

BID ADVERTISEMENT FORM

Bid description	The appointment of an LGSETA accredited service provider for the national roll out of the integrated councillor induction programme and related service										
Bid number	SALGA/37/2016										
Name of institution	SALGA										
The place where goods, works or services are required	Gauteng										
Closing date and time	Date	0	4	0	7	2	0	1	6	Time	11:00 AM
Contact details	Postal address	P O Box 2094 , Pretoria 2001									
	Physical address	Menlyn Corporate Park 175 Cnr Corobay Avenue and Garsfontein Road, Waterkloof Glen, ext 11 Pretoria 0181									
	Tel	012 369 8000									
	Fax	012 369 8001									
	email	Scm@salga.org.za									
	Contact person	Mr Sibusiso Metu									
Where bids can be collected	Menlyn Corporate Park 175 Cnr Corobay Avenue and Garsfontein Road, Waterkloof Glen, ext 11 Pretoria 0181										
Where bids should be delivered	Menlyn Corporate Park 175 Cnr Corobay Avenue and Garsfontein Road, Waterkloof Glen, ext 11 Pretoria 0181										
Category (refer to annexure A)	Professional Services										

Sector	Municipal Institutional Development (MID)	
Region	Gauteng	
Compulsory briefing session/site visit	Date	n/a
	Time	n/a
	Venue	n/a

SOUTH AFRICAN LOCAL GOVERNMENT (SALGA) HEREBY INVITES REQUEST FOR PROPOSALS FOR THE APPOINTMENT OF AN LGSETA ACCREDITED SERVICE PROVIDER FOR THE NATIONAL ROLL OUT OF THE INTEGRATED COUNCILLOR INDUCTION PROGRAMME AND RELATED SERVICES

RFP NO: SALGA/37/2016

RFP INVITATION DATE: 03/JUNE/2016

CLOSING DATE AND TIME: 04/JULY/2016

PROPOSALS CAN BE DEPOSITED IN THE TENDER BOX AT RECEPTION AT:

**SALGA NATIONAL OFFICE
FIRST FLOOR, BLOCK B
MENLYN CORPORATE PARK
C/O GARSFONTEIN AND COROBAY AVENUE
WATERKLOOF GLEN**

TEL: (012) 369 8000

EMAIL: scm@salga.org.za

WEBSITE: WWW.SALGA.ORG.ZA

Tel: 012 369 8000 | Fax: 012 369 8001

PHYSICAL: Block B, Menlyn Corporate Park, 175 Corobay Ave, Waterkloof Glen Ext 11, Pretoria 0181

POSTAL: PO Box 2094, Pretoria, 0001

www.salga.org.za

1. BACKGROUND

The South African Local Government Association (SALGA) is mandated by the South African Constitution to assist in the transformation of local government in South Africa. As such, SALGA plays a core role in a variety of areas related to local government transformation and as a national representative of the local government sector and its employees. As part of its strategy, SALGA is required to formulate a range of strategic programmes to adequately respond to the challenges facing local government, addresses past weaknesses and drives forward the process of consolidating the transformation process as per its mandate.

In line with its mandate SALGA's role, with the paradigm of a three – pronged set of apex priorities detailed in its 2012-17 Organisational Strategy, is to:

- Represent , promote and protect the interests of local government
- Transform local government to enable it to fulfil its developmental role
- Raise the profile of local government
- Ensure full participation of women in local government
- Perform its role as an employer body
- *Develop capacity within municipalities,*

National Municipal elections are held every five years. The last elections period was held in South Africa on 18 May 2011 electing new councils for all municipalities in the country. The SALGA National Conference held on 29 August to 1 September 2011 in KwaZulu Natal mandated SALGA to attend to various capacity building initiatives. In particular with regards to councillor induction, the conference resolved on the following:

- "SALGA to co-ordinate and develop a Councillor Training Programme".

SALGA delivered the national CIP on the 3 to 7 April 2006 and again after the 18 May 2011 elections. The next local government elections will be held on the 3 August 2016.

2. SCOPE OF WORK AND DELIVERABLES

SALGA seeks to appoint a suitably qualified service provider who will render the following services:

A. DEVELOP A FACILITATOR CRITERIA THAT INCORPORATES THE FOLLOWING:

- Must have worked or been elected and regarded to be a leading LG practitioner/expert.
- Must be reputable and exude positive, ethical behaviours and high levels of professionalism.
- Must be proficient in English and languages that will accommodate various provincial demographics where the training will be rolled-out.
- Willingness and ability to deliver training in more than one province in line with the complexity of the project
- Provide Comprehensive CVs of recruited facilitators meeting the requirements

B. DEVELOP A CODE OF CONDUCT FOR COUNCILLOR INDUCTION PROGRAMME FACILITATORS:

C. IMPLEMENT THE ACCREDITED TRAIN THE TRAINER SESSION USING THE FOLLOWING UIT STANDARDS

- *(Facilitate learning using a variety of given methodologies- 117871;*
- *Facilitate the transfer & application of learning in the workplace- 123398)*

D. DEVELOPMENT OF LEARNER GUIDES AND FACILITATOR GUIDES

E. IMPLEMENT THE NATIONAL ROLL OUT OF THE ACCREDITED INTEGRATED COUNCILLOR INDUCTION PROGRAMME

- Provide project management services to SALGA on the roll out of the accredited part of the induction programme whilst ensuring that the ICIP gains insight and develops capacity to manage the project.
- Develop project related templates for facilitation, programme implementation, monitoring and evaluation across the project value chain.
- Portfolio of Evidence collection, Assessments, Moderation, Verification, loading of results on the National Learner Database Conduct site visits to facilitation sites
- Upload learner results onto the LGSETA system
- Issuing of Statements of results (SoRs) and certificates for competent and attendance for delegates for councillors.
- Compiling of monthly, quarterly progress reports and final outcomes report

3. SERVICE PROVIDER COMPETENCY REQUIREMENTS

The appointed service provider will be expected to demonstrate technical ability and capacity to undertake an assignment of this complexity including ability to deliver training to a large scale target group nationally within a limited time frame.

- a) The successful training provider must fulfill the following requirements:
- b) produce an accreditation certificate with the Local Government Sector Education and Training Authority (LGSETA) and the accreditation for the specific training programmes that are relevant to the scope of the requirements of the ICIP;
- c) A proven track record for managing large-scale projects accompanied by 3 contactable references;
- d) A proven track record in facilitation and certification of training programmes;
- e) The training provider must demonstrate capacity and experience for recruiting high volumes of facilitators in at least one programme;
- f) The training provider must provide CV's of facilitators reflecting their experience, qualification and sector knowledge amongst others,
- g) In respect of assessors and moderators to be used in the programme, the training provider must submit their registration documents, qualification and experience;
- h) In order for SALGA to be assured that the service provider is able to secure the registered assessors and moderators for this project, the service provider must produce proof of signed SLAs between it and the registered assessors and moderators.

- i) Demonstrate capacity for facilitator and logistics management
- j) The training provider must have a Learner Management System that is compatible to SETA requirements;
- k) The training provider must show proof of uploads of learner achievements from past projects;
- l) A detailed project management plan that outlines the details of all the elements of the programme from development and rollout through to certification;
- m) As part of the proposal the training provider must demonstrate the understanding of the implementation of the training programme of this magnitude by outlining the following details amongst others;
- n) a detailed rollout plan across the country in an efficient, effective and cost effective manner;
- o) A project plan reflecting the scheduling, organisation and resource mobilisation that will match the project of this magnitude;
- p) The service provider must have an administrative capacity, including office space, equipment and personnel that is commensurate with delivery of a large project. To this end SALGA will reserve the right to conduct a site inspection of the premises of the Training Provider.

4. ASSIGNMENT PERIOD

The contract shall be for a period of twelve (12) months, from the date of appointment.

5. TERMS OF PAYMENT

Tranche payments will be made as per the Service Level Agreement (SLA) that will be signed and based on the project deliverables.

6. QUALIFICATIONS AND EXPERIENCE

The Service Provider must have a proven track record of work done within similar entities and experience with a good reputation. The Service Provider must have the technical know-how or be in a position to source and manage any expertise that may not reside within their organisation.

The Service Provider will be required to prove that they have facilitated/performed similar work, accompanied by correspondence from references.

7. DISCLOSURE OF INFORMATION

It is understood and agreed that the Service Provider shall, during and after the effective period of the contract, treat the project as confidential and not divulge any information obtained during the course of the project, unless authorised in writing by SALGA. A confidentiality agreement shall be entered into with the prospective Service Provider.

8. PLACE OF WORK AND ADMINISTRATIVE SUPPORT

Unless otherwise agreed, the work shall be conducted at SALGA's place of business except in instances where it is imprudent or impractical for this to be done.

9. CONDITIONS OF BID (FAILURE TO MEET ANY OF THE REQUIREMENTS BELOW WILL RENDER YOUR BID OFFER NON-RESPONSIVE)

- a) The requirement for content of the project proposal section above outlines the information that must be included in bid offers. Failure to provide all or part of the information will result in your bid being excluded from the evaluation process.
- b) SALGA reserves the right to request new or additional information from each bidder and any individual or other persons associated with its project proposal.
- c) SALGA reserves the right not to make any appointment from the proposals submitted.
- d) Bidders shall not make available or disclose details pertaining to their project proposal with anyone not specifically involved, unless authorized to do so by SALGA.
- e) Bidders shall not issue any press release or other public announcement pertaining to details of their project without the prior written approval of SALGA.
- f) Bidders are required to declare any conflict of interest/potential conflict of interest they may have in the transaction for which the bid is submitted. SALGA reserves the right not to consider further any bid where such a conflict of interest exists.
- g) A valid original Tax Clearance Certificate issued by the South African Revenue Services, must be submitted, failing which the bid shall not be considered.
- h) Any and all project proposals submitted shall become the property of SALGA and shall not be returned.
- i) The bid offers and proposals should be valid and open for acceptance by SALGA for a period of 90 days from the date of submission.
- j) Bidders are advised that submission of a project proposal gives rise to no contractual obligations on the part of SALGA.
- k) SALGA reserves the right not to accept any bid which does not comply with the specifications and conditions set out in the bid documents.
- l) SALGA reserves the right not to award the bid to the bidder that scores the highest points.
- m) Disputes that may arise between SALGA and a bidder must be settled by means of mutual consultation, mediation (with or without legal representation) or, when unsuccessful, in a South African court of law.
- n) In addition to adherence to the specific terms and conditions of proposals, provided in this document, the bidder shall be bound by the provisions of the General Conditions of Contract attached hereto, an originally signed copy of which must be submitted together with all other bid documentation.
- o) All returnable bid documents must be completed in full and submitted together with the bidder's proposal.
- p) SALGA will not be liable for costs incurred during the site visits or any other cost related to the submission of the bid.

10. STANDARD BIDDING FORMS

Completion of the Standard Bidding Documents below stated is mandatory, failure to do so will render your bid offer invalid.

- a) **Preference Points Claim form**
Form SBD 6.1 – Bidders must complete this document in full, special attention must be given to section 8 and 9. **DO NOT RETYPE THESE FORMS.** They must be completed on the original and signed, all in black ink.
- b) **Declaration of Interest**
Form SBD 4 – Bidders must complete this document in full. **DO NOT RETYPE THESE FORMS.** They must be completed on the original and signed, all in black ink.
- c) **Declaration of past Supply Chain Management Practice**
Form SBD 8 – Bidders must complete this document in full. **DO NOT RETYPE THESE FORMS.** They must be completed on the original and signed, all in black ink.
- d) **Certificate of Independent Bid Determination**
Form SBD 9 – Bidders must complete this document in full. **DO NOT RETYPE THESE FORMS.** They must be completed on the original and signed, all in black ink.
- e) **Pricing Schedule**
Form SBD 3.3 Price must be quoted in South African currency and must be inclusive of VAT. Bidders are further requested to indicate their price in all elements listed on the pricing schedule.
- f) **Supplier Registration Form**
Bidders must complete this document in full. **DO NOT RETYPE THESE FORMS.** They must be completed on the original and signed, all in black ink.
- g) **Invitation to Bid**
SBD1 must be completed in full and signed.
- h) An original or certified copy of a valid B-BBEE certificate must be submitted together with the bid offer.

11. EVALUATION CRITERIA

The following evaluation method will be used:

11.1 After the closing date of the bid invitation, an appointed evaluation committee of SALGA officials and possibly other external parties from either the LGSETA and/or a neighbouring metropolitan municipality will evaluate the proposals of the bidders.

11.2 The committee will individually evaluate each of the bid proposals received against the appointed criteria as provided for in Preferential Procurement Policy Framework Act of 2005 (as amended).

All proposals submitted will be evaluated on three categories:

- a. Functionality (technical content)

- b. Price
- c. B-BBEE status level of contribution

Bids will be evaluated in accordance with the preferential procurement Policy Framework Act (PPFA), using the 90/10 split.

Firstly, the assessment of functionality will be done in terms of the evaluation criteria and the minimum threshold value of 75 points. A bid will be disqualified if it fails to meet the minimum threshold value for functionality as per the bid invitation.

Thereafter, only the qualifying bids after the presentation will be evaluated in terms of the 90/10 preference points systems, 90 points will be used for price only and the 20 points will be used for B-BBEE Status Level of Contribution. The Point's breakdown is as indicated below:

For functionality, the following criteria will be applicable and the maximum value of each criterion is indicated as below:

ON A SCALE OF 1 - 5:

1 = Very Poor 2 = Poor 3 = Good 4 = Very good 5 = Excellent

CRITERIA FOR FUNCTIONALITY	WEIGHT
General experience of Training Provider in local government, including tenure of accredited status	30
Experience of Entity in similar scale and magnitude projects including ownership of a learning management system	20
Quality of Documentation Produced in Demonstration of Project Management Capacity in similar or equivalent work	20
Specialist Expertise and experience of Project Team in the form of the Project Manager, Contracted Entities such as Assessors and Moderators	30
Total for functionality	100
Threshold	75

Bidders who score 75 (average) points and above will be considered in phase 2 of the evaluation.

The 90/10 points system will be used when evaluating this Request for Proposal. The remaining 10 points will be allocated in terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

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

Summary of phase 2 of the evaluation process:

CRITERIA	WEIGHT
Price	90
B-BBEE status level of contribution	10
TOTAL	100

12. GENERAL CONDITIONS

The following should be noted by interested parties:

12.1 Intellectual property and ownership of all materials and products developed in the execution of the contract will be vested in SALGA.

12.2. Materials and products may not be made available to any unauthorized person or institution or sold for profit without prior written consent from SALGA.

12.3. On completion or termination of the agreement, all materials and products must be handed over to SALGA.

12.4 No information concerning the tender or award of the tender may be made available by the bidder to other parties without prior consultation and written approval from SALGA.

13. ENQUIRIES

- Any queries may be referred to Mr Sibusiso Metu at (012) 369-8000 (Tel), or E-mail smetu@salga.org.za

REQUEST FOR QUOTATION

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/PUBLIC ENTITY)

RFP NUMBER: SALGA/37/2016 CLOSING DATE: 04/JULY/2016 CLOSING TIME: 11:00
DESCRIPTION THE APPOINTMENT OF AN LGSETA ACCREDITED SERVICE PROVIDER FOR THE NATIONAL ROLL OUT OF THE INTERGRATED COUNCILOR INDUCTION PROGRAMME AND RELATED SERVICES. 5 X COPIES OF THE PROPOSALS

The successful bidder will be required to fill in and sign a written Contract Form (SBD 7).

BID DOCUMENTS MAY BE POSTED TO: Po Box 2094 Pretoria 0001

OR

DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS) 175 Corobay avenue Cnr Corobay & Garsfontein Rd Waterkloof Glen Pretoria 0010

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

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

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

THIS BID IS SUBJECT TO THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT

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

NAME OF BIDDER
POSTAL ADDRESS
STREET ADDRESS
TELEPHONE NUMBER CODE.....NUMBER.....
CELLPHONE NUMBER
FACSIMILE NUMBER CODE NUMBER.....
VAT REGISTRATION NUMBER
HAS A TAX CLEARANCE CERTIFICATE BEEN SUBMITTED (SBD 2)? YES/NO
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS/SERVICES OFFERED BY YOU? YES/NO (IF YES ENCLOSE PROOF)
SIGNATURE OF BIDDER
DATE
CAPACITY UNDER WHICH THIS BID IS SIGNED

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

PRICING SCHEDULE
(Professional Services)

NAME OF BIDDER:PROPOSAL NO.:SALGA/37/2016
CLOSING TIME 11:00 ON 04/JULY/2016

OFFER TO BE VALID FOR 30 DAYS FROM THE CLOSING DATE OF REQUEST FOR QUOTATION.

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY INCLUSIVE OF VALUE ADDED TAX
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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 VAT 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

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R.....
R.....
R.....
R.....
R.....

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

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R.....
R.....
R.....
R.....

..... days
..... days
..... days
..... 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

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R.....
R.....
R.....
R.....

TOTAL: R.....

Name of Bidder:

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

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

- 6. Period required for commencement with project after acceptance of bid
- 7. Estimated man-days for completion of project
- 8. Are the rates quoted firm for the full period of contract?
- 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.
.....
.....
.....

Any enquiries regarding bidding procedures may be directed to the --

South African local Government Association
SCM queries
Sibusiso Metu
(012) 369 8000

Or for technical information --

Ms Thobile Mhlongo
Tel: (012) 369 8000

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 an advertised competitive bid, a limited bid, a proposal 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 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, 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 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 attach 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.

.....

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 SHOULD THIS
DECLARATION PROVE TO BE FALSE.

.....

Signature

.....

Date

.....

Position

.....

Name of bidder

November 2011

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

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

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

1. GENERAL CONDITIONS

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

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

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

1.3 Preference points for this bid shall be awarded for:

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

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

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

1.5 Failure on the part of a bidder to submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS), or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or a sworn affidavit confirming annual turnover and level of black ownership in case of an EME and QSE 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) "all applicable taxes" includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- (b) "B-BBEE" means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (c) "B-BBEE status level of contributor" means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard

contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

- (d) **"bid"** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- (e) **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (f) **"comparative price"** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- (g) **"consortium or joint venture"** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract;
- (h) **"contract"** means the agreement that results from the acceptance of a bid by an organ of state;
- (i) **"EME"** means an Exempted Micro Enterprise as defines by Codes of Good Practice under section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (j) **"Firm price"** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- (k) **"functionality"** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- (l) **"non-firm prices"** means all prices other than "firm" prices;
- (m) **"person"** includes a juristic person;
- (n) **"QSE"** means a Qualifying Small Enterprise as defines by Codes of Good Practice under section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (o) **"rand value"** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- (p) **"sub-contract"** means the primary contractor's assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- (q) **"total revenue"** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- (r) **"trust"** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- (s) **"trustee"** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ADJUDICATION USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts.
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

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

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

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

Where

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

P_{\min} = Comparative price of lowest acceptable bid

5. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTION

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

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

- 5.2 A bidder who qualifies as a EME in terms of the B-BBEE Act must submit a sworn affidavit confirming Annual Total Revenue and Level of Black Ownership.
- 5.3 A Bidder other than EME or QSE must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating

issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.

- 5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6 Tertiary Institutions and Public Entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

6. BID DECLARATION

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

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 5.1

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

8. SUB-CONTRACTING

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

(Tick applicable box)

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

8.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME.

(Tick applicable box)

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

9. DECLARATION WITH REGARD TO COMPANY/FIRM

- 9.1 Name of company/firm:.....
- 9.2 VAT registration number:.....
- 9.3 Company registration number:.....

9.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....

9.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

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

9.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the company/firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

WITNESSES

1.

2.

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

DATE:

ADDRESS

.....

.....

RRF

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	Is the bidder or any of its directors listed on the National Treasury's database 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 National Treasury after the <i>audi alteram partem</i> rule was applied).	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)? To access this Register enter the National Treasury's website, www.treasury.gov.za , click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445.	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

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