



- 
- Ensure that proper documentation serves at the Bid Evaluation and Tender Committees,
  - Inform the successful tenderer and the applicant of the Tender Committee's decision.
  - Prepares all documents required for the Bid Evaluation and Tender Committee meetings.
  - Arranges site inspections/information sessions for tenderers.
  - Ensures that sufficient notice of Bid Evaluation and Tender Committee meetings are given to relevant parties by the secretary.
  - Ensures, in his/her capacity as Head of Procurement Services that all tenders comply with the financial regulations of the University.

## **6. Duties of the Internal Auditor**

- Ensure that all procedures have been followed and statutory requirements of a financial and governance nature have been met.

## **7. Duties of invited members**

- At his/her request, a tender applicant attends the Bid Evaluation Committee meeting at which his/her tender will be discussed.
- In the event of a specialised tender, the applicant attends the Bid Evaluation and Tender Committee meeting at which his/her recommended tender will be discussed (at the request of the Tender Committee), in order to supply information. Examples of such specialised tenders are: security services, cleaning services, computer applications, laboratory equipment, catering services, and the purchasing of motor vehicles.
- The invited member may express a preference for the tender of a specified tenderer (based on technical evaluation, etc).
- The invited member may not take part in the final decision made in connection with the tender.

## **8. Duties of the Secretary**

- Finalising the agenda with the chairperson and the administrator.
- Arranging meetings and venues
- Sending out the agenda and minutes to all members.
- Taking down minutes of the meeting.

## **DECISION MAKING**

Decisions are made as follows:

- A quorum is formed by at least three voting members.
- Decisions are made by consensus.
- Objections, if any, are minuted.
- In the case of a deadlock, the Chairperson has a casting vote.



---

## MINUTES OF MEETINGS

- a. All minutes of Tender Committee meetings are kept at the office of the Manager of Procurement Services, for perusal.
- b. The minutes of the Tender Committee are forwarded to members of the EMC, for noting.

## Annexure C

### *TENDER CONDITIONS REGARDING HDI PREFERENCE*

#### REGULATIONS

#### PART ONE

#### DEFINITIONS AND APPLICATION

##### Definitions

1. In these regulations, unless the context indicates otherwise, a word or expression to which a meaning has been assigned, bears the same meaning, and-
  - (a) "**Agent**" means a person mandated by another person ("the principal") to do business for and on behalf of, or to represent in a business transaction, the principal, and thereby acquire rights for the principal against University and incur obligations binding the principal in favour of the University;
  - (b) "**Comparative price**" means the price after the factors of a non-firm price and all unconditional discounts that can be utilised have been taken into consideration;
  - (c) "**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;



- (d) **"Contract"** means the agreement that results from the acceptance of a tender by an organ of state;
- (e) **"Disability"** means, in respect of a person, a permanent impairment of a physical, intellectual, or sensory function, which results in restricted, or lack of, ability to perform an activity in the manner, or within the range, considered normal for a human being;
- (f) **"Firm price"** is 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 a 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;
- (g) **"Historically Disadvantaged Individual (HDI)"** means a South African citizen-
- (1) who, due to the apartheid policy that had been in place, had no franchise in national elections prior to the introduction of the Constitution of the Republic of South Africa, 1983 (Act No 110 of 1983) and / or
  - (2) who is a female; and / or
  - (3) who has a disability:
- Provided that a person who obtained South African citizenship on or after the coming to effect of the Interim Constitution, is deemed not to be an HDI;
- (h) **"Management"** in relation to an enterprise or business, means an activity inclusive of control and performed on a daily basis, by any person who is a principal executive officer of the company, by whatever name that person may be designated, and whether or not that person is a director;
- (i) **"Non-firm prices"** means all prices other than "firm" prices;
- (j) **"Person"** includes reference to a juristic person;
- (k) **"Rand value"** means the total estimated value of a contract in Rand denomination which is calculated at the time of tender invitations and includes all applicable taxes and excise duties;
- (l) **"Small, Medium and Micro Enterprises (SMMEs)"** bears the same meaning assigned to this expression in the National Small Business Act, 1996 (Act No 102 of 1996);
- (m) **"Sub-Contracting"** means the primary contractor's assigning or leasing or 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;



- (n) "Tender" means a written offer or bid in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services or goods;
- (o) "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;
- (p) "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.

## PART TWO

### PREFERENCE POINT SYSTEM, EVALUATION OF TENDERS, AWARDING OF TENDERS NOT SCORING HIGHEST POINTS, CANCELLATION AND RE-INVITATION OF TENDERS

#### The preference point system

##### Step 1: Mandatory Basic Requirements

No	Name of Company	Company Registration	Year of Registration	Tax Clearance	VAT	Experience	Staff no

##### Step 2: Assessment Comparison

No	Company Name	Ownership	Management	Equity	HDI	Women	Skills	Local	Functionality	Price	Total Points

For supply tenders: Price 60%, Functionality 30%, Admin 10%  
 For technical service agreements: Price 35%, Functionality 55% and Admin 10%

##### Step 3: Technical Support and Capability

Comprehensive description on whether the shortlisted contractors/ suppliers are able to provide goods and services at the level required by the University.

##### Stipulation of preference point system to be used

The University must, in the tender documents, stipulate the preference point system which will be applied in the adjudication of tenders.

##### Evaluation of tenders on functionality and price

The University must, in the tender documents, indicate if, in respect of a particular tender invitation, tenders will be evaluated on functionality and price.



The total combined points allowed for functionality and price may, in respect of tenders with an estimated Rand value equal to, or below, R300 000, not exceed 80 points.

The total combined points allowed for functionality and price may, in respect of tenders with an estimated Rand value above R300 000, not exceed 90 points.

When evaluating the tenders contemplated in this item, the points for functionality must be-calculated for each individual tenderer.

The conditions of tender may stipulate that a tenderer must score a specified minimum number of points for functionality to qualify for further adjudication.

The points for price, must, subject to the application of the evaluation system for functionality and price, be established separately.

Preferences for being an HDI and/ or subcontracting with an HDI and/ or achieving specified goals must be calculated separately and must be added to the points scored for functionality and price.

Only the tender with the highest number of points scored may be selected.

### **Award of contract to tender not scoring the highest number of points**

Despite the rules above, a contract may, on reasonable and justifiable grounds, be awarded to a tender that did not score the highest number of points.

### **Cancellation and re-invitation of tenders**

The University must, in the case where a tender invitation has been cancelled, must re-invite tenders and must, in the tender documents, stipulate the preference point system to be applied.

The University must, prior to the award of a tender, cancel a tender if-

- (a) due to changed circumstances, there is no longer need for the goods or services tendered for;  
or
- (b) funds are no longer available to cover the total envisaged expenditure; or
- (c) no acceptable tenders are received.

**PART THREE**

**DUTY TO PLAN, GENERAL CONDITIONS, PRINCIPLES, DECLARATIONS, PENALTIES,  
TAX CLEARANCES AND TENDER GOALS**

**Duty to plan for invitation of tenders**

11. The University will, prior to making an invitation for tenders-
- (a) properly plan for, and, as far as possible, accurately estimate the costs of, the provision of services or goods for which an invitation for tenders is to be made;
  - (b) determine the appropriate preference point system to be utilised in the evaluation of the tenders; and
  - (c) determine the deliverables or performance indicators in terms of which a person awarded a contract will be assessed.

**General conditions**

- 12.1 The University may, in the adjudication of tenders, give particular consideration to procuring locally manufactured products. Preferences in this regard may be accommodated within the ambit of the 80/ 20 or 90/ 10 point systems. For specific industries where the award of tenders to local manufacturers are of critical importance, such tenders may be advertised with a specific tendering condition that only locally manufactured products will be considered.
- Should preference points be awarded for local manufacturing and/or content, the award of such points must be clearly specified in the tendering conditions.
- 12.2 Only a tenderer who has completed and signed the declaration part of the tender documentation may be considered for preference points.
- 12.3 The University may, before a tender is adjudicated or at any time, require a tenderer to substantiate claims it has made with regard to preference or may approach the tenderer to clarify statements in the tender.
- 12.4 The University must, when calculating comparative prices, take into account any discounts which have been offered unconditionally.
- 12.5 A discount which has been offered conditionally must, despite not being taken into account for evaluation purposes, be implemented when payment is effected.
- 12.6 In the event that different prices are tendered for different periods of a contract, the price for each period must be regarded as a firm price if it conforms to the definition of a "firm price".
- 12.7 Points scored must be rounded off to the nearest 2 decimals.
- 12.8 In the event that two or more tenders have scored equal total points, the successful tender must be the one scoring the highest number of preference points for specified goals. Should two or more tenders be equal in all respects, the award shall be decided by the drawing of lots.



## Principles

- 13.1 Preference points stipulated in respect of a tender must include preference points for equity ownership by HDIs.
- 13.2 The equity ownership contemplated in sub-regulation (1) must be equated to the percentage of an enterprise or business owned by individuals or, in respect of a company, the percentage of a company's shares that are owned by individuals, who are actively involved in the management of the enterprise or business and exercise control over the enterprise, commensurate with their degree of ownership at the closing date of the tender.
- 13.3 In the event that the percentage of ownership contemplated in sub-regulation (2) changes- after the closing date of the tender, the tenderer must notify the University and such tenderer will not be eligible for any preference points.
- 13.4 Preference points may not be claimed in respect of individuals who are not actively involved in the management of an enterprise or business and who do not exercise control over an enterprise or business commensurate with their degree of ownership.
- 13.5 All claims made for equity ownership by an HDI must be considered according to the following criteria:  
Equity within private companies must be based on the percentage of equity ownership;



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

### PURCHASES

This preference form must form part of all bids invited. It contains general information and serves as a claim form for Historically Disadvantaged Individual (HDI) preference points.

NB: A certified copy of company registration must be submitted.

Type of firm

- Partnership
- One person business/sole trader
- Close corporation
- Company
- (Pty) Limited

Describe principal business activities

- (a) .....
- (b) .....

Company classification

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, eg. Transporter, etc

Total number of years the firm has been in business.....

List all partners, proprietors & shareholders by name, citizenship PDI

NAME	POSITION	CITIZENSHIP	PDI STATUS	DATE OF OWNERSHIP	% OWNED BY PDI'S	% OWNED WOMEN

How many permanent staff members are employed by the company?.....

### QUALITY OF WORKMANSHIP



# UNIVERSITY OF VENDA



Major clients are /were:

CLIENT NAME	CONTACT NUMBERS	TEL. NO.	FAX NO.

Ability to undertake the project & resources available

### BANKERS

BANK	CONTACT PERSON	TELEPHONE NUMBER

### SUPPLIERS

SUPPLIER	CONTACT PERSON	TELEPHONE NUMBER

### CORPORATE SOCIAL RESPONSIBILITY

DONATION	MONETARY VALUE	BENEFICIARY	CONTACT PERSON

N.B Attach letters from the beneficiaries confirming the donations.



Total Price:.....

Our price plus VAT.....

Yours faithfully

.....

SIGNATURE

Names in full.....

- 13.6 A person awarded a contract as a result of preference for contracting with, or providing equity ownership to, an HDI, may not subcontract more than 25% of the value of the contract to a person who is not an HDI or does not qualify for such preference.

## Declarations

14. A tenderer must, in the stipulated manner, declare that
- (a) the information provided is true and correct;
  - (b) the signatory to the tender document is duly authorised; and
  - (c) documentary proof regarding any tendering issue will, when required, be submitted to the satisfaction of the relevant organ of state.

## Penalties

- 15.1 The University must, upon detecting that a preference has been obtained on a fraudulent basis, or any specified goals are not attained in the performance of the contract, act against the person awarded the contract.
- 15.2 The University may, in addition to any other remedy it may have against the person contemplated in sub-regulations (1)-
- (a) recover all costs, losses or damages it has incurred or suffered as a result of that person's conduct;
  - (b) 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;
  - (c) impose a financial penalty more severe than the theoretical financial preference associated with the claim which was made in the tender; and
  - (d) restrict the contractor, its shareholders and directors from obtaining business from any organ of state for a period not exceeding 10 years.

## Tax clearance certificate

16. No contract may be awarded to a person who has failed to submit an original and valid Tax Clearance Certificate from the South African Revenue Service ("SARS") certifying that the taxes of that person to be in order or that suitable arrangements have been made with SARS.

## Specific goals



- 
- 17.1 Over and above the awarding of preference points in favour of HDIs:
- (a) The promotion of South African owned enterprises;
  - (b) The promotion of export orientated production to create jobs;
  - (c) The promotion of SMMEs;
  - (d) The creation of new jobs or the intensification of labour absorption;
  - (e) The promotion of enterprises located in a specific province for work to be done or services to be rendered in that province;
  - (f) The promotion of enterprises located in a specific region for work to be done or services to be rendered in that region;
  - (g) The promotion of enterprises located in a specific municipal area for work to be done or services to be rendered in that municipal area;
  - (h) The promotion of enterprises located in rural areas;
  - (i) The empowerment of the work force by standardising the level of skill and knowledge of workers;
  - (j) The development of human resources, including by assisting in tertiary and other advanced training programmes, in line with key indicators such as percentage of wage bill spent on education and training and improvement of management skills; and
  - (k) The upliftment of communities through, but not limited to, housing, transport, schools, infrastructure donations, and charity organisations.
- 17.2 Specific goals must be measurable and quantifiable and organs of state must monitor the execution of the contract for compliance with such goals.



## *Annexure D*

### **SPECIFIC RULES ON JOINT VENTURE FORMATION AND THE PREVENTION OF FRONTING**

The University supports transparency and the promotion of equal opportunities. To promote such values, the principle of calling for tenders on a "joint venture" basis shall be followed, in which case, an established contractor and at least one emerging contractor shall participate as a combined firm in the tender process.

#### **1. POINTS AWARDED FOR THE TENDERED CONTRACT PARTICIPATION GOAL (Nc)**

- 1.1 A maximum of 15 (fifteen) points may be awarded to businesses, which are legal entities registered with the Department of Inland Revenue, which are independent, and which are continuing enterprises for profit which perform commercially useful functions and have been operating as such for at least 6 (six) months prior to the closing date for tenders.
- 1.2 Points will be deducted where enterprises are adjudicated as not performing commercially useful functions in meeting their contractual obligations, or where enterprises subcontract more than 25% of the value of the contract at the time of acceptance, exclusive of VAT and all allowances for contingencies, escalation and provisional sums.
- 1.3 When the lowest tender is received from an established contractor who does not choose to participate in the joint venture tender procedure, he/she will be penalised with 10% compared to the lowest tender received from a joint venture firm.
- 1.4 Prospective tenderers participating in a joint venture will be required to furnish the University in writing with details of the composition of the joint venture stipulating details of the directors involved and the share percentage of each contractor in the joint venture.

#### **2. PREVENTION OF FRONTING**

The University hereby acknowledges that fronting is not acceptable and that it will actively encourage participation of emerging contractors by –

- 2.1 insisting that emerging partners attend site inspections;
- 2.2 ensuring that emerging partners assume at least a part of the responsibility of managing a project without meddling with the day-to-day running of the joint venture;
- 2.3 increasing accessibility to tender information by inserting advertisements, annually, in widely read newspapers, on where and how to tender for projects at the University;
- 2.4 recognising only suitably registered joint ventures;
- 2.5 using, where applicable, a database of recognised organisations, such as PURCO, to obtain information on reputable and reliable joint ventures.



**DECLARATION OF INTEREST**

I, ....., hereby declare that, as far as I know or ought to have known, I have no interest in any business entity, including but not limited to companies or suppliers, where goods and/ or services are rendered to the University of Venda. In the event of a business entity offering any commodities or services in which I have any interest to the University of Venda, I will, as a member of the Tender Committee of University of Venda, withdraw from any associated activities of the Tender Committee until such time as my interest is terminated or as a result of my interest, the proceedings of the Tender Committee may be jeopardized.

I, furthermore, hereby undertake to adhere to the procedure and rules, as set out in the Policy on Tenders.

Signed at..... on this..... Day of this month.....in this year 20.....

.....  
**Signature**

.....  
**Full name**

.....  
**Witness**

.....  
**Witness**

**STANDARD PROPOSAL TO THE TENDER COMMITTEE**

**TENDER COMMITTEE:** \_\_\_\_\_ (Date)  
**SUBMISSION FOR:** APPROVAL/NOTIFICATION

**Tender Number: TR** \_\_\_\_\_

<b>Description of project or service required</b>	
<b>Method of invitation to tender or request for proposals</b>	
<b>Number of documents distributed</b>	
<b>Date of briefing/information session held</b>	
<b>Date of site inspection held</b>	
<b>Date of tender closure</b>	

Tenders as recorded in the schedule below have been received for:

Nr	Name of Tenderer	Price	Delivery	Make and Model	BEE Rating

The criteria used in short listing were the following:

- 
- 
- 

The criteria used must be applicable to the specific tender, with the following minimum requirements:

- The financial offer (price)
- The tender's ability to perform
- The type of company and the number of years in operation in the industry
- The track record and experience of the company/entity tendering, specifically with regard to UNIVEN
- The competence of the proposed management, supervisors and staff (experience, qualifications and team structure)
- The company/entity commitment to staff development and economic empowerment (including aspects related to small contractor and sub-contractor development and support)
- The company/entity's commitment to employment equity plans drawn up in this regard. Plans approved by Government and the company/entity's progress with implementation of these plans/objectives.
- Insured amount for public liability.
- Calculations, submission of tender information (sufficient for comparison purposes), references, etc.



The final schedule used in evaluation of the tenders has been listed below.

Nr	Name of Tenderer	Price	Delivery	Make and Model	BEE Rating

**Background:**

Full description of circumstances that lead to the tender being compiled and advertised.

**Evaluation done by:**

Give the names and designations of members of Bid Evaluation Committee.

**Recommendation:**

State a brief description of the recommendation for acceptance by the Tender Committee of the preferred supplier and the price. If not the lowest price, a further motivation is required for the proposed alternative.

**Funding:**

Cost Centre: \_\_\_\_\_ Account: \_\_\_\_\_

**APPROVED/REJECTED**

If the proposal is not accepted, the reasons for rejection must be recorded.