



NATIONAL ECONOMIC DEVELOPMENT AND LABOUR COUNCIL

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REQUESTS FOR QUOTATIONS	
APPOINTMENT OF A QUALIFIED AND REPUTABLE SERVICE PROVIDER TO SUPPLY, DELIVER AND REFILL DIESEL ON THE NEDLAC POWER GENERATOR	
RFQ NUMBER:	RFQ11025
RFQ ISSUE DATE:	05 July 2023
CLOSING DATE AND TIME:	20 July 2023 @ 11h00
COMPULSORY BRIEFING	13 July 2023 @14h00 Click here to join the meeting
DESCRIPTION OF SERVICES	Appointment of a reputable service provider to supply, deliver and refill diesel on Nedlac power generator NB: TORs attached from pg 14
SUBMISSION ADDRESS	Submissions to be sent electronically

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PROCUREMENT ENQUIRIES	Name: JOYCE TONGWANE Email: joyce@nedlac.org.za
TECHNICAL ENQUIRIES	Name: SHARLOTTE VAN ROOYEN Email: sharlotte@nedlac.org.za

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COMPANY REGISTRATION NUMBER:.....

CSD NUMBER :

ADDRESS:

.....

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CONTACT PERSON :

TEL:

FAX:

E-Mail :

Mobile:

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TOTAL RFQ PRICE R(VAT Incl.)

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BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state? **YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

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

2.2

Do
you, or

any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....
.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

I, _____ the _____ undersigned,
(name)..... in submitting
the accompanying bid, do hereby make the following statements that I certify to
be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with

² 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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- the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

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Signature	Date
.....	
Position	Name of bidder

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**

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
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

To be completed by the organ of state

(delete whichever is not applicable for this tender).

- a) The applicable preference point system for this tender is the **90/10** preference point system.
- b) The applicable preference point system for this tender is the **80/20** preference point system.
- c) Either the **90/10 or 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

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(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
BBBEE	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.

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).

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

$$Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right) \text{ or } Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

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

80/20 or 90/10

$$Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right) \text{ or } Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)$$

Where

Ps = Points scored for price of tender under consideration

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Pt = Price of tender under consideration Pmax = Price of highest acceptable tender

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) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) 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.)

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BBBEE LEVELS	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	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)
BBBEE Level 1	10	20		
BBBEE Level 2	8	16		
BBBEE Level 3	5	10		
BBBEE Level 4	4	8		
BBBEE Level 5	3	6		
BBBEE Level 6 - 8	0	0		

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

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[TICK APPLICABLE BOX]

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;
 - (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 *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

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SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

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REQUESTS FOR QUOTATIONS

APPOINTMENT OF A QUALIFIED AND REPUTABLE SERVICE PROVIDER TO SUPPLY, DELIVER AND REFILL DIESEL ON THE NEDLAC POWER GENERATOR

1. INTRODUCTION

- 1.1 The National Economic Development and Labour Council (Nedlac) is a statutory body that was established through the Nedlac Act No. 35 of 1994 and operates under the terms of the Nedlac Constitution. Nedlac's vision is to promote growth, equity and participation through social dialogue.
- 1.2 Nedlac has one office nationally with an employee compliment of +-fifty (50) staff members and external stakeholders/social partners. Before the Covid-19 pandemic, on average +- sixty (60) people would use the facilities on a daily basis. The office is situated at 14A Jellicoe Avenue in Rosebank, Johannesburg.

2. PURPOSE

- 2.1 Nedlac requires services of a reputable and experienced service provider to supply, deliver and refill diesel on the power generator at Nedlac for a period of 36 months (three years).
- 2.2 The objective of this exercise is to ensure reliable and uninterrupted supply of electricity to the Nedlac building during municipal and national power interruptions.

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3. SCOPE OF WORK

3.1 Nedlac requires services of a reputable and experienced service provider to supply, deliver and refill diesel to the John Deere diesel powered power generator at Nedlac house, for a period of 36 months (three years).

The service provider is expected to do the following:

- a) Supply, deliver and refill the John Deere power generator with diesel, as and when needed, for a period of 36 months (three years).
- b) Supply the correct type of diesel authorised to power John Deere power generators.
- c) Observe all safety regulations related to the supply, delivery and refilling of diesel into the power generator.
- d) Ensure the use of approved safety equipment associated with the delivery and refilling of fuel into power generators.
- e) **Attend a compulsory briefing session on Thursday 13 July 2023 at 14h00. Please click here to join the meeting [Click here to join the meeting](#)**

3.2 The details of the power generator are as follows:

Manufacturer: John Deere Model No. 6068TF158
Fuel tank capacity: 400 litres.
Location of power generator: Basement parking.
Basement entrance height restriction: 2.5 metres.

4. REQUIREMENTS OF THE SERVICE PROVIDER

4.1 The service provider must meet the following mandatory requirements:

- a) Provide proof of up to date membership with Fuel Retailers Association (FRA) or equivalent body.
- b) Provide proof of up to date petroleum wholesale license as issued by the Department of Mineral Resources and Energy (DMRE).
- c) Have a minimum of five (5) years relevant work experience in the supply, delivery and refilling of diesel to power generators.

- d) Provide **an itemised plan indicating cost per litre over the thirty-six-month period, delivery costs and any other related costs.**
- e) Service provider will be evaluated and appointed based on price per litre.
- f) Provide a list of similar projects completed in the last five (5) years.
- g) Provide at least five (5) signed reference letters and contactable references for similar projects completed in the last five (5) years.
- h) The bidding provider should be within the Gauteng jurisdiction to allow for efficient and timeous deliveries.
- i) Provide a company profile.

5. SUBMISSION OF DOCUMENTS

Additional to the requirements on 4.1 above, the service providers must submit the following documents:

- 5.1 Proof that the firm is in good standing with the South African Revenue Services (SARS).
- 5.2 BBBEE certificate or affidavit.
- 5.3 CSD registration.
- 5.4 Completed SBD forms.

6. SELECTION AND EVALUATION CRITERIA

6.1 Evaluation criteria

As this procurement is expected not to exceed a maximum of R50 million, the 80/20 preferential procurement measure is applicable. In order to achieve specific goals, a maximum of 20 points will be awarded to a bidder/tenderer for broad-based black economic empowerment as follows:

- B-BBEE status Level 1 contributor: 20 points

- B-BBEE status Level 2 contributor: 16 points
- B-BBEE status Level 3 contributor: 10 points
- B-BBEE status Level 4 contributor: 8 points
- B-BBEE status Level 5 contributor: 6 points
- B-BBEE status Level 6 - 8 contributor: 0 points

6.2 The RFQ will be evaluated in two phases as follows:

Phase 1 – Functionality Evaluation

<i>Functionality</i>	<i>100</i>
<i>Threshold</i>	<i>70</i>

Phase 2 – Pricing and Specific Goal Evaluation

Price	80
Specific Goal Evaluation	20

6.3 Functionality Evaluation criteria

The below matrix will be used in scoring the submissions:

What is required	Application of evaluation criteria	% allocation
Years of experience in providing supplying, delivering and refilling of diesel to power generators.	5 = 10 or more years 4 = 7 or more years 3 = 5 or more years 2 = 3 or more years 1 = 1 or more years	50%
Proof of industry related accreditation Proof of a recognised trade qualifications for services specified under scope of work.	5 = proof of accreditation by Fuel Retailers Association (FRA) or equivalent industry body AND up to date Petroleum Wholesale License issued by the DMRE.	50%

	3 = proof of accreditation by Fuel Retailers Association (FRA) or equivalent industry body OR up to date Petroleum Wholesale License issued by DMRE only. 1 = No evidence of up to date accreditation/Petroleum Wholesale License issued by DMRE.	
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6.4 To note

- The final decision and successful appointment will be made by Nedlac and no correspondence will be entered into thereafter.
- Nedlac reserves the right to cancel this bid or ultimately decide not to appoint any service provider in terms of this call for quotations.

7. SUBMISSION AND ENQUIRIES

- 7.1 Service providers should send their quotation and accompanying relevant documentation to joyce@nedlac.org.za copying procurement@nedlac.org.za by 20 July 2023 @ 11h00

8. ENQUIRIES

- 8.1 Technical enquiries regarding these Terms of Reference should be emailed to Sharlotte Kopano van Rooyen at sharlotte@nedlac.org.za.
- 8.2 Procurement enquiries regarding this Terms of Reference should be emailed to joyce@nedlac.org.za copying procurement@nedlac.org.za.

9. PAYMENT TERMS

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Payments will be made within 30 days from receipt of invoice and against presentation of satisfactory deliverables as will be agreed upon on appointment of the successful bidder/service provider.

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