



nhc

National Heritage Council
SOUTH AFRICA

an agency of the
Department of Arts and Culture

BID DOCUMENT

Technical Management Agency
REF: NHC/05/2018/19

SUMMARY OF TENDER

1. Assignment:	The National Heritage Council (NHC) requires services of suitably qualified and experienced service provider for Technical Management Agency of the NHC Provincial Infrastructure Programme in accordance with the given scope.
2. Name of the responsible office:	Supply Chain Management
3. Address for submitting proposals & other correspondence:	The Supply Chain Manager, National Heritage Council, Room 201, No 57 Kasteel Road, Domus Building, Lynnwood Glen, Pretoria
4. Telephone:	012-3481663/8223
5. Email:	procurement@nhc.org.za
6. Attention:	Mr Sipehelele Skenjana
7. Closing Date & Time for submission of proposals:	26 March 2019 at 11:00 am
8. Bid Description:	Appointment of services of a suitably qualified and experienced service provider for Technical Management Agency of the NHC Provincial Infrastructure Programme in accordance with the given scope.
9. Bid Number:	NHC/05/2018/19
10. Compulsory Meeting/Session:	NHC Offices, Funding Boardroom on 19 March 2019 at 10:00

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1. BACKGROUND AND ABBREVIATIONS

1.1. Introduction to the National Heritage Council

The National Heritage Council of South Africa (NHC) is a Schedule 3(A) Public Entity that is responsible for the preservation of the country's heritage. The important areas that the NHC focuses on is policy development for the sector to meet its transformation goals, public awareness and education, knowledge production in heritage subjects that were previously neglected, and making funding available to projects that place heritage as a socio-economic resource. The NHC came into existence through an amendment of the Cultural Laws Second Amendment Act 69 of 2001, and was officially constituted through the National Heritage Act of 1999.

ABBREVIATIONS:

CSD – CENTRAL SUPPLIER DATABASE

DAC – DEPARTMENT OF ARTS AND CULTURE

PMO– PROJECT MANAGEMENT OFFICE

RLHR – RESISTANCE AND LIBERATION HERITAGE ROUTE

NHC – NATIONAL HERITAGE COUNCIL

PFMA – PUBLIC FINANCE MANAGEMENT ACT

SLA – SERVICE LEVEL AGREEMENT

TOR – TERMS OF REFERENCE

2. GENERAL GUIDELINES ON SUBMISSION

Completed Tender submissions should be hand-delivered in sealed envelopes to the NHC at the address on page 2 of this document.

All enquiries must be in writing and directed to: procurement@nhc.org.za for the attention of Mr S. Skenjana. Enquiries will be allowed from the date of invitation until three working days before the closing date for submission of proposals.

2.1. Purpose of the Terms of Reference (ToR)

The purpose of this bid is to provide information that will enable the bidder to develop a scope and comprehensive proposal for a suitably qualified and experienced service provider to offer Technical Management Services in accordance with the given scope. Since not all services and requirements can be fully defined, the ToR provides an environmental sketch for Bidders to enable them to formulate their proposal for the NHC.

2.2. Objectives

The primary objective of this request for proposal is to invite suitably qualified and experienced service providers to submit proposals to the NHC for Technical Management Agency of the NHC Provincial Infrastructure Programme in accordance with the given scope, for the period of 2 years from the date of commencement/appointment.

2.3. Submission of Proposals

2.3.1. The bid should be hand delivered or couriered (**No Email/Faxes**) to the address specified on Page 2 in six (6) sets each as follows:

- a) The original;
- b) Four copies of the Original proposal;
- c) Plus, one soft copy in a CD or USB format (which also includes the copy of the original proposal plus any relevant information concerning the bid and the bidder's experience).

The **ENVELOPE** should be clearly marked:

- **THE COMPANY NAME**
- **FOR TECHNICAL MANAGEMENT AGENCY OF THE NHC
PROVINCIAL INFRASTRUCTURE PROGRAMME**
- **REFERENCE NUMBER: NHC/05/2019/20**
- **CENTRAL SUPPLIER DATABASE NUMBER (CSD)**

3. TERMS OF REFERENCE

**ASSIGNMENT: TECHNICAL MANAGEMENT AGENCY: PROVINCIAL
INFRASTRUCTURE PROGRAMME**

FOR: NHC PROVINCIAL INFRASTRUCTURE PROGRAMME

3.1 Assignment Objective

The assignment objective is to ensure the effective delivery of the Provincial Infrastructure Programme (PIP) set down within the Project Management Office (PMO) infrastructure plan within the specified timeframe, project scope and budget specified for the project.

3.2 Background

The Minister Arts and Culture (DAC) approved the National Heritage Council (NHC) as the implementing agency for the Resistance and Liberation Heritage Route (RLHR) Project and the establishment of the RLHR Project Management Office (PMO) for the RLHR to be located within the NHC. The NHC proceeded to embark on the first responsibility of implementing the Provincial Infrastructure Programme wherein the 27 approved heritage sites are to be developed.

The PMO was further refined to implement the Introduction Phase/Test Phase of the RLHR which will be specifically focusing on the development of three heritage properties per province. The PMO value proposition to RLHR is as follows:

- I. Mobilising project management resources and capacity;

- II. Mobilising multiplicity of disciplines – including project management, heritage related skills, financial, legal, compliance, information management and business process management;
- III. Tracking and fast-tracking the project through its lifecycle;
- IV. Introducing programmatic approaches to the project implementation and
- V. Leveraging Resources from the different departments and agencies that are partners to the RLHR through the Inter-Ministerial Committee (IMC) process.

4. SCOPE OF WORK

The scope of work to be undertaken is to:

- I. Facilitate project planning and integration, taking into account time frames, resources and budgets;
- II. Manage, track and monitor the project in terms of performance, cost, schedule, resources and risk;
- III. Ensure regular and on-going reporting on the project in terms of feasibility and viability;
- IV. Proper recording and reporting on all project streams (document management system);
- V. Facilitate integration with local or regional planning and socio economic frameworks;
- VI. Provide a single point of contact for all information relating to the project within;
- VII. Develop and implement standard policies and procedures on project management;
- VIII. Facilitate change management and stakeholder management, considering the multi-disciplinary and multi-stakeholder nature of the project especially immediate/affected communities;
- IX. Ensure compliance with the applicable legislative framework;
- X. Support project execution, including milestone documentation, safety review, regulatory reviews, evaluation and analysis of technical and financial data and overall project tracking; and
- XI. Ensure skills development and capacity building through the application of known government skills development practices.

The major work components to be undertaken, associated steps and the resultant deliverables to be achieved are set down below:

4.1 Review project scope, budget and preconditions– comprising receipt and review of the approved Infrastructure Plan. This work component will include the following main activities:

- a. Review of project scope, timetable and budgets
- b. Appraise the undertaken feasibility study
- c. Formulate project execution plan

Deliverables to be achieved as a result of this activity comprise:

1.1 Detailed feasibility study and project execution plan

4.2 Project Design – comprising project design work plan. This work component will include the following main activities:

- a. Project is planned and designed
- b. A work plan is developed;
- c. Preliminary plan approved by client and relevant authorities

4.3 Deliverables - to be achieved as a result of this activity comprise:

4.3.1 Approved plan.

5. ESTABLISHMENT AND MOBILIZATION - CONSTRUCTION AND COMMISSION

This work component will include the following main activities:

- a. Site establishment;
- b. Contractor's work programme;
- c. Recruitment/mandating of programme management team (where applicable);
- d. Operation & Maintenance guidelines prepared

Deliverables to be achieved as a result of this activity comprise:

5.1 Work programme

5.2 Operation & Maintenance guidelines

6. MANAGE DELIVERY OF PROJECT

This work component will include the following main monthly activities:

- a. Scope management of contracts;

- b. Administration of contracts, payment certification and confirmation;
- c. Cost control and forecasting of cash flows;
- d. Quality control;
- e. Time scheduling of the overall programme based on progress reporting from the project managers;
- f. Risk management;

Deliverables to be achieved as a result of this activity comprise:

- 6.1 Monthly composite progress report on time covering all Project Management Body of Knowledge (PMBOK) components;
- 6.2 Monthly certification of payments within specified time and confirmation of payments.

7. MANAGE HANDOVER OF PROJECTS

This work component will include the following main monthly activities:

- a. Scheduling of hand over of projects and handover process;
- b. Coordinating the handover of projects including quality audits prior to handover,
- c. Managing the commissioning of the projects to ensure that they are handed over effectively to the operation & maintenance unit.

Deliverables to be achieved as a result of this activity comprise:

- 6.3 Projects completed and handed over to the client;
- 6.4 Projects commissioned and responsibility handed over to the Operation & Maintenance units.

8. ANNUAL WORK PLANS

This work component will include the following main monthly activities:

- a. Annual performance review, identification of lessons learnt and recommendations for improvements;
- b. Formulation of the annual work plan for the programme within the framework of the Instruction to Perform Work (IPW);
- c. Consultations with stakeholders and management authorities regarding the Annual Work Plan (AWP);
- d. Submission of the (AWP) for approval;

- e. Finalisation of the AWP if further inputs are required as instructed by the approving authority;
- f. Confirmation in writing of approval of the AWP by the approving authority.

Deliverables to be achieved as a result of this activity comprise:

- 8.1 Approved annual work plan.

9. ACCOUNTABILITY

The service provider will be accountable to and under the direction of the NHC assignment manager in the performance of the programme management duties.

10. ASSIGNMENT COST

Payment will be made on a time charge plus disbursements basis / fixed price basis per deliverable (delete/expand as applicable). The price per deliverable is set down in Table 2. A detailed budget per deliverable inclusive of professional fees, disbursements and VAT is to be provided by the service provider as an attachment Schedule 1.

11. TIMEFRAME

The timeframe for the issue of each deliverable is set down in Table 2 attached.

12. ASSIGNMENT TEAM

The team who will work on the assignment and their charge out rates are set down in table 1 below.

Table 1 Assignment Team

Name and Surname	Designation and Function	Qualifications/Registration where applicable	Charge out Rate inclusive of VAT

NB: All prices must be rounded off to two (2) decimal numbers.

12.1 Bidders are requested to indicate clearly on the cover page of each document, whether it is the original or copy 1, copy 2, copy 3 etc.

The **Original Document** should be as follows:

- a) Financial proposal;
- b) Technical proposal; and
- c) All other relevant information as per evaluation criteria.

12.2 Bidders should adhere to the following mandatory requirements:

- 12.2.1 The Bid document is free of charge to be downloaded on National Treasury e-Tender Portal and NHC website;
 - 12.2.2 All proposals must be costed in South African Rand, inclusive of VAT;
 - 12.2.3 The Bid total amount must be stated on quotation and Pricing Schedule;
 - 12.2.4 If the bid does not include all the information required or is incomplete, such a bid will be deemed as non-compliant and thus be invalidated;
- Terms of Reference -Technical Management Agency (Bid Number NHC/05/2018/19)

- 12.2.5 Any bid received after the closing date and time, will be rejected; and
- 12.2.6 All costing must remain valid and open for evaluation for a period of at least ninety (90) days from the time of submission.

12.3. Infrastructure

It is expected that Bidders will be able to provide all necessary facilities, systems, equipment, personnel needed for effective and efficient delivery of the ToR requirements and Service Level Agreement (SLA), without any upfront payment by the NHC.

12.4. Cost to be borne by Service Provider

All costs and expenses incurred by the Bidder, in any way associated with the development, preparation and submission of bid documents, responses and providing any additional information required by the NHC, will be borne entirely and exclusively by the Bidder.

12.5. No Legal Relationship

No binding legal relationship will exist between any of the Bidders and the NHC until the execution of a signed contractual SLA. The ToR document will not form part of any such contract or arrangement. The SLA will be based upon the Successful Bidder's Technical Bid document.

The NHC reserves the right to split the award, or award the tender to more than one Bidder where no Bid satisfies all the requirements or the ToR document.

12.6. Evaluation of Offers

Each Bidder acknowledges and accepts that the NHC may, at its absolute discretion apply selection criteria, specific in this document for the evaluation of proposals for shortlisting/selection of eligible bidders(s), in a phased approach.

13. INSTRUCTION FOR PROPOSALS:

Format of your Proposal

The proposal should be presented in two sections i.e. Technical Proposal and Financial Proposal.

13.1 PURPOSE

Appointment of services of a suitably qualified and experienced service provider for Technical Management Agency of the NHC Provincial Infrastructure Programme in accordance with the given scope.

13.2 BACKGROUND TO THE PROGRAMME

The Resistance and Liberation Heritage Route project is a national memory project aimed at commemorating, celebrating, educating, promoting, preserving and conserving as well as providing a durable testament of South African's road to independence. The project draws on heritage as a vehicle to depict South Africa's journey from the first contact with colonists to the attainment of democracy through a series of connected multi-dimensional sites at the local, provincial, national and international level in a manner that promotes the values enshrined in the South African Constitution namely: a participatory process of identification and documentation of significant sites, formal protection and management of heritage resources and the interpretation and commemoration of the liberation struggle.

The RLHR is a practical mechanism to recognize the importance of this category of heritage because it forms part of the social memory of many previously oppressed communities and societies of South Africa. The project aims to conserve and preserve both the physical and the intangible heritage associated with the various epochs of the struggle for liberation. The Resistance and Liberation Heritage Route will contribute in the preservation of heritage for posterity.

It is a programme that is pivotal for development and social identity. Additional to that it could create a critical social capital essential for the re-generation and recreation of history through the process of re-interpretation and re-signification. Heritage as part of the essentials of the developmental state can be utilised for the achievement of national priorities.

The Resistance and Liberation Heritage Route has a massive potential to stimulate the creative industries, entertainment and cultural tourism.

13.3 OBJECTIVES OF THE RHLR ROGRAMME

The primary objective of the RHLR is to promote, preserve and transform heritage through memorialisation, commemoration and recognition in its many forms and presentations.

The secondary objectives are to:

- a) Promote and foster community awareness about the diverse intangible cultural heritage of South Africa and the role that different stakeholders play in protecting, preserving and promoting it.
- b) Support projects that reflect best practice in promoting, preserving, conserving and / or interpreting such heritage.
- c) Recognize the contribution made by individuals, groups, or organizations / academic institutions in Resistance and Liberation
- d) Showcase ways in which RHLR can play a role in the promotion of social cohesion, nation building and national identity.

14. FINAL REPORT: NARRATIVE AND FINANCIAL REPORTS.

Develop a report for approval by all Stakeholders. The report to be submitted 30 days after the project milestones as contained in the work plan.

15. CONTRACT/AGREEMENT PERIOD

The duration of the contract/agreement is anticipated to be 2 years commencing on the date of appointment.

16. MONITORING PROGRESS OF ASSIGNMENT

On signing of the agreement/contract, the service provider shall submit their implementation strategy and project plan to the designated Managers representing the National Heritage Council,

17. COMPETENCY AND EXPERTISE REQUIREMENTS

It is essential that the service provider has knowledge and practical experience of managing and monitoring public projects.

Competencies required are:

- a) Planning Skills at operational level;

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- b) Budgeting Skills;
- c) Report Writing Skills;
- d) Legal(Contracting)
- e) Technical(Civil/Built)
- f) An understanding of project coordination and management;
- g) Proven experience in the conceptualization and coordination of project activities.

18. EXPERIENCE AND REQUIREMENTS

- a) Previous experience in Managing projects of this nature (Infrastructure);
- b) Proven track record of the successful implementation of projects in the last 24 months;
- c) Traceable references and a portfolio of evidence about the implemented projects;
- d) Willing to enter into a performance agreement/contract with the NHC;
- e) Must be prepared to declare any information or interest that may be in conflict with the procurement regulations of the Republic of South Africa; and
- f) Must be willing to undergo any form of formal clearance by any government organ in accordance with the PFMA.

19. CONTRACT PERIOD

2 years (24 Months)

20. STANDARD REQUIREMENTS OF THE BID

20.1 Disclosures

20.2 The bidder must disclose:

- (i) If they are or have been the subject of any proceedings or other arrangement relating to bankruptcy/insolvency.

20.3 If they have been convicted or, or are the subject of any proceedings, relating to:

- (i) A criminal offence or other offence, involving the activities of a criminal nature in its organization or found by any regulator or professional body to have committed professional misconduct.
- (ii) Corruption, including the offer or receipt of any inducement or any kind in relation to obtaining any contract with any contracting authority.
- (iii) Failure to fulfil any obligation in any jurisdiction relating to the payment of taxes and other legal obligations.
- (iv) If a bidder or related Disclosure extends to any company in the same group of the bidder, including but not limited to parent, subsidiary and sister companies, companies with common shareholders (whether direct or indirect) and parties with whom the Bidder is associated in respect of this tender.
- (v) Disclosure extends to any company in the same group of the bidder, including but not limited to parent, subsidiary and sister companies, companies with common shareholders (whether direct or indirect) and parties with whom the Bidder is associated in respect of this tender.

20.4 Disclaimer:

The NHC reserves the right not to appoint a service provider. The NHC also reserves the right to:

- 20.4.1 Award the contract or any part thereof to one or more service providers;
- 20.4.2 Reject all bids;
- 20.4.3 Decline to consider any bids that do not confirm to any aspect of the bidding requirements;
- 20.4.4 Request further information from any Bidder, after the closing date for clarity purposes;
- 20.4.5 Cancel this tender or any part thereof at any time; and

20.4.6 Should any of the above occur, it will be communicated in writing to the Bidders.

20.5 Confidentiality

- 20.5.1 Bids submitted will not be revealed to any other Bidders and will be treated as contractually binding;
- 20.5.2 All information pertaining to the NHC obtained by the Bidder as a result of participation in this Request for Bid (RFB) is confidential and must not be disclosed without written authorization from the NHC; and
- 20.5.3 The successful Bidder will be expected to sign a SLA with the NHC.

20.6 Disqualification

- 20.6.1 Any form of canvassing/lobbying/influencing regarding the short listing will result in disqualification;
- 20.6.2 Any non-disclosure of any information pertaining to this bid will result in disqualification;
- 20.6.3 Non-compliance with the bid requirements will invalidate the bid; and
- 20.6.4 Non-compliance with all the applicable Acts, Regulations and by-laws will result in the disqualification of the bid.

21 EVALUATION CRITERIA

- 21.1 The bid will be evaluated in three (3) phases:

Phase 1 – Evaluation on Compliance (Minimum qualification requirements)

This entails screening of all bid responses received at the close of the bid. During this phase, bid responses are registered to ascertain the number of bid responses received before the closing date and time, and to verify if the Bidders have submitted all mandatory requirements. The following compliance mandatory documents should be submitted to qualify for the next phase of evaluation:

21.2SBD 1 – Invitation to Bid;

21.3SBD 3.1- Pricing Schedule – Firm Prices (Purchases);

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- 21.4SBD 3.3 – Pricing Schedule – (Professional Services);
- 21.5SBD 4 - Declaration of Interest;
- 21.6SBD 6.1- PPFA Regulations claim form;
- 21.6.1 SBD 8 - Declaration of Service Providers Past Supply Chain Management practices;
- 21.7SBD9 – Certificate of Independent Bid Determination;
- 21.8Registration on National Treasury Central Supplier Database (CSD);
- 21.8.1 Certified Copy of a valid B-BBEE certificate issued by the verification agency accredited by SANAS or Original Sworn Affidavit signed by the EME representative and attested by a Commissioner of Oaths in respect of EMEs;
- 21.8.2 Joint Venture Certificates or Agreement signed (*if applicable*);
- 21.8.3 Bidders must be Tax Compliant on the CSD on the date of award; and
- 21.8.4 Bidders must attach a copy of the CSD Report as proof of registration on the CSD.

21.2 **Phase 2** – Technical Requirements (Functional Specifications, skills and experience, references and resources):

21.2.1 This evaluation will be based on the responses provided in the Bidders bid documents, using the functionality requirements in the TERMS OF REFERENCE section. The threshold values set for qualification of a bid is a score of 70/100 and all bidders who score below this score will be eliminated.

22. FUNCTIONALITY TABLE

INDICATOR	POINTS	EVIDENCE
<p><u>COMPANY GENERAL INFORMATION</u></p> <p>Relevance of the company's core business to the scope of the bid (the portfolio of services of the bidder)</p>	<p>10</p>	<p>Company profile</p> <p><i>Key: Relevant Business Establishment purpose = 3 points;</i></p> <p><i>Profile presentation (a very detailed profile that states the core business of the company) = 2 points; Formal Operating Location = 2 points;</i></p> <p><i>Adequately resourced organizational structure (Attach a Detailed Organogram that shows all qualified and suitable staff to be utilised on the project) = 3 point (max 10 points)</i></p>
<p><u>COMPANY EXPERIENCE</u></p> <p>Relevant Experience of bidder in infrastructure project management</p>	<p>30</p>	<p>Relevant Experience</p> <p>-Description and value of similar work done.</p> <p>Allocation of points: Clear scope and value of Relevant projects managed:</p> <ul style="list-style-type: none"> • Heritage related Property (Clear Images and 3 traceable testimonials/ referrals are essential) Max 06 Points • Private Sector (Clear Images and 3 traceable testimonials/ referrals are essential) Max 06 Points

		<ul style="list-style-type: none"> • Public Sector (Local, Provincial, National Government and Public Entities) <p>(Proof of stakeholder management, clear Images and 3 traceable testimonials/ referrals are essential) Max 6 Points</p> <p>Key: Number of Testimonial and points allocation for each category above</p> <p>1 testimonial = 2 points 2 testimonials = 4 points 3 testimonials = 6 points (Max)</p> <p>NB: Total Points for all three (3) categories is 18 points.</p> <p>Key: Years of Experience as attested by testimonial(s)</p> <ul style="list-style-type: none"> • < 1 year = 1 point • < 2 years = 2 points • <3 years = 3 Points • <5 years = 6 Points • <7 years = 9 Points • 7> years = 12 Points (Max)
<p><u>STAFF EXPERIENCE</u></p> <p>Capability and Experience of staff to be placed on the project</p>	<p style="text-align: center;">25</p>	<p>a) Relevant Experience of individual staff members to be placed on the Project (years of experience, type of projects implemented and the level of involvement in the projects)</p> <ul style="list-style-type: none"> • Below 3 years experience in the company

		<ul style="list-style-type: none"> • Below 5 years experience in the company • Above 5 years experience in the company <p>Key: Years of Experience as attested by testimonial(s)</p> <ul style="list-style-type: none"> • < 3 year = 5 points • < 5 years = 10 points • Above 5 years = 15 Points <p>Total 15 Points (Max)</p> <p>Professional individual accreditation and registration as minimum requirements in all three areas:</p> <ul style="list-style-type: none"> • Civil Engineering: Professional Engineer or Technologist - Pr Eng or Pr Tech (attach proof of registration with the relevant Professional bodies) • Architecture: Professional Architect – Pr Arc (attach proof of registration with the relevant Professional bodies) • Quantity Surveying – Professional Quantity Surveyor – PR QS (attach proof of registration with the relevant Professional bodies) <p>- Certified academic qualification (s) at NQF Level 4 and above</p> <p>Weighting of academic qualification (s)</p>
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		<p>Key:</p> <ul style="list-style-type: none"> • NQF Level 4-6 = 5 points • NQF Level 7-8 = 7 Points • NQF Level 9 and above = 10 points (Max)
<p><u>METHODOLOGY</u></p> <p>-Provision of an integrated strategy</p> <p>-Relevance of the proposed Integrated project management (level of understanding deliverables)</p>	<p>35</p>	<p>Response to the scope of work</p> <p>Key:</p> <p><i>Comprehensive well documented Implementation plan (minimum requirements)</i></p> <ul style="list-style-type: none"> • <i>Executive Summary</i> • <i>Project Scope</i> • <i>Feasibility assessment and contingency plans</i> • <i>Resource Plan</i> • <i>Possible Constraints</i> • <i>Human Resource Requirements</i> • <i>Material/Equipment Requirements</i> • <i>Project Schedule and Milestones</i> • <i>Budget/Cost Estimate</i> • <i>Risk Management</i> • <i>Change Management</i> • <i>Stakeholder Management</i> • <i>Communication Management</i> • <i>Deliverables</i> • <i>Approvals</i> <p>(max 35 points)</p>
<p>TOTAL</p>	<p>100</p>	

22.1 **Phase 3** – Evaluation in terms of the PPPFA Regulations, 2017 pertaining to the Preferential Procurement Policy Framework Act, Act No 5 of 2000 (Preference Points: BBBEE contribution)

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

- a) the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- b) the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

22.1.2 The value of this bid is estimated to **not exceed** R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

22.1.3 Preference Points for this bid will be awarded to a bidder for attaining the B-BBEE status level of contributor in accordance with the table below:

Breakdown of points:

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80/20 Preference Point Component	Points
Pricing	80
B-BBEE Level Contribution	20
Total	100

- 22.1.4 The Bidder obtaining the highest number of total points will be awarded the tender.
- 22.1.5 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. Conditional discounts will not be taken into account for evaluation purposes but will be implemented when payment is affected.
- 22.1.6 Points scored must be rounded off to the nearest two decimal places.
- 22.1.7 In the event that two or more tenderers have scored equal total points, the successful tenderer must be the one that scored the highest number of preference points for B-BBEE.
- 22.1.8. However, when functionality is part of the evaluation process, and two or more tenderers have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality, documented in Phase 2.
- 22.1.9. Should two or more tenderers be equal in all respects, the award shall be decided by the drawing of lots.
- 22.1.10. Failure on the part of the bidder to fill in and/or sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or Sworn Affidavit signed by the EME representative and attested by a Commissioner of Oaths in respect of EMEs will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
- 22.1.11 The NHC 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.
- 22.1.12 Bidders wishing to claim preference points must complete the Annexure 5: SBD6.1 - Preference Point Claim form in terms of Preferential Procurement Regulations, 2017.

23. PRICES

- 23.1 All services pricing should be inclusive of all taxes and payment shall be made in South African Rand;
- 23.2 Service Provider to provide rates per person, per hour on human resources that will be providing services to NHC;
- 23.3 The NHC may require a breakdown of rates on any of the items priced and the Bidders are to provide same without any additional costs and also provide a "Pricing Guide" or "Transaction Fee Schedule"; and
- 23.4 The total amount should be carried out on the Standard Bidding Form SBD1 – Annexure 1.

23.5 Price Adjustments

Prices submitted for this bid will be regarded as non-firm subject to the following price adjustments:

23.5.1. Annual price adjustment; and

23.5.2 Application for price adjustments must be accompanied by documentary evidence in support of any adjustment on an annual basis.

24. PAYMENT TERMS

- 24.1. The NHC undertakes to pay valid tax invoices in full within thirty (30) days from statement date for services rendered; and
- 24.2. All supporting documents for services rendered should be submitted together with the tax invoice as and when a service has been rendered.

25. VALIDITY

- 25.1 A Proposal shall remain valid for ninety (90) days after the closing date of the submission for proposals. A Proposal which is valid for a shorter period may be rejected by the NHC for non-responsiveness.
- 25.2 In exceptional circumstances, the NHC may solicit the Bidder's consent to an extension of the period of the validity of the bid.

The request and responses thereto shall be made in writing. A Bidder that has been granted the request will neither be required nor permitted to modify the Proposal.

26. SIGNATORIES

All responses to this RFB should be signed off by the authorised signatories of the Bidder.

27. SPECIAL TERMS AND CONDITIONS

- 27.1 The NHC reserves the right to accept or reject any submission in full or in part, and to suspend this process and reject all proposals or part thereof, at any time prior to the awarding of the contract, without thereby incurring any liability to the affected bidders.
- 27.2 This bid and the contract will be subject to the General Conditions of Contract issued in accordance with Treasury Regulation 16A published in terms of the PFMA.
- The special terms and conditions of contract are supplementary to that of the general conditions of the contract.
- 27.3 Where, however, the special conditions of contract are in conflict with the general conditions of contract, the general conditions of contract will prevail.
- 27.4 The NHC is the sole adjudicator of the suitability of the Backup / Business Continuity facility for the purpose for which it is required. Therefore, the NHC's decision in this regard will be final.
- 27.5 No bids sent by the facsimile or email will be accepted.
- 27.6 Bids must only be submitted at the NHC Office in Pretoria by the specified date and time.
- 27.7 Bidders are welcome to be present at the opening of bids.
- 27.8 The annexures are part of the bid documentation and must be signed by the bidder and attach to the bid document.
- 27.9 The bid forms must not be retyped or redrafted but copies may be used.

- 27.10 Additional offers may be made but only photocopies of the original supporting documents are required. Additional offers/submissions are regarded as separate and must be treated as such by the bidder. The inclusion of various offers as part of a single submission in one envelope is not allowed and will not be considered. Additional bid offers must be submitted separately in separate sealed envelopes.
- 27.11. Failure to comply with the above-mentioned conditions will invalidate the bid.
- 27.12 Subcontracting of all or any part of this contract will not be permitted.

28. SUBMISSION OF BID DOCUMENTS

Responses to this bid must be submitted to the NHC by no later than:

Date: 26 March 2019

Time: 11H00 am

Address: NHC Offices, 57 Kasteel Road, Domus Building, Room 201,
Lynnwood Glen, Pretoria.

29. LATE SUBMISSION

- 29.1 A response to this RFB shall be late if it is received by the NHC at any time after the closing date and time indicated in Paragraph above.
- 29.2 A late submission shall be clearly marked as late and shall not be admitted for consideration by the NHC.

30. CLARIFICATIONS / ENQUIRIES

Telephonic request for clarification will not be considered. Any clarification required by a bidder regarding the meaning or interpretation of the Terms of Reference or any other aspects concerning the bid is to be requested in writing (letter or e-mail) from the below contact persons. The bid reference number should be mentioned in all correspondence.

- 30.1 **Bid Enquiries:** Mr Siphhelele Skenjana

Email: procurement@nhc.org.za

- 30.2 Enquiries received will be responded to within three (3) working days.

Terms of Reference -Technical Management Agency (Bid Number NHC/05/2018/19)

31. ANNEXURES

- 31.1 Annexure 1: SBD 1 – Invitation to Bid;
- 31.2 Annexure 2: SBD 3.1 – Pricing Schedule – Firm Prices (Purchases)
- 31.3 Annexure 3: SBD 3.3 Pricing Schedule-Professional Services.
- 31.4 Annexure 4: SBD 4 – Declaration of Interest;
- 31.5 Annexure 5: SBD 6.1 – Preference Point Claim form in terms of Preferential Procurement Regulations 2011;
- 31.6 Annexure 6: SBD 8 – Declaration of Service Provider’s past supply chain Management practices;
- 31.7 Annexure 7: SBD 9 – Certificate of Independent Bid Determination;

PART A

INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON			CONTACT PERSON		
TELEPHONE NUMBER			TELEPHONE NUMBER		
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS			E-MAIL ADDRESS		
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	TAX		OR	CENTRAL	MAAA

COMPLIANCE STATUS	COMPLIANCE SYSTEM PIN:		SUPPLIER DATABASE No:	
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 THE QUESTIONNAIRE BELOW]
---	--	--	---

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?

YES NO

DOES THE ENTITY HAVE A BRANCH IN THE RSA?

YES NO

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?

YES NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?

YES NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?

YES 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 PIN 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.**

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

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

DATE:

**PRICING SCHEDULE – FIRM PRICES
(PURCHASES)**

NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED

IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of bidder.....	Bid
number.....	
Closing Time 11:00	Closing date.....

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

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

- Required by:

- At:

- Brand and model

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- Country of origin

- Does the offer comply with the specification(s)? *YES/NO

- If not to specification, indicate deviation(s)

- Period required for delivery
*Delivery: Firm/not firm

- Delivery basis

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination.

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

*Delete if not applicable

DECLARATION OF INTEREST

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

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

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

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

2.2 Identity Number:
.....

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

2.4 Company Registration Number:
.....

2.5 Tax Reference Number:
.....

2.6 VAT Registration Number:
.....

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

¹“State” means –

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

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

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

2.7.1 If so, furnish the following particulars:

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

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

Position occupied in the state institution:
.....

Any other particulars:
.....
.....
.....

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

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

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

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

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

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

2.8.1 If so, furnish particulars:

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

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

2.9.1 If so, furnish particulars.

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

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state **YES/NO**

who may be involved with the evaluation and or adjudication of this bid?

2.10.1 If so, furnish particulars.

.....

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

2.11.1 If so, furnish particulars:

.....

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

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

4 DECLARATION

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

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
 Signature

.....
 Date

.....
 Position

.....
 Name of bidder

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

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

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

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

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

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

1.3 Points for this bid shall be awarded for:

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

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

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

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

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

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
Terms of Reference -Technical Management Agency (Bid Number NHC/05/2018/19)

- 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

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

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

80/20	or	90/10
$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$	or	$P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

P_{\min} = Price of lowest acceptable bid

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

4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5. BID DECLARATION

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

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

6.1 B-BBEE Status Level of Contributor: . =(maximum of 10 or 20 points)
(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

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

(Tick applicable box)

YES		NO	
-----	--	----	--

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		NO	

- 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.

.....

SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....

.....

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

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

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

CERTIFICATION

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

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

THE NATIONAL TREASURY

Republic of South Africa



GOVERNMENT PROCUREMENT GENERAL CONDITIONS OF
CONTRACT

**GOVERNMENT PROCUREMENT GENERAL CONDITIONS OF CONTRACT
(ANNEXURE A)**