



higher education  
& training

Department:  
Higher Education and Training  
REPUBLIC OF SOUTH AFRICA

## REQUEST FOR BID

### BID DETAILS

**BID NUMBER:** NSA 02/CENTRESKILLSDEV/2015/T

**CLOSE Date:** 27 NOVEMBER 2015

**Time:** 11:00 AM

**Place:** See paragraph 5 on page 7 of this Bid document

**DESCRIPTION:** REQUEST FOR PROPOSAL FOR COMMISSIONING OF RESEARCH FOR THE NATIONAL SKILLS AUTHORITY: ESTABLISHMENT OF A CENTRE FOR SKILLS DEVELOPMENT CAPACITY SUPPORT, MONITORING AND EVALUATION

**COMPULSORY BRIEFING SESSION:**

Yes

No

### DETAILS OF BIDDER

**Organisation:** .....

Procurement process administered by Nexia SAB&T

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**GLOSSARY**

Award	Conclusion of the procurement process and final notification to the effect to the successful bidder
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 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.
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 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 supplier <sup>1</sup>	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

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

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	it is a QSE. These criteria are detailed in the Codes of Good Practice, 2013.
IP	Intellectual Property
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

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## DOCUMENTS IN THIS BID DOCUMENT PACK

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

### **SECTION A**

**Note: Documents in this section are for information and/or instruction to bidders and must not be returned with Bid.**

- Section A-1: Bid Submission Conditions and Instructions
- Section A-2: Evaluation Process/Criteria
- Section A-3: Terms of Reference

### **SECTION B**

**Note: Documents in this section must be completed and returned or supplied with Bid.**

- Conditions of Bid and Contract
- Invitation to Bid SBD1
- Tax application SBD2
- Pricing Schedule SBD3
- Declaration of Interest SBD4
- Preferential Points Claimed SBD6.1
- Declaration of past Supply Chain Practices SBD 8
- Certificate of Independent bid SBD9
- Detailed Bid Response
- CV

# SECTION A

## **BID SUBMISSION CONDITIONS AND INSTRUCTIONS**

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

#### **1 FRAUD AND CORRUPTION**

- 1.1 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.

#### **2 CLARIFICATIONS / QUERIES**

- 2.1 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 Johann Kilian (procurement@nexia-sabt.co.za) by not later than 12:00PM on Friday, 13 November 2015. A reply will be forwarded within two working days of receipt of the query.
- 2.2 Queries received by 12:00PM on 13 November 2015, will be responded to by 15h00PM on 16 November 2015.
- 2.3 The bid number must be mentioned in all correspondence. Where appropriate, the clarifying information will be made available to all bidders by e-mail only.

#### **3 SUBMITTING BIDS**

- 3.1 **One (1) original hard copy of the bid and two copies i.e. three documents must be handed in / delivered to:**

Nexia SAB&T  
119 Witch Hazel Avenue  
Highveld Techno Park  
Centurion

- 3.2 An original version as well as two copies of the bid must be submitted in hard copy. The original version must be signed in ink.
- 3.3 Bids should be submitted in a sealed envelope/pack, marked with:
- Bid number **(NSA 02/CENTRESKILLSDEV/2015/T)**
  - Closing date and time **(27 November 2015 at 11:00AM)**
  - The name and address of the bidder.
- 3.4 The documents must be submitted in one sealed envelope/pack.
- 3.5 Documents submitted on time by bidders shall not be returned.

## SECTION A-1: Bid Submission Conditions and Instructions

#### 4 LATE BIDS

- 4.1 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. The tender box shall be locked at exactly 11:00AM and Bid arriving late will not be considered under any circumstances. Bid received late shall be returned unopened where possible to the bidder. Bidders are therefore strongly advised to ensure that Bid be dispatched allowing enough time for any unforeseen events that may delay the delivery of the quote.
- 4.2 The official Telkom time (Dial 1026) will be used to verify the exact closing time.
- 4.3 Bid sent to Nexia SAB&T via any other mechanism shall be deemed to be received at the date and time of arrival at the Nexia SAB&T premises (in tender box in reception area or if too big for the tender box, over the counter in the reception area). Bid received at the physical address after the closing date and time of the quote, shall therefore be deemed to be received late.

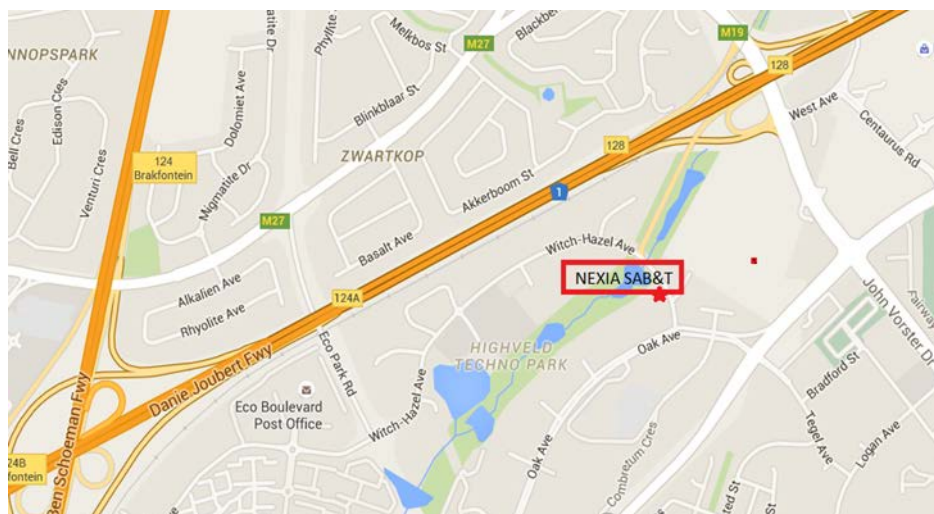
#### 5 DIRECTIONS TO NEXIA SAB&T OFFICES FOR THE DELIVERY OF BID

##### 5.1 Physical Address

Nexia SAB&T  
119 Witch Hazel Avenue  
Highveld Techno Park  
Centurion  
Pretoria

**Bidders should allow time to access the premises due to security arrangements that need to be observed.**

Location Map of Nexia SAB&T Office:



**BIDDERS MUST TAKE NOTE OF THE EVALUATION PROCESS THAT WILL BE FOLLOWED****1 EVALUATION PROCESS**

The phases of evaluation will be as noted below and in the order described.

**1.1 COMPLIANCE WITH MINIMUM REQUIREMENTS/SHORT-LISTING CRITERIA**

1.1.1 All Bids duly lodged as specified in this Request for Bid will be examined to determine compliance with short-listing requirements and conditions. Bid with deviations from the stipulated requirements/ conditions will be eliminated from further consideration.

**1.2 DETERMINATION OF PERCENTAGE FOR CAPACITY AND CAPABILITY**

1.2.1 All remaining Bid will be evaluated on capacity and capability as per the evaluation criteria and weights in the table in paragraph 2. NEXIA SAB&T reserves the right to determine technical sub-criteria and to weigh each of those criteria; ultimately adding up to the overall weight noted in paragraph 2.

1.2.2 Bidders not achieving a minimum functional score of 50% for “technical capability, infrastructure and resources” and “Understanding of service requirements”, will be eliminated from further consideration.

**1.3 DETERMINATION OF OVERALL SCORE FOR EXPERIENCE, PERFORMANCE, CAPACITY, CAPABILITY, PRICE AND B-BBEE STATUS**

1.3.1 In this last phase of evaluation, all remaining Bids will be evaluated on experience, performance, price and B-BBEE as per the noted evaluation criteria and weights in the table in paragraph 2 below and a total score for experience, performance, functionality, price and B-BBEE will be determined.

**1.4 PRESENTATIONS**

1.4.1 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.

1.4.2 Should 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.

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

**1.5 ADJUDICATION OF BID**

1.5.1 The Procurement Evaluation Committee of NEXIA SAB&T or its delegate will consider the recommendations made for services of a research institution/researcher to conduct research on the establishment of a dedicated



training centre for skills development and training cadres and make the final award.

## 2 EVALUATION CRITERIA AND FORMULAE

### 2.1 EVALUATION CRITERIA

2.1.1 The criteria and weights referred to in paragraph 1.2.1 above, are as follows:

#### 2.1.2 FUNCTIONALITY

Bidders must score at least **80 POINTS ON FUNCTIONALITY** to proceed to the next phase of the evaluation. Bidders who score less than 80 out 100 on functionality will not be considered for the next phase and will be disqualified.

Criteria	Points
<p>1. The extent to which the bidder evidences a good understanding of the following:</p> <ul style="list-style-type: none"> <li>i) the skills development legislative framework; and</li> <li>ii) the Human Resources Development Strategy of South Africa</li> <li>iii) National Skills Development Strategy</li> <li>iv) White Paper for Post-School Education and Training</li> <li>v) the requirements of the services to be provided.</li> </ul> <p>Contactable references should be included for work of the types provided before.</p>	Maximum points 15
<p>2. The experience of the bidder is illustrated in the areas listed under the scope of services.</p> <ul style="list-style-type: none"> <li>- Less than 3 Years = 0 points</li> <li>- 3 to 5 Years = 15 points</li> <li>- 5+ Years = 25 points</li> </ul>	Maximum points 25
<p>3. The extent to which the bidder illustrates sufficient capacity to provide the services as listed under the scope of services.</p>	Maximum points 15
<p>4. The extent to which the bidder illustrates relevant qualifications in the areas listed under the scope of services.</p>	Maximum points 10
<p>5. The feasibility and appropriateness of the proposed approach and methodology in meeting the NSA's requirements as per the scope of services required.</p>	Maximum points 25
<p>6. The extent to which the service provider has successfully completed work of the types required.</p> <p>Points will be awarded as follow:</p> <ul style="list-style-type: none"> <li>i) Illustrated less than 3 instances = 0 points</li> <li>ii) Illustrated more than 3 and more instances = 5 to 10 points</li> </ul>	Maximum points 10

Criteria	Points
Contactable references should be included for work of the types provided before.	
<b>TOTAL</b>	<b>Maximum points of 100</b>

### 2.1.3 B-BBEE

B-BBEE (Level as per B-BBEE Certificate and aligned to the phasing in of the new Codes of Good Practice))	<b>Level one</b>		30%
	<ul style="list-style-type: none"> <li>▪ <b>New Codes:</b> Scores obtained against all five elements for large and QSE organisations respectively as well as 100% black owned QSEs and EMEs</li> </ul>	5	
	<ul style="list-style-type: none"> <li>▪ <b>Old Codes:</b> Scores obtained against all seven elements for large organisations or against all four elements for QSE organisations respectively or 100% black owned QSEs and EMEs, proven through the detail on the B-BBEE certificate, irrespective of their level contributor status</li> </ul>	5	
	<ul style="list-style-type: none"> <li>▪ <i>Penalty: Zero score obtained on any one of the seven or four B-BBEE elements for large and QSE organisations respectively</i></li> </ul>	-1	
	<b>Level two</b>		
	<ul style="list-style-type: none"> <li>▪ <b>New Codes:</b> Scores obtained against all five elements for large and QSE organisations respectively as well as at least 51% black owned QSEs and EMEs</li> </ul>	4.5	
	<ul style="list-style-type: none"> <li>▪ <b>Old Codes:</b> Scores obtained against all seven elements for large organisations or against all four elements for QSE organisations respectively or at least 51% black owned QSEs and EMEs, proven through the detail on the B-BBEE certificate, irrespective of their level contributor status</li> </ul>	4.5	
	<ul style="list-style-type: none"> <li>▪ <i>Penalty: Zero score obtained on any one of the seven or four B-BBEE elements for large and QSE organisations respectively</i></li> </ul>	-1	
	<b>Level three</b>		
	<ul style="list-style-type: none"> <li>▪ <b>New Codes:</b> Scores obtained against all five elements for large and QSE organisations respectively</li> </ul>	4	
<ul style="list-style-type: none"> <li>▪ Bonus: Qualifying Small Enterprise or Exempted Micro Enterprise part of a bidding consortia or as the bidding entity or the contracting entity is an empowering supplier (points earned in addition to above scores allocated)</li> </ul>	+1		
<ul style="list-style-type: none"> <li>▪ <b>Old Codes:</b> Scores obtained against all seven or four elements for large and QSE organisations respectively</li> </ul>	4		

## SECTION A-1: Bid Submission Conditions and Instructions

<ul style="list-style-type: none"> <li>▪ <i>Penalty: Zero score obtained on any one of the seven or four B-BBEE elements for large and QSE organisations respectively</i></li> </ul>	-1
<ul style="list-style-type: none"> <li>▪ <i>Bonus: Qualifying Small Enterprise or Exempted Micro Enterprise part of a bidding consortium or as the bidding entity (points earned in addition to above scores allocated)</i></li> </ul>	+1
<b>Level four</b>	
<ul style="list-style-type: none"> <li>▪ <b>New Codes:</b> Scores obtained against all five elements for large and QSE organisations respectively</li> </ul>	3
Exempted Micro Enterprise with less than 51% black ownership	3
<ul style="list-style-type: none"> <li>▪ Bonus: Qualifying Small Enterprise or Exempted Micro Enterprise part of a bidding consortia or as the bidding entity or the contracting entity is an empowering supplier (points earned in addition to above scores allocated)</li> </ul>	+1
<ul style="list-style-type: none"> <li>▪ <b>Old Codes:</b> Scores obtained against all seven or four elements for large and QSE organisations respectively</li> </ul>	3
Exempted Micro Enterprise with less than 51% black ownership	3
<ul style="list-style-type: none"> <li>▪ <i>Penalty: Zero score obtained on any one of the seven or four B-BBEE elements for large and QSE organisations respectively</i></li> </ul>	-1
<ul style="list-style-type: none"> <li>▪ <i>Bonus: Qualifying Small Enterprise or Exempted Micro Enterprise part of a bidding consortium or the bidding entity (points earned in addition to above scores allocated)</i></li> </ul>	+1
<b>Level five to six</b>	
<ul style="list-style-type: none"> <li>▪ <b>New Codes:</b> Scores obtained against all five elements for large and QSE organisations respectively</li> </ul>	2
<ul style="list-style-type: none"> <li>▪ Bonus: Qualifying Small Enterprise or Exempted Micro Enterprise part of a bidding consortia or the bidding entity or the contracting entity is an empowering supplier (points earned in addition to above scores allocated)</li> </ul>	+1
<ul style="list-style-type: none"> <li>▪ <b>Old Codes:</b> Scores obtained against all seven or four elements for large and QSE organisations respectively</li> </ul>	2
<ul style="list-style-type: none"> <li>▪ <i>Penalty: Zero score obtained on any one of the seven or four B-BBEE elements for large and QSE organisations respectively</i></li> </ul>	-1
<ul style="list-style-type: none"> <li>▪ <i>Bonus: Qualifying Small Enterprise or Exempted Micro Enterprise part of a bidding consortium or the bidding entity (points earned in addition to above scores allocated)</i></li> </ul>	+1
<b>Level seven to eight</b>	

## SECTION A-1: Bid Submission Conditions and Instructions

	<ul style="list-style-type: none"> <li>▪ <b>New Codes:</b> Scores obtained against all five elements for large and QSE organisations respectively</li> </ul>	1	
	<ul style="list-style-type: none"> <li>▪ <i>Bonus: Qualifying Small Enterprise or Exempted Micro Enterprise part of a bidding consortia or the bidding entity or the contracting entity is an empowering supplier (points earned in addition to above scores allocated)</i></li> </ul>	+1	
	<ul style="list-style-type: none"> <li>▪ <b>Old Codes:</b> Scores obtained against all seven or four elements for large and QSE organisations respectively</li> </ul>	1	
	<ul style="list-style-type: none"> <li>▪ <i>Penalty: Zero score obtained on any one of the seven or four B-BBEE elements for large and QSE organisations respectively</i></li> </ul>	-1	
	<ul style="list-style-type: none"> <li>▪ <i>Bonus: Qualifying Small Enterprise or Exempted Micro Enterprise part of a bidding consortium or the bidding entity (points earned in addition to above scores allocated)</i></li> </ul>	+1	
	<b>Non-compliant contributor</b>		
<ul style="list-style-type: none"> <li>▪ <b>New and old Codes</b></li> </ul>	0		
Price and Costing Model	Price quoted inclusive of VAT		20%

Scores allocated for Technical capability and Understanding of the service requirements will be allocated between 0 – 5 and the indicators stated above will serve only as a reference guide for this allocation.

### 3 DETERMINATION OF PERCENTAGE FOR PRICE

3.1 The Bid will be evaluated under the 80/20 principle.

3.2 NEXIA SAB&T reserves the right to request either a total price or various prices for various elements informing the evaluation of the price and to weigh each of those price components; ultimately adding up to the overall weight noted in paragraph 2.

3.3 The percentage scored for price shall be calculated by applying the undermentioned formula to each price component:

- ☐ The lowest acceptable quote/proposal (adjusted or not), will obtain the maximum percentage allocated for the price/ price component. The other Bid/proposals with higher prices (adjusted or not) for that element/ price component, will proportionately obtain lower percentages based on the following formula:

$$P_s = \frac{P_{\min}}{P_t} \times A_p$$

where

Ps = percentage scored for price/ price component by quote/proposal under consideration

Pmin = lowest acceptable price/ price component of quote/proposal

Pt = price/ price for that component of quote/proposal under consideration

Ap = percentage/weight allocated for price/ price component

#### **4 DETERMINATION OF B-BBEE STATUS**

**4.1** The proof pertaining to the bidder's level contributor status in terms of the B-BBEE Act and the Codes of Good Practice, issued by **the dti**<sup>2</sup> on 9 February 2007 and 11 October 2013, as required in Section B-1 of this quote document, will be evaluated. Information is available at [www.dti.gov.za](http://www.dti.gov.za). The bidder will be allowed to score up to a maximum of 30% depending on the bidder's level contributor status as per the evaluation criteria and weights in the table in paragraph 2.1 above. To determine the final score in the case of a joint venture/ consortium, the score for each party to the quote will be determined and pro-rated based on the percentage of the contract that the party will execute.

#### **5 CANCELLATION OF PROCUREMENT PROCESS**

5.1.1 This procurement process can be postponed or cancelled at any stage at the sole discretion of DHET/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.

#### **6 REGISTER FOR TENDER DEFAULTERS**

6.1.1 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.

#### **7 NEGOTIATION AND CONTRACTING**

7.1.1 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.

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

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<sup>2</sup> See GLOSSARY.

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

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

## **8 GENERAL CONDITIONS OF CONTRACT**

8.1.1 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.

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

## **9 INTELLECTUAL PROPERTY RIGHTS**

9.1.1 All intellectual property created during the execution of this contract as part of its deliverables shall belong to DHET/NSA, but the service provider shall however retain all of its intellectual property rights in respect of any and all of its models, methodologies or the like of a common or generic nature supplied or developed by the service provider in the conduct of its business, before, during or after the Agreement established as a result of this bid process.

# REQUEST FOR PROPOSAL FOR COMMISSIONING OF RESEARCH FOR THE NATIONAL SKILLS AUTHORITY: ESTABLISHMENT OF A CENTRE FOR SKILLS DEVELOPMENT, CAPACITY SUPPORT, MONITORING AND EVALUATION

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## 1. BACKGROUND

The National Skills Authority (NSA) is an advisory body established in terms of Skills Development Act, No 97 of 1998 (SDA). The primary functions of the NSA are to advise the Minister of Higher Education and Training on matters of skills development in accordance with section 5 of the Skills Development Act.

The White Paper for Post-School Education and Training (PSET) emphasized that expansion of the system and improvements in quality must be supported by a reinforcement and development of the capacity of the system.

A need to establish a training centre for developing capacity of skills development and training cadres in the post-school education and training system was identified. The training centre should be modelled along international benchmark in particular the Turin International Labour Organization (ILO) training centre.

The Turin Academy creates a platform of social partners engagement, information sharing and to enhance the development of Skills and TVET for improved productivity, employment growth and development.

## 2. PURPOSE OF THE RESEARCH

The purpose of the research is to explore the feasibility of establishing a training centre for skills development and training cadres in the post school education and training system.

## 3. SCOPE OF SERVICES

The purpose of this project is to obtain the services of a research institution/researcher to conduct research on the establishment of a dedicated training centre for skills development and training cadres. The service provider should undertake research on the:

- 3.1 Rationale for the need for capacity building for the skills system:
  - SETAs and institutions
  - Quality councils
  - Government departments, labour, business etc.

- 3.2. Investigate the best fit model of capacity building
- 3.3. Scope, size and shape of the centre (South Africa, Southern African Development
- 3.4. Modus operandi for the centre (in partnership with institutions/E-learning centre)
- 3.5. Curriculum and programme
- 3.6. Funding for the centre
- 3.7. Capacity of institutions to develop worker education

## **4. CONTENT OF THE RESPONSE FOR TECHNICAL SUBMISSION**

### **4.1 RESEARCH DESIGN AND METHODOLOGY**

Bidders must submit a description of the methodology and approach that will be used to perform the work as set out in the Terms of Reference. This methodology and approach must demonstrate the bidder's understanding of the requirement and also of the environment.

The bidder should address the research areas mentioned in paragraph 3 above as well as the following:

Describe the approach, design and key elements of the methodology to be used by the research team. The approach should reflect the extent to which the research in question is well understood or complex and emergent. Some key areas to describe here are:

- a. The overall methodological approach (qualitative; quantitative; mixed approaches; large scale/small scale; panel study; longitudinal study; time series; cost-benefit analysis; rapid evidence assessment, situational analysis; policy analysis etc.);
- b. Any literature and document review;
- c. Data collection and analysis methods and plans;
- d. The likely sample size (in the case of a quantitative study), number of institutions expected to be part of the study and geographical focus, e.g. urban/rural; provincial spread;
- e. Data which should be used (e.g. from Stats SA) and data that can be provided by DHET;
- f. The level of rigour expected within the resources available (will a rapid survey with a convenience sample be enough, or is a thorough study needed with high levels of statistical confidence, how do you ensure rigour all the way from design through to final report);
- g. Meetings or consultations expected with particular stakeholder groups/individuals.



## 4.2 PRODUCTS OR DELIVERABLES

- a. Business Plan<sup>3</sup> (Inception report);
- b. Findings, analysis and implications of the literature review and/ document review;
- c. Data collection instruments and other tools;
- d. Analysis plan, and in the case of quantitative research, a tabulation plan could be included;
- e. Other technical or process reports, e.g. field work report;
- f. Draft report for review;
- g. Report of engagement with stakeholders to discuss the draft report and / present the final report;
- h. Abstract of 450 words;
- i. Summary report (3-5 pages);
- j. Provision of all datasets, metadata and survey documentation (including interview transcripts; and
- k. A PowerPoint or audio-visual presentation of the results.

## 5. FINANCIAL SUBMISSION

The financial submission should include the proposed costs. The proposed fee should include any costs that will be incurred by the bidder, including travel and subsistence expenses. The total price or amount provided will be regarded as the cost of the project, including VAT and applicable taxes.

## 6. COPYRIGHT

It should be noted that all material developed for the National Skills Authority under this assignment will become the copyright of the Department of Higher Education and Training.

## 7. CONFIDENTIALITY

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

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<sup>3</sup> The Business Plan should reflect the outcome of a consultative process that leads to the finalisation of the research proposal. The Business Plan is the final negotiated plan between the service provider and the DHET. For now a proposed plan should be submitted.

The Business Plan could contain a work plan summary of activities, timeframes, meetings, reports, other deliverables etc. A template of a Business Plan is attached at Annexure A.

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## 8. DISCLAIMER

The DHET reserves the right not to appoint a service provider and is also not obliged to provide reasons for the rejection of any proposal.

The DHET reserves the right to:

- Reject all bids;
- Award the contract in full to one service provider, or in part to more than one service provider;
- Request further information from bidders after the closing date of the proposal, for clarification purposes; and
- Cancel the tender request at any time during the process.

## 9. METHOD OF PAYMENT

DHET is not responsible for the cost of compilation of this bid. The method of payment will be established within the contractual agreement reached with the successful bidder. Nexia-SAB&T strives to settle invoices within 30 days of completion of service.

## 10. EVALUATION CRITERIA

The Preferential Procurement Regulations 2011 will apply to this bid. In accordance with this Regulation, submissions of bids will be adjudicated on the 80/20 point system.

The bid must adhere to all the requirements as set in paragraph 3 and 4 to proceed to the next evaluation phase. Failure to comply will result in disqualification.

## 11. FORMAT OF BIDS

Bidders must complete all the necessary bid documents and undertakings required in this bid document. Bidders are advised that their proposal should be concise, written in plain English and simply presented.

The bids must be properly bound and in the sequence as indicated under Section B

# SECTION B

INVITATION TO BID

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

BID NUMBER: NSA 02/CENTRESKILLSDEV/2015/T
CLOSING TIME: 11:00

CLOSING DATE: 27 November 2015

DESCRIPTION: REQUEST FOR PROPOSAL FOR COMMISSIONING OF RESEARCH FOR THE NATIONAL SKILLS AUTHORITY: ESTABLISHMENT OF A CENTRE FOR SKILLS DEVELOPMENT CAPACITY SUPPORT, MONITORING AND EVALUATION

The successful bidder will be required to fill in and sign a Service Level Agreement

BID DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)

NEXIA SAB&T
119 Witch-Hazel Street
Highveld Techno Park
Centurion

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

The bid box is generally open from 08:00 to 16:30 Weekdays only.

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

THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT

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

NAME OF BIDDER
POSTAL ADDRESS
STREET ADDRESS
TELEPHONE NUMBER CODE.....NUMBER.....
CELLPHONE NUMBER
FACSIMILE NUMBER CODE ..... NUMBER.....
E-MAIL ADDRESS
VAT REGISTRATION NUMBER

HAS AN ORIGINAL AND VALID TAX CLEARANCE CERTIFICATE BEEN SUBMITTED? (SBD 2) YES or NO

HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE BEEN SUBMITTED? (SBD 6.1) YES or NO

IF YES, WHO WAS THE CERTIFICATE ISSUED BY?

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA).....
A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS); OR.....
A REGISTERED AUDITOR .....
[TICK APPLICABLE BOX]

**(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE 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?  
NO

YES or

[IF YES ENCLOSE PROOF]

SIGNATURE OF BIDDER .....

DATE .....

CAPACITY UNDER WHICH THIS BID IS SIGNED .....

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

---

**ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:**

Department: NEXIA-SAB&T

Contact Person: ...Johann Kilian

Tel: .....012 682 8800

Fax: 012 682 8801

E-mail address:.....Procurement@nexia-sabt.co.za

**ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:**

Contact Person: ...Sally Mangubewa

Tel: .....012 312 5666

Fax: .....0886 298 9834

E-mail address:.....manugbewa.s@dhet.gov.za

## TAX CLEARANCE CERTIFICATE REQUIREMENTS

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

- 1 In order to meet this requirement bidders are required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
- 2 SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
- 3 The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
- 4 In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
- 5 Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website [www.sars.gov.za](http://www.sars.gov.za).
- 6 Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website [www.sars.gov.za](http://www.sars.gov.za).



### Application for a Tax Clearance Certificate

#### Purpose

Select the applicable option .....Tenders  Good standing

If "Good standing", please state the purpose of this application

Two empty text input boxes for stating the purpose of the application.

#### Particulars of applicant

Name/Legal name (Initials & Surname or registered name)

Trading name (if applicable)

ID/Passport no  Company/Close Corp. registered no

Income Tax ref no  PAYE ref no

VAT registration no  SDL ref no

Customs code  UIF ref no

Telephone no   Fax no

E-mail address

Physical address

Postal address

#### Particulars of representative (Public Officer/Trustee/Partner)

Surname

First names

ID/Passport no  Income Tax ref no

Telephone no   Fax no

E-mail address

Physical address

**Particulars of tender** (If applicable)

Tender number

Estimated Tender amount R  ,

Expected duration of the tender  year(s)

Particulars of the 3 largest contracts previously awarded

Date started	Date finalised	Principal	Contact person	Telephone number	Amount

**Audit**

Are you currently aware of any Audit investigation against you/the company?  YES  NO

If "YES" provide details

**Appointment of representative/agent (Power of Attorney)**

I the undersigned confirm that I require a Tax Clearance Certificate in respect of  Tenders or  Goodstanding.

I hereby authorise and instruct  to apply to and receive from SARS the applicable Tax Clearance Certificate on my/our behalf.

Signature of representative/agent

-  -

Date

Name of representative/agent

**Declaration**

I declare that the information furnished in this application as well as any supporting documents is true and correct in every respect.

Signature of applicant/Public Officer

-  -

Date

Name of applicant/Public Officer

**Notes:**

- It is a serious offence to make a false declaration.
- Section 75 of the Income Tax Act, 1962, states: Any person who
  - fails or neglects to furnish, file or submit any return or document as and when required by or under this Act; or
  - without just cause shown by him, refuses or neglects to-
    - furnish, produce or make available any information, documents or things;
    - reply to or answer truly and fully, any questions put to him ...
 As and when required in terms of this Act ... shall be guilty of an offence ...
- SARS will, under no circumstances, issue a Tax Clearance Certificate unless this form is completed in full.**
- Your Tax Clearance Certificate will only be issued on presentation of your South African Identity Document or Passport (Foreigners only) as applicable.



**PRICING SCHEDULE**  
(Professional Services)

NAME OF BIDDER: .....	
BID NO.: <b>NSA 02/CENTRESKILLSDEV/2015/T</b>	
CLOSING TIME 11:00	CLOSING DATE...27 November 2015

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

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY
---------	-------------	---------------------------

**\*\* (ALL APPLICABLE TAXES INCLUDED)**

1. The accompanying information must be used for the formulation of proposals.
2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project. R.....

3. PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)

4. PERSON AND POSITION	HOURLY RATE	DAILY RATE
.....	R.....	.....
.....	R.....	.....
.....	R.....	.....
.....	R.....	.....
.....	R.....	.....

5. PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT	R.....	..... days
.....	R.....	..... days
.....	R.....	..... days
.....	R.....	..... days
.....	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 contributions and skills development levies.

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

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

- 6. Period required for commencement with project after acceptance of bid .....  
.....
- 7. Estimated man-days for completion of project .....  
.....
- 8. Are the rates quoted firm for the full period of contract? \*YES/NO
- 9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index. ....  
.....  
.....  
.....

\*[DELETE IF NOT APPLICABLE]

Any enquiries regarding bidding procedures may be directed in writing to

Procurement@nexia-sabt.co.za

Or for technical information –

Mangubewa.s@dhet.gov.za

## DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state<sup>1</sup>, 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, shareholder<sup>2</sup>): .....

2.4 Company Registration Number: .....

2.5 Tax Reference Number: .....

2.6 VAT Registration Number: .....

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

<sup>1</sup>"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.

<sup>2</sup>"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



**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 2011

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

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

### 1. GENERAL CONDITIONS

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

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

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

1.3 Preference points for this bid shall be awarded for:

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

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

	POINTS
<b>1.3.1.1 PRICE</b>	.....
<b>1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION</b>	.....
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.5 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

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

- 2.2 “**B-BBEE**” means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 2.3 “**B-BBEE status level of contributor**” means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.4 “**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 services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 “**Broad-Based Black Economic Empowerment Act**” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 “**comparative price**” means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 “**consortium or joint venture**” means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract;
- 2.8 “**contract**” Error! Bookmark not defined. means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 “**EME**” means any enterprise with an annual total revenue of R5 million or less .
- 2.10 “**Firm price**” means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 “**functionality**” means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 “**non-firm prices**” means all prices other than “firm” prices;
- 2.13 “**person**” includes a juristic person;
- 2.14 “**rand value**” means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 “**sub-contract**” means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.16 “**total revenue**” bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- 2.17 “**trust**” means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.18 “**trustee**” means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

### 3. ADJUDICATION USING A POINT SYSTEM



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

#### 4. POINTS AWARDED FOR PRICE

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

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

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

Where

$P_s$  = Points scored for comparative price of bid under consideration

$P_t$  = Comparative price of bid under consideration

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

#### 5. Points awarded for B-BBEE Status Level of Contribution

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

<b>B-BBEE Status Level of Contributor</b>	<b>Number of points (90/10 system)</b>	<b>Number of points (80/20 system)</b>
1	10	20
2	9	18
3	8	16
4	5	12

5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

- 5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA’s approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.
- 5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

**6. BID DECLARATION**

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

**7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1**

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

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

**8 SUB-CONTRACTING**

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 If yes, indicate:

- (i) what percentage of the contract will be subcontracted? .....%
- (ii) the name of the sub-contractor? .....
- (iii) the B-BBEE status level of the sub-contractor? .....
- (iv) whether the sub-contractor is an EME? YES / NO (delete which is not applicable)

**9 DECLARATION WITH REGARD TO COMPANY/FIRM**

9.1 Name of company/firm ..... :

9.2 VAT registration number :.....

9.3 Company registration number .....  
:

9.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

9.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

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

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

- (i) The information furnished is true and correct;
- (ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.
- (iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- (iv) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent

basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

- (a) disqualify the person from the bidding process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution

**WITNESSES:**

1. ....

.....  
SIGNATURE(S) OF BIDDER(S)

2. ....

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><b>(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).</b></p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>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)?</p> <p><b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	<p>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?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	<p>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?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

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**

- 1 This Standard Bidding Document (SBD) must form part of all bids<sup>1</sup> 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).<sup>2</sup> 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:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> 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 consortium<sup>3</sup> 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.

<sup>3</sup> 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.

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Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

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