

TERMS OF REFERENCE
FOR THE APPOINTMENT OF SERVICE PROVIDER FOR CAPACITY BUILDING IN THE
FORM OF TRAINING, DEVELOPMENT AND SUPPORT TO NPOs

CLOSING DATE: 15 April 2016

CLOSING TIME: 11H00

SUBMISSION OF PROPOSALS

All bids must be submitted into the NDA tender box at 26 Wellington Road, Parktown, 2193

Late submissions will be disqualified.

All submissions must be clearly marked

Attention Ms Nomakhaya Nelani

All documentation must be neatly binded and labelled

BRIEFING SESSION

A compulsory briefing session has been scheduled as follows:

Date : 31 March 2016

Time : 10:00

Venue : Department of Social Development, 256 Barkly Road, Homestead, Mimosa
Complex, Kimberley

Service Providers who do not attend the briefing session will be disqualified

CLARIFICATION QUESTIONS

All clarification questions must be sent to the NDA in writing to nomakhayan@nda.org.za on
or before **04 April 2016**

The Supply Chain Management Office (Ms Nomakhaya Nelani) can also be contacted on:

011 018-5607/081 075 6904 between 08h30 to 17h00 on weekdays.



**DEPARTMENT OF SOCIAL DEVELOPMENT
IN COLLABORATION WITH NATIONAL DEVELOPMENT AGENCY (NDA)**

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BID NDA16/CB11/16**

1. BACKGROUND

The Department of Social Development take cognizance the progressive contribution and positive input made by the Non-Profit Organizations in strengthening the much needed service delivery to the poor the needy and the vulnerable. As a result the Department commits to remain in partnership with NPO's that render services ranging from but not limited to Early Childhood Development, Poverty Alleviation Initiatives, Drop In Centres, Welfare Services Organizations offering services to the people with disabilities, the elderly and aged, crime prevention programs, prevention of substance abuse, home community based organizations, soup kitchens and youth organizations.

The Non-profit Organisations Act, 1997 requires the National Department of Social Development to encourage and support non-profit organisations in their contribution to meeting the diverse needs of the population of the Republic by:

- i. creating an environment in which non-profit organisations can flourish;
- ii. establishing an administrative and regulatory framework within which non-profit organisations can conduct their affairs;
- iii. encouraging non-profit organisations to maintain adequate standards of governance, transparency and accountability and to improve those standards;
- iv. creating an environment within which the public may have access to information concerning registered non-profit organisations; and
- v. promoting a spirit of co-operation and shared responsibility within government, donors and amongst other interested persons in their dealings with non-profit organisations.



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The National Development Agency (NDA) is a Schedule 3A public entity established by through the National Development Act, 1998 (as amended) with its Executive Authority being the National Department of Social Development.

The National Development Agency primary object as prescribed by the NDA Act is to contribute towards the eradication of poverty and its causes by granting funding to civil society organisations for the purposes of:

- i. carrying out projects or programmes aimed at meeting development needs of poor communities; and
- ii. Strengthening institutional capacity of other civil society organisations involved in direct service provision to poor communities

2. CHALLENGES IN THE NPO SECTOR

Capacity challenges in the NGO sector ranges from and not limited to

- ✗ Governance and management issues
- ✗ Lack of accountability for the funds utilised
- ✗ Financial management
- ✗ Lack of skills related to report writing
- ✗ Lack of organisational and information management
- ✗ Challenges in relation to compliance matters

3. SCOPE

- 3.1 The service provider will be responsible to provide training, capacity building, development and support regarding financial **management, report writing, basic computer literacy (MS Excel), and presentation to 12 Financial Administrators** for 12 months as per cluster of 10 NPOs.



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- 3.2 The service provider will also be responsible to provide training, capacity building, development, support and mentorship to **12 Administrators** for a period of **12 months**, as follows:
- | | |
|---------------------------------------|--|
| ✓ 50 NPO's in Frances Baard District: | 5 Administrators each with 10 NPO's clustered |
| ✓ 30 NPO's in Namaqua District | 3 Administrators each with 10 NPO's clustered |
| ✓ 20 NPO's in Pixley kaSeme | 2 Administrators each with 10 NPO's clustered |
| ✓ 20 NPO's in Z.F. Mgcawu District: | 2 Administrators each with 10 NPO's clustered |
- 3.3 The training process will be an on-site continuous in-service training under guidance and mentorship of the service provider, per district.
- 3.4 The service provider in consultation with National Development Agency and Department of Social Development will do the selections and appointments of the administrators preferably those that are in the localities of the identified NPOs
- 3.5 The service provider and the administrators who will capacitate the NPOs' must be fluent in the language which the NPOs' utilize to prevent communication barrier.
- 3.6 The administrative person should be employed and be developed and mentored by the service provider for a period of **12 months and be given a stipend that will be negotiated between the preferred service provider and the Department**. The Department's stipend is **R4 500.00** per month including UIF.

After the 12 month period the Financial Administrator must be able to independently perform the following duties in respect of the identified NPO's:

- ✍ Implement a system of internal controls for approval and recording of all income and expenditure
- ✍ Maintain a cashbook detailing income and expenditure
- ✍ Pay and receive month and daily income and expenditure transactions
- ✍ Perform monthly bank reconciliations
- ✍ Prepare cheque requisitions for approval of expenditure



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- ✍ Maintain a meticulous filing system for cheques, requisitions, invoices, quotations and other supporting evidence
- ✍ Calculate, reconcile and pay over UIF, PAYE and workmen's compensations to SARS
- ✍ Pay over, reconcile and maintain records of all other third party payments i.e. pension and provident fund
- ✍ Report to committee on a monthly basis on status of expenditure
- ✍ Prepare financial and non-financial quarterly reports for submission to the DSD.
- ✍ Prepare annual business plans for submission to DSD and other donors to request funding
- ✍ Write up business proposals to request funding from other donors
- ✍ Prepare and compile financial statements for auditing using excel.

4. The **skills of the Financial Administrator** that will be identified will include amongst others:

- ✓ Matric with a competent rating for mathematics and or accounting as a subject

4.1.1 Added Advantage:

- ✓ Computer literate
- ✓ Diploma or degree in accounting or financial management

5. **REQUIREMENTS**

5.1 The skills that the service provider will impart to the Individuals appointed will include and not limited to

- ✍ Internal bookkeeping
- ✍ Basic financial management
- ✍ Knowledge on financial compliance
- ✍ Basic computer literacy (Basic Ms Excel)
- ✍ Report writing skills
- ✍ Presentation skills
- ✍ Governance and Management



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- 5.2 Affiliating under accounting or auditing Institute. Bidders must submit a certified copy of the relevant certificate of the affiliation together with the bid. Certification should not be older than 3-months.
- 5.3 Training service provider must have relevant and appropriate accreditation. Certified copy of certificate must be submitted. The original certification date may not be older than three (3) months on date of closure of bid.
- 5.4 Only short-listed bidders who meet the minimum requirements will be invited to conduct a presentation (at own cost) on evidence of previous similar work
- 5.5 Bidders must submit recent Audited financial statements of two (2) consecutive years or a well prepared bookkeeper's report on the date of closure.
- 5.6 Service provider must have knowledge and experience in capacity building. A letter on a letterhead, signed by authorised person with contact details from a referee must be submitted as proof from the previous work.
- 5.7 Bidders must submit a detailed implementation plan of action on the execution of the project on date of closure of bid.
- 5.8 Bidders must submit relevant qualification of the service provider and his/her team on date of closure of bid.
- 5.9 Design and development of a training manual. Sample must be presented during the presentation.

6. THE OUTCOME OF THE PROJECT

- ☒ The project would have created job opportunities to 12 young people who will be capacitated to support the 120 NPO's
- ☒ Capacity building and skills transfer to benefit the organisations that are identified
- ☒ Improved capacity of NPO's management committees
- ☒ Improved compliance in all the NPO's that are benefiting from the project
- ☒ Assisted NPO's and cooperatives to improve the quality of reports.



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7. CONTRACT MANAGEMENT

- 7.1 The expected timeframe of the contract is twelve months, effective from the date of appointment.
- 7.2 The contract is milestone based and payment will be milestone based.
- 7.3 The service provider should contact the office of the National Development Agency: Capacity Building should there be any further enquiries or a need to clarify any issues relating to the proposal.
- 7.4 The NDA and the successful service provider will sign a Services Level Agreement upon appointment.

8. PRICING

- 8.1 All prices must be fixed and firm for the duration of the proposed contract. No price adjustments will be accepted after the submission of offers or after the contract/order award.
- 8.2 Service providers must ensure that the quotes submitted have no arithmetic errors as NDA will not rectify any errors and no adjustments to quotations received will be permitted after the closing date. The quotes should include all activities/services that will be required for the required services as no variations will be accepted unless mutually agreed to by NDA and the service provider prior to contract acceptance.
- 8.3 Service providers will carry the responsibility of ensuring that the proposals submitted have been signed by a duly authorised person. Should it be established after the submission of proposals that the signatory authorising the proposal is not legally appointed by the service provider, the offer/proposal will be disqualified from the evaluation process. The service providers must attach a copy of a resolution clearly stating the delegation of authority awarded to all its directors and managers.



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- 8.4 All prices submitted should be typed in black ink or written in black pen. No proposals written in pencil will be accepted or evaluated.
- 8.5 Prices submitted must be valid for 90-days from the date of bid submission. Should the evaluation process not be completed within the 90-days and the bid is not cancelled, NDA will request an extension only from the participating service providers. However, all service providers disqualified during the evaluation process will not be requested to extend the validity of their bids.
- 9. NDA Payment Terms**
- Invoices will be paid 30-days from the date of submission, subject to the invoice being correct in all respects.

10. MANDATORY REQUIREMENTS

- NB:** Failure to submit/attach proof of the following requirements with the proposal will disqualify the bidder's proposal. There will be no disqualification for non-submitting of a BEE certificate but service providers who do not submit will be scored a zero.
- Original and Valid Tax Clearance Certificate issued by the South African Revenue Services(SARS), where consortium/joint ventures/sub-contractor are involved each party to the association must submit a separate valid original Tax Clearance Certificate
 - Original, Company or Close Corporation resolution authorizing a particular person to sign the bid documents.
 - Completed and signed NDA supplier registration form.
 - Company registration documents (CIPC)
 - BEE verification certificate (Issued by an approved verification agency)
 - Completed and signed SBD documents



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11. EVALUATION CRITERIA

- 11.1 Bids will be evaluated in accordance with the new Preferential Procurement Regulations, 2011, using the 90/10 preference points system as prescribed in the Preferential Procurement Policy Framework Act (PPPFA, Act 5 of 2000). The lowest acceptable bid will score 90 points for price and maximum of 10 points will be awarded for attaining the Broad-Based Economic Empowerment (B-BBEE) status level of contribution.
- 11.2 The bid proposals received will be evaluated in two (2) phases. On the first phase bids will be evaluated on functionality and on the second phase in accordance with 90/10 preference points system.

CRITERIA	TOTAL POINTS
Experience and knowledge Knowledge and experience in capacity building. A letter on a letterhead, signed by authorized person with contact details from a referee must be submitted as proof of previous work	40
Sustainable financial capacity Submission of audited financial statement of two consecutive years or a well prepared bookkeeper's report	20
Action plan A detailed implementation plan of action on the execution of the project must be submitted	20
Relevant qualification Relevant qualification of the service provider and his/her team must be submitted	10
Accreditations Relevant and appropriate accreditation of a service provider	10
Total points	100



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NB: Responsive bidders will be invited for a presentation at own cost.

- 11.3 Bid proposal must score a minimum of seventy (75) points or more out of hundred (100) points on functionality in order to qualify for advancement to the next phase of evaluation. Second phase, a bid proposal scoring less than 75 out of 100 will not be considered for further evaluation and will be disqualified.
- 11.4 **Phase two:** During this phase, bid proposals that passed the first phase will be further evaluated based on the 90/10 preference points system in accordance with the PPPFA Act, where 90 points will be attained in respect of price (the lowest acceptable bid will score 90 points and bidders that quoted higher prices will score lower points for price on a pro-rata basis) and 10 points will be awarded for attaining the Broad-Based Economic Empowerment (B-BBEE) status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)
1	10
2	9
3	8
4	5
5	4
6	3
7	2
8	1
Non-compliant contributor	0

- 11.5 In order to claim the B-BBEE Status Level of Contributor, bidders must submit original and valid B-BBEE Status Level Verification Certificate or certified copies thereof, issued by accredited Verification Agencies by SANAS or Registered Auditor approved by Independent Regulatory Board



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of Auditor (IRBA), together with their bids, to substantiate their B-BBEE claims. The Exempted Micro Enterprise must submit a letter from the Accounting Officer who is appointed in terms of Close Corporation Act.

- 11.6 Bidders who do not submit B-BBEE Status Level Verification Certificate or are non-compliant contributors to be B-BBEE do not qualify for preference points for B-BBEE but will not be disqualified from the bidding process. They will score points out of 90 for price only and zero (0) points out of 10 for B-BBEE.
- 11.7 Bidders are requested to complete the preference claim form in order to claim preference points.
- 11.8 The highest ranked bidder will be awarded the bid. It should be noted also that the NDA reserves the right not to appoint any service provider.
- 11.9 The NDA reserves the right to subject all bidders who reach the 70 points benchmark to further evaluation by way of a presentation which will be assessed and allocated points as described under Phase 1 and based on the same criteria as under phase 1 above or add additional criteria that will be communicated to all bidders.

12. DISCLAIMER

- 12.1 If a bidder finds or reasonably believes it has found any discrepancy, ambiguity, error or inconsistency in the bid or any other information provided by the NDA (other than minor clerical matters), the bidder must promptly notify NDA in writing of such discrepancy, ambiguity, error or inconsistency in order to afford the NDA an opportunity to consider what corrective action is necessary (if any).
- 12.2 Any actual discrepancy, ambiguity, error or inconsistency in this bid or any other information provided by the NDA will, if possible, be corrected and provided to all bidders without attribution to the bidder who provided the written notice.



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- 12.3 No representations made by or on behalf of NDA in relation to this bid will be binding on the NDA unless that representation is expressly incorporated into the contract ultimately entered into between NDA and the successful bidder.

13. ADDITIONS AND AMENDMENTS TO THE BID

- 13.1 The NDA reserves the right to change any information in, or to issue any addendum to this bid before the closing date and time. The NDA and its officers, employees and advisors will not be liable in connection with either the exercise of, or failure to exercise this right.
- 13.2 If the NDA exercises its right to change information in terms of clause 13.1 all amendments will be posted on the NDA website and participating bidders will have the responsibility to regularly monitor the NDA website to ensure access to such changes.
- 13.3 The NDA will immediately disqualify a bidder from the bidding process if the bidder fails to notify the NDA of the conflict as required.

ANY ENQUIRIES REGARDING THE BIDDING ADMINISTRATION PROCEDURE MAY BE DIRECTED TO:

Organisation: National Development Agency

Contact Person: Ms Nomakhaya Nelani

Tel: 011 018 5607/ 081 075 6904

E-mail address: Nomakhaya.nelani@nda.org.za



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ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:

Organisation: National Development Agency

Contact Person: Mr. Lesedi Piki

Tel: 053 831 4828/9

Email: lesedip@nda.org.za

Ms. Sylvia Maponyane

Tel: 011 018 5500/5501

Email: sylviam1@nda.org.za



PREFERRED SUPPLIER DATABASE FORM FOR LISTING OF SERVICE PROVIDERS/SUPPLIERS ON THE NDA SUPPLIER DATABASE

This is an application to be accredited for registration on NDA's Preferred Supplier Database for the provision of various services. Kindly complete all the relevant sections and submit this form, the signed declaration and the required supporting documentation to NDA as indicated. Incomplete submission may result in the unsuccessful accreditation of your application. NDA commits to treating all supplier information strictly confidential.

Section A

BUSINESS DETAILS			
Registered Company Name			
Trading Name			
TYPE OF COMPANY (Tick applicable box)			
Close Corporation	<input type="checkbox"/>	Private Company (Pty) Ltd	<input type="checkbox"/>
Public Company (Limited)	<input type="checkbox"/>	Sole Trader	<input type="checkbox"/>
		Professional Service Provider	<input type="checkbox"/>
		Other	<input type="checkbox"/>
ADDRESS			
Physical Address			Postal Address
Province			Code:
COMPANY REGISTRATION			
Business Registration number			VAT nr (if applicable)
Tax number for business			COD
PAYE			
BANKING DETAILS			
Institution			Account Holder's name
Branch code			Account number
CONTACT PERSON FOR THE BUSINESS			
Main contact person			Mobile number
Telephone number			Fax number
Email address			Website address
CONTACT PERSON FOR ACCOUNTS			
Main contact person			Telephone number
Email address			Mobile number

Section B

ADDITIONAL INFORMATION (supporting documentation to be attached)				
Membership to Professional Institutions or Statutory bodies (e.g. NHBRC, IATA)				
National/International certification for quality standards (e.g. SAB/ISO)				
Do you have a Human Resources Policy that complies with the SA Labour Relations Act?				
Is the Enterprise registered with a SETA? If so, which one?				
Does your Enterprise comply with the Occupational Health & Safety Act? Provide relevant certification				
Do you have an Environmental Policy?				
Does your Enterprise comply with the Occupational Health & Safety Act?				
Has the Enterprise ever been declared insolvent? If so, please provide detailed reasons				
TRADE REFERENCES (Please provide current, traceable trade references of your clients/customers)				
Company Name	Contact Person	Telephone number	Email address	Length of Relationship
NB: Please note that the NDA will conduct clearance checks with the National Treasury's Restricted Suppliers Database for compliance purposes. Suppliers/Service providers blacklisted by the National Treasury will NOT be approved for registration onto the NDA supplier database.				

The following Definitions apply in this document:

Black	African-, Coloured- and Asian people who are permanent South African citizens.						
Black- Empowered Enterprise	An Enterprise that is more than 25% owned by black people and where substantial participation control is vested in black people.						
Black ownership	An Enterprise that is more than 50% owned and controlled by black people.						
Black Small Enterprises	A Small or Medium Enterprise with a turnover ranging from R 500,000 per annum to R 20million per annum which is a black company or a black empowered company.						
Black woman owned Enterprise	An Enterprise that is more than 30% owned by black women, and where substantial participation in control is vested in black women						
HDI	HDI Historically Disadvantaged Individuals (HDI) means a South African citizen – <ul style="list-style-type: none">Who, due to the apartheid policy that had been in place, had no franchise in national elections prior to the introduction of the Constitution of the Republic of South Africa, 1983 (Act 110 of 1983) or the Constitution of the RSA , 1993 (Act No 200 of 1993) (“the interim Constitution”) and / orWho is female; and / orWho has a disability; A person who obtained South African citizenship on or after the coming to effect of the Interim Constitution, is deemed not to be an HDI;						
Youth	Persons of the age between 18 and 35 both inclusive.						
Youth owned Enterprise	An Enterprise owned by Youth						
INDIVIDUAL OWNERSHIP							
Surname		Full Names		Identity Number		Gender	% Ownership
HDI:	Yes	No	Youth	Yes	No	Tax Ref number	

(ID copy and Tax certificate to be attached by individual owners)

Section C

PRODUCT(S) OR SERVICE(S) OFFERED (Please tick services/products relevant to your organisation)

Access Control	Marketing and Branding	
Accommodation	Mobile learning	
Air Condition Suppliers and Maintenance	Mobile Restrooms	
Assessment Agencies (CPP, GRTA, 15FQ)	Monitoring and Evaluation	
Attorneys	Motivational/Inspirational Speakers	
Advertising	Mentoring	
Assessors and Moderators	Off Site Documents storage	
Building Maintenance	Office Furniture supplier	
Bulk SMS services	Office Stationery	
Building Maintenance	Office Plants (Supply and Maintenance)	
Catering Services	OHS service providers	
CCTV Installers and Maintenance	Payroll Systems	
Cleaning Services	Performance Consultancy services	
Conference facilities	Pest Control	
Construction Tools	Photographers and Video services	
Content Development	Plumbing	
Corporate Governance Training	Promotional Material printing	
Courier Services	Project Management	
Consultants	Protective Clothing	
Due Diligence	Paper recycling services	
Documents Editing	Recruitment Agencies	
Electrical Services	Reference Check/Vetting services	
Events Management	Risk Management and Auditing	
Facilitations of Bargaining Forums	Report Writers	
Educational Toys	Research	
Facilities/Handy Man/Locksmith	Security (armed response and monitoring)	
Facilitators/Trainers	Sound and stage systems	
Fire Extinguishers and Maintenance	Space design services	
First Aid Kit suppliers	Signage	
Furniture Removal Services	Training and Development	
Furniture for Early Child Development centres	Transcripts and Recording	
Graphic Designers	Transport and Shuttle services	
Hygiene services and consumables	Turnkey Interior Designers services	
IT Supports (hardware and software)	Translating services	
Labour lawyers	Water Coolers (Mineral water supply)	
Labour Relations	Other:	
Leadership development		

TERMS OF THIS APPLICATION

1. Incomplete, false or misrepresented information may result in the unsuccessful accreditation of this application.
2. Procurement or contracts awarded by NDA based on false, fraudulent and misrepresented information of the service provider or supplier may lead to the Enterprise, its shareholders and directors being restricted from obtaining business from any entity of the Government for a period not exceeding 10 years, in terms of the Preferential Procurement Regulations of 2001.
3. NDA reserves the right to verify any of the representations or references made in this application form.
4. Additional information can be requested by NDA during its evaluation and accreditation process.
5. NDA adopts a Zero Tolerance Policy on fraudulent and corrupt practices, investigating every reported case and followed up by the application of all remedies available to the Fund within the full extent of the law.
6. Accreditation of bidders on the NDA Preferred Supplier Database will be awarded on the absolute discretion of NDA, but in accordance with internal policies and statutory regulations governing NDA, and no correspondence will be entered into.
7. Listing on the Database does not guarantee procurement, but rather an opportunity to be invited to quote or bid when the need arises at NDA.
8. Applicants wishing to confirm the status of their registration onto the NDA database must contact the NDA Supply Chain Management office; 0110185500.
9. NDA reserves the right to remove any accredited supplier from the Database for whatever reason.
10. Registered service providers must submit their valid tax clearance certificates to the NDA annually. Failure to update this info may result in removal from the database and no correspondence shall be entered into.

Section D

PLEASE ENCLOSE THE FOLLOWING COMPULSORY DOCUMENTS WITH YOUR APPLICATION

1. Company Registration document (CIPC)
2. ID Documents of directors/owners/members/ shareholders
3. Health Certificate / Certificate of Acceptability of Food Premises for Catering Companies
4. Valid TAX Clearance Certificate (original document)
5. Company Profile / Corporate Brochure
6. Original cancelled cheque or Bank Certificate verifying the banking details. (Please note that any changes to bank details in future will be subject to the same requirement)
7. BBEEE Verification Certificate issued by SANAS approved verification Agencies

Tick

The following documents must be available on request:

- Shareholders / Association / Partnership Agreement, Memorandum and/ or Articles of Association.
- Registration to Professional Institutions / Statutory Bodies.
- Share Certificates.
- Audited financial statements.

CONDITIONS OF PURCHASE

Damaged goods	The Seller shall bear the risk of goods being damaged, lost or destroyed until delivery to the NDA address specified on the Purchase Order is effected and receipt thereof acknowledged by NDA.
Packing & Preservation	The Seller shall make provision for suitable packing and preservation in all quotations. Unless otherwise stated all packing containers and packing material shall become the property of the NDA upon delivery.
Quality of Goods	Unless otherwise stated, all goods shall be new and of the best quality Goods shall be subject to approval by the NDA at all times. The Seller shall not be released from its obligations in respect of suitability of the materials and/or the quality of the goods by reason of the fact that the NDA made no objection, even though the said goods may have been inspected by the NDA or by reason of the fact that delivery thereof was taken by or on behalf of the NDA.
Failure to Deliver	Should the Seller be unable to fulfill its obligations in terms of the order, it shall advise the NDA to this effect in writing, in which case the NDA reserves the right to cancel the order and to purchase the goods from another supplier. The Seller may be obliged to compensate the NDA for any differences in cost.
Liability	Inasmuch as delivery of the goods may require the Seller or its authorized agent to enter the NDA premises, the Seller shall ensure that such precautions, necessary to protect life and property anywhere on the NDA premises are taken and the Seller shall be liable to the NDA for injury to any person or damage to NDA property caused by or incidental upon negligence or default on the part of the Seller or its authorized agent.
NDA Order Number	NDA's order number must appear on the delivery note and invoice. Any invoices and delivery notes without an order number will be ignored and returned to your company. Invoices without order numbers are seen as private agreements with individuals.
Purchase Order Alterations	No alterations to this order may be made without the written approval of the Supply Chain Management (NDA)
Part Deliveries	Part deliveries will be accepted only under exceptional circumstances. Payment thereof will be made only when ALL goods/services have been delivered.
Cancellations	NDA reserves the right to cancel any order in the event where the goods or services are not delivered by the agreed date at the agreed address.
Supplier Registration Form	It is a firm NDA requirement that all prospective vendors must complete a Supplier Application Form in full with all required attachments to be registered on its database
Deliveries	No deliveries will be accepted outside delivery hours, unless prior arrangements are made with relevant individual.
	Should the Seller accept the order, or should the order not be returned within 10-days of the date thereof, it shall be assumed that the conditions as set out in the paragraphs above are binding.
Payment Terms	30-days from the date of the statement.
Invoices	All invoices must be forwarded to the applicable address below: 26 Wellington Road Parktown 2193 NDA Head Office Finance Department Creditors Section P.O. Box 31959 Braamfontein 2017

DECLARATION

I / We the undersigned, hereby certify that the information, representations and documents attached to this application is true and correct at the time of completion, and that I / We are duly authorized to furnish this application on behalf of the Enterprise:			
Signature		Date	
Full names		Designation	
Does the Enterprise or any of the shareholders/Members, Directors or Management have any relationship with any Directors, Management or Staff of NDA? If so, list names of NDA Personnel and state the nature of the relationship.	YES	NO	
	Name of NDA employee	Nature of relationship	
Company Stamp			

NOTE: If there are any changes to the information supplied on this form please inform the NDA Supply Chain Management as soon as possible. Outdated information could lead to your company not being invited for tender or not receiving correct payment.

Upon completion, this application form can be submitted at any of the following addresses:

PO Box 3195
Braamfontein
2193

or

26 Wellington Road
Parktown
Attention: Supply Chain Management



INVITATION TO BID

SBD 1

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE NATIONAL DEVELOPMENT AGENCY

BID NUMBER: NDA/16/CB11/16

CLOSING DATE: 15 April 2016.

CLOSING TIME: 11:00

DESCRIPTION: **APPOINTMENT OF SERVICE PROVIDERS FOR CAPACITY BUILDING IN THE FORM OF TRAINING, DEVELOPMENT AND SUPPORT TO NPOs**

BID DOCUMENTS MAY BE POSTED TO: **26 WELLINGTON ROAD, PARKTOWN, 2193.**

OR

DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)

26 WELLINGTON ROAD, PARKTOWN, 2193

Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.

The bid box is generally open 24 hours a day, 7 days a week.

ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – (NOT TO BE RE-TYPED)

THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT

THE FOLLOWING PARTICULARS MUST BE FURNISHED
(FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)

NAME OF BIDDER

POSTAL ADDRESS

STREET ADDRESS

TELEPHONE NUMBER

CELLPHONE NUMBER

FACSIMILE NUMBER

E-MAIL ADDRESS

CODE.....NUMBER.....

CODE.....NUMBER.....

VAT REGISTRATION NUMBER

HAS AN ORIGINAL AND VALID TAX CLEARANCE CERTIFICATE BEEN SUBMITTED? (SBD 2)

YES or NO

HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE BEEN SUBMITTED? (SBD 6.1)

YES or NO

IF YES, WHO WAS THE CERTIFICATE ISSUED BY?

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA).....
A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS); OR.....
A REGISTERED AUDITOR
[TICK APPLICABLE BOX]

(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE)

ARE YOU THE ACCREDITED REPRESENTATIVE
IN SOUTH AFRICA FOR THE GOODS / SERVICES / WORKS OFFERED?
NO

YES or

[IF YES ENCLOSE PROOF]

SIGNATURE OF BIDDER

DATE

CAPACITY UNDER WHICH THIS BID IS SIGNED

TOTAL BID PRICE..... TOTAL NUMBER OF ITEMS OFFERED

ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:

Department: NATIONAL DEVELOPMENT AGENCY

Contact Person: NOMAKHAYA NELANI

Tel: 011 018 5607 OR 0810756904

Fax:

E-mail address: nomakhayan@nda.org.za

ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:

Contact Person: SYLVIA MAPONYANE OR LESEDI PIKI

Tel: 011 018 5501

Fax:

E-mail address: sylviam1@nda.org.za or lesedip@nda.org.za

TAX CLEARANCE CERTIFICATE REQUIREMENTS

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

- 1 In order to meet this requirement bidders are required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
- 2 SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
- 3 The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
- 4 In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
- 5 Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website www.sars.gov.za.
- 6 Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za.



PRICING SCHEDULE
(Professional Services)

NAME OF BIDDER:	BID NO.: NDA/16/CB11/16
CLOSING TIME 11:00	CLOSING DATE: 15 April 2016.

OFFER TO BE VALID FOR 90 DAYS FROM THE CLOSING DATE OF BID.

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)
------------	-------------	--

1. The accompanying information must be used for the formulation of proposals.

2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project.

R.....

3. PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)

4. PERSON AND POSITION

HOURLY RATE

DAILY RATE

.....

.....

.....

.....

.....

R.....

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R.....

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R.....

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R.....

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R.....

.....

5. PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT

.....

.....

.....

.....

R.....

..... days

R.....

..... days

R.....

..... days

R.....

..... days

5.1 Travel expenses (specify, for example rate/km and total km, class of airtravel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED

RATE

QUANTITY

AMOUNT

.....

.....

.....

.....

.....

.....

R.....

.....

.....

R.....

.....

.....

R.....

.....

.....

R.....

TOTAL: R.....

** "all applicable taxes" includes value-added tax, pay as you earn, income tax, unemployment insurance contributions and skills development levies.

Bid No.:

Name of Bidder:

- 5.2 Other expenses, for example accommodation (specify, eg. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
.....	R.....
.....	R.....
.....	R.....
.....	R.....
TOTAL: R.....			

6. Period required for commencement with project after acceptance of bid

7. Estimated man-days for completion of project

8. Are the rates quoted firm for the full period of contract?

*YES/NO

9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index.

***[DELETE IF NOT APPLICABLE]**

Any enquiries regarding bidding procedures may be directed to the –

NATIONAL DEVELOPMENT AGENCY
26 WELLINGTON ROAD
PARKTOWN
2194

ATTENTION: Nomakhaya Nelani

Tel: 011 018 5607 or 0810756904

Or for technical information –

Sylvia Maponyane OR Lesedi Piki

Tel: 011 018 5501 OR 053 831 4828



DECLARATION OF INTEREST

SBD 4

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

- 2.1 Full Name of bidder or his or her representative:

.....

- 2.2 Identity Number:

.....

- 2.3 Position occupied in the Company (director, trustee, shareholder²):

.....

- 2.4 Company Registration Number:

.....

- 2.5 Tax Reference Number:

.....

- 2.6 VAT Registration Number:

.....

- 2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

¹"State" means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

²"Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

2.7 Are you or any person connected with the bidder presently employed by the state? **YES / NO**

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:

Name of state institution at which you or the person connected to the bidder is employed :

Position occupied in the state institution:

Any other particulars:
.....

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

2.7.2.1 If yes, did you attached proof of such authority to the bid document? **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:

.....
.....
.....

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:

.....
.....
.....

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

2.9.1 If so, furnish particulars.

.....
.....
.....

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid?

YES/NO

2.10.1 If so, furnish particulars.

.....
.....
.....

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract?

YES/NO

2.11.1 If so, furnish particulars:

.....
.....
.....

3 Full details of directors / trustees / members / shareholders.

Full Name	Identity Number	Personal Reference Number	Tax Number	State Number	Employee / Persal

4 DECLARATION

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

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT. I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder



SBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R1 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R1 000 000 (all applicable taxes included).

1.2 The value of this bid is estimated to exceed/not exceed R1 000 000 (all applicable taxes included) and therefore the.....system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contribution.

1.3.1 The maximum points for this bid are allocated as follows:

	POINTS
1.3.1.1 PRICE
1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION
Total points for Price and B-BBEE must not exceed	100

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.5 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

2.1 "all applicable taxes" includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;

- 2.2 **"B-BBEE"** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 2.3 **"B-BBEE status level of contributor"** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.4 **"bid"** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 **"comparative price"** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 **"consortium or joint venture"** 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;
- 2.8 **"contract"** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 **"EME"** means any enterprise with an annual total revenue of R5 million or less .
- 2.10 **"Firm price"** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 **"functionality"** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 **"non-firm prices"** means all prices other than "firm" prices;
- 2.13 **"person"** includes a juristic person;
- 2.14 **"rand value"** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 **"sub-contract" means the primary contractor's assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;**
- 2.16 **"total revenue"** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- 2.17 **"trust"** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.18 **"trustee"** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.
- 3. ADJUDICATION USING A POINT SYSTEM**
- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

4.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

- P_s = Points scored for comparative price of bid under consideration
 P_t = Comparative price of bid under consideration
 P_{\min} = Comparative price of lowest acceptable bid

5. Points awarded for B-BBEE Status Level of Contribution

- 5.1 In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	8	16
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

- 5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.
- 5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.5 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.
- 5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

6. BID DECLARATION

6.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

7.1 B-BBEE Status Level of Contribution: = (maximum of 10 or 20 points) (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

8 SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 If yes, indicate:

- (i) what percentage of the contract will be subcontracted? %
- (ii) the name of the sub-contractor?
- (iii) the B-BBEE status level of the sub-contractor?
- (iv) whether the sub-contractor is an EME? YES / NO (delete which is not applicable)

9 DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of company/firm :

9.2 VAT registration number :

9.3 Company registration number :

9.4 TYPE OF COMPANY/ FIRM

Partnership/Joint Venture / Consortium
One person business/sole propriety
Close corporation
Company
(Pty) Limited

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....
.....
.....
.....
.....
.....

9.6 COMPANY CLASSIFICATION

Manufacturer
Supplier
Professional service provider
Other service providers, e.g. transporter, etc.
[TICK APPLICABLE BOX]

9.7 Total number of years the company/firm has been in business?

9.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we 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 paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- (iv) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
- (a) disqualify the person from the bidding 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) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, 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

WITNESSES:

1.
2.

.....
SIGNATURE(S) OF BIDDER(S)

DATE

ADDRESS



SBD 8

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
 - a. abused the institution's supply chain management system;
 - b. committed fraud or any other improper conduct in relation to such system; or
 - c. failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
4.1.1	If so, furnish particulars:		

4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME).....
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

Js365bW

.....
Name of Bidder



SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

(Bid Number and Description)

(Name of Institution)

I certify, on behalf of: _____ that:
(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder.
6. 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 consortium³ will not be construed as collusive bidding.

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:

- (a) prices;
- (b) geographical area where product or service will be rendered (market allocation)
- (c) methods, factors or formulas used to calculate prices;
- (d) the intention or decision to submit or not to submit, a bid;
- (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
- (f) bidding with the intention not to win the bid.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.

9. 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 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.

10. 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.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder