



Request for Expression of Interest (REOI)

EOI Number: HER 01/2022-2023

DESCRIPTION:

Studies on the South African archival and digitization landscape: The technical, training, legal and policy environments

REOI CLOSING DATE: 22 August 2022

Robben Island Museum

And

Agence Française de Développement



AFD RIM INA DIGITISATION PROJECT: Unboxing Mayibuye

CONSULTING SERVICES

Request for Expressions of Interest

1. PURPOSE

The purpose of this project is to provide a comprehensive Report to the Robben Island Museum (RIM) on the South African archival landscape. The Report will focus on technology in digitization, training in the archival and digitization sector and the legislative environment relating to the digitization of South African archival heritage.

A brief overview of digitization and related technology and training within archives in neighbouring countries is also required.

The commissioned Report will inform the '*Unboxing Mayibuye: Access to Digital Heritage.*' planning process, scheduled for mid-January 2023.

2. BACKGROUND

In 2019, the Robben Island Museum (RIM) requested support from the Agence Française de Développement (AFD) for the digitisation of its collections. AFD approached the Institut National de l'Audiovisuel (INA) to provide technical support to RIM. Thus, the cooperative tripartite project was initiated and later named '*Unboxing Mayibuye: Access to Digital Heritage.*' The project aims to support RIM, through training and advisory actions, in the digitisation, management and use of its collections.

The '*Unboxing Mayibuye: Access to Digital Heritage*' Project will establish a framework for integrating digitization work into archival practice. It will also demonstrate the value of digitization of archive collections - for preservation and for reaching and engaging publics through innovative use of the material on digital platforms that enhance the Robben Island Museum narrative and visitor experience.

The project will significantly enhance access to the UWC RIM Mayibuye Archives' collections. The preservation and digitisation of selected iconic collections will conserve these heritage resources for future generations and our focus on public access intends to communicate the significance of the South African liberation struggle, within South Africa and beyond.

3. PROBLEM STATEMENT

In order for RIM and its French training partner INA to plan appropriately for the training and support actions to be implemented in year 2 and 3 of the Unboxing Mayibuye Project, a comprehensive overview of the current technical, training, legal and policy environments within the South African archival and digitisation landscape, is required.

The single comprehensive Report is conceptualised to address this requirement.

4. SCOPE OF WORK

RIM seeks to appoint an experienced service provider, with a minimum of 3 years of experience, to provide a Report in respect of the following:

- a) South Africa's technical and digitization training capacities, and
- b) South African archival and digitization domain policy and legal landscape.
- c) A brief overview of the status of digitization and related technology and training in neighbouring countries.

The scope of the Report and related studies is set out below:

4.1 Brief overview of the Southern African Context Section

Objectives

Inform and strengthen Phase Two of the *'Unboxing Mayibuye: Access to Digital Heritage'* Project by providing a summary of the status of digitization and related technology and training within archives in neighbouring countries.

Deliverables

The overview should:

- Provide a short overview of the state of digitization in Southern African archives
- Identify opportunities for synergies and collaboration

The company will be expected to provide the above-mentioned deliverables to RIM as part of a of a comprehensive report.

4.2 Technical Environment Study

Objectives

Inform and strengthen Phase Two of the *'Unboxing Mayibuye: Access to Digital Heritage'* Project by providing an overview of the current technical environment in South Africa – with specific reference to digitization and access in the archival and heritage sector. This should include the following amongst other things:

- heritage institution's digitization programs and initiatives
- appropriate technologies (including hardware and software)
- existing technical knowledge and skills
- service providers
- research & innovation initiatives in the digital archive terrain

Deliverables

The study should:

- Identify relevant technical stakeholders in the archiving and heritage fields (preservation, digitization of heritage collections, management of digital collections, access to digital collections etc.)
- Identify and assess fields of activities and services
- Identify and assess specific technologies employed
- Identify and assess current practices and innovations

- Provide short cases studies which exemplify the technical landscape and specific practice in, for example, preservation, digitization of heritage collections, management of digital collections and public access to collections.

The company will be expected to provide the above-mentioned deliverables to RIM as part of a comprehensive report.

4.3 Training Environment Study

Objectives

Inform and strengthen Phase Two of the *'Unboxing Mayibuye: Access to Digital Heritage'* Project by providing an overview of the current training environment in South Africa in the Archives domain (higher education and professional training offers) - to enhance RIM's' knowledge about training opportunities.

Deliverables

The study should:

- Identify relevant South African training institutions (universities, schools, professional training centers, service providers) in the fields of archiving, digitization and general heritage fields and other relevant stakeholders.
- Include a list of training offers, their training field, curriculum outline (where possible)
- Identify experts and potential trainers and teachers, particularly in the field of digitization and digital archiving

The company will be expected to provide the above-mentioned deliverables to RIM as part of a comprehensive report.

4.4 Legal and Policy Environment Study

Objectives

Inform and strengthen Phase Two of the *'Unboxing Mayibuye: Access to Digital Heritage'* Project by providing an overview of the current legal and policy environment in South Africa in the digitization, archives, and heritage domain including:

- legal framework
- intellectual property
- copyright
- archive management
- digitization and digital archive policies

Deliverables

The study should:

- Identify relevant South African legal experts
- Provide an overview of South African legal framework for archives
- Identify implications for archive management
 - Research current legal practices in other heritage institutions
 - Research current policy development and application in South African archives
- Provide recommendations for archives management and digital archives and digitization policy

The company will be expected to provide the above-mentioned deliverables to RIM as part of a comprehensive report.

5. OUTPUT: FINAL DOCUMENT (REPORT) REQUIREMENTS

Provide a Report on the South African archival and digitisation landscape, including:

- Technical Environment Study
- Training Environment Study
- Legal and Policy Environment Study
- Brief overview of the Southern African Context Section

6. SELECTION OF PREQUALIFIED RESPONDENTS

- 6.1. The purpose of this REOI is to establish a shortlist of not more than six (6) Prequalified Respondents for the subsequent Request for Proposal and to invite technical and financial proposals from these Respondents. Respondents must clearly indicate expertise and knowledge of the scope of work within the specified field of research
- 6.2. Respondents must indicate their availability to complete the Studies by 9 January 2023.
- 6.3. Information submitted by respondents will be assessed for completeness and responsiveness. RIM shall reject any information that does not respond directly to the requirements of this REOI document.
- 6.4. Submissions that do not submit a Statement or Declaration (as applicable) will be considered incomplete and rejected.
- 6.5. Only Respondents who demonstrate capability and experience by providing at least (1) reference for at least two of the criteria below will be considered for shortlisting. Refer Appendix A2. The references can include work conducted by the company and or by the freelance personnel and or sub-contracted staff who would work on the project.s.
- 6.6. Companies are required to provide a list of available personel structure in Appendix 3.
- 6.7. Among these, RIM will shortlist a maximum of six (6) service providers, to whom the Request for Proposals to carry out the services shall be sent.
- 6.8. Disqualified Respondents will be informed by email.

Technical Criteria	Scoring
<p>Criterion 1: Respondent's relevant experience in similar assignments in the field of:</p> <ul style="list-style-type: none"> ○ Research and analysis on the technical context within the South African archival domain - with a focus on digitisation. <p>Please refer to Table in Appendix 2 of this document for the format in which the required information must be provided.</p>	35
<p>Criterion 2: Respondent's relevant experience in similar assignments in the field of:</p> <ul style="list-style-type: none"> ○ Research and analysis of the policy and legislative framework within the South African archival domain. <p>Please refer to Table in Appendix 2 of this document for the format in which the required information must be provided.</p>	40
<p>Criterion 3: Respondent's relevant experience in similar assignments in the field of:</p> <ul style="list-style-type: none"> ○ Research and analysis on the training context within the South African archival domain - with a focus on digitisation. <p>Please refer to Table in Appendix 2 of this document for the format in which the required information must be provided.</p>	25
<p><u>Overall Technical Score available</u></p>	100

7. RESPONSE FORMAT

Respondents must submit the Information specified below :

- 7.1. **The cover page:** must clearly indicate the REOI reference number, REOI description and the company's name including any potential JV members and Sub-Consultants as well as contact details for an authorized representative of the Respondent).
- 7.2. **Presentation of company** : a maximum 10 pages, including the experience of the respondent and associated partners (if applicable) plus a list of project references covering the last five (5) years and related to the envisaged services. APPENDIX 3: List of Available Personnel Structure.
- 7.3. **Statements and Declarations** : A Power of Attorney authorizing the representative of the Respondent to submit the Information on behalf of the Respondent. If the Respondent is a Joint Venture, the Power of Attorney shall be provided by the Lead Consultant nominated in the JV agreement or in the declarations of association, and a Power of Attorney by all JV members / associated partners authorizing the representative of the Lead Consultant shall be provided. In case of a JV / association – a Declaration of Association clearly indicating the intended contractual arrangement with other firms or individual consultants and nominating the lead Consultant and including letters of intent of participating firms.
- 7.4. A signed version of the **Statement of Integrity, Eligibility, Environmental, and Social Responsibility** (see Appendix 1).
- 7.5. **List of project references** presented in the Format provided in Appendix 2 covering the last five (5) years only and strictly related to the envisaged services.
- 7.6. Submission of Appendix 3 - **List of Available Personnel**

The preparation and the submission of the Information is the responsibility of the Respondent and no relief or consideration shall be given for errors and omissions. Information not providing the necessary content above shall be deemed incomplete and rejected.

8. REQUEST FOR PROPOSALS

- 8.1. The subsequent RFP will be conducted on RIM's standard terms and conditions in compliance with the applicable AFD Guidelines.

9. SUBMISSION OF INFORMATION

- 9.1. REOI responses must be submitted in electronic format and must be e-mailed to the dedicated e-mail address as provided below in generally acceptable / standard electronic file format/s (i.e. Microsoft suite of products or pdf).
 - Quotations@robben-island.org.za
- 9.2. The closing date for the submission of REOI is **22 August 2022** not later than **16:00 PM**.
- 9.3. No late REOI will be considered.

10. ENQUIRIES:

Interested Applicants may obtain further information from **Ms. N. Mphoswa** at the address below during office hours:

Nasiphim@robben-island.org.za

(021) 413 4270

APPENDIX ONE: STATEMENT OF INTEGRITY, ELIGIBILITY AND ENVIRONMENTAL AND SOCIAL RESPONSIBILITY

Appendix to The Request for Expressions of Interest (To be submitted with the application, signed and unaltered)

Statement of Integrity, Eligibility and Environmental and Social Responsibility

Reference of the bid or proposal to conduct studies on the South African Archival and Digitization Landscape, **Specifically on the Technical, Training, Legal and Policy Environment** (the "**Contract**")

To: Robben Island Museum(the "**Contracting Authority**")

1. We recognise and accept that *Agence Française de Développement* ("**AFD**") only finances projects of the Contracting Authority subject to its own conditions which are set out in the Financing Agreement which benefits directly or indirectly to the Contracting Authority. As a matter of consequence, no legal relationship exists between AFD and our company, our joint venture or our suppliers, contractors, subcontractors, consultants or subconsultants. The Contracting Authority retains exclusive responsibility for the preparation and implementation of the procurement process and performance of the contract. The Contracting Authority means the Purchaser, the Employer, the Client, as the case may be, for the procurement of goods, works, plants, consulting services or non-consulting services.
2. We hereby certify that neither we nor any other member of our joint venture or any of our suppliers, contractors, subcontractors, consultants or subconsultants are in any of the following situations:
 - 2.1 Being bankrupt, wound up or ceasing our activities, having our activities administered by the courts, having entered into receivership, reorganisation or being in any analogous situation arising from any similar procedure;
 - 2.2 Having been:
 - a) convicted, within the past five years by a court decision, which has the force of *res judicata* in the country where the Contract is implemented, of fraud, corruption or of any other offense committed during a procurement process or performance of a contract (in the event of such conviction, you may attach to this Statement of Integrity supporting information showing that this conviction is not relevant in the context of this Contract);
 - b) subject to an administrative sanction within the past five years by the European Union or by the competent authorities of the country where we are constituted, for fraud, corruption or for any other offense committed during a procurement process or performance of a contract (in the event of such sanction, you may attach to this Statement of Integrity supporting information showing that this sanction is not relevant in the context of this Contract);
 - c) convicted, within the past five years by a court decision, which has the force of *res judicata*, of fraud, corruption or of any other offense committed during the procurement process or performance of an AFD-financed contract;
 - 2.3 Being listed for financial sanctions by the United Nations, the European Union and/or France for the purposes of fight-against-terrorist financing or threat to international peace and security;
 - 2.4 Having been subject within the past five years to a contract termination fully settled against us for significant or persistent failure to comply with our contractual obligations during contract performance, unless this termination was challenged and dispute resolution is still pending or has not confirmed a full settlement against us;
 - 2.5 Not having fulfilled our fiscal obligations regarding payments of taxes in accordance with the legal provisions of either the country where we are constituted or the Contracting Authority's country;

- 2.6 Being subject to an exclusion decision of the World Bank and being listed on the website <http://www.worldbank.org/debarr> (in the event of such exclusion, you may attach to this Statement of Integrity supporting information showing that this exclusion is not relevant in the context of this Contract);
- 2.7 Having created false documents or committed misrepresentation in documentation requested by the Contracting Authority as part of the procurement process of this Contract.
3. We hereby certify that neither we, nor any of the members of our joint venture or any of our suppliers, contractors, subcontractors, consultants or subconsultants are in any of the following situations of conflict of interest:
 - 3.1 Being an affiliate controlled by the Contracting Authority or a shareholder controlling the Contracting Authority, unless the stemming conflict of interest has been brought to the attention of AFD and resolved to its satisfaction;
 - 3.2 Having a business or family relationship with a Contracting Authority's staff involved in the procurement process or the supervision of the resulting Contract, unless the stemming conflict of interest has been brought to the attention of AFD and resolved to its satisfaction;
 - 3.3 Being controlled by or controlling another bidder or consultant, or being under common control with another bidder or consultant, or receiving from or granting subsidies directly or indirectly to another bidder or consultant, having the same legal representative as another bidder or consultant, maintaining direct or indirect contacts with another bidder or consultant which allows us to have or give access to information contained in the respective applications, bids or proposals, influencing them or influencing decisions of the Contracting Authority;
 - 3.4 Being engaged in a consulting services activity, which, by its nature, may be in conflict with the assignments that we would carry out for the Contracting Authority;
 - 3.5 In the case of procurement of goods, works or plants:
 - a) Having prepared or having been associated with a consultant who prepared specifications, drawings, calculations and other documentation to be used in the procurement process of this Contract;
 - b) Having been recruited (or being proposed to be recruited) ourselves or any of our affiliates, to carry out works supervision or inspection for this Contract.
4. If we are a state-owned entity, and to compete in a procurement process, we certify that we have legal and financial autonomy and that we operate under commercial laws and regulations.
5. We undertake to bring to the attention of the Contracting Authority, which will inform AFD, any change in situation with regard to points 2 to 4 here above.
6. In the context of the procurement process and performance of the corresponding contract:
 - 6.1 We have not and we will not engage in any dishonest conduct (act or omission) deliberately intended to deceive others, to intentionally conceal items, to violate or vitiate someone's consent, to make them circumvent legal or regulatory requirements and/or to violate their internal rules in order to obtain illegitimate profit;
 - 6.2 We have not and we will not engage in any dishonest conduct (act or omission) contrary to our legal or regulatory obligations or our internal rules in order to obtain illegitimate profit;
 - 6.3 We have not promised, offered or given and we will not promise, offer or give, directly or indirectly to (i) any Person who holds a legislative, executive, administrative or judicial mandate within the State of the Contracting Authority regardless of whether that Person was nominated or elected, regardless of the permanent or temporary, paid or unpaid nature of the position and regardless of the hierarchical level the Person occupies, (ii) any other Person who performs a public function, including for a State institution or a State-owned company, or who provides a public service, or (iii) any other person defined as a Public Officer by the national laws of the Contracting Authority's country, an undue advantage of

- any kind, for himself or for another Person or entity, for such Public Officer to act or refrain from acting in his official capacity;
- 6.4 We have not promised, offered or given and we will not promise, offer or give, directly or indirectly to any Person who occupies an executive position in a private sector entity or works for such an entity, regardless of the nature of his/her capacity, any undue advantage of any kind, for himself or another Person or entity for such Person to perform or refrain from performing any act in breach of its legal, contractual or professional obligations;
- 6.5 We have not and we will not engage in any practice likely to influence the contract award process to the detriment of the Contracting Authority and, in particular, in any anti-competitive practice having for object or for effect to prevent, restrict or distort competition, namely by limiting access to the market or the free exercise of competition by other undertakings;
- 6.6 Neither we nor any of the members of our joint venture or any of our suppliers, contractors, subcontractors, consultants or subconsultants shall acquire or supply any equipment nor operate in any sectors under an embargo of the United Nations, the European Union or France;
- 6.7 We commit ourselves to comply with and ensure that all of our suppliers, contractors, subcontractors, consultants or subconsultants comply with international environmental and labour standards, consistent with laws and regulations applicable in the country of implementation of the Contract, including the fundamental conventions of the International Labour Organisation (ILO) and international environmental treaties. Moreover, we shall implement environmental and social risks mitigation measures when specified in the environmental and social commitment plan (ESCP) provided by the Contracting Authority.
7. We, as well as members of our joint venture and our suppliers, contractors, subcontractors, consultants or subconsultants authorise AFD to inspect accounts, records and other documents relating to the procurement process and performance of the contract and to have them audited by auditors appointed by AFD.

Name: _____ In the capacity of: _____

Duly empowered to sign in the name and on behalf of¹: _____

Signature: _____

Dated: _____

¹ In case of joint venture, insert the name of the joint venture. The person who will sign the application, bid or proposal on behalf of the applicant, bidder or consultant shall attach a power of attorney from the applicant, bidder or consultant.

APPENDIX 2: Reference Project format

Ref no : 1	Project title						
Name of legal entity (declaring consultant)	Project Country	Overall project value (ZAR)*	Proportion carried out by the legal entity (%)*	Name of client	Industry / Sector in which client operates	Project Dates (start and end)	Name of JV members, if any
...
Detailed description of project (background, objectives and main activities)						Services provided by the legal entity for the project	
Describe the project background, objectives and main activities rendered hereunder:						Name of Client: Address of Client: Contact Person: Telephone number: Email-Address:	

Ref no : 2	Project title						
Name of legal entity (declaring consultant)	Project Country	Overall project value (ZAR)*	Proportion carried out by the legal entity (%)*	Name of client	Industry / Sector in which client operates	Project Dates (start and end)	Name of JV members, if any
...
Detailed description of project (background, objectives and main activities)						Services provided by the legal entity for the project	
Describe the project background, objectives and main activities rendered hereunder :						Name of Client: Address of Client: Contact Person: Telephone number: Email-Address:	

Ref no : 3	Project title						
Name of legal entity (declaring consultant)	Project Country	Overall project value (ZAR)*	Proportion carried out by the legal entity (%)*	Name of client	Industry / Sector in which client operates	Project Dates (start and end)	Name of JV members, if any
...
Detailed description of project (background, objectives and main activities)						Services provided by the legal entity for the project	
Describe the project background, objectives and main activities rendered hereunder:						Name of Client: Address of Client: Contact Person: Telephone number: Email-Address:	

Ref no : 4	Project title						
Name of legal entity (declaring consultant)	Project Country	Overall project value (ZAR)*	Proportion carried out by the legal entity (%)*	Name of client	Industry / Sector in which client operates	Project Dates (start and end)	Name of JV members, if any
...
Detailed description of project (background, objectives and main activities)						Services provided by the legal entity for the project	
Describe the project background, objectives and main activities rendered hereunder :						Name of Client: Address of Client: Contact Person: Telephone number: Email-Address:	

Ref no : 5	Project title						
Name of legal entity (declaring consultant)	Project Country	Overall project value (ZAR)*	Proportion carried out by the legal entity (%)*	Name of client	Industry / Sector in which client operates	Project Dates (start and end)	Name of JV members, if any
...
Detailed description of project (background, objectives and main activities)						Services provided by the legal entity for the project	
Describe the project background, objectives and main activities rendered hereunder :						Name of Client: Address of Client: Contact Person: Telephone number: Email-Address:	

Further Instructions to Reference Project template:

- * If the overall project value refers to overall project cost inclusive of Consulting services please indicate the consulting fee separately. The portion carried out by the legal entity refers to that figure. In case the project cost is not denominated in ZAR, the relevant figures shall be converted into ZAR.

APPENDIX 3: List of Available Personnel Structure

1. Access to Expertise Required for the Assignment

Complete the list below to demonstrate the extent to which you have access (internally / externally) to expertise required for this assignment. Include home-office project management / administration and back-stopping personnel. Include freelance personnel and sub-consultant staff, if applicable. Do not attach CVs as no detailed evaluation of candidates for the project team shall be carried out at this REOI stage. The Respondent shall demonstrate the depth of their own capacity by naming potential candidates for the project team. The focus is on access and availability to project relevant in-house expertise. While it is understood that prequalified Respondents are not required to include staff named below into the proposal during the RFP process, it is expected that the level of in-house expertise in the proposal is consistent with the level demonstrated in this REOI.

Name	Years of Professional Experience in similar projects	Relationship with the Respondent*	Country/Regional Experience	Relevant Project References (Description of project-related experience)	Project Cost

*For freelance experts (e.g. with retainer contracts or formal agreements) indicate “FE” and how long the expert has been associated with the Respondent. For sub-consultant staff indicate “Sub”. Staff from affiliated firms of the Respondent shall be considered as sub-consultant staff. If no acronym is indicated, it is assumed that the staff is permanently employed by the Respondent.

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state? **YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

2.2 Do you, or any person connected with the bidder, have a relationship

¹ the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....
.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

I, _____ the _____ undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 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 consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 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.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring

² 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.

institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

- 3.6 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.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature	Date
.....
Position	Name of bidder

**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 not to 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	
B-BBEE STATUS LEVEL OF CONTRIBUTOR	
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:

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) & \mathbf{or} & P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)
 \end{array}$$

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 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:

- What percentage of the contract will be subcontracted.....%
- The name of the sub-contractor.....
- The B-BBEE status level of the sub-contractor.....
- Whether the sub-contractor is an EME or QSE

(Tick applicable box)

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

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

Designated Group: An EME or QSE which is at last 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		

Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name _____ of
company/firm:.....

8.2 VAT _____ registration
number:.....

8.3 Company _____ registration
number:.....

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

8.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

8.7 Total number of years the company/firm has been in
business:.....

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the
company/firm, certify that the points claimed, based on the B-BBE status level of
contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies
the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as
indicated in paragraph 1 of this form;

- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

WITNESSES
1.
2.

..... SIGNATURE(S) OF BIDDERS(S)
DATE:
ADDRESS
.....
.....