

REQUEST FOR QUOTATION- GOODS

REQUEST DETAILS

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| YOU ARE HEREBY REQUESTED TO SUPPLY A QUOTE FOR THE FOLLOWING REQUIREMENT OF NEMISA: | REQUEST FOR QUOTATION, SUPPLY AND DELIVERY OF 200 x NEMISA Branded BLUETOOTH NOISE-CANCELLING HEADPHONES. <i>See detailed specifications and requirements below on page 2</i> |
| DELIVERY ADDRESS FOR THE GOODS REQUIRED: | 21 Girton Road Parktown Johannesburg 2193 |

QUERIES/ CLARIFICATIONS

All queries/ clarifications may be raised in writing with the under-mentioned person before the closing date for the quote.

| | |
|------------------------------------|------------------|
| Queries to be e-mailed to: | Scm@nemisa.co.za |
| e-mail address to send queries to: | Scm@nemisa.co.za |

CLOSING AND VALIDITY DETAILS

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| Closing date of quote: | Thursday, 11 February 2021 |
| Closing time of quote: | 11:00 am (The official Telkom time, which can be observed by dialing 1026 from any phone, will be used to verify the exact closing time.) |
| Alternatively, Quotes can be sent by e-Mail to: | Scm@nemisa.co.za |
| All quotes must be valid for acceptance for: | 60 days |

NO FAXED QUOTES WILL BE CONSIDERED

NOTE: Quotes received after the closing date and time will not be considered.

RETURNABLE DOCUMENTS

All the under-mentioned documents in this pack must be completed in detail and returned as part of your submission by the closing date and time. Failure to submit the information listed below will result in the quotation being non-responsive.

- 1 Invitation for Written Quotation
- 2 Pricing Schedule
- 3 Declaration of Interest
- 4 Declaration of Bidder's Past Supply Chain Management Practices
- 5 Certificate of Independent Bid Determination
- 6 Valid BBEE Certificate
- 7 Valid Tax Clearance
- 8 Preferential Procurement Claim Form in terms of the Preferential Procurement Regulation, 2017
- 9 It is a requirement that all suppliers/ services providers to NEMISA shall be registered on the National Treasury Central Supplier Database (CSD). Respondents are therefore required to be registered as a supplier on the CSD when submitting a quote. For registration, the CSD website can be accessed on the following link: <http://ocpo.treasury.gov.za/Pages/default.aspx>

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Respondents must submit proof of their registration on the CSD, or if not yet registered, provide proof of their application to be registered, with their quote.

GENERAL INSTRUCTIONS

This Request for Quote is subject to the General Conditions of Contract (GCC) that the provider accepts, when submitting a quote. The GCC is available from the Treasury website and can be accessed by clicking on the following link:

<http://www.treasury.gov.za/divisions/ocpo/sc/GeneralConditions/General%20Conditions%20of%20Contract.pdf>

EVALUATION PROCESS

This quote will be evaluated based on responsiveness to the requirements listed here under, specification compliance price and B-BBEE.

- Quote delivered before the closing time
- All returnable documents submitted
- Valid BBBEE Certificate
- Valid Tax Clearance Certificate
- Any other requirement as listed under Special Requirements below

DETAILED SPECIFICATIONS/ REQUIREMENTS LIST

Quotes will only be considered from suppliers who can quote for all the items required. Quotes for only one or a selected group of items will not be considered.

200 x NEMISA Branded BLUETOOTH NOISE-CANCELLING HEADPHONES

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SWISS COUGAR NEW YORK BLUETOOTH NOISE-CANCELLING HEADPHONE

- **case:** 16.5 (l) x 20 (w) x 5 (h)EVA
- **headphones folded:** 16 (l) x 12 (w) x 2.5 (h)ABS
- supports playback from smartphones, tablets or most other Bluetooth compatible audio devices
- folding headband with deluxe padded on-ear headphones
- non-integrated 1m audio input cable included
- internal, rechargeable lithium ion battery
- recharges via USB cable (included)
- airplane stereo adapter
- built-in microphone supports call pick-up
- includes printed gift box
- noise cancelling"

- All invoices shall comply with Section 20 of the VAT Act No 89 of 1991.

INVOICING INSTRUCTIONS

- All enquiries should be addressed to name on telephone number at e-mail address should you be the successful supplier.

INVITATION FOR WRITTEN QUOTATION
THIS FORM SHOULD BE COMPLETED IN DETAIL

| | | |
|--|---------------------------------|--|
| SUPPLY AND DELIVERY OF 200 Nemisa Branded Blue tooth Noise cancelling headphones. | COMPANY NAME: | |
| | CONTACT PERSON: | |
| | ADDRESS: | |
| | TEL NO: | |
| | FAX NO: | |
| | EMAIL ADDRESS: | |
| | VAT REGISTRATION NUMBER: | |



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|---|---|
| <p>The General Conditions of Contract will guide this procurement and is available on the National Treasury website at http://www.treasury.gov.za/divisions/ocpo/sc/GeneralConditions/General%20Conditions%20of%20Contract.pdf Noted?</p> | <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> |
| <p>As soon as it becomes known to the appointed provider that he/she will not be able to deliver the goods within the delivery period and/or against the quoted price and/ or as specified, NEMISA must be given immediate written notice to this effect. NEMISA reserves the right to implement remedies as provided for in the GCC which may include cancellation. Accepted?</p> | <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> |

| | |
|--|---------------|
| <p>IS THE PRICE FIRM (FIRM PRICES PREFERRED)?</p> | |
| <p>TOTAL PRICE INCLUDING VAT (BROUGHT FROM PRICING SCHEDULE</p> | <p>R.....</p> |
| <p>REMARKS (IF ANY)</p> | |

| | |
|--|--|
| <p>NAME OF SIGNATORY:</p> | |
| <p>SIGNATURE OF RESPONDENT: (confirming all information to be true and correct)</p> | |
| <p>NAME OF WITNESS:</p> | |
| <p>SIGNATURE OF WITNESS:</p> | |
| <p>DATE:</p> | |

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PRICING SCHEDULE – FIRM PRICES

NAME OF RESPONDENT: _____

NOTE:

1: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED

| Item No. | Description | Quantity | Unit Price Rand (Excl. VAT) | Total Price Rand (Excl. VAT) |
|----------------------------------|---|----------|-----------------------------|------------------------------|
| 1. | Nemisa Branded Blue tooth Noise cancelling headphones | 200 | | |
| 2. | | | | |
| 3. | | | | |
| 4. | | | | |
| 5. | | | | |
| SUB-TOTAL | | | | |
| VAT | | | | |
| TOTAL COST (VAT INCLUDED) | | | | |

NOTE: The quantities indicated above are not fixed. NEMISA reserves the right to change the quantity per item listed above in its sole discretion during the validity period. NEMISA reserves the right not to make an award, or to award all the items to one supplier/ service provider or to make awards to different suppliers/ service providers for the same or different items.

| TO BE COMPLETED BY THE PROVIDER | | | |
|---|---|--|----|
| | TICK WHICHEVER IS APPLICABLE FOR YES/NO ANSWERS | | |
| Does the offer comply with the specification(s)? | YES | | NO |
| IF NOT TO SPECIFICATION, STATE DEVIATION IN HERE OR SUPPLY ADDITIONAL PAGE DETAILING DEVIATION: | | | |
| Indicate period required for delivery after initial order | | | |
| Is the delivery period firm? | YES | | NO |
| Delivery basis (Ex stock, Ex-factory, etc) | | | |

Note: All delivery costs must be included in the bid price for delivery at the prescribed destination.



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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 a price bid, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the State, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/ adjudicating authority where –
 - 1.1. The bidder is employed by the State; and/or
 - 1.2. The bidder is a Management Board member of NEMISA and/or
 - 1.3. The legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

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, shareholder, etc²):
 - 2.4. Company Registration Number:
 - 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
 - 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:

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;
- (e) Parliament.

² “Shareholder” means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise

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2.7.2. 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.)

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

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2.8. Did you or your spouse, or any of the company's directors/shareholders/members or their spouses conduct business with the State in the previous twelve (12) months? YES / NO

2.8.1. If so, furnish the following particulars.

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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 the following particulars.

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2.10. Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between the 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 the following particulars.

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

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2.11.1. If so, furnish the following particulars.

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Full details of directors/ trustees/ members/ shareholders.

| Full Name | Identity Number | Personal Tax Reference No | State Employee Number/ Persal Number |
|-----------|-----------------|---------------------------|--------------------------------------|
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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 IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

Signature Date

Position Name of bidder

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DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This declaration will be used by institutions to ensure that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 2 The bid of any bidder may be disregarded if that bidder, or any of its directors have:
 - a. abused the NEMISA'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.
- 3 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

| Item | Question | Yes | No |
|-------|--|---------------------------------|--------------------------------|
| 3.1 | 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 <input type="checkbox"/> | No <input type="checkbox"/> |
| 3.1.1 | If so, furnish particulars: | | |
| 3.2 | 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)? To access the 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 <input type="checkbox"/> | No <input type="checkbox"/> |
| 3.2.1 | If so, furnish particulars: | | |
| 3.3 | Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 3.3.1 | If so, furnish particulars: | | |
| 3.4 | Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 3.4.1 | If so, furnish particulars: | | |

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME)
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder



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CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

NEMISA/2020/ BLUETOOTH NOISE-CANCELLING HEADPHONES - Hackathon /REQ 6670 (Quotation Number and Description)

in response to the invitation for the bid made by:

NEMISA

(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 Respondent)

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:
 - has been requested to submit a bid in response to this bid invitation;
 - could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - 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:
 - prices;
 - geographical area where product or service will be rendered (market allocation)
 - methods, factors or formulas used to calculate prices;
 - the intention or decision to submit or not to submit, a bid;
 - the submission of a bid which does not meet the specifications and conditions of the bid;
 - or
 - bidding with the intention not to win the bid.

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.



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- 8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.

- 9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

- 10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....
Signature

.....
Date

.....
Position

.....
Name of Respondent

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

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to all bids:
 - the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
 - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).
- 1.2 The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable;
- 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:

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

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 6.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.)

7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

| | | | |
|-----|--------------------------|----|--------------------------|
| YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|

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 QS

(Tick applicable box)

| | | | |
|-----|--------------------------|----|--------------------------|
| YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of the Preferential Procurement Regulations,2017:

| Designated Group: An EME or QSE which is at last 51% owned by: | EME √ | QSE √ |
|---|----------|----------|
| Black people | | |
| Black people who are youth | | |
| Black people who are women | | |
| Black people with disabilities | | |
| Black people living in rural or underdeveloped areas or townships | | |
| Cooperative owned by black people | | |
| Black people who are military veterans | | |
| OR | | |
| Any EME | | |
| Any QSE | | |

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:

8.2 VAT registration number:

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8.3 Company registration number:

8.4 TYPE OF COMPANY/ FIRM

(Tick applicable box)

- Partnership/ Joint Venture/ Consortium
- One person business/ sole propriety
- Close corporation
- Company
- (Pty) Limited

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

8.6 COMPANY CLASSIFICATION

(Tick applicable box)

- 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-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

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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.

| | |
|--|--|
| <p>WITNESSES</p> <p>1.</p> <p>2.</p> | <p>..... SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE:</p> <p>ADDRESS:</p> <p>.....</p> <p>.....</p> |
|--|--|

Approved by Procurement Manager: Sithembele Baraza