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| RFP NUMBER: | RFP/SASSETA/201920133/1 |
| DESCRIPTION: | Appointment of a Pool/Panel External Programme Evaluators until 31st March 2023 |
| PUBLISH DATE: | 22 nd May 2020 |
| CLOSING DATE: | 15 th June 2020 |
| CLOSING TIME: | 11h00 |
| COMPULSORY BRIEFING SESSION | N/A |
| VALIDITY PERIOD: | 120 Days from the closing date |
| PREFERENCE POINT SYSTEM | 80/20 |
| BID RESPONSES MUST BE HAND DELIVERED/ COURIERED TO: | SASSETA Offices Building 2 Corporate Campus 74 Waterfall Drive Midrand 2090 |
| ATTENTION: | |
| NB: Bidders must ensure that they sign the tender register at the reception when delivering their bids. Bidders who will use Courier companies are to ensure that the Courier company writes the name of the bidding company on the tender register. Submissions not registered on the tender register will be disqualified from further evaluation. | |

DOCUMENTS IN THIS BID DOCUMENT PACK

Bidders are to ensure that they have received all pages of this document, which consist of the following documents:

SECTION A

1. RFP Submission Conditions and Instructions
2. Terms of Reference
3. Selection Process

SECTION B

1. Special Conditions of Bid and Contract
2. Invitation to Quote (SBD 1)
3. Pricing Schedule (SBD 3.3)
4. Declaration of Interest (SBD 4)
5. Preference Points Claim form in terms of Preferential Procurement Regulations 2017 (SBD 6.1). **Bidders are to submit a certified copy of a valid B-BBEE Certificate or Sworn Affidavit.**
6. Declaration of bidder's Past SCM Practices (SDB 8)
7. Certificate of Independent Bid Determination (SBD 9)
8. Submission Checklist
9. General Conditions of Contract (Annexure A)
10. Map to SASSETA offices (Annexure B)

1. RFP SUBMISSION CONDITIONS AND INSTRUCTIONS

1.1 FRAUD AND CORRUPTION

- 1.1.1. All Service Providers are to take note of the implications of contravening the Prevention and Combating of Corrupt Activities Act, Act No 12 of 2004 and any other Act applicable.

1.2 COMPULSORY BRIEFING SESSION

- 1.2.1 There will be no briefing session

1.3 CLARIFICATIONS/QUERIES

- 1.1.1. Any clarification required by a bidder regarding the meaning or interpretation of the Terms of Reference, or any other aspect concerning the bid, is to be requested in writing (e-mail) from **Mr Musa Mazibuko** at scm01@sassetta.org.za by **Wednesday 3rd June 2020 at 12h00**. The bid **number** should be mentioned in all correspondence. **Telephonic requests for clarification will not be accepted.** If clarifying information will be made available to all bidders by e-mail only.

1.4 SUBMITTING BIDS

- 1.4.1 One (1) original copy of the proposal **plus** one (1) soft copy of the proposal on a flash drive to be handed in/delivered to:

Mr Musa Mazibuko
Supply Chain Management
SASSETA Offices
Corporate Campus
74 Waterfall Drive
Midrand
2090

Bids should be submitted in a sealed envelope, marked with:

- RFP number: RFP/SASSETA/201920133/1
- Closing date and time: **Monday 15 June 2020 at 11h00**
- The name and address of the bidder

Documents submitted on time by bidders shall not be returned.

1.5 LATE BIDS

- 1.5.1 Bids received late shall not be considered. A bid will be considered late if it arrived only one second after 11h00 or any time thereafter. Bids arriving late will not be considered under any circumstances. Bids received late shall be returned unopened to the bidder with the person delivering the documents. Bidders are therefore strongly advised to ensure that bids be despatched allowing enough time for any unforeseen events that may delay the delivery of the bid.
- 1.5.2 The official Telkom time (dial 1026) will be used to verify the exact closing time (11h00)

- 1.5.3 Bids sent to SASSETA via normal post or any other mechanism shall be deemed to be received at the date and time of arrival at the SASSETA premises (tender/bid box or reception). Bids received at the physical address after the closing date and time of the bid, shall therefore be deemed to be received late.

1.6 DIRECTIONS TO SASSETA OFFICE FOR DELIVERY OF BIDS

- 1.6.1 Directions to SASSETA offices are attached as **Annexure B** to this document.
- 1.6.2 **Bidders should allow time to access the premises due to security arrangements that need to be observed.**

1.7 FORMAT OF BIDS

- 1.7.1 Bidders to complete all the necessary bid documents and undertakings required in this bid document. Bidders are advised that their bid should be concise, written in plain English and simply presented.
- 1.7.2 Bidders are to set out their bid in the following format:

Part 1: Invitation to Bid (SBD 1)

Bidders to complete and submit the Invitation to Bid document.

Part 2: Pricing (SBD 3.3)

Bidders to complete SBD 3.3 as attached to this request in full and also to submit their own detailed quotation on their Company letterhead inclusive of VAT and any other costs as per the requirements of the Terms of Reference. **The value of this bid is estimated not to exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 system shall be applicable**

Part 3: Declaration of Interest (SBD 4)

Each party to the bid to complete and submit the Declaration of Interest.

Part 4: Preference Points Claim Form in terms of the Preferential Procurement Regulations 2017 (SBD 6.1)

Bidders to complete and submit the Preference Points Claim Form.

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 OR a Letter from a registered Accounting Officer/ Auditor OR a sworn affidavit in terms of the Amended B-BBEE Codes from Exempted Micro Enterprises (EMEs) of R10 000 000 annual turnover.
- 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.

Part 5: Declaration of bidders past supply chain management practices (SBD 8)

Each party to the bid to complete and submit the Declaration of past supply chain management practices

Part 6: Certificate of Independent Bid Determination (SBD 9)

Bidders to complete and submit the "Certificate of Independent Bid Determination" document.

Part 7: Broad Based Black Economic Empowerment Certificate

Bidders are to submit an Original/Certified copy of a valid BBEE Certificate.

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. or a letter from an Accounting Officer/ Auditor or a sworn affidavit in terms of the Amended B-BBEE Codes from Exempted Micro Enterprises (EMEs) of R10 000 000 annual turnover.

Part 8: General Conditions of Contract

Bidders to initial each page of the General Conditions of Contract and submit with their bid document.

Part 9: Technical approach

Bidder must at least:

Describe, in detail, exactly how they propose to carry out the activities to achieve the outcomes identified in the terms of reference. Bidders are required to have the basic office equipment and the resource/s (which must include, laptop, 3G connection, landline, own office with the basic office equipment) will be located within the region where the work will be done. They should identify any possible problems that might hinder delivery and indicate how they will avoid, or overcome such problems.

Describe how the work will be managed. Provide an organisation chart clearly indicating:

- The lines of reporting and supervision within the bidder's team.
- The lines of reporting between the bidder and SASSETA.

Identify the position(s) involved in the direct delivery of the service to be provided and in the overall management of the work and name the people who will fill these positions.

Describe the tasks, duties or functions to be performed by staff in these positions.

Indicate the number of hours required to complete each task and the number of hours to be provided by each team member. The bidder must be able to work within strict time lines and have the capacity to do so.

Provide information on any additional value added services for consideration by SASSETA, and which will form part of the overall proposed solution. Please note that the additional value ads must be priced separately in the space provided for in the pricing schedule.

Bidders are to present such information in a matrix. The following is provided merely as guidance. Bidders are free to elaborate as they see fit.

| Outcome/output | Activity | Team member(s) involved (name and position) | Person days for each team member | Total person days |
|----------------|----------|---|----------------------------------|-------------------|
| | | | | |
| | | | | |

Provide a work plan of activities. In addition to providing details of the estimated number of workdays for each activity, bidders are to supply a detailed timetable that identifies when certain activities will be undertaken and over what period they will be spread. The timing of activities, the time needed to complete them, and the order in which they will be undertaken must be explained and justified.

Please note that part 9 should be no longer than 10 single-sided A4 pages in Arial 11 (font size).

Part 10: Team Details

The bidder must provide:

- Comprehensive curriculum vitae (relevant to this bid and limited to two pages). In particular, the CV must highlight the team member(s) experience and qualifications to carry out the work

NB: It is to be noted that team members proposed for this assignment cannot be replaced without prior approval by the SASSETA.

Part 11: Experience in this field

It is essential the service provider displays:

- Experience as set out in the terms of reference
- The Bidder must provide signed reference letters on company letterheads of previous clients where the Bidder provided similar services.

Part 12: Bidders National Treasury CSD registration report

Bidders to submit their CSD report indicating the validity of the bidder's registration. Directors listed on SBD 4 to be the same as those listed on the CSD report.

1.8 DUE DILIGENCE – PRESENTATIONS/SITE VISITS

- 1.8.1 SASSETA reserves the right to request before the award of this Bid. Presentations will only be conducted with bidders who have met the minimum functionality criteria as per phase 2 functionality evaluation.

1.9 NEGOTIATION

- 1.9.1 SASSETA has the right to enter into negotiation with a prospective service provider regarding any terms and conditions, including price(s), of a proposed contract.
- 1.9.2 SASSETA shall not be obliged to accept the lowest of any quotation, offer or bid.
- 1.9.3 SASSETA issues this bid invitation in good faith; however, it reserves the right to:
- Cancel or delay the selection process at any time, without explanation,
 - Not to select any of the respondents to this bid invitation, without explanation,
 - Exclude certain services, without explanation.
- 1.9.4 All bidders will be informed whether they have been successful or not. A contract will only be deemed to be concluded when reduced to writing in a contract form signed by the designated responsible person of both parties.

1.10 REASONS FOR REJECTION

- 1.10.1 SASSETA shall reject a bid for the award of a contract if the recommended bidder has committed a proven corrupt or fraudulent act in competing for the particular contract.
- 1.10.2 SASSETA may disregard the bid of any bidder if that bidder, or any of its directors:
- 1.10.2.1 have abused the Supply Chain Management systems of SASSETA.
 - 1.10.2.2 have committed proven fraud or any other improper conduct in relation to such systems.
 - 1.10.2.3 have failed to perform on any previous contract and the proof exists.
- 1.10.3 Such actions shall be communicated to the National Treasury.

2. TERMS OF REFERENCE

2.1 INTRODUCTION AND BACKGROUND

- 2.1.1 SASSETA was established on 1 July 2005. It is one of the twenty-one Sector Education and Training Authorities (SETAs) established in terms of the Skills Development Act (Act 97 of 1998) as amended. SASSETA's licence has been renewed until 31st March 2030. SASSETA is classified as a schedule 3A Public Entity in terms of the Public Finance Management Act, (Act 1 of 1999, as amended). SASSETA reports to the Department of Higher Education and Training.
- 2.1.2 As per delegation of the Quality Council for Trade and Occupations (QCTO) in terms of the National Qualification Framework (NQF) Act (Act No.67 of 2008) and Skills Development Act, 1998 (Act No. 97 of 1998) as amended, the QCTO delegated functions require SASSETA Education and Training Quality Assurance (ETQA) Department to analyse and act on relevant data to ensure continuous improvement of Accreditation functions as delegated.
- 2.1.3 Training Providers who apply for programme evaluation in order to be accredited against SASSETA Qualifications or part qualifications should undergo a programme approval process which requires that subject matter experts are to be contracted by SASSETA as per their qualification and area of expertise, matched to SASSETA qualifications needing programme evaluation.
- 2.1.4 Programme approval applicants submit learning material which is scheduled for evaluation by the relevant subject matter experts. Upon completion of the learning material evaluation, the programme evaluator is expected to generate a programme evaluation report/feedback. The applicants will then be recommended for approval of accreditation on the qualifications they have applied for.

2.2 Purpose

- 2.2.1 SASSETA is looking at appointing suitable and qualified pool/panel of Learning Programme Evaluators nationally until 31st March 2023. Work will be rotated amongst the pool of verifiers depending on their availability.
- 2.2.2 The pool of external programme Evaluators should cover various SASSETA qualification and should be appointed to evaluate Programmes as per SASSETA's qualifications, see attached Annexure C.

2.3 SCOPE OF WORK

- 2.3.1 The Learning Programme Evaluators are required to:
- ✓ conduct evaluation of the learning material submitted to SASSETA ETQA by training providers who seek accreditation or are intending to extend their scope with SASSETA ETQA;
 - ✓ conduct evaluation of the re-accreditation files;
 - ✓ generate re-accreditation reports; and
 - ✓ generate programme evaluation report/feedback.

2.4 REQUIRED DELIVERABLES

- 2.4.1 The Learning Programme Evaluators are appointed to evaluate SASSETA learning programmes as per their qualifications. Learning material submitted by Providers for programme evaluation of specific outcomes, for specific qualifications and part qualification for assessment criteria to meet the requirements for programme approval of providers and mainly for the purpose of accreditation.
- 2.4.2 The appointed panel/pool of Learning Programme Evaluators are required to deliver the following to SASSETA:
- submit re-accreditation reports to SASSETA within a period of seven (7) days
 - submit Programme Evaluation reports within a period of seven (7) days
 - provide capacitation for applicants who were not recommended for accreditation

2.5 SKILLS AND EXPERIENCE OF THE BIDDING COMPANY AND THE TEAM MEMBERS PROPOSED FOR THE ASSIGNMENT

- 2.5.1 The bidder should demonstrate the following skills and experience**
- Coordinating quality assurance processes governing programme evaluation
 - Developing action plans for programme evaluation in accordance with SASSETA guidelines
 - Preparing programme evaluation feedback, evaluation report and interpreting of programme evaluation results
 - Providing support and capacity building pertaining to programme evaluation requirements
 - Developing Programme reviewing process to evaluate the effectiveness of SASSETA'S programmes, regular reporting to increase programmes quality and records results for evaluation delivery
 - Handle enquiries from Training Providers and training quality assurance stakeholders in the Safety and Security Sector.
 - The bidding company to have a minimum of three (3) assignments in undertaking Learning Programme Evaluation projects. Signed reference letters on previous client's letterhead with contact details to be submitted confirming their satisfaction on the completed assignments.
 - The proposed team member on this assignment is required to demonstrate a minimum of three (3) years' experience in undertaking Learning Programme Evaluation projects. A comprehensive CV to be attached to substantiate this experience. International qualifications must be verified by SAQA and a copies of letters conforming confirming the validity of the qualifications must be attached

2.6 TIMEFRAMES FOR DELIVERY OF THE WORK

- 2.6.1 The duration of this contract for the appointment of a panel of Learning Programme Evaluators will be from date of appointment to 31 March 2023.
- 2.6.2 The contracts of this panel will be renewable annually based on the performance of the service provider and the SASSETA requirements.

2.7 SUBMISSION REQUIREMENTS

- 2.7.1 The application documents submitted by the bidder is required to consist of:
- Demonstrate an understanding to conduct Programme Evaluation to review policies and processes for programmes evaluation principles.

- Submission of curriculum vitae (CV), certified copies of relevant qualifications and a minimum of three (3) years' experience is required for programme evaluation.
- Demonstrate ability to develop guidelines for programme evaluation.
- Provide support, capacity building and development for providers pertaining to programme evaluation.
- Demonstrate ability to develop programme review process and to evaluate the effectiveness of programme quality.

2.8 PRICING

2.8.1 SASSETA offers a fixed hourly rate with inflationary adjustments as follows:

2.8.1.1 Year 1 – date of appointment until 31 March 2021 = R720.00 including VAT.

2.8.1.2 Year 2 – 01 April 2021 until 31 March 2022 = R750 inclusive of VAT

2.8.1.3 Year 3 – 01 April 2022 until 31 March 2023 = R780 inclusive of VAT

Interested bidders are to confirm acceptance of this hourly rate on their proposal.

NB. Anticipated travel and subsistence costs will be reimbursed by SASSETA.

2.9 Conflict of Interest

2.9.1 As per this Bid, SASSETA will be appointing a panel of Learning Programme Evaluators. There is also another bid where SASSETA will be appointing a Panel of External Verifiers.

2.9.2 In order to alleviate the possibility of a conflict of interest, a company that is appointed to conduct the Learning Programme Evaluation assignments will not be allowed to conduct External verification. In this regard, if a company bids for both assignment, they will only be appointed on one assignment.

2.10 ACCOUNTABILITY AND REPORTING

2.10.1 The panel/pool of Learning Programme Evaluators will report directly to ETQA Manager and submit Programme evaluation and reports within the period of seven (7).

2.11 INTELLECTUAL PROPERTY

2.11.1 The Programme Evaluator will be contracting with SASSETA. All products and data of this project, in whatever format raw or analysed, will be the confidential information for utilisation by SASSETA. All information and documents, received from SASSETA or stakeholders, is to be kept confidential and may not be used or distributed in any format without the written approval of SASSETA. To this end, the service provider will be required to sign a confidentiality agreement within the Contract.

3. PROPOSED SELECTION CRITERIA

3.1 Compliance with minimum requirements

3.1.1 All bids duly lodged will be examined to determine compliance with bidding requirements and conditions. Bids with obvious deviations from the requirements/conditions, will be eliminated from further evaluation.

3.2 Conditions for selection/short listing

3.2.1 All submissions will be evaluated as follows:

3.2.1.1 Phase 1 – Mandatory items Service Providers must:

- Submit their proposal by the closing date and time.
- complete and submit all Standard Bidding Documents (SBD) forms mentioned above on page 2 of this document, namely: SBD 1, SBD4, SBD 6.1, SBD 8 and SBD 9
- Initial each page of the General Condition of Contract (Annexure A) and submit with your proposal

Important Note:

Non-compliance with the above mandatory requirements will lead to a disqualification at phase 1 of mandatory evaluation.

3.2.1.2 Phase 2 – Functionality evaluation

Bidders who meet the mandatory items requirements above will be evaluated on functionality requirements as per the table below:

PROPOSED SELECTION CRITERIA/FUNCTIONALITY EVALUATION FOR PROGRAMME EVALUATORS

All proposals will be evaluated on the criteria provided in the table below. The proposals of all service providers will be rated on a scale of 0 to 5.

0: No Attachment provided

3: Satisfactory should be adequate for stated element

5: Exceptional mastery of the requirement should ensure extremely effective performance.

(Functionality table below to evaluate approach, methodology, experience, capability, etc. Experience of bidder and bidding company to match)

| Element | Evidence | Functionality Evaluation | | Functionality Weight | Total Score |
|--|--|--------------------------|--|----------------------|-------------|
| 1. The proposal to name and explain processes and principles for program evaluation (20 Points) | An in-depth understanding to conduct Programme evaluation, process and principles. | 0 | Proposal does not mention processes and principles of program evaluation | 20 | |
| | | 3 | Proposal mentions program evaluation processes and principles | | |
| | | 5 | Proposal mentions and describes program evaluation processes and principles comprehensively | | |
| 2. Submission of the proposed team member's curriculum vitae (CV) demonstrating a minimum of three (3) years' experience in conducting learning programme evaluation projects (15 Points) | Relevant three (3) years' experience demonstrated in the CV. | 0 | No experience in program evaluation/experience less than three (3) years in program evaluation | 30 | |
| | | 3 | Three (3) years' experience in program evaluation | | |
| | | 5 | Four (4) years or more experience in program evaluation | | |
| 3. Submission of copies of qualifications – National Certificate in OD ETD certificate or a Teacher's diploma of the proposed team member to be attached. (non-attachments of | Submission of Qualifications of proposed team member | 0 | No certificates attached | 15 | |
| | | 3 | National certificate in OD ETD qualification or a Teachers' diploma attached | | |
| | | 5 | Degree/B.Tech/ Postgraduate in OD ETD or training management | | |

| | | | | | |
|--|---|-----------------|--|------------------|--|
| <p>qualifications will lead to a zero score) (15 Points) <u>International qualifications</u> must be verified by SAQA and a copies of letters conforming confirming the validity of the qualifications must be attached</p> | | | | | |
| <p>4. The bidding company to have a minimum of three (3) assignments in undertaking Learning Programme Evaluation projects. Signed reference letters on previous client's letterhead with contact details to be submitted confirmingg their satisfaction on the completed assignments (20 Points)</p> | <p>Signed reference letters on the client's letterhead with contact details.</p> | <p>0</p> | <p>The bidding company does not have experience/ the bidding company has less than three (3) assignment in undertaking Learning Programme Evaluation projects.</p> | <p>20</p> | |
| <p>3</p> | <p>The bidding company demonstrates a minimum of three (3) assignments in undertaking Learning Programme Evaluation projects. Three (3) signed reference letters on previous client's letterhead with contact details to be submitted confirming their satisfaction on the completed assignments.</p> | | | | |
| <p>5</p> | <p>The bidding company demonstrates four (4) or more assignments in undertaking Learning Programme Evaluation projects. Four (4) signed reference letters on previous client's letterhead with contact details to be submitted confirming their satisfaction on the completed assignments.</p> | | | | |
| <p>5. Provide capacity building and mention gaps identified during the process of programme evaluation (15 Points)</p> | <p>A description of capacity building offered and gaps identified during the evaluation process</p> | <p>0</p> | <p>No description provided</p> | <p>15</p> | |
| <p>3</p> | <p>A description of capacity building offered to providers and gaps identified.</p> | | | | |
| <p>5</p> | <p>A description of capacity building offered to providers and gaps identified comprehensively.</p> | | | | |

N/B: Bidders need to obtain a minimum of 60% for functionality for them to be evaluated further on the 80/20 preference point system

3.2.1.3 Phase 3 – Price and B-BBEE

The value of this bid is estimated not to exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 system shall be applicable where 80 points will be allocated to price and 20 points for Broad-Based Black Economic Empowerment (B-BBEE) as follows:

| Evaluation Criterion on Price and BBBEE | |
|--|------------|
| Relative competitiveness of proposed price | 80 |
| B-BBEE Status Level of Contribution | 20 |
| TOTAL FOR PRICE AND PREFERENCE | 100 |

3.2.1.4 ADJUDICATION OF BID

The Bid Adjudication Committee will consider the recommendations of the Bid Evaluation Committee (BEC) and make a recommendation to the Award Authority to make the final award. The successful bidder will usually be the service provider scoring the highest number of points or it may be a lower scoring bid based on firm, verifiable and justifiable grounds or no award at all.

SECTION B

1. SPECIAL CONDITIONS OF CONTRACT

1.1. GENERAL

1.1.1 Proper bids for the services specified must be submitted.

1.2. ADDITIONAL INFORMATION REQUIREMENTS

1.2.1 During evaluation of the bids, additional information may be requested in writing from Bidders. Replies to such request must be submitted in writing, within two (2) working days or as otherwise indicated. Failure to comply will lead to your bid being disregarded.

1.3. CONFIDENTIALITY

1.3.1 The bid and all information in connection therewith shall be held in strict confidence by bidders and usage of such information shall be limited to the preparation of the bid. Bidders shall undertake to limit the number of copies of this document.

1.3.2 All bidders are bound by a confidentiality agreement preventing the unauthorised disclosure of any information regarding the SASSETA or of its activities to any other organisation or individual. The bidders may not disclose any information, documentation or products to other clients without written approval of the accounting authority or the delegate.

1.4. INTELLECTUAL PROPERTY, INVENTIONS AND COPYRIGHT

1.4.1 Copyright of all documentation relating to this contract belongs to the SASSETA. The successful bidder may not disclose any information, documentation or products to other clients without the written approval of the accounting authority or the delegate.

1.4.2 All the intellectual property (IP) rights arising from the execution of this Agreement shall vest in SASSETA and the Service provider undertakes to honour such intellectual property rights and all future rights by keeping the know-how and all published and unpublished material confidential.

1.4.3 In the event that the service provider would like to use information or data generated by the service, the prior written permission must be obtained from SASSETA.

1.4.4 SASSETA shall own all materials produced by the Service provider during the course of this contract, or as part of the service including without limitation, deliverables, documentation, reports, data, designs, concepts and other information whether capable of being copyrighted or not ("IP").

1.4.5 The Service provider assigns all IP rights in respect of all materials referred to in clause 1.3.4 to SASSETA. No other document needs to be executed to give effect to this cession, assignment or transfer.

1.4.6 The Service provider acknowledges and agrees that:

1.4.6.1 Each provision of clause 1.3 is separate, severally and separately enforceable from any other provisions of this agreement.

1.4.6.2 The invalidity or non-enforceability of any one or more provision hereof, shall not prejudice or effect the enforceability and validity of the remaining provisions of this agreement; and

1.4.6.3 This clause 1.3 shall survive termination of this agreement.

1.5. NON-COMPLIANCE WITH DELIVERY TERMS

1.5.1 As soon as it becomes known to the Service provider that he will not be able to deliver the goods/services within the delivery period and/or against the bid price and/or as specified, the SASSETA must be given immediate written notice to this effect. The SASSETA serves the right to implement remedies as provided for in the GCC.

1.6. WARRANTIES

1.6.1 The Service provider warrants that it is able to conclude this Agreement to the satisfaction of the SASSETA.

1.6.2 Although the Service provider will be entitled to provide services to persons other than SASSETA, the Service provider shall not without the prior written consent of SASSETA, be involved in any manner whatsoever, directly or indirectly, in any business or venture which competes or conflicts with the obligations of the Service provider to provide the Services.

1.7. PARTIES NOT AFFECTED BY WAIVER OR BREACHES

1.7.1 The waiver (whether express or implied) by any Party of any breach of the terms or conditions of this contract by the other Party shall not prejudice any remedy of the waiving party in respect of any continuing or other breach of the terms and conditions hereof.

1.7.2 No favour, delay, relaxation or indulgence on the part of any Party in exercising any power or right conferred on such Party in terms of this contract shall operate as a waiver of such power or right nor shall any single or partial exercise of any such power or right under this agreement.

1.8. RETENTION

1.8.1 On termination of this agreement, the Service provider shall on demand hand over all documentation, information, etc., relating to the provision of services as per this bid without the right of retention, to the SASSETA.

1.8.2 No agreement to amend or vary a contract or order or the conditions, stipulations or provisions thereof shall be valid and of any force and effect unless such agreement to amend or vary is entered into in writing and signed by the contracting parties. Any waiver of the requirement that the agreement to amend or vary shall be in writing, shall

2. GENERAL CONDITIONS OF CONTRACT

2.1 The General Conditions of Contract must be accepted. The general conditions applicable to government entity bids, contracts and order are attached herein as **Annexure A** as they will apply to this bidding process.

2.2 Bidders are required to initial each page of the General Conditions of Contract as an indication of acceptance.

INVITATION TO BID

YOU ARE HEREBY INVITED TO SUBMIT A PROPOSAL FOR REQUIREMENTS OF THE SASSETA

RFP NUMBER: RFP/SASSETA/201920133/1 **CLOSING DATE:** 15 June 2020 **CLOSING TIME:** 11h00

DESCRIPTION: Appointment of a Pool/Panel External Programme Evaluators until 31st March 2023

VALIDITY PERIOD: Offer to be valid for 120 days from the closing date of the bid

The successful bidder will be required to fill in and sign a written Contract Form.

**BID DOCUMENT MUST BE DEPOSITED IN THE BID BOX SITUATED AT
(STREET ADDRESS)**

Mr Musa Mazibuko
Supply Chain Management
SASSETA Offices
Building 2 Corporate Campus
74 Waterfall Drive
Midrand
2090

Faxed or e-mailed bids will not be accepted.

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

Bids can be delivered between 08h00 and 16h00, Mondays to Friday, prior to the closing date and between 08h00 and 11h00 on the closing date.

All bids must be submitted on the official forms (not to be re-typed).

This RFP is subject to the following:

- General Conditions of Contract (GCC) and, if applicable, any other Special Conditions of Contract.
- the Preferential Procurement Policy Framework Act, 2000
- the Preferential Policy Regulations, 2017
- All other SCM prescripts

- Bids submitted that do not comply with the following will be disqualified**
 - A late Bid (a bid arriving one second after 11h00 or any time thereafter)
 - A proposal not registered in the tender submission register.

PART A - INVITATION TO BID

| | | | | | |
|--|--|---------------|---|--|-------|
| YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY) | | | | | |
| BID NUMBER: | RFP/SASSETA/201920133/1 | CLOSING DATE: | 15 June 2020 | CLOSING TIME: | 11h00 |
| DESCRIPTION | Appointment of a Pool/Panel External Programme Evaluators until 31st March 2023 | | | | |
| BID RESPONSE DOCUMENTS MAY BE DELIVERED AT: | | | | | |
| SASSETA Offices, Building 2 Waterfall Corporate Campus, 74 Waterfall Drive, Waterfall City, Midrand, 2090 | | | | | |
| BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO | | | TECHNICAL ENQUIRIES MAY BE DIRECTED TO: | | |
| CONTACT PERSON | Mr Musa Mazibuko | | CONTACT PERSON | Mr Musa Mazibuko | |
| E-MAIL ADDRESS | Scm01@sasseta.org.za | | E-MAIL ADDRESS | Scm01@sasseta.org.za | |
| SUPPLIER INFORMATION | | | | | |
| NAME OF BIDDER | | | | | |
| POSTAL ADDRESS | | | | | |
| STREET ADDRESS | | | | | |
| TELEPHONE NUMBER | CODE | | NUMBER | | |
| CELLPHONE NUMBER | | | | | |
| FACSIMILE NUMBER | CODE | | NUMBER | | |
| E-MAIL ADDRESS | | | | | |
| VAT REGISTRATION NUMBER | | | | | |
| SUPPLIER COMPLIANCE STATUS | TAX COMPLIANCE SYSTEM PIN: | | OR | CENTRAL SUPPLIER DATABASE No: | MAAA |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE | TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No | | B-BBEE STATUS LEVEL SWORN AFFIDAVIT | [TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| [A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) 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? | <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF] | | ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? | <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3] | |
| QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS | | | | | |
| IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? | | | <input type="checkbox"/> YES <input type="checkbox"/> NO | | |
| DOES THE ENTITY HAVE A BRANCH IN THE RSA? | | | <input type="checkbox"/> YES <input type="checkbox"/> NO | | |
| DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? | | | <input type="checkbox"/> YES <input type="checkbox"/> NO | | |
| DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? | | | <input type="checkbox"/> YES <input type="checkbox"/> NO | | |
| IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? | | | <input type="checkbox"/> YES <input type="checkbox"/> NO | | |
| IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW. | | | | | |

PART B

TERMS AND CONDITIONS FOR BIDDING

| |
|--|
| 1. BID SUBMISSION: |
| 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION. |
| 1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT. |
| 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT. |
| 1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7). |
| 2. TAX COMPLIANCE REQUIREMENTS |
| 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. |
| 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER’S PROFILE AND TAX STATUS. |
| 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA. |
| 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID. |
| 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER. |
| 2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED. |
| 2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE.” |

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

NAME OF SIGNATORY

SIGNATURE OF BIDDER:

N/B.: If a Company has one director as listed on CSD, the one Director to sign these documents on behalf of the Company. Any other member of the Company will require a Company Resolution to be attached to this submission signed by the duly Authorised Director.

N/B.: If the Company has more than one Director as listed on CSD, a signed Company Resolution to be attached to confirm that the one Director can sign on behalf of the Company. Any other member of the Company will require a Company Resolution to be attached to this submission signed by the duly Authorised Directors.

CAPACITY UNDER WHICH THIS BID IS SIGNED:

.....
(Proof of authority must be submitted e.g. company resolution)

DATE:
.....

PRICING SCHEDULE
(Professional Services)

| | |
|-----------------------------|----------------------------------|
| NAME OF BIDDER: | BID NO.: RFP/SASSETA/201920133/1 |
| CLOSING TIME: 11: 00 | CLOSING DATE: 15 June 2020 |

OFFER TO BE VALID FOR 120 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 hereby confirm the acceptance of the offered fixed hourly rate by signing SBD 3.3.**

SASSETA is offering a fixed hourly rate with annual escalations as follows:

| NO. | PERIOD | ANNUAL RATE (INCL. OF VAT) |
|----------|---|----------------------------|
| 1 | Y1 – Date of appointment to 31 March 2021 | R720.00 |
| 2 | Y2 – 01 April 2021 to 31 March 2022 | R750.00 |
| 3 | Y3 – 01 April 2022 to 31 March 2023 | R780.00 |

NB: Service providers MUST confirm acceptance/non acceptance of the proposed cost below by ticking the applicable box:

Yes, we accept the annual hourly costs as stated above

No, we don't accept the annual hourly costs as stated above

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

(To be signed by a duly Authorised Delegate. A signed Company Resolution to be submitted)

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state, 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 an advertised competitive bid, a limited bid, a bid or written price quotation). 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 authorized representatives 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 representatives:

2.2 Identity Number:

2.3 Position occupied in the Company (director, trustee, shareholder, member):

2.4 Registration number of company, enterprise, close corporation, partnership agreement or trust:

2.5 Tax Reference Number:

2.6 VAT Registration Number:

2.6.1 The names of all directors/trustees/shareholders/members, their individually Identity numbers, tax reference numbers and, if applicable, employee/PERSAL number must be indicated in paragraph 3 below.

1"state means-

- (a) any national or provincial department, national or provincial public entity or constitutional 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 /trustees /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/N/A

NB: (Please tick NO or N/A if your answer was NO on 2.7. above)

2.7.2.1 If yes, did you attach proof of such authority to the bid document? YES/NO/N/A

NB: (Please tick NO or N/A if your answer was NO on 2.7. above)

(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 spouse conduct business with the state in the previous twelve months? YES/NO

2.8.1 If so, furnish particulars:

.....

.....

NB.: (If a bidder has had a contract with any government department, /municipality/entity/parastatal/SOE, etc. please tick YES on 2.8 above and name the institutions worked for)

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 Income Tax Reference Number | State Number/ Peral Number | Employee Number |
|---|-----------------|--------------------------------------|----------------------------|-----------------|
| Directors listed here to be the same as those listed on CSD. | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

N/B. If more space required, Service providers are to copy this table onto their letterhead and provide information on all their directors/trustees/members/shareholders

4 DECLARATION

I, THE UNDERSIGNED (NAME).....
 CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPH 2 and 3 ABOVE IS CORRECT.
 I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME SHOULD THIS DECLARATION PROVES TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

(To be signed by a duly Authorised Delegate. A signed Company Resolution to be submitted).

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 RFP is estimated **not to exceed** R50 000 000, **therefore the 80/20 reference point system shall be applicable.**

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 | 80 |
| B-BBEE STATUS LEVEL OF CONTRIBUTOR | 20 |
| 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 PREFERENCE POINT SYSTEMS

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

80/20

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

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 (80/20 system) |
|------------------------------------|---------------------------------|
| 1 | 20 |
| 2 | 18 |
| 3 | 14 |
| 4 | 12 |
| 5 | 8 |
| 6 | 6 |
| 7 | 4 |
| 8 | 2 |
| Non-compliant contributor | 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: = Level
(Bidder to state their B-BBEE level from level 1 to level 8)

6.2 Number of points claimed = (maximum of 20 points)
(Bidder to state the number of points claimed from 20 to 0)

(Points claimed in respect of paragraph 6.1 and 6.2 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 last 51% owned by: | EME | QSE |
|---|-----|-----|
| | √ | √ |
| Black people | | |
| Black people who are youth | | |
| Black people who are women | | |
| 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.

(Both witnesses are required to sign this document.)

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....

.....

(To be signed by a duly Authorised Delegate. A signed Company Resolution to be submitted).

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 supply chain management system
 - b. committed fraud or any other improper conduct in relation to such system; or
 - c. failure 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 | 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? (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). 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. | Yes <input type="checkbox"/> | No <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 of law outside 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

(To be signed by a duly Authorised Delegate. A signed Company Resolution to be submitted).

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 bids.

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.

7. However, communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
8. 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.
9. 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.
10. 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 |

(To be signed by a duly Authorised Delegate. A signed Company Resolution to be submitted).

11. BIDDERS ARE ENCOURAGED TO USE THE FOLLOWING CHECKLIST WHEN SUBMITTING THEIR BIDS:

| NO. | DETAILS | TICK BY BIDDER |
|-----|--|----------------|
| 1. | Part 1: Completed and signed the invitation to bid document (SBD 1) • To be signed by a duly Authorised Delegate. | |
| 2. | Part 2: Completed and signed the Pricing schedule (SBD 3.3) • To be signed by a duly Authorised Delegate. | |
| 3. | Part 3: Completed and signed the declaration of interest document (SBD 4). <i>(In case of a consortium/ joint venture, or where sub-Service providers are utilised, each party to the bid must complete and sign the declaration of interest document)</i> • To be signed by a duly Authorised Delegate | |
| 4. | Part 4: Completed and signed the Preference Points Claim form in terms of the Preferential Procurement Regulations 2017 (SBD 6.1) • To be signed by a duly Authorised Delegate. • Not claiming points as per bullet 6.1 and 6.2 on SBD 6.1 will lead to B-BBEE points not awarded | |
| 5. | Part 5: Completed and signed the Declaration of bidders past Supply Chain Management Practices document (SBD 8). <i>(In case of a consortium/ joint venture, or where sub-Service providers are utilised, each party to the bid must complete and sign the Declaration of bidders past Supply Chain Management Practices document)</i> • To be signed by a duly Authorised Delegate. | |
| 6. | Part 6: Completed and signed the Certificate of Independent Bid Determination (SBD 9) • To be signed by a duly Authorised Delegate. | |
| 7. | Part 7: Submitted an original/ certified copy of a valid BBEE Certificate/Sworn Affidavit signed by a Commissioner of Oath. <i>(In case of a trust, consortium or joint venture, bidders 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.</i> • Non submission of a valid B-BBEE Certificate/sworn affidavit will lead to zero points awarded | |
| 8. | Part 8: Submitted the General Conditions of Contract (initialled each page) | |
| 9. | Part 9: Submitted the Technical approach | |
| 10. | Part 10: Submitted the Details of the team and included their CV | |
| 11. | Part 11: Submitted Experience in the field document and reference letters | |
| 12. | Part 12: Bidders National Treasury Central Supplier Database (CSD) forms indicating the validity of the bidder's registration | |
| 13. | Part 13: Bidder's attached quotation on the Company letterhead inclusive of VAT and any other applicable costs | |