PART A
INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE)

<table>
<thead>
<tr>
<th>BID NUMBER: Q6728-2019</th>
<th>CLOSING DATE: 24 March 2020</th>
<th>CLOSING TIME: 11:00</th>
</tr>
</thead>
</table>

THE SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE (SANBI) REQUIRES PROFESSIONAL ENGINEERING SERVICES AS THE EMPLOYER’S REPRESENTATIVE FOR THE PROCUREMENT AND CONSTRUCTION OF A SOLAR PV PLANT TO BE INSTALLED AT THE KIRSTENBOSCH NATIONAL BOTANICAL GARDEN, CAPE TOWN.

DESCRIPTION

COMPULSORY SITE BRIEFING:

This is compulsory and will be conducted at the venue, time and date given below:

Date: 12 March 2020
Time: 13h00
Venue: Garden Office Boardroom, Kirstenbosch National Botanical Garden, Rhodes Drive, Western Cape, South Africa

Submission of proposals: proposals must be emailed to S.SCM-Quotations@sanbi.org.za with a copy to Ms. Modiba at R.modiba@sanbi.org.za

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:

<table>
<thead>
<tr>
<th>CONTACT PERSON</th>
<th>Rorisang Modiba</th>
<th>CONTACT PERSON</th>
<th>Amjad Hendricks</th>
</tr>
</thead>
<tbody>
<tr>
<td>TELEPHONE NUMBER</td>
<td>012 339 2746</td>
<td>TELEPHONE NUMBER</td>
<td>(021) 526 9416</td>
</tr>
<tr>
<td>FACSIMILE NUMBER</td>
<td>N/A</td>
<td>FACSIMILE NUMBER</td>
<td>N/A</td>
</tr>
<tr>
<td>E-MAIL ADDRESS</td>
<td><a href="mailto:R.modiba@sanbi.org.za">R.modiba@sanbi.org.za</a></td>
<td>E-MAIL ADDRESS</td>
<td><a href="mailto:amjad.hendricks@aurecongroup.com">amjad.hendricks@aurecongroup.com</a></td>
</tr>
</tbody>
</table>

TECHNICAL ENQUIRIES MAY BE DIRECTED TO:

<table>
<thead>
<tr>
<th>SUPPLIER INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAME OF BIDDER</td>
</tr>
<tr>
<td>POSTAL ADDRESS</td>
</tr>
<tr>
<td>STREET ADDRESS</td>
</tr>
<tr>
<td>TELEPHONE NUMBER</td>
</tr>
<tr>
<td>CELLPHONE NUMBER</td>
</tr>
<tr>
<td>FACSIMILE NUMBER</td>
</tr>
<tr>
<td>E-MAIL ADDRESS</td>
</tr>
<tr>
<td>VAT REGISTRATION NUMBER</td>
</tr>
<tr>
<td>SUPPLIER COMPLIANCE STATUS</td>
</tr>
<tr>
<td>TAX COMPLIANCE SYSTEM PIN:</td>
</tr>
<tr>
<td>OR</td>
</tr>
<tr>
<td>CENTRAL SUPPLIER DATABASE No:</td>
</tr>
<tr>
<td>MAAA</td>
</tr>
<tr>
<td>B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE</td>
</tr>
<tr>
<td>TICK APPLICABLE BOX]</td>
</tr>
<tr>
<td>B-BBEE STATUS LEVEL SWORN AFFIDAVIT</td>
</tr>
<tr>
<td>[TICK APPLICABLE BOX]</td>
</tr>
</tbody>
</table>

| Yes | No |
| [ | ] | [ | ] |

| 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]

<table>
<thead>
<tr>
<th>ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</th>
<th>☐ Yes ☐ No</th>
<th>ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</th>
<th>☐ Yes ☐ No</th>
</tr>
</thead>
<tbody>
<tr>
<td>[IF YES ENCLOSE PROOF]</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

**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.*
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 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.
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.

“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.

“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:

…………………………………………………………………………………………
…………………………………………………………………………………………
…………………………………………………………………………………………

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

<table>
<thead>
<tr>
<th>Full Name</th>
<th>Identity Number</th>
<th>Personal Income Tax Reference Number</th>
<th>State Employee Number / Persal Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

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
<table>
<thead>
<tr>
<th>Position</th>
<th>Name of bidder</th>
</tr>
</thead>
</table>

Stop Fraud, Theft and Corruption without Fear or Favour –
Call our Fraud Hotline 0800 434 373 (toll-free) anytime
SBD 6.1

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

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


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:

<table>
<thead>
<tr>
<th>POINTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRICE</td>
</tr>
<tr>
<td>B-BBEE STATUS LEVEL OF CONTRIBUTOR</td>
</tr>
<tr>
<td>Total points for Price and B-BBEE must not exceed</td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>80/20</th>
<th>90/10</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
\[ Ps = 80 \left( 1 - \frac{Pt - P_{\text{min}}}{P_{\text{min}}} \right) \] or \[ Ps = 90 \left( 1 - \frac{Pt - P_{\text{min}}}{P_{\text{min}}} \right) \]

Where

\[ \begin{align*}
Ps &= \text{Points scored for price of bid under consideration} \\
Pt &= \text{Price of bid under consideration} \\
P_{\text{min}} &= \text{Price of lowest acceptable bid}
\end{align*} \]

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:

<table>
<thead>
<tr>
<th>B-BBEE Status Level of Contributor</th>
<th>Number of points (90/10 system)</th>
<th>Number of points (80/20 system)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>2</td>
<td>9</td>
<td>18</td>
</tr>
<tr>
<td>3</td>
<td>6</td>
<td>14</td>
</tr>
<tr>
<td>4</td>
<td>5</td>
<td>12</td>
</tr>
<tr>
<td>5</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>6</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>7</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>8</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Non-compliant contributor</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

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: \( \ldots \) = \( \ldots \) (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?
7.1.1 If yes, indicate:

i) What percentage of the contract will be subcontracted

\[ \text{\%} \]

ii) The name of the subcontractor


iii) The B-BBEE status level of the subcontractor


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:

<table>
<thead>
<tr>
<th>Designated Group: An EME or QSE which is at last 51% owned by:</th>
<th>EME</th>
<th>QSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black people</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black people who are youth</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black people who are women</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black people with disabilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black people living in rural or underdeveloped areas or townships</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cooperative owned by black people</td>
<td></td>
<td></td>
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<tr>
<td>Black people who are military veterans</td>
<td></td>
<td></td>
</tr>
<tr>
<td>OR</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Any EME</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Any QSE</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES


8.6 COMPANY CLASSIFICATION

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

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-BBEE 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.

<table>
<thead>
<tr>
<th>WITNESSES</th>
<th>SIGNATURE(S) OF BIDDER(S)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
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<tr>
<td>2.</td>
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<table>
<thead>
<tr>
<th>DATE:</th>
<th></th>
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<table>
<thead>
<tr>
<th>ADDRESS</th>
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<tbody>
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</table>
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.

<table>
<thead>
<tr>
<th>Item</th>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1.1</td>
<td>If so, furnish particulars:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.1</td>
<td>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 <em>audi alteram partem</em> rule was applied).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.2.1</td>
<td>If so, furnish particulars:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.2</td>
<td>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)? To access Register enter the National Treasury’s website, <a href="http://www.treasury.gov.za">www.treasury.gov.za</a>, 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.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Stop Fraud, Theft and Corruption without Fear or Favour –
Call our Fraud Hotline 0800 434 373 (toll-free) anytime
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:

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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
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 per 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:

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

7. 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: Q6728-2019- THE SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE (SANBI) REQUIRES PROFESSIONAL ENGINEERING SERVICES AS THE EMPLOYER'S REPRESENTATIVE FOR THE PROCUREMENT AND CONSTRUCTION OF A SOLAR PV PLANT TO BE INSTALLED AT THE KIRSTENBOSCH NATIONAL BOTANICAL GARDEN, CAPE TOWN.

(Quotation Number and Description)

In response to the invitation for the quote made by:

SANBI

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

I certify, on behalf of:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word “competitor” shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:

   (a) has been requested to submit a bid in response to this bid invitation;
   (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
(c) Provides the same goods and services as the bidder and/or is in the same line of business as the bidder.

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium\(^3\) 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. Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

10. 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.

11. 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
REQUEST FOR QUOTATION
TERMS OF REFERENCE

THE SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE (SANBI) REQUIRE
PROFESSIONAL ENGINEERING SERVICES AS THE EMPLOYER’S REPRESEN
TATIVE FOR THE PROCUREMENT AND CONSTRUCTION OF A SOLAR PV
PLANT TO BE INSTALLED AT THE KIRSTENBOSCH NATIONAL BOTANICAL
GARDEN, CAPE TOWN.

Background and Discussion

The Department of Environmental Affairs has allocated R99 million over the 2019/20 –
2020/21 Medium Term Expenditure Framework (MTEF) towards a national infrastructure
programme at the various campuses and sites of the South African National Biodiversity
Institute (SANBI). The programme includes infrastructural maintenance, refurbishments,
upgrades, replacements and/or new infrastructure at all sites. Projects have been identified for
implementation over the MTEF at each of the SANBI’s existing campuses and sites across the
country.

SANBI is considering the installation of a Solar PV Plant to be installed on the estate of the
Kirstenbosch National Botanical Garden. The final size of the plant is still to be confirmed but
is expected to be between 500 and 1000 KWDC and may potentially be a floating solar
solution as the only suitable space identified currently is a water body located within the estate.
SANBI is committed to reducing its carbon footprint as an organisation tasked with responding
to biodiversity conservation in South Africa and putting into place initiatives to mitigate against
the impacts of climate change across all its botanical gardens while at the same time
participating in sustainable and responsible ecotourism. To date SANBI has with the financial
support from the National Department of Tourism, installed Solar PV plants at the Free State
National Botanical Garden in Bloemfontein, the Hantam National Botanical Garden in
Nieuwoudtville, and the Karoo Desert National Botanical Garden in Worcester. These Solar
PV plants over the long term will significantly reduce operational costs for SANBI and will raise
the environmental awareness profile of the gardens and of SANBI as an important partner in
the creating a greener economy.

SANBI requires the services of an Employer’s Representative (ER) to assist in the successful
procurement, construction and post implementation oversight of the project. The purpose of
this document is to outline the Terms of Reference for the appointment of the ER to support
SANBI in assessing and implementing this project.

The aim of this Terms of Reference is to ensure that all Service Providers invited to tender,
submit proposals based on the same understanding of the project.
Invitation to Quote

Quotations are hereby invited for the Professional Engineering services as the Employer’s Representative for the procurement and construction of a Solar PV Plant to be installed at the Kirstenbosch National Botanical Garden, Cape Town.

The tender process will be co-ordinated by the SANBI’s Supply Chain Management (SCM) section at the following address:

SCM Manager
South African National Biodiversity Institute (SANBI)
Private Bag X101
Silverton
0184

Terms of Reference

The duration of the appointment for the Employer’s Representative will run from the Effective Start Date through to two years post the plant handover date and will include two phases of services:

Pre-Construction Phase

- Drafting of EPC scope
- Tender Support
- Contract Negotiation support

Construction Phase

- Act as ER as provided for in terms of the FIDIC EPC Contract
- Design Review
- Construction Supervision
- Certification of Payment Milestones

2 Year post implementation oversight Phase

- Attend to any defects post installation
- Provide support to maintenance contractors
- Provide technical support to user where needed
- Assist in providing training on the PV Operations

Throughout the duration of the services the Employer’s Representative will conduct itself in accordance with generally accepted professional norms and standards and will at all times act in the interest of SANBI.
Pre-construction Phase

Drafting of EPC scope

The Employer’s Representative shall prepare an Employer’s Requirement’s document for the design, construction and maintenance of the PV plant to the level of detail required for SANBI to procure the project under a FIDIC SILVER based EPC contract.

The scope document shall detail all requirements for the full scope of the proposed project including the design, supply, installation, construction, commissioning and post construction maintenance, to the relevant standards, of:

- The Solar PV plant;
- The support structures and/or floating structures;
- The civil and electrical balance of plant works;
- Any required connection works to integrate the PV plant into the SANBI electrical network; and
- Maintenance of the plant.

Tender support

The ER will prepare a Request for Proposal Tender package that conforms with SANBI procurement requirements, to be released to reputable Solar EPC contractors.

As a minimum the RFP Tender package shall include:

- Details of the Tender process and schedule;
- Anticipated construction timelines;
- Minimum qualification and experience requirements for prospective contractors;
- EPC scope document;
- Key Commercial terms as agreed with SANBI; and

The ER will support SANBI in identifying suitable contractors and will manage the tender process on their behalf, including releasing the Tender, managing clarification queries and responses and collecting the submissions.

The ER will undertake the tender evaluation in the interest of SANBI, taking the following into consideration as a minimum:

- The suitability of the technical solution;
- An assessment of the energy forecast and associated energy offset; and
- Capex cost.
The ER will present their recommendations to SANBI in sufficient detail in order for them to be able to make an informed decision on the appointment of a contractor.

Contract Negotiation Support

It is intended that the project will be awarded under a FIDIC SILVER EPC contract. The ER will support SANBI in negotiating the details of this contract. It is expected that the ER will provide guidance and technical support to ensure that suitable guarantees are specified in the contract to ensure the performance of the plant are provided for in the contract.

Construction Phase

During the construction phase of the project the Employer’s Representative will act on behalf of SANBI for the duration of the EPC Contract and the Defects Notification Period (DNP) as provided for in terms of the EPC Contract.

The Employer’s Representative shall provide suitable oversight on the project site throughout the construction period to monitor compliance of the construction to the design, relevant codes and standards and to ensure a high-quality project is delivered to SANBI on completion. The services shall include:

- Review of any applicable permits (and consents) and assist SANBI in identifying any additional permits (and consents) as may be required to be obtained either by SANBI or the appointed Contractor;
- Review the Contractor’s designs, drawings and method statements for compliance with the Employer’s Requirements and applicable codes and standards;
- Inspect and report on the equipment delivered to the site;
- Provide suitably experienced personnel to supervise the construction progress of all the Works including the solar plant and the associated civil, structural and electrical works;
- Conduct ongoing quality inspections and provide monthly reports to SANBI;
- Monitor the construction progress against the project schedule and provide monthly reports to SANBI;
- In addition to monitoring technical quality and progress the ER will be responsible for monitoring the contractor for compliance with environmental and H&S requirements identified by any appointed independent advisors;
- Conduct inspections and witness testing on behalf of SANBI to ensure compliance with the Employer’s requirements;
- Evaluate and certify payment claims of the Contractor in accordance with the milestones defined in the EPC contract;
- Evaluate and provide recommendations to SANBI on proposed variations and associated claims;
- Witness commissioning and certify the project installation is complete and operating in accordance with the Employer’s Requirements including the safe interconnection with
the electrical network and issue the Final Taking Over Certificate in accordance with the EPC contract;
- Conduct regular meetings with the EPC contactor and provide feedback to SANBI on all ongoing site activities in a monthly report, paying attention to schedule and those items with a commercial impact;
- Review of As-Built drawings following completion;
- Review of the O&M manual;
- Witness performance testing on behalf of SANBI to ensure that the guaranteed plant performance has been achieved;
- Monitor and advise on the performance of the plant and the activities of the operator through the 2-year DNP period; and
- Manage the identification and rectification of defects through the 2-year DNP period and issue the Completion Certificate.

**Information to be provided by SANBI**

There are currently no drawings available and potential bidders must take note of this when pricing.

**Extent of services**

The services to be provided in terms of this project are inextricably linked to the Employer's three-year capital budget cycle. All services to be provided and construction works to be executed shall therefore be programmed to make full use of, but not exceed, the budget provision in any given financial year.

It should be noted that while the employer has every intention of completing the full Scope of Work making full use of the budget provision given, the Employer’s budget is subject to periodic review. Should it become necessary to vary the scope of work or even suspend or terminate this contract, such variation, suspension or termination shall be dealt with in accordance with the provisions of the Standard Professional Services Contract.

The Service Provider is required to provide all aspects of the Service with reasonable care, diligence and skill in accordance with generally accepted professional techniques and standards, and ensure that all legal requirements are met, and that all legal processes are adhered to.
Project Administration

The services are to be delivered by a project Engineering Consultancy who is a registered Professional Engineer (Pr. Eng) with at least 10 (ten) years verifiable experience, as a registered professional, in the design, construction and implementation of similar type projects. The Engineer must also have offices in Cape Town.

Competencies and requirements

The successful Service Provider should possess the following skills, abilities & competencies:

- A Project Engineer who is a registered Professional Engineer (Pr. Eng) with at least ten years’ verifiable experience, as a registered professional in the profession stated, in the design and construction of PV Plant and associated services;
- Excellent knowledge, understanding and experience of these disciplines;
- Excellent knowledge and understanding of the materials/tools available for disciplines;
- Excellent knowledge of the life-cycle maintenance requirements of these disciplines in Cape Town;
- Experience in Engineering design and Construction of similar projects;
- An understanding of the relevant regulatory processes applicable to the Engineering sector;
- A high level of project and financial management experience and expertise;
- Excellent analytical and conceptual abilities, and report writing skills;
- Preferably, offices located within a 50 km radius of Kirstenbosch; and
- At least five years’ experience in working with the Construction Industry Development Board (CIDB): this will include a working knowledge of the CIDB system, experience in preparing documents and sourcing construction-related Service Providers through the CIDB system.
Evaluation process

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

The first stage will evaluate functionality according to the criteria listed in the table below:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Points**</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Technical merit of proposal</td>
<td>30</td>
</tr>
<tr>
<td>a. approach and methodology;</td>
<td>(20)</td>
</tr>
<tr>
<td>b. high-level monthly programme and milestones</td>
<td>(10)</td>
</tr>
<tr>
<td>2. Track record of Service Provider for similar assignments undertaken within the last 5 years</td>
<td>20</td>
</tr>
<tr>
<td>a. List of ten (10) similar assignments with contactable references for each</td>
<td>(20)</td>
</tr>
<tr>
<td>3. Qualifications and experience of Service Provider.</td>
<td>40</td>
</tr>
<tr>
<td>a. Lead engineer with a minimum of 10 years’ experience</td>
<td>(10)</td>
</tr>
<tr>
<td>b. Comprehensive CVs and proof of qualification of all engineers</td>
<td>(10)</td>
</tr>
<tr>
<td>c. Relevant experience</td>
<td>(10)</td>
</tr>
<tr>
<td>d. Proof of registration with ECSA of all engineers</td>
<td>(10)</td>
</tr>
<tr>
<td>4. Service Provider has an office within a 50km radius of Kirstenbosch (Please provide proof of residence that is not older than 3 months.)</td>
<td>10</td>
</tr>
<tr>
<td>TOTAL</td>
<td>100</td>
</tr>
</tbody>
</table>

** Service Providers who fail to score a minimum of 70 points out of a possible 100 points on functionality criteria will not be eligible for further consideration.

The second stage will evaluate the price and preference points of those bids that meet the minimum threshold for functionality. In accordance with the Preferential Procurement Regulations, 2017 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 B-BBEE Status Level Certificate.

Requirements for proposals

Service Providers must submit a concise written proposal that addresses the scope of work and the above requirements and deliverables.
The following information needs to be included in the Proposal:
- A comprehensive description of the proposed methodology and deliverables;
- Design team capability and availability;
- High level monthly project programme including aspects of work to be undertaken and associated milestones and deliverables;
- Cost details, including anticipated disbursements;
- Details, qualifications and relevant experience of all team members, including specialists; and
- List of ten similar projects carried out within the last 5 years with contact details of the client representatives.

Costing Requirements
- A high-level work plan should be developed with indicative level of effort (time, phasing & cost) towards activities and deliverables, and provide a clear allocation of roles, responsibilities and resources towards the deliverables. The work plan should also anticipate tasks that may be sub-contracted out and provide an indication of the approximate budget for these tasks;
  - All costs including disbursements must be shown separately for the duration of the project; and
  - The final contract amount must include VAT.

Reporting & Management
- While the consultant will be working with a number of SANBI staff, final accountability rests with the SANBI Project Manager;
- Payment on approval of deliverables by the Aurecon Project Manager;
- All reports must be in Word and/or Excel; and
- An electronic version of all reports must be submitted.

Compulsory Briefing Session
A compulsory briefing session and site visit will be held at the Kirstenbosch National Botanical Garden, Garden Office Boardroom, Cape Town

Date: 12 March 2020
Time: 13:00
Place: Garden Office Boardroom, Kirstenbosch National Botanical Garden, Rhodes Drive, Western Cape, South Africa

Nature of appointment & contractual arrangement
Appointment:
- Contract duration: From the project brief until the final completion certificate is issued on the last project activity.

Contract and payment:
- The contract will be drawn up between SANBI and the Service Provider.
- Invoices will be paid for upon deliverables received.
Invoices must indicate the deliverable produced. No upfront payments will be made.
SANBI will pay for the satisfactory completion of work within 30 days of submission of invoice.
In the case of invoices to SANBI they must be addressed to the Aurecon Project Manager.

Potential Service Providers are required to submit the following documentation

- SBD forms (SBD 1, 4, 6.1, 8 and 9). The Standard Bidding Forms (included in the bid documentation) must be completed and submitted with this proposal.
- An original or certified copy of B-BBEE certificate or sworn affidavit. (Please note that failure to submit a valid original or certified B-BBEE certificate/sworn affidavit mentioned above will result in the tenderer not being awarded B-BBEE preference points)
- A current copy of the Central Suppliers Database (CSD) registration report or registration number must be provided.
- Service providers with one or more employees are required by law to contribute to the Compensation Fund. A valid letter of good standing certificate with COIDA is required. The certificate should be issued by the Department of Labour.
- Proof of Public Liability Insurance
- Quotations must include cost break down of all the specifications and price must be VAT inclusive.

Closing date for quotations

The closing date for submission of responses is 24 March 2020 at 11h00.

Submission of proposals: proposals must be emailed to S.SCM-Quotations@sanbi.org.za with a copy to Ms. Modiba at R.modiba@sanbi.org.za

For further information, contact Mr Amjad Hendricks on (021) 526 9416 / 079 523 4440 or e-mail amjad.hendricks@aurecongroup.com (Aurecon).

PLEASE NOTE: Emailed applications must not be more than 8MB.