
REQUEST FOR QUOTATIONS (RFQ/012/2024/25)

APPOINTMENT OF A SERVICE PROVIDER TO RENDER SERVICES OF GOVERNANCE LEGAL AND BOARD
SECRETARIAT AS AND WHEN REQUIRED.

CLOSING DATE: 29 AUGUST 2024

TIME: 16H00

Brand South Africa

103 Central Street, Houghton, Gauteng, South Africa |
PO Box 87168, Houghton, 2041, Gauteng, South Africa Telephone: +27 11 712 5000 | Fax: +27 11 483 0124
Email: info@brandsouthafrica.com | Website: www.brandsouthafrica.com

Acting Chief Executive Officer: Ms Sithembile Ntombela



1. INTRODUCTION

Brand South Africa, previously known as the International Marketing Council of South Africa (IMC), was established in 2002 and tasked with leading the global and domestic marketing of our nation's Brand. The primary object of the Trust is to develop and implement a pro-active and coordinated marketing and communication and reputation management strategies for South Africa.

Brand South Africa's international mandate is to build South Africa's Nation Brand reputation in order to improve the country's global competitiveness, reflecting a great focus on driving international investment and trade.

Domestically, Brand South Africa's mandate is to build pride & patriotism amongst South Africans and contribute to social cohesion and nation brand ambassadorship, giving our country a consolidated and clear brand image. This involves the creation of a unified message and promise that becomes identifiable with South Africa, thereby building credibility, conviction and committed patronage.

Brand South Africa is also the central hub of national reputation and competitiveness intelligence. This intelligence is vital for articulating, aligning and mobilising key messages about the nation for the use and benefit of all stakeholders and strategic partners.

2. WHO WE ARE

Brand South Africa is a Schedule 3A Public Entity, which was established in terms of the Brand South Africa Trust Deed, which is governed by the Trust Property Control Act No.57 of 1988 and the Public Finance Management Act, No.1 of 1999. The organisation reports to the Department of Communication, from which it receives its budget.

3. PURPOSE

The purpose of Brand South Africa is to develop and implement pro-active and coordinated marketing, communication and reputation management strategies for the country.

4. MISSION

To achieve our purpose, we will embark on the following execution mission:

- Develop and articulate a South African national brand identity that will advance South Africa's long-term positive reputation and global competitiveness.
- Seek to build individual and institutional alignment to and support for the brand in South Africa and pride and patriotism amongst South African.
- Build awareness and the image of the Nation Brand in other countries.
- Seek the involvement and cooperation of various government departments, civil society, business and the non-government sector.

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5. SCOPE OF WORK

5.1.1 The scope of the Board Secretariat function shall consist of, but not limited to the following work:

The aim of this position is to provide a full range of secretariat services and to advise the Board of Trustees on governance and legal matters. To ensure the effective, proper and efficient functioning of the Board and all its sub-committees. To provide secretarial services to the Board, minute-taking and reporting, compilation and distribution of documents, important document filing; management of documents on SharePoint and the necessary archiving and storing for referencing and legal compliance. To Monitor internal activities of the organisation to ensure compliance with all relevant statutory and regulatory requirements

5.1.2 Providing end-to-end secretariat support to the Board and its committees; Ensure legal compliance and obligations for a Trust; Informing, advising and supporting the Board in terms of Governance and Compliance, PFMA and KING III. General administration; related to customers, suppliers, stakeholders, etc; Providing Secretariat to the Board Committees (Exco, HCRSEC; ARCO; MARCO; Government Liaison: Presidency and parliament).

5.2.1 Advisory Services

- To be accountable to Brand South Africa Board.
- To provide Board Members with guidance as to their duties, responsibilities and powers.
- To make Board Members aware of any amendments to Legislation that regulates Brand South Africa.
- To ensure that Minutes, Matters Arising and Resolutions of the Board and other Board Sub Committees are kept up to date and communicated timeously to CEO and Head of Departments (HOD's) for implementation.
- Minutes are to be taken in a prescribed format as will be provided and in line with the Board Minute taking guidelines.
- To carry out functions of compliance in terms of relevant legislation that regulates the Brand South Africa as related to the Board.
- To report to the Chairperson of the Board and the CEO on Governance matters.

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5.2.2 Providing end-to-end secretariat support to the Board and its committees

- Develop and maintain the Board calendar of events and meetings.
- Organise meetings and distribute packs within 7 working days prior to an ordinary meeting and 3 working days prior to a special meeting.
- Preparation of agenda's, matters arising and Chairperson's reports in consultation with Chairperson.
- Ensure meeting Packs are distributed and circulated timeously.
- Ensure recordings are kept and minutes reflecting the true record of the meeting are taken.
- Distribution of resolutions and matters arising within 2 working days after the meeting.
- Circulation of minutes for inputs and comments to the Board of Trustees; CEO within 4 working days after the meeting.
- Ensure secure record keeping and confidentiality of documents.
- Manage telephone/email enquiries pertaining to Governance Matters.
- Provide monthly reports on Board and or Committee governance related matters.
- Preparing for and organising meetings. This entails drafting and finalising the agenda and packs, organising the logistics, minute taking, response, feedback to specific agenda items / matters arising. Undertaking any follow up and maintaining professional relationships. Also raise matters that warrant the Board's attention.

5.2.3 Governance

- Alongside the Board Chairperson, support new members to understand their role and function. Carry out in conjunction with the Chief Executive Officer (CEO) the induction of new Board members.
- Assist Board with identifying training, proper induction and orientation including assessing specific training.
- Assist the Board with annual Board assessments.
- Assist the Board with carrying out their fiduciary and governance responsibility in line with good governance, the Constitution and Legislation.

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- Assist the Board and Committee members, with recording Conflict of Interest Disclosures.
- Ensure Constitution and Committee Charter are updated timeously, signed and distributed in line with the rules of the Constitution.
- Provide advice on governance issues faced by the Board.
- Develop and maintain an up to date interest declaration registers.

5.2.4 Compliance to Legislation and compliance calendar

- Provide central source of guidance and advice to the Board and within the organization on Compliance matters.
- Ensure there is a compliance calendar and yearly work plans for all committees.
- Manage the POPIA and PAIA compliance within the organisation.
- Manage the Compliance Checklist and liaise with departments and report on status in the ARCO meeting
- To ensure Legal compliance within Brand South Africa.

5.2.5 Providing Secretariat to the BOARD Committees

- Preparing for and organising meetings. This entails drafting and finalising the agenda and packs, organising the logistics, minute taking, undertaking any follow up and maintaining professional relationships.
- Ensure that the attendance register is signed by all attendees

5.2.6 Ensure legal compliance and obligations for a Trust

- Liaison with regards to appointments, retirements, resignations and removal of Board Members.
- Register Trustee Changes with the Master of the High Court.
- Manage legal and contractual issues with partners and suppliers.
- Making sure that the rules of engagement are governed by a contract (SLA) Managing the relationship with service providers.

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5.2.7 Informing, advising and supporting the Board in terms of Governance and Compliance, PFMA and KING III. General administration

- Monitor internal activities of the organisation to ensure compliance with all relevant statutory and regulatory requirements.
- Ensure that the Board is aware of the obligations regarding legislation, regulations and standards required by codes of best practice.
- Provide accurate and properly researched knowledge for the Board to make informed decision.
- To provide a central source of guidance and advice within the organisation on matters of business ethics and good governance.
- Formal submission of compliance related documents (plans, budgets, Board minutes, annual financial statements, etc.).

5.2.8 Develop, implement and manage all legal services functions and operations

- Manage the day-to-day operations of the legal business unit and smooth running and coordination its operational activities with guidance from the Board secretary.
- Managing the relationship with all legal Professional Service Providers and ensuring harmonious interaction with clients and stakeholders.
- Manage all the whistleblowing reports and ensure that there are escalated to the appropriate forum in terms of the Brand South Africa whistleblowing Policy.
- Assist with the recruitment and selection of the vacant positions within the department.
- Implement the approved Board Secretariat Governance strategy and APP.
- Ensure full planning and organising the running of the Governance Legal and Board Secretariat Department.

5.2.9 Skills and Knowledge Required

- Knowledge of legislation regulating Brand South Africa.
- Expert knowledge in roles and responsibilities of the Board.
- Understanding of the Public Finance Management Act (PFMA) and Regulations.
- Strategic meeting Management.

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- Understanding of meeting protocol.
- Strong governance.
- Relevant legislation (PFMA, Treasury Regulations (or Companies Act))
- Corporate Governance (Protocol on Corporate Governance in the Public Sector, King II and III, governance best practice)
- Roles of key corporate leadership positions, e.g. Board Chair, CEO
- Government structures and hierarchies - Ministers, DGs, etc
- General knowledge of broader political, economic and social environment
- Corporate Governance

6 BIDDER'S RESPONSIBILITIES

- Ensure they allocate a dedicated and suitably qualified to handle Brand South Africa Board Secretariat responsibilities as per the scope of work above.
- The bidder must conduct business in courteous and professional manner.
- The bidder must ensure that the personnel allocated to work under this contract are adequately trained and have Public sector experience in Corporate Governance and Legal support.
- Ensure that Brand South Africa is informed of any appointment and removal of any personnel and the team must be familiar with government regulations.

NB BIDDERS SHOULD PROVIDE HOURLY RATES ON ALL CATEGORIES ON THEIR PROPOSALS AS THESE SERVICES WILL BE REQUIRED ON AN AD HOC BASIS, ie 5.2.1 to 5.2.8.

7 DURATION

The duration of this contract is 12 months or earlier should the organisation conclude its current internal matter or fill the position or based on performance, during which will be communicated. The service provider will submit monthly reports on progress.

8 MANDATORY REQUIREMENTS

REQUIREMENT	REQUIRED DOCUMENTS
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Service provider must demonstrate requisite knowledge of the Board Secretariat services. 7 years Board Secretariat experience at an Executive level 7 years' experience in Corporate Governance and Legal Service Company Board Secretary experience is essential	Detailed CV and 5 reference letters not older than 5 years
Must be an admitted attorney or advocate	Admission Certificate
LLB Degree or BProc or B Com Law or equivalent (relevant) qualifications	Certified qualification certificate

6. EVALUATION CRITERIA

In order to facilitate a transparent selection process that allows equal opportunity to all bidders, Brand SA has a Supply Chain Management policy that will be adhered to. Proposals will be evaluated in terms of the prevailing Supply Chain Management policy applicable to Brand SA and it should be noted that proposals will be assessed using the 80/20 formula (preference points system) for Price and Specific Goals as per the PPPFA Regulations.

Table 6.1 - Price and Specific Goals

Table 2 - Price and Specific Goals		
CRITERIA	SUB-CRITERIA	WEIGHTING / POINTS
Price	Detailed budget breakdown	80
Specific Goals	Specific Goal	20
TOTAL		100

NB: Price and specific goals points will be calculated as described in the Preferential Procurement Regulations of 2022. SBD 6.1 form must be used to claim points for specific goals for the company. A

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copy of CSD report and certified copy of B-BBEE certificate or Sworn Affidavit must be submitted as proof of specific goals. When the said documentation is not provided as proof the company will automatically score zero points for specific goals. Brand SA may request further information if clarity is needed.

7. INSTRUCTIONS TO BIDDERS

a. Terms and Conditions

Brand South Africa reserves, under exceptional circumstances, the rights to extend the closing date. All proposals and all subsequent information received from bidders will not be returned.

The adjudication process does not represent a commitment on the part of the Brand South Africa to proceed further with that proposal or of any other bidder.

The price quoted must be valid for at least 90 days.

b. Changes to this RFQ document

Brand South Africa reserves the right to make changes on this RFQ Document. All changes will be communicated to those firms that have responded to the RFQ. No reliance shall be placed on other information or comment from any other person.

c. Confidentiality

Any information relating to the submissions, through the process or otherwise shall be treated in strict confidence.

d. Other matters

Brand South Africa reserves the right not to enter into any relationship and no correspondence pertaining to submissions will be entered into.

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If Brand South Africa does not accept any proposal, it will declare this RFQ call process closed and may then elect to:

- Proceed on a completely different basis; and
- Not to appoint any respondent in the event it deems proposals not appropriate.

Brand South Africa will not accept any responsibility for costs incurred by bidders in preparing and submitting proposals.

Brand South Africa reserves the right to engage in processes to validate all claims made in the proposal.

8. PAYMENT STRUCTURE

- a. Brand South Africa undertakes to pay in full within thirty (30) days, all valid claims for work done to its satisfaction upon presentation of a substantiated claim/invoice.
- b. Payment will only be made upon successful completion of the induction training.

9. GENERAL

- a. Below are requirements for this service:

It is important to note that the successful bidder will work under the supervision of a Brand South Africa representative, abide by Brand South Africa's Code of Conduct, and other organizational guidelines.

Kindly submit the following document:

- (SARS Pin Number/ Tax Clearance Certificate).
- National Treasury Central Supplier Database Report.
- Completed and signed SBD forms.
- Completed and signed POPIA PROTECTION OF PERSONAL INFORMATION ACT, 2013 (POPIA)

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- Quotation on Company Letterhead

10. CONTACT DETAILS FOR INFORMATION

- Further information regarding technical matters can be sent via email to: Lwandileg@brandsouthafrica.com or tel: 011 483 0122.
- Further information regarding supply chain matters can be sent via email to: vellyt@brandsouthafrica.com or quotations@brandsouthafrica.com tel: 011 483 0122.

11. SUBMISSIONS OF QUOTATIONS

- Quotations should be submitted on or before the **29 August 2024** by no later than **16h00** to the following address: quotations@brandsouthafrica.com or vellyt@brandsouthafrica.com
- The selection of the qualifying bid/quotations will be at the Brand South Africa's sole discretion. Brand South Africa does not bind itself to accept any particular bid/quotations and reserves the right not to appoint the bidder.

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PRICING METHOD FOR THE QUOTATION.

Note:

- 1 All pricing will be according to the Scope of work
- 2 Hourly rate to be provided per category, that is from 5.2.1 to 5.2.8
- 3 Line Prices are all **VAT EXCLUDING**, and **TOTAL PRICE** is **VAT INCLUSIVE**

The following pricing schedule needs to be completed in line with the required deliverables (where applicable) and return a part of the tender submission.

Description	Units	Price
GOVERNANCE LEGAL AND BOARD SECRETARIAT	01	
		R
VAT		R
GRAND TOTAL		R

SBD 4

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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

2.2 Do you, or any person connected with the bidder, have a relationship

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.

with any person who is employed by the procuring institution? YES/NO

2.2.1 If so, furnish particulars:

.....

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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 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

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.

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.

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- 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.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

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SBD 6.1

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

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

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

1. GENERAL CONDITIONS

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

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

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

1.4 To be completed by the organ of state:

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The maximum points for this tender are allocated as follows:

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

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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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:

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

Where

P_s = Points scored for price of tender under consideration
 P_t = Price of tender under consideration
 $P_{\min}$ = Price of lowest acceptable tender

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:

$$\begin{array}{ccc} 80/20 & \text{or} & 90/10 \\ P_s = 80 \left(1 + \frac{P_t - P_{\max}}{P_{\max}} \right) & \text{or} & P_s = 90 \left(1 + \frac{P_t - P_{\max}}{P_{\max}} \right) \end{array}$$

Where

P_s = Points scored for price of tender under consideration
 P_t = Price of tender under consideration
 $P_{\max}$ = 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:

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- 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 (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)
100 % Black owned	N/A	10		
Exempted Micro Enterprise	N/A	10		

Brand South Africa

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Email: info@brandsouthafrica.com | Website: www.brandsouthafrica.com

Acting Chief Executive Officer: Ms Sithembile Ntombela



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DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

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

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- (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.

..... SIGNATURE(S) OF TENDERER(S)	
SURNAME AND NAME:	
DATE:	
ADDRESS:	

PROTECTION OF PERSONAL INFORMATION ACT, 2013 (POPIA)

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I/we as Brand South Africa's potential service provider hereby:

- grant my/our voluntary consent to Brand South Africa to collect, process and use my/our personal information in accordance with the provisions of POPIA;
- confirm that I/we understand and acknowledge that my/our personal information may be used by Brand South Africa in order to discharge its public and/or statutory duties;
- grant our consent to Brand South Africa that my/our personal information may be disclosed to third parties in consistence with Brand South Africa's statutory duties; and
- confirm that I/we are aware that there may be circumstances during which Brand South Africa will not need my/our express consent to process my/our personal information, such as during litigation or the information is already in the public domain.

Should any of my / our personal information change, I/ we shall promptly inform Brand South Africa by contacting accounts@brandsouthafrica.com

SIGNED AT _____ ON THIS _____ DAY OF _____ 202_____

FULL NAMES AND SURNAME: _____

CAPACITY OF THE SIGNATORY: _____

SIGNATURE: _____

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