



# Tender Document

In relation to:

Tender number:	RFP UJ 87/2022
Tender briefing:	TUESDAY, 01 NOVEMBER 2022
Closing Date:	WEDNESDAY, 09 NOVEMBER 2022
Closing Time:	12h00 (NOON)
Tender description:	SUPPLY AND INSTALLATION OF A 350KVA AND 600KVA DIESEL STANDBY GENERATORS FOR APB AND DFC DATA CENTRES
Tender Administrator's Contact Details (UJ Contact Person)	Mr Wongalethu Ntoni <a href="mailto:wongalethu@uj.ac.za">wongalethu@uj.ac.za</a>



## Table of Content

1. Introduction.....	3
2. Submission requirements.....	3
<b>Annexure A – Tender Specifications &amp; Evaluation Criteria .....</b>	<b>4</b>
1. Project / technical Specification.....	4
2. Financial Specification / Pricing Schedule .....	4
3. Stage 1: Responsiveness Evaluation Criteria .....	4
4. Stage 2: Functional/Technical Evaluation Criteria .....	5
5. Stage 3: Quantitative (Price & B-BBEE Points Scoring) Evaluation Criteria.....	5
<b>Annexure B – Information Sheet and Information of the Participant .....</b>	<b>7</b>
1. General information.....	7
2. Business information .....	8
3. Organizational structure .....	8
4. Financial information .....	9
5. Trade References .....	10
6. Information to be included in the Proposal .....	10
<b>Annexure C – Returnables.....</b>	<b>12</b>
1. Mandatory returnables.....	12
2. Additional returnables .....	12
<b>Annexure D – Acceptance Form and Declaration .....</b>	<b>13</b>
<b>Annexure E – Declaration of Interest .....</b>	<b>15</b>
<b>Annexure F – Terms and Conditions of Tender.....</b>	<b>16</b>
<b>Annexure G – ST&amp;Cs .....</b>	<b>18</b>

## 1. Introduction

- 1.1 The Participant may not contact any person from UJ regarding this Tender other than the dedicated UJ contact person as indicated in this Tender document's front page.
- 1.2 Any and all enquiries that may arise prior to award of the Tender must be raised in writing to the UJ contact person (as indicated on the front page) using the tender number and tender description in the subject line.
- 1.3 The documents that form part of the Tender are:
  - **Annexure A** – Tender Specifications & Criteria.
  - **Annexure B** – Information Sheet and Particulars of the Participant.
  - **Annexure C** – Returnables
  - **Annexure D** – Acceptance Form and Declaration.
  - **Annexure E** – Declaration of Interest.
  - **Annexure F** – Terms and Conditions of Tender.
  - **Annexure G** – ST&Cs.

## 2. Submission requirements

- 2.1 The Participant's Proposal must:
  - 2.1.1 be typed and/or filled in and completed in indelible ink;
  - 2.1.2 indicate any and all changes, including any proposed amendments to the ST&Cs;
  - 2.1.3 properly initial every page of the Proposal and the Tender documents as well as any changes;
  - 2.1.4 include completed and signed Annexures as contained in Tender document. These Annexures will be referred to during the consideration of the proposals to determine comparable merits;
  - 2.1.5 include a fully completed Proposal setting out all the requirements in the Specification and Criteria of the Tender (as set out in **Annexure A**);
  - 2.1.6 include a fully completed information sheet as well as all the supporting documents as required in **Annexure B** and **Annexure C**;
  - 2.1.7 include a fully completed and signed acceptance form and declaration (in **Annexure D**) as well as the declaration of interest (in **Annexure E**) signed by a duly authorized person of the Participant; and
  - 2.1.8 include any other document that may be specifically set out in the Tender document. As far as possible, the Participant must provide and include appropriate information by means of suitable reading matter, to enable UJ to consider and investigate any technical details which cannot be clearly derived from the proposal documentation.
- 2.2 All submissions of Proposals must strictly adhere to the following process:
  - 2.2.1 Proposals must be returned in their entirety and include the information, documents and requirements as set out in paragraph 2.1 (above).
  - 2.2.2 Proposals must be submitted on or before the Closing Date and Closing Time (as indicated on the front page of the document). The Participant is responsible for ensuring that proposals are submitted on time. Proposals received after the Closing Date and Closing Time will be late and will not be accepted for consideration.
  - 2.2.3 Proposals must be submitted on the UJ submission link. Proposals submitted in a way that does not conform with the invitation letter will not be considered.

## Annexure A – Tender Specifications & Evaluation Criteria

The Participants are hereby invited to provide a response and offer to this Tender. The following standard adjudication criteria in three-stages approach namely will be utilised in the adjudication process:

1. Project / technical Specification
2. Financial Specification/Pricing Schedule
3. Stage 1: Responsiveness Evaluation Criteria
4. Stage 2: Functional/Technical Evaluation Criteria
5. Stage 3: Quantitative (Price & B-BBEE Points Scoring) Evaluation Criteria

### 1. Project / technical Specification

The Tender technical Specifications are as follows:

#### Annexure A – BOQ

SUPPLY AND INSTALLATION OF A 350KVA AND 600KVA DIESEL STANDBY GENERATORS FOR APB AND DFC DATA CENTRES

BIDDERS ARE REQUIRED TO QUOTE FULLY AS PER SPECIFICATION AND ALL ITEMS MUST BE PRICED. FAILURE TO SUBMIT A FULLY PRICED BOQ SHALL LEAD TO DISQUALIFICATION

### 2. Financial Specification / Pricing Schedule

The Tender financial Specifications are as follows:

Same as above – BOQ

### 3. Stage 1: Responsiveness Evaluation Criteria

The following information and documentation **must** be included in the Proposal:

- All information in **Annexure B** and returnable documents as set out in **Annexure C**, together with the tender document, are to be submitted as stipulated.

#### Mandatory

- A copy of the certificate of incorporation or summary of proof of registration with National Treasury's Central Supplier Database (CSD) with an active status.
- A valid SARS Tax Compliance Status (certificate / pin)
- A valid B-BBEE Contribution Level Certificate / sworn affidavit – no submission will not disqualify your submission however you will lose points
- Letter of Good Standing issued in terms of COIDA, confirming that the tenderers are registered as an employer in terms of the Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993. These may be issued by the Department of Labour, RMA or FEM.
- Any additional information required under Annexure A, including but not limited to copies of a letter good standing in terms of COIDA, quality assurance certificates, SABS certificates and ISO certificates (where applicable).
- A minimum of CIDB GRADING DESIGNATION OF 3EP/EB OR HIGHER will be eligible to tender for this project.
- Any provisions of the ST&Cs that have not been accepted in its entirety, in the format specified in the Terms and Conditions of RFP.

#### Additional returnable

The following information must be included within the Participant's Proposal (where appropriate)

- Original bank letter confirming bank account details.
- Audited financial statements of the previous financial year.
- Copy of Directors / Members / Owners Identity documents.

A certified copy of a resolution in accordance with applicable legislation from the company or close corporation, which authorizes the signer to sign the relevant documents on behalf of the Participant.

Incomplete Tenders will be disqualified.

The submitted Tenders will be evaluated based on the list of criteria defined below and in the specific sequence. A Tender which fails to meet any one criterion will not be considered in subsequent evaluations.

#### 4. Stage 2: Functional/Technical Evaluation Criteria

No	Functionality Criteria	Points	Maximum Points Attainable
(i)	References of similar projects with proof of appointment. These references must not be older than 10 years. The reference list must include the company name, brief scope of work, contact persons, contact details, and value of contract. Practical Completion certificates and client reference letters (10 points per PC with client reference letter)		40
(ii)	Provide short CVs of personnel that will be assigned to the project. Key personnel's Qualifications, ECSA certificates Project leader (Pr.Eng, Pr.Tech.Eng) 20 points Foreman Electricians trade Certificates or Wireman's Certificate 10 points Foreman Electricians trade Certificates or Wireman's Certificate 10 points		40
(iii)	Programme Methodology Logistical arrangements, procurements, consulting appointment & construction programme etc. Project Brief 5 points Programme 5 points		10
	Total Points Awarded		90

Notes:

**A minimum of 63 points (70 %) is required by any tenderer in terms of the Stage 2: Functionality. All tenderers who achieve 70 percent or more will be evaluated in terms of Stage 3: Financial and Other.**

#### 5. Stage 3: Quantitative (Price & B-BBEE Points Scoring) Evaluation Criteria

Price and B-BBEE (80/20 points scoring system).

- Price (80 points)
- B-BBEE in the following scoring matrix (20 points)

Points awarded will be according to a Participant's B-BBEE Status Level of contribution and summarised in the table below:

CATEGORY	SCORING CRITERIA	ALLOCATED POINTS
<b>BROAD BASED BLACK ECONOMIC EMPOWERMENT</b>		<b>20</b>
<b>B-BBEE Contribution Level</b>		
Level 1 Contributor	20	
Level 2 Contributor	18	
Level 3 Contributor	14	
Level 4 Contributor	12	
Level 5 Contributor	8	
Level 6 Contributor	6	
Level 7 Contributor	4	
Level 8 Contributor	2	
Level 9/0 Contributor	Non-Compliant contributor	
<b>PRICE</b>		<b>80</b>
<b>PRICE</b>		<b>80</b>
<b>B-BBEE</b>		<b>20</b>
<b>TOTAL</b>		<b>100</b>

Failure to submit a valid B-BBEE certificate or issued by an accredited organisation or sworn affidavit as per the DTI regulations will result in the Participant not qualifying for preferential points and the Participant will score zero.

A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.

Descriptions:

- EME – Turnover between R0.00 to R10, 000,000.00 annually or as per latest DTI legislation
- QSE – Turnover between R10, 000,000.00 to R50, 000,000.00 per annum or as per latest DTI legislation

## Annexure B – Information Sheet and Information of the Participant

All participants must include the completed information sheet in the submission of the Proposal:

### 1. General information

Description	Information to be completed
Full registered name	
Trading name	
Name Changes	<input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes", provide details: (provide a copy of the name change certificate if applicable).
Indicate type of entity	<input type="checkbox"/> Ltd <input type="checkbox"/> (Pty) Ltd <input type="checkbox"/> Close Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Other If "other", describe:
Has there been a name change in the last 5 years?	<input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes", provide details:
Registration number	
Is the business VAT registered?	<input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes", provide VAT number:
Business commencement date	
Postal address	
Physical address	
Contact details	Telephone number: Fax number: Email address:
Website address	
Banking details:	Banking institution: Branch: Branch code: Type of account: Account number: Name of account holder:
Contact person	Name and surname:

	Position (job title): Telephone number: Email address:
--	--

## 2. Business information

Description	Information to be completed
Brief description of the goods / services that your business provides.	
Industry in which your business operates.	
How long has your business operated in the particular industry?	
Indicate whether your business is a:	<input type="checkbox"/> Channel partner, <input type="checkbox"/> Dedicated supplier, <input type="checkbox"/> Preferential supplier, <input type="checkbox"/> Other organization Provide details:
Have you previously supplied goods to UJ?	<input type="checkbox"/> Yes <input type="checkbox"/> No If "yes", provide details:

## 3. Organizational structure

Description	Information to be completed
Ownership structure	
Who is the principal shareholder / member?	
Details of directors / members / partners / owners of the business:	<input type="checkbox"/> Director <input type="checkbox"/> Member <input type="checkbox"/> Partner <input type="checkbox"/> Owner Provide surname and initials of each:
Details of the managing director/senior partner/ principal/owner/senior member:	Name and surname: Telephone number: Email address:
Main contact person for production	Name and surname: Position (job title): Telephone number: Email address:



Main contact person for sales	Name and surname: Position (job title): Telephone number: Email address:
Main contact person for accounts	Name and surname: Position (job title): Telephone number: Email address:
Main contact person for distribution and delivery	Name and surname: Position (job title): Telephone number: Email address:
Main contact person for quality control	Name and surname: Position (job title): Telephone number: Email address:

#### 4. Financial information

Description	Information to be completed
Financial year-end	
Annual turnover for the previous three years:	Year 1: Year 2: Year 3:
Total gross asset value, excluding property	
Estimated value of fixed property owned by the undertaking:	
Cash and cash equivalents at the end of the year for the previous three years per the cash flow statement:	Year 1: Year 2: Year 3:
Total full-time paid employees:	
Contingent liabilities. Provide details:	
Provide details of any pending legal	

matter:	
Name of auditors	
Contact person at auditors:	Name and surname: Position (job title): Telephone number: Email address:

## 5. Trade References

Trade references, including names of contact persons and contact telephone numbers, in the following format:

Company name	Contact person	Landline number	Mobile number	Description of project	Value of project	End date of project

## 6. Information to be included in the Proposal

The Participant must provide full and accurate information of the information set out in the Tender Specifications & Criteria in **Annexure A**. The Participant must provide the following minimum information based on the Specifications & Criteria:

### 6.1 The Proposal must include:

- 6.1.1 description of the services.
- 6.1.2 company / business background, management structure and experience.
- 6.1.3 relevant experience schedule.
- 6.1.4 project brief / plan.
- 6.1.5 number & rank of professional staff to be deployed.
- 6.1.6 frequency of service.
- 6.1.7 deliverables / delivery schedule.
- 6.1.8 client reference.
- 6.1.9 costs in a pricing schedule indicating professional fees, construction costs, any other relevant fees / mark-up and value added tax.

### 6.2 Any quality control standards and performance, including the detail in respect of the quality control system that functions in the Participant's enterprise:

### 6.3 Provide a short history of the Participant's specific expertise and background in respect of the goods or services to which this Tender applies.

### 6.4 Terms of delivery and payment, including the following:

- 6.4.1 delivery period;
- 6.4.2 settlement discount offered; and
- 6.4.3 any trade discount.

- 
- 6.5 Where applicable, if any material is to be imported, the Participant will carry the benefits and risks of fluctuations in exchange rate, for which it is encouraged to enter into a forward exchange contract.
- 6.6 Full details of the after-sales service that the Participant offers and the costs, if any, relating thereto.
- 6.7 Full details of any guarantee and guarantee period, including full clarification of the following:
- 6.7.1 Is the guarantee comprehensive? If not, give details.
  - 6.7.2 For what period does the Participant guarantee to provide maintenance work, regardless whether it retains or loses the agency (where applicable)?
  - 6.7.3 For what period does the Participant guarantee to supply spare parts, regardless whether it retains or loses the agency (where applicable)?
- 6.8 Provide details on any routine repair work and maintenance that may be necessary from time to time.
- 6.9 Provide details on any repair work and maintenance work included with the Tender price. Where applicable, clarify which repair work and maintenance is outside scope of the Proposal or the Tender price.
- 6.10 Provide details on the number of periodical inspections per year, if any, with a view to minor repairs, adjustments and preventative maintenance in general. Clearly indicate whether its cost is included with the tender price. If not, give details.
- 6.11 Does the Participant have trained technicians in its service for maintenance or is this work sub-contracted? Provide details.
- 6.12 Is the Participant an accredited agent for the goods? Provide details.
- 6.13 The Participant must provide details as to whether the services and/or goods includes an extra charge or not. Provide details.
- 6.14 Any subcontracts that will be used for the provision of the services / goods.
- 6.15 Additional information must be attached to the back of this document, clearly referring to the relevant point/s.

## **Annexure C – Returnables**

The following information are required returnables for the Participant's Proposal:

### **1. Mandatory returnables**

The following information and documentation must be included in the Proposal, failing which the Proposal will be disqualified from the Tender:

- A copy of the certificate of incorporation or summary of proof of registration with National Treasury's Central Supplier Database (CSD) with an active status.
- A valid SARS Tax Compliance Status (certificate / pin).
- A valid B-BBEE Contribution Level Certificate / sworn affidavit.
- Any additional information required under Annexure A, including but not limited to copies of a letter good standing in terms of COIDA, quality assurance certificates, SABS certificates and ISO certificates (where applicable).

### **2. Additional returnables**

The following information must be included within the Participant's Proposal (where appropriate):

- Original bank letter confirming bank account details.
- Audited financial statements of the previous financial year.
- Copy of Directors / Members / Owners Identity documents.
- A certified copy of a resolution in accordance with applicable legislation from the company or close corporation, which authorises the signer to sign the relevant documents on behalf of the Participant.
- Any provisions of the ST&Cs that have not been accepted in its entirety, in the format specified in the Terms and Conditions of Tender.

## Annexure D – Acceptance Form and Declaration

I / We:

---

the undersigned, in my/our capacity as:

---

(Managing director, director, etc.) of:

---

(Registered name and registration number), duly authorised hereto by virtue of a resolution of:

---

dated:

---

(hereinafter referred to as “the **Participant**”) do hereby state that:

1. I/we agree to the terms and conditions stipulated in the Tender documents.
2. The offer to provide all or any portion of the goods and/or services conform with the Tender’s Specification and Criteria (and other requirements in the Tender document) for the total amount reflected in our Proposal, which is in Rands (including VAT).
3. confirm that all the information required in the Tender are attached to the Proposal and that such information is both true and correct.
2. the facts contained in the Tender document to which this declaration is attached are true and accurate in every respect;
3. I/we fully understand the contents, provisions and conditions of the Tender document;
4. no person employed by the UJ has received or will receive any benefit in respect of or in connection with the Tender;
5. no person employed by the UJ has a close family relationship with the Participant, except as explained in the Disclosure of Interest (attached as Appendix E to the Tender document), which has been completed, signed and submitted as part of the Proposal;
6. I/we offer to supply the goods and/or to provide the services and/or construction work and/or repair work, to the UJ as specified in the Tender and at the price specified in the Proposal in accordance with the general and specific provisions and conditions set out in the Proposal;
7. the prices and rates contained in the Proposal cover all our obligations arising from the contract which will arise if the Tender is accepted by the UJ;
8. the Proposal meets all the requirements and has been completed in full and I/we have the capacity to sign the Tender document and the Proposal on behalf of the Participant;

9. the submission of the Proposal constitutes an offer to the UJ on the Participant's behalf for the Participant to supply the goods, and/or provide the services, and/or construction work, and/or repair work, set out in the tender, subject to the conditions, terms and provisions in the Tender documents, and the written and signed acceptance of the Proposal by the UJ constitutes a contract binding upon the Participant on the said conditions, terms and provisions.
10. I/we am/are aware of the requirements set out in the Revenue Law Amendment Act 60 of 2008 and the definitions of "Labour Broker", "Employee" and "Personal Service Provider" of the Income Tax Act, and declare that the Participant does not fall within the definition of Personal Service Provider as aforesaid and therefore the UJ may in good faith accept the contents hereof and will not be obliged to deduct or withhold any PAYE on behalf of the Participant or any of its employees placed with the UJ.

Date of signature : \_\_\_\_\_

Place of signature : \_\_\_\_\_

Name of representative : \_\_\_\_\_

Position of representative : \_\_\_\_\_

Name of Participant : \_\_\_\_\_

\_\_\_\_\_  
Signature of representative  
of the Participant

## Annexure E – Declaration of Interest

### 1. Required disclosure

1.1 The Participant is required to make a comprehensive disclosure in relation to any potential conflict(s) of interest it may have with regard to this Tender, which includes:

- 1.1.1 all persons having an interest, directly or indirectly, in the Participant; and
- 1.1.2 a positive duty to identify interests that may give rise to a conflict of interest in relation to this tender.

1.2 Should an employee of UJ, who is not a disqualified person (a per clause 2 of this Declaration of Interest) have an interest in the Participant or should a spouse, partner or close family member of such employee have an interest in the Participant, the Participant is obliged to make a sworn or affirmed declaration that:

- 1.2.1 there is no conflict of interest or other corporate governance concerns for the UJ; and
- 1.2.2 the transparency or fairness of the bidding process is not otherwise prejudiced.

### 2. Participants disqualified from participation

2.1 If any of the following persons have an interest, direct or indirect beneficial or non-beneficial, in the Participant, such Participant will be disqualified from consideration for this Tender:

- 2.1.1 members of the Council of the UJ or any sub-committee of the Council;
- 2.1.2 members of the UJ's management;
- 2.1.3 any employee of the UJ having any involvement whatsoever in the Tender process;
- 2.1.4 any employee of the UJ having any special knowledge of the Tender;
- 2.1.5 any advisor who provides services to the UJ relating to this Tender; and/or
- 2.1.6 any person/entity who has previously held any of the positions referred to in clauses 2.1.1 to 2.1.5 (above) within a period of 24 (twenty-four) months prior to the date of submission of this Tender.

2.2 The prohibition referred to in clause 2.1 above also applies to spouses, partners and close family members of the persons referred to in clauses 2.1.1 to 2.1.6 above.

### 3. Declaration of interest

3.1 The Participant or any person of the Participant ("**Declarant**") is required to take into account that the Participant is obliged to fully disclose and warrant the identity of all persons having interests in the Participant and any conflicts of interest. herewith declares the following interest:

<b>Name:</b>	Click or tap here to enter text.
<b>Address:</b>	Click or tap here to enter text.
<b>Declared conflict of interest</b>	Click or tap here to enter text.

Date of Signature : \_\_\_\_\_

Name of Declarant : \_\_\_\_\_

Position of Declarant : \_\_\_\_\_

Name of Participant : \_\_\_\_\_

Signature of Declarant

## Annexure F – Terms and Conditions of Tender

1. UJ has issued a Tender for prospective service providers to provide a Proposal. These terms and conditions apply to the Tender, and by participating in and/or submitting a Proposal to the Tender the Participant agrees to be bound to these terms and conditions of Tender, including:
  - 1.1 The Tender documentation (including all of its annexures and schedules);
  - 1.2 These terms and conditions of Tender; and
  - 1.3 The ST&Cs.
2. In these terms and conditions of Tender, the following terms will be used:
  - 2.1 **Closing Date** means that date and time that the Tender closes as indicated in the Tender;
  - 2.2 **Participant** means the prospective service provider responding to the Tender;
  - 2.3 **Proposal** means the proposal the Participant submits to UJ in response to the Tender for the provision of goods and/or services;
  - 2.4 **Requirements** means the Tender requirements as set out in the Specifications and Criteria;
  - 2.5 **Tender** means the tender (together with all referenced annexures and schedules thereto) issued by UJ issued requesting the Participant to respond with a Proposal;
  - 2.6 **Specifications & Criteria** means the specifications and criteria of the Tender as set out in Annexure A;
  - 2.7 **ST&Cs** means the standard terms and conditions supply of goods and services (procurement); and
  - 2.8 **UJ** means the University of Johannesburg.
3. The Tender process is subject to UJ's tender and procurement policy, a copy which will be made available to a Participant upon request.
4. By submitting a Proposal the Participant warrants that all information provided in the Proposal is accurate, true and correct and that the information provided is without any omission or error.
5. The Participant warrants that it is authorised to sign and submit the Proposal.
6. The Participant must check that they have been provided with all necessary documents. The Participant must advise UJ's Tender Office immediately if there is any duplication or ambiguity or if there is any doubt as to the meaning of any word, clause, sentence, paragraph, drawing, specifications or any other particulars and have the matter rectified in writing. UJ will not be liable for any errors in the Tender.
7. The Participant must respond to the Tender in the manner set out in the Tender documents and by no later than the Closing Date. All Tender conditions and Requirements must be strictly adhered to, failing which the Proposal will be declared non-responsive.
8. No late Proposals will be accepted under any circumstances.
9. More than one Proposal from an individual, firm, partnership, corporation or association under the same or different names will not be considered. Reasonable grounds for believing that a Participant is involved in more than one Proposal for the same work will be cause for rejection of all Proposals in which such Participant(s) are reasonably believed to be involved.
10. Any or all Proposals will be rejected if there is reason to believe that collusion exists between Participants.
11. Proposals that contain prices which are obviously unbalanced, as to affect adversely the interest of the UJ, may be rejected without providing reasons to the Participant.
12. The Proposal and its costs must remain fixed for acceptance by the UJ for a minimum period of 90 (ninety) days from the Closing Date of the Tender and must indicate whether there are any incidental costs applicable.
13. A Proposal that indicates that prices are subject to confirmation will not be considered.
14. The Proposal is an offer made by the Participant to UJ, which is open to acceptance or rejection by UJ (as set out in this paragraph 14). UJ has made no commitment to the Participant regarding the Tender whatsoever, and UJ may (but is not obliged to):
  - 1.1 decide not to award the Tender at all;
  - 1.2 withdraw the Tender after issue;
  - 1.3 reissue the Tender;
  - 1.4 amend the Specifications and Criteria, or requirements of the Tender with reasonable notice to the Participants;
  - 1.5 accept a Proposal partially or in its entirety;



- 1.6 accept a Proposal irrespective of whether it is the lowest proposal or not;
- 1.7 reject a Proposal without providing reasons for such rejection;
- 1.8 reject a Proposal if one or more supporting documentation or information required under the Tender is missing from the Proposal;
- 1.9 accept any Proposal on the UJ's preferred conditions; and/or
- 1.10 enter into negotiations with any Participant subject to acceptance or rejection of the Proposal. Such negotiations may be negotiations regarding, but not limited to, the total cost of ownership, value for money or re-engineering of the contract or any other matter as UJ may deem necessary.
15. No alterations, erasures, omissions or additions are to be made to the text of this document. Should any such alteration, erasure, omission or addition be made it will not be recognised and the reading of the items will be adhered to.
16. UJ reserves the right to change the scope and extent of supply of the goods and/or services requested in the Tender and invite the re-submission of a Proposal on or before the Closing Date, without necessitating a new Tender.
17. By responding to the Tender the Participant is deemed to have accepted the ST&Cs as a whole, and should the Participant be successful in its Proposal, all goods and services will, subject to paragraph 18 (below), be provided on the terms and conditions of the ST&Cs.
18. If the Participant does not agree to any of the terms or conditions of the ST&Cs, then the Participant must indicate this in the Participant's Proposal by providing the following information in a table format:
  - 8.1 the clause number in the ST&Cs that the Participant does not accept and proposes to being amended;
  - 8.2 the description of the type of amendment to the ST&Cs clause (e.g. a deletion, amendment or new inclusion); and
  - 8.3 provide the proposed new or updated clause to the ST&Cs.
19. The amendments to the ST&Cs as indicated in terms of paragraph 18 is subject to negotiation and agreement with UJ should the Participant be successful. If no amendments to the ST&Cs are included in the Proposal then the ST& are deemed to be accepted by the Participant and will not be open for negotiation at a later stage.
20. The Participant may not assign, cede, delegate or any other way transfer any of its rights or obligations under the Proposal without the prior written consent of UJ.
21. The Participant must at all times comply with all applicable laws, including any anti-bribery and corruption laws in participating in the Tender and submitting the Proposal including compliance with the provisions of the Prevention and Combatting of Corrupt Activities Act of 2007.
22. If the Participant is found to have acted in a manner breaching the anti-bribery and corruption laws or any other applicable law in responding to the Tender, then UJ may (without limiting its existing rights) disqualify the Participant from participating in the Tender. UJ will have no liability towards the Participant, and the Participant will have no claim against UJ should the Participant be disqualified from the Tender in these circumstances.
23. UJ will not be liable, and the Participant hereby indemnifies and holds UJ (and its representatives and staff) harmless against any and all damages, loss or costs incurred by the Participant, the employees, directors, partners or shareholders of the Participant or any other third-party resultant from or in connection with:
  - 11.1 the preparation and submission of a Proposal;
  - 11.2 any change that UJ may make to the Tender requirements;
  - 11.3 the acceptance or rejection of the Participant's Proposal; and/or
  - 11.4 any additional costs that have not expressly been highlighted in the Proposal.
24. The Participant warrants that it has obtained all the necessary approvals and consents to include personal information in its' Proposal, and has at all times complied with the Protection of Personal Information Act 4 of 2013 (POPIA). All personal information in the Proposal will be managed and processed in accordance with UJ policies and the Participant hereby provides its consent for UJ to process such personal information in terms of POPIA and UJ policies.
25. Details of Proposals will be kept confidential and will be dealt with in accordance with UJ's policy and procedure regarding tenders.
26. The law of the Republic of South Africa governs this Tender.

## **Annexure G – ST&Cs**

The Proposal hereby irrevocably and *in rem suam* accepts and agrees to be bound ST&Cs, which are deemed to have been incorporated herein by reference. Insofar as the ST&Cs are not attached to this Tender, then a copy of the ST&Cs may be found at **Tender Office**, alternatively a copy will be provided upon request.