWLEDGE THAT:

- (1) The bidder will furnish documentary proof regarding any bidding issue to the satisfaction of the Province, if requested to do so.
- (2) If the information supplied is found to be incorrect and/or false then the Province, in addition to any remedies it may have, may:-
  - a) Recover from the contractor all costs, losses or damages incurred or sustained by the Legislature as a result of the award of the contract, and/or
  - b) Cancel the contract and claim any damages which the Legislature may suffer by having to make less favourable arrangements after such cancellation.

**SIGNED ON THIS ..... DAY OF ..... 20 ..... AT .....**

.....  
**SIGNATURE OF BIDDER OR DULY  
AUTHORISED REPRESENTATIVE**

.....  
**FULL NAME (IN BLOCK LETTERS)**

**ON BEHALF OF (BIDDER'S NAME) .....**

**CAPACITY OF SIGNATORY .....**

**NAME OF CONTACT PERSON (IN BLOCK LETTERS).....**

**POSTAL ADDRESS**

.....  
.

.....**POSTAL CODE.....**

**TELEPHONE NUMBER:** .....

**FAX NUMBER:** .....

**CELL PHONE NUMBER:** .....

**E-MAIL ADDRESS:** .....

## SECTION G

### AUTHORITY TO SIGN A BID

#### A. COMPANIES

If a Bidder is a company, a certified copy of the resolution by the board of directors, personally signed by the chairperson of the board, authorising the person who signs this bid to do so, as well as to sign any contract resulting from this bid and any other documents and correspondence in connection with this bid and/or contract on behalf of the company must be submitted with this bid, that is before the closing time and date of the bid

#### AUTHORITY BY BOARD OF DIRECTORS

By resolution passed by the Board of Directors on ..... 20.....,  
Mr/Mrs .....whose  
signature appears below) has been duly authorised to sign all documents in connection with this  
bid on behalf of (Name of Company).....

IN HIS/HER CAPACITY AS: .....

#### SIGNED ON BEHALF OF COMPANY:

.....  
(PRINT NAME)

SIGNATURE OF SIGNATORY: ..... DATE: .....

WITNESSES: 1 .....  
2 .....

#### B. SOLE PROPRIETOR (ONE - PERSON BUSINESS)

I, the undersigned..... hereby confirm that I am the  
sole owner of the business trading as .....  
.....

SIGNATURE..... DATE.....

## C. PARTNERSHIP

The following particulars in respect of every partner must be furnished and signed by every partner:

Full name of partner	Residential address	Signature
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

We, the undersigned partners in the business trading as.....  
 hereby authorise ..... to sign this bid as well as any contract  
 resulting from the bid and any other documents and correspondence in connection with this bid and  
 /or contract on behalf of (*company name*) .....

..... <b>SIGNATURE</b>	..... <b>SIGNATURE</b>	..... <b>SIGNATURE</b>
..... <b>DATE</b>	..... <b>DATE</b>	..... <b>DATE</b>

## D. CLOSE CORPORATION

In the case of a close corporation submitting a bid, **a certified copy** of the Founding Statement of such corporation shall be included with the bid, together with the **resolution by its members authorising a member** or other official of the corporation to sign the documents on their behalf.

By resolution of members at a meeting on ..... 20..... at .....

..... Mr/Ms....., whose  
 signature appears below, has been authorised to sign all documents in connection with this bid on  
 behalf of

(Name of Close Corporation) .....  
 .....

SIGNED ON BEHALF OF CLOSE CORPORATION: .....  
 (PRINT NAME)

IN HIS/HER CAPACITY AS ..... DATE: .....

SIGNATURE OF SIGNATORY: .....

WITNESSES: 1 ..... WITENSS:- 2 .....

## E. CO-OPERATIVE

A certified copy of the Constitution of the co-operative must be included with the bid, together with the resolution by its members authoring a member or other official of the co-operative to sign the bid documents on their behalf.

By resolution of members at a meeting on ..... 20..... at .....

Mr/Ms....., whose signature appears below, has been authorised to sign all documents in connection with this bid on behalf of (Name of cooperative).....

SIGNED ON BEHALF OF CO-OPERATIVE:.....  
(PRINT NAME)

IN HIS/HER CAPACITY AS:.....DATE:.....

SIGNATURE OF AUTHORISED REPRESENTATIVE/SIGNATORY: .....

WITNESSES: 1 ..... WITENSS:- 2 .....

## F. CONSORTIUM

If a bidder is a consortium, a certified copy of the resolution/agreement passed/reached signed by the duly authorised representatives of concerned enterprises, authorising the representatives who sign this bid to do so, as well as to sign any contract resulting from this bid and any other documents and correspondence in connection with this bid and/or contract on behalf of the consortium must be submitted with this bid, before the closing time and date of the bid.

### AUTHORITY TO SIGN ON BEHALF OF THE CONSORTIUM

By resolution/agreement passed/reached by the consortium on ..... 20 .....

Mr/Mrs.....

(whose signature appear below) have been duly authorised to sign all documents in connection with this bid on behalf of:(Name of Consortium) .....

SIGNED ON BEHALF OF CLOSE CORPORATION: .....  
(PRINT NAME)

IN HIS/HER CAPACITY AS ..... DATE: .....

SIGNATURE OF SIGNATORY: .....

WITNESSES: 1 ..... WITNESS: - 2.....

## G. JOINT VENTURE

If a bidder is a joint venture, a certified copy of the resolution/agreement passed/reached signed by the duly authorised representatives of the enterprises, authorising the representatives who sign this bid to do so, as well as to sign any contract resulting from this bid and any other documents and correspondence in connection with this bid and/or contract on behalf of the joint venture must be submitted with this bid, before the closing time and date of the bid.

### AUTHORITY TO SIGN ON BEHALF OF THE JOINT VENTURE

By resolution/agreement passed/reached by the joint venture partners on.....20.....

Mr/Mrs.....,Mr/Mrs.....,

Mr/Mrs.....and Mr/Mrs.....

(whose signatures appear below) have been duly authorised to sign all documents in connection with this bid on behalf of:(Name of Joint Venture).....

IN HIS/HER CAPACITY AS: .....

SIGNED ON BEHALF OF (COMPANY NAME): .....  
(PRINT NAME)

SIGNATURE :..... DATE: .....

IN HIS/HER CAPACITY AS:.....

SIGNED ON BEHALF OF (COMPANY NAME): .....  
(PRINT NAME)

SIGNATURE :..... DATE: .....

IN HIS/HER CAPACITY AS:.....

SIGNED ON BEHALF OF (COMPANY NAME): .....  
(PRINT NAME)

SIGNATURE :..... DATE: .....

IN HIS/HER CAPACITY AS:.....

SIGNED ON BEHALF OF (COMPANY NAME): .....  
(PRINT NAME)

SIGNATURE :..... DATE: .....

IN HIS/HER CAPACITY AS:.....

## SECTION H (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-
- 4 abused the institution's supply chain management system; committed fraud or any other improper conduct in relation to such system; or failed to perform on any previous contract.
- 5 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	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?  <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>audi alteram partem</i> rule was applied).</b> 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 pg	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:..... .....		
4.2	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)? <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>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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 outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <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 <input type="checkbox"/>	No <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 \_\_\_\_\_

Company Name \_\_\_\_\_

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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.
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**

<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.

## DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

This Standard Bidding Document (SBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2017, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

### 1. General Conditions

- 1.1. Preferential Procurement Regulations, 2017 (Regulation 8) make provision for the promotion of local production and content.
- 1.2. Regulation 8.(2) prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for tenders referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = [1 - x / y] * 100$$

Where

x is the imported content in Rand

y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) on the date of advertisement of the bid as indicated in paragraph 3.1 below.

**The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial development/ip.jsp](http://www.thedti.gov.za/industrial%20development/ip.jsp) at no cost.**

*1.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;*

2. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:

- **Description of services, works or goods**

Supply and delivery of clothing items

- **Stipulated minimum threshold**

Bidders must indicate the local content %.....

3. Does any portion of the goods or services offered have any imported content?

(Tick applicable box)

YES		NO	
-----	--	----	--

3.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on [www.resbank.co.za](http://www.resbank.co.za)

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

4. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the AO/AA provide directives in this regard.

**LOCAL CONTENT DECLARATION**  
**(REFER TO ANNEX B OF SATS 1286:2011)**

**LOCAL CONTENT DECLARATION BY 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)**

**IN RESPECT OF BID NO. ....**

**ISSUED BY:** (Procurement Authority / Name of Institution):

.....

NB

- 1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.

- 2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on [http://www.thedti.gov.za/industrial\\_development/ip.jsp](http://www.thedti.gov.za/industrial_development/ip.jsp). Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, ..... (full names),  
do hereby declare, in my capacity as .....  
of .....(name of bidder  
entity), the following:

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
- (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 3.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

Bid price, excluding VAT (y)	R
Imported content (x), as calculated in terms of SATS 1286:2011	R
Stipulated minimum threshold for local content (paragraph 3 above)	
Local content %, as calculated in terms of SATS 1286:2011	

**If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.**

**The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 3.1 above and the information contained in Declaration D and E.**

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

**SIGNATURE:** \_\_\_\_\_

**WITNESS No. 1** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**WITNESS No. 2** \_\_\_\_\_

**DATE:** \_\_\_\_\_

SATS 1286.2011

# Annex C

## Local Content Declaration - Summary Schedule

(C1) Tender No.  
 (C2) Tender description:  
 (C3) Designated product(s)  
 (C4) Tender Authority:  
 (C5) Tendering Entity name:  
 (C6) Tender Exchange Rate:  
 (C7) Specified local content %

Note: VAT to be excluded from all calculations

Pula  EU  GBP

Calculation of local content								Tender summary			
Tender item no's	List of items	Tender price - each (excl VAT)	Exempted imported value	Tender value net of exempted imported content	Imported value	Local value	Local content % (per item)	Tender Qty	Total tender value	Total exempted imported content	Total Imported content
(C8)	(C9)	(C10)	(C11)	(C12)	(C13)	(C14)	(C15)	(C16)	(C17)	(C18)	(C19)
Supply and delivery of clothing							60%				

Signature of tenderer from Annex B

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

(C20) Total tender value R 0  
 (C21) Total Exempt imported content vodacomvV  
 (C22) Total Tender value net of exempt imported content #VALUE!  
 (C23) Total Imported content R 0  
 (C24) Total local content #VALUE!  
 (C25) Average local content % of tender

## **SECTION J**

### **SPECIAL CONDITIONS OF CONTRACT**

#### **1. ACCEPTANCE OF BID**

- 1.1 The KwaZulu-Natal Legislature's (KZN Legislature's) Bid Adjudication Committee is under no obligation to accept the lowest or any bid.
- 1.2 The financial standing of bidders and their ability to manufacture or to supply goods or render services may be examined before their bids are considered for acceptance.

#### **2. APPEALS/OBJECTIONS**

- 2.1 Entities aggrieved by a decision of a KZN Legislature Bid Adjudication Committee or a delegate of an accounting officer, may appeal to the Accounting Officer in the prescribed manner by the Supply Chain Management Policy or submit their grievance to the High Court.

#### **3. AMENDMENT OF CONTRACT**

- 3.1 Any amendment to or renunciation of the provisions of the contract shall at all times be done in writing and shall be signed by both parties subject to the Legal Services screening the amendment before it is signed.

#### **4. BID PRICING**

Bid prices reflected, will be taken as firm for the duration of the contract and will only be subject to statutory increases.

#### **5. CHANGE OF ADDRESS**

- 5.1 Bidders must advise the KwaZulu-Natal Legislature should their address (*domicilium citandi et executandi*) details change from the time of bidding to the expiry of the contract.

#### **6. COMMUNICATION**

- 6.1 All correspondence with regard to this bid must be addressed or hand delivered to the:

HEAD OF SUPPLY CHAIN MANAGEMENT  
KZN LEGISLATURE  
PRIVATE BAG X 9112  
PIETERMARITZBURG  
3200

#### **7. COMPLETION OF SPECIFICATION**

- 7.1 Where specifications are designed in such a way that responses would be required from bidders, these forms must be completed and submitted as part of the bid document.

#### **8. COMPLETENESS OF BID**

- 8.1. Bids will only be considered if correctly completed and accompanied by all relevant certificates and other necessary applicable information.

#### **9. CONDITIONS OF BID**

- 9.1 The successful Contractor must be in a position to assume duty on the date stipulated in the letter of acceptance
- 9.2 No bid received by telegram, telex, or facsimile will be considered.
- 9.3 It shall be noted that the KZN Legislature is under no obligation to accept the lowest or any bid.

- 9.4 The offer shall be made strictly according to the specification. No alternative offers will be considered.
- 9.6 Bidders must provide the following particulars about themselves as part of the bid:
- 9.6.1 Where they have their Headquarters
  - 9.6.2 Where they have their Regional Office.
  - 9.6.3 Name, address and telephone number of bankers together with their bank account number.
  - 9.6.4 The names, identity numbers and street addresses of all partners in cases where persons, a partnership, or a firm consists of a partnership.
- 9.7 In cases where a person or persons, a partnership, close corporation, firm or company enters business for the very first time, the following particulars shall be provided:
- 9.7.1 By whom, or with whose assistance, was the business plan drafted?
  - 9.7.2 By whom, or with whose assistance, were the bid prices calculated?
  - 9.7.3 Whose advice is relied on?
  - 9.7.4 Who will provide financial support?
- 9.8. A list of references must accompany this bid. Particulars shall be submitted regarding similar agreements completed successfully or of projects which the bidder is engaged in.

## **10. CONTRACT PERIOD**

- 10.1 The contract period : thirty six months (36). Upon expiry of the initial 36 month contract, the end-user has an option to extend the rental agreement for an additional period not exceeding 24 months in accordance with the Practice note 5 of 2006 issued by the Accountant General. The rental price of the equipment shall be reduced by seventy-five (75) percent of the original rental price. In the event of the end-user/department wishing to extend the lease agreement, the end user must notify the contractor in writing of the extension of the rental period thirty days prior to the expiry of the agreement.
- 10.2 The KZN LEGISLATURE reserves the right to terminate the contract with any contractor should the contractor fail to fulfil his/her contractual obligations in terms of the contract.

## **11. DETAILS OF CURRENT CONTRACTS HELD BY THE BIDDER**

- 11.1 The bidder must furnish the following details of all current contracts:
- (i) Date of commencement of contract/s;
  - (ii) Expiry date/s;
  - (iii) Value per contract; and
  - (iv) Contract details. That is, with whom held, phone number and address/s of the company.

## **12. EQUAL BIDS**

- 12.1 In the event that two or more bids have equal total points, the successful bid will be the one scoring the highest number of preference points for specified goals. Should two or more bids be equal in all respects, the Adjudication shall be decided by the drawing of lots.

## **13. EXECUTION CAPACITY**

- 13.1 The bidder will be required to provide an efficient and effective service. Therefore, the bidder is required to submit proof that he/she has the required capacity to execute the contract tendered for successfully. The bidder must supply references or state his/her experience as a company to undertake the contract. References of past experience of owners/employees of new entities must accompany the bid document

## **14. EXTENSION OF CONTRACT**

- 14.1 An extension of contract may be considered. It is the normal policy that contracts are not extended. However, circumstances may arise whereby a contract cannot be renewed in time. If this is found

to be the case, the right is reserved to approach existing contractor(s) to extend the contract for such period agreed to.

## **15. INFORMATION REQUIRED FROM BIDDER**

- 15.1 Bidders must provide the following particulars about themselves as part of the bid:
  - 15.2 Where they have their Headquarters.
  - 15.3 Where they have their Regional Offices.
- } Details to be supplied on  
Company's letterhead.

## **16. IRREGULARITIES**

- 16.1 Companies are encouraged to advise the KZN Legislature timeously of any possible irregularities which might come to their notice in connection with this or other contracts.

## **17. JOINT VENTURES**

- 17.1 In terms of the Supply Chain Management Policy Framework, a consortium or joint venture may, based on the percentage of the contract value managed or executed by their HDI members, be entitled to equity ownership in respect of an HDI.
- 17.2 Should this bid be submitted by a joint venture; a certified copy of the joint venture agreement **must** accompany the bid document before the closing date and time of bid. The joint venture agreement must clearly specify the percentage of the contract to be undertaken by each company participating therein.
- 17.3 Failure to submit the joint venture Agreement will result in preference points not being allocated to all companies participating in the joint venture.

## **18. LATE BIDS**

- 18.1 Bids are late if they are received at the address indicated in the bid documents after the closing date and time.
- 18.2 A late bid shall not be considered and, where practicable, shall be returned unopened to the bidder. No late bids are accepted.

## **19. NOTIFICATION OF ADJUDICATION OF BIDDER & ADVERTISING OF RESULTS**

- 19.1 Notification of the Adjudication of bid shall be in writing by a duly authorized official of the KZN Legislature.

## **20. TAX CLEARANCE CERTIFICATE**

- 20.1 The Tax Clearance Certificate and PIN must be submitted with the bid before the closing date and time of the bid.
- 20.2 Each party to a Joint Venture/Consortium must submit a valid Tax Clearance Certificate and pin together with the bid at the closing date and time of bid.

## **21. UNSATISFACTORY PERFORMANCE**

- 21.1 Unsatisfactory performance occurs when performance is not in accordance with the contract conditions.
  - (i) Before any action is taken, the KZN Legislature shall warn the contractor by registered/certified mail that action will be taken in accordance with the contract conditions unless the contractor complies with the contract conditions and delivers satisfactory supplies or services within a specified reasonable time (7 days minimum). If the contractor does not perform satisfactorily despite the warning the KZN Legislature will:
    - (a) take action in terms of its delegated powers
    - (b) make a recommendation for cancellation of the contract concerned.



## **22. VALIDITY PERIOD AND EXTENSION THEREOF**

- 22.1 The validity (binding) period for the bid must be **120** days from close of bid. However, circumstances may arise whereby this KZN Legislature may request the bidders to extend the validity (binding) period. Should this occur, the KZN Legislature will request bidders to extend the validity (binding) period under the same terms and conditions as originally tendered for by bidders. This request will be done before the expiry of the original validity (binding) period.

## **23. VAT**

- 23.1 Bid prices must be inclusive of VAT.

- 23.2 A tax invoice shall be in the currency of the Republic of South Africa and shall contain the following particulars:

- (a) The name, address and registration number of the supplier;
- (b) the name and address of the recipient;
- (c) an individual serialized number and the date upon which the tax invoice is issued;
- (d) a description of the goods or services supplied;
- (e) the quantity or volume of the goods or services supplied;
- (f) either –
  - (i) the value of the supply, the amount of tax charged and the consideration for the supply; or
  - (ii) where the amount of tax charged is calculated by applying the tax fraction to the consideration, the consideration for the supply and either the amount of the tax charged, or a statement that it includes a charge in respect of the tax and the rate at which the tax was charged.

## **24. REGISTRATION WITH THE STATUTORY BODIES**

The bidder must be registered for Workmens Compensation & UIF. and ensure that they abide by all relevant and applicable legislation/s and all applicable regulations pertaining to the required services.

## **25. SECURITY VETTING:**

Security vetting will be carried out on all personnel involved in the contract.

## **ANNEXURE A**

### **Specifications**

**BID NUMBER: KZNL 6/2021**

**TERMS OF REFERENCE FOR THE APPOINTMENT OF PANEL OF  
SERVICE PROVIDERS TO RENDER GRAPHIC DESIGN, BRANDING  
AND PRINTING SERVICES FOR THE PERIOD OF THREE YEARS TO  
THE KWAZULU-NATAL LEGISLATURE**

## **BACKGROUND**

The KwaZulu-Natal Legislature is situated in Pietermaritzburg the Capital of KwaZulu-Natal. The Legislature intends to appoint a panel of service providers who will render graphic design and printing services for its publications, branding and promotional material, as and when required, to enhance the image and profile of the institution. The services will ensure that the Legislature becomes a strong and recognisable brand to the public and its stakeholders.

## **OBJECTIVE**

The overall objective of the service is to maintain a uniform standard and quality of all publications, promotional and branding material that are produced by the institution to ensure consistent design and production that promotes the image of the Legislature.

The purpose of the Terms of Reference (TORs) is to provide guidance on the appointment of a panel of three (3) competent service providers who will render graphic design, branding and printing services to the institution in accordance with the scope of the service detailed below.

## **SCOPE OF WORK**

The following constitute the scope of service to be rendered to the Legislature as and when required:

- Render graphic design services for various kinds of print material
- Render graphic design services for branding and promotional material
- Render graphic design services for online/digital publications and branding products (digital banners, invitation cards etc)
- Render graphic design services for other marketing products as and when required
- Produce publications, branding and promotional material
- Assist with the editing of publications to ensure the quality and accuracy of languages
- Ensure consistent application of the Legislature logo and its corporate colours
- High resolution printing services as and when required

<b>Category of Communication Services</b>	<b>Description of Services required</b>
Professional graphic design service	<ul style="list-style-type: none"> <li>• Layout and design for various types of publications and branding material.</li> <li>• Installation of branding and marketing material including billboards.</li> <li>• Branding of the Legislature buildings.</li> <li>• Production of high quality promotional material</li> <li>• Online/digital branding and publications</li> </ul>
Printing	<ul style="list-style-type: none"> <li>• Printing of publications as and when required such as KZN Legislature news letter, Annual Report, A5 and A4 Diaries, A5 and A4 Note books etc.</li> </ul>
Promotional material	<ul style="list-style-type: none"> <li>• Production of various types of promotional products as and when required such as T-shirts (Golf or T-shirts), Track suits , caps etc</li> </ul>
Branding	<ul style="list-style-type: none"> <li>• Production of various types of branding and marketing products</li> <li>• Installation of various types of branding material to enhance the image of the institution.</li> </ul>

## **DELIVERABLES**

Quality designs for various Legislature assignments completed in line with Legislature branding requirements and within specified deadlines.

- Professional graphic design service.
- Standard design for various types of publications, branding and promotional items which enhance the image of the Legislature.
- High resolution full colour samples of printed work.
- Production of high quality designs for publications, branding and promotional material.
- Branding of the Legislature buildings to enhance the image and visibility of the institution.
- Branding of official vehicles as and when required.
- Installation of billboards to enhance the image and awareness of the roles and functions of the institution.

## SAMPLES SCHEDULE

Type of Sample	Quantity	Submitted (Y/N)
Annual Reports produced in the past 3 years	1	
A5 or A4 Note Book/ Journal	1	
Diary	1	
Branded T-shirt ( any)	1	
Branded pen	1	
Business Cards	1	
Branded USB	1	
Branded Masks	1	

## SOFTWARE APPLICATION FOR PROGRAMMING

The format/software used to produce/create Legislature materials must be compatible with Windows applications.

Basic infrastructure including complete design studio, PCs with modern design software (including at least Apple or other software).

## QUALITY MANAGEMENT

All artwork will be approved by a signature of an assigned project manager from the communications unit. All samples of publications, promotional gifts, booklets, banners etc. will be presented to and approved by the Legislature's assigned team member from the communications unit.

## ARTWORK, TYPE SETTING PROVISION OF FINAL COPY FOR PRINTING

- The Service Provider/s shall arrange, where required, for artwork, type of setting and final copy for printing prior to the processing of the advertisement.
- The workmanship will have to be of a professional standard and in line with the Legislature's image.
- All material required by the Service Provider/s in connection with artwork, which the Legislature has paid for, shall remain the property of the Legislature.
- The Service Provider shall be entitled to remuneration for such work, as specified.

## **REPORTING**

- Service providers will be required to report on the delivery of their services to client after completion of each job.
- The reporting format will be developed by client.
- The report on the service rendered will accompany the invoice, goods and service delivered which will facilitate payment.
- The report and invoice will be signed off by Communications Manager.

## **SELECTION PROCESS**

Firms meeting the above minimum qualifications on the basis of technical bid , Price and BBBEE shall be short listed. If deemed proper, the infrastructure shall be physically verified by a Legislature team. It is the intention of the Legislature to have a maximum of 3 service providers in the panel. Then financial bid aspect will only be consider on a project by project basis when the panel is in place.

As such, for purposes of establishing the panel, the selection process will enlist the top three proposals scoring the highest points by ranking as firms to be appointed into the panel. Each job will be quoted prior to the service provider commencing work, after obtaining written authorisation from client. The service provider will be called upon by the client to report on progress of a particular job when required.

## **EVALUATION CRITERIA**

### **Mandatory requirements**

<b>No</b>	<b>Description</b>	<b>Local content threshold</b>	<b>Compliance YES/NO</b>
1.	The minimum threshold of any textile and clothing	100%	

*A bid will be disqualified if SBD 6.2 and the Annex C (SBD 6.2 and Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation.*

Evaluation of proposals shall be based on the following criteria:

	<b>EVALUATION CRITERIA</b>	<b>Weights</b>
1	<p>Bidder (s) are required to demonstrate relevant experience and competency of the company in providing layout, design, publishing and printings services in the field of layout, design, publishing and printings.</p> <p><b><i>References from previous clients (From an institution with the similar size as the Legislature)</i></b></p> <ul style="list-style-type: none"> <li>• 1- 3 reference letter provided - 10 points</li> <li>• 4 - 5 reference letters – 20 points</li> <li>• 6 and above reference letters - 30 points</li> </ul> <p><b><i>Reference letters must be attached as evidence</i></b></p>	30
2	<p><b>Experience and qualification of the Editor in editing and proofreading</b></p> <p>The resource/consultant must have an experience in editing and proofreading.</p> <ul style="list-style-type: none"> <li>○ Less than 2 years' experience in editing and proofreading with Matric / Grade 12 – 10 points</li> <li>○ 3 to 5 years' experience in editing and proof reading, with a diploma (or degree) in Language /Media Studies /equivalent – 15 points</li> <li>○ More than 6 years' experience in editing and proofreading, with a diploma (or degree) in Language /Media Studies /equivalent 20 points</li> </ul> <p><b><i>The bidder must submit the CV or Profile of the person (s) and copy of qualification for a person who will be responsible for the editing and proofreading</i></b></p>	20
3	<p><b>Experience and Qualification of the graphic Designer</b></p> <p>The resource/consultant must have relevant qualification in Graphic Design(diploma/degree)</p> <ul style="list-style-type: none"> <li>• Less than 2 years' experience in in Graphic design with Matric / Grade 12 -10 points</li> <li>• 3 to 5 years' experience in Graphic design, with a diploma( or degree)/ equivalent -15 points</li> <li>• More than 6 years' experience in Graphic Design, with a diploma(or degree)/ equivalent – 20 points</li> </ul> <p><b><i>The bidder must submit the CV/profile and copy of qualification the person (s) who will be responsible for Graphic Designing</i></b></p>	20

4	<p>Bidders are required to provide samples of previous work done as per the list provided above (in page 33);</p> <ul style="list-style-type: none"> <li>less than three (3) samples submitted out of eight (8) required -10 points</li> <li>Four sample (5) sample submitted out of eight (8) -15 points</li> <li>All eight (8) samples were submitted -20 points</li> </ul> <p><b><i>Bidders must submit samples to score points</i></b></p>	20
5	Methodology and Approach	10
	<b>MINIMUM FUNCTIONALITY SCORE</b>	<b>70</b>
	<b>TOTAL SCORE</b>	<b>100</b>

## Pricing Schedule

### Year 1

Type of Sample	Quantity	Unit Pricing	
<b>Design and printing of Annual Reports</b> (1. 148 pages, (2. Digitally printed throughout in a 4 process colours , (3. Cover- 4 pages printed throughout in 4 process colours and gloss laminated on outside front and back make up-folded gathered flexibound and trimmed 3 sides flush ) (4. Size 297mmX 210 mm (5. Stock- Magno Matt, white 90gsm	120		
<b>A4 Note Book/ Journal</b> Elastic fastener #sportsmode Flick through 176 pages/ 88 sheets Ribbon page marker Expandable inner pocket	250		
<b>A5 Note Book/ Journal</b> Elastic fastener #sportsmode Flick through 176 pages/ 88 sheets Ribbon page marker Expandable inner pocket	250		
<b>Diary A4</b> Branding Methods: Silk Screening, Foiling, Debossing, Full Colour Print	480		



<p>Colour(s):</p> <p>Black</p> <p>Material:</p> <p>Koskin with White Stitching</p> <p>Size:</p> <p>14.5 (w) x 21 (l)</p> <p>Additional Info:</p> <p>Daily Inspirational Quotes. Page-A-Day. With Satin Bookmark. Inner pages Include: Public Holidays, Social and Environmental Days, Holy Days &amp; Religious Festivals, School Calendar, Africa Map, Emergency Numbers, International Dialling Codes, Web Directory, SA National Symbols, Gautrain Timetable</p>			
<p><b>Branded T-shirt</b></p> <p>Cotton blend knit</p> <p>Classic fit</p> <p>Printed logo on back</p> <p>Mens and female cut</p>	<b>100</b>		
<p><b>Branded pen</b></p>	<b>500</b>		
<p><b>Design and printing of Business Cards</b></p> <p>Specifications Material Polyvinyl chloride (PVC) Thickness 760 mic / 0.76 mm Size 85.60 x 53.98 mm</p>	<b>500</b>		
<p><b>Branded USB ( 64 GB)</b></p>	<b>500</b>		
<p><b>Branded Masks</b></p> <p>Cloth Mask</p> <p>Mask - 3 layers of fabric (As per the DTIC guidelines &amp; Specifications)</p>	<b>500</b>		
<p><b>Calendar</b></p> <p>Size A1 Wall Calender</p> <p>Description Printed in Legislature colours with pictures and graphics</p> <p>Special features: Rimmed on the header and the footer</p>	<b>700</b>		
Total Costing			
VAT			
<b>TOTAL INCLUDING VAT</b>			

## Year 2

Type of Sample	Quantity	Unit Pricing	
<b>Design and printing of Annual Reports</b> (1. 148 pages, (2. Digitally printed throughout in a 4 process colours , (3. Cover- 4 pages printed throughout in 4 process colours and gloss laminated on outside front and back make up-folded gathered flexibound and trimmed 3 sides flush ) (4. Size 297mmX 210 mm (5. Stock- Magno Matt, white 90gsm	120		
<b>A4 Note Book/ Journal</b> Elastic fastener #sportsmode Flick through 176 pages/ 88 sheets Ribbon page marker Expandable inner pocket	250		
<b>A5 Note Book/ Journal</b> Elastic fastener #sportsmode Flick through 176 pages/ 88 sheets Ribbon page marker Expandable inner pocket	250		
<b>Diary A4</b> Branding Methods: Silk Screening, Foiling, Debossing, Full Colour Print Colour(s): Black Material: Koskin with White Stitching Size: 14.5 (w) x 21 (l) Additional Info: Daily Inspirational Quotes. Page-A-Day. With Satin Bookmark. Inner pages Include: Public Holidays, Social and Environmental Days, Holy Days & Religious Festivals, School Calendar, Africa Map, Emergency Numbers, International Dialling Codes, Web Directory, SA National Symbols, Gautrain Timetable	480		

<b>Branded T-shirt</b> Cotton blend knit Classic fit Printed logo on back Mens and Female cut	<b>100</b>		
<b>Branded pen</b>	<b>500</b>		
Design and printing of Business Cards Specifications Material Polyvinyl chloride (PVC) Thickness 760 mic / 0.76 mm Size 85.60 x 53.98 mm	<b>500</b>		
<b>Branded USB</b>	<b>500</b>		
<b>Branded Masks</b> Cloth Mask Mask - 3 layers of fabric (As per the DTIC guidelines & Specifications	<b>500</b>		
<b>Calendar</b> Size A1 Wall Calender Description Printed in Legislature colours with pictures and graphics Special features: Rimmed on the header and the footer	<b>700</b>		
<b>Total Costing</b>			
<b>VAT</b>			
<b>TOTAL INCLUDING VAT</b>			

### Year 3

Type of Sample	Quantity	Unit Pricing	
<b>Design and printing of Annual Reports</b> (1. 148 pages, (2. Digitally printed throughout in a 4 process colours , (3. Cover- 4 pages printed throughout in 4 process colours and gloss laminated on outside front and back make up- folded gathered flexibound and trimmed 3 sides flush ) (4. Size 297mmX 210 mm (5. Stock- Magno Matt, white 90gsm	<b>120</b>		
<b>A4 Note Book/ Journal</b> Elastic fastener #sportsmode Flick through 176 pages/ 88 sheets	<b>250</b>		

Ribbon page marker Expandable inner pocket			
<b>A5 Note Book/ Journal</b> Elastic fastener #sportsmode Flick through 176 pages/ 88 sheets Ribbon page marker Expandable inner pocket	<b>250</b>		
<b>Diary A4</b> Branding Methods: Silk Screening, Foiling, Debossing, Full Colour Print Colour(s): Black Material: Koskin with White Stitching Size: 14.5 (w) x 21 (l) Additional Info: Daily Inspirational Quotes. Page-A-Day. With Satin Bookmark. Inner pages Include: Public Holidays, Social and Environmental Days, Holy Days & Religious Festivals, School Calendar, Africa Map, Emergency Numbers, International Dialling Codes, Web Directory, SA National Symbols, Gautrain Timetable	<b>480</b>		
<b>Branded T-shirt</b> Cotton blend knit Classic fit Printed logo on back Mens and female cut	<b>100</b>		
<b>Branded pen</b>	<b>500</b>		
<b>Design and printing of Business Cards</b> Specifications Material Polyvinyl chloride (PVC) Thickness 760 mic / 0.76 mm Size 85.60 x 53.98 mm	<b>500</b>		
<b>Branded USB</b>	<b>500</b>		
<b>Branded Masks</b> Cloth Mask Mask - 3 layers of fabric (As per the DTIC guidelines & Specifications	<b>500</b>		
<b>Calendar</b> Size A1 Wall Calender	<b>700</b>		

Description Printed in Legislature colours with pictures and graphics Special features: Rimmed on the header and the footer			
<b>Total Costing</b>			
<b>VAT</b>			
<b>TOTAL INCLUDING VAT</b>			

- Costing will utilized to ascertain the top three bidders to be appointed in a panel.
- Successful panelists will be subject to a bidding process/quotation as and when required by the user departments with the KZN Legislature.

## ANNEXURE B

### GENERAL CONDITIONS OF CONTRACT1

THE NATIONAL TREASURY  
Republic of South Africa



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**GOVERNMENT PROCUREMENT:  
GENERAL CONDITIONS OF CONTRACT  
July 2010**

#### NOTES

The purpose of this document is to:

- (i) Draw special attention to certain general conditions applicable to government bids, contracts and orders; and
- (ii) To ensure that clients be familiar with regard to the rights and obligations of all parties involved in doing business with government.

In this document words in the singular also mean in the plural and vice versa and words in the masculine also mean in the feminine and neuter.

1. The General Conditions of Contract will form part of all bid documents and may not be amended.
2. Special Conditions of Contract (SCC) relevant to a specific bid, should be compiled separately for every bid (if applicable) and will supplement the General Conditions of Contract. Whenever there is a conflict, the provisions in the SCC shall prevail.

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***1 A copy of the complete document set containing the General Conditions of Contract is available on [www.treasury.gov.za/divisions/ocpo/sc/GeneralConditions/](http://www.treasury.gov.za/divisions/ocpo/sc/GeneralConditions/)***

**GENERAL CONDITIONS OF CONTRACT  
TABLE OF CLAUSES**

1. Definitions
2. Application
3. General
4. Standards
5. Use of contract documents and information; inspection
6. Patent rights
7. Performance security
8. Inspections, tests and analysis
9. Packing
10. Delivery and documents
11. Insurance
12. Transportation
13. Incidental services
14. Spare parts
15. Warranty
16. Payment
17. Prices
18. Contract amendments
19. Assignment
20. Subcontracts
21. Delays in the supplier's performance
22. Penalties
23. Termination for default
24. Dumping and countervailing duties
25. Force Majeure
26. Termination for insolvency
27. Settlement of disputes
28. Limitation of liability
29. Governing language
30. Applicable law
31. Notices
32. Taxes and duties
33. National Industrial Participation Programme (NIPP)
34. Prohibition of restrictive practices