



# LIMPOPO

PROVINCIAL GOVERNMENT  
REPUBLIC OF SOUTH AFRICA

## REQUEST FOR QUOTATION (OVER R30 000 to R1 000 000)

Limpopo Provincial Government Institution of Treasury

Dear Sir / Madam

### REQUEST FOR QUOTATIONS

**(Over R30 000 up to a transaction value of R1 000 000 VAT included)**

Kindly furnish LPT with a written quotation for the supply of goods/services as detailed in the enclosed schedule.

The quotation must be submitted **on the letterhead** of your business and **must** be deposited at the bid box situated at **46 Hans Van Rensburg Street, Polokwane** outside Guardhouse closing date is the **08 September 2023 @ 11h00am**.

The following conditions will apply:

- 1) Price(s) quoted must be valid for at least **ninety (90)** days from date of your offer.
- 2) Price(s) quoted must be firm and must be inclusive of VAT.
- 3) A firm delivery period must be indicated.
- 4) This quotation will be evaluated in terms of the 80/20 preference point system as prescribed in the Preferential Procurement Policy, 2022 and for this purpose the enclosed SBD forms must be scrutinized, completed and submitted together with your quotation.
- 5) The successful provider will be the one scoring the highest points.
- 6) Acceptance of the General Conditions of Contract can be found on the Provincial/National Treasury Website.

**NB: Failure to comply with the following conditions may invalidate your offer.**

- ✓ **No quotations will be considered from persons in the service of the state.**
- ✓ **Bidders are urged to read and understand the contents of SBD 4 form and give special attention on 2.3, failure to disclose ALL the companies under the directors on CSD will lead to disqualification.**
- ✓ **Bidders are required to duly complete SBD 6.1 and attach proof/means of verification as required (Proof of Local Address), failure to complete and submit documentation will lead to non-allocation of preference points.**
- ✓ **Persons with disabilities ownership > 51%, are required (compulsory) to submit a Medical certificate from a recognized Medical Practitioner, failure to submit the means of verification will lead to non-allocation of preference points.**

Yours faithfully

**SIGNATURE: MAPHANGA T.H**



## PART A INVITATION TO BID

|   |  |               |  |  |       |
|---|--|---------------|--|--|-------|
| <b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE LIMPOPO PROVINCIAL TREASURY</b>  |  |               |  |  |       |
| BID NUMBER:   | LPT/QUT 020/2023   | CLOSING DATE: | 08 SEPTEMBER 2023  | CLOSING TIME:  | 11H00 |
| DESCRIPTION   | PROCUREMENT FOR THE SERVICE OF ACCREDITED AND REGISTERED SERVICE PROVIDER TO CONDUCT IN-HOUSE BUSINESS CONTINUITY MANAGEMENT TRAINING (BCM) FOR 25 DELEGATES |               |  |  |       |
| <b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>  |  |               |  |  |       |
| <b>ISMINI TOWERS TENDER BOX</b>   |  |               |  |  |       |
| <b>LIMPOPO PROVINCIAL TREASURY</b>  |  |               |  |  |       |
| <b>46 HANS VAN RENSBURG STREET</b>  |  |               |  |  |       |
| <b>POLOKWANE</b>  |  |               |  |  |       |
| <b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>   |  |               | <b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>                           |  |       |
| CONTACT PERSON  | OOSTHUIZEN A   |               | CONTACT PERSON   | TAYOB HAVA   |       |
| TELEPHONE NUMBER  | 015 298 7072   |               | TELEPHONE NUMBER   | 015 291 8566   |       |
| FACSIMILE NUMBER  |  |               | FACSIMILE NUMBER   |  |       |
| E-MAIL ADDRESS  | Oosthuizen.anelda@limpopo.gov.za   |               | E-MAIL ADDRESS   | tayobh@treasury.limpopo.gov.za   |       |
| <b>SUPPLIER INFORMATION</b>   |  |               |  |  |       |
| 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:   |               | <b>OR</b>  | CENTRAL SUPPLIER DATABASE No:  | MAAA  |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE  | TICK APPLICABLE BOX]<br><input type="checkbox"/> Yes <input type="checkbox"/> No   |               | B-BBEE STATUS LEVEL SWORN AFFIDAVIT                                      | [TICK APPLICABLE BOX]<br><input type="checkbox"/> Yes <input type="checkbox"/> No      |       |
| <b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>   |  |               |  |  |       |
| ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?   | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES ENCLOSE PROOF]   |               | ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES, ANSWER PART B:3 ] |       |
| <b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>   |  |               |  |  |       |
| IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?   |  |               | <input type="checkbox"/> YES <input type="checkbox"/> NO                 |  |       |
| DOES THE ENTITY HAVE A BRANCH IN THE RSA?   |  |               | <input type="checkbox"/> YES <input type="checkbox"/> NO                 |  |       |
| DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?  |  |               | <input type="checkbox"/> YES <input type="checkbox"/> NO                 |  |       |
| DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?   |  |               | <input type="checkbox"/> YES <input type="checkbox"/> NO                 |  |       |
| IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?   |  |               | <input type="checkbox"/> YES <input type="checkbox"/> 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**

|                                       |   |
|---------------------------------------|---|
| <b>1. BID SUBMISSION:</b>             |   |
| 1.1.                                  | BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.   |
| 1.2.                                  | <b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.</b>  |
| 1.3.                                  | THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT. |
| 1.4.                                  | <b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b>   |
| <b>2. TAX COMPLIANCE REQUIREMENTS</b> |   |
| 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 IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.   |
| 2.7                                   | NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."                       |

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

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....  
(Proof of authority must be submitted e.g. company resolution)

DATE: .....

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

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

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

|                           |                                 |
|---------------------------|---------------------------------|
| Name of bidder.....       | Bid number: LPT/QUT 020/2023    |
| Closing Time <b>11H00</b> | Closing date: 08 SEPTEMBER 2023 |

OFFER TO BE VALID FOR **90** DAYS FROM THE CLOSING DATE OF BID.

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

- Required by: .....

- At: .....

- Brand and model .....

- Country of origin .....

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

- If not to specification, indicate deviation(s) .....

- Period required for delivery .....

\*Delivery: Firm/not firm

- Delivery basis .....

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

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

\*Delete if not applicable

## BIDDER'S DISCLOSURE

### 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 interest<sup>1</sup> 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.

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

2.2 Do you, or any person connected with the bidder, have a relationship

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<sup>1</sup> 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.

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<sup>2</sup> 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.
- 3.4 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.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring

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<sup>2</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.

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.

- 3.6 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

## 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 **To be completed by the organ of state**

*(delete whichever is not applicable for this tender).*

- a) The applicable preference point system for this tender is the **80/20** preference point system.
- b) The **80/20 preference point system** will be applicable in this tender. The lowest/highest acceptable tender will be used to determine the accurate system once tenders are received.

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 **To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

|  | <b>POINTS</b> |
|--|---------------|
| <b>PRICE</b>                                     | <b>80</b>     |
| <b>SPECIFIC GOALS</b>                            | <b>20</b>     |
| <b>Total points for Price and SPECIFIC GOALS</b> | <b>100</b>    |

1.5 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.

- 1.6 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:

$$Ps = 80 \left( 1 - \frac{Pt - Pmin}{Pmin} \right) \text{ or } Ps = 90 \left( 1 - \frac{Pt - Pmin}{Pmin} \right)$$

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:

$$Ps = 80 \left( 1 + \frac{Pt - Pmax}{Pmax} \right) \text{ or } Ps = 90 \left( 1 + \frac{Pt - Pmax}{Pmax} \right)$$

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 organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)*

*Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)*

| The specific goals allocated points in terms of this tender                      | Number of points allocated (90/10 system)<br>(To be completed by the organ of state) | Number of points allocated (80/20 system)<br>(To be completed by the organ of state) | Number of points claimed (90/10 system)<br>(To be completed by the tenderer) | Number of points claimed (80/20 system)<br>(To be completed by the tenderer) |
|--|--|--|--|--|
| Black people ownership > 51%   | N/A  | 7  | N/A  |  |
| Woman ownership > 51%  | N/A  | 6  | N/A  |  |
| Persons with disabilities ownership > 51%  | N/A  | 2  | N/A  |  |
| Youth ownership > 51%  | N/A  | 3  | N/A  |  |
| Locality (Limpopo) – business / company based within a specific region (Limpopo) | N/A  | 2  | N/A  |  |

#### DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number: .....

4.5. 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]

- 4.6. 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:** .....

.....

.....

.....



**PROVINCIAL TREASURY**

**SUBJECT: REQUEST TO PROCURE THE SERVICE OF AN ACCREDITED AND REGISTERED SERVICE PROVIDER TO CONDUCT IN-HOUSE BUSINESS CONTINUITY MANAGEMENT (BCM) FOR 25 DELEGATES**

**1. APPOINTMENT OF SERVICE PROVIDER**

The appointed accredited service provider must satisfy the following requirements.

**1.1 Functionality**

A comprehensive programme designed to include all aspects of BCM required by managers and business continuity practitioners responsible for the implementation, management, and maintenance of an effective business continuity management programme. The focus of this course is to ensure that the delegates can understand the theory behind BCM implementation and the practical application thereof.

- Introduction to BCM
- Trends and observations
- BCM in Context
- Standard and Compliance
- Elements of the BCM lifecycle
- Policy and Programme Management
- Embedding Business Continuity
- Analysis
- Design
- Implementation
- Validation
- BCM Roles and Responsibilities

**1.2 Accreditation**

- ✓ Registered with the relevant Sector Education and Training Authority (SETA) as an accredited service provider in line with the South African Qualification Authority Act, 58 of 1995 (SAQA) as required by the Skills Development Act, 97 of 1998.
- ✓ PECB ISO 22301 Trainer;
- ✓ Corporate Member Business Continuity Institute.
- ✓ The modules/units standards must be aligned to the National Qualification Framework (NQF) level.
- ✓ Portfolio of Evidence (PoE) Assessment or a written assessment test.

## 2. SELECTION AND EVALUATION CRITERIA

### 2.1 Quality Evaluation

The evaluation criteria to be utilised will be based on the following:

- Bids will be evaluated in accordance with the prescripts of the Preferential Procurement Regulations of 2022 and Provincial Treasury Supply Chain Management policies.
- Responsive bids will be evaluated on the 80/20 principle.
- Evaluation of bids will be conducted in **two (2) phases** as follows:

#### a) Phase 1 – Functionality

Bidders will be evaluated according to pre-qualification requirements which include the submission of mandatory information or documentation. **Bidders that fail to meet the pre-qualification requirements of the bid will not be considered further for evaluation on technical requirements i.e., Phase 2.**

The below matrix will be used in scoring the proposals:

| FUNCTIONALITY COMPLIANCE  |           |  |       |
|---|-----------|--|-------|
| Evaluation Criteria   | Weight    | Scoring Criteria   | Score |
| <b>A. Facilitator`s Relevant qualifications and Experience:</b>   | <b>20</b> |  |       |
| <b>Qualifications</b>   |           | <b>Qualifications</b>  |       |
| Member of the Business Continuity Institute (MBCI).<br>Certified ISO 22301 Lead Implementer.<br>Prince2 Foundation.<br>ITIL Version 3 Foundation. |           | <ul style="list-style-type: none"> <li>▪ Member of Business Continuity institute =5</li> <li>▪ National Certificate in BCM =5</li> <li>▪ Certified ISO 22301 = 5</li> <li>▪ Masters Degree (NQF 9) = 5</li> <li>▪ Honours Degree (NQF 8) = 4</li> <li>▪ Degree (NQF 7) = 3</li> <li>▪ National Diploma (NQF 6) = 2</li> <li>▪ National Higher Certificate(NQF 5) =0</li> </ul> |       |

|  |           |   |  |
|--|-----------|---|--|
| Any highest level of qualification in the related field.<br><br>Certified Copies of Qualifications to be provided.                       |           |   |  |
|  | <b>10</b> | <b>Experience</b>   |  |
| Leadership, Management and Presentation skills as per Curriculum Vitae, particularly on BCM Awareness Trainings; PECB ISO 22301 Trainer; |           | <ul style="list-style-type: none"> <li>▪ 15 years or more = 10</li> <li>▪ 10-14 years = 8</li> <li>▪ 6-9 years = 6</li> <li>▪ 4-5 years = 4</li> <li>▪ 0-3 years = 2</li> </ul> |  |

| <b>Evaluation Criteria</b>   | <b>Weight</b> | <b>Scoring Criteria</b>  | <b>Score</b> |
|--|---------------|--|--------------|
| <b>B. Service Provider`s Relevant experience in the following areas is critical:</b>   | <b>50</b>     | <b>Relevant experience</b>   |              |
| Apply legislative frameworks; regulations underlying Business Continuity in the public sector; BCM roles and responsibilities; BCM in Context: Standards and Compliance; Elements of the BCM lifecycle; Policy and |               | <ul style="list-style-type: none"> <li>▪ 5 years or more experience in the critical areas listed = 50</li> <li>▪ 4 - 5 years experience in the critical areas listed = 40</li> <li>▪ 3 - 4 years experience in the critical areas listed = 30</li> <li>▪ 1 - 2 years experience in some of the critical areas listed = 20</li> <li>▪ 0-1 years experience in some of the critical areas listed = 10</li> </ul> |              |

|  |               |   |              |
|--|---------------|---|--------------|
| <p>Programme Management;<br/>Embedding Business Continuity (Analysis; Design; Implementation and Validation)</p> <p><b>NOTE: Training experience on the following areas: Business Continuity in the public sector</b></p>  |               |   |              |
| <b>Evaluation Criteria</b>   | <b>Weight</b> | <b>Scoring Criteria</b>   | <b>Score</b> |
| <b>A. Accreditation of the Service Provider:</b>   |               |   |              |
| <p>Registered with the relevant Sector Education and Training Authority (SETA) as an accredited service provider in line with the South African Qualification Authority Act, 58 of 1995 (SAQA) as required by the Skills Development Act, 97 of 1998. The modules/units standards must be aligned to the National Qualification Framework (NQF) levels.</p> <p><b>NB: Accreditation Letter</b></p> | <b>10</b>     | <ul style="list-style-type: none"> <li>▪ Full accreditation for 3 years and more =10</li> <li>▪ Full accreditation for 2 -3 years = 7.5</li> <li>▪ Full accreditation for 1 -2 years =5</li> <li>▪ Provisional accreditation for 1- 1/2 years = 2.5</li> <li>▪ No accreditation = Disqualified</li> </ul> |              |

|  |           |  |  |
|--|-----------|--|--|
| Portfolio of Evidence (PoE) Assessment or a written assessment test and Certificate of Competence. | <b>10</b> | Portfolio of Evidence (PoE) Assessment or a written assessment test and Certificate of Competence = 10<br>No Portfolio of Evidence (PoE) Assessment nor a written assessment test = Disqualified |  |
|--|-----------|--|--|

**N.B. (i) Bidders must score a minimum of 70% on functionality to qualify for further evaluation.**

**b) Phase 2 –Pricing and Preference points**

The value of this bid is estimated not to exceed R1 000 000.00 million (all applicable taxes included) and therefore the 80/20 point system shall be applicable in terms of the Preferential Procurement Regulations of 2022. Preference points shall be allocated as follows:

| <b>Folio No.</b> | <b>Criteria</b>                            | <b>Points</b> |
|------------------|--|---------------|
| 1.               | Price                                      | 80            |
| 2.               | <b>Specific Goals (as per table below)</b> | <b>20</b>     |
| <b>TOTAL</b>     |  | <b>100</b>    |

- Bidders are required to duly complete SBD 6.1 and attach proof/means of verification as required (Proof of Local Address), failure to complete and submit documentation will lead to non-allocation of preference points.
- Persons with disabilities ownership > 51%, are required (compulsory) to submit a medical certificate from a recognized Medical Practitioner, failure to submit the means of verification will lead to non-allocation of preference points.
- Bidders are urged to read and understand the contents of SBD 4 form and special attention on 2.3, failure to disclose the information will lead to disqualification.

| <b>Preference points to be allocated as follows:</b>       | <b>Points allocation</b> | <b>Means of Verification</b>  |
|--|--------------------------|---|
| Black people ownership > 51 %                              | <b>7</b>                 | CSD and/or copy of company registration document  |
| Women ownership > 51 %                                     | <b>6</b>                 | CSD report  |
| Persons with disabilities ownership > 51%                  | <b>2</b>                 | CSD and Medical certificate from a recognized Medical Practitioner                      |
| Youth ownership > 51 %                                     | <b>3</b>                 | CSD Report  |
| Locality – business/company based within a specific region | <b>2</b>                 | Proof of Local Address (municipal account or address confirmation from local authority) |

### **3. SPECIAL CONDITIONS OF CONTRACT**

#### **3.1 Bidder's own terms and conditions or qualifications of bid**

This document contains the terms and conditions of this bid, and bidders must not change/amend the TOR or come up with their own terms and conditions.

#### **3.2 Reservation of Rights**

3.2.1 LPT reserves the right to –

- (a) invite bidders to make presentations regarding any aspect (s) of the bid;
- (b) request further information or document (s) from any bidder after closing date;
- (c) Communicate only with the shortlisted bidders as and when necessary;
- (d) Verify information and documentation of respective bidder from the National Treasury's Centralized Supplier Database (CSD) system, South African Revenue Services (SARS), Private Security Industry Regulatory Authority (PSIRA), Companies & Intellectual Property Commission (CIPC), National Treasury or any other relevant entity or visit the premises of the bidder at any time without notice. Any information received which does not correspond with the one provided in the bid document will render the bid null and void;
- (e) at any reasonable time, inspect the premises of the bidder;
- (f) negotiate the final price; and

- (g) award the bid to a bidder who did not score the highest points.
- (h) Non-adherence to specified timelines may result in penalties being imposed.
- (i) LPT reserves the right to withdraw the contract before appointment.
- (j) No variation to the accepted proposal will be permitted, unless there is prior approval.

### **3.3 Termination of Contract**

3.3.1 Bidders must acquaint themselves with the provisions of section 30 of the Public Service Act, 1994 (Proclamation 103 of 1994) and ensure that where applicable, natural persons who constitute the bidder comply with these laws. LPT reserves the right to disregard a bid or cancel the contract with the winning bidder if the bidder, –

- (a) has failed to comply with any legal or policy requirement that the bidder must comply with in order to enter into a valid contract with LPT, including but not limited to any public servant constituting or in the employ of the winning bidder not having the necessary permissions or authorization in terms of the Public Service Act, or not having made the necessary financial disclosures to the employer or not having declared any or all interests in the bid documents;
- (b) has acted in a fraudulent manner or in bad faith or in any other unsatisfactory manner in obtaining any other contract with any other state institution, government department, provincial administration or public entity;
- (c) after notification that the bid has been conditionally accepted, either fails, refuses or neglects or causes undue delays in the signing of the contract and service level agreement; or
- (d) has entered into any arrangement or agreement with any other natural or corporate person, whether legally binding or not, must refrain from bidding for this contract.

3.3.2 LPT may immediately terminate the contract without any notice if any of the following circumstances occur or exist:

If the bidder –

- (a) commits an act of misconduct or technical incompetence;
- (b) commits or participates in any unlawful, dishonest or unethical act in the performance of its obligations under this contract; or
- (c) breaches this contract.

3.3.3 LPT may cancel the contract, if it is satisfied that any person (being an employee, partner, director or shareholder of the bidder or a person acting on behalf of the

bidder), firm or company (The expression “person, firm or company” shall include an authorized employee or agent of such a person, firm or company):

- (a) is executing a contract with government unsatisfactorily;
- (b) has offered, promised or given a bribe or other gift or remuneration to any officer or employee in the Public Service in connection with obtaining or executing a contract;
- (c) has acted in a fraudulent manner or in bad faith or in any other unsatisfactory manner in obtaining a contract with any government department, provincial administration, public body, company or person, or that he/she has managed his/her affairs in such a way that he/she has in consequence there-of been found guilty of a criminal offence;
- (d) has approached an officer or employee in the Public Service before or after bids have been called for, to influence the award of the contract in his/her favor;
- (e) has withdrawn or amended his/her bid after the time set for the receipt and opening of bids;
- (f) when advised that his/her bid has been conditionally accepted, has given notice of his/her inability to execute or sign the contract or to furnish any security required;
- (g) has disclosed to any other person, firm or company the exact or approximate amount of his/her proposed bid except where disclosure, in confidence, was necessary to obtain insurance premium quotations for the preparation of the bid;
  - i. LPT may, in addition to any other legal recourse which it may have, cancel the contract between LPT and such person, firm or company and /or resolve that no bid from such a person, firm or company will be favorably considered for a specific period.

### **3.4 Conflict of Interests**

Bidders must not have or undertake duties or interests that create or might reasonably be anticipated to create an actual or perceived conflict with its duties and interests in executing the contract. Bidders must have internal control measures in place to identify potential conflicts and to bring them to the attention of LPT.

### **3.5 Costs incurred by bidder.**

LPT will not be responsible for or pay any expenses or losses which may be incurred by the bidder in the preparation and submission of its bid.

### **3.6 Bid binding**

All written information, warranties and representations made by or on behalf of the bidder before conclusion of the contract are binding upon the bidder and are deemed to have induced LPT to enter into this contract.

### **3.7 Intellectual Property Rights**

(a) Copyright to all inventions and innovations developed using the products and methodologies offered by the bidder shall be vested in the Limpopo Provincial Administration in particular and in the State in general. Copyright, patent rights and all similar rights in any works or products created as a result of the execution of this bid and its assignments shall vest in and are hereby transferred to the LPT, unless the contrary is agreed to in the form of individual written agreements signed by the bidder and the Accounting Officer of LPT or his/her delegate. For this purpose, all works created in terms of this bid and its assignments shall be deemed to have been created under the direction and control of LPT.

(b) All data, data structures, forms and report formats designed or generated in the provision of training shall become the sole and exclusive property of LPT immediately upon acceptance of the service or service component. It is the responsibility of the service provider to hand back all data, data structures, forms and report formats to LPT at the end of the contract.

### **3.8 Bidder conduct**

Bidders must –

- (a) use and adopt reasonable professional techniques and standards in providing the service;
- (b) monitor project implementation against set targets, costs and timeframes.
- (c) provide services with all due care, skill and diligence.
- (d) ensure continuity of services to LPT.
- (e) be able to execute the contract under the supervision of EUCB personnel.
- (f) comply with all industry best practices and standards issued or published by any provincial or national governing body, council or organization;
- (g) all reports issued by the service provider must be endorsed by the LPT EUCB personnel
- (h) ensure that senior personnel, its employees or engagement partners observe confidentiality and do not use any information obtained pursuant to this contract for any reason other than for the proper discharge of the bidder's obligations under this contract. The bidder must have systems in place to monitor compliance in this regard;
- (i) not in the process of fulfilling its obligations in terms of this contract, use any labour or intellectual capacity of any employee of the state, including employees of the

LPT, for remunerative purposes, unless such employee has the necessary written authorization;

- (j) upon notice by LPT, revise or amend any report that the LPT is not satisfied with, within a time period specified by the LPT in that notice; and
- (k) immediately upon receipt of a notice from LPT, promptly replace or re-execute, at the LPT's option, any portion of the services which within a period as determined by the LPT, from the date upon which they are delivered to the LPT are found to be defective in design or suffer from any non-conformity with this agreement;
- (l) The bidder must further, at its expense ensure that every person involved in the execution of this contract and engagement partners are-
  - i. **Suitably qualified, properly skilled, experienced, trained and competent to render the Services.** LPT may interview any person appointed by the Service Provider to execute this contract to test their understanding of the key deliverables in terms of this contract; and
  - ii. Where applicable, registered with relevant professional bodies.
- (m) record their qualifications and professional experience in order for LPT to determine the suitability, qualifications and experience of the bidders to execute the key deliverables in terms of this bid. **The training institution must be in charge of fieldwork throughout the duration of the contract. Any changes to the appointed facilitator must be done through written approval of the LPT** LPT reserves the right to reject the proposed replacement. These changes to the project team should not have a negative impact on the project deliverables.
- (n) By bidding, the Service Provider is deemed to have satisfied itself regarding all conditions affecting this contract and must at all times comply with the manifest intent and obligations of this contract.

#### **4. BID PRICE**

- 4.1 Bid price must be in South African Rand including VAT, and any other additional cost.
- 4.2 Bidders must prepare a pricing schedule signed by the authorized signatory, indicating costs per activity (phase) and costs for the duration of the contract.
- 4.3 Should there be a discrepancy between the prices in the schedule and the total price indicated on the bid form, LPT **will consider the total price on the bid form (SBD 3.1)**
- 4.4 Prices will remain firm for the duration of the contract, and it is the responsibility of the bidder to consider all costs and all possible escalations when compiling bid prices except where additional travel may be required to engage other benchmark entities, these will be at the request and approval of LPT. Once the bid is awarded, no request for price escalation will be entertained, regardless of the reasons for such request.

## **5 ACCEPTANCE OF BID**

### **5.1 Methodology**

Clear deliverables agreed with LPT in line with the scope of work.

### **5.2 Professional Registration**

Proof of professional registration of the entity and affiliation for team members must be submitted in the form of certified copies of the relevant registration documents.

### **5.3 Central Supplier Database registration**

The accounting/audit entity should be registered on the National Treasury central supplier database.

### **5.4 Appointment**

Should the bid be accepted, LPT will issue a written letter of acceptance and in addition, a formal agreement will be entered between LPT and the appointed entity.

## **6. PAYMENT CONDITIONS**

### **6.1 Invoices and payments**

6.1.1 The contract price is –

- (a) Payable in terms of the payment schedule at the completion of each phase, and upon satisfactory discharge of all obligations of the Service Provider and delivery of the services to LPT in terms of this contract. LPT will not make payment to the Service Provider in the event the Service Provider fails to satisfactorily perform any of its obligations in terms of this contract; and
- (b) Fixed for the duration of the contract, and the Service Provider may under no circumstances approach or request the LPT for an increase in the contract price.

6.1.2 The Service Provider must submit an invoice for payment to be processed.

6.1.3 The Limpopo Provincial Treasury shall be responsible for effecting payments within thirty (30) days upon submission of invoice by the service provider and only after confirmation of the services rendered by the relevant Directorate.

6.1.4 No interest shall be payable in the event of a dispute nor accrue on any payments due during a period of dispute.

6.1.5 Payment is subject to the service provider meeting the deliverables as per the SLA.

6.1.6 No advance payments will be made for the execution of this project.

6.1.7 Payments will be made by an electronic transfer, into the Service Provider's Bank Account as appeared on the verified CSD report of that service provider and invoice.

**NB: The department reserves the right to negotiate the final price.**

## **7. SUBMISSION OF DOCUMENTS AND CLOSING DATE**

- No briefing session will be held for this bid:
- **Closing date of the bid is on the 08 September 2023**