

**REQUEST FOR QUOTATION (RFQ): PROVISION FOR WEB APPLICATION FIREWALL (WAF) RENEWAL ON PRACTITIONER'S PORTAL**

Name of Company	
RFQ number	171/2024/HPCSA
Date of RFQ	<b>24 October 2024</b>
Procurement Officer's Name	Salome Ledwaba 012 402 1828
Site Visit	<b>N/A</b>
Closing date	<b>31 October 2024</b>
Closing time	<b>12:00</b>
Job /Work specification	<ul style="list-style-type: none"> <li>• Renewal of Web Application Firewall (WAF) for 1 year</li> <li>• <b>Annexure A – Specification (attached)</b></li> </ul>
Location: Office name/Department	Procurement
<b>Preference Systems</b> (Preferential Procurement Regulations)	<b>80/20</b>
RFQ Validity Period	Quotations must be valid for 30 OR 60 DAYS.
Responses must be emailed to	<p><a href="mailto:Salomel@hpcsa.co.za">Salomel@hpcsa.co.za</a></p> <p>Please use RFQ number on the subject of the email when responding to the RFQ.</p>

## **SECTION 1: TERMS AND CONDITIONS OF REQUEST FOR QUOTATION (RFQ)**

1. HPCSA General Conditions of Purchase shall apply to any subsequent purchase order.
2. No services must be rendered, or goods delivered before an official HPCSA Purchase Order has been received.
3. Late and incomplete submissions (i.e., submissions which do not include relevant information for adjudication) will not be accepted.
4. Completion and signing of this RFQ template.
5. Any misrepresentation in terms of the declaration constitutes a criminal offence as set out in the B-BBEE Act as amended.
6. All prices must be quoted in South African Rand (ZAR) and MUST be firm for the RFQ validity period. Period of price validity must be explicitly stated.
7. All the invoices shall be paid within 30 days after delivery thereof as per Company policy
8. **Reasons for disqualification**  
HPCSA reserves the right to disqualify any bidder which does any one or more of the following:
  - a) bidder who does not have a Tax Compliant status on the closing date and time of the bid;
  - b) bidder who submitted incomplete information and documentation according to the requirements of this RFQ;
  - c) bidder who submitted information that is fraudulent, factually untrue or inaccurate, for example memberships that do not exist, BEE credentials, experience, etc.;
  - d) bidder who received information not available to other vendors through fraudulent means; and/or
  - e) bidder who does not comply with any other *requirements* as stipulated in this RFQ document.
  - f) bidder who submits quotations by any other means will not be accepted.
9. HPCSA reserves the right to cancel or reject any quote and not to award the RFQ to the lowest bidder or award parts of the RFQ to different bidders, or not to award the RFQ at all.
10. This RFQ is restricted to the intended recipients / bidders as invited by the HPCSA and should not be transferred to or shared with any other bidder or party. The HPCSA reserves the right to reject any response received from any bidder which was not invited by the HPCSA to participate in this process.
11. The HPCSA reserves the right to award this bid as a whole or in part.
12. The HPCSA reserves the right to request all relevant information, agreements, and other documents to verify information supplied in the bid response. The bidder hereby gives consent to the HPCSA to conduct background checks, including FICA verification, on the bidding entity and any of its directors / trustees / shareholders / members.
13. The HPCSA reserves the right of final decision on the interpretation of its RFQ requirements and responses thereto.

## EVALUATION CRITERIA

Bidders shall be evaluated in terms of the following parameters:

### Stage 1: Administrative Evaluation

- During this stage of the evaluation the bidders will be evaluated on whether they comply with the following:

Mandatory Document	Checklist
Proof of registration on CSD (Central Supplier database) Or Company Registration Documents	
Proof that the bidder's tax affairs are in order with SARS (e.g., Valid Tax Clearance Certificate/ Status Pin number document)	
SBD4 –Bidder's Disclosure <b>Annexure A</b>	

### Stage 2: Price and Specific Goals

- All bids that met all the mandatory document (acceptable bids) will be evaluated further in terms of the preference point system, as follows:

**Table 1: Pricing**

CRITERIA	POINTS
Price	80
Specific Goals <sup>1</sup>	20
<b>TOTAL</b>	<b>100 points</b>

**Table 2: Specific Goals**

SPECIFIC GOALS	POINTS
	(80/20 system)
Black ownership <sup>2</sup>	10
30% Black women ownership	5
Any % of ownership by Black Designated Groups <sup>3</sup>	2
Reconstruction Development Programme Objective: Promotion of SMMEs (Entities that are EME or QSE)	3
<b>TOTAL POINTS</b>	<b>20</b>

<sup>1</sup>Specific Goals for this tender and points that may be claimed are indicated per Table 2

<sup>2</sup>Black ownership: 100% black owned entities will score the full 10 points (if 80/20 system) or 5 points (if 90/10 system), and between 51% - 99.99% black owned entities will score 4 points (if 80/20 system) or 2 points (if 90/10 System).

<sup>3</sup>Black Designated Groups has the meaning assigned to it in the codes of good practice issued in terms of section 9(1) of the Broad-Based Black Economic Act as amended.

- **Note:** *Non-submission of the Preference Point Claim Form (Annexure C) will lead to a zero (0) score on specific goals. Proof of Specific goals Ownership and verification will be confirmed using the following documents namely: CIPC documents, valid copy of B-BBEE certificate, For Exempted Micro Enterprises (EME) with an annual revenue of less than R10 million and Qualifying Small Enterprises (QSE) with an annual revenue of between R10 million and R50 million per annum, a sworn affidavit confirming the annual total revenue and level of black ownership may be submitted, copy of Identity document, or medical report for disability ownership NB: Failure to attach proof, the tenderer will be allocated 0 points on specific goals*

### **Stage 3: Objective Criteria**

- To ensure that a contract is awarded fairly and to the best bidder, the HPCSA will apply the objective criteria. Therefore, the HPCSA reserves the right to withhold the award of a contract to the highest scoring bidder if the award poses a risk to the HPCSA.

Objective Criteria are:

- The bidder that poses reputational risk to the HPCSA. This will be assessed in line with the bidder's disclosure (Refer to Annexure A: Bidders Disclosure).
- The bidder's financial capability in relation to the execution of the contract.
- The bidder's past performance in HPCSA contracts.

# ANNEXURE A – BIDDERS’ DISCLOSURE

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## 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. BIDDERS’ DECLARATION

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest <sup>1</sup> 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

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:

.....  
.....

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<sup>1</sup> 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.

### 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.

I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect.

3.2 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>1</sup> will not be construed as collusive bidding.

3.3 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 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.

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<sup>1</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.

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.

.....

Signature

.....

Date

.....

Position

.....

Name of bidder

## ANNEXURE B – SHAREHOLDERS’ INFORMATION

[Note to the bidder: the bidder must complete the information set out below. If the bidder requires more space than is provided below it must prepare a document in substantially the same format setting out all the information referred to below and return it]

### 1.1 Current Shareholders/ Members

Name of the shareholder	ID Number	Race	Gender	% Shares

**Note: The bidder must also attach the detailed Company/ Group Structure where relevant.**

### 1.2 Black Shareholders/ Members as per the B-BBEE Certificate

Name of the shareholder	ID Number	Race	Gender	% Shares
<b>Total Black Shareholding % as per the current and valid B-BBEE Certificate</b>				

I, THE UNDERSIGNED (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED ABOVE IS CORRECT.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of bidder



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

#### 1.2 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:

- (d) Price; and
- (e) 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
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

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:

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \\ \mathbf{Ps = 80 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right)} & \mathbf{or} & \mathbf{Ps = 90 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right)} \end{array}$$

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**

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest 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) 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.)*

The specific goals allocated points in terms of this tender.	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Black ownership	10	
30% Black women ownership	5	
Any % of ownership by Black Designated Groups	2	
Reconstruction Development Programme Objective: Promotion of SMMEs (Entities that are EME or QSE)	3	

**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

**[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.

<p>.....  <b>SIGNATURE(S) OF TENDERER(S)</b></p>
<p><b>SURNAME AND NAME:</b> .....</p>
<p><b>DATE:</b> .....</p>
<p><b>ADDRESS:</b> .....</p> <p>.....</p> <p>.....</p> <p>.....</p>