

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE LIMPOPO DEPARTMENT OF EDUCATION					
BID NUMBER:	LDE/B02/2021/22	CLOSING DATE:	09 JULY 2021	CLOSING TIME:	11:00
DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER TO RENEW THE DEPARTMENT'S ANTI - VIRUS (SYMANTEC ENDPOINT SECURITY COMPLETE INCLUDING CLOUD SERVICE) LICENSE AND PROVIDE ONSITE SUPPORT FOR THE PERIOD OF THREE (3) YEARS.				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
CNR 113 BICCARD & 24 EXCELSIOR STREET					
POLOKWANE					
0700					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	MASHILO MP		CONTACT PERSON	MAKWLA KMJ	
TELEPHONE NUMBER	015 290 7660		TELEPHONE NUMBER	015 290 9394	
FACSIMILE NUMBER	N/A		FACSIMILE NUMBER	N/A	
E-MAIL ADDRESS	MashiloMP@edu.limpopo.gov.za		E-MAIL ADDRESS	MakwelaKMJ@edu.limpopo.gov.za	
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) 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?	<input type="checkbox"/> Yes <input type="checkbox"/> No (IF YES ENCLOSE PROOF)		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No (IF YES, ANSWER THE QUESTIONNAIRE BELOW]	
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
DOES THE ENTITY HAVE A BRANCH IN THE RSA?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.					

**PART B
TERMS AND CONDITIONS FOR BIDDING**

1. BID SUBMISSION:
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED—(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.
1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).
2. TAX COMPLIANCE REQUIREMENTS
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

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

SIGNATURE OF BIDDER:

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

DATE:

**PRICING SCHEDULE – FIRM PRICES
(PURCHASES)**

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

IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of bidder.....	Bid number: LDE/B02/2021/22
Closing Time 11:00	Closing date: 09 JULY 2020

OFFER TO BE VALID FOR 160 DAYS FROM THE CLOSING DATE OF BID.

ITEM NO.	QUANTITY	DESCRIPTION	BID PRICE IN RSA CURRENCY ** (ALL APPLICABLE TAXES INCLUDED)
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- Required by: Limpopo Department of Education

- At: Various Schools

- Brand and model

- Country of origin

- Does the offer comply with the specification(s)? *YES/NO

- If not to specification, indicate deviation(s)

- Period required for delivery

*Delivery: Firm/not firm

- Delivery basis

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

** "all applicable taxes" includes value- added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

*Delete if not applicable

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price 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, shareholder²):

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.

¹"State" means –

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

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

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

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:
Name of state institution at which you or the person connected to the bidder is employed :
Position occupied in the state institution:

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

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

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

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

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

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

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

2.8.1 If so, furnish particulars:

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

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

2.9.1 If so, furnish particulars.

.....

4 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

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

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

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

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

- a) The value of this bid is estimated to exceed R50 000 000 (all applicable taxes included) and therefore the 90/10 preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

1.4 The maximum points for this bid are allocated as follows:

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

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

- (a) “**B-BBEE**” means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) “**B-BBEE status level of contributor**” means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) “**bid**” means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) “**Broad-Based Black Economic Empowerment Act**” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) “**EME**” means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) “**functionality**” means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) “**prices**” includes all applicable taxes less all unconditional discounts;
- (h) “**proof of B-BBEE status level of contributor**” means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) “**QSE**” means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) “**rand value**” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

3.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

P_{\min} = Price of lowest acceptable bid

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5. BID DECLARATION

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

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

6.1 B-BBEE Status Level of Contributor: . =(maximum of 10 or 20 points)
 (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

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

(Tick applicable box)

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

7.1.1 If yes, indicate:

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

(Tick applicable box)

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

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

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

Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

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

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
 - One person business/sole propriety
 - Close corporation
 - Company
 - (Pty) Limited
- [TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

8.6 COMPANY CLASSIFICATION

- Manufacturer
 - Supplier
 - Professional service provider
 - Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]

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

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

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a

fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

- (a) disqualify the person from the bidding process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution.

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

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

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>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?</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>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>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)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	<p>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?</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:		

SBD 8

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ 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).² 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:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² 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 consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (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.

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

SBD 9

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder



LIMPOPO

PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF
EDUCATION

TERMS OF REFERENCE

(TOR)

Appointment of a service provider to renew and provide onsite support for a period of 36 months the Department's Anti-Virus License (Symantec Endpoint security complete including cloud service)

1. DEFINITIONS AND TERMS

In these Terms of Reference (TOR), unless the context indicates otherwise, a word or expression to which a meaning has been in the TOR, has the same meaning, and -

- a) **"Contract"** means an agreement entered into between the successful bidder(s) and the Department.
- b) **"Bidder"** means any legal persona who herewith submits a bona fide bid (offer) in response to a Request for Bid (RFB).
- c) **"Department"** means Limpopo Department of Education (LDoE).
- d) **Acceptable Bid** - means any bid, which, in all respects, complies with the specifications and conditions of the Request for Bid as set out in this document.
- e) **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 or goods.
- f) **Bidder** - means any enterprise, consortium or person, partnership, company, close corporation, firm or any other form of enterprise or person, legal or natural, which has been invited by the Department of Education to submit a bid in response to this bid invitation.
- g) **Bidder Agent** - means any person mandated by a prime Bidder or consortium/joint venture to do business for and on behalf of, or to represent in a business transaction, the prime Bidder and thereby acquire rights for the prime Bidder or consortium/joint venture against Department of Education or an organ of state and incur obligations binding the prime Bidder or consortium/joint venture in favour of the Department.
- h) **Client** – means the Limpopo Department of Education.
- i) **Joint Venture** - (Project) means two or more businesses joining together under a contractual agreement to conduct a specific business enterprise with both parties sharing profit and losses.
- j) **ICT** – Information Communication & Technology.
- k) **Rand Value** - means the value of a rate in South African Rand, which is calculated at the time of proposal invitations and includes all applicable taxes and excise duties.
- l) **Successful Bidder** - means the organization or person to whom the tender was awarded and has accepted the appointment to execute the work as detailed in the bid. This term shall be used interchangeably with the term Contractor.
- m) **Anti-virus** – a computer program used to prevent, detect and remove any malicious software.

2. INTRODUCTION

This document contains all Terms and Conditions of the bid for the appointment of a bidder to renew the Department's Symantec Anti-Virus License. Bidders must provide license renewal quotation for 12 months, 24 months and 36 months) and provide onsite support for a period of 36 months (the successful bidder must transfer skills to the Department's technical officials during the 36 months period). This bid is only opened to bidders who are accredited for Symantec. A bidder who fails to comply with this clause may be disqualified at the discretion of Limpopo Department of Education (LDoE).

3. BACKGROUND

- 3.1. LDoE's Anti-Virus License (Symantec protection suite enterprise edition including endpoint protection) needs to be renewed for a period of 36 Months.
- 3.2. LDoE does not have physical servers in 141 X Circuit Offices however the users based in the Circuit Offices access the anti-virus from their respective District Offices which has ICT infrastructure.
- 3.3. LDoE has the following sites where users have access to their respective ICT infrastructure (server room/data centre, network cabling, virtual servers, desktops/laptops & etc) where the anti-virus suite will be renewed and onsite support provided :-
 - 3.3.1. 113 Biccard Street, Polokwane ;
 - 3.3.2. 33 Biccard Street, Polokwane;
 - 3.3.3. Capricorn North District North, Ladanna, Polokwane
 - 3.3.4. Mastec (Seshego), Polokwane;
 - 3.3.5. Vhembe East District Office, Thohoyandou;
 - 3.3.6. Vhembe West District Office, Thohoyandou;
 - 3.3.7. Mopani East District Office, Giyani;
 - 3.3.8. Mopani West District Office, Tzaneen;
 - 3.3.9. Sekhukhune South District Office, Lebowakgomo;
 - 3.3.10. Sekhukhune East District Office, Riba Cross;
 - 3.3.11. Capricorn South District Office, Lebowakgomo;
 - 3.3.12. Waterberg District Office, Modimolle; and
 - 3.3.13. Waterberg District Office, Mogalakwena.
- 3.4. The following are the current statistics of the LDoE:-
 - 3.4.1. Total Number of Users is 2700
 - 3.4.2. Total Number of data centers/server rooms (Symantec anti-virus server) is 13 (one data center/server room in each District Office and three [3] in Head Office Sites).

4. SCOPE AND SERVICE REQUIREMENT

- 4.1. The service for this bid comprises of the following deliverables to be provided over a period of 36 months as of the appointment date at the above mentioned sites:-
 - 4.1.1. Renewal of the Department's Symantec Anti-Virus License: The successful bidder must submit a license renewal for 12 months, 24 months and 36 months.
 - 4.1.2. Provision of onsite support and transfer of skills to the Department's technical officials during the 36 months period.
- 4.2. The License should cater for the LDoE's Sites namely, Head Office (in Polokwane), Ten (10) Education District Offices and 141 Circuit Offices and Endpoint Security Complete including (Cloud Service) license and provide onsite support for 2700 users. The 2700 users are spread across in Head Office Sites in Polokwane, Ten (10) X District Offices and 141 Circuit Offices for a period of 36 months.
- 4.3. The Department requires renewal of the Symantec Endpoint Security complete including Cloud Service latest version at the time of purchase, web & e mail filtering and anti-spam), and five (5) days per week anti-virus (Symantec) onsite support at all Head Office data Centers/server rooms (Symantec anti-virus server), Ten (10) X District Offices (Symantec anti-virus server), 141 X Circuit Offices and desktop environment (2700 users).
- 4.4. The onsite anti-virus support will be for five (5) days per week with a period of maximum eight (8) hours per day (Max from 07:30 until 16:30), the technical resource(s) will be expected to sign in on the attendance register and sign out per onsite visit, and the appointed service provider should provide Symantec reports on a monthly basis.
- 4.5. The technical resource(s) will be expected to be available after hours, on weekends and on public holidays as per ad-hoc or emergency anti-virus related ICT calls with a two (2) hour response turnaround time.
- 4.6. LDoE's ICT infrastructure (both client side and server side) is mainly based on Microsoft platform/ environment, Microfocus and Citrix, and the Department utilizes an in house ICT Help Desk System and paper based ICT log forms for all ICT related calls.

5. MANDATORY REQUIREMENTS

Bidders are required to comply with the following minimum requirements:

5.1. Completion of bid document

The following are minimum requirements for completion of the bid document:-

- 5.1.1. Bidders shall ensure that there are no missing or duplicated pages since the Department shall not accept liability in regard to claims by bidders that pages are missing or duplicated.
- 5.1.2. The entire bid document must be completed in black ink and signed by an authorized signatory.
- 5.1.3. Telephonic, Telegraphic, Telex, Facsimile or emailed bid documents will not be accepted.
- 5.1.4. Bidders must be registered on Centralized Supplier Database (CSD) and furnish their CSD No. as a proof of registration as follows: - CSD Registration No:.....
- 5.1.5. Any alteration must be signed for by the authorized signatory and therefore correction fluid is not allowed.

5.2. Technical requirements

- 5.2.1. Only bidders that are Symantec accredited service providers (bidder must submit accreditation letter) will be considered.
- 5.2.2. Bidders intending to sub-contract part of the bid, must ensure that the sub-contracting partner comply with all the terms and conditions of this bid at the time of bidding.
- 5.2.3. The bid will be awarded on condition that the successful bidders signs a Contract and Service Level Agreement with the Department based on the contents of this document, bid offer and letter of award before starting with the above mentioned deliveries in the Department.
- 5.2.4. Bidders must have at least one resource certificated resource person qualified as follows:-
 - (a) Certificate for Symantec Technical Specialist Certification (bidder must submit Symantec Technical Specialist Certification), and
 - (b) Certificate for a resource person with Microsoft Certified Technology Specialist Certification (in Microsoft system Centre and Microsoft SQL & bidder must submit the certification).

5.3. Attachments

Bidders must attach the following documents (Completed bid document with supporting documents shall be packaged, bound, sealed, marked and submitted strictly as stipulated herein):-

- 5.3.1. An Original or Certified Copy of a Certificate for Symantec Technical Specialist Certification (Symantec Technical Specialist Certification).
- 5.3.2. An Original or Certified Copy of a Certificate for a resource person with Microsoft Certified Technology Specialist Certification (in Microsoft system Centre and Microsoft SQL).
- 5.3.3. A copy of the Close Corporation or Company, Companies and Intellectual Property Commission Registration document(s) reflecting the latest information about the bidder.
- 5.3.4. Bidding Entity's Management Account, prepared by a registered Accountant or Auditor, not older than three (3) months.
- 5.3.5. An Original or Certified Copy of a documentary proof of the bidder's physical address of the office and storage bearing the names of the directors or the company (domicilium citandi et executandi), where legal notices may be sent/served:-
 - (a) Municipal Account/Bill, which must not be not be older than three months, or
 - (b) Formal Lease Agreement, or
 - (c) Title deed, or
 - (d) Letter from a Traditional Authority.

NB: A bid submitted jointly by two companies shall be accompanied by a certified copy of the document establishing the Joint Venture, registered and authenticated by an official who is authorized to witness sworn statements/Commissioner of Oath and submit respect attachments for each party.

6. PRICING

Bidders should use the attached Pricing Schedule and quote for all items.

7. RESERVATION OF RIGHTS

The Department reserves the right to:-

- 7.1. Communicate only with the shortlisted bidders as and when necessary;
- 7.2. Request further information from any bidder after the closing date of the bid.
- 7.3. Verify information and documentation of respective bidders from the South African Revenue Services, Companies and Intellectual Property Commission or any other relevant entity and to visit the premises of the bidder at any time without notice. Any information received which does not correspond with the one provided in the bid document will render the bid null and void;
- 7.4. Appoint a third party to evaluate the Successful Bidder's compliance with any aspect of this bid including inspection of the premises
- 7.5. Award the bid to a bidder who did not score the highest points or not make an award;
- 7.6. Terminate the contract, if the Department is satisfied that any person (being an employee, partner, director or shareholder of the bidder or a person acting on behalf of or with the knowledge of the bidder), firm or company (The expression "person, firm or company" shall include an authorized employee or agent of such a person, firm or company): -
 - 7.6.1. is executing a contract with government unsatisfactorily;
 - 7.6.2. has offered, promised or given a bribe or other gift or remuneration to any officer or employee in the Public Service in connection with obtaining or executing a contract;
 - 7.6.3. has acted in a fraudulent manner or in bad faith or in any other unsatisfactory manner in obtaining a contract with any government department, provincial administration, public body, company or person, or that he has managed his affairs in such a way that he has in consequence there-of been found guilty of a criminal offence;
 - 7.6.4. has approached an officer or employee in the Public Service before or after bids have been called for, to influence the award of the contract in his favour;
 - 7.6.5. has withdrawn or amended his bid after the time set for the receipt and opening of bids;
 - 7.6.6. when advised that his bid has been conditionally accepted, has given notice of his inability to execute or sign the contract or to furnish any security required;
 - 7.6.7. has entered into any agreement or arrangement, whether legally binding or not, with any other person, firm or company to refrain from bidding for this contract, or as to the amount of the bid to be submitted by either party; and
 - 7.6.8. has disclosed to any other person, firm or company the exact or approximate amount of his proposed bid except where disclosure, in confidence, was necessary to obtain insurance premium quotations for the preparation of the bid; the LDoE may, in addition to any other legal recourse which it may have, cancel the contract between the LDoE and such person, firm or company and/or resolve that no bid from such a person, firm or company will be favourably considered for a specific period.

NB: FAILURE TO COMPLY WITH THE ABOVE MINIMUM REQUIREMENTS WILL RENDER BID NON-RESPONSIVE AND DISQUALIFIED

8. PRICE AND B-BBEE

Price and B-BBEE Points shall be allocated in line with the Preferential Procurement Regulations, 2017 as follows:-

No.	Criteria	Points
1)	Price	80
2)	B-BBEE status level of contribution	20
TOTAL		100

9. PRICE STRUCTURE

LICENSE RENEWAL FOR A PERIOD OF 36 MONTHS

NB : Bidders must provide a quotation for license renewal for 12 months, 24 months and 36 months

Cost	License Renewal Cost for 12 months	License Renewal Cost for 24 months	Total License Renewal Cost for 36 months
Total costs for License renewal for a period of 36 months excluding VAT	R	R	R
Total costs for License renewal for a period of 36 months including VAT	R	R	R
Year 1	Onsite support Cost per month (Excluding VAT)	Onsite support Cost per month (Including VAT)	Total Cost per annum (Including VAT)
	R	R	R
Year 2	Onsite support Cost per month per (Excluding VAT)	Onsite support Cost per month (Including VAT)	Total Cost per annum (Including VAT)
	R	R	R
Year 3	Onsite support Cost per month (Excluding VAT)	Onsite support Cost per month (Including VAT)	Total Cost per annum (Including VAT)
	R	R	R
Total costs for onsite support for 36 months (Excluding VAT)			
Total costs for onsite support for 36 months (Excluding VAT)			
GRAND TOTAL (BID PRICE)			
LICENSE RENEWAL COSTS FOR 36 MONTHS + ONSITE SUPPORT COSTS FOR 36 MONTHS (EXCLUDING VAT)			R
LICENSE RENEWAL FOR 36 MONTHS + ONSITE SUPPORT COSTS FOR 36 MONTHS (INCLUDING VAT)			R

ENDORSEMENT BY THE HEAD OF DEPARTMENT

HEAD OF DEPARTMENT: MATHABATHA J.S.M.

SIGNATURE: P.P. Mathabathu
(Handwritten signature: P.P. Mathabathu)

DATE: 11 / 06 / 2021
(Handwritten date: 11 / 06 / 2021)

NAME OF BIDDER:

ACCEPTANCE OF TERMS AND CONDITIONS BY THE BIDDER

REPRESENTED HERETO BY:
(Surname & Full names)

IN HIS/HER CAPACITY AS:
(Duly authorized thereto)

SIGNATURE: