



## REQUEST FOR QUOTATION

You are hereby invited to submit quotation for the requirements of the Financial and Fiscal Commission

|  |  |                                |  |
|--|--|--------------------------------|--|
| <b>RFQ Number:</b>                                 | RFQ: 2024/30   | <b>RFQ validity period:</b>    | 60 days from closing date  |
| <b>Date Issued:</b>                                | 21 October 2024  | <b>Submission (only):</b>      | <a href="mailto:supplychain@ffc.co.za">supplychain@ffc.co.za</a>                     |
| <b>Closing date:</b>                               | 25 October 2024  | <b>Enquiries e-mail(only):</b> | <a href="mailto:Ansuyah.Maharaj-Dowra@ffc.co.za">Ansuyah.Maharaj-Dowra@ffc.co.za</a> |
| <b>Closing time:</b>                               | 11:00am  |                                |  |
| <b>Services Required:</b>                          | <b>DIGITAL LAW LIBRARY FOR A PERIOD OF THIRTY-SIX (36) MONTHS</b>                              |                                |  |
| <b>Delivery address for goods and/or services:</b> | <b>Cape Town Offices:</b><br>11th floor of 33 Heerengracht Boulevard,<br>Cape Town City Centre |                                |  |

### PROCUREMENT OF DIGITAL LAW LIBRARY.

#### TERMS AND CONDITIONS OF REQUEST FOR QUOTATION (RFQ)

1. The FFC's standard conditions of purchase shall apply.
2. Late and incomplete submissions will not be accepted.
3. Bidders are required to be tax compliant for all price quotations. It is the responsibility of the bidder to ensure that the FFC is in possession of the bidder's Central Suppliers Database Supplier number. Validation of tax status will be confirmed through the CSD.
4. No services may be rendered, or goods delivered before an official FFC Purchase Order has been issued and received.
5. The successful bidder will be expected to sign a service level agreement (SLA) soon after the Purchase Order is issued and received (where applicable).
6. This RFQ will be evaluated in terms of the 80/20 system as prescribed by the Preferential Procurement Regulations, 2022.
7. Nothing in the RFQ or in the actions of FFC officials or employees must be construed as creating any expectation, legitimate or otherwise, regarding matters dealt with in the RFQ or any other matters not raised in the RFQ.



**BIDDER DETAILS:**

|                             |  |
|-----------------------------|--|
| <b>Bidder/Company name</b>  |  |
| <b>CSD Supplier Number:</b> |  |
| <b>Contact person:</b>      |  |
| <b>Contact number:</b>      |  |

I, the undersigned (NAME)..... certify that:

- a. I have read and understood the conditions of this RFQ.
- b. I have supplied the required information and the information submitted as part of this RFQ is true and correct.

.....  
Signature    Date    Capacity

**1. PURPOSE**

Proposals are requested Digital Law library for a period of thirty-six (36) months. These Terms of Reference invite potential Service Providers that possess the necessary experience and capabilities to submit a proposal. Request for quotation documents can be downloaded from the FFC’s website: [www.ffc.co.za/](http://www.ffc.co.za/) Bid Number: **RFQ2024/30**.

**2. SCOPE OF WORK**

The service provider is requested to do the following:

A digital platform to access legislation, bills, regulations, and case law(including labor law), Government and bill tracker, business news headlines, and summaries, this includes the following:



- Access to information-ability to provide real-time updates (at least every two weeks) and easy access search facility
- Training 10 users on the digital platform
- Provide licences for the 10 users accessing the platform simultaneously
- User-friendly - word/phrase search capability and ability to download/print extracts from the platform
- Electronic law books, legislation, and commentary on the following areas:
  - Civil and criminal procedure;
  - Litigation techniques
  - Legal drafting commentaries;
  - Administrative law;
  - Constitutional law;
  - Public procurement law;
  - Anti-corruption and bribery law;
  - Corporate Law including principles of good corporate governance;
  - Legal Risk and Compliance;
  - Commercial and business law;
  - Data Protection and Privacy;
  - Commentary on the Protection and of Personal Information Act;
  - Intellectual Property Law;
  - Employment and Labour Law; and
  - Commentary on employee relations

### **3. DURATION OF SERVICE**

The digital library law contract will be awarded to the highest scoring bidder in terms of price and specific goals and will be for thirty-six (36) months from the date of appointment.

### **4. EVALUATION CRITERIA**

The evaluation of this tender will be done in two stages namely:

Stage 1: Administrative Requirements

Stage 2: Mandatory Requirements

Stage 3: Functionality Evaluation

Stage 4: Bidders will be evaluated on Price and Specific goals as per PPR 2022.



## 5. EVALUATION PROCESS

### 7.1. STAGE 1 – ADMINISTRATIVE REQUIREMENTS

Standard bidding documents and other eligibility criteria:

Table 1

| No | Compulsory Documents to be submitted                         |
|----|--|
| 1  | Signed and Completed Standard Bid Documents (SBD 1, 4 & 6.1) |
| 2  | Annexure A POPIA Compliance (completed and signed)           |

### STAGE 2: MANDATORY REQUIREMENTS

Table 2

|   |   |
|---|---|
| 1 | Proof of registration with CSD or proof of capability to register with CSD  |
| 2 | Certified copy of BBB-EE certificate or Sworn Affidavit sign by the Commission of Orth declaring your BBEE contributor. |
| 3 | Fully Completed and signed pricing schedule ( <i>with a permanent ink</i> )   |
| 4 | Tax pin certificate   |
| 5 | Company Share Certificate   |

**KINDLY NOTE THAT, FAILURE TO SUBMIT THE REQUIRED MANDATORY DOCUMENTATION WITH THE BID WILL RESULT IN YOUR BID BEING DISQUALIFIED WITHOUT FURTHER CONSIDERATION.**

## 6. Stage 3: Functionality Assessment

bidder will be required to satisfy the minimum requirements in terms of the criteria included for this purpose. bidders who do not meet the minimum requirement will be automatically eliminated.

Table 3

| FUNCTIONALITY CRITERION                           |   |                                 |                            |   |   |   |   |                   |
|---|---|---------------------------------|----------------------------|---|---|---|---|-------------------|
| Functionality specification Criterion (5 max.)    | Description   | Weighting (must sum up to 100%) | Functionality Scoring Grid |   |   |   |   | Required document |
|   |   |                                 | 1                          | 2 | 3 | 4 | 5 |                   |
| <b>Methodology</b>                                | The Service Provider is required to provide licences for ten users accessing the platform simultaneously  | 20%                             |                            |   |   |   |   |                   |
|   | Company Profile clearly demonstrating ability to provide the digital platform and provide all information To provide digital access to legislation, Judgments including Labour and Employment Law, Government and Bill tracker, business news headlines, and summaries. | 20%                             |                            |   |   |   |   | Proposal          |
|   | Two written references from current users, with contactable referees details  | 10%                             |                            |   |   |   |   | Written reference |
| <b>Access to information via digital platform</b> | Ability to provide real-time updates (at least every two weeks) (10)  | 20%                             |                            |   |   |   |   |                   |
|   | Easy access search facility   | 10%                             |                            |   |   |   |   |                   |

|  |  |    |  |  |  |  |  |  |  |
|--|--|----|--|--|--|--|--|--|--|
| <b>Training</b>  | Training 10 users on the digital platform  | 5% |  |  |  |  |  |  |  |
| <b>User-friendly</b>   | Word/phrase search capability (10)   | 5% |  |  |  |  |  |  |  |
|  | Ability to download/print extracts from the platform (10)  | 5% |  |  |  |  |  |  |  |
| <b>Costing</b>   | Methodology for the Cost breakdown per item for 10 subscribers per month and total cost over a period of 3 years | 5% |  |  |  |  |  |  |  |
| Based on the above, the minimum score for the SP to proceed to the next phase is 70 points |  |    |  |  |  |  |  |  |  |



## 7. STAGE 4 – PRICE AND SPECIFIC GOALS

### Pricing Schedule:

7.1.1 The financial proposal for the work to be carried out must be inclusive of VAT.

7.1.2 The quotation must be valid for a minimum of sixty (60) days.

All bids that achieve the functionality assessment will be evaluated further in terms of the preference point system, as follows:

Table 4

| CRITERIA       | POINTS            |
|----------------|-------------------|
| Price          | 80                |
| Specific goals | 20                |
| <b>TOTAL</b>   | <b>100 points</b> |

**Bidders are required to complete the pricing schedule and sign.**







**SBD1**

**PART A**

**INVITATION TO BID**

|   |  |               |  |  |                |
|---|--|---------------|--|--|----------------|
| <b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (FINANCIAL AND FISCAL COMMISSION)</b>  |  |               |  |  |                |
| BID NUMBER:   | <b>RFQ2024/30</b>  | CLOSING DATE: | <b>25 October 2024</b>                         | CLOSING TIME:  | <b>11h00am</b> |
| DESCRIPTION   | <b>PROCUREMENT OF DIGITAL LIBRARY LAW FOR A PERIOD OF THIRTY-SIX MONTHS(36)</b>  |               |  |  |                |
| Submission of proposals: proposals must be emailed to <a href="mailto:supplychain@ffc.co.za">supplychain@ffc.co.za</a>  |  |               |  |  |                |
| <b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>   |  |               | <b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b> |  |                |
| CONTACT PERSON  | <b>Thato Diratsagae</b>  |               | CONTACT PERSON                                 | <b>Ansuyah Maharaj Dowra</b>   |                |
| TELEPHONE NUMBER  |  |               | TELEPHONE NUMBER                               |  |                |
| FACSIMILE NUMBER  | <b>N/A</b>   |               | FACSIMILE NUMBER                               | <b>N/A</b>   |                |
| E-MAIL ADDRESS  | <a href="mailto:Thato.diratsagae@ffc.co.za">Thato.diratsagae@ffc.co.za</a>       |               | E-MAIL ADDRESS                                 | <a href="mailto:Ansuyah.Maharaj-Dowra@ffc.co.za">Ansuyah.Maharaj-Dowra@ffc.co.za</a> |                |
| <b>SUPPLIER INFORMATION</b>   |  |               |  |  |                |
| NAME OF BIDDER  |  |               |  |  |                |
| POSTAL ADDRESS  |  |               |  |  |                |
| STREET ADDRESS  |  |               |  |  |                |
| TELEPHONE NUMBER  | CODE   |               | NUMBER   |  |                |
| CELLPHONE NUMBER  |  |               |  |  |                |
| FACSIMILE NUMBER  | CODE   |               | NUMBER   |  |                |
| E-MAIL ADDRESS  |  |               |  |  |                |
| VAT REGISTRATION NUMBER   |  |               |  |  |                |
| SUPPLIER COMPLIANCE STATUS  | TAX COMPLIANCE SYSTEM PIN:   |               | <b>OR</b>                                      | CENTRAL SUPPLIER DATABASE No:  | MAAA           |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE  | TICK APPLICABLE BOX]<br><input type="checkbox"/> Yes <input type="checkbox"/> No |               | B-BBEE STATUS LEVEL SWORN AFFIDAVIT            | [TICK APPLICABLE BOX]<br><input type="checkbox"/> Yes <input type="checkbox"/> No    |                |
| <b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b> |  |               |  |  |                |



|   |  |   |  |
|---|--|---|--|
| ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED? | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES ENCLOSE PROOF] | ARE YOU A FOREIGN BASED SUPPLIER FOR THE <b>GOODS /SERVICES /WORKS OFFERED?</b> | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES, ANSWER THE QUESTIONNAIRE BELOW] |
|---|--|---|--|

**QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?  YES  NO

DOES THE ENTITY HAVE A BRANCH IN THE RSA?  YES  NO

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?  YES  NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?  YES  NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?  YES  NO

**IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.**



## PART B TERMS AND CONDITIONS FOR BIDDING

### 1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED- (NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
- 1.4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**

### 2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
- 2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

**NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.**

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....  
(Proof of authority must be submitted e.g., company resolution)

DATE: .....

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.**



## 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 interest<sup>1</sup> 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 with any person who is employed by the procuring institution? **YES/NO**

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



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 consortium<sup>2</sup> 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

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<sup>2</sup> 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



## SBD 6.1

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

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for specific goals.

**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, 2022.**

#### 1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to this bid:
- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included)
- 1.2 Points for this bid shall be awarded for:
- (a) Price; and
  - (b) Specific Goal.
- 1.3 The maximum points for this bid are allocated as follows:

|  | POINTS     |
|--|------------|
| PRICE  | 80         |
| SPECIFIC GOALS   | 20         |
| <b>Total points for Price and Specific goals must not exceed</b> | <b>100</b> |

- 1.4 Failure on the part of a bidder to submit proof or documentation required in terms of this bid, together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
- 1.5 The organ of state reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim regarding preferences, in any manner required by the organ of state.



## 2. DEFINITIONS

- (a) **“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 tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“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
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

## 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:

|   |           |   |
|---|-----------|---|
| <b>80/20</b>  | <b>or</b> | <b>90/10</b>  |
| $P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$ | or        | $P_s = 90 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$ |

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 SPECIFIC GOALS**

4.1 In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. 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:

**SPECIFIC GOALS**

| The Specific goals allocated points in terms of this bid | Acceptable evidence   | Number of points allocated (80/20)<br>(To be completed by FFC) | Number of points allocated (80/20)<br>(To be completed by the bidder) |
|--|---|--|---|
| 51% Black Women Owned                                    | Certified copy of ID documents of the Owner   | 4  |   |
| 51 % Black Youth Owned                                   | Certified copy of ID Documents of the directors   | 4  |   |
| 51% Black Owned  | CIPC Documents / Original or certified B-BBEE certificate /affidavit                            | 4  |   |
| EME 51% Black Owned                                      | Audited Annual financial /original or certified copy of B-BBEE certified certificate/ affidavit | 6  |   |
| People living with disability                            | Certified copy of ID documents of the owner and doctor's note confirming the disability         | 2  |   |

**5. DECLARATION WITH REGARD TO COMPANY/FIRM**

5.1 Name of company/firm:.....

5.2 Company registration number:.....

5.3 TYPE OF COMPANY/ FIRM

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



[TICK APPLICABLE BOX]

5.4 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 specific goals 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 specific goals have 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, if deemed necessary.

.....  
SIGNATURE(S) OF BIDDER(S)

Name and Surname .....

ADDRESS .....

.....

Date





## Annexure 1: POPIA Compliance

### **CONSENT TO PROCESS PERSONAL INFORMATION IN TERMS OF THE PROTECTION OF INFORMATION ACT, 4 OF 2013 (POPIA), FOR STAKEHOLDERS EXTERNAL TO THE FFC**

For use by:

THE FINANCIAL AND FISCAL COMMISSION including all its divisions (“FFC”)

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#### **1. INTRODUCTION**

The Protection of Personal Information Act, 4 of 2013, (POPIA) regulates and controls the collection, storage, use, transfer, and processing of a person’s (in some instances a juristic person’s) Personal Information. ***In terms of the POPI Act, the Financial and Fiscal Commission (FFC) has a legal duty to process a person’s Personal Information in a lawful, legitimate and responsible manner.***

The FFC does and will from time-to-time process Personal Information. In terms of POPIA all persons, including any FFC employee and/or partner who collects, manages, processes, transfers, stores and/or retains such Personal Information, whether held under a document, recording or in any other format, has a responsibility to process such information in accordance with the provisions under POPIA.

In order to discharge this duty, the FFC as the responsible party requires your express and informed permission to process your Personal Information for the purpose of evaluation of the bid.

## 2. DEFINITIONS

Take note of the following definitions which will be used throughout this document, and which are used in the POPIA.

|  |
|--|
| <p><b>"biometrics"</b> means a technique of personal identification that is based on physical, physiological, or behavioural characterisation including blood typing, fingerprinting, DNA</p>  |
| <p><b>"child"</b> means a natural person under the age of 18 years who is not legally competent, without the assistance of a competent person, to take any action or decision in respect of any matter concerning him-or herself;</p>  |
| <p><b>"competent person"</b> means any person who is legally competent to consent to any action or decision being taken in respect of any matter concerning a child;</p>   |
| <p><b>"consent"</b> means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of Personal Information;</p>  |
| <p><b>"data subject"</b> means the person to whom Personal Information relates;</p>  |
| <p><b>"operator"</b> means a person who processes Personal Information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party;</p>   |
| <p><b>"person"</b> means a natural person or a juristic person;</p>  |
| <p><b>"Personal Information"</b> means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to—</p>  |
| <p>(a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;</p> |
| <p>(b) information relating to the education or the medical, financial, criminal or employment history of the person;</p>  |
| <p>(c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier, or other particular assignment to the person;</p>  |
| <p>(d) the biometric information of the person;</p>  |
| <p>(e) the personal opinions, views, or preferences of the person;</p>   |
| <p>(f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original</p>   |
| <p>(g) the views or opinions of another individual about the person; and</p>   |

(h) the name of the person if it appears with other Personal Information relating to the person or if the disclosure of the name itself would reveal information about the person.

**"processing"** means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including—

(a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;

(b) dissemination by means of transmission, distribution or making available in any other form; or

(c) merging, linking, as well as restriction, degradation, erasure or destruction of information;

**"record"** means any recorded information—

(a) regardless of form or medium, including any of the following:

(i) Writing on any material;

(ii) information produced, recorded or stored by means of any tape-recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored;

(iii) label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means;

(iv) book, map, plan, graph or drawing;

(v) photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced;

(b) in the possession or under the control of a responsible party;

(c) whether or not it was created by a responsible party; and

(d) regardless of when it came into existence;

**"responsible party"** means a public or private body or any other person who, alone or in conjunction with others, determines the purpose of and means for processing personal information;



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| <b>Examples of Personal Information include</b>  |
| A person's name and address (postal and email)   |
| Date of birth  |
| Statements of fact (factual statements)  |
| Any expression or opinion communicated about an individual   |
| Minutes of meetings, reports   |
| Emails, file notes, handwritten notes, sticky notes  |
| Photographs and virtual meeting and CCTV footage if an individual can be identified by the footage |
| Employment and student applications  |
| Spreadsheets and/or databases with any list of people set up by code or student/staff              |
| Employment number  |
| Employment or education history  |
| <b>Special Personal Information Includes:</b>  |
| Any information relating to an individual's:   |
| Ethnicity  |
| Gender   |
| Religious or other beliefs   |
| Political opinions   |
| Membership of a trade union  |
| Sexual orientation   |
| Medical history  |
| Offences committed or alleged to have been committed by that individual                            |
| Biometric details  |
| Children's details   |

### 3. PURPOSE FOR THE COLLECTION

3.1 The purpose for the collection of your Personal Information and the reason why FFC requires your Personal Information is to enable FFC to:

3.1.1 comply with lawful obligations, including all applicable labour, tax and financial legislation and/or the B-BBEE laws;

3.1.2 to give effect to a contractual relationship as between you and FFC and in order to ensure the correct administration of the relationship;

3.1.3 for operational reasons including the conducting of research;

3.1.4 to protect the legitimate interests of FFC, yourself or a third party;



3.2 All Personal Information which you provide to FFC will only be used for the purposes for which it is collected.

#### **4. CONSEQUENCES OF WITHOLDING CONSENT OR PERSONAL INFORMATION**

Should you refuse to provide FFC with your Personal Information which is required by FFC for the purposes indicated above, and the required consent to process the aforementioned Personal Information, then FFC will be unable to engage with you or enter into an agreement or relationship with you.

#### **5. STORAGE AND RETENTION AND DESTRUCTION OF INFORMATION**

5.1 All Personal Information which you provide to FFC will be held and/or stored securely and held for the purpose for which it was collected, as reflected above.

5.2 Your Personal Information will be stored electronically in a centralised data base, which, for operational reasons, will be accessible to authorised persons within FFC.

5.3 Where appropriate, some information may be retained in hard copy.

5.4 In either event, storage will be secure and audited regularly regarding the safety and the security of the information.

5.5 Once your Personal Information is no longer required due to the fact that the purpose for which the information was held has expired, such Personal Information will be safely and securely archived for a period of 5 years or longer, especially should this be required by any other law applicable in South Africa. Thereafter, all your Personal Information will be permanently destroyed.





## **6. ACCESS BY OTHERS**

The FFC may from time to time have to disclose your Personal Information to other parties, and entities regulators and/or governmental officials but such disclosure will always be subject to an agreement which will be concluded between FFC and the party to whom it is disclosing your Personal Information, which contractually obliges the recipient of the Personal Information to comply with strict confidentiality and data security conditions.

## **7. RIGHT TO OBJECT**

In terms of section 11(3) of POPIA you have the right to object in the prescribed manner to FFC processing your Personal Information. On receipt of your objection FFC will place a hold on any further processing until the cause of the objection has been resolved.

## **8. ACCURACY OF INFORMATION AND ONUS**

POPIA requires that all your Personal Information and related details, as supplied are complete, accurate and up-to-date. Whilst FFC will always use its best endeavours to ensure that your Personal Information is reliable, it will be your responsibility to advise FFC of any changes to your Personal Information, as and when these may occur.

## **9. ACCESS TO THE INFORMATION BY THE DATA SUBJECT**

You have the right at any time to ask the FFC to provide you with the details of any of your Personal Information which the FFC holds on your behalf; and the details as to what FFC has done with that Personal Information, **Provided that such request is made using the standard section 51 PAIA process**, which procedure can be accessed by downloading and completing the standard request for information form, housed under section 51 of the PAIA Manuals which can be found on our website at [www.ffc.co.za](http://www.ffc.co.za).



## 10. COMPLAINTS

You have the right to address any complaints regarding the processing of your Personal Information to the FFC Information Officer at [info@ffc.co.za](mailto:info@ffc.co.za) or you may approach to the Information Regulator ([complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za))

## 11. DECLARATION AND INFORMED CONSENT

I declare that all Personal Information supplied to FFC is accurate, up to date, is not misleading and that it is complete in all respects.

I undertake to immediately advise FFC of any changes to my Personal Information should any of these details change.

By providing FFC with my Personal Information, I consent and give the FFC permission to process and further process my Personal Information as and where required and acknowledge that I understand the purposes for which it is required and for which it will be used.

Sign: \_\_\_\_\_

Date: \_\_\_\_\_