

TERMS OF REFERENCE

FOR

The Appointment of a Service Provider to Facilitate the KZN Non Profit Organizations (NPO) Summit on:

“good governance for improved service delivery and sustainability”

Tender Number: NDA22/KZN10/17

CLOSING DATE: 16 November 2017

CLOSING TIME: 11H00

SUBMISSION OF PROPOSALS

All proposals must be delivered at the NDA Head Office on or before the closing date and time. The Head Offices address is: **26 Wellington Road, Parktown, Johannesburg, 2193**

Service providers can send documents using door to door courier services documents must not be sent to the NDA postal address.

Submissions must be **strictly** submitted inside the tender box which is at the main entrance and accessible 24/7.

The supplier's envelope/s MUST clearly have the description " ***The Appointment of a Service Provider to Facilitate the KZN Non Profit Organizations (NPO) Summit on:***

“good governance for improved service delivery and sustainability”

**Contact person for bid related queries: Ms Nomakhaya Nelani 011 018-5607 / 0810756904
between 08h30 to 17h00.**

Contact person for technical queries: Anthony Bouwer 011 018 5522/ 072 847 2434

Queries can also be sent in writing to nomakhayan@nda.org.za

1. PURPOSE

This document is to provide guidelines in terms of reference requirements needed to provide research and knowledge management expertise, organising, managing, engaging and reporting on the KwaZulu-Natal Not for Profit Organisation (NPO) Governance Summit which is an initiative of the KwaZulu-Natal Department of Social Development implemented by the National Development Agency (NDA).

2. BACKGROUND AND RATIONALE

The KwaZulu-Natal Department of Social Development (KZN DSD), through the National Development Agency will host a three days provincial NPO summit on good governance in December 2017. The background on good governance in the NPO sector suggests that South Africa's historical development has significantly impacted on the development, support and growth of NPOs and on their governance practices. Evidence of this surfaced at different stages of the research. Further deliberations into the impact of this legacy on governance practices would provide a deeper contextual analysis for the findings. It is for this reason that the Department of Social Development is proposing the Provincial NPO Good Governance Summit.

The summit is targeting approximately 1500 delegates from the NPO sector in KZN including members of the KZN Social Cluster of the Provincial Executive Council and other dignitaries that would be identified by the KZN Department of Social Development.

The objectives of the summit are:

- Highlight the key development priorities of the state and service delivery
- To promote good governance as an integral part of running an organisation.
- To identify required capacity building and support initiatives.
- To identify funding and resource mobilisation opportunities.

3. SCOPE OF WORK

The service provider is expected to provide technical expertise and administrative functions in organising the NPO summit and the production of the report. The service provider will work with a team constituted by the KwaZulu-Natal Department of Social Development and National Development Agency and that will provide technical direction to the Service Provider. The oversight and accountability of the Summit will be through the Head of Department (HoD) the KwaZulu-Natal Department of Social Development and the Chief Executive Officer (CEO) of the National Development Agency to ensure that the summit meets the objectives set by

the KZN Department of Social Development. The scope of work is divided into three parts, namely:

- Pre- summit preparations, including research on thematic areas of the summit;
- Managing and coordinating of the summit requirements including media and KZN Social Cluster of the Provincial Cabinet briefings;
- Knowledge Management and Post -summit report.

PART 1: PRE-SUMMIT PREPARATIONS

The pre-summit phase of the assignment focuses on all administrative, logistic and technical preparation of the summit. This phase will require developing a plan on how the summit to be hosted, coordinated and managed to ensure a resounding success. The Service Provider will work closely with Internal Summit Committee in ensuring that the summit addresses the needs of the Department.

| Functional Area | Activities | Outcome/ Deliverables |
|---|--|------------------------------|
| Administrative support to the Internal Summit Committee | <ul style="list-style-type: none"> • Scheduling and facilitation of the sitting of the Internal summit committee (KZN DSD & NDA) • Providing overall secretariat function to the committee • Provide assistance to the committee on the management of other aspects of the summit carried out by other service providers such as: <ul style="list-style-type: none"> ○ Logistics arrangements ○ Refreshments ○ Invitations, etc | Comprehensive summit plan |
| Develop summit concept documents | <ul style="list-style-type: none"> • Liaison and sourcing relevant documents from NDA and KZN DSD on challenges to inform the summit themes and outcomes • Analysing information and data collected. • Prioritising issues from the information analysed. • Producing a draft background document for planning the summit themes. | Detailed background document |
| Develop an outline of summit papers per | <ul style="list-style-type: none"> • Identify topics for each sub-theme | List of sub-themes, topics |

| | | |
|-----------------------------|---|--|
| proposed theme | <ul style="list-style-type: none"> • Listing of elements to be addressed in each sub-theme • Identify topics of papers to be presented for each sub-theme • Identify presenters of the topics • Briefing of presenters on the topics | and presenters |
| Drafting summit programme | <ul style="list-style-type: none"> • Preparation of a draft programme for the summit with the internal summit committee– with themes and proposed speakers • Finalisation of the final summit programme • Prepare briefing documents for the KZN DSD & NDA | Approved Summit programme and Briefing documents |
| Develop branding collateral | <ul style="list-style-type: none"> • Design the look and feel of the summit. • Packaging of summit documents & promotional materials • Coordinating overall branding of the summit | Branded & Packaged documents |
| Media and publicity | <ul style="list-style-type: none"> • Organise and coordinate free publicity pre, during and post summit • Organise media conference on the last day of the conference • Prepare media briefs to be distributed during the briefing | Publicised summit |

PART 2: MANAGING AND COORDINATING OF THE SUMMIT

This phase of the summit project will require the Service Provider to work closely with the Internal Summit Committee in managing the summit. The Service Provider will facilitate the proceedings of the summit and coordinate other inputs from other service providers appointed to provide support services for the summit.

| Functional Area | Activities | Outcome/Deliverables |
|------------------------|--|---|
| Summit Coordination | <ul style="list-style-type: none"> • Registration • Ensure proper execution of the programme • Create an electronic database of delegates. • Ensure a pre, during and post event publicity | Attendance registers and Speakers presentations/notes |

| | | |
|----------------------|--|---|
| Summit Facilitation | <ul style="list-style-type: none"> • Identify and coordinate facilitators, including plenary session Programme Director for the summit • Identify and coordinate facilitators & scribes for commissions • Provide raw transcripts • Briefing of facilitators and scribes on their roles in the summit. | Names of Programme Director, Facilitators and Scribes |
| Summit documentation | <ul style="list-style-type: none"> • Coordinate and collect all presentations and documents presented in the summit • Collect and collate reports and recommendations from plenary and commissions of the summit • Collect and keep records of attendance registers from the summit | Presentations, reports and attendance registers from the summit |

PART 3: POST SUMMIT REPORT

This phase is the report writing phase post summit. The Service Provider will prepare a comprehensive report of the summit for the department. The report must cover all discussions, proposals, recommendations and resolutions taken by the summit.

| Functional Area | Activities | Outcome/Deliverables |
|---|--|-----------------------------|
| Debriefing with Internal Summit Committee | <ul style="list-style-type: none"> • Organise and schedule a debriefing session with the Internal Summit Committee. | Debriefing report |
| Knowledge Management | <ul style="list-style-type: none"> • Produce consolidated case studies on good governance for NPOs • Produce best or good practice case studies local and international on good practice on NPO management | |
| Report writing | <ul style="list-style-type: none"> • Consolidate all notes, presentations, reports, recommendations and resolutions taken by the summit | Final Summit Report |

| | | |
|--|--|--|
| | <ul style="list-style-type: none"> • Write a comprehensive report on the summit outcomes, recommendations and resolutions • Present a draft report to the internal summit committee for comments • Finalise, package and submit a final report (soft copy) of the summit to the Internal Summit Committee | |
|--|--|--|

4. EXPERTISE & REQUIREMENTS FOR SUITABLE SERVICE PROVIDERS

- I. The service provider must display competency and sufficient capacity of personnel to carry out this assignment (Submit Project Team Members profile indicating qualifications experience);
- II. The service provider must have proven track record supported by documentary evidence of the knowledge and understanding of planning, coordinating, managing and producing written reports. Submit a minimum of three references of similar work done.
- III. The Project Team must be diverse with members that are facilitators, researchers, coordinators and administrators.
- IV. Understanding of NPO governance will be an added advantage.

5. PROJECT TIME FRAME

- I. A detailed work plan indicating time frames should be provided with the quotation based on the functional areas and activities in the scope of work. Progress will be monitored based on the work plan and timeframes provided by the service provider. The detailed implementation plan detailing activities to be carried out in this assignment is outlined in the scope of work.

6. EVALUATION CRITERIA

| DESCRIPTION | WEIGHT |
|---|-----------------|
| EXPERIENCE | 50 MARKS |
| <ul style="list-style-type: none"> • Knowledge, packaging, coordination and management <ul style="list-style-type: none"> ○ Development of summit plan, Agenda and programme ○ Receive and process registrations ○ Sourcing content related speakers | 27 marks |
| <ul style="list-style-type: none"> • Professional report writing experience | 7 marks |
| <ul style="list-style-type: none"> • Attach project Implementation plan with | 16 marks |

| | |
|---|-----------------|
| detailed activities and timeframes | |
| | |
| CAPACITY TO DELIVER | 50 MARKS |
| Personnel (Submit profiles and reference letters of similar work done for each function) | |
| • Content developers | 10 marks |
| • Project Managers | 10 Marks |
| • Facilitators | 10 Marks |
| • Scribes and report writers | 10 marks |
| • Graphic Designers (to design the look and feel) | 5 marks |
| • Media relations | 5 Marks |
| Total score | 100 |
| Minimum qualifying score | 70 |

7. PRICING

- I. Each bidder must submit a detailed price breakdown aligned to the scope of work. Prices must include administrative cost and Value Added Tax (VAT).
- II. 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.
- III. 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.
- IV. Service providers will carry the responsibility of ensuring that the quotation submitted have been signed by a dully authorised person. Should it be established after the submission of proposals that the signatory authorising the quotation is not legally appointed by the service provider, the offer/proposal will be disqualified. The service providers must attach a copy of a resolution clearly stating the delegation of authority awarded to all its directors and managers.
- V. All prices submitted should be typed in black ink or written in black pen. No proposals written in pencil will be accepted or evaluated.
- VI. 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.

1. COMMERCIAL EVALUATION

- 5.1 Bids will be evaluated in accordance with the new Preferential Procurement Regulations, 2017. For the purpose of this bid, the 80/20 preference points system as prescribed in the Preferential Procurement Policy Framework Act (PPPFA, Act 5 of 2000) will be used. The lowest acceptable bid will score 80 (whichever will be applicable) points for price and maximum of 20 points (whichever will be applicable) will be awarded for attaining the Broad-Based Economic Empowerment (B-BBEE) status level of contribution.
- 5.2 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 the 80/20 preference points system respectively.
- 5.3 Bid proposal must score a minimum of seventy (70) 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 70 out of 100 will not be considered for further evaluation and will be disqualified.
- 5.4 Phase two: During this phase, bid proposals that passed the first phase will be further evaluated based on the 80/20 preference points system in accordance with the PPPFA Act, where 80 points will be attained in respect of price (the lowest acceptable bid will score 80 points and bidders that quoted higher prices will score lower points for price on a pro-rata basis) and 20 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 (80/20 system) |
|---|--|
| 1 | 20 |
| 2 | 18 |
| 3 | 14 |
| 4 | 12 |
| 5 | 8 |
| 6 | 6 |
| 7 | 4 |
| 8 | 2 |
| Non-compliant contributor | 0 |

- 5.5 In order to claim the B-BBEE Status Level of Contributor, bidders must submit Sworn Affidavits or 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 of Auditor (IRBA) together with their

bids, to substantiate their B-BBEE claims. The Exempted Micro Enterprise must submit a letter from the Accounting Premises who is appointed in terms of Close Corporation Act.

- 5.6 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 80 for price only and zero (0) points out of 20 for B-BBEE.
- 5.7 Bidders are requested to complete the preference claim form in order to claim preference points.
- 5.8 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.
- 5.9 Bidders participating as joint ventures must submit BEE certificates reflecting the BEE rating of the joint venture. Individual BEE certificate for JVs will score a zero (0) for the BEE portion of the evaluation.
- 5.10 A bidder will not be awarded the points claimed for B-BBEE status level of contribution if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the contract value to any other enterprise that does not qualify for at least the same number of points that the bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.11 A contractor is not allowed to sub-contract more than 25% of the contract value to another enterprise that does not have equal or higher B-BBEE status level, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contracting

2. MANDATORY COMMERCIAL DOCUMENTS

- 6.1 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.
- 6.2 A letter/resolution authorising the person signing the bid documents and contracts.
- 6.3 A copy of CSD registration confirmation.
- 6.4 Company registration documents (CIPC).
- 6.5 Certified Sworn Affidavits or BEE verification certificate (Issued by an approved verification agency).
- 6.6 Completed and signed attached SBD documents.
- 6.7 Suppliers that are based in KZN will receive preference.

Failure to submit the above requirements with the bid document may lead to the disqualification. There will be no disqualification for none submission of a BEE certificate/sworn affidavit but service providers who do not submit will be scored a zero.

3. OTHER CONDITIONS

- 7.1 The Agency reserves the right not to accept the lowest quotation during quotation process.
- 7.2 The Agency reserves the right to return late quotation submissions unopened.
- 7.3 The Agency reserves the right to cancel or not to award the quotation to any supplier and participating service providers will not be reimbursed for expenses incurred while participating.

4. DISCLAIMER

- 9.1 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).
- 9.2 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.
- 9.3 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.

5. ADDITIONS AND AMENDMENTS TO THE RFP

- 10.1 The NDA in consultation with the KZN Department of Social Development, 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 the KZN Department of Social Development and their premises, employees and advisors will not be liable in connection with either the exercise of, or failure to exercise this right.
- 10.2 If the NDA in consultation with the KZN Department of Social Development exercises their right to change information in terms of clause 10.1 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.
- 10.3 The NDA in consultation with the KZN Department of Social Development will immediately disqualify a bidder from the bidding process if the bidder fails to notify the NDA of the conflict as required.

**REQUEST FOR TENDER:
THE NATIONAL DEVELOPMENT AGENCY INVITES TENDERS FOR THE FOLLOWING:**

| TENDER NO. | TENDER DESCRIPTION | CLOSING DATE |
|----------------|---|------------------|
| NDA22/KZN10/17 | <p align="center"><i>The Appointment of a Service Provider to Facilitate the KZN Non Profit Organizations (NPO) Summit on:</i></p> <p align="center"><i>“good governance for improved service delivery and sustainability”</i></p> | 16 NOVEMBER 2017 |
| | <p>Terms of References will be available on the NDA website from the 3rd November 2017 (Go to website, supply chain Management, current tenders)</p> <p>There will be no briefing session</p> <p>Bid submission: All bids must be submitted in the NDA tender box ONLY which will be located at the following address: 26 Wellington Road, Parktown, Johannesburg, 2193 (the tender box is accessible 24/7)</p> <p>Tender will be evaluated on 80/20 preferential point system 80 points will be allocated for price and 20 will be allocated for BBBEE & preferential point system</p> <p>Service providers must courier their documents before the closing date and time</p> <p>Contact person for Commercial queries: Ms. Nomakhaya Nelani -011 018 5607/0810756904 between 08:30 and 17:00 weekdays. For Technical query: Anthony Boucher 011 018 5522/ 072 847 2434</p> | |



PRICING SCHEDULE
(Professional Services)

| | |
|-----------------------|-------------------|
| NAME OF BIDDER: | BID NO.: |
| CLOSING TIME 11:00 | CLOSING DATE..... |

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..... | ..... |
| ..... | R..... | ..... |
| ..... | R..... | ..... |
| ..... | R..... | ..... |
| ..... | 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..... |

Name of Bidder:

..... R.....

TOTAL: R.....

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

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
Johannesburg
2193

Attention: Nomakhaya Nelani

Tel: 011 0185607/ 0810756904

Or for technical information –

Anthony Bouwer

Tel: 011 018 5522/ 0728472434

Bid No.:

Name of Bidder:



SBD 4

DECLARATION OF INTEREST

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, **YES/NO**
 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?

2.10.1 If so, furnish particulars.

2.11 Do you or any of the directors / trustees / shareholders / members **YES/NO**
 of the company have any interest in any other related companies
 whether or not they are bidding for this contract?

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 / Number | Employee / Persal Number |
|-----------|-----------------|---------------------------|------------|-----------------------|--------------------------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

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

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL
PROCUREMENT REGULATIONS 2017**

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, 2017.

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 R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

- a) The value of this bid is estimated to **exceed/not exceed** R50 000 000 (all applicable taxes included) and therefore the preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

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

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

| | POINTS |
|--|------------|
| PRICE | |
| B-BBEE STATUS LEVEL OF CONTRIBUTOR | |
| Total points for Price and B-BBEE must not exceed | 100 |

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 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

- (a) “**B-BBEE**” means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) “**B-BBEE status level of contributor**” means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) “**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 goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) “**Broad-Based Black Economic Empowerment Act**” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) “**EME**” means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) “**functionality**” means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) “**prices**” includes all applicable taxes less all unconditional discounts;
- (h) “**proof of B-BBEE status level of contributor**” means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) “**QSE**” means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) “**rand value**” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

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

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

80/20 **or** **90/10**

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

Where

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

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1 In terms of Regulation 6 (2) and 7 (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 | 6 | 14 |
| 4 | 5 | 12 |
| 5 | 4 | 8 |
| 6 | 3 | 6 |
| 7 | 2 | 4 |
| 8 | 1 | 2 |
| Non-compliant contributor | 0 | 0 |

5. BID DECLARATION

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

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

6.1 B-BBEE Status Level of Contributor: . =(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

| | | | |
|-----|--------------------------|----|--------------------------|
| YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|

7.1.1 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 or QSE

(Tick applicable box)

| | | | |
|-----|--------------------------|----|--------------------------|
| YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

| Designated Group: An EME or QSE which is at least 51% owned by: | EME √ | QSE √ |
|---|--------------------------|--------------------------|
| Black people | <input type="checkbox"/> | <input type="checkbox"/> |
| Black people who are youth | <input type="checkbox"/> | <input type="checkbox"/> |
| Black people who are women | <input type="checkbox"/> | <input type="checkbox"/> |

| | | |
|---|--|--|
| Black people with disabilities | | |
| Black people living in rural or underdeveloped areas or townships | | |
| Cooperative owned by black people | | |
| Black people who are military veterans | | |
| OR | | |
| Any EME | | |
| Any QSE | | |

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

8.6 COMPANY CLASSIFICATION

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

8.7 Total number of years the company/firm has been in business:.....

8.8 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 contributor indicated in paragraphs 1.4 and 6.1 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 paragraphs 1.4 and 6.1, 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 contributor 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) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury 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 BIDDERS(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

.....
Name of Bidder

Js365bW



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.

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

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 |

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