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ANNEXURE D

PREFERENCE POINTS CLAIM FORM

STANDARD BIDDING DOCUMENT (SBD6.1)

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all quotation invited. It contains general information and serves as a claim form for preference points for specific Goal(s).

NB: BEFORE COMPLETING THIS FORM, TENDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF SPECIFIC GOALS, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022

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1. GENERAL CONDITIONS

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

- 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 **To be completed by the organ of state**

a) The applicable preference point system for this tender is the 80/20 preference point system.

b) The lowest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

(a) Price; and

(b) Specific Goal(s)

1.4 **To be completed by the organ of state:**

The maximum points for this **tender** are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOAL(S)	20
TOTAL points for Price and SPECIFIC GOALS	**100**

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

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

2. DEFINITIONS

(a) **"all applicable taxes"** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;

(b) **"tender"** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive bidding process or any other method envisaged in legislation;

(c) **"disability"** means, in respect of a person, a permanent impairment of a physical, intellectual, or sensory function, which results in restricted, or lack of, ability to perform an activity in the manner, or within the range, considered normal for a human being.

(d) **"Functionality"** means the ability of a bid to provide goods or services in accordance with specifications as set out in the bid documents.

(e) **"Price"** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;

(f) ***"rand value****" has the same meaning as contemplated in the Preferential Procurement Regulations, 2022;*

(g) ***"Youth"*** *means persons between the ages of 14 and 35 in terms of the National Youth Development Agency Act, 2008. For the purpose of this bid the date to be used for determination of age will be the closing date of the bid and in a case where the closing date of a bid has been extended, the original (first) closing date shall be used for the purpose of determining age.*

(h) **"Tender for income-generating contracts"** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and

(i) **"the Act"** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3.1. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.1.1. POINTS AWARDED FOR PRICE

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

80/20

$$Ps = 80\left(1 - \frac{Pt - Pmin}{Pmin}\right)$$

Where

Ps = Points scored for price of tender under consideration
Pt = Price of tender under consideration
Pmax = Price of lowest acceptable tender

3.2 POINTS AWARDED FOR SPECIFIC GOAL(S)

3.2.1 For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

3.2.2 an invitation for tender for income-generating contracts, that the 80/20 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

***Note to tenderers: The tenderer must indicate how they claim points for each preference point system.*)**

The Specific Goal(s) allocated points in terms of this tender		Number of points (80/20 system)	Percentage Ownership equity (To be completed by the tenderer)	Number of Points claimed (80/20 system) to be completed by the tenderer
1	Black	10		
2	Woman	5		
3	Youth	3		
4	Disability	2		

The following formula must be applied to calculate the number of points for equity ownership by Black, Woman, Youth and Disability.

$$SG = W \ X \ \frac{POE}{100}$$

Where:

SG = Points awarded for a specific goals.

W = The number of points allocated for preference points. (e.g. 10 for Black, 5 for Woman, etc.).

POE = The percentage of equity ownership by bidder.

Example to calculate: SG= 10 x 80 ÷ 100 = 8

3.2.3 **Bidders who wish to claim points in terms of the table 1 above need to provide proof for each point claimed as guided below.**

i. Race: (Black) – attach company registration document which shows ownership percentage (CIPC), BBBEE Certificate / Sworn Affidavit, CSD full detail report to show substantiate ownership equity.

ii. Women: - attach company registration document which shows ownership percentage (CIPC), BBBEE Certificate, BBBEE Certificate / Sworn Affidavit, CSD full detail report to show substantiate ownership equity.

iii. Disabled – attach medical certificate from a medical practitioner registered with the Health Professional Council of South Africa (HPCSA) confirming the disability.

iv. Youth – attach company registration document which shows ownership percentage (CIPC), BBBEE Certificate, BBBEE Certificate / Sworn Affidavit, CSD full detail report to show substantiate ownership equity.

DECLARATION WITH REGARD TO COMPANY/FIRM

3.3 Name of company/firm…….

3.4 Company registration number: ……...

3.5 TYPE OF COMPANY/ FIRM [**tick applicable box**]

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety
- ☐ Close corporation
- ☐ Public Company
- ☐ Personal Liability Company
- ☐ (Pty) Limited
- ☐ Non-Profit Company
- ☐ State Owned Company

3.6 I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I 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 the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;

iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –

(a) disqualify the person from the tendering 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 tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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, if deemed necessary.

…… **SIGNATURE(S) OF TENDERER(S)**
SURNAME AND NAME: ……
DATE: ……/……/……..…
ADDRESS: ……
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