**REQUEST FOR PROPOSAL (RFP)**

**RFP NUMBER: NSA/29/TR/21**

**CLOSING DATE: Tuesday 23 November 2021**

 **TIME: 11:00 AM**

 **SUBMISSION: Via e-mail**

**gerald.c@nexia-sabt.co.za** **or via wetransfer**

**DESCRIPTION: DEVELOPMENT OF THE NATIONAL SKILLS DEVELOPMENT PLAN IMPLEMENTATION REPORT 2020/21 FOR THE NATIONAL SKILLS AUTHORITY (NSA)**

|  |
| --- |
|  |

|  |
| --- |
|  X |

BRIEFING SESSION: Yes No

There will be a non - compulsory briefing session on Thursday 11 November 2021 at 11:00 AM via zoom.

Zoom Meeting Link

[**https://dhet-gov-za.zoom.us/j/96430877093?pwd=OERURTZDdDBxNzhXVk9ZeXNpR1l2dz09**](https://dhet-gov-za.zoom.us/j/96430877093?pwd=OERURTZDdDBxNzhXVk9ZeXNpR1l2dz09)

**Meeting ID: 964 3087 7093**

**Passcode: 140642**

Procurement process administered by Nexia SAB& T

**GLOSSARY**

| **Acronym** | **Description** |
| --- | --- |
| **Award** | Conclusion of the procurement process and final notification to the effect to the successful bid. |
| **Annual Total Revenue** | Annual total revenue is the total income generated from your business over the last year |
| **B-BBEE** | Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003) and the Codes of Good Practice issued there under by the Department of Trade and Industry. |
| **Bid** | A written offer on the official bid documents and in a prescribed or stipulated form in response to an invitation by Nexia SAB&T for the provision of services, works or goods. |
| **Bidder** | Entity/joint venture/consortium responding to the Request for Bid. |
| **Confirm** | To ratify or support a requirement in the Terms of Reference |
| **Contracting entity** | The main party of the bidder (legal entity) with whom Nexia-SAB&T will conclude a formal contract subsequent to the final award of the contract based on this Request for a Bid. The contracting entity will also be required to satisfy certain specific requirements described in this quote document |
| **Contractor** | Contracting entity (service provider) with whom Nexia SAB&T will conclude a formal contract and service level agreement subsequent to the final award of the contract based on this Request for Bid |
| **CoGP** | Codes of Good Practice |
| **CPI** | The Consumer Price Index Published in its publication P0141 (or any substitute publication) by Statistics South Africa (or its successor in title). |
| **DTI** | Department of Trade and Industry of the Government |
| **Day** | A day other than a Sunday or a public holiday in terms of the Public Holidays Act, 36 of 1994 |
| **EME** | Exempted Micro Enterprise in terms of the Codes of Good Practice |
| **Empowering supplier1** | Means a B-BBEE compliant entity, which is a good citizen South African entity, comply with all regulatory requirements of the country and who meets at least three of the required criteria if it is a large enterprise or one of the required criteria if it is a QSE. These criteria are detailed in the Codes of Good Practice, 2013. |
| **Nexia SAB&T** | Duly appointed Fund Manager for National Skills Authority,DHET |
| **NSA** | National Skills Authority, division of Department of Higher Education and Training. |
| **Original quote** | An original document, or a copy of an original document, or a facsimile of an original document, provided such document is signed in original ink by the person duly authorised to commit the bidder |
| **Originally certified** | To comply with the principle of originally certified, a document must be both stamped and signed in original ink by a Commissioner of Oaths. |
| **PO** | Principal Officer |
| **Quote** | A written offer on the official quote documents and in a prescribed or stipulated form in response to an invitation by Nexia SAB&T for the provision of services, works or goods. |
| **Representative** | Means NEXIA-SAB&T the Fund Manager of NSA. |
| **SCM** | Supply Chain Management |
| **SLA** | Service Level Agreement |
| **Start-up Enterprise** | Means a recently formed or incorporated entity that has been in operation for less than 1 year. A start-up enterprise does not include any newly constituted enterprise which merely is a continuation of a pre-existing enterprise. |
| **TOR** | Terms of Reference |
| **Valid document** | A document containing authentic information conforming to legally binding status and is enforceable by the executing authority on the bidding authority whether in an original, copied, reproduced, photo, faxed or in electronic format and that has bearing to transaction(s) with Nexia SAB&T. Such submission must be valid at the closing date and time of submission. |

1 As defined and further expanded on in the Codes of Good Practice of 11 October 2013

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BID SUBMISSION CONDITIONS AND INSTRUCTIONS

***CONDITIONS AND INSTRUCTIONS THAT BIDDERS NEED TO TAKE NOTE OF:***

# FRAUD AND CORRUPTION

* 1. All bidders are to take note of the implications of contravening the Prevention and Combating of Corrupt Activities Act, Act No 12 of 2004 and any other Act applicable.

# CLARIFICATIONS / QUERIES

* 1. Telephonic requests for clarification will not be accepted. Any clarification required by a bidder regarding the meaning or interpretation of any part of the Terms of Reference or any other aspect concerning the quote, is to be requested in writing (e-mail) from Gerald Chirwa (gerald.c@nexia-sabt.co.za)
	2. The bid number must be mentioned in all correspondence. Where appropriate, the clarifying information will be made available to all bidders by e-mail. The last day for sending clarification is Wednesday the 17 November 2021
	3. There will be a non-compulsory briefing session on Thursday 11 November 2021 at 11:00 AM via zoom.

# FORMAT AND SUBMITTING OF BIDS

* 1. This Request for Quotation does not constitute an offer. The RFP intends to provide enough information for the preparation and submission of comparable proposals by the Bidders.
	2. Bidders are required to submit electronically via the following email address: **gerald.c@nexia-sabt.co.za** **or via wetransfer.**
	3. The NSA requires a concise and factual response. Bidders shall consult, in writing, with the NSA official responsible should there appear to be any discrepancy, ambiguity or uncertainty pertaining to the meaning or effect of any description, dimension, quality, quantity or any other information contained in this RFP.
	4. The BID should include:
* All the Standard Bidding Documents (SBD).
* A functional proposal detailing the requirements.
* A project plan and schedule together with a proposed schedule of payment.
* A list of References with contact details.

Each submission/proposal in relation to this RFP shall comprise of at least the following (or as mentioned in the attached Memorandum list), grouped and clearly indexed:

|  |  |
| --- | --- |
| Section 1 | All Standard Bidding Documents including Tax Certificate valid on 23 November 2021 |
| Section 2 | Latest CSD summary report  |
| Section 3 | A valid B-BBEE certificate or a valid DTI sworn affidavit  |
| Section 4 | Detailed financial proposal including SBD 3.3.  |
| Section 5 | Detailed functional proposal addressing the scope of work  |
| Section 6 | Reference letters showing proof of experience  |
| Section 7 | Detailed project plan  |
| Section 8 | Comprehensive CV’s of team members showing applicable experience.  |

* 1. Responses to this RFQ must be submitted submit electronically via the following email address: **gerald.c@nexia-sabt.co.za** **or via wetransfer.**
	2. The documents must be submitted in one, structured submission pack.

# LATE BIDS

* 1. Bids received late will not be considered. A bid will be considered late if it arrived even one second after 11:00AM on day of closure or any time thereafter. Bidders are therefore strongly advised to ensure that bid be dispatched allowing enough time for any unforeseen events that may delay the submission of the quote.
	2. The official Telkom time (Dial 1026) will be used to verify the exact closing time.
	3. Bids sent to Nexia SAB&T via any other mechanism shall not be considered at all.

**5. DETERMINATION OF PRICE AND B-BBEE STATUS**

5.1 In this last phase of evaluation, all remaining Bids will be evaluated on price and B-BBEE as per the 80/20 preference points system would be applied as prescribed by the Preferential Procurement Policy Framework Act, 2000: Preferential Procurement Regulations, 2017. Aligned to the guidelines issued by National Treasury, bids received were anticipated to be below R50mil in price.

**6. RESERVATION & PRESENTATIONS**

a. The state reserves the right to:

 Request further information from any bidder after the closing date;

 Verify information and documentation of the respective bidder;

 Make sure that the bidder(s) have at their disposal the necessary infrastructure to execute the contract to the satisfaction of the Department prior to the awarding of the contract;

 Inspect the operation or any part thereof during the evaluation phase of the Bid; or

 Arrange contracts with more than one contractor and to order its requirements from the most economical, suitable or convenient source of supply.

b. NSA/NEXIA SAB&T or its authorised representatives reserve the right to call any shortlisted bidder(s) for a presentation regarding any aspect of its quote.

c. Should NSA/NEXIA SAB&T decide to call for presentations, shortlisted bidders will be notified of their allocated time slot at least three days prior to the presentation.

d. Under no circumstances will a presentation by any bidder constitute an award or promise / undertaking to award the contract.

**7. ADJUDICATION OF BID**

7.1 The Bid Evaluation Committee of NSA/NEXIA SAB&T/ or its delegates will consider the recommendations made by the Service Provider to carry out the services as detailed in the Terms of Reference.

**8. TERMS AND CONDITIONS**

a. Successful bidders must be in a position to commence work as and when required. Particular project / service will be initiated by means of written instructions to the successful bidders by verbal briefings, when required.

b. Generally, timeframes cannot be set before entering into a formal agreement. As such, the duration of any given assignment/project will depend mainly on the nature and scope of the work to be done.

c. The appointed service provider(s) must be available at all stages to provide assistance within the set time frames as requested.

d. Proposed fees with detailed cost breakdown must be quoted for the different proposed resources to be utilized at any given time.

**9. PENALTIES/WARRANTIES**

a. If it is shown that errors or shortcomings exist within the service provided, the bidder shall be notified in writing and shall be required to perform corrective services within seven (7) days to remedy such errors at no cost to NSA.

b. NSA reserves the right to reject work that does not meet the required standard and engage a different service provider to complete the work. The Department shall serve thirty (30) days written notice for termination of contract in the case of non-performance.

c. The State reserves the right to inspect or audit any document pertaining to this contract within one year of the date of expiry of the contract. This may also include queries and complaints.

d. Should any audit or inspection reveal that the Contractor has not complied with any of the terms of this contract, the Contractor will be liable for the cost of the audit or inspection as well as the cost of any losses incurred by the State associated with such non-compliance.

e. The department also has the right to terminate the contract at any stage if there is substantive proof of inefficiency in the delivery of the service.

**10. CANCELLATION OF PROCUREMENT PROCESS**

a. This procurement process can be postponed or cancelled at any stage at the sole discretion of NSA provided that such cancellation or postponement takes place prior to entering into a contract with a specific service provider to which the bid relates.

**11. REGISTER FOR TENDER DEFAULTERS**

a. DHET/NSA shall not consider for evaluation, the bid from a bidder if such bidder’s name or any of its directors’ names are listed on the Register for Tender Defaulters (established in terms of the Prevention and Combating of Corrupt Activities Act and maintained by the National Treasury) as an entity or persons prohibited from doing business with the public sector. DHET /NSA shall not do business with such a bidder if such prohibition/ restriction is in force at the closing date of the bid.

**12. NEGOTIATION AND CONTRACTING**

a. DHET / NSA or its authorized representatives reserve the right to enter into negotiation with one or more bidders regarding any terms and conditions, including price(s), of a proposed contract.

b. Such negotiations will under no circumstances be regarded as the award/promise/undertaking to award the contract.

c. NSA or its representative is not obliged to accept the lowest or any quotation, offer or proposal.

d. A formal contract, Service Level Agreement or any other agreement reduced to writing will be entered into by both parties.

**13. GENERAL CONDITIONS OF CONTRACT**

a. The General Conditions of Contract as published by National Treasury and affixed under section B of this document will form the basis of all procurement.

b. Bidders are requested to familiarize themselves with the content thereof.

**14. INTELLECTUAL PROPERTY RIGHTS**

a. All information and materials pertaining to this project remain the property of the NSA during and on completion of the project. No information may be released and no materials shall be used without prior consultation and a formal consent from NSA.

b. Copyrights and all other intellectual property rights in any document, ideas, software, other information developed and / or written, pursuant to these Terms of Reference, or any other contract / sub-contract to which these Terms of Reference refers, shall vest jointly in the party originating them and / or the party /s directly / indirectly financing the development of the same.

c. In addition, no development shall be deemed to be a joint development, and therefore jointly owned, unless, identified as such in writing. If each party contributes to the development of a work product, and such work product is not identified as a joint work product, each party’s ownership rights shall be limited to the portion of work developed and / or financed by it.

**15. TENDER COSTS**

a. The Bidder will be liable for all costs incurred in response to this request.

b. Bidder’s Responsibility:

i. The Bidder is expected to fully acquaint themselves with the conditions, requirements and specifications of NSA before submitting a completed response. Failure to do so will be at the Bidder’s own risk and the bidder cannot secure relief on the grounds of any mistake.

ii. The selected Bidder(s) will be required to enter into a written agreement with NSA. This RFQ or any part thereof may be incorporated into and made part of such an agreement. NSA shall not incur any obligation or liability towards the selected Bidder(s) until a written contract has been signed by the duly authorised NSA representative and the Bidder(s).

**16. DECLARATION**

I/We the undersigned hereby declare that I/We have read and understand the above and agree to be bound by the stated terms and conditions.

**Name of Bidder**:………………………………………………………………

**Name of contact person**:………………………………………………………………

**Capacity**:………………………………………………………………………….

**Signature**……………………………………………**Date**………………………………

PART A

 INVITATION TO BID SBD1

|  |
| --- |
| **YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (***NAME OF DEPARTMENT/ PUBLIC ENTITY***)** |
| BID NUMBER: | NSA/29/TR/21 | CLOSING DATE: 2021 - 11 - 23 |  | CLOSING TIME: | 11:00 AM |
| DESCRIPTION | **DEVELOPMENT OF THE NATIONAL SKILLS DEVELOPMENT PLAN IMPLEMENTATION REPORT 2020/21 FOR THE NATIONAL SKILLS AUTHORITY (NSA)** |
| BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT THE BELOW ADDRESS  |
|  Via email; gerald.c@nexia-sabt.co.za or via wetransfer |
|  |
|  |
|  |
| **BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO** | **TECHNICAL ENQUIRIES MAY BE DIRECTED TO:** |
| CONTACT PERSON | MR. GERALD CHIRWA | CONTACT PERSON | MR. TSHEPO MATLALA |
| TELEPHONE NUMBER | - | TELEPHONE NUMBER | - |
| FACSIMILE NUMBER | n/a | FACSIMILE NUMBER | n/a |
| E-MAIL ADDRESS | gerald.c@nexia-sabt.co.za | E-MAIL ADDRESS | matlala.t@dhet.gov.za  |
| **SUPPLIER INFORMATION** |
| NAME OF BIDDER |  |
| POSTAL ADDRESS |  |
| STREET ADDRESS |  |
| TELEPHONE NUMBER | CODE |  | NUMBER |  |
| CELLPHONE NUMBER |  |
| FACSIMILE NUMBER | CODE |  | NUMBER |  |
| E-MAIL ADDRESS |  |
| VAT REGISTRATION NUMBER |  |
| SUPPLIER COMPLIANCE STATUS | TAX COMPLIANCE SYSTEM PIN: |  | **OR** | CENTRAL SUPPLIER DATABASE No:  | MAAA |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE | TICK APPLICABLE BOX][ ]  Yes [ ]  No | B-BBEE STATUS LEVEL SWORN AFFIDAVIT  | [TICK APPLICABLE BOX][ ]  Yes [ ]  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? | [ ] Yes [ ] No [IF YES ENCLOSE PROOF] | ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? | [ ] Yes [ ] 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 [ ]  NODOES THE ENTITY HAVE A BRANCH IN THE RSA? [ ]  YES [ ]  NODOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? [ ]  YES [ ]  NODOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? [ ]  YES [ ]  NOIS 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. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
	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.**
	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.
	4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**
 |
| 1. **TAX COMPLIANCE REQUIREMENTS**
 |
| 1. BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
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.
3. APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE [WWW.SARS.GOV.ZA](http://www.sars.gov.za).
4. BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
5. IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
6. WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
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: …………………………………………...

# SBD 3.3

**PRICING SCHEDULE**

**(Professional Services)**

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

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

ITEM DESCRIPTION BID PRICE IN RSA CURRENCY

NO \*\*(ALL APPLICABLE TAXES INCLUDED)

 1. The accompanying information must be used for the formulation

 of proposals.

 2. Bidders are required to indicate a ceiling price based on the total

 estimated time for completion of all phases and including all

 expenses inclusive of all applicable taxes for the project. R………..…………………………………………………...

 3. PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND

 RATES APPLICABLE (CERTIFIED INVOICES MUST BE

 RENDERED IN TERMS HEREOF)

 4. PERSON AND POSITION HOURLY RATE DAILY RATE

 -------------------------------------------------------------------------------------- R------------------------------ ---------------------------------

 -------------------------------------------------------------------------------------- R------------------------------ ---------------------------------

 -------------------------------------------------------------------------------------- R------------------------------ ---------------------------------

 -------------------------------------------------------------------------------------- R------------------------------ ---------------------------------

 -------------------------------------------------------------------------------------- R------------------------------ ---------------------------------

 5. PHASES ACCORDING TO WHICH THE PROJECT WILL BE

 COMPLETED, COST PER PHASE AND MAN-DAYS TO BE

 SPENT

 ------------------------------------------------------------------------------- R------------------------------ -------------------------- days

 ------------------------------------------------------------------------------- R------------------------------ -------------------------- days

 ------------------------------------------------------------------------------- R------------------------------ -------------------------- days

 ------------------------------------------------------------------------------- R------------------------------ -------------------------- days

 5.1 Travel expenses (specify, for example rate/km and total km, class

 of airtravel, etc). Only actual costs are recoverable. Proof of the

 expenses incurred must accompany certified invoices.

 DESCRIPTION OF EXPENSE TO BE INCURRED RATE QUANTITY AMOUNT

 -------------------------------------------------------------------------------- ………………. …………….. R………………..

 -------------------------------------------------------------------------------- ………………. …………….. R………………..

 -------------------------------------------------------------------------------- ………………. …………….. R………………..

 -------------------------------------------------------------------------------- ………………. …………….. R………………..

 **TOTAL: R………………………………………………….**

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

5.2 Other expenses, for example accommodation (specify, eg. Three

 star hotel, bed and breakfast, telephone cost, reproduction cost,

 etc.). On basis of these particulars, certified invoices will be checked

 for correctness. Proof of the expenses must accompany invoices.

 DESCRIPTION OF EXPENSE TO BE INCURRED RATE QUANTITY AMOUNT

 ---------------------------------------------------------------------------------- ………………. …………….. R………………..

 ---------------------------------------------------------------------------------- ………………. …………….. R………………..

 ---------------------------------------------------------------------------------- ………………. …………….. R………………..

 ---------------------------------------------------------------------------------- ………………. …………….. R………………..

 TOTAL: R………………………………………………….

 6. Period required for commencement with project after

 acceptance of bid ……………………………………………………………….

 7. Estimated man-days for completion of project ……………………………………………………………….

 8. Are the rates quoted firm for the full period of contract? \*YES/NO

 9. If not firm for the full period, provide details of the basis on which

 adjustments will be applied for, for example consumer price index. ……………………………………………………………….

 ……………………………………………………………….

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 ……………………………………………………………….

 **SBD 4**

**DECLARATION OF INTEREST**

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

* 1. Identity Number: …………………………………………………………………………………………………
	2. Position occupied in the Company (director, trustee, shareholder²): ……………………………………..
	3. Company Registration Number: ………………………………………………………………………..…….
	4. Tax Reference Number: ………………………………………………………………………………….………
	5. 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 **YES / NO**

 presently employed by the state?

* + 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:

………………………………………………………………

………………………………………………………………

………………………………………………………………

* + 1. If you are presently employed by the state, did you obtain **YES / NO**

the appropriate authority to undertake remunerative

work outside employment in the public sector?

* + - 1. If yes, did you attached proof of such authority to the bid **YES / NO**

document?

(Note: Failure to submit proof of such authority, where

applicable, may result in the disqualification of the bid.

* + - 1. If no, furnish reasons for non-submission of such proof:

…………………………………………………………………….

…………………………………………………………………….

…………………………………………………………………….

* 1. Did you or your spouse, or any of the company’s directors / **YES / NO**

trustees / shareholders / members or their spouses conduct

business with the state in the previous twelve months?

* + 1. If so, furnish particulars:

…………………………………………………………………..

…………………………………………………………………..

…………………………………………………………………...

* 1. Do you, or any person connected with the bidder, have **YES / NO**

 any relationship (family, friend, other) with a person

 employed by thestate and who may be involved with

 the evaluation and or adjudication of this bid?

 2.9.1If so, furnish particulars.

 ……………………………………………………………...

 …………………………………………………………..….

………………………………………………………………

2.10 Are you, or any person connected with the bidder, **YES/NO**

 aware of any relationship (family, friend, other) between

any other bidder and any person employed by the state

who may be involved with the evaluation and or adjudication

of this bid?

2.10.1 If so, furnish particulars**.**

………………………………………………………………

………………………………………………………………

………………………………………………………………

2.11 Do you or any of the directors / trustees / shareholders / members **YES/NO**

of the company have any interest in any other related companies

whether or not they are bidding for this contract?

2.11.1 If so, furnish particulars:

…………………………………………………………………………….

…………………………………………………………………………….

…………………………………………………………………………….

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

|  |  |  |  |
| --- | --- | --- | --- |
| **Full Name** | **Identity Number** | **Personal Tax Reference Number** | **State Employee Number / Persal Number**  |
|  |  |  |  |
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|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

# 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

May 2011

 **SBD 6.1**

**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. 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).

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. Points for this bid shall be awarded for:
1. Price; and
2. B-BBEE Status Level of Contributor.
	1. The maximum points for this bid are allocated as follows:

|  |  |
| --- | --- |
|  | **POINTS** |
| **PRICE** | **80** |
| **B-BBEE STATUS LEVEL OF CONTRIBUTOR** | **20** |
| **Total points for Price and B-BBEE must not exceed** | **100** |

* 1. 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.
	2. 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.
1. **DEFINITIONS**
2. **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
3. “**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;
4. **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
5. **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
6. **“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;
7. **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
8. **“prices”** includes all applicable taxes less all unconditional discounts;
9. **“proof of B-BBEE status level of contributor”** means:
10. B-BBEE Status level certificate issued by an authorized body or person;
11. A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
12. Any other requirement prescribed in terms of the B-BBEE Act;
13. **“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;
14. **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
15. **POINTS AWARDED FOR PRICE**
	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**

 **** or ****

 Where

 Ps = Points scored for price of bid under consideration

 Pt = Price of bid under consideration

 Pmin = Price of lowest acceptable bid

1. **POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR**
	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 |

1. **BID DECLARATION**
	1. Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:
2. **B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1**
	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.

1. **SUB-CONTRACTING**
	1. Will any portion of the contract be sub-contracted?

(***Tick applicable box***)

|  |  |  |  |
| --- | --- | --- | --- |
| YES |  | NO |  |

* + 1. If yes, indicate:
1. What percentage of the contract will be subcontracted............…………….…………%
2. The name of the sub-contractor…………………………………………………………..
3. The B-BBEE status level of the sub-contractor......................................……………..
4. Whether the sub-contractor is an EME or QSE

***(Tick applicable box***)

|  |  |  |  |
| --- | --- | --- | --- |
| YES |  | NO |  |

1. 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 |  |  |

1. **DECLARATION WITH REGARD TO COMPANY/FIRM**
	1. Name of company/firm:…………………………………………………………………………….
	2. VAT registration number:……………………………………….…………………………………
	3. Company registration number:…………….……………………….…………………………….
	4. TYPE OF COMPANY/ FIRM

 Partnership/Joint Venture / Consortium

 One person business/sole propriety

 Close corporation

 Company

 (Pty) Limited

[Tick applicable box]

* 1. DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

…………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………..

* 1. COMPANY CLASSIFICATION

 Manufacturer

 Supplier

 Professional service provider

 Other service providers, e.g. transporter, etc.

[*Tick applicable box*]

* 1. Total number of years the company/firm has been in business:……………………………
	2. 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:
1. The information furnished is true and correct;
2. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
3. 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;
4. 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 –
	1. disqualify the person from the bidding process;
	2. recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
	3. 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;
	4. 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
	5. forward the matter for criminal prosecution.

WITNESSES

1. ……………………………………..
2. …………………………………….

……………………………………….

SIGNATURE(S) OF BIDDERS(S)

DATE: …………………………………..

ADDRESS …………………………………..

 …………………………………..

 …………………………………..

SBD 8

#

 **SBD 7.2**

# CONTRACT FORM - RENDERING OF SERVICES

**THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SERVICE PROVIDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SERVICE PROVIDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.**

# PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)

1. I hereby undertake to render services described in the attached bidding documents to (name of the institution)……………………………………. in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number………….……….. at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid .
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
3. Bidding documents, *viz*
* Invitation to bid;
* Tax clearance certificate;
* Pricing schedule(s);
* Filled in task directive/proposal;
* Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
* Declaration of interest;
* Declaration of bidder’s past SCM practices;
* Certificate of Independent Bid Determination;
* Special Conditions of Contract;
1. General Conditions of Contract; and
2. Other (specify)
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT) ………………………….

WITNESSES

1. …….…………………………….
2. ……….………………………….

DATE: ……………………………..

CAPACITY …………………………….

SIGNATURE …………………………….

NAME OF FIRM …………………………….

DATE …………………………….

**SBD 7.2**

**CONTRACT FORM - RENDERING OF SERVICES**

# PART 2 (TO BE FILLED IN BY THE PURCHASER)

1. I…………………………………………………………………………………….. in my capacity as……………………...…………………………………………………………………………….

accept your bid under reference number ………………dated………………………for the rendering of services indicated hereunder and/or further specified in the annexure(s).

1. An official order indicating service delivery instructions is forthcoming.
2. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| DESCRIPTION OFSERVICE | **PRICE (ALL APPLICABLE TAXES INCLUDED)**  | **COMPLETION DATE** | **B-BBEE STATUS LEVEL OF CONTRIBUTION** | **MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)** |
|  |  |  |  |  |

4. I confirm that I am duly authorised to sign this contract.

SIGNED AT ………………………………………ON………………………………..

NAME (PRINT) ………………………………………….

SIGNATURE …………………………………………

WITNESSES

1. ….…………………………….
2. …..…………………………….

DATE: ……………………………..

OFFICIAL STAMP

# DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES SBD 8

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-
	1. abused the institution’s supply chain management system;
	2. committed fraud or any other improper conduct in relation to such system; or
	3. 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 of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the *audi alteram partem* rule was applied).The Database of Restricted Suppliers now resides on the National Treasury’s website([www.treasury.gov.za](http://www.treasury.gov.za)) and can be accessed by clicking on its link at the bottom of the home page.  | Yes[ ]  | No[ ]  |
| 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**](http://www.treasury.gov.za)**) by clicking on its link at the bottom of the home page.**  | Yes[ ]  | No[ ]  |
| 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[ ]  | No[ ]  |
| 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[ ]  | No[ ]  |
| 4.4.1 | If so, furnish particulars: |

**SBD 8**

**CERTIFICATION**

**I, THE UNDERSIGNED (FULL NAME)…………………………………………………**

 **CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.**

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

 **………………………………………... …………………………..**

 **Signature Date**

 **………………………………………. …………………………..**

 **Position Name of Bidder**

 Js365bW

 **CERTIFICATE OF INDEPENDENT BID DETERMINATION** **SBD 9**

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.

1. 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.
2. 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.**

**SBD 9**

**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

**SBD 9**

1. 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.
2. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
3. prices;
4. 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.

1. 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.
2. 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.**

**SBD 9**

1. 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

Js914w 2

|  |
| --- |
| C:\Users\A MAZE EXECUTIVE\Desktop\Nexia work\Stakeholder Management Procurement\Procurement 2020\NSA Logo (002).png |

**TERMS OF REFERENCE**

**DEVELOPMENT OF THE NATIONAL SKILLS DEVELOPMENT PLAN IMPLEMENTATION REPORT 2020/21 FOR THE NATIONAL SKILLS AUTHORITY (NSA) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

1. **BACKGROUND**
	1. The National Skills Authority (NSA) is established in terms of Chapter 2, section (5) of the Skills Development Act (SDA) 97 of 1998, as amended (Act 37 of 2008) - to advise the Minister as per the Act. SDA provisions requires the NSA to execute an oversight and advisory role over the NSDS policy, implementation, etc. White Paper for Post-School Education and Training states that “the National Skills Authority will concentrate specifically on monitoring and evaluating the SETAs. This implies that it will become an expert body with high- level monitoring and evaluation skills”. Some of the key functions of NSA are as follows to advise the Minister of Higher Education and Training on the following:National Skills Development Policy; National Skills Development Strategy (NSDS); NSDS Implementation Guidelines; National Skills Funding (NSF) Allocation Strategic Framework and Criteria; SDA Regulations (excluding QCTO regulations).
2. **DEVELOPMENT OF THE NSDP IMPLEMENTATION REPORT 2020/21 focus on the following:**

2.1 Chairperson and Executive Officer’s Foreword

2.2 Executive Summary

2.3 National Skills Development Strategy (NSDS);

2.4 NSDP Activities – 2020/21

2.5 Implementation of NSDP Goals

2.6 Provincial Skills Development Forums – NSDP implementation summary

2.7 Observations

1. **The target audience of the report**
	1. The target audience of this report are:
* Stakeholders implementing skills development initiatives;
* Civil Society (business, organised labour; communities and non-governmental organisations)
* Higher education institutions and academia and the entire South African citizens
1. **SCOPE OF WORK**
	1. The appointed service provider will write, edit, design and layout the 2020/21 NSDS Implementation Report.
	2. The service provider will be expected to perform the following tasks:
* Collate the 2020/21 performance information of NSA stakeholders. Information will come from Annual reports from SETAs, NSF, QCTO, SAQA and HRDC reports on provinces
* Write the NSDS Implementation report 2020/21
* Edit grammar and align the 2020/21 NSDS Implementation report
	+ Conceptualize design and layout
	+ Layout.
	+ Design and development of cover and back page.
	+ Draft (analyze) the observations of the Implementation report
	+ Communicate progress on an on-going basis with the NSA Secretariat.
1. **EXPERIENCE, EXPERTISE AND SKILLS REQUIRED**

It is expected that the service provider should have knowledge/experience in the following:

* + - The service provider should be an organization or individual with understanding of the education and training landscape in South Africa.
		- The appointed service provider will have to demonstrate that they have good track record and extensive experience of editing, design, and layout reports especially for public sector.
1. **REQUIREMENTS AND CONDITIONS FOR THE COSTED PROPOSAL**

The service provider is required to include the following in the proposal:

* + Details on the approach and processes that will be used to conduct the project
	+ A detailed costed project plan with clear time frames.
1. **EVALUATION CRITERIA**

## STAGE 1

Bidders will be evaluated in Stage 1 out of 100 points in respect of their expertise in the relevant field. Any bidder that scores less than 80 points out of 100 on functionality shall not be considered for Stage 2 of the evaluation.

| **Criteria** | **Minimum requirement** | **Weighing** |
| --- | --- | --- |
| 1. Experience of Sole Proprietor / Company in writing, editing designing of reports
 | **Experience of Sole Proprietor / Company in writing, editing and designing of reports*** Up to 1 year experience: **1 point**
* 2 year experience: **2 points**
* 3 year experience: **3 points**
* 4 year experience: **4 points**
* 5 or more year experience & Post graduate qualification **5 points**

**Please include contactable relevant references letters**  | **15%** |
| 1. Experience of Sole Proprietor / Company in policy development writing or research report
 | **Experience of Sole Proprietor / Company in policy report development writing or research report** * Up to 1 year experience: **1 point**
* 2 year experience: **2 points**
* 3 year experience: **3 points**
* 4 year experience: **4 points**
* 5 or more year experience & Post graduate qualification **5 points**

**Please include contactable relevant reference letters or proof**  | **15%** |
| 1. Experienceof Sole Proprietor / Company in understanding of the integration of Post School Education & Training and the skills development (SETAS or higher education)
 | **Experience of Sole Proprietor / Company in integration of Post School Education & Training sector and the skills development*** Up to 1 year experience: **1 point**
* 2 year experience: **2 points**
* 3 year experience: **3 points**
* 4 year experience: **4 points**
* 5 or more year experience **5 points**

**Please include contactable relevant reference letters**  | **40%** |
| 1. Content, and project methodology
 | **A detailed submission of the Project*** Project plan with content and key activities, demonstrating clear understanding of the scope of work and the proposed approach will attain the desired outcomes : **5 points**

 * Project approach lacking some content , key activities and understanding of scope of work to attain desired outcome: **4 points**
* Project approach lacking a lot of content , key activities and understanding of scope of work to attain desired outcome: **3 points**
* Project approach lacking content , key activities and understanding of scope of work to attain desired outcome: **0 point**
 | **30%** |
| **Total** | **100%** |

**STAGE 2**

**PRICING SCHEDULE DOCUMENTS**

1. Price proposal Price must be final, include VAT (if registered for VAT) and must be in the company letterhead
2. Preferential Points Claim Form in terms of the Preferential Procurement Regulations (SBD 6.1) – if claiming preferential points
3. BBBEE certificate or sworn affidavit – if claiming preferential points

80/20 preference point system shall be applicable as follows:

* Price 80
* BBBEE status level of contributor 20
1. **CONTRACTUAL ARRANGEMENTS**

A contract will be signed between the Fund Manager of National Skills Authority and the service provider. In concluding contract, the General Conditions of Contract (GCC) will apply. The services will commence from date of signing the contract until the report is delivered.

Payment will be effected after satisfactory delivery of services and comprehensive detailed invoices as per Treasury Regulations 8.2.3.

The payments will be processed according to the deliverables as stipulated on the project plan. This will be based on the Service Level Agreement with an attached project plan agreed upon and signed by the Company and NSA Fund Manager.

For more information contact Tshepo Matlala by email at Matlala.t@dhet.gov.za or 012 312 5640.