

# **RFQ DIRECTORS LIABILITY COVER RE-ISSUE NOTICE**

**RE-ISSUE OF RFQ IS DUE TO  
CHANGES IN ONE OF THE  
MANDATORY REQUIREMENTS  
PERTAINING TO THE FSCA  
REQUIREMENT**

**CLOSING DATE 27 NOVEMBER 2023  
11:00 AM**



## REQUEST FOR QUOTATION

<b>YOU ARE HEREBY INVITED TO SUBMIT QUOTATIONS FOR THE REQUIREMENTS OF: APPOINTMENT OF A SHORT-TERM INSURER FOR THE PROVISION OF GEP BOARD OF DIRECTORS LIABILITY COVER</b>		
<b>RFQ REFERENCE:</b>	RFQ- GEP DIRECTORS LIABILITY COVER	
<b>CLOSING DATE AND TIME:</b>	27 November 2023 at (11:00) am	
<b>RFQ VALIDITY PERIOD</b>	60 days (Commencing from the RFQ closing date)	
<b>DESCRIPTION</b>	<b>Specification Description:</b>  See attached Terms of Reference	
<b>E-MAIL ADD. FOR SUBMISSION OF QUOTES</b>	<a href="mailto:scm@gep.co.za">scm@gep.co.za</a>	
<b>ENQUIRY</b>	<b>NAME:</b> Mr. Tshepo Malapane <b>TEL:</b> 011 085 2001 <b>E-MAIL:</b> tmalapane@gep.co.za	<b>NAME:</b> Ms. Lonnie Mahole <b>TEL:</b> 011 085 2001 <b>E-MAIL:</b> lmahole@gep.co.za
<b>Name of Service Provider:</b>		
<b>CSD MA number:</b>		
<b>Signature:</b>		
<b>Date of submission of quotation:</b>		

### Notes:

1. Bidders must put Name of the bidder, CSD MA number, sign and put submission date on RFQ above;
2. Complete supporting SBD documents and submit required with their response and BEE certificate / Sworn Affidavit signed by Commissioner of Oath.
3. Only bidders registered on the Central Supplier Database(CSD) will be considered for evaluation.
4. All quotation received after closing time and date will not be considered.

<b>BIDDER:</b> ..... <b>REGISTRATION NUMBER:</b> ..... <b>ADDRESS:</b> ..... ..... <b>CONTACT PERSON:</b> ..... <b>TEL:</b> ..... <b>FAX:</b> .....
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## **TERMS AND CONDITIONS OF REQUEST FOR QUOTATION (RFQ)**

1. GEP standard conditions of purchase shall apply.
2. GEP reserves the right not to procure the goods and/or services.
3. GEP reserves the right to negotiate with successful bidders
4. Late and incomplete submissions will not be accepted.
5. Any bidder who has reasons to believe that the RFQ specification is based on a specific brand must inform the GEP before RFQ closing date.
6. Bidders are required to submit BBBEE Certificate or SWORN Affidavit for all price quotations
7. It is the responsibility of the bidder to ensure that GEP is in possession of the bidder's valid BBBEE. The onus is on the bidder to ensure that the GEP receives a valid BBBEE as soon as the validity of the said certificate expires.
8. No services must be rendered or goods delivered before an official GEP Purchase Order form has been received, except in an emergency situation.
9. This RFQ will be evaluated in terms of the 80/20 system prescribed by the Preferential Procurement Regulations, 2022.
10. Bidders are required to complete all the Annexures
11. Bidders, where applicable, are required to attach all relevant qualifications, experiences in the public sector and references.
12. GEP reserves the right to request additional information to provide clarification in order to finalise the tender
13. Bidders providing services/personnel are required to provide their own personnel with tools of trade sufficient to render the service, GEP will not provide these.

## **ANNEXURE A**

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

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

## ANNEXURE B:

### PART A INVITATION TO BID

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>							
BID NUMBER:		CLOSING DATE:		CLOSING TIME:			
DESCRIPTION							
BID RESPONSE DOCUMENTS TO BE EMAIL TO <a href="mailto:scm@gep.co.za">scm@gep.co.za</a>							
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO				TECHNICAL ENQUIRIES MAY BE DIRECTED TO:			
CONTACT PERSON				CONTACT PERSON			
TELEPHONE NUMBER				TELEPHONE NUMBER			
FACSIMILE NUMBER				FACSIMILE NUMBER			
E-MAIL ADDRESS				E-MAIL ADDRESS			
<b>SUPPLIER INFORMATION</b>							
NAME OF BIDDER							
POSTAL ADDRESS							
STREET ADDRESS							
TELEPHONE NUMBER		CODE		NUMBER			
CELLPHONE NUMBER							
FACSIMILE NUMBER		CODE		NUMBER			
E-MAIL ADDRESS							
VAT REGISTRATION NUMBER							
SUPPLIER COMPLIANCE STATUS		TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE		TICK APPLICABLE BOX]		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX]	
		<input type="checkbox"/> Yes <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>							
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?		<input type="checkbox"/> Yes <input type="checkbox"/> No [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 ]	
<b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>							
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

<b>1. BID SUBMISSION:</b>
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT EMAIL ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. <b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.</b>
1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4. <b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b>
<b>2. TAX COMPLIANCE REQUIREMENTS</b>
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 <a href="http://WWW.SARS.GOV.ZA">WWW.SARS.GOV.ZA</a> .
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 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: .....

## ANNEXURE C: SBD 4

### 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 an advertised competitive bid, a limited bid, a proposal or written price quotation). 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>, member):

.....  
.....

- 2.4 Registration number of company, enterprise, close corporation, partnership agreement or trust:

.....

- 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 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 attach 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.

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

2.10 Are you, or any person connected with the bidder, 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? **YES/NO**

2.10.1 If so, furnish particulars.

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

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract? **YES/NO**

2.11.1 If so, furnish particulars:

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

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

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

### 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 should this declaration prove to be false.

.....  
Signature Date

.....  
Position Name of bidder



## ANNEXURE D: SBD 6.1

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

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

**NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022**

#### 1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

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

#### 1.2 To be completed by the organ of state

- a) The applicable preference point system for this tender is the 80/20 preference point system.
- b) The 80/20 preference point system will be applicable in this tender. The lowest/highest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

#### 1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

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

## 2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

## 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

### 3.1. POINTS AWARDED FOR PRICE

#### 3.1.1 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**

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

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

Where

$P_s$  = Points scored for price of tender under consideration

$P_t$  = Price of tender under consideration

$P_{\min}$  = Price of lowest acceptable tender

#### 4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system, then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

**Table 1: Specific goals for the tender and points claimed are indicated per the table below.**

**(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)**

**Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)**

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the Oos)	Number of points allocated (80/20 system) (To be completed by the Oos)	Number of points claimed. (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
<b>Submit COR14.3: Registration Certificate and valid BBB-EE certificate/Sworn affidavit</b>				
Women (requirement is 51 % ownership) CSD and COR14 will be utilised		12		
Youth (requirement is 51 % ownership) CSD and COR14 will be utilised		2		
People with disabilities (requirement is 51 % ownership) CSD and COR14 will be utilised		2		

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 Fax: 011 834 6702

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 Ground Floor,  
 188 Victoria Street,  
 Germiston, 1400  
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 Fax: 011 827 2886

**SEDIBENG OFFICE**  
 36 Merriman Avenue,  
 Vereeniging, 1930  
 Telephone: 016 910 1200  
 Fax: 016 910 1216

**WEST RAND OFFICE**  
 23 Eloff Street,  
 Krugersdorp, 1739  
 Telephone: 011 950 9870  
 Fax: 011 950 9886

**TSHWANE OFFICE**  
 1<sup>st</sup> Floor, Block G,  
 333 Grosvenor Street,  
 Hatfield Gardens, Hatfield  
 Telephone: 012 430 2359  
 Fax: 012 323 4205

**HEAD OFFICE** 6<sup>th</sup> Floor, 124 Main Street, Johannesburg, 2107 | Telephone: 011 085 2001 | Fax: 011 388 4010 | Website: [www.gep.co.za](http://www.gep.co.za)

#### BOARD

Ms. Leshika (Chairperson), Ms. P Mngqibisa (Deputy Chairperson),  
 Mr. S Zamxaka (Chief Executive Officer), Company Secretariate (vacant)  
 Ms. K Skhosana, Ms. C Morangwe-Diale, Ms. B Mgobozi, Ms. N Mathenjwa, Ms. S Sekhitla,  
 Mr. D Van Rooyen, Ms. R Letwaba, Mr. S Mkhize, Mr. A Mawela, Mr. A Mashele

Implementation of RDP goals (Township based enterprise) CSD and COR14 will be utilised based on primary address.		4		
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## DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number: .....

4.5. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One-person business/sole propriety
- Close corporation
- Public Company
- Personal Liability Company
- (Pty) Limited
- Non-Profit Company
- State Owned Company

[ CIRCLE APPLICABLE]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I 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 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
  - (a) disqualify the person from the tendering process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;

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- (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 tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audialteram partem* (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution, if deemed necessary.

.....

**SIGNATURE(S) OF TENDERER(S)**

**SURNAME AND NAME:** .....

**DATE:** .....

**ADDRESS:** .....

.....

.....

.....

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## ANNEXURE E: SBD 8

### 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	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>(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).</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.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	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>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>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

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4.2.1	If so, furnish particulars:		
4.3	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?	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**

Js365bW

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## ANNEXURE F: SBD 9

### 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.

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## 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

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- (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

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.

6. In particular, without limiting the generality of paragraphs 5 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.
7. 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.
8. 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.

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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

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## Annexure G: POPIA ACT CONSENT FORM:

### Consent form in terms of section 11 of the Protection of Personal Information Act No 4 of 2013 (POPIA)

In order for the Gauteng Enterprise Propeller (GEP) to consider the bidder's response to the RFQ / RFP to become a service provider of the GEP, it will be necessary for the GEP to process certain personal information which the service provider may share with GEP for the purpose of the RFQ / RFP, including personal information, which may include special personal information (all hereafter referred to as "Personal Information")

The GEP will process the Service Provider's Personal Information in accordance with the GEP Privacy Policy.

#### *Access to your Personal Information and purpose specification*

Personal Information will be processed by GEP for purposes of assessing the service provider's submission in relation to the RFQ / RFP i.e. the purposes of assessing current services required by the GEP. We may also share the service provider's Personal Information with third parties, both within the Republic of South Africa and in other jurisdictions, including to carry out verification, background checks and Know Your Customer obligations in terms of the Financial Intelligence Centre Act, No. 38 of 2001 ("FICA"). In this regard, the service provider acknowledges that GEP's authorised verification agent(s) and service providers will access Personal Information and conduct background screening.

#### *Consent*

By [ticking/clicking] "Yes" and signing below, you agree and voluntarily consent to the GEP's processing of the service provider's Personal Information for the purposes of evaluating its RFQ / RFP submission, including to confirm and verify any information provided in the submission and service provider gives GEP permission to do so. The service provider understands that it is free to withdraw its consent on written notice to GEP and the service provider agrees that the Personal Information may be disclosed by the GEP to third parties, including GEP's affiliates, service providers and associates (some of which may be located outside of the Republic of South Africa). Please note that if you withdraw your consent at any stage, we may be unable to process your RFQ / RFP.

Yes ☐

No ☐

\_\_\_\_\_  
Supplier Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Authorised representative, who warrants that he/she is duly authorised.

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## TERMS OF REFERENCE

**REQUEST FOR QUOTATION FOR THE APPOINTMENT OF A REGISTERED SHORT-TERM INSURANCE SERVICE PROVIDER TO PROVIDE INDEMNITY INSURANCE COVER FOR THE BOARD MEMBERS AND OFFICERS OF THE GAUTENG ENTERPRISE PROPELLER FOR A PERIOD OF 38 (THIRTY-EIGHT) MONTHS, STARTING FROM 01 DECEMBER 2023 UNTIL 30 SEPTEMBER 2026.**

### 1. PURPOSE

The purpose of this engagement is to appoint a registered, suitably qualified, reputable and experienced short-term service provider to obtain an appropriate insurance policy to all Board Members of the Gauteng Enterprise Propeller (GEP) and its Executive Officers who are involved in the day to day running of the entity for the decisions made in the execution of their duties.

### 2. BACKGROUND

The Gauteng Enterprise Propeller (GEP) is a Provincial Government Agency established in terms of the Gauteng Enterprise Propeller Act (No. 5 of 2005), under the guide of the Gauteng Department of Economic Development (GDED) to ensure the development of “Sustainable SMMEs and co-operatives propelled into the mainstream economy of Gauteng.” To achieve this, the GEP has set the following vision for the new five-year term that lies ahead: “Propelling entrepreneurs into sustainable enterprises that contribute meaningfully to inclusive economic growth and job creation.”

The GEP Act in chapter 7 indicates that Gauteng Enterprise Propeller a company incorporated under section 21 of the Companies Act, 61 of 1973, and with the registration number 2004/031868/08 is deemed to be GEP as contemplated in section (2) of GEP Act. The Board of Gauteng Enterprise Propeller incorporated in section 21 of the Companies Act, 1973 is deemed to be the Board contemplated in section 7 of this Act and serves for the unexpired portion of the period for which it was appointed by the MEC prior to the coming into operation of this Act.

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To this end, the Gauteng Enterprise Propeller has an independent and diverse Board whose non-executive members are appointed by the Shareholder (Executive Authority); always striving to comply with the principles contained in the King Code on Corporate Governance in South Africa.

The Board is the Accounting Authority in terms of the Public Finance Management Act ("PFMA") and provides strategic direction and leadership to enhance shareholder value and to ensure the Gauteng Enterprise Propeller's long-term sustainable development and growth. In fulfilling its responsibilities, the Board is supported by the Chief Executive Officer, the Executive Officers and a Management Team in implementing the approved strategic and annual performance plans and related policies.

Further, the Board provides strategic direction and exercises oversight over the advancement of the business operations of the Gauteng Enterprise Propeller whilst the day-to-day management of its affairs is managed by the Chief Executive Officer assisted by the Executive Management team. In the provisions of its strategic leadership and control, as well as the execution of its oversight and monitoring, the Board is expected to make decisions and take resolutions based on the most appropriate and available information and/or documentation. The Board Members are expected to follow the best application of the good business judgement rule and the duty of care. They are expected to determine and follow all applicable parameters, thresholds and legislative powers, duties and responsibilities in the pursuance of the mandate and business activities of the Gauteng Enterprise Propeller.

In discharging their duties, performing their functions and exercising their authority, the Board of Directors, Executive Management and Team are expected to act in good faith and for a proper purpose, in the best interest of the company, with a certain degree of care, skill and diligence reasonably expected from a person carrying out the same functions with the same knowledge, skills and experience.

The Gauteng Enterprise Propeller has determined that it imperative to provide Directors and Officers Liability Insurance policy to cover the present Board and Executive Management and to duly indemnify them from liability for decisions made in the execution of their roles and responsibilities.

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### 3. REQUIREMENTS

The following are requirements for potential service providers are to be considered:

- Proof of registration with the Central Supplier Database as a short-term insurance provider or insurance broker for short-term insurance products;
- Certified copies of company registration documents as issued by the CIPC;
- Certified copies of the ID of the company directors;
- Company profile;
- Proof of Registration with the Financial Sector Conduct Authority (FSCA);
- Proof of appointment of validity insurance issued by the Insurer;
- Proof of appointment of an auditor in terms of Section 32 of the Insurance Act together with proof of approval of such appointment by the Prudential Authority;
- Proof of appointment of a senior manager or a head of a control function as contemplated in Section 15 of the Insurance Act; and
- A copy of the relevant annual disclosures report contemplated in Section 45 of the Insurance Act.

#### **Compulsory Requirements:**

- Proof of Registration with the Financial Sector Conduct Authority (FSCA); and
- Proof of appointment of validity insurance issued by the Insurer.

Failure to submit all compulsory requirements will result in submissions being deemed null and void and shall be considered “non-responsive” and therefore not considered further.

### 4. SCOPE OF WORK

The prospective service provider shall source and/or underwrite a Directors and Officers Insurance policy for a total of 12 Board of Directors and 7 Executive Officers for claims made against them while serving on the Board or in the employ of the Gauteng Enterprise Propeller.

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**Cover as follows:**

1. Excess of less of between R50 000 and R100 000 or lesser than R50 000.
2. Cover be effective from the date of appointment of the service provider.
3. Cover to be for Board of Directors and prescribed Executive Officers.
4. Cover inclusive of cyber loss.
5. Indemnity to a max of between R30 million and R50 million.
6. Annual premium to be VAT inclusive.

The term of the Liability Insurance would be for a period of 38 (thirty-eight) months, effective from the 01 December 2023 until 30 September 2026.

**Technical / Functionality Evaluation:**

Functionality Criteria	Description	Weightings
<b>Reference letters: 20 points</b>  Reference letters issued by the Bidders' previous client for similar service rendered on the company's letterhead.  The letters should have contactable references. The Bidders must have rendered similar service in nature to the required scope.	More than 3 references of similar completed project	<b>20 points</b>
	3 references of similar completed project	<b>15 points</b>
	2 references of similar completed project	<b>10 points</b>
	1 reference of similar completed project	<b>5 points</b>
	No reference provided	<b>0 points</b>
<b>Company Experience: 25 points</b>  Experience of prospective company in Short Term Insurance services	15 years and more	<b>25 points</b>
	8-14 years	<b>15 points</b>
	4-7 years	<b>10 points</b>
	0-3 years	<b>5 points</b>
<b>Proposal, Methodology, Approach and Project Plan: 40 points</b> (Should entail project plan, detailed process plan methodology)	A clearly defined Proposal including:  Detailed Project plan with clear timelines (10 points)	<b>40</b>

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**BOARD**

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 Mr. S Zamxaka (Chief Executive Officer), Company Secretariate (vacant)  
 Ms. K Skhosana, Ms. C Morangwe-Diale, Ms. B Mgobozi, Ms. N Mathenjwa, Ms. S Sekhitla,  
 Mr. D Van Rooyen, Ms. R Letwaba, Mr. S Mkhize, Mr. A Mawela, Mr. A Mashele



	<p>Detailed process Plan on how the account will be managed i.e., processing of claims, queries, etc. (10 points)</p> <p>The quality of the criteria to provide cover to be used i.e. What will be regarded as a valid claim to maximum risk and provide risk management advice (10 points)</p> <p>Provide a detailed methodology including how the service provider will conduct services between the client, broker and insured party (10 points)</p>	
<b>Proposed team members relevant experience and qualifications: 15 points</b>  The relevant team members should have a minimum of five (5) years' experience and the relevant insurance qualification. Curriculum Vitae/profile for each of the key personnel which highlights experience that is relevant.	15 years relevant experience and a relevant qualification in insurance /risk financing.	<b>15 points</b>
	10 years relevant experience and a relevant qualification in insurance /risk financing.	<b>10 points</b>
	5 year's relevant experience and a relevant qualification in insurance /risk financing.	<b>5 points</b>
<b>Total Points</b>		<b>100 points</b>
<b>Proposals with functionality / technical points of less than the pre-determined minimum overall percentage of 70% will be eliminated from further evaluation. Those that meet the minimum required score of 70% and above will proceed to price and preference points</b>		

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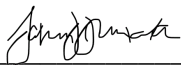
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## 5. COSTS

The service provider would be required to provide a detailed costing arising from the sourcing or underwriting the Directors and Officers Indemnity Insurance per year over the 3 years' duration of the cover. This shall be all inclusive and the pricing shall be transparent and in compliance with the provisions of applicable legislation governing the pricing of insurance products including any insurance brokerage services.

## 6. ENQUIRIES

Enquiries can be directed to Ms. Lonnie Mahole or Tshepo Malapane at [LMahole@gep.co.za](mailto:LMahole@gep.co.za) or [TMalapane@gep.co.za](mailto:TMalapane@gep.co.za)



**Saki Zamxaka**

Chief Executive Officer (CEO)

Date: 13 November 2023

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