

## RE-ISSUE: REQUEST FOR QUOTATIONS: THE APPOINTMENT OF ONE SERVICE PROVIDER FOR AN OUTRIGHT PURCHASE AND SUPPLY OF WATERCOOLERS FOR THE CBE FOR A PERIOD OF 36 MONTHS.

### Pre-qualification Criteria:

Bidders will be required to meet the following pre-qualification criteria. Failure to meet these requirements will result in the disqualification of your quotation.

- a) ***Potential service providers must be registered on the National Treasury Central Supplier Database (CSD). The CSD registration report must be submitted. This proposal will not be awarded to any bidder who is not registered on the CSD, whose tax matters are not in order and is a restricted supplier.***

***\*\* The CBE reserves the right to verify the authenticity of the information submitted. The results of the verification will take precedence.***

**A due diligence process** will be conducted in respect of all short-listed bidders who meet the specification requirements, to determine the capability and ability of the bidders to execute this contract.

The CBE reserves the right to utilise any **one or more** of the below due diligence methods:

- Presentation by bidders with pre-determined questions being posed by the CBE. A set of pre-determined questions based on the submitted proposal will be posed. This will be evaluated based on a grading scheme of either consistent or not consistent with the proposal. Should more than 20% of the responses not be consistent to the bidder's proposal their proposal will be disregarded.
- An investigation by the CBE of the bidder's previous contracts carried out, availability of skills or knowledge, existing workload

Confirmation of the authenticity and content of the reference letters submitted (bidders must provide a minimum of **two** signed reference letters of the same work undertaken even if this method is not selected for due diligence). ***Purchase orders and Appointment letters*** will also be accepted, subject to the CBE verifying the authenticity of the information submitted.

Should CBE select the method of confirming reference letters, PO's or Appointment letters, and there is no Reference letters /PO's or Appointment letters received with the bidder's quotation, your quotation will be disqualified and not move further on the evaluation process.

Should negative feedback be obtained from the aforementioned, that will render the bidder unsuitable to execute the assignment, their Quotations will be disregarded at this point, and they will not proceed for further evaluation.

It must be noted that if a bidder has previously undertaken work for the CBE to which a positive report is on record, such report may be used for the purpose of due diligence in the event that the selected method(s) above is/are unsuccessful.

Should the bidder meet the requirements of due diligence, their proposal will proceed to Phase 2.

## **Phase 2: Calculation of points**

Please note that the 80/20 preference point system will be used where:

80 points are allocated for price and 20 points are allocated for the service provider's B- BBEE Level of Contribution.

An original or originally certified copy (it must be fresh ink and not a copy) of a correct and valid B-BBEE certificate (only SANAS accredited certificates will be accepted) OR valid original affidavit (whichever is applicable) must be submitted to confirm your B-BBEE Level. Failure to submit a B-BBEE certificate or sworn affidavit will result in the forfeiture of points. Failure to submit a correct and valid certificate or affidavit will result in the forfeiture of B-BBEE points. Only points for price will be allocated. Any enquiries in respect of B-BBEE Status Level Verification Certificates may be directed to the B-BBEE Commission at 012-649 0918. Bidders must note that affidavits must adhere to the requirements set out in The Broad Based Black Economic Empowerment Practice Guide 1 of 2018, Determining the validity of a Broad-based Black Economic Empowerment verification certificate, B-BBEE certificate and affidavit, paragraph 17. (Please ensure that your affidavit complies with the requirements set out under this paragraph. If one or more requirements are not met, it will render the affidavit invalid).

**Special note: Bidders must please ensure that affidavits indicate the title of the deponent i.e. director or member or owner (please circle/underline the relevant title applicable to you); and the full financial year must be stated i.e. date, month and year (not only the calendar year). Your empowering supplier status must also be indicated.**

During phase 2, points for price will be calculated for all shortlisted service providers in accordance with the following formula:

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

Where:

Ps = Points scored for price of bid under consideration  
Pt = Rand value of bid under consideration  
Pmin = Rand value of lowest acceptable bid

The final points will be calculated as follows:

Points for price:	80 points
B-BBEE Status Level of Contribution:	<u>20 points</u>
Final points:	<u>100 points</u>

**A recommendation for award will then be formulated for approval by the relevant delegated authority.**

In accordance with section 2(1)(f) of the Preferential Procurement Policy Framework Act, 2000, the CBE reserves the right to apply the following objective criteria, based on current case law, in determining the final outcome of the award irrespective of which bidder scores the highest final points:

- (1) the rotation of contracts amongst suppliers; following two (2) awards by the CBE to the same supplier within a period of 12 months
- (2) protection of the environment

(3) the receipt of an abnormally low or high price i.e. more than 10% below the estimated price or more than 5% above the estimated price

***\*\* Special Note: The CBE reserves the right not to award two contracts that are in direct conflict with each other to the same service provider.***

### **Important Conditions**

- Protection of Personal Information All bidders agree that personal information of persons related to or linked with bidders or respondents to this request for quotations/request for quotations or tender document is/may be required to fulfil the requirements for submitting a bid. All bidders agree that the CBE may collect, keep, and process such information provided that the aforesaid uses shall be for purposes of evaluating the bid submitted. Where the information is sought to be used for other purposes, further and specific consent shall be obtained.
- Bidders shall note that any personal information that they may disclose to or share with the CBE pursuant to this request/Bid may be processed by the CBE in terms of the Protection of Personal Information Act, No.4 of 2013 and Regulations promulgated thereunder ("POPI Act"). By disclosing or sharing any personal information, the bidder is unconditionally consenting to the processing thereof by the CBE, its stakeholders or partners of such personal information for purposes related to this request/Bid. Further, the bidder declares all consents required by the POPI Act or any other law applicable in respect of all personal information disclosed has been duly and legally obtained. Thus, the bidder hereby indemnifies the CBE against any civil or criminal action, administrative fine or other penalty or loss that may arise as a result of the processing of any personal information disclosed to the CBE pursuant hereto. All Supply Chain Management compliant (required) documents must be completed in full and submitted. These include SBD 1,4 & 6.1 only.
- Bidders must submit the company registration documents (CIPC), share certificate and ID documents of all Directors.
- Any award made to a Bidder under this RFQ is conditional upon the Bidder accepting the terms and conditions contained in the General Conditions of Contract as the minimum terms and conditions upon which the CBE is prepared to enter a contract with the successful Bidder.

- The General Conditions of Contract (GCC) are to be acknowledged and returned with your Quotation.
- All parties forming a Joint Venture/Consortium for the purpose of this assignment must submit a separate CSD report for each party; and all SBD forms and GCC must be completed by each party to the Joint Venture/Consortium and submitted accordingly.
- Bidders must submit concrete proof of the existence of joint ventures and/or consortium arrangements (where applicable). The CBE will accept signed agreements as acceptable proof of the existence of a joint venture and/or consortium arrangement.
- The joint venture and/or consortium agreements must clearly set out the roles and responsibilities of the Lead Partner and the joint venture and/or consortium party. The agreement must also clearly identify the Lead Partner, who shall be given the power of attorney to bind the other party/parties in respect of matters pertaining to the joint venture and/or consortium arrangement.
- Pricing must be firm and inclusive of VAT (if VAT registered).
- The CBE reserves the right to disregard a bidders' proposal should it be found that work was previously undertaken for the entity to which poor performance was noted during the execution of such contract that subsequently led to the cancellation of said contract in the last five years. Documentary evidence of poor performance without a cancellation of the contract may also result in the disqualification of the bidders' proposal.
- Any communication between the closing date and the award of the proposal by Bidders is discouraged.
- Whilst all due care has been taken in connection with the preparation of this RFQ, the CBE makes no representations or warranties that the content of the RFQ or any information communicated to or provided to Bidders during the bidding process is, or will be, accurate, current or complete. The CBE and its employees and advisors will not be liable with respect to any information communicated which may not be accurate, current or complete.
- If a Bidder(s) finds or reasonably believes it has found any discrepancy, ambiguity, error or inconsistency in this RFQ or any other information provided by the CBE (other than minor clerical matters), the Bidder(s) must promptly notify the CBE in writing of such discrepancy, ambiguity, error or inconsistency in order to afford the CBE an opportunity to consider what corrective action is necessary (if any).
- Any actual discrepancy, ambiguity, error, or inconsistency in the RFQ or any other information provided by the CBE will, if possible, be corrected and provided to all Bidders without attribution to the Bidder(s) who provided the written notice.

- Bidders' attention is drawn to the fact that amendments to any of the Bid Conditions or setting of counter conditions by Bidders or qualifying any Bid Conditions will result in the invalidation of such proposals.
- The CBE supports the spirit of broad based black economic empowerment and recognises that real empowerment can only be achieved through individuals and businesses conducting themselves in accordance with the Constitution and in an honest, fair, equitable, transparent and legally compliant manner. Against this background the CBE\* condemns any form of fronting.
- The CBE, in ensuring that Bidders conduct themselves in an honest manner may, as part of the evaluation process, conduct or initiate the necessary enquiries/investigations to determine the accuracy of the representation made in bid documents. Should any of the fronting indicators as contained in the Guidelines on Complex Structures and Transactions and Fronting, issued by the Department of Trade and Industry, be established during such enquiry / investigation, the onus will be on the Bidder / contractor to prove that fronting does not exist. Failure to do so within a period of 14 days from date of notification may invalidate the proposal / contract and may also result in the restriction of the Bidder /contractor to conduct business with the public sector for a period not exceeding ten years, in addition to any other remedies the CBE may have against the Bidder / contractor concerned.
- A Bidder is responsible for ensuring that its personnel (including agents, officers, directors, employees, advisors, and other representatives), its sub-contractors (if any) and personnel of its sub-contractors comply with all terms and conditions of this RFQ. In the event that the CBE allows a Bidder to make use of sub-contractors, such sub-contractors will at all times remain the responsibility of the Bidder and the CBE will not under any circumstances be liable for any losses or damages incurred by or caused by such sub-contractors.
- Bidders who want to claim Preference points will have to comply fully with regulations 11(8) and 11(9) of the PPPFA Act with regard to sub-contracting.
- The following are extracts from the PPPFA Act:
- 11(8) "A person must not be awarded points for B-BBEE status level if it is indicated in the tender documents that such a tenderer intends sub- contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a tenderer qualifies for, unless the intended sub-contractor is an Exempted Micro Enterprise (EME) that has the capability and ability to execute the sub-contract."
- 11(9) "A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status

level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.”

- If a Bidder breaches the conditions of this RFQ and, as a result of that breach, the CBE incurs costs or damages (including, without limitation, the cost of any investigations, procedural impairment, repetition of all or part of the bid process and/or enforcement of intellectual property rights or confidentiality obligations), then the Bidder indemnifies and holds the CBE harmless from any and all such costs which the CBE may incur and for any damages or losses the CBE may suffer.
- It is the responsibility of prospective bidders to ensure that their bid documents are submitted before the closing date and time of the bid.
- Quotations received after the closing time and date will not be considered for evaluation.
- The CBE reserves the right not to award this contract.
- Any change of information provided in the bid document that may affect delivery by the successful bidder must be brought to CBE's attention as soon as possible. Failure to comply may result in the contract being terminated.
- The CBE will enter into a formal contract with the successful bidder.
- It must be noted that payment will be made upon satisfactory delivery of the service and receipt of an invoice.
- The invoice will be paid within 30 days of receipt thereof. No deposit and advance payments will be made.
- A shorter payment period may be agreed upon by the CBE and the successful supplier and a supplier development agreement will be signed in this regard. To be considered for the shorter payment period the service provider must meet the following requirements:  
Be at least 51% black owned.
- Be an Exempt Micro Enterprise (EME) (Turnover under R10 million) or a Qualifying Small Enterprise (QSE) (Turnover less than R50 million), subject to the specific Sector Code.
- Should the bidder present information intentionally incorrectly/fraudulently they will be disqualified.
- Quotations will be valid for a period of 30 days after the closing date of the proposal.

### **SUBMISSION OF QUOTATIONS**

- All Quotations must be emailed to [Sthembile@cbe.org.za](mailto:Sthembile@cbe.org.za) and [Afika@cbe.org.za](mailto:Afika@cbe.org.za) not later than the closing date and time. Bidders must please note that the CBE server can receive files to a maximum size limit of 150mb (inclusive of message content and

attachment). Should files exceed this size limit, bidders may either send their files in separate emails or alternatively compress the files and submit.

- BBBEE Certificates/ Sworn affidavits must be submitted physically in our bid box at 2nd Floor, Lourie Place, Hillcrest Office Park, Hillcrest Boulevard, 179 Lunnon Road, Hillcrest, Pretoria as they must be Original/ Originally certified copies. (Not later than the closing date and time).
- *Service providers who initially submitted their BBBEE certificates/sworn affidavits need NOT re-submit these documents as we already have their documents.*
- The closing date for submission of Quotations is **11 April 2023 at 11:00 AM**

No late responses will be accepted.

The CBE looks forward to your responses.