

REQUEST FOR PROPOSALS (RFP)

| | | |
|---|---|----------------|
| RFP REFERENCE NUMBER | RFP 01-06-2023 | |
| DESCRIPTION OF GOODS, WORK OR SERVICES | DEVELOPMENT OF AN OPERATOR INCUBATION PROGRAMME | |
| COMPULSORY BRIEFING SESSION DETAILS | DATE | TIME |
| | 09 June 2023 C-BRTA Head Office 350 Witch Hazel Avenue Eco-Point Office Park, Block A Centurion At Training Room | 11:00am |
| RFP CLOSING DETAILS | Date: 15 June 2023 Time: 11h00 a.m. Email: Quotes@cbrta.co.za (Bid responses received outside this email address will NOT be considered) | |
| RFP VALIDITY PERIOD | 60 Working days (Commencing from the official RFP closing date) | |
| ENQUIRIES | Quotes@cbrta.co.za | |

PROSPECTIVE BIDDERS MUST REGISTER ON NATIONAL TREASURY'S CENTRAL SUPPLIER DATABASE PRIOR TO SUBMITTING BIDS.

SECTION A: SBD 1

PART A: INVITATION TO BID

| SUPPLIER INFORMATION | | | | | |
|---|--|--|-------------------------------------|---|------|
| NAME OF BIDDER | | | | | |
| POSTAL ADDRESS | | | | | |
| STREET ADDRESS | | | | | |
| TELEPHONE NUMBER | CODE | | NUMBER | | |
| CELLPHONE NUMBER | | | | | |
| FACSIMILE NUMBER | CODE | | NUMBER | | |
| E-MAIL ADDRESS | | | | | |
| VAT REGISTRATION NUMBER | | | | | |
| SUPPLIER COMPLIANCE STATUS | TAX COMPLIANCE SYSTEM PIN: | | OR | CENTRAL SUPPLIER DATABASE No: | MAAA |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE | TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No | | B-BBEE STATUS LEVEL SWORN AFFIDAVIT | [TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| [A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE] | | | | | |

| | | | |
|---|---|--|--|
| <p>ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</p> | <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>[IF YES ENCLOSE PROOF]</p> | <p>ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</p> | <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>[IF YES, ANSWER THE QUESTIONNAIRE BELOW]</p> |
|---|---|--|--|

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?
 YES NO

DOES THE ENTITY HAVE A BRANCH IN THE RSA?
 YES NO

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?
 YES NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?
 YES NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?
 YES NO

IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.

PART B :TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:

- 1.1. BIDS MUST BE SUBMITTED BY THE STIPULATED TIME TO THE CORRECT EMAIL ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
- 2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

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

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

SECTION B: TERMS OF REFERENCE

1. Introduction to C-BRTA

The Cross-Border Road Transport Agency (C-BRTA) is PFMA Schedule 3A Agency established through the Cross-Border Road Transport Act 4 of 1998 and provides advice, regulation, facilitation and law enforcement in respect of commercial cross border road transportation. The Act gives the C-BRTA mandate to licence commercial cross border road transport operators by issuing permits to operate. The provision of cross-border transport services in South Africa is subject to the provisions of the Cross-Border Road Transport Act. In terms of the Act, any person or organisation wishing to provide cross-border transport services must apply to the Cross-Border Road Transport Agency's Regulatory Committee for a Permit to conduct cross-border business.

The Cross-Border Road Transport Agency's (C-BRTA) thus exists, amongst others, to improve the flow of passengers and freight road transport in the region, introduce regulated competition in cross-border road transport, reduce operational constraints for the cross-border road transport industry, provide oversight and monitoring functions, and to improve the unimpeded transport flow by road of freight and passengers.

2. General rules and instructions

- 2.1. Bidders or their agents shall not make any news releases concerning this RFP or the awarding of the same or any resulting agreement(s) without the consent of, and then only in co-ordination with, C-BRTA and its Client.
- 2.2. Should a bidder have reason to believe that the Functional Requirements are not open/fair and/or are written for a particular service provider or that the specification is based on a specific brand; the bidder must inform C-BRTA within five (5) days after publication of the RFP.
- 2.3. This RFP is subject to Government Procurement: General Contract Conditions – July 2011, Special Contract Conditions and any other contract conditions to be finalised during contracting.

3. Instructions for submitting bids

- 3.1. Bidders should submit their bid responses strictly to Quotes@cbrta.co.za. Bid responses received outside this email address will NOT be considered.
- 3.2. Bid responses will NOT be considered if submitted after the closing date and time.
- 3.3. All e-mailed proposal submissions are to be clearly **subject-referenced with the RFP number**. Proposals must consist of two parts, each of which must be sent in two separate emails with the following subject:
 - **PART 1: Technical Proposal with RFP Number.**
 - **PART 2: Pricing Proposal (SBD 3.1)**

4. RFP RETURNABLES

4.1. Bidders shall submit response in accordance with the response format below. Failure to do so shall result in the rejection of the bidder's RFP response.

4.2. Schedule Index:

- Schedule 1:** Completed and signed SBD 1
- Schedule 2:** Central Supplier Database (CSD) Registration Report
- Schedule 3:** Bidder's Tax Compliance System PIN and/or valid Tax Clearance Certificate (TCC)
- Schedule 4:** Sworn Affidavit or valid B-BBBEE Certificate
- Schedule 5:** Completed and signed SBD 4 – Bidder's Disclosure
- Schedule 6:** Completed and signed SBD 6.1 – Preference Points Claim
- Schedule 7:** Technical Proposal
- Schedule 8:** Pricing Proposal (SBD 3.1)

5. C-BRTA's Rights

5.1. C-BRTA is entitled to verify any information, amend the RFP specification, extend the bid validity period or extend the bid closing date, all before the bid closing date. All bidders, to whom the RFP documents have been issued, will be advised in writing of such amendments in good time.

5.2. C-BRTA reserves the right to request all relevant information and other documents to verify information supplied in the bid proposal.

6. Undertakings by the bidder

6.1. By submitting a bid in response to the RFP, the bidder will be taken to offer to render all or any of the services described in the bid response submitted by it to the C-BRTA.

6.2. The bidder agrees that the offer contained in its bid shall remain binding upon him/her and receptive for acceptance by the C-BRTA during the bid validity period indicated in this RFP.

6.3. The bidder accepts that any mistakes regarding prices and calculations will be at their own risk.

SECTION C – FUNCTIONAL REQUIREMENTS SPECIFICATION

Bidders are invited to quote on the Development of Operator Incubation Programme and Plan.

1. PROJECT TITLE

Development of Operator Incubation Programme and Plan.

2. INTRODUCTION AND BACKGROUND

The Agency is focused on transforming cross-border road transport industry to be representative of the demographics of the country. This will be achieved by bringing new players in the industry, targeting the previously disadvantaged individuals or target groups namely, women, youth, and people with disabilities. The Operator Incubation Programme is meant to proactively promote the inclusion of these target groups in the cross-border road transport industry by providing capacity building and support for those with interest and capacity to participate in cross-border road transport.

The purpose of the operator incubation programme and plan is to:

- Develop a pool of women, youth and disabled owned companies that are ready to do cross-border operations.
- Ensure inclusion of the target groups in the cross-border road transport industry.
- Ensure effective resources are available for operator development.
- Facilitate collaboration between the various stakeholders from both the private and public sectors; and
- Monitor and ensure continuous inclusion and improvement.

3. REGULATORY FRAMEWORK

A successful bidder should develop an operator incubation programme and plan in consideration of the regulatory framework applicable to the C-BRTA and best practices:

- The programme and plan should be drafted in alignment with the Agency's policies, procedures, and best practices to ensure compliance with relevant legislations and enable the Agency to achieve the objectives of relevant legislative instruments.
- The programme and plan should consider applicable or specific national transformation laws or regulations which the Agency may be required to comply with in each given case.
- The Agency should observe, respect, and comply with diverse regulatory frameworks, protocols and guidelines in various operating jurisdictions that are legal, ethical, and consistent with its values and governance.

4. FOCUS AND APPLICATION OF THE PROGRAMME AND PLAN

The programme and plan will guide the Executives, Senior Managers and their teams, Agency's countries of operation, working with all key internal and external stakeholders, including employees, affected communities, companies or individuals, traditional authorities, local, provincial and/or national government, border management authorities, non-governmental organisations, transport state owned entities, the academic community, employees; media; operators; suppliers; consultants; investors; regulatory agencies and trade unions.

Below is the example of what the programme should entail.

| ACCOUNTABILITY | CATEGORY LEVELS | EXAMPLES OF TOPICS OF INTEREST TO THE AGENCY |
|----------------|----------------------|--|
| CBRTA | Country | Private sector public sector collaborations, mentorship and coaching |
| | Industry (operators) | Capacity building and skills transfer |

The Agency's focus is to employ integrated use of operator development critical success factors (CSFs) such as private sector collaborations, mentorship and coaching, skills development, skills transfer and capacity development to ensure successful transformation of the industry through increased number of new entrants from the target groups.

5. SCOPE

The Operator incubation programme should cover ideas, initiatives, and activities that will help make cross-border operators operate sustainable businesses. These should also cover the following:

- **Mentorship**

The purpose of mentoring is to grow prospective operators by tapping on the knowledge and expertise of established operators, with the expectation that they will fast-track the development of these prospective operators(mentees) and open opportunities for them.

- **Coaching**

The purpose of coaching is for experienced and experts in business development and sustainability to assist with "in-class" training of new entrants to ensure that their business processes are in line with successful cross-border businesses.

- **Capacity building**

This should address any formal and informal training that operators will need in their development path, it should be a defined process of developing and strengthening the skills, instincts, abilities, processes, and resources that operators need to survive, adapt, and thrive in this challenging industry.

- **Market access**

One of the biggest challenges new entrants face is access to contracts, the programme should

outline activities and initiatives that will allow for a fertile ground for operators to access markets. It should also address mechanisms that can be used by these new entrants to identify and capitalize on potential market access opportunities.

6. DELIVERABLES EXPECTED FROM THE PROGRAMME

The following deliverables are expected from the successful bidder:

- Operator incubation programme and
- Implementation Plan.

7. TIME FRAMES

The programme and plan are expected to be developed for a period of not more than six months starting from July 2023 - December 2023.

8. REPORTING REQUIREMENTS

The service provider will report to the Executive Manager: Stakeholder Relations on monthly basis and to the identified project team on a bi-monthly basis (every two weeks).

9. BRIEFING SESSION

A compulsory briefing session will be held early in June at the offices of the C-BRTA. The physical address are as follows:

C-BRTA Head Office
350 Witch Hazel Avenue
Eco-Point Office Park, Block A
Centurion

The meeting will take place at the C-BRTA head office. The date of the briefing session will be confirmed.

EVALUATION CRITERIA: FUNCTIONALITY

| | | |
|--|--|-----------|
| | | |
| Preference Points 80/20 | | |
| 80 points = | | |
| 20 points = | | |
| 100 points =Functionality | | |
| <i>Functionality (Take note: Supplier who fails to obtain a score of 70 points or more in the functionality phase shall not be considered for further evaluation on Price and Specific Goals.</i> | | |
| TERMS OF REFERENCE | | |
| 1. Demonstration of Understanding the Terms of Reference 0= The requirements of the TOR not addressed at all. 3 = Requirements of the TOR partially addressed 5= Requirements of the TOR partially addressed but not convincing. 10 = Requirements of the TOR addressed well. 15 = Requirements of the TOR addressed well and convincingly 20= Requirements of the TOR addressed well, and additional value added | | 20 |

2. Experience of the company

(a.) Experience of the company – (to be measured by numbers of projects and reference letters)

- Bidders must demonstrate relevant experience and track record in developing an incubation programme and plan.
- They must provide details of incubation programme development they previously conducted and successfully completed over the last 5 years.

The information required should include client name, project scope, description and relevance to the tendered project, project cost as well as duration of project (indicate start and end date).

The following table template is to be used to indicate the details for the past performance of the organisation:

| Client Name | Project Scope | Project Description | Project Cost | Duration of Project |
|-------------|---------------|---------------------|--------------|---------------------|
| | | | | |
| | | | | |
| | | | | |

Points allocation guide:

| More than relevant 5 projects | 3-4 relevant projects | 1-2 relevant projects | 0 relevant projects |
|-------------------------------|-----------------------|-----------------------|---------------------|
| 15 points | 10 points | 5 points | 0 points |

15

15 points

| <p>(b.) <u>Experience of the project team</u>– to be measured through CVs of the team and number of years of experience)</p> <ul style="list-style-type: none"> Bidders must indicate the combined (Incubation Programme Development) related experience of the personnel that will be part of the C-BRTA Incubation Programme Development. <p>The information required must include the following details: -</p> <ul style="list-style-type: none"> Personnel CVs including qualifications. Description of experience related to Incubation Programme Development. Summary or Personnel skills matrix (all skills relevant for incubation programme development) <table border="1" data-bbox="112 643 1146 858"> <thead> <tr> <th>More than 15 years</th> <th>11 to 15 Years</th> <th>5 to 10 Years</th> <th>Less than 5 Years</th> </tr> </thead> <tbody> <tr> <td>15 points</td> <td>10 points</td> <td>5 points</td> <td>0 points</td> </tr> </tbody> </table> | More than 15 years | 11 to 15 Years | 5 to 10 Years | Less than 5 Years | 15 points | 10 points | 5 points | 0 points | | |
|--|--|-------------------------|------------------------|-------------------|--|-----------|----------|------------------|--|--|
| More than 15 years | 11 to 15 Years | 5 to 10 Years | Less than 5 Years | | | | | | | |
| 15 points | 10 points | 5 points | 0 points | | | | | | | |
| <p>3. Methodology and Approach (to be measured by assessment of proposal to render the service, action plans, etc.)</p> <table border="1" data-bbox="112 1080 1171 1364"> <thead> <tr> <th>Score Rating</th> <th>Description of Standard</th> <th>Allocated Points range</th> </tr> </thead> <tbody> <tr> <td>Excellent</td> <td> <ul style="list-style-type: none"> Beyond meeting the “Good” rating, the bidder exceptionally demonstrated the strategic review methodology of the understanding, ability, experience, skills, resource, and quality measures required to </td> <td>31-40</td> </tr> </tbody> </table> | Score Rating | Description of Standard | Allocated Points range | Excellent | <ul style="list-style-type: none"> Beyond meeting the “Good” rating, the bidder exceptionally demonstrated the strategic review methodology of the understanding, ability, experience, skills, resource, and quality measures required to | 31-40 | | <p>40</p> | | |
| Score Rating | Description of Standard | Allocated Points range | | | | | | | | |
| Excellent | <ul style="list-style-type: none"> Beyond meeting the “Good” rating, the bidder exceptionally demonstrated the strategic review methodology of the understanding, ability, experience, skills, resource, and quality measures required to | 31-40 | | | | | | | | |

| | | | | | |
|--------------------|---|--------------|--|--|--|
| | <p>successful provide the services deliverables in an innovative and efficient way within the required timelines.</p> <ul style="list-style-type: none"> • The proposal details ways to improve the project outcomes/deliverables and the quality of the outputs. • The sequencing and timing of the activities are very well defined, indicating that the bidder has optimized the use of resources and the work plan/project plan that permits flexibility to accommodate risks and contingencies planned for. • Response identifies factors that will offer potential added value with supporting evidence relevant to the Terms of Reference or deliverables | | | | |
| <p>Good</p> | <ul style="list-style-type: none"> • Satisfies the requirement. The methodology is specifically tailored to address all terms or reference, project objective and requirements; and is sufficiently flexible to accommodate changes that may occur during execution. • Bidder demonstrated the ability, understanding, experience, skills, resource, and quality measures required to provide the goods and services within the required timelines. | <p>21-30</p> | | | |

| | | | | | |
|---|---|-------|--|--|-----------|
| | <ul style="list-style-type: none"> There is a fair degree of detail that facilitates understanding of the proposed terms of reference. | | | | |
| Poor | <ul style="list-style-type: none"> The proposed methodology is poor and unlikely to satisfy the project objectives or requirements. The bidder's approach to the project is mis aligned to some part of the requirements. The bidder fails to address all important areas highlighted on the scope of work, and/or deliverables. Methodology fails to address the requirements with little or no supporting evidence relating to the terms of reference. | 10-20 | | | |
| Unacceptable/ non-responsive | <p>Bidder failed to:</p> <ul style="list-style-type: none"> Provide methodology with the submission. Provided irrelevant methodology which is not aligned to the scope of work with little or no supporting evidence. Information provided is insufficient to demonstrate the understanding, ability, experience, skills, resource & quality measures required to provide the services. | 0 | | | |
| 4. Skills Transfer | | | | | 10 |

| | | |
|--|--|------------|
| <ul style="list-style-type: none"> Plan demonstrating how the appointed service provider will involve identified officials in the process as part of on-the-job training <p>Points allocated guide: 0 = No indication of skills transfer 1-2 = Some skill development included in proposal but not well thought through 3 -5 = Well thought through strategy of how they would empower available staff on the evaluation 6-10= Interesting/innovative model for empowering staff in the evaluation</p> | | |
| TOTAL POINTS FOR FUNCTIONALITY | | 100 |

10. MINIMUM REQUIREMENTS

Service providers should be required to meet the minimum scores for each element as well as the overall minimum score (70 points), based on the average of scores awarded by the evaluation panel members. Proposals should clearly address the project description and the functional evaluation criteria mentioned above.

11. PRESENTATIONS

A short-list will be drawn up of Service Providers that meet the minimum requirements and successful candidates will be invited to the C-BRTA head office to present the project scope to the bid evaluation committee. Points will be allocated as follows:

| Key Areas | Allocation | Description |
|---------------------|------------|--|
| Presentation | 20 points | |
| Content | 40 points | The presentation should cover and expand on the important areas highlighted in the scope of work. |
| Experience | 40 points | Candidates must demonstrate relevant experience and a track record in undertaking projects of a similar nature |

Bidders who met minimum points of 60 will be evaluated further on Price and Specific Goals

12. EVALUATION IN LINE WITH SCM GUIDELINES

If there are significant deficiencies regarding responsiveness to the requirements of this ToR, an offer may be deemed “non-responsive” and thereby disqualified from consideration. The C-BRTA reserves the right to waive immaterial deficiencies at its discretion.

Best-offer quotations are requested. It is anticipated that award will be made solely on the basis of these original quotations. However, the C-BRTA reserves the right to conduct any of the following:

- Minimum requirement: Service providers should be required to meet the minimum scores for each element as well as the overall minimum score (70 points), based on the average of scores awarded by the evaluation panel members.
- Proposals should clearly address the project description and the functional evaluation criteria mentioned above.
- The C-BRTA may conduct negotiations with and/or request clarifications from any offeror prior to award.
- While preference will be given to offerors who can address the full technical requirements of this ToR, the C-BRTA may issue a partial award or split the award among various suppliers, if in the best interest of the project.
- The C-BRTA may cancel this ToR at any time.

12.1 On submission of offers:

Service Providers are requested to submit signed and dated offers to the office specified in this solicitation at or before the exact time specified in this solicitation. Offerors must provide the following information on an official letterhead:

- a) ToR number;
- b) The name, addresses (street, email, other) and telephone number of the bidder;
- c) Brief qualifications of the organisation or business and its capacity to fulfil the technical specifications including corporate capabilities;
- d) Proof of eligibility to work and or registration in South Africa.
- e) Overview of the management structure, including brief bio's or CVs of key personnel (staff or consultants) who will actually undertake the work. Further interviews with key staff are likely to ascertain fit;
- f) Past performance information: include recent and relevant contacts for the same or related items and other references (including points of contact with telephone numbers and email addresses)
- g) A detailed work plan outlining each task and accompanying timeframe, including proposed delivery dates for each deliverable (i.e., draft, and final products) which follows the expected activities and deliverables described in in the Scope of Work.

It is expected that the contract will be awarded to the responsive applicant whose offer has the highest evaluation score and offers best value. The C-BRTA reserves the right to make an award based on initial submission. The C-BRTA also reserves the right to make no award if it is determined that the offers submitted do not satisfy the needs of the Agency.

Offers shall be submitted via email and received no later than on the closing date and time. Offers received after the specified time and date will be considered late and will be considered only at the discretion of the Agency. All written proposals submitted must be valid for a period of not less than ninety (90) calendar days.

12.2 Notification of Selection

Prior to the expiration period of proposal validity, the C-BRTA will notify the Bidder who submitted the highest scoring proposal in writing (by e-mail). Clarifications and revision of minor errors and omissions may be requested. Upon completion of either, Bidder may be required to submit a revised quote.

13. INTELLECTUAL PROPERTY RIGHTS

Due to the sensitive nature of information gathered, the ownership of the material generated during consultations with stakeholders shall remain with the Agency.

14. GENERAL AND SPECIAL CONDITIONS OF CONTRACT

The awarding of the final contract is subject to the conclusion of a service level agreement between the Agency and the successful service provider.

SECTION D: STANDARD BIDDING DOCUMENT

BIDDER'S DISCLOSURE

SBD 4

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise,

employed by the state?

YES/NO

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

¹ the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

2.2

| Full Name | Identity Number | Name of State institution |
|-----------|-----------------|---------------------------|
| | | |
| | | |
| | | |
| | | |
| | | |

Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....
.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract?

YES/NO

2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

I, the undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 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 will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.5 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.
- 3.6 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.7 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.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON

PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....

.....

Signature

Date

.....

.....

Position

Name of bidder

SBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to invitations to tender:
- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
 - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).
- 1.2 The applicable preference point system for this tender is the **80/20** preference point system.
- 1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:
- (a) Price; and
 - (b) Specific Goals.
- 1.4 The maximum points for this tender are allocated as follows:

| | POINTS |
|---|--------|
| PRICE | 80 |
| SPECIFIC GOALS | 20 |
| Total points for Price and SPECIFIC GOALS | 100 |

- 1.5 Points for specific goals for this tender will be allocated on the basis B-BBEE Status Level as shown in Table 1 below.
- 1.6 In order to claim points for specific goals, bidders must submit B-BBEE Certificate and/or sworn affidavit, as the case may be.
- 1.7 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.8 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \\ \mathbf{Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)} & \mathbf{or} & \mathbf{Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)} \end{array}$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

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

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \\ \mathbf{Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)} & \mathbf{or} & \mathbf{Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)} \end{array}$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender.

For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
- then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

Note to tenderers: The tenderer must indicate how they claim points for each preference point system. Thus, tenderers are required to indicate number of points in line with their B-BBEE Status Level and Ownership

| No | The specific goals allocated points in terms of this tender | Number of points allocated (80/20 system) | Means of verification | Number of points claimed (80/20 system) (To be completed by the tenderer) |
|----|---|---|---|--|
| A | BBBEE Level 1 - 4 | 10 | BBBEE or Sworn affidavit submitted with the bid | |

| | | | | |
|----------|-------------------------------------|---------------------|---------------------------|--|
| B | Women owned Enterprises | 5 | Central Supplier Database | |
| C | Enterprises owned by Disable people | 5 | Medical report | |
| D | Total point claimed | D= A + B + C | | |

5. SUBMISSIONS BY CONSORTIUMS AND JOINT VENTURES

5.1 If a submission is made by a consortium or Joint Venture, the points claimed for ownership must be detailed separately on an attachment showing the following:

- The percentage (%) of the contract allocated to each JV member or consortium member. This should also be included in an agreement to be made available on request by C-BRTA
- The percentage ownership by race category of each JV member or consortium member in each of the specific goals relevant to this bid.
- The total points claimed will be the sum of the percentage contract allocation for each partner multiplied by the percentage weighting for the race category, multiplied by the percentage ownership in the relevant specific goal.

6. DECLARATION WITH REGARD TO COMPANY/FIRM

6.1. Name of company/firm.....

6.2. Company registration number:

6.3. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One-person business/sole propriety
- Close corporation
- Public Company
- Personal Liability Company
- (Pty) Limited
- Non-Profit Company
- State Owned Company

[TICK APPLICABLE BOX]

6.4. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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, if deemed necessary.

| | |
|------------------------------------|-------|
| | |
| SIGNATURE(S) OF TENDERER(S) | |
| SURNAME AND NAME: | |
| DATE: | |
| ADDRESS: | |
| | |
| | |