

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE)					
BID NUMBER:	SANBI: Q6196/2018		CLOSING DATE:	9 November 2018	CLOSING TIME: 11:00 AM
THE APPOINTMENT OF AN OPERATOR FOR THE COFFEE SHOP AT THE KAROO DESERT NATIONAL BOTANICAL GARDEN, WORCESTER.					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
COMPULSORY SITE BRIEFING: This is compulsory and will be conducted at the venue, time and date given below: Date: 23 October 2018 Time: 11:00 Venue: Kokerboom Coffee Shop, Karoo Desert National Botanical Garden, Worcester Submission of proposals: proposals must be emailed to S.SCM-Tender@sanbi.org.za with a copy to Mr. L Madayi at L.Madayi@sanbi.org.za and Mr. Prince Hlongwane at p.hlongwane@sanbi.org.za					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Mr. Ludwe Madayi		CONTACT PERSON	Mr Werner Voigt	
TELEPHONE NUMBER	(012) 843 5130		TELEPHONE NUMBER	(023) 347-0785	
FACSIMILE NUMBER	N/A		FACSIMILE NUMBER	n/a	
E-MAIL ADDRESS	l.madayi@sanbi.org.za		E-MAIL ADDRESS	W.Voigt@sanbi.org.za	
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] ☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		TICK APPLICABLE BOX] ☐ Yes ☐ No

[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) 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]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
---	--	--	---

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO

DOES THE ENTITY HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?
☐ YES ☐ NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? ☐ YES ☐ NO

IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.

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PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.
1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).
2. TAX COMPLIANCE REQUIREMENTS
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA .
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:
 (Proof of authority must be submitted e.g. company resolution)

DATE:

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

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DECLARATION OF INTEREST

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 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:

2.2 Identity
 Number:.....

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

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.

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 / 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:

.....

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.....

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

Full Name	Identity Number	Personal Tax Number	Income Reference Number	State Number	Employee / 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 Date

.....
 Position Name of bidder

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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 to **not exceed** R500 000 (all applicable taxes included) and therefore the **80/20** preference point system shall be applicable; or
- b) The 80/20 preference point system will be applicable to this tender.

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
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE must not exceed	100

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 OR 90/10 PREFERENCE POINT SYSTEMS

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

80/20

or

90/10

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

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 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in

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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 least 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

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- ☐ (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

.....

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's supply chain management system;
 - b. committed fraud or any other improper conduct in relation to such system; or
 - c. failed 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	Is the bidder or any of its directors listed on the National Treasury's database as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).	Yes ☐	No ☐
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)? As this Register enter the National Treasury's website, www.treasury.gov.za, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445.	Yes ☐	No ☐
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 ☐	No ☐
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 ☐	No ☐
4.4.1	If so, furnish particulars:		

SBD 8

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
 Js365bW

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CERTIFICATE OF INDEPENDENT QUOTATION DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all quotations¹ 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).² 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:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² 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.

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

**SANBI: Q6196/2018 THE APPOINTMENT OF AN OPERATOR FOR THE COFFEE SHOP AT THE
KAROO DESERT NATIONAL BOTANICAL GARDEN, WORCESTER.**

(Quotation Number and Description)

in response to the invitation for the quote made by:

SANBI (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;

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- (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 consortium³ 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.
- ³ 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.
- 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

**Terms of Reference
for
the appointment of an Operator
for the Coffee Shop at the
Karoo Desert National Botanical Garden,
Worcester**

Document Number: One (1) of two (2)
September 2018

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GENERAL TERMS & INSTRUCTIONS

Please read the following terms and instructions carefully. Failure to comply with the requirements of these instructions and general terms will lead to the rejection of your quotation submission.

1. PREPARATION AND SUBMISSION OF QUOTATIONS

1.1 The Request for Quotation (RFQ) documentation consists of:

- General Terms & Instructions to Bidders; and
- Forms of Quotation.
- The quotation documents can be obtained from the South African National Biodiversity Institute (SANBI) webpage www.sanbi.org.

1.2 It is accompanied by:

- Catering Specifications (document 2)

1.3 Quotations shall be prepared and submitted in accordance with the RFQ documentation. The South African National Biodiversity Institute (SANBI) shall not incur any obligation or liability towards the successful Bidder until the written contract has been signed by SANBI and the Bidder.

1.4 Bidders are to submit one (1) pack of original proposals, marked "ORIGINAL" in a separate envelope and three (3) packs of copies, marked "COPY" in a second envelope.

Quotation Number: Q6196-2018

Closing date for submissions is: **9 November 2018**

1.5 Quotations received after the Quotation closing date and time will be disqualified. This Quotation is being issued by SANBI and does not constitute an offer. These documents are intended to provide information and guidelines for the preparation and submission of a Quotation by the Bidders.

Quotations must be submitted in the Tender Box located in the Biodiversity Building at the Pretoria National Botanical Garden, 2 Cussonia Avenue, Brummeria, Pretoria, during office hours (08:00 – 16:00, except on the closing date when the time is 11:00).

Quotations may also be submitted by post addressed to:

The Deputy Director: Supply Chain Management
The South African National Biodiversity Institute (SANBI)
Private Bag X101
Silverton
0184

1.6 All SCM queries and communications in relation to this RFQ should be directed to Mr. Ludwe Madayi (SCM Unit) at Tel 012 843 5130 or L.Madayi@sanbi.org.za. Operational or technical queries can be directed to Mr Werner

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Voigt (Curator: Karoo Desert National Botanical Garden) on Tel.: 023 34 70785 or w.voigt@sanbi.org.za prior to the quotation closing date.

1.7 Preparation of the Quotation including but not limited to attendance at any pre-quotation meetings and site visits shall be at the sole expense of the Bidder.

1.8 The Quotation shall be submitted without review by, comparison of figures with, arrangement with, or knowledge of any other person or company submitting a Quotation for the same work, and shall in all respects be without collusion with other Bidders. Bidders forming a joint venture with another Bidder in order to submit a single consolidated Quotation shall advise SANBI prior to the submission of the Quotation and include in their Quotation full details of the joint venture including a copy of the signed joint venture agreement.

1.9 REQUIREMENTS

1.9.1 Each quotation document must include the following documentation and failure to include all these documents will lead to disqualification of the quotation:

- a) A current copy of the **Central Suppliers Database (CSD) registration report or registration number.**
- b) A certified copy of **Liability Insurance Cover** for the company and the amount available per claim.
- c) A valid copy of the **Unemployment Insurance fund (UIF) letter of Compliance** issued by the Department of Labour **should be provided by a successful service provider**
- d) Service providers with one or more employees are required by law to contribute to the Compensation Fund. A valid letter of good standing with COIDA is required. The certificate should be issued by the Department of Labour.
- e) A certified copy of **Liability Insurance Cover** for the company and the amount available per claim.
- f) **Minimum rental** to be submitted in the “original” quotation document only
- g) One envelop marked **“original”** with minimum rental and one envelop marked copy with 3 (three) copies.

1.9.2 Each quotation document must include the following documentation for criteria/functionality evaluation purposes:

- Company information and profile and capabilities of staff and company
- Proposed selection of product, i.e. Menu, equipment and added value for money
- Track records /references relevant to the proposed operation

- Copy of the latest Audited Financial Statement

Note: Recommended Operator will be expected to have a Public Liability Insurance Fund upon occupying the coffee shop.

2. EXAMINATION OF REQUEST FOR QUOTATION (RFQ)

- 2.1 SANBI may modify the RFQ at any time prior to the Quotation due date. Modifications will be made in the form of addenda to the RFQ and will be transmitted simultaneously to all Bidders.
- 2.2 The Bidder is responsible for examination of the RFQ and addenda and for informing itself in all respects of conditions, which may in any way affect the performance of the work. Should the Bidder find discrepancies or omissions in the RFQ or should any other questions arise, the Bidder shall notify SANBI in writing by fax or e-mail immediately on discovery of any discrepancy or omission.
- 2.3 Bidders should make their own independent studies, enquiries and plans and obtain and furnish to SANBI as part of the Quotation all information and data that may affect their Quotation and their prices, at their own risk and cost and allow for all contingencies irrespective of any information or other data supplied by SANBI.

3. CONFIDENTIALITY

- 3.1 By accepting this RFQ the Bidder agrees to ensure that its members, directors, officers, employees, agents and representatives (and, where applicable, those of its participating members) use the RFQ only to evaluate the Quotation opportunity and for no other purpose. The aforesaid parties are not to divulge or distribute any information or pass any copies of the RFQ to anyone else without the prior written approval of SANBI and to return the RFQ to SANBI with all copies thereof promptly upon being requested to do so.
- 3.2 SANBI will maintain the confidentiality of information designated as confidential by the Bidders when it submits its Quotation, except where that information is not proprietary or where disclosure is required by Law or is otherwise required by SANBI for the purpose of evaluating and selecting quotations. SANBI reserves the right to publicly disseminate any information of a non-confidential nature contained in any Quotation.

4. SITE INSPECTION AND CONDITIONS

- 4.1 The Bidder is responsible for making arrangements it considers necessary to become fully informed regarding all conditions that might in any way affect the performance of the contract including any equipment, furniture, fittings, space allocations and similar.
- Site visits in addition to the compulsory site visit (see number 4.3 below) are to be arranged with the Karoo Desert National Botanical Garden management.
- 4.2 Failure by the Bidder to satisfactorily investigate the conditions as aforesaid shall not relieve the Bidder from the responsibility for properly estimating the cost of performing the contract in accordance with the RFQ.
- 4.3 A compulsory site meeting will be held at the time and date indicated below:

Date: 23 October 2018

Time: 11:00

Venue: Kokerboom Coffee Shop, Karoo Desert National Botanical Garden, Worcester

5. QUOTATION VALIDITY, MODIFICATION AND WITHDRAWAL OF QUOTATIONS

- 5.1 The Bidder may modify or withdraw its Quotation at any time prior to the Quotation due date specified in the RFQ provided that notification of such withdrawal or modification is received by SANBI in writing prior to the Quotation closing date.
- 5.2 Once submitted, Quotations shall be fully binding upon the Bidder and shall be valid for a period of three (3) months from the date of submission of the Quotation, thereafter as mutually agreed.

6. AWARD OF CONTRACT

- 6.1 SANBI shall not be bound to accept the highest, lowest or any other Quotation and it shall be entitled to accept all or part of a Quotation. It shall not be liable for any costs or expenses or damages incurred by any Bidder who submits a Quotation, irrespective of the outcome of such Quotation. If, however, any such Quotation leads to the conclusion of a Contract, then the rights and obligations of SANBI and Bidder shall be governed solely by the provisions of such Contract. Should such preferred Bidder and SANBI fail to come to an agreement, SANBI may then, at its sole discretion, negotiate the Contract with an alternative Bidder or decide not to conclude a contract at all.
- 6.2 SANBI reserves the right to invite Bidders, after the closing date but prior to the date for award of their Quotations, to discuss any matter relating to the Quotation and/or to issue supplements or addenda to the Quotation. SANBI also reserves the right, after the closing date and evaluation process, to request Bidders clarification on the Quotation submission. Any such clarifications or addenda or supplements shall be considered as forming part of the Quotation documents. Any such discussion, issue of supplements or addenda or invitation to clarify, should not be construed as an acceptance, award or allocation of the Quotation to that Bidder.

7. BIDDERS' RETURN OF DOCUMENTS

Unsuccessful Bidders' documents will not be returned.

8. INFORMATION TO BE SUBMITTED WITH THE QUOTATION

Bidders shall submit their Quotations in accordance with the Forms of Quotation.

9. FORMS OF QUOTATION (Annexure 1 to 9)

9.1 Proposed Concept

Bidders are to indicate in **Annexure 1** how they intend decorating and furnishing the facilities making use of photographs, sketches, artists impressions, swatches (samples), design boards and similar.

9.2 Operating Hours

Bidders are to indicate intended operating hours for normal operations in **Annexure 2**.

9.3 Product Details & Pricing

Since the diversity and quality of products offered for sale will be one of the key criteria on which the contract will be awarded, Bidders are advised to give as much information as possible on their proposed products in **Annexure 3** including selling prices.

Photographs can be submitted. Please note that selling prices submitted with the Forms of Quotation are to remain valid for a period of 6 months from the date of submission of the Quotation unless otherwise agreed with SANBI.

9.4 Staff Uniform

Bidders are requested to indicate by means of description, photographs, sketches and fabric swatches (samples), the type, style and colour of proposed staff uniform in **Annexure 4**.

9.5 Staff Training Programmes

In **Annexure 5**, Bidders are to give as much information as possible on their training policy and programmes applicable to this contract.

9.6 Capital Investment

In **Annexure 6**, Bidders are to indicate how much they will be initially investing in the Restaurant including equipment, appliances, furniture, decor and any other items they believe would enhance their offer to SANBI.

9.7 Rentals

Please note: Bidders are to indicate their projected net sales revenue for the first three (3) years of operation. **Annexure 7**

Rental will be calculated as percentage of monthly turnover as follows:

9.7.1 If the appointed Bidder has to make a substantial investment (in excess of R500 000) to establish the coffee shop then the monthly rental will begin at 5% and increase annually by 1% per annum until the target of 10% is achieved.

or

9.7.2. If the appointed Bidder does not need to make a substantial investment to establish the restaurant (less than R500 000). Then the rental will be 7% from the first month of operation and it will increase annually by 1% until target of 10%.

In accordance with SANBI's lease agreement with operators, Bidders must take note that the minimum monthly rental payable will be R4000.00 or percentage based on the above clauses (9.7.1 or 9.7.2), whichever is highest. The minimum monthly rental will increase annually by CPI.

9.8 References & General information

Each Bidder is required to submit details of three contactable relevant business references in **Annexure 8**.

9.9 Bidder's History

Each Bidder is to submit details of its history and relevant experience in **Annexure 9** and a company profile.

9.10 Bidders shall agree to maintain the confidentiality of all information supplied to it in

connection with the quotation process regardless of format. Unless required by Law, Bidders shall not disclose in whole or in part any details pertaining to their submissions unless written consent is obtained from SANBI prior to such disclosure.

10. EVALUATION CRITERIA

In accordance with the National Treasury Instruction Note on the Amended Guidelines in Respect of Bids that include Functionality as a Criterion for the Evaluation (issued 3 September 2010) this bid will be evaluated in two stages.

Stage One:

FUNCTIONALITY CRITERIA	POINTS
1. Proposed concept of operation (See points 9.1) Proposed concept (Point 9.1) Staff uniforms (Point 9.4)	15 (10) (5)
2. Proposed selection of products, menu, equipment and added value for money (See points 9.3 and 9.6) Product details and pricing (Point 9.3) Capital investment (Point 9.6)	30 (15) (15)
3. Capability of staff and company, 3.1. CV's of staff not more than three pages. CV's to include experience, qualification and previous employer (CV's should be for Management, Chef, Waitress, etc.) and the Current company profile 3.2. Marketing capability (provide previous copies of adverts and marketing activities) 3.3. Existing resources suitable to operate the Restaurant during the contract period. Please attach the list of your resources. See details in annexure 6 3.4. Staff training programme (point 9.5)	35 (10) (10) (10) (5)
4. Track record and experience relevant to the proposed operation, (See point 9.8 - References) and (Quotations History 9.9)	20
Total	100

Any bidder who scores less than **60 out of 100 points against** the functionality criteria in the table above will be excluded from further consideration.

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The second stage will be evaluated in accordance with the Preferential Procurement Regulations, 2011, pertaining to the Preferential Procurement Policy Framework Act (No. 5 of 2000). The 80/20 point system will be applied in evaluating proposals that qualify for further consideration, where price constitutes 80 points and a maximum of 20 points will be awarded based on the bidder's Broad-based Black Economic Empowerment (B-BBEE) Status Level Certificate. However, as price is not relevant to this quotation, the second stage of evaluation of bids will focus solely on preference points as determined from the bidder's B-BBEE Status Level Certificate.

ANNEXURE 1
DETAILS OF PROPOSED CONCEPT

**ANNEXURE 2
PROPOSED OPERATING HOURS**

**ANNEXURE 3
PRODUCT DETAILS & PRICING**

Restaurant Menu

**ANNEXURE 4
STAFF UNIFORM**

ANNEXURE 5
STAFF TRAINING POLICY & PROGRAMMES

**ANNEXURE 6
CAPITAL INVESTMENT**

ANNEXURE 7
Net Sale revenue for three (3) years

ANNEXURE 8
CONTACTABLE BUSINESS REFERENCES

*Please provide details of three RELEVANT business references as follows:

Reference 1:

Name of reference:

Contact person:

Telephone numbers:

Length of contract/trading period:

Reference 2:

Name of reference:

Contact person:

Telephone numbers:

Length of contract/trading period:

Reference 2:

Name of reference:

Contact person:

Telephone numbers:

Length of contract/trading period:

**ANNEXURE 9
 BIDDER'S HISTORY & GENERAL INFORMATION**

Full legal company name	
Registered office physical address	
Postal address	
Telephone number	
Contact name	
Is the company the provider of the proposed service? If not, please supply the name and address of the other provider.	
How long in years has this company been operating in this business?	
Please indicate the proposed team structure that will be dedicated to the proposed service and provide CVs of key personnel involved.	
Please provide a copy of the last two years' consolidated income statements and cash flow statements and balance sheets.	

The closing date for submission of responses is **9 November 2018** at 11:00

Submissions should be e-mailed to S.SCM-Tender@sanbi.org.za with a copy to Mr. L Madayi at L.Madayi@sanbi.org.za and Mr. Prince Hlongwane at p.hlongwane@sanbi.org.za

For further information, contact Mr Werner Voigt on (023) 347-0785 or e-mail W.Voigt@sanbi.org.za (SANBI).