



**SBD 1**  
**INVITATION TO BID**

**YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE  
MINE HEALTH AND SAFETY COUNCIL**

<b>RFP NUMBER:</b>	<b>MHSC011/2020-21</b>
<b>CLOSING DATE:</b>	<b>30 November 2020</b>
<b>CLOSING TIME:</b>	<b>11:00 AM</b>
<b>BRIEFING SESSION:</b>	<b>N/A</b>
<b>BID VALIDITY PERIOD:</b>	<b>90 days (commencing from the RFP Closing Date)</b>
<b>DESCRIPTION OF BID:</b>	<b>Appointment of a service provider to undertake project CoE 200402 "Review Comro (chamber of mines research organisation) Code regarding determining escape distance to a place of safety during an emergency in the underground"</b>
<b>PHYSICAL ADDRESS</b>	<b>MHSC OFFICES SITUATED AT B7; MAPLE NORTH; 145 WESTERN SERVICE ROAD; WESTWOOD BUSINESS PARK; WOODMEAD.</b>
<b>BID DOCUMENTS DELIVERY ADDRESS</b>	<b>SAME AS ABOVE</b>
<b>ENQUIRIES</b>	<b>tenders@mhsc.org.za</b>
<b>For Attention:</b>	<b>THE SCM MANAGER</b>
<b>NB: Bidders must ensure that they sign the register at the reception when submitting the bids.</b>	

**The successful bidder will be required to fill in and sign a written Contract Form (SBD 7).**

Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.

The bid box is generally open 8 hours a day, 5 days a week.

**ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – (NOT TO BE RE-TYPED)**

**THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT**

**THE FOLLOWING PARTICULARS MUST BE FURNISHED (FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)**

NAME OF BIDDER .....

POSTAL ADDRESS .....

STREET ADDRESS .....

TELEPHONE NUMBER CODE.....NUMBER.....

CELLPHONE NUMBER .....

FACSIMILE NUMBER CODE.....NUMBER.....

E-MAIL ADDRESS .....

VAT REGISTRATION NUMBER .....

HAS AN ORIGINAL AND VALID TAX CLEARANCE CERTIFICATE BEEN SUBMITTED? (SBD 2)  
YES or NO

HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE BEEN SUBMITTED? (SBD 6.1) YES  
or NO

IF YES, WHO WAS THE CERTIFICATE ISSUED BY?

A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS); OR.....☐  
A SWON AFFIDAVIT .....☐

[TICK APPLICABLE BOX]

**(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE)**

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS / SERVICES / WORKS OFFERED?

YES or NO **[IF YES ENCLOSE PROOF]**

SIGNATURE OF BIDDER .....

DATE .....

CAPACITY UNDER WHICH THIS BID IS SINED .....

TOTAL BID PRICE: R.....(Total bid price including VAT and any other charges)

**ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:**

**Department:** Supply Chain Management

**Contact Person:** Ms Zime Ndlangana

**Tel:** 011 656 1797

**E-mail address:** tenders@mhsc.org.za

# CONDITIONS AND UNDERTAKINGS BY BIDDER

- 1.1 **The Bid forms should not be retyped or redrafted but photocopies may be prepared and used.** However, only documents with the original signature in black ink shall be accepted. Additional offers against any item should be made on a photocopy of the page in question.
- 1.1.1 Black ink should be used when completing Bid documents.
- 1.1.2 Bidders should check the numbers of the pages to satisfy themselves that none is missing or duplicated. MHSC will accept NO liability in regard to anything arising from the fact that pages are missing or duplicated.
- 1.2 I/We hereby Bid to supply all or any of the supplies and/or to procure all or any of the services described in the attached documents to MHSC on the terms and conditions and in accordance with the specifications stipulated in the Bid documents (and which shall be taken as part of, and incorporated into, this Bid) at the prices inserted therein.
- 1.3 I/We agree that -
- 1.3.1 The offer herein shall remain binding upon me/us and open for acceptance by MHSC during the validity period indicated and calculated from the closing hour and date of the Bid;
- 1.3.2 the laws of the Republic of South Africa shall govern the contract created by the acceptance of my/our Bid and that I/we choose domicilium citandi et executandi in the Republic as indicated below; and
- 1.4 **NB: BIDDERS TERMS AND CONDITIONS ARE NOT ACCEPTABLE.**
- 1.5 I/We furthermore confirm that I/we have satisfied myself/ourselves as to the correctness and validity of my/our Bid that the price(s) and rate(s) quoted cover all the work/item(s) specified in the Bid documents and that the price(s) and rate(s) cover all my/our obligations under a resulting contract and that I/we accept that any mistakes regarding price(s) and calculations will be at my/our risk.
- 1.6 I/We hereby accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me/us under this Bid as the Principal(s) liable for the due fulfilment of this contract.

Signature(s) of Bidder or assignee(s)	Date
Name of signing person (in block letters)	
Capacity	
Are you duly authorized to sign this bid?	
Name of Bidder [company name] (in block letters)	
Postal address (in block letters)	
Domicilium citandi et executandi in the RSA (full street address of this place) (in block letters)	
.....	
.....	
.....	
.....	
Telephone Number:.....	Fax Number .....
Cell Number: .....	Email Address .....

# INSTRUCTIONS TO BIDDER

## 1 Confidential information disclosure notice

- 1.1 This document may contain confidential information that is the property of Mine Health and Safety Council (MHSC).
- 1.2 No part of the contents may be used, copied, disclosed or conveyed in whole or in part to any party in any manner whatsoever other than for preparing a proposal in response to this Bid, without prior written permission from MHSC.
- 1.3 All copyright and Intellectual Property herein vests with MHSC.

## 2 Introduction

### 2.1 Purpose

- 2.1.1 The purpose of this Request for Bid (RFP) is an invitation to potential suppliers (hereinafter referred to as "Bidders") to submit Bids for the items/products/solutions as detailed under Annex A: Technical/solution specification.

### 2.2 Objectives

- 2.2.1 The following objectives must be achieved with the implementation of the above required solution:
  - 2.2.1.1 Based on the Bids submitted and the outcome of the evaluation process according to the set evaluation criteria, MHSC intends to select a preferred bidder/s with the view of concluding a service level agreement (SLA) where applicable with such successful bidder. The Bid shall be evaluated in terms of the PPPFA (80/20).

### 2.3 Queries

- 2.3.1 Should it be necessary for a bidder to obtain clarity on any matter arising from or referred to in this RFP document, please refer queries, in writing, to the contact person(s) listed below. Under no circumstances may any other employee within MHSC be approached for any information. Any such action may result to disqualification of a response submitted in response to the RFP. MHSC reserves the right to place responses to such queries on the website.

Name	Type of Query	Email address
Zime Ndlangana	Bid Queries	<a href="mailto:tenders@mhsc.org.za">tenders@mhsc.org.za</a>

Enquiries should reference specific paragraph numbers, where appropriate.

All questions/enquiries must be forwarded in writing not later than **26 November 2020 at 11h00**.

Questions/enquiries received after 11h00 on **26 November 2020** will not be considered.

***Bidders are not allowed to contact any other MHSC staff in the context of this tender other than the indicated official under 2.3.1.***

### 2.4 Bid Documents

- 2.4.1 Bids must be **hand delivered or (if couriered)** reach to **MHSC** by **24** hours before closing date and time.

- 2.4.2 Bid documents must contain **one original document, initialled on each page**, and **signed where required** and **02 (Two)** copies thereof. (Separate envelopes: one for financials (Pricing), one original for Technical document and two copies).

### **3 General rules and instructions**

#### **3.1 Confidentiality**

- 3.1.1 The information contained in this document is of a confidential nature, and must only be used for purposes of responding to this RFP. This confidentiality clause extends to Bidder partners and/or implementation agents, whom the Bidder may decide to involve in preparing a response to this RFP.
- 3.1.2 For purposes of this process, the term "Confidential Information" shall include all technical and business information, including, without limiting the generality of the foregoing, all secret knowledge and information (including any and all financial, commercial, market, technical, functional and scientific information, and information relating to a party's strategic objectives and planning and its past, present and future research and development), technical, functional and scientific requirements and specifications, data concerning business relationships, demonstrations, processes, machinery, know-how, architectural information, information contained in a party's software and associated material and documentation, plans, designs and drawings and all material of whatever description, whether subject to or protected by copyright, patent or trademark, registered or un-registered, or otherwise disclosed or communicated before or after the date of this process.
- 3.1.3 The receiving party shall not, during the period of validity of this process, or at any time thereafter, use or disclose, directly or indirectly, the confidential information of MHSC (even if received before the date of this process) to any person whether in the employment of the receiving party or not, who does not take part in the performance of this process.
- 3.1.4 The receiving party shall take all such steps as may be reasonably necessary to prevent MHSC' confidential information coming into the possession of unauthorised third parties. In protecting the receiving party's confidential information, MHSC shall use the same degree of care, which does not amount to less than a reasonable degree of care, to prevent the unauthorised use or disclosure of the confidential information as the receiving party uses to protect its own confidential information.
- 3.1.5 Any documentation, software or records relating to confidential information of MHSC, which comes into the possession of the receiving party during the period of validity of this process or at any time thereafter or which has so come into its possession before the period of validity of this process:
- 3.1.5.1 Shall be deemed to form part of the confidential information of MHSC;
  - 3.1.5.2 Shall be deemed to be the property of MHSC;
  - 3.1.5.3 shall not be copied, reproduced, published or circulated by the receiving party unless and to the extent that such copying is necessary for the performance of this process and all other processes as contemplated in; and
  - 3.1.5.4 Shall be surrendered to MHSC on demand, and in any event on the termination of the investigations and negotiations, and the receiving party shall not retain any extracts.

#### **3.2 News and press releases**

- 3.2.1 Bidders or their agents shall not make any news releases concerning this RFP or the awarding of the same or

any resulting agreement(s) without the consent of, and then only in co-ordination with MHSC.

### **3.3 Precedence of documents**

- 3.3.1 This RFP consists of a number of sections (see list). Where there is a contradiction in terms between the clauses, phrases, words, stipulations or terms and herein referred to generally as stipulations in this RFP and the stipulations in any other document attached hereto, or the RFP submitted hereto, the relevant stipulations in this RFP shall take precedence.
- 3.3.2 Where this RFP is silent on any matter, the relevant stipulations addressing such matter and which appears in the PPPFA shall take precedence. Bidders shall refrain from incorporating any additional stipulations in its proposal submitted in terms hereof other than in the form of a clearly marked recommendation that MHSC may in its sole discretion elect to import or to ignore. Any such inclusion shall not be used for any purpose of interpretation unless it has been so imported or acknowledged by MHSC.
- 3.3.3 It is acknowledged that all stipulations in the PPPFA are not equally applicable to all matters addressed in this RFP. It however remains the exclusive domain and election of MHSC as to which of these stipulations are applicable and to what extent. Bidders are hereby acknowledging that the decision of the MHSC in this regard is final and binding. The onus to enquire and obtain clarity in this regard rests with the vendor(s). The vendor(s) shall take care to restrict its enquiries in this regard to the most reasonable interpretations required to ensure the necessary consensus.

### **3.4 Preferential Procurement Reform**

- 3.4.1 MHSC supports Black Economic Empowerment as an essential ingredient of its business. In accordance with government policy, MHSC insists that the private sector demonstrates its commitment and track record to Black Economic Empowerment in the areas of ownership (shareholding), skills transfer, employment equity and procurement practices (SMME Development) etc.
- 3.4.2 MHSC shall apply the principles of the Preferential Procurement Policy Framework Act, (Act No. 5 of 2000) with its Preferential Procurement Regulation 2017 to this proposal.
- 3.4.3 Bidders shall complete the preference certificate attached to this proposal. In the case of a consortium and subcontractors, the preference certificate must be completed for each legal entity (Annex C).

### **3.5 Security clearances**

- 3.5.1 Employees and subcontractors of the Bidders **may** be required to be in possession of valid security clearances to the level determined by NIA or/and MHSC commensurate with the nature of the project activities they are involved in. The cost of obtaining suitable clearances is for the account of the bidders. The Bidders shall supply and maintain a list of personnel involved on the project indicating their clearance status.

### **3.6 Occupational Injuries and Diseases Act 13 of 1993**

- 3.6.1 The Bidder warrants that all its employees (including the employees of any sub-contractor that may be appointed) are covered in terms of the Compensation for Occupational Injuries and Diseases Act 13 of 1993 ("COIDA") and that the cover shall remain in force for the duration of the adjudication of this bid and/ or subsequent agreement. MHSC reserves the right to request the Bidder to submit documentary proof of the Bidder's registration and "good standing" with the Compensation Fund, or similar proof acceptable to MHSC.

### **3.7 Instructions for submitting a proposal**

- 3.7.1 One (1) original, three (2) hard copies of the Bid shall be submitted on the date of closure of the Bid.
- 3.7.1.1 The original copy must be signed in black ink by an authorised employee, agent or representative of the bidder and each and every page of the proposal shall contain the initials of same signatories.

- 3.7.2 Bidders shall submit proposal responses in accordance with the prescribed manner of submissions as specified above.
- 3.7.3 Bid must be submitted in a prescribed response format herewith reflected as **Response Format**, and be sealed in an envelope. The envelope must be marked clearly (on the outside) with the Bid Number and be addressed to **The SCM Manager**.
- 3.7.4 Bid must be submitted on or before **30 November 2020 not later than 11h00**. The bids must be dropped in the tender box at the **MHSC Offices; B7;Maple North;145 Western Service Road; Wood mead**, MHSC receives a lot of correspondence on a daily basis. Bidders are therefore urged to ensure that they clearly mark their bids with the Bid Number; register their bids and sign the register that will be provided at the reception. Failure to sign the register will lead to the bid being disqualified. Failure to submitted sealed bids could result to disqualification of bids. The onus is on the bidder to ensure that their bids get registered in the bids received register. Bidders must advise their courier companies of this instruction.
- 3.7.5 All Bids in this regard shall only be accepted if they have been registered on the bids received register before or on the closing date and stipulated time.
- 3.7.6 Bids received after the time stipulated shall not be considered.
- 3.7.7 Bid responses sent by courier must reach this office at least **24 hours** before the closing date to be registered on the bids received register. Failure to comply with this requirement shall result in your proposal being treated as a "late proposal" and shall not be entertained. Such proposal shall be returned to the respective Bidders.
- 3.7.8 **No proposal shall be accepted by MHSC if submitted in any manner other than as prescribed above.**

#### **4 Reasons for disqualification**

- 4.1 MHSC reserves the right to disqualify any bidder which does any one or more of the following, and such disqualification may take place without prior notice to the offending bidder, however the bidder shall be notified in writing of such disqualification:
  - 4.1.2 Bidders who submitted incomplete information and documentation according to the requirements of this RFP;
  - 4.1.3 Bidders who submitted information that is fraudulent, factually untrue or inaccurate, for example memberships that do not exist, BEE credentials, experience, etc.;
  - 4.1.4 Bidders who received information not available to other bidders through fraudulent means;
  - 4.1.5 Bidders who do not comply with *mandatory requirements* as stipulated in this RFP.
  - 4.1.6 Bidders who made false declarations on the Standard Bidding Documents, or misrepresent facts; and/or
  - 4.1.7 Bidders who are listed on the National Treasury's database of restricted suppliers

#### **5 Closing of Bid**

- 5.1 There shall be no **public opening** of the Bids received due to covid\_19. There shall be no discussions with any enterprise until evaluation of the proposal has been complete. Any subsequent discussions shall be at the discretion of MHSC. Unless specifically provided for in the proposal document, bids submitted by means of telegram, telex, facsimile or similar means shall not be considered.
- 5.2 No Bids from any bidder with offices within the RSA shall be accepted if sent via the Internet or e-mail. However Bids from international bidders with no office or representation in the RSA shall be accepted if received via the Internet or e-mail before the closing date and time.
- 5.2.1 Such Bids shall not be made available for evaluation until the original signed documentation is received within three (3) working days after the closing date, otherwise the proposal shall be disqualified. International bidders must submit proof that they do not have any offices or representation in South Africa.

## 6 Bid preparation

- 6.1 All additions to the proposal documents i.e. annexes, supporting documentation pamphlets, photographs, technical specifications and other support documentation covering the solution offered etc. shall be neatly bound as part of the schedule concerned.
- 6.2 All responses regarding questions posed in the annexes attached herewith shall be answered in accordance with the prescribed **RFP Response Format**.

## 7 Oral presentations and briefing sessions

- 7.1 Bidders who submit Bids in response to this RFP may be required to give an oral presentation, which may include, but is not limited to, an equipment/service demonstration of their proposal to MHSC. This provides an opportunity for the vendor to clarify or elaborate on the proposal. This is a fact finding and explanation session only and does not include negotiation. MHSC shall schedule the time and location of these presentations. Oral presentations are an option of MHSC and may or may not be conducted.

## 8 Evaluation Criteria for BEE

- 8.1 Points awarded for B-BBEE Status Level of Contribution
- 8.2 The value of this bid is estimated not to exceed R 50 000 000 00 (all applicable taxes included) and therefore the **80/20** system shall be applicable.
- 8.3 In terms of Regulation 5 (2) and 6 (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:
- 8.4 Preference points for this bid shall be awarded for:
- (a) Price; and
  - (b) B-BBEE Status Level of Contribution.

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	16
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

- 8.5 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or.
- 8.6 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a a Verification Agency accredited by SANAS.



- 8.7 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 8.8 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 8.9 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 8.10 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder 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 bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 8.11 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.

## **9 Evaluation criteria and methodology**

### **9.1 Functional evaluation criteria**

"Functionality" means the measurement according to predetermined norms of a service or commodity designed to be practical and useful, working or operating, taking into account quality, reliability, viability and durability of a service or commodity.

The need to invite and evaluate bids on the basis of functionality depends on the nature of the required commodity or service.

When inviting bids, MHSC indicates: -

- (i) Whether the bids will be evaluated on functionality;
- (ii) The evaluation criteria for measuring functionality;
- (iii) The weight of each criterion; and
- (iv) The applicable values as well as the minimum threshold for functionality

# **TERMS OF REFERENCE TO UNDERTAKE RESEARCH PROJECT CoE 200402 “REVIEW COMRO (CHAMBER OF MINES RESEARCH ORGANISATION) CODE REGARDING DETERMINING ESCAPE DISTANCE TO A PLACE OF SAFETY DURING AN EMERGENCY IN THE UNDERGROUND”**

## **1. BACKGROUND**

The Mine Health and Safety Council (MHSC) is a national public entity (Schedule 3A) established in terms of the Mine Health and Safety Act, No 29. of 1996, as amended. The MHSC is mandated to advise the Minister of Mineral Resources and Energy on Occupational Health and Safety (OHS) issues in the mining industry, relating to the development and implementation of the MHSC annual OHS research programme, reviewing and development of mining OHS legislation and dissemination (knowledge and technology transfer) of MHSC research outcomes to improve OHS conditions in the South African Mining Industry (SAMI).

The use of Self Contained Self Rescuers (SCSRs) has been an integral part of escape strategies in South African Mines for over thirty years. These escape strategies require that employees who find themselves in an irrespirable atmosphere utilize the life-sustaining capacity of the SCSRs to reach the nearest place of safety (refuge bay or fresh air station), where the atmosphere is respirable and free from contaminants, until they can proceed safely to surface.

Currently, SCSRs used in the South African Mining Industry must be certified by the South African Bureau of Standards (SABS) in accordance with protocol SANS 1737 (Body-worn escape type breathing apparatus). The SANS-rated duration, usually thirty minutes, is the principal indicator used in determining the location and spacing underground of refuge bays within the duration of the SCSRs provided to workers. Location of refuge bays must consider the employees' anticipated breathing rate, translating this to oxygen demand while negotiating the escape route to the refuge bay. These considerations are necessary in matching the distances to be travelled with the rated duration of the SCSR in service.

The ventilatory demand is a function of an individual's breathing rate and intensity which, for self-escape, are dependent on the length, dimensions and inclination of the escape route. Demand also depends on the posture of persons during the escape and therefore the required physical effort which is in turn a function of the physical fitness of the individual. Lower levels of fitness result in higher oxygen demand for the same work-rate. Therefore, individuals with different fitness levels will have

different ventilatory demands resulting in different effective SCSR duration for the same certified rated duration over the same escape route. This information must be used to ensure that all refuge bays are well within the rated SCSR duration.

In 1988, the Chamber of Mines published the results of extensive research based on the measured ventilatory demands of test subjects under controlled simulated escape conditions. This information was used to develop a guideline for the calculation of "safe travelling distances" when using SCSRs (COMRO guideline No.10 "Res-Q-Pacs – How to calculate safe travelling distances") This guideline has been used since, in conjunction with the SCSR rated duration certified through the SANS 1737 process, to position and distribute refuge bays in the underground workings as a significant component of mines' rescue and escape strategies.

For over thirty years, this piece of seminal applied research has been used by the Industry but has not been revised. In the interim, there have been several significant changes in mine design and in the technologies that govern the performance of SCSRs, the latter stemming primarily from SANS 1737 requirements and from Industry requirements.

A re-assessment of the validity of the COMRO guideline is deemed necessary based on the following considerations:

- The withdrawal of all SCSRs used in the original COMRO research work;
- The subsequent introduction of new makes and types of SCSRs based on more advanced technologies that comply with more stringent requirements of SANS 1737 - revised four times since its original publication and acceptance by the Industry;
- Consistently higher rates of oxygen generation achieved by new SCSR technology;
- An indicated change in the levels of fitness of the average employee population that now also includes women – whose ventilatory demands were not assessed in the original COMRO research.

The research shall be a comprehensive update and extension of the work performed by COMRO to improve the accuracy of the technical guidance applied for structuring escape strategies in the light of the above considerations.

## **2. REQUIREMENTS**

The MHSC intends to appoint a service provider to conduct a research project in order to determine a methodology to calculate minimum standards for safe travelling distances for escapes using self-contained self-rescuers (SCSR) for use by all mines using new generation SCSRs approved in accordance with SANS1737.

- 1. Research Service Providers must clearly outline how they will mitigate the risk of spreading the Corona Virus disease (COVID 19) during the execution of the project.**
- 2. Research Service Providers must make recommendations regarding the various dissemination platforms that can be used to disseminate the research projects findings/outcomes.**

## **3. SCOPE OF WORK**

Given the background mentioned above, the service provider is required to conduct a study to determine a methodology to calculate minimum standards safe travelling distances for escapes using self-contained self-rescuers (SCSR) for use by all mines using new generation SCSRs approved in accordance with SANS 1737. The study must include the following information:

- 3.1. Conduct a literature review, nationally and internationally to establish the existence and feasibility of proven methodologies to calculate oxygen consumption rates for new generation SCSRs.
- 3.2. Structure, plan and conduct controlled laboratory and mine tests in consultation with Original Equipment Manufacturers (OEMs) to establish representative and effective oxygen consumption rates of a characteristic cohort of mine workers (male and female) encompassing escape scenarios in two (2) deep level Gold mines, one (1) underground Coal mine and 2 underground Platinum mines.
- 3.3. Determine a methodology based on the data generated in **3.2**, to calculate safe travelling distances for escapes using SCSRs, considering Gold, Coal and Platinum and for different mine configurations
- 3.4. Use data collected in this project to devise a new all-encompassing user-friendly tool that will align the calculated ventilator rates with the rated SCSR durations certified by SANS 1737 to

position refuge bays safely within the rated duration of SCSRs in use at a specific mine as part of the mine's ongoing escape strategy design.

3.5. Update the COMRO Code considering:

- i. The withdrawal of all SCSRs used in the original COMRO research work;
- ii. The subsequent introduction of new makes and types of SCSRs based on more advanced technologies that comply with more stringent requirements of SANS 1737 - revised four times since its original publication and acceptance by the Industry;
- iii. Consistently higher rates of oxygen generation achieved by new SCSR technology;
- iv. An indicated change in the levels of fitness of the average employee population that now also includes women – whose ventilatory demands were not assessed in the original COMRO research.

#### **4. EXPECTED OUTCOMES**

- 4.1. Provide a report outlining useful and usable information from the literature review.
- 4.2. Provide a technical report outlining the results from the controlled laboratory and mine tests conducted in consultation with OEMs. The validity and application of these aspects must be evident from research findings.
- 4.3. Provide a methodology determined to calculate safe travelling distances for escapes using SCSRs and in alignment with SABS 1737 requirements.
- 4.4. Provide a draft tool devised in **3.3** above.
- 4.5. After final consultation with the MHSC produce an updated "Code for the calculation of safe travelling distances when donning SCSRs".
- 4.6. Provide a Draft final report with findings, conclusions and recommendations from the study, including a webpage summary (short abstract).

#### **5. DURATION**

- 5.1. The expected duration of this research project is 18 Months.

## 6. REQUIRED TEAM COMPOSITION

The service provider must have at least **10** years' experience in conducting applied research and the project team must have members with expertise in the following areas:

- 6.1. Minimum of **10** years' experience in conducting physiological laboratory and field stress tests on humans and in analysing relevant physical stress data to establish, amongst others, oxygen demand as a function of physical fitness.
- 6.2. Minimum of **10** years' experience in conducting SCSR functional tests in accordance with SABS 1737 requirements. Adequate knowledge and understanding in the practical use of SCSRs in underground escape situations.
- 6.3. Minimum of **10** years' experience in conducting applied research in the mining industry (Research Lead).
- 6.4. Minimum of **10** years' experience as a Section 12.1 appointee (underground mines) under the MHSA, No. 29 of 1996, as amended.
- 6.5. Minimum of **10** years' experience as a Rescue Brigades-man
- 6.6. Minimum of **10** years' experience as an Occupational Medical Practitioner.

## 7. EVALUATION PROCESS

The evaluation process will comprise of the following phases:

- Phase 1: Functionality Evaluation;
- Phase 2: Pricing and BBBEE Evaluation;

### 7.1 FUNCTIONAL EVALUATION

The tender will be evaluated in accordance with PPPFA in line with the following functional criteria on 80/20 principle.

N O	CRITERIA	WEIGHTING
1	<b>SIGNED AND VERIFIABLE REFERENCE LETTERS ON VALID LETTER HEADS WITH CONTACTABLE DETAILS FROM ORGANISATIONS WHERE PREVIOUS WORK WAS CONDUCTED (ATTACH VERIFIABLE REFERENCE LETTERS):</b>	<b>30</b>

N O	CRITERIA	WEIGHTING
	<ul style="list-style-type: none"> <li>• 5 or more reference letters = 5 points</li> <li>• 4 reference letters = 4 points</li> <li>• 3 reference letters = 3 points</li> <li>• 2 reference letters = 2 points</li> <li>• 1 reference letter = 1 point</li> <li>• No reference letter = 0 point</li> </ul>	
2	<p><b>EXPERIENCE OF AT LEAST ONE TEAM MEMBER IN CONDUCTING PHYSIOLOGICAL LABORATORY AND FIELD STRESS TESTS ON HUMANS AND IN ANALYSING RELEVANT PHYSICAL STRESS DATA TO ESTABLISH, AMONGST OTHERS, OXYGEN DEMAND AS A FUNCTION OF PHYSICAL FITNESS. (CV STATING NUMBER OF YEARS OF EXPERIENCE MUST BE ATTACHED):</b></p> <ul style="list-style-type: none"> <li>• More than 10 years' experience = 5 points</li> <li>• Minimum 10 years' experience = 3 points</li> <li>• Less than 10 years' experience =1 point</li> <li>• No CV attached = 0 point</li> </ul>	5
3	<p><b>EXPERIENCE OF AT LEAST ONE TEAM MEMBER IN THE TESTING OF SCSR FUNCTIONALITY IN LINE WITH SABS 1737 REQUIREMENTS (CV STATING NUMBER OF YEARS OF EXPERIENCE MUST BE ATTACHED):</b></p> <ul style="list-style-type: none"> <li>• More than 10 years' experience = 5 points</li> <li>• Minimum 10 years' experience = 3 points</li> <li>• Less than 10 years' experience =1 point</li> <li>• No CV attached = 0 point</li> </ul>	5
4	<p><b>EXPERIENCE OF AT LEAST ONE TEAM MEMBER IN CONDUCTING APPLIED RESEARCH (RESEARCH LEAD) (CV STATING NUMBER OF YEARS OF EXPERIENCE MUST BE ATTACHED):</b></p> <ul style="list-style-type: none"> <li>• More than 10 years' experience = 5 points</li> <li>• Minimum 10 years' experience = 3 points</li> <li>• Less than 10 years' experience =1 point</li> <li>• No CV attached = 0 point</li> </ul>	5

N O	CRITERIA	WEIGHTING
5	<b>QUALIFICATION OF AT LEAST ONE TEAM MEMBER IN APPLIED RESEARCH (ATTACH VALID QUALIFICATION CERTIFICATES):</b> <ul style="list-style-type: none"> <li>• Doctors Degree and more = 5 points</li> <li>• Master's Degree = 4 points</li> <li>• Honours degree, and Professional Qualifications = 3 points</li> <li>• Bachelor's degree, Advanced Diplomas, Post Graduate Certificate and B-tech = 2 points</li> <li>• National Diploma and Advanced certificates = 1 point</li> <li>• No qualification = 0 point</li> </ul>	5
6	<b>EXPERIENCE OF AT LEAST ONE TEAM MEMBER AS A 12.1 APPOINTEE (CV STATING NUMBER OF YEARS OF EXPERIENCE MUST BE ATTACHED):</b> <ul style="list-style-type: none"> <li>• More than 10 years' experience = 5 points</li> <li>• Minimum 10 years' experience = 3 points</li> <li>• Less than 10 years' experience = 1 point</li> <li>• No CV attached = 0 point</li> </ul>	5
7	<b>QUALIFICATION OF AT LEAST ONE TEAM MEMBER AS A 12.1 APPOINTEE (ATTACH VALID QUALIFICATION CERTIFICATES):</b> <ul style="list-style-type: none"> <li>• Doctors Degree and more = 5 points</li> <li>• Master's Degree = 4 points</li> <li>• <u>Honours degree</u>, and Professional Qualifications = 3 points</li> <li>• <u>Bachelor's degree</u>, Advanced Diplomas, Post Graduate Certificate and B-tech = 2 points</li> <li>• National Diploma and Advanced certificates = 1 point</li> <li>• No qualification = 0 point</li> </ul>	5
8	<b>EXPERIENCE OF AT LEAST ONE TEAM MEMBER AS A RESCUE BRIGADES-MAN (CV STATING NUMBER OF YEARS OF EXPERIENCE MUST BE ATTACHED):</b> <ul style="list-style-type: none"> <li>• More than 10 years' experience = 5 points</li> </ul>	5



N O	CRITERIA	WEIGHTING
	<ul style="list-style-type: none"> <li>• Minimum 10 years' experience = 3 points</li> <li>• Less than 10 years' experience =1 point</li> <li>• No CV attached = 0 point</li> </ul>	
9	<b>QUALIFICATION OF AT LEAST ONE TEAM MEMBER AS A RESCUE BRIGADES-MAN (ATTACH VALID QUALIFICATION CERTIFICATES)</b> <ul style="list-style-type: none"> <li>• MRS and Control Room Certificate, additional advanced training certificates = 5 points</li> <li>• MRS and Control Room Certificate = 4 points</li> <li>• MRS Certificate = 3 points</li> <li>• No Certificate = 0 points</li> </ul>	5
10	<b>EXPERIENCE OF AT LEAST ONE TEAM MEMBER IN OCCUPATIONAL MEDICAL PRACTITIONER (CV STATING NUMBER OF YEARS OF EXPERIENCE MUST BE ATTACHED):</b> <ul style="list-style-type: none"> <li>• More than 10 years' experience = 5 points</li> <li>• Minimum 10 years' experience = 3 points</li> <li>• Less than 10 years' experience =1 point</li> <li>• No CV attached = 0 point</li> </ul>	5
11	<b>QUALIFICATION OF AT LEAST ONE TEAM MEMBER AS OCCUPATIONAL MEDICAL PRACTITIONER (ATTACH VALID QUALIFICATION CERTIFICATES):</b> <ul style="list-style-type: none"> <li>• Doctors Degree and more = 5 points</li> <li>• Qualifications below Doctors Degree = 0 point</li> </ul>	5
	<b>DOES THE PROPOSAL SUBMITTED SUFFICIENTLY ANSWER THE RESEARCH QUESTION?</b>  Excellent = 5 Good = 3 Poor = 1  <ul style="list-style-type: none"> <li>• <b>Excellent</b> Detailed explanation of achieving all expected outcomes including timelines, a list of champion mines, costed project plan.</li> </ul>	20

N O	CRITERIA	WEIGHTING
	<ul style="list-style-type: none"> <li>• <b>Good</b> Expected outcomes not detailed including timelines, a list of champion mines, costed project plan.</li> </ul> <p><b>OR</b></p> <p>Detailed explanation of achieving all expected outcomes excluding timelines, a list of champion mines, costed project plan.</p> <ul style="list-style-type: none"> <li>• <b>Poor</b> Expected outcomes not addressed and all other requirements.</li> </ul>	
		<b>100</b>

**6 Note: Bidders must score a minimum of 70% overall, in order to proceed to the BEE and pricing evaluation**

**6**

## **8. SPECIAL CONDITIONS OF THE BIDS**

- i. MHSC reserve the right to request a presentation.
- ii. Service providers may be required to provide qualifications.
- iii. The preferred service provider may be required to go through the vetting process by State Security Agency. The appointment is subject to the outcome of the vetting process.
- iv. MHSC may conduct the reference checks based on the references provided.
- v. The MHSC reserves the right to terminate the contract during the contractual period after work has commenced should the appointed service provider have misrepresented themselves and/or their product and will not be in a position to fulfil the requirements as contained in the contract, which might result in the MHSC failing to deliver on its mandate timeously.

## **9. STANDARD CONDITIONS OF THE BIDS**

- i. **Bidders must complete and sign all the SBD forms.**
- ii. Only suppliers who are registered with the Central Supplier Database (**CSD**) will be considered for this bid.
- iii. It is the responsibility of prospective bidders to ensure that all bid documents are submitted before the closing time and date of the tender;
- iv. The MHSC reserves the right to award or not to award this bid;
- v. The MHSC reserves the right to terminate the contract should the performance of the service provider be unsatisfactory;

- vi. Bids received after closing time and date will be classified as LATE and will not be considered;
- vii. Although adequate thought has been given in the drafting of this document, errors may occur which the MHSC will not be responsible for;
- viii. Any change of information provided in the tender document that may affect delivery of the service should be brought to the MHSC's attention as soon as possible. Failure to comply with this may result in the contract being terminated;
- ix. Service providers presenting information intentionally incorrectly or fraudulently will be disqualified;
- x. Service providers who have been declared insolvent and wish to do business with the MHSC must have been rehabilitated and provide the necessary proof thereof
- xi. The MHSC reserves the right to award, cancel or partially award this contract.
- xii. The National Treasury General Conditions of Contract will be applicable to this tender (available on the National Treasury website);
- xiii. All prices quoted must be VAT inclusive;
- xiv. Only those bidders who have met the minimum functional criteria, as stipulated above, may be invited to present their proposal as required. Please note that bidders who may be invited for presentations, may have their technical scores re-evaluated.
- xv. For those bidders who have met the minimum functional criteria, as stipulated above, the MHSC has the right to visit the business premises to verify the information provided in the tender documents.
- xvi. The price as per the proposal submitted will form part of the contract for the successful bidder.
- xvii. All prices must be valid for 90 days from date of closing.

## **10. ADVERTISING DATE**

- i. **The bid will be advertised in the Government Tender Bulletin, MHSC internet and Newspaper.**

## **11. CLOSING DATE**

The closing date for the submission of proposals is the 30<sup>th</sup> of November **2020** at **11H00**. All documents must be delivered to the MHSC Offices.

## **12. ENQUIRIES**

For any technical enquiries and commercial enquiries please contact: the MHSC Supply Chain Unit at [tenders@mhsc.org.za](mailto:tenders@mhsc.org.za)

# **ANNEX A: SCOPE OF WORK: Appointment of a service provider to undertake project CoE 200402 "Review Comro (chamber of mines research organisation) Code regarding determining escape distance to a place of safety during an emergency in the underground"**

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## **1. Special instructions to Bidders**

- 1.1 Scope of work shall form part of the contract.
- 1.2 Should a vendor have reasons to believe that the Technical Specification is not open and/or is written for a particular service or work; the vendor shall notify Procurement Services within seven (07) days after publication of the bid.
- 1.2 All documents as indicated must be supplied as part of the submission.

## **2. Requirements Background**

### **2. 1. BACKGROUND**

The Mine Health and Safety Council is a national public entity (Schedule 3A) established in terms of the Mine Health and Safety Act, No 29 of 1996, as amended. The entity comprises a tripartite board represented by State, Employer, and Labour members under chairmanship of the Chief Inspector of Mines. The MHSC is funded by public revenue and is accountable to Parliament.

The main task of the Council is to advise the Minister of Mineral Resources on occupational health and safety legislation and research outcomes focused on improving and promoting occupational health and safety in South African mines. The Council also oversees the activities of its committees; promotes a culture of health and safety in the mining industry; arranges a summit every two years to review the state of occupational health and safety at mines; and liaises with the Mining Qualifications Authority and any other statutory bodies about mining health and safety.

A competitive bidding process will be embarked upon. It is also important for MHSC to assist Government in its key objective of socio-economic development, especially in rural areas, where many of the national parks are located.

## **10. SUBMISSION OF BIDS**

Bidders are required to submit **One (01)** original plus **Two (02)** copies of the bid document and a disc.

MHSC may request clarification or further information regarding any aspect of the bid. The bidder must supply the requested information within 48 hours or unless otherwise indicated after the request has been made.

## **11.EVALUATION PHASES**

**The received bid proposals will be evaluated in different phases in order to arrive to the final phase of bid award, and the phases will be as follows:**

### **11.1 PHASE ONE (01): MINIMUM REQUIREMENTS SCREENING**

*In this phase All bids received will be verified for **compliance** and **completeness** of the submitted proposal per the below set of requirements. Bidders who comply with the below functionality will progress to the next phase of price and BBEE points evaluation.*

- Bid forms must be properly received on the bid closing date and time specified on the invitation, fully completed, dated and signed in ink.
- Bid forms must be properly fully completed, dated, signed in ink and initial every page of the bid.
- Submission of the bid document must be **binded** and is without tearing any pages off.
- Invitation to Bid (SBD 1) must be fully completed,
- Submission of an CSD to verify Tax Status (SBD 2) – Bidders whom their Tax matters are not in order and no proper arrangements have been made with SARS to meet their tax obligations will not be considered for this bid. *7 days from the bid closing date is afforded to any bidder who already made necessary arrangements with SARS (attached proof as obtained from SARS Branch) of when the necessary arrangements have been made to meet your Tax obligation and be issued with Tax certificate. Failure to submit a valid and original Tax Clearance within 7 days after the bid closing date, your submitted bid proposal will be considered non-responsive and shall be invalidated or disqualified and not considered for further evaluation.*
- Submission of fully completed Pricing Schedule (Purchases – Goods - SBD 3.1), (Professional Services – SBD 3.3). In case of purchases of goods other than services, bidders should complete and sign SBD 3.1 of the Firm price only. In case of professional services, bidders should complete and sign SBD 3.3 for services only.
- Submission of fully completed SBD 4 (Declaration of Interest),
- Submission of fully completed SBD 6.1 (Preference Claim Certificate), accompanied by the original or certified B-BBEE Status Level Verification Certificate as issued by SANAS accredited service providers, or an affidavit shall be accepted.
- Submission of fully completed SBD 6.2 (Declaration Certificate for Local Production and Content for Designated Sectors).
- Submission of fully completed Contract Form (Purchases – Goods/Works - SBD 7.1), (Rendering of Services – SBD 7.2). In case of purchases of goods other than services, bidders should complete and sign SBD 7.1 of the Firm price only. In case of rendering of services, bidders should complete and sign SBD 7.2 for services only. Bidders to complete and sign PART ONE (01) only.
- Submission of fully completed SBD8 (Declaration of Bidders Past SCM Practice),
- Submission of fully completed SBD9 (Certificate of Independent Bid Determination),
- Business Registration Certificate e.g. CK 1, certificate of incorporation
- Familiarise yourself and Initial every page of the General Condition of Contract

**NB: Any bidder who did not sign and submit any of the requested documents may be disqualified.**

## **11.2 PHASE TWO (02): DETAIL EVALUATION CRITERIA AND POINT ALLOCATION**

*In this phase All bids received will be verified for **compliance** and **completeness** of the submitted proposal per the below set of requirements. Bidders who fails to comply with the below requirements will be eliminated and bidders who comply with the below will be evaluated further on price and BBEE points.*

## **12. QUALIFICATION THRESHOLD TO PROGRESS TO THE NEXT PHASE OF EVALUATION**

**Threshold – Bidders must achieve 70% an average score for consideration to the final stage evaluation of price and preference – B-BBEE claim point's information.**

**NB: Bidder who obtains highest total points on PRICE and B-BBEE claimed points shall be awarded the contract. MHSC reserves the right to appoint one or more service providers for this project.**

### **13. EVALUATION CRITERIA AND WEIGHTING:**

The RFB stipulated that the responses to be evaluated using the **80/20** preference points system in accordance with the PPPFA guidelines. Based on this system the points will be allocated as follows:

Criteria	Points
Price	80
Participation Goals/BBBEE	20
<b>Total</b>	<b>100</b>

### **EVALUATION FORMULA**

The following formula will be applied to calculate the scores:

#### **Price Formula**

The following PPPFA formula was used to evaluate the price proposals submitted by bidders, this formula was used because price was the only criterion that was scored i.e. the whole 80 points were allocated to price as per par. 10.1 of this submission.

$$PS = 80 (1 - \frac{Pt - Pmin}{Pmax - Pmin})$$

Pmin

Ps = Points scored for price of the bid under consideration.

Pt = Rand value of bid under consideration.

Pmin = Rand value of lowest acceptable bid

### **14. FINAL AWARD**

Bidder who obtains highest total points on PRICE and B-BBEE claimed points shall be awarded the contract. MHSC reserves the right to appoint one or more service providers for this project.

## ANNEX I: SBD4: DECLARATION OF INTEREST

### DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state<sup>1</sup>, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

2.1 Full Name of bidder or his or her representative: .....

2.2 Identity Number: .....

2.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>): .....

2.4 Company Registration Number: .....

2.5 Tax Reference Number: .....

2.6 VAT Registration Number: .....

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

<sup>1</sup>"State" means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

<sup>2</sup>"Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

2.7 Are you or any person connected with the bidder **YES / NO**  
presently employed by the state?

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member: .....

Name of state institution at which you or the person  
connected to the bidder is employed : .....  
Position occupied in the state institution: .....

Any other particulars:  
.....  
.....  
.....

2.7.2 If you are presently employed by the state, did you obtain **YES / NO**  
the appropriate authority to undertake remunerative  
work outside employment in the public sector?

2.7.2.1 If yes, did you attached proof of such authority to the bid **YES / NO**  
document?

(Note: Failure to submit proof of such authority, where  
applicable, may result in the disqualification of the bid.

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

.....  
.....  
.....

2.8 Did you or your spouse, or any of the company's directors / **YES / NO**  
trustees / shareholders / members or their spouses conduct  
business with the state in the previous twelve months?

2.8.1 If so, furnish particulars:

.....  
.....  
.....

2.9 Do you, or any person connected with the bidder, have **YES / NO**  
any relationship (family, friend, other) with a person  
employed by the state and who may be involved with  
the evaluation and or adjudication of this bid?

2.9.1 If so, furnish particulars.

.....  
.....  
.....

2.10 Are you, or any person connected with the bidder, **YES/NO**  
aware of any relationship (family, friend, other) between  
any other bidder and any person employed by the state  
who may be involved with the evaluation and or adjudication  
of this bid?

2.10.1 If so, furnish particulars.

.....  
.....  
.....

2.10 Do you or any of the directors / trustees / shareholders / members **YES/NO**  
of the company have any interest in any other related companies



whether or not they are bidding for this contract?

2.11.1 If so, furnish particulars:

.....  
.....  
.....

**3 Full details of directors / trustees / members / shareholders.**

Full Name	Identity Number	Personal Reference Number	Tax Number	State Number	Employee / Persal Number

**DECLARATION**

I, THE UNDERSIGNED (NAME).....

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

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of bidder

May 2011

## ANNEX K: BBBEE CERTIFICATES

NB: Bidder (s) is requested to attach their valid and original or certified B-BBEE Preferential point claim certificate to be eligible for points claimed. Certificate must be issued by SANAS Accredited agency.

## ANNEX K: BBBEE CERTIFICATES

NB: Bidder (s) is requested to attach their valid and original or certified B-BBEE Preferential point claim certificate to be eligible for points claimed. Certificate must be issued by SANAS Accredited agency.

### SBD 6.1

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

##### 1..1.1

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 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 Preference points for this bid shall be awarded for:
- (c) Price; and
  - (d) B-BBEE Status Level of Contribution.
- 1.4 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTION	20
Total points for Price and B-BBEE must not exceed	100

- 1.5 Failure on the part of a bidder to submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS), or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or a sworn affidavit confirming annual turnover and level of black ownership in case of an EME and QSE 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) **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
  - (b) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the

Broad-Based Black Economic Empowerment Act;

- (c) **“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (d) **“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 services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- (e) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (f) **“comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- (g) **“consortium or joint venture”** 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;
- (h) **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- (i) **“EME”** means an Exempted Micro Enterprise as defines by Codes of Good Practice under section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (j) **“Firm price”** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- (k) **“functionality”** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- (l) **“non-firm prices”** means all prices other than “firm” prices;
- (m) **“person”** includes a juristic person;
- (n) **“QSE”** means a Qualifying Small Enterprise as defines by Codes of Good Practice under section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 ( Act No. 53 of 2003);
- (o) **“rand value”** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- (p) **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- (q) **“total revenue”** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- (r) **“trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- (s) **“trustee”** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

### 3. ADJUDICATION USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts.
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

### 4. POINTS AWARDED FOR PRICE

#### 4.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

**80/20**

**or**

**90/10**

$$P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

$P_s$  = Points scored for comparative price of bid under consideration

$P_t$  = Comparative price of bid under consideration

$P_{\min}$  = Comparative price of lowest acceptable bid

### 5. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTION

- 5.1 In terms of Regulation 5 (2) and 6 (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	8	16
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

- 5.2 A bidder who qualifies as a EME in terms of the B-BBEE Act must submit a sworn affidavit confirming Annual Total Revenue and Level of Black Ownership.

- 5.3 A Bidder other than EME or QSE must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6 Tertiary Institutions and Public Entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder 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 bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.8 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.

## 6. BID DECLARATION

- 6.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

## 7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 5.1

- 7.1 B-BBEE Status Level of Contribution:.. = .....(maximum of 10 or 20 points)
- (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or a sworn affidavit.

## 8. SUB-CONTRACTING

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

**(Tick applicable box)**

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

- 8.1.1 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.

**(Tick applicable box)**

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

## 9. DECLARATION WITH REGARD TO COMPANY/FIRM

- 9.1 Name of company/firm:.....

9.2 VAT registration number:.....

9.3 Company registration number:.....

9.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....  
.....  
.....  
.....

9.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

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

9.8 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 contribution indicated in paragraph 7 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 paragraph 7, 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 contribution 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) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, 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.

<p>WITNESSES</p> <p>1. ....</p> <p>2. ....</p>
--

<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE:.....</p> <p>ADDRESS.....</p> <p>.....</p> <p>.....</p>
--



# ANNEX M: SBD8: DECLARATION OF BIDDER'S PAST SUPPLY CHAIN PRACTICES

## DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
  - a. abused the institution's supply chain management system;
  - b. committed fraud or any other improper conduct in relation to such system; or
  - c. failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	<p><b>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</b></p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p><b>The Database of Restricted Suppliers now resides on the National Treasury's website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p><b>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</b></p> <p><b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	<p><b>Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?</b></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

### CERTIFICATION

**I, THE UNDERSIGNED (FULL NAME).....**

**CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.**

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

.....  
**Signature**

.....  
**Date**

.....  
**Position**

.....  
**Name of Bidder**

## **ANNEX N: SBD9: CERTIFICATE OF INDEPENDENT BID DETERMINATION**

---

### **CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Standard Bidding Document (SBD) must form part of all bids<sup>1</sup> invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
  - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
  - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

**<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.**

**<sup>2</sup> Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.**

## CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

---

(Bid Number and Description)

in response to the invitation for the bid made by:

---

(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: \_\_\_\_\_ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:

- (a) has been requested to submit a bid in response to this bid invitation;
- (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
- (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:

- (a) prices;

- (b) geographical area where product or service will be rendered (market allocation)
- (c) methods, factors or formulas used to calculate prices;
- (d) the intention or decision to submit or not to submit, a bid;
- (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
- (f) bidding with the intention not to win the bid.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

**<sup>3</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.**

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

.....  
SignatureDate

.....  
Position Name of Bidder

Js914w 2

## **ANNEX O: COMPANY REGISTRATION DOCUMENTS (CIPC/CIPRO)**

---

- Certified copies (**copy with original stamp**) of your CIPC (CIPRO) company registration documents listing all members with percentages, in case of close corporation
- Certified copies (**copy with original stamp**) of all latest share certificates, in case of a company

## ANNEX U: GENERAL CONDITIONS OF CONTRACT

### PLEASE INITIAL EACH PAGE OF THE GENERAL CONDITIONS OF CONTRACT

#### General conditions of bid and conditions of contract

Bidders shall provide full and accurate answers to all (including mandatory) questions posed in this document, and, are required to explicitly state "Comply/Accept" or "Do not comply/Do not accept" (with a ✓ or an X) regarding compliance with the requirements. Where necessary, the bidders shall substantiate their response to a specific question.

**NOTE:** It is mandatory for bidders to complete or answer this part fully; failure to do so result to their bid to be treated as incomplete and shall be disqualified. Refer to paragraph 4 of this document (reasons for disqualification).

1.

This bid is subject to the General Conditions of Contract stipulated below.	<b>Accept</b>	<b>Do not accept</b>

2.

The laws of the Republic of South Africa shall govern this RFP and the bidders hereby accept that the courts of the Republic of South Africa shall have the jurisdiction.	<b>Accept</b>	<b>Do not accept</b>

3.

MHSC shall not be liable for any costs incurred by the bidder in the preparation of response to this RFP. The preparation of response shall be made without obligation to acquire any of the items included in any bidder's proposal or to select any proposal, or to discuss the reasons why such vendor's or any other proposal was accepted or rejected.	<b>Accept</b>	<b>Do not accept</b>

4.

MHSC may request written clarification or further information regarding any aspect of this proposal. The bidders must supply the requested information in writing within twenty four <b>(24) hours</b> after the request has been made, otherwise the proposal may be disqualified.	<b>Accept</b>	<b>Do not accept</b>

5.

In the case of Consortium, Joint Venture or subcontractors, bidders are required to provide copies of signed agreements stipulating the work split and Rand value.	<b>Accept</b>	<b>Do not accept</b>

6

In the case of Consortium, Joint Venture or subcontractors, all bidders are required to provide mandatory documents as stipulated in schedule 1 of the Response format.	<b>Accept</b>	<b>Do not accept</b>

7

MHSC reserves the right to; cancel or reject any proposal and not to award the proposal to the lowest bidder or award parts of the proposal to different bidders, or not to award the proposal at all.	<b>Accept</b>	<b>Do not accept</b>

8

Where applicable, bidders who are distributors, resellers and installers of network equipment are required to submit back-to-back agreements and service level agreements with their principals.	<b>Accept</b>	<b>Do not accept</b>

9

By submitting a proposal in response to this RFP, the bidders accept the evaluation criteria as it stands.	<b>Accept</b>	<b>Do not accept</b>

10

Where applicable, MHSC reserves the right to run benchmarks on the requirements equipment during the evaluation and after the evaluation.	<b>Accept</b>	<b>Do not accept</b>

11

MHSC reserves the right to conduct a pre-award survey during the source selection process to evaluate contractors' capabilities to meet the requirements specified in the RFP and supporting documents.	<b>Accept</b>	<b>Do not accept</b>

12

Only the solution commercially available at the proposal closing date shall be considered. No Bids for future solutions shall be accepted.	<b>Accept</b>	<b>Do not accept</b>

13

The bidder should not qualify the proposal with own conditions. <b>Caution:</b> If the bidder does not specifically withdraw its own conditions of proposal when called upon to do so, the proposal response shall be declared invalid.	<b>Accept</b>	<b>Do not accept</b>



14

Should the bidder withdraw the proposal before the proposal validity period expires, MHSC reserves the right to recover any additional expense incurred by MHSC having to accept any less favourable proposal or the additional expenditure incurred by MHSC in the preparation of a new RFP and by the subsequent acceptance of any less favourable proposal.	<b>Accept</b>	<b>Do not accept</b>

15

Delivery of and acceptance of correspondence between the MSHC and the bidder sent by prepaid registered post (by air mail if appropriate) in a correctly addressed envelope to either party's postal address or address for service of legal documents shall be deemed to have been received and accepted after (2) two days from the date of postage to the South African Post Office Ltd.	<b>Accept</b>	<b>Do not accept</b>

16

Should the parties at any time before and/or after the award of the proposal and prior to, and-or after conclusion of the contract fail to agree on any significant product price or service price adjustments, change in technical specification, change in services, etc. MHSC shall be entitled within 14 (fourteen) days of such failure to agree, to recall the letter of award and cancel the proposal by giving the bidder not less than 90 (ninety) days written notice of such cancellation, in which event all fees on which the parties failed to agree increases or decreases shall, for the duration of such notice period, remain fixed on those fee/price applicable prior to the negotiations.  Such cancellation shall mean that MHSC reserves the right to award the same proposal to next best bidders as it deems fit.	<b>Accept</b>	<b>Do not accept</b>

17

In the case of a consortium or JV, each of the authorised enterprise's members and/or partners of the different enterprises must co-sign this document.	<b>Accept</b>	<b>Do not accept</b>

18

Any amendment or change of any nature made to this RFP shall only be of force and effect if it is in writing, signed by MHSC signatory and added to this RFP as an addendum.	<b>Accept</b>	<b>Do not accept</b>

19

Failure or neglect by either party to (at any time) enforce any of the provisions of this proposal shall not, in any manner, be construed to be a waiver of any of that party's right in that regard and in terms of this proposal. Such failure or neglect shall not, in any manner, affect the continued, unaltered validity of this proposal, or prejudice the right of that party to institute subsequent action.	<b>Accept</b>	<b>Do not accept</b>

20

Bidders who make use of subcontractors. A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder 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 bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract	<b>Accept</b>	<b>Do not accept</b>

21

All services supplied in accordance with this proposal must be certified to all legal requirements as per the South African law.	<b>Accept</b>	<b>Do not accept</b>

22

No interest shall be payable on accounts due to the successful vendor in an event of a dispute arising on any stipulation in the contract.	<b>Accept</b>	<b>Do not accept</b>

23

Evaluation of Bids shall be performed by an evaluation panel established by MHSC.  Bids shall be evaluated on the basis of conformance to the required specifications as outlined in the RFP. Points shall be allocated to each bidder, on the basis that the maximum number of points that may be scored for price is <b>80</b> , and the maximum number of preference points that may be claimed for BBBEE (according to the PPPFA) is <b>20</b> .	<b>Accept</b>	<b>Do not accept</b>

24

If the successful bidder disregards contractual specifications, this action may result in the termination of the contract.	<b>Accept</b>	<b>Do not accept</b>

25

The bidders' response to this Bid, or parts of the response, shall be included as a whole or by reference in the final contract.	<b>Accept</b>	<b>Do not accept</b>

26

Should the evaluation of this bid not be completed within the validity period of the bid, MHSC has discretion to extend the validity period.	<b>Accept</b>	<b>Do not accept</b>

27

Upon receipt of the request to extend the validity period of the bid, the bidder must respond within the required time frames and in writing on whether or not he agrees to hold his original bid response valid under the same terms and conditions for a further period.	<b>Accept</b>	<b>Do not accept</b>

28

Should the bidder change any wording or phrase in this document, the bid shall be evaluated as though no change has been effected and the original wording or phrasing shall be used.	<b>Accept</b>	<b>Do not accept</b>

## ANNEX Q: JOINT VENTURE AGREEMENT

---

- To provide Joint Venture Agreement signed under Commissioner of Oath.
- To provide above documentation for both companies that form the JV.

### **NB: Joint venture agreement and performing the work**

The primary bidder needs to have major responsibilities in this project and both parties need to state their percentage interest in this joint venture. Joint venture is encouraged mainly for developmental purposes.

## ANNEX S: LIST OF REFERENCE OF RELEVANT SERVICES (PROJECTS)

PARTICULARS OF COMMITMENTS WHICH THE TENDERER HAS PREVIOUSLY COMPLETED AND PRESENTLY ENGAGED WITH. ANNEXURE R OR 18

Current and Previous Projects

No	Project/Company name	Extent of contract/relationships			Contact person	Contact number	Contract amount	Date of commencement	Scheduled date of completion	Contract period (No of years)
		National	No of Provinces	Other						
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										
13										
14										



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## ANNEX E: COMPANY PROFILE

NB: Bidder (s) are requested to attached their company profile on this annexure

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## ANNEX T: RESOLUTION OF BOARD OF DIRECTORS / MEMBERS / SOLE PROPRIETOR / PARTNERS OF PARTNERSHIP

This returnable schedule needs to be completed if the tenderer is a joint venture. This form must be completed by each partner of the joint venture. The name of the principal partner must be stated under Point 2.

Resolution of Board of Directors / Members / Sole Proprietor/ Partners of Partnership (i.e. of each legal person to comprise the Joint Venture Partnership)

**RESOLUTION** of a meeting of the Board of \*Directors / Members / Sole Proprietor/ Partners of:

\_\_\_\_\_

(Legally correct full name and registration number, if applicable, of the Enterprise)

Held at \_\_\_\_\_ (place)

On \_\_\_\_\_ (date)

**RESOLVED that:**

1. The Enterprise submits a Tender, in Joint Venture with the following Enterprises:

\_\_\_\_\_

(List all the legally correct full names and registration numbers, if applicable, of the Enterprises forming the Joint Venture)

to the Mine Health and Safety Council in respect of the following project:

\_\_\_\_\_

(Project description as per Tender Document)

Tender Number: \_\_\_\_\_ (Tender Number as per Tender Document)

2. The Principal Partner of the Joint Venture will be

\_\_\_\_\_

(Legally correct full name and registration number, if applicable, of the Principal Partner of Joint Venture)

3. \*Mr/Mrs/Ms: \_\_\_\_\_

in \*his/her Capacity as: \_\_\_\_\_ (Position in the Enterprise)

and who will sign as follows: \_\_\_\_\_

be, and is hereby, authorised to sign a joint venture agreement with the parties listed under item 1 above, and any and all other documents and/or correspondence in connection with and relating to the joint venture, in respect of the project described under item 1 above.

4. The Enterprise accepts joint and several liability with the parties listed under item 1 above for the due fulfilment of the obligations of the joint venture deriving from, and in any way connected with, the Contract to be entered into with the Mine Health and Safety Council in respect of the project described under item 1 above.



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5. The Enterprise chooses as its *domicilium citandi et executandi* for all purposes arising from this joint venture agreement and the Contract with the Mine Health and Safety Council in respect of the project under item 1 above:

Physical address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ (code)

Postal Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ (code)

Telephone number: \_\_\_\_\_ (code)

Fax number: \_\_\_\_\_ (code)

	1..1.2 Name	Capacity	Signature
1	1..1.3		
2	1..1.4		
3	1..1.5		
4	1..1.6		
5	1..1.7		
6	1..1.8		
7	1..1.9		
8	1..1.10		
9	1..1.11		
10	1..1.12		

Note:

- \* Delete which is not applicable
- NB.** This resolution must be signed by all the Directors / Members / Partners of the Bidding Enterprise
- Should the number of Directors / Members/Partners exceed the space available above, additional names and signatures must be supplied on a separate page

1..1.12.1 **ENTERPRISE STAMP**

--



### BID RESPONSE SCHEDULE OF ALL RETURNABLE DOCUMENTS

**Very important:** Bidders are requested to arrange their bid proposal and attach all returnable documents in the following sequence. This will enable the evaluation committee to easily find your response for ease evaluation.

Item No.:	Description of the returnable document	Annexure where the document should be placed / attached	Are the documents attached as indicated	
			Yes	No
1.	Appropriate experience and Capacity to deliver with reference to the personnel to be allocated to this project	Annexure A or 1	Y	N
2.	Relevant References	Annexure B or 2	Y	N
3.	Experience related to service in terms of years, value and number	Annexure C or 3	Y	N
4.	SBD 3.1 : Purchases Firm Pricing Schedule	Annexure D or 4	Y	N
5.	Attach Company Profile	Annexure E or 5	Y	N
6.	SBD 1 : Bid Invitation	Annexure F or 6	Y	N
9.	SBD 4 : Declaration of Interests	Annexure I or 7	Y	N
10.	SBD 6.1: Preference Points Claim Form	Annexure J or 8	Y	N
11.	SBD 6.2: Local Content declaration	Annexure K or 9	N/A	N/A
12.	B-BBEE Certificate – Original or Certified copies	Annexure L or 10	Y	N
13.	SBD 8: Declaration of bidder's Past Supply Chain Practices	Annexure M or 11	Y	N
14.	SBD 9: Certificate of Independent Bid Determination	Annexure N or 12	Y	N
15.	Company Registration Documents: Certified copies ( <b>Copy with original stamp</b> ) of your CIPC (CIPRO) company registration documents listing all members with percentages, in case of a CC. Certified copies ( <b>Copy with original stamp</b> ) of all latest share certificates, in case of a company.	Annexure O or 13	Y	N
16.	<b>Proof of company registration with any relevant professional bodies.</b>	Annexure P or 14	Y	N
17.	Joint Venture Agreement - To provide signed Joint Venture Agreement signed by all parties involved. The primary bidder needs to have major responsibilities in this project and all parties need to state their percentage interest in this joint venture. Joint venture is encouraged mainly for developmental purposes.	Annexure Q or 15	Y	N
18.	List of traceable references of relevant services. Particulars of commitments which the bidder had previously completed and presently engaged with.	Annexure S or 16	Y	N
19.	Resolution of Board of directors / members / sole proprietor / partners of partnership	Annexure T or 17	Y	N
20.	General Conditions of Contract – every page initialled by the bidder	Annexure U or 18	Y	N
21.	Record of Addenda issued to bidders before the bid	Annexure V or 19	N/A	N/A



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	closing date			
<b>22.</b>	Central Database Summary Report Attached?	Annexure W or 20	<b>Y</b>	<b>N</b>
<b>23.</b>	Copies of Identity documents Attached?	Annexure W or 21	<b>Y</b>	<b>N</b>

**MINE HEALTH AND SAFETY COUNCIL  
PROPOSAL FOR A PROJECT TO BE FUNDED IN TERMS OF THE  
MINE HEALTH AND SAFETY ACT**

MHSC REFERENCE NUMBER  
(FOR OFFICE USE ONLY)

**Project Leader**

<b>PROJECT TITLE</b>	<b>CoE 18.... "TITLE"</b>
<b>PROJECT LEADER</b>	
<b>ORGANISATION</b>	
<b>POSTAL ADDRESS</b>	
<b>TELEPHONE:</b>	<b>+27</b>
<b>FACSIMILE</b>	<b>+27</b>
<b>EMAIL:</b>	

**Summary of Proposal**

<b>WHAT ARE THE EXPECTED RESEARCH OUTCOMES</b>	
<b>HOW WILL THE RESEARCH OUTCOMES IMPROVE HEALTH AND SAFETY IN SOUTH AFRICAN MINING INDUSTRY?</b>	
<b>HOW SHOULD THE RESEARCH OUTCOMES BE IMPLEMENTED?</b>	
<b>NAME THE CHAMPION MINE (S) THAT WILL BE USED IN THIS RESEARCH</b>	

**Summary of Budget**

FUNDING REQUIREMENTS FOR CURRENT YEAR*				Cost (Rand)	
Total project cost (excluding VAT)					
VAT**					
Total project cost (including VAT)					
Less funding from other sources***					
Total funding requested from MHSC (including VAT )					
Project Duration xx months	START	mm/yyyy	END	mm/yyyy	

*\*All MHSC projects are funded for one year, even though the project may be multi-year, the continuation will have to be motivated at the end of Year One.*

*\*\*VAT registration to be provided, if no VAT registration, then no VAT must be charged.*

*\*\*\*List of other funding sources need to be provided.*

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## Executive Summary

*Provide an executive summary of your proposal*

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**Project Budget**

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<b>FUNDING REQUIREMENTS FOR CURRENT YEAR *</b>	<b>Total Cost (Rand)</b>			
Total project cost (excluding VAT)				
VAT**				
Total project cost (including VAT)				
Less funding from other sources***				
Total funding requested from MHSC ( including VAT)				
<b>Project Duration xx months</b>	<b>Star t</b>	<b>mm/yyyy y</b>	<b>End</b>	<b>mm/yyyy</b>

*\*All MHSC projects are funded for one year, even though the project may be multi-year, the continuation will have to be motivated at the end of Year One.*

*\*\*VAT registration to be provided, if no VAT registration, then no VAT must be charged.*

*\*\*\*List of other funding sources need to be provided.*

<b>POTENTIAL FUNDING REQUIREMENTS FOR FUTURE YEARS*</b>	<b>Total Cost (Rand)</b>		
	<i>Number of Years (alpha and numeric)</i>		
Number of years remaining after Year 1	<i>Year #</i>	<i>Year #</i>	<i>Year 3</i>
Projected costs for remaining years			
VAT**			
Total costs including VAT			
Less funding from other sources ***			
Total funding that could be requested from MHSC Less other funding			
Expected Start as per financial year (20YY/20YY)	20YY/20YY	20YY/20YY	

*\*All MHSC projects are funded for one year, even though the project may be multi-year, the continuation will have to be motivated at the end of Year One.*

*\*\*VAT registration to be provided, if no VAT registration, then no VAT must be charged.*

*\*\*\*List of other funding sources need to be provided.*



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## Research methodology and hypothesis

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## Research outputs

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Describe in detail the primary and secondary outputs that are expected to be delivered based on the hypothesis and research methodology previous explained.

### 6 Research Outputs

(Table below to be completed in full)

No.	MILESTONE	MILESTONE TIMELINES (mm/yy)		COST per MILESTONE (Rand)
		Start date	End date	
1	Project initiation (start-up presentation and report)			10% of total project cost
2				
3				
N	Draft final report (submission)			5% of total project cost
N+1	Final report (approval)			10% of total project cost

### 6 Details of enabling outputs

Describe in detail the associated initiative or task and associated deliverables for the abovementioned project milestones

MILESTONE	SUPPORTING INITIATIVES PER MILESTONE	DELIVERABLE PER INITIATIVE
1. Project initiation (start-up presentation and report)		
2.	2.1	
	2.2	
3	3.1	
	3.2	
N	Draft final report (submission)	
N+1	Final report (approval)	



## 6 Schedule of Activities

 Planned:
 

No.	Milestone	mm/ yyy y	mm /yy yy	mm /yy yy	mm /yyy y	mm /yyy y	mm /yy yy	mm /yy yy	mm /yy yy	mm /yy yy	mm/ yyyy	mm/ yyyy	mm/ yyyy
1	Project initiation												
2													
3													
N	Draft final report												
N+ 1	Final Report												

## Transfer of Research outcomes for implementation

*Provide a detailed description of the manner in which this research will be disseminated.*

**FINANCIAL Summary**

A detailed summary of the project costs are required.

Focus will be on:

- Human Resources (Details in Annexure 1)
- Capital Equipment (Details in Annexure 2)
- Operating Costs (Details in Annexure 3)
- Sub-contractor costs

No.	Milestone	Milestone timelines (mm/yy)		HR costs	Operating Costs	Sub-contract or costs	Capital costs	Total
		Start	End					
1	Project initiation							
2								
3								
N	Draft final report							
N+1	Final Report							
<b>Total</b>								

**9.1 Sub-contractors**

If applicable, list all sub-contractors

Name of sub-contractor	Activity	Sub-contractor amount (Rands)
<b>Total</b>		

**9.2 OTHER SOURCES OF FUNDING**

If applicable, any funding obtained from alternate sources needs to be provided in detail. Comment is required on the nature of the support, the amount, the commitment or expectation as a result of the support.

Organisation	Nature of support and commitment in return	Amount (Rands)
<b>Total</b>		



**Details on Project Team**

- Details required on the project team that will be involved in the project.

1.Name and Surname	
Role in Project	
Citizenship	
Demographic Classification	
Qualification	
Experience in field of expertise	
Relevance to the project	
Percentage of time/involvement in project	

2.Name and Surname	
Role in Project	
Citizenship	
Demographic Classification	
Qualification	
Experience in field of expertise	
Relevance to the project	
Percentage of time/involvement in project	

3.Name and Surname	
Role in Project	
Citizenship	
Demographic Classification	
Qualification	
Experience in field of expertise	
Relevance to the project	
Percentage of time/involvement in project	

4.Name and Surname	
Role in Project	
Citizenship	
Demographic Classification	
Qualification	
Experience in field of expertise	
Relevance to the project	
Percentage of time/involvement in project	

5.Name and Surname	
Role in Project	
Citizenship	
Demographic Classification	
Qualification	
Experience in field of expertise	
Relevance to the project	
Percentage of time/involvement in project	

6.Name and Surname	
Role in Project	
Citizenship	
Demographic Classification	
Qualification	
Experience in field of expertise	
Relevance to the project	
Percentage of time/involvement in project	

7.Name and Surname	
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Role in Project	
Citizenship	
Demographic Classification	
Qualification	
Experience in field of expertise	
Relevance to the project	
Percentage of time/involvement in project	

8.Name and Surname	
Role in Project	
Citizenship	
Demographic Classification	
Qualification	
Experience in field of expertise	
Relevance to the project	
Percentage of time/involvement in project	

9.Name and Surname	
Role in Project	
Citizenship	
Demographic Classification	
Qualification	
Experience in field of expertise	
Relevance to the project	
Percentage of time/involvement in project	

10.Name and Surname	
Role in Project	
Citizenship	
Demographic Classification	
Qualification	
Experience in field of expertise	
Relevance to the project	
Percentage of time/involvement in project	



## 12. Declaration by the Proposing Organisation

I, the undersigned, being duly authorised to sign this proposal, herewith declare that:

- The information given in this proposal is true and correct in every particular.
- This Organisation has the basic expertise and facilities required for satisfactory completion of the project and will adhere to the program of activities as set out in this proposal.
- The costs quoted are in accordance with the normal practice of this Organisation and can be substantiated by audit.

Signed on this day of 2014 for and behalf of

SIGNATURE:

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NAME:

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DESIGNATION

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