

# TCTA STANDARD CONDITIONS OF TENDER

January 2009

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## **1 INTRODUCTION**

- 1.1 The objective of this RFT is to set out the criteria to be followed by all tenderers when submitting their tender proposals in order to ensure uniformity of tender rules and an impartial evaluation by TCTA.

## **2 COMPLETION AND SUBMISSION OF TENDER PROPOSALS**

- 2.1 All tenderers are required to:
- 2.1.1 Comply fully with all requirements set out in this RFT when submitting their tender proposals to TCTA;
- 2.1.2 Submit a valid original tax clearance certificate issued by the South African Revenue Service together with their tender proposals
- 2.1.3 Complete all annexure and provide all information as may be required by TCTA.
- 2.2 Any failure to complete and submit all documents and information in accordance with the criteria set out herein will result in the relevant tender process proposal being disqualified.

## **3 COSTS OF TENDERING**

- 3.1 Tenderers shall bear their own costs, disbursements and expenses associated with the preparation and submission of the tender proposals, including submission of any additional information requested by TCTA or attending the compulsory briefing session.
- 3.2 TCTA shall not under any circumstances be liable nor assume liability to any tenderer for costs, disbursements and/or expenses incurred by tenderers regardless of the outcome of the tender process or by virtue of cancellation and/or postponement of the tender process.

## **4 COMPULSORY BRIEFING SESSION**

- 4.1 TCTA may, in its discretion, require the tenderers to attend a compulsory briefing session and/or a site visit, and may issue additional tender documents stipulating additional requirements to tenderers present at the briefing session or the site visit, to clarify and/or amplify its requirements.
- 4.2 Any failure by the tenderers to attend such compulsory briefing session and/or a site visit will result in the relevant tender proposal/s being automatically disqualified.

## **5 CLARIFICATION OF TENDER REQUIREMENTS**

- 5.1 All questions or queries regarding the RFT must be directed to the Receiving Officer at [tenders@tcta.co.za](mailto:tenders@tcta.co.za), stating the relevant tender number in the subject field, at least 5 (five) business days before the stipulated closing date and time of the RFT. No e-mails, faxes and/or telephone calls should be directed to any other employees of TCTA.
- 5.2 TCTA reserves the right in its sole and absolute discretion to respond to any such question or query as it deems appropriate or not to respond at all;

- 5.3 Any such response shall be treated as an “Amendment to Tender Requirements”
- 5.4 TCTA shall not be liable nor assume liability for any failure to respond to any questions and/or queries raised by potential tenderers.

## **6 AMENDMENT TO TENDER REQUIREMENTS**

- 6.1 TCTA reserves the right, in its sole and absolute discretion, to amend any terms and conditions of the RFT and/or to stipulate additional requirements, provided that such amended terms and conditions and/or additional requirements are placed on TCTA’s website at least 3 (three) business days prior to the stipulated closing date and time. Any amended terms and conditions and/or stipulation of additional requirements by TCTA shall be deemed to form part of this RFT.
- 6.2 TCTA shall not be liable, nor assume liability of any nature what so ever, for the failure of a tenderer to receive information if sent to the e-mail, fax or postal address supplied.

## **7 MODIFICATION OR SUBSTITUTION AND/OR WITHDRAWAL OF A TENDER PROPOSAL**

- 7.1 Any tenderer shall be entitled to withdraw or modify its tender proposal at any time prior to the stipulated closing date and time.
- 7.2 Any amendment to the tender documents must be received before the closing date and time of the tender as stipulated in the Special conditions of tender. The words “Amendment to tender” and the description of the tender must be clearly reflected on the envelop containing the documents or courier packaging as referred to in Section 8.2.
- 7.3 No modification or substitution of tender proposals will be permitted after the stipulated closing date and time.

## **8 SUBMISSION OF TENDER PROPOSALS**

- 8.1 TCTA shall only accept tender proposals which are received at the tender submission address on or before the stipulated closing date and time. TCTA shall not accept nor be obliged to accept tender proposals submitted after the stipulated closing date and time, notwithstanding that such late submission is as a result of circumstances beyond the tenderer’s control.
- 8.2 In the event that a courier is employed to deliver the tender document, the tender description must be clearly reflected on the outer packaging of the courier packaging.
- 8.3 Tender proposal/s received after the stipulated closing date and time will be disqualified.

## **9 VALIDITY PERIOD**

- 9.1 All tender proposals must remain valid from the stipulated closing date and time of the RFT for the period stated in the Special Conditions of Tender. Each tender proposal will constitute an irrevocable offer which remains open for acceptance by TCTA during the validity period.

## **10 TENDER OPENING AND CONFIDENTIALITY**

- 12.1 All tender proposals received by TCTA will remain in TCTA's possession. Save as may be required by law or by any court of competent jurisdiction or similar body having appropriate jurisdiction, no information contained in or relating to any tender proposals will be disclosed to any other parties.

## **11 EVALUATION OF TENDER PROPOSALS**

- 11.1 TCTA applies a preferential procurement system in accordance with the Preferential Procurement Policy Framework Act 5 of 2000, Broad Based Black Economic Empowerment Act 53 of 2003 and the Construction Charter, with the intent to promote the participation of Black Economic Empowerment (BEE) companies and South African enterprises through the provision of these professional services.
- 11.2 All parties wishing to submit tender proposals to TCTA must submit Verification Certificates obtained from verification agencies accredited by the Association of BBBEE Verification Agencies, in support of its submission.

## **12 AWARD OF CONTRACT**

- 12.1 TCTA reserves the right, on reasonable and justifiable grounds, not to award the contract to the tenderer who achieved the highest number of points.

## **13 RIGHT NOT TO AWARD CONTRACT**

- 13.1 TCTA reserves the right, at its sole discretion, not to award to any of the tenderers or to cancel a tender. Reasons for cancellation include, but are not limited to, the following:
- 13.1.1 There is no longer a need for the goods/services tendered for; and/or
- 13.1.2 TCTA's requirements for the goods and/or services have changed; and/or
- 13.1.3 Funds are no longer available for the anticipated expenditure;
- 13.1.4 Only 1 (one) compliant tender proposal is received.
- 13.1.5 There is failure to reach written agreement with one or more successful tenderers on the terms and conditions of the supply goods or services.

## **14 TERMS AND CONDITIONS OF CONTRACT**

- 14.1 Upon an award of a tender by TCTA, a contract will be deemed to have been concluded between TCTA and the successful tenderer, which contract will include the following documents:
- 14.1.1 The contents of this RFT, including all annexures hereto and any additional requirements as may have been stipulated by TCTA;
- 14.1.2 The relevant tender proposals;

- 14.1.3 The letter of acceptance to the successful tenderer/s;
- 14.1.4 Any correspondence between TCTA and the relevant tenderer/s including all additional documents submitted by the relevant tenderer/s and accepted by TCTA for clarification purposes;
- 14.1.5 The terms and conditions of any agreement/s proposed to be entered into by TCTA with the successful tenderer/s.
- 14.2 In the event that TCTA and the relevant tenderer are unable to reach consensus on the terms and/or conditions of any agreement proposed to be concluded by TCTA as referred to in 14.1 above, then TCTA reserves the right to cancel the award of the tender, without liability of any nature, and to conclude an agreement with any other tenderer as may be necessary to meet TCTA's requirements.

## **15 NOTIFICATION OF UNSUCCESSFUL TENDERERS**

- 15.1 In the event that no correspondence or communication is received from TCTA within the validity period, the relevant tender proposals submitted will be deemed to be unsuccessful.

## **16 PROHIBITION OF BRIBERY, FRAUDULENT AND CORRUPT PRACTICES**

- 16.1 No tenderers shall directly or indirectly commit, or attempt to commit, for the benefit of the tenderer or any other person, any of the following:
- 16.1.1 Influencing, or attempting to influence, any TCTA's employees or agents in respect of the award of a tender or the outcome of the tender process in relation to any contract for the provision of goods or services; and/or
- 16.1.2 Offering, or giving gratification to, and/or inducing, or attempting to induce, as defined in the Prevention and Combating of Corrupt Activities Act No. 12 of 2004, as amended from time to time, any of TCTA's employees or agents, in favour of or for the benefit of the tenderer and/or any other party; and/or
- 16.1.3 Bribing, or attempting to bribe, any TCTA's employees or agents in order to influence the outcome of a tender process in favour of or for the benefit of the tenderer and/or any other party.
- 16.2 TCTA shall be entitled to disqualify any tenderer/s if it has reason to believe that any conduct relating to that set out in 3.1 above has occurred.

## Annexure A: COVENANT OF INTEGRITY AFFIDAVIT

I, the undersigned,

\_\_\_\_\_  
(Full Names)

do hereby make oath and state as follows:

1. I am:
  - 1.1. an adult male/female aged \_\_\_\_\_;
  - 1.2. presently employed as/carrying on business as \_\_\_\_\_  
situated at \_\_\_\_\_.
2. The facts stated herein are both true and correct and within my personal knowledge and belief unless otherwise stated.
3. I hereby confirm that:
  - 3.1. I am duly authorised to depose to this affidavit;
  - 3.2. neither myself nor anyone acting on behalf of the tenderer is, or will be, engaged in any Prohibited Practice as defined in 4 below in connection in respect of any tendering process or in the provision of services and/or goods;
  - 3.3. I will immediately inform Trans Caledon Tunnel Authority ("TCTA") of any instance of any such Prohibited Practice which comes to my attention and/or the attention of the tenderer and/or its employees or agents concerning the following;
    - 3.3.1. if any of the tenderer's directors, employees or agents has been convicted in any court for any offence involving a Prohibited Practice in connection with any tendering process and/or the provision of goods or services during the 5 (five) years immediately preceding the date of this affidavit; and/or
    - 3.3.2. if any of the tenderer's directors, employees or agents is dismissed or resigns from the tenderer's employment on grounds of being implicated in any Prohibited Practice.
  - 3.4. I will provide TCTA with full details of such conviction, dismissal or resignation and the measures taken to ensure that neither the tenderer nor any of its directors, employees or agents commits any Prohibited Practice in future.
  - 3.5. in the event that the tenderer is awarded any business by TCTA, the tenderer grants TCTA or its employees and/or agents the right of inspection of its records. The tenderer shall preserve such records in accordance with applicable law but in any case for at least 3 (three) years after conclusion of each transaction contemplated under the Request For Tender.
4. I acknowledge that for all purposes under this affidavit, the following terms and/or expressions below shall bear the meanings set out hereunder:
  - 4.1. "Corrupt Practice" means the offering, giving or promising of any improper advantage to influence the action of a Public Official, or the threatening of injury to his person, employment, property, rights or reputation, in connection with any procurement process or in the execution of any contract in order that any person may obtain or retain business improperly or obtain any other improper advantage in the conduct of business;

- 4.2. "Fraudulent Practice" means a dishonest statement or act of concealment which is intended to, or tends to, improperly influence the procurement process or the execution of a contract to the detriment or potential detriment of TCTA, or is designed to establish tender prices at non-competitive levels and/or to deprive TCTA of the benefits of fair and open competition, and includes collusive practices (whether before or after tender submission) among tenderers or between a tenderer and a consultant or any employees or agents of TCTA;
- 4.3. "Public Official" means any person holding a legislative, administrative, managerial, political or judicial post in any country, or exercising any public function in any country or a director or employee of a public authority or of a legal person controlled by a public authority of any country, or a director or official of a public international organisation; and
- 4.4. "Prohibited Practice" means an act that is either a Corrupt Practice or a Fraudulent Practice.

DEPONENT \_\_\_\_\_

Thus done and signed at \_\_\_\_\_ on this the \_\_\_\_\_ day of \_\_\_\_\_,

the Deponent having acknowledged that:

1. he/she knows and understands the contents of this declaration;
2. he/she has no objection to taking the prescribed oath; and
3. he/she considers the prescribed oath to be binding on his/her conscience.

Commissioner of Oaths Stamp	<p>_____</p> <p>COMMISSIONER OF OATHS</p> <p>_____</p> <p>FULL NAMES</p> <p>_____</p> <p>CAPACITY</p> <p>_____</p> <p>BUSINESS ADDRESS</p>
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## **Annexure B: BRIBERY AND CORRUPTION DECLARATION**

1. The tenderer is required to provide the following information applicable in the last 5 (five) years in relation to each of its members and/or partners which shall include the directors, employees or agents of each member and/or partner where the conduct of such person rendered the tenderer directly and vicariously responsible (“members”) whether individually or as part of any other entity:

		<b>YES</b>	<b>NO</b>
1.1	Have any of its members been charged with any act of bribery and/or corruption?		
1.2	Have any of its members been convicted of any act of bribery and/or corruption?		
1.3	Have any of its members been implicated in or alleged to have been involved in any corrupt practices, collusion, bribery or related practices?		
1.4	Is there any reason to believe that a charge will be laid against a member arising from an act of bribery and/or corruption?		

2. Should any of the above questions be answered in the affirmative, full details must be furnished:

2.1	the date of the charge and the nature thereof:
2.2	the current status of the charge:
2.3	the date of conviction (if any):
2.4	the court in which the charges are being/where prosecuted:
2.5	the details of the members convicted, the facts giving rise thereto, the charges preferred against the member and the details of any judgement by the relevant court:
2.6	full details of any contract which was or is alleged to have been affected by the act of bribery and/or corruption:
2.7	any sentence imposed on the member:
2.8	full and precise details of any members implicated in any corrupt practice, collusion, bribery or related practices:

2.9	if it is believed that a member will be charged, full details of the offence and the facts giving rise to it are required:

Thus done and signed at \_\_\_\_\_ on this the \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
Full Names:

## **Annexure C: ENTERPRISE INFORMATION AFFIDAVIT**

I, the undersigned,

\_\_\_\_\_ (Full Names)

do hereby make oath and state as follows:

1. I am:

1.1 an adult male/female aged \_\_\_\_\_;

1.2 presently employed as/carrying on business as \_\_\_\_\_  
situated at \_\_\_\_\_.

2. The facts stated herein are both true and correct and within my personal knowledge and belief unless otherwise stated.

3. I hereby:

3.1. confirm that I am duly authorised to depose to this affidavit;

3.2. confirm that all information attached to this Enterprise Information Affidavit as Annexure 5.1 has been submitted completely, accurately and truthfully and no material information relevant to the possible award of business by TCTA has been omitted; and

3.3. authorise TCTA to take all steps necessary to verify the information submitted by me as may be necessary and I undertake to pay all costs, losses or damages of TCTA as may be incurred by it should it be discovered that misrepresentations have been made by me in the submission of such information to TCTA.

\_\_\_\_\_  
DEPONENT

Thus done and signed at \_\_\_\_\_ on this the \_\_\_\_\_ day of \_\_\_\_\_  
the Deponent having acknowledged that:

1. he/she knows and understands the contents of this declaration;
2. he/she has no objection to taking the prescribed oath; and
3. he/she considers the prescribed oath to be binding on his/her conscience.

Commissioner of Oaths Stamp	_____
	COMMISSIONER OF OATHS
	_____
	FULL NAMES
_____	CAPACITY
_____	BUSINESS ADDRESS

## Annexure D: ENTERPRISE INFORMATION

### A. GENERAL INFORMATION

A1.	Name of Enterprise:	_____
A2.	Postal Address:	_____ _____
	Code:	_____
A3.	Physical Address:	_____ _____
	Code:	_____
A4.	Telephone No.:	(_____) _____
A5.	Mobile No. :	_____
A6.	Fax No.:	_____
A7.	E-mail :	_____
A8.	Contact Person:	_____

### B. ENTERPRISE INFORMATION

B1.	Type of Enterprise [ Tick one box ]	Supporting documents required:
	Sole Proprietor <input type="checkbox"/>	None <input type="checkbox"/>
	Partnership <input type="checkbox"/>	Partnership Agreement <input type="checkbox"/>
	Close Corporation <input type="checkbox"/>	CK1 – Founding Statement <input type="checkbox"/>
	Private Company <input type="checkbox"/>	CM1 – Certificate of Incorporation <input type="checkbox"/> Shareholders Agreement <input type="checkbox"/>
	Public Company <input type="checkbox"/>	CM1 – Certificate of Incorporation <input type="checkbox"/> Share sale Agreement <input type="checkbox"/>
	Trust <input type="checkbox"/>	Trust Deed <input type="checkbox"/>
	Foreign Entity / Multi-nationals <input type="checkbox"/>	CM1 – Certificate of Incorporation <input type="checkbox"/>
	State Owned Enterprises <input type="checkbox"/>	Relevant legislation of PFMA Classification <input type="checkbox"/>
	Joint Venture(s) <input type="checkbox"/>	JV Agreement <input type="checkbox"/>
	NGO <input type="checkbox"/>	Section 21 <input type="checkbox"/>
Othe r:	Please specify:	
	<i>In the case of a Joint Venture, all parties involved need to complete a <u>separate Enterprise Information Affidavit</u> and a copy of the Joint Venture agreement must be submitted. The identity of the JV entity must be given.</i>	
B2.	Enterprise registration number:	_____

B3.	Enterprise VAT registration number:	_____
B4.	Enterprise Income Tax reference number:	_____
B5.	Enterprise Skills Development number:	_____
B6.	Enterprise UIF number:	_____
B7.	Enterprise RSC number:	_____
B8.	Describe principle business activities:	
B9.	Enterprise classification:	
	Agent	<input type="checkbox"/>
	Merchant	<input type="checkbox"/>
	Manufacturer	<input type="checkbox"/>
	Supplier	<input type="checkbox"/>
	Professional Service Provider	<input type="checkbox"/>
	Other service provider, e.g. transporter, etc.	<input type="checkbox"/>
Please elaborate on "other"		

B10. Indicate, by ticking the appropriate box below, in which sector of the economy your business is predominantly carried out:

**"Exempted Micro enterprise"** means an enterprise which qualifies for BEE compliance exemption by nature of the fact that the Enterprise has an annual turnover of less than the VAT registration limit as per the Value Added Tax Act of 1991 which is R 300 000.00

Column 1 Sector or subsector in accordance with the Standard Industrial Classification	Column 2 Size or Class	Column 3 The total full-time equivalent of paid employees	Column 4 Total Turnover	Column 5 Total gross asset value (fixed property excluded)
Agriculture	Large	> 100	> R5.00m	> R5.00m
	Medium	100	R5.00m	R5.00m
	Small	50	R2.00m	R3.00m
	Very Small	10	R0.40m	R0.50m
	Exempted Micro	5	R0.30m	R0.20m
Mining and Quarrying	Large	> 200	> R39.00m	> R23.00m
	Medium	200	R30.00m	R23.00m
	Small	50	R 7.5.00m	R 6.00m
	Very Small	20	R 3.00m	R 2.00m
	Exempted Micro	5	R 0.30m	R 0.10m
Manufacturing	Large	> 200	> R51.00m	> R19.00m
	Medium	200	R40.00m	R19.00m
	Small	50	R 10.00m	R 5.00m
	Very Small	20	R 4.00m	R 2.00m

	Exempted Micro	5	<input type="checkbox"/>	R 0.30m	<input type="checkbox"/>	R 0.10m	<input type="checkbox"/>
Electricity, Gas and Water	Large	> 200	<input type="checkbox"/>	> R51.00m	<input type="checkbox"/>	> R19.00m	<input type="checkbox"/>
	Medium	200	<input type="checkbox"/>	R40.00m	<input type="checkbox"/>	R19.00m	<input type="checkbox"/>
	Small	50	<input type="checkbox"/>	R10.00m	<input type="checkbox"/>	R 5.00m	<input type="checkbox"/>
	Very Small	20	<input type="checkbox"/>	R 4.00m	<input type="checkbox"/>	R 1.90m	<input type="checkbox"/>
	Exempted Micro	5	<input type="checkbox"/>	R 0.30m	<input type="checkbox"/>	R 0.10m	<input type="checkbox"/>
Construction	Large	> 200	<input type="checkbox"/>	> R26.00m	<input type="checkbox"/>	> R 5.00m	<input type="checkbox"/>
	Medium	200	<input type="checkbox"/>	R20.00m	<input type="checkbox"/>	R 5.00m	<input type="checkbox"/>
	Small	50	<input type="checkbox"/>	R 5.00m	<input type="checkbox"/>	R 1.00m	<input type="checkbox"/>
	Very Small	20	<input type="checkbox"/>	R 2.00m	<input type="checkbox"/>	R 0.50m	<input type="checkbox"/>
	Exempted Micro	5	<input type="checkbox"/>	R 0.30m	<input type="checkbox"/>	R 0.10m	<input type="checkbox"/>
Retail and Motor Trade and Repair Services	Large	> 200	<input type="checkbox"/>	> R39.00m	<input type="checkbox"/>	> R 6.00m	<input type="checkbox"/>
	Medium	100	<input type="checkbox"/>	R30.00m	<input type="checkbox"/>	R 6.00m	<input type="checkbox"/>
	Small	50	<input type="checkbox"/>	R15.00m	<input type="checkbox"/>	R 3.00m	<input type="checkbox"/>
	Very Small	20	<input type="checkbox"/>	R 3.00m	<input type="checkbox"/>	R 0.60m	<input type="checkbox"/>
	Exempted Micro	5	<input type="checkbox"/>	R 0.30m	<input type="checkbox"/>	R 0.10m	<input type="checkbox"/>
Wholesale Trade, Commercial Agents and Allied Services	Large	> 200	<input type="checkbox"/>	> R64.00m	<input type="checkbox"/>	> R10.00m	<input type="checkbox"/>
	Medium	100	<input type="checkbox"/>	R50.00m	<input type="checkbox"/>	R10.00m	<input type="checkbox"/>
	Small	50	<input type="checkbox"/>	R25.00m	<input type="checkbox"/>	R 5.00m	<input type="checkbox"/>
	Very Small	20	<input type="checkbox"/>	R 5.00m	<input type="checkbox"/>	R 0.60m	<input type="checkbox"/>
	Exempted Micro	5	<input type="checkbox"/>	R 0.30m	<input type="checkbox"/>	R 0.10m	<input type="checkbox"/>
Catering, Accommodation and Other Trade	Large	> 200	<input type="checkbox"/>	> R13.00m	<input type="checkbox"/>	> R 3.00m	<input type="checkbox"/>
	Medium	100	<input type="checkbox"/>	R10.00m	<input type="checkbox"/>	R 3.00m	<input type="checkbox"/>
	Small	50	<input type="checkbox"/>	R 5.00m	<input type="checkbox"/>	R 1.00m	<input type="checkbox"/>
	Very Small	20	<input type="checkbox"/>	R 1.10m	<input type="checkbox"/>	R 1.90m	<input type="checkbox"/>
	Exempted Micro	5	<input type="checkbox"/>	R 0.30m	<input type="checkbox"/>	R 0.10m	<input type="checkbox"/>

Column 1	Column 2	Column 3	Column 4	Column 5			
Sector or subsector in accordance with the Standard Industrial Classification	Size or Class	The total full-time equivalent of paid employees	Total Turnover	Total gross asset value (fixed property excluded)			
Transport, Storage and Communications	Large	> 200	<input type="checkbox"/>	> R26.00m	<input type="checkbox"/>	> R 6.00m	<input type="checkbox"/>
	Medium	100	<input type="checkbox"/>	R20.00m	<input type="checkbox"/>	R 6.00m	<input type="checkbox"/>
	Small	50	<input type="checkbox"/>	R10.00m	<input type="checkbox"/>	R 3.00m	<input type="checkbox"/>
	Very Small	10	<input type="checkbox"/>	R 2.00m	<input type="checkbox"/>	R 0.60m	<input type="checkbox"/>
	Exempted Micro	5	<input type="checkbox"/>	R 0.30m	<input type="checkbox"/>	R 0.10m	<input type="checkbox"/>
Finance and Business Services	Large	> 200	<input type="checkbox"/>	> R26.00m	<input type="checkbox"/>	> R 5.00m	<input type="checkbox"/>
	Medium	100	<input type="checkbox"/>	R20.00m	<input type="checkbox"/>	R 5.00m	<input type="checkbox"/>
	Small	50	<input type="checkbox"/>	R10.00m	<input type="checkbox"/>	R 3.00m	<input type="checkbox"/>
	Very Small	10	<input type="checkbox"/>	R 2.00m	<input type="checkbox"/>	R 0.50m	<input type="checkbox"/>
	Exempted Micro	5	<input type="checkbox"/>	R 0.30m	<input type="checkbox"/>	R 0.10m	<input type="checkbox"/>
Community,	Large	> 200	<input type="checkbox"/>	> R13.00m	<input type="checkbox"/>	> R 6.00m	<input type="checkbox"/>

Social and Personal Services	Medium	100	<input type="checkbox"/>	R10.00m	<input type="checkbox"/>	R 6.00m	<input type="checkbox"/>
	Small	50	<input type="checkbox"/>	R 5.00m	<input type="checkbox"/>	R 3.00m	<input type="checkbox"/>
	Very Small	10	<input type="checkbox"/>	R 1.00m	<input type="checkbox"/>	R 0.60m	<input type="checkbox"/>
	Exempted Micro	5	<input type="checkbox"/>	R 0.30m	<input type="checkbox"/>	R 0.10m	<input type="checkbox"/>

B11. Total number of years the enterprise has been in business: \_\_\_\_\_

B12. Was your enterprise known by another name previously? Yes  No

B12.1. If yes, what was the previous name? \_\_\_\_\_

B13. Name three of the largest projects contracted for by your enterprise below:

Project Name	Client	Value in ZAR	Completion Date	Contact Person & Contact Number

B14. Name three of the smallest projects contracted for by your enterprise below:

Project Name	Client	Value in ZAR	Completion Date	Contact Person & Contact Number

B15. Previous relationship with TCTA:

B15.1 Did your enterprise render any goods / services to TCTA previously? Yes  No

B15.1 If yes, please insert details below:

Contract Number and Name	Description / Goods / Services	Contract Supply Value	Contact Person / Tel No.

B16. Current relationship with TCTA:  
Is your enterprise engaged in any contract/s at present for TCTA? Yes  No

C. OWNERSHIP

C1. Are you a South African owned enterprise? Yes  No

C2. List below all shareholders of the enterprise:

Name	Position Occupied	ID Number	Citizenship (*)	Race	Ownership Effective	Gender	Disabled Yes / No	% Owned

**Please note:** Public Companies must provide a list of the majority shareholders in a similar format as above

\* Please state your current citizenship

\*\* If South African citizenship status was recently awarded, please provide the date thereof.

C.2.1 **"Black People"** means African, coloured, Indian persons who are natural persons and:

- a) are citizens of the Republic of South Africa by birth or descent; or
- b) are citizens of the Republic of South Africa by naturalisation before the commencement date of the Constitution of the Republic of South Africa of 1993; or
- c) became citizens of the Republic of South Africa after the commencement date of the Constitution of the Republic of South Africa of 1993, but who, but for Apartheid policy that had been in place prior to that date, would have been entitled to acquire citizenship by naturalisation prior to that date;

C.2.2 **"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.

C2.2.1 From the previous table, please state if each % owned shareholding enjoys voting rights;

Yes  No

C2.2.2 If yes, please complete the below table.

Name	Shareholding	Economic Interest	Voting Rights

Total percentage Black Ownership  %

C2.3 **"Economic Interest"** means a participant's claim against the enterprise representing a return on ownership of the enterprise.

C2.4 **“Exercisable Voting Right”** means a voting right of a participant that is not subject to any limitation.

C2.5 **“Voting Right”** means a voting right attached to an instrument owned by or held on behalf of a participant that may be exercised at a meeting of the shareholders of an enterprise

C2.6 **“Participant”** means a natural person who is:

- a) entitled to an Economic interest in a measured enterprise
- b) enjoying an Exercisable Voting right in a measured enterprise

C3. From the previous section, please indicate by selecting the most appropriate description of the supplier / vendor ownership structure.

C3.1 **Black majority owned enterprises** means an enterprise having a shareholding in which black participants enjoy an entitlement to an economic interest that is in excess of 50% Yes  No

C3.2 **Black majority controlled enterprises** means an enterprise having a shareholding in which black participants are entitled to Exercisable Voting Rights in excess of 50% of the total entitlement to Exercisable Voting Rights in that enterprise Yes  No

C3.3 **Black empowered enterprises** means companies that are more than 25% owned by black people and where substantial participation in control is vested in black people Yes  No

C3.4 **Black influenced enterprises** means enterprises that are between 5% and 25% owned by black people and with participation in control by black people Yes  No

C3.5 **Black woman-owned enterprise** is one with at least 25,1% representation of women within the black equity and management portion Yes

C3.6 **Black SME** means a small or medium enterprise (with a turnover ranging from R500,000 per annum to R20 million per annum) which is a black company or a black empowered company. Yes  No

C3.7 Not one of the above Yes  No

**D. STAFF STRUCTURE OF ORGANISATION:**

**D1. Executive Management / Board of Directors:**

State number of executive / board members in your organization by completing the table below:

Classification	African		Coloured		Indian		White		Total	
	M	F	M	F	M	F	M	F	M	F
1. Executive										
2. Non-executive										
3. Other Top Management										
4. Senior Top Management										
<b>Total</b>										

a. **“Executive Member of the Board”** means those members of the Board who fall within the definition of “Executive Director” specified in the King Report

- b. **“Independent Non-executive Board Members”** means those members of the Board who fall within the definition of “Independent Director” specified in the King Report
- c. **“Other Top Management”** means Employees of a Measured Entity who are appointed by or upon authority of the Board to undertake the day to day management of the Measured Entity and who are actively involved in the development and / or implementation of the Measured Entity’s strategy insofar as it is related to their area of responsibility
- d. **“Senior Top Management”** means Employees of a Measured Entity who are appointed by or upon authority of the Board to undertake the day to day management of the Measured Entity and who have individual responsibility for the overall management and for the financial management of that Measured Entity and who are actively involved in the development and / or implementation of the Measured Entity’s strategy
- e. **“King Report”** means the King Report on corporate Governance for South Africa 2002 authored by the King Committee on Corporate Governance of the Institute of Directors in Southern Africa.

**D2. Employment Equity Structure of the Enterprise:**

State the number of staff (employees) in your organization by completing the table below. Employee bears the same definition as stipulated in the Employment Equity Act No. 55 of 1998 being;

**“Employee”** means any person other than an independent contractor who:

- works for another person or for the State and who receives, or is entitled to receive, any remuneration; and
- in any manner assists in carrying out or conducting the business of an employer

Classification	African		Coloured		Indian		White		Total	
	M	F	M	F	M	F	M	F	M	F
1. Top										
2. Senior										
3. Middle										
4. Professional										
5. Technicians										
6. Clerks										
<b>Total</b>										

**D3. Skills Development**

Please State Skills Development expenditure as a percentage (%) of total payroll.

	%
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**E. PREFERENTIAL PROCUREMENT**

E1 Does your company have a preferential procurement policy? Yes  No

E2 What was the enterprise's total procurement spend in the last 12 months?

E3 Please state both the rand value and percentage of your spend in the last 12 months with:

<b>E3.1 Black Enterprise</b>	<input type="text" value="R"/>	<input style="width: 50px;" type="text" value="%"/>
<b>E3.2 Black influenced Enterprise</b>	<input type="text" value="R"/>	<input style="width: 50px;" type="text" value="%"/>
<b>E3.3 Black woman-owned Enterprise</b>	<input type="text" value="R"/>	<input style="width: 50px;" type="text" value="%"/>
<b>Total</b>	<input type="text" value="R"/>	

**F. SOCIAL RESPONSIBILITY:**

F1.	Please state the percentage (%) of local content of your proposal in relation to the bid price		<input style="width: 50px;" type="text" value="%"/>
F2	Does the company spend any amount of its budget on the promotion of export- orientated production to create jobs?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
F3	Does the company spend any amount of its budget on the creation of new jobs or the intensification of labour absorption?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
F4	Does the company spend any amount of its budget on the promotion of enterprises located in a specific province for work to be done or services to be rendered in that province?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
F5	Does the company spend any amount of its budget on the promotion of enterprises located in a specific region for work to be done or services to be rendered in that region?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
F6	Does the company spend any amount of its budget on the promotion of enterprises located in a specific municipal area for work to be done or services to be rendered in that municipal area?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
F7	Does the company spend any amount of its budget on the promotion of enterprises located in rural areas?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
F8	Does the company spend any amount of its budget on the upliftment of communities through, but not limited to, housing, transport, schooling, infrastructure, donations and charity organizations?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

**G. BANKING DETAILS:**

<b>Bank:</b>	
<b>Account Holder:</b>	
<b>Type of account:</b>	
<b>Branch:</b>	
<b>Branch Code:</b>	
<b>Account Number:</b>	

Supporting documents required.  
For a cheque account, a cancelled cheque and for any other type of account a letter from the bank confirming the account details.

**Annexure E: SAMPLE REFERENCE LETTER ON PAST PROJECTS**

**TO: THE RECEIVING OFFICER**  
**FAX: 012 683 5125**  
**REF: PROPOSAL NO: TCTA 2008/ORWRDP2/05-041**  
**SUBJECT: PROJECT NAME/LETTER OF INTENT FROM \_\_\_\_\_**  
**No. OF PAGES (INCLUDING THIS PAGE): 1**

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I, the undersigned, hereby confirm that:

1. ....was appointed/sub-contracted to ..... (project name)which was a project sponsored and implemented by ..... (Client Name) of which I was in charge as .....(Position) from ..... (date of commencement) to ..... (date of completion).
2. The project entailed the following.....(description) to the value of R.....
3. I wish to make the following comments in respect of the contribution by.....:

Yours sincerely,

Signature: \_\_\_\_\_

Full Names: \_\_\_\_\_