



REQUEST FOR BID PROFESSIONAL SERVICES

BID NUMBER: **BS/2021/RFB459**

ADVERT DATE: **Friday, 19 November 2021**

CLOSING DATE: **Tuesday, 14 December 2021**

CLOSING TIME: **11:00 am**

DESCRIPTION: **PROVISION OF SCM AND DISCRETIONARY GRANT PROBITY/COMPLIANCE REVIEW SERVICES**

VIRTUAL NON COMPULSORY BRIEFING SESSION: **25 November 2021 – 11h00**

Respondent details (Use this as a cover page for response document and envelope)

Company Name:				
Completed by:				
Company Postal address				
Email:				
Telephone:				
Mobile number:				
Date:				
Central Supplier Database Number				
Original copy of documents or copy - Mark with X	ORIGINAL		COPY	

1. BANKSETA BACKGROUND

The Banking Sector Education and Training Authority (BANKSETA) is the SETA for banking and alternative banking industry. It is a statutory body established through the Skills Development Act of 1998 as amended by the Skills Development Act, 26 of 2011 to enable its stakeholders to advance the national and global position of the banking and alternative banking sector. As guided by its mandate, the BANKSETA is as such an agent of transformation and seeks to promote employment equity and broad-based BEE through skills development.

For further details on the BANKSETA, visit www.bankseta.org.za

2. INTRODUCTION

BANKSETA as a SETA uses the SETA Grant Regulations and the Skills Development Levies Act to allocate discretionary grants (DG) to its sector employers and stakeholders through discretionary grant funding windows

The BANKSETA would like to appoint a **service provider** to provide probity review for **both** SCM Tenders and Discretionary Grant funding windows. BANKSETA will contract with one service provider to do both categories.

All SCM tenders and selected higher value RFQ (RFQ between R600k up-to R1m) are subjected to a probity/compliance review. The contract will allow for probity review of approximately 20 tenders and selected higher value RFQs to be reviewed (annual number).

In addition, All Discretionary Grant funding windows are subjected to a probity/compliance review. The contract will allow for probity review of approximately 11 funding windows to be reviewed (annual number).

3. TERMS OF REFERENCE - CATEGORY A – DISCRETIONARY GRANT FUNDING WINDOW PROBITY REVIEW

3.1 EXPECTED OUTCOMES

- 3.1.1 To review whether discretionary grant funding windows are initiated, advertised, evaluated and allocated in the correct manner according to the BANKSETA Discretionary Grant Policy and Legislation
- 3.1.2 When necessary, the probity reports will be tabled to the BANKSETA governance structure and ultimately to the board before the final award is made to provide an independent view on the compliance of the processes followed.

3.2 OBJECTIVES

The objectives of the review and probity services are to ensure:

- 3.2.1 Compliance with BANKSETA Discretionary Grant Policy
- 3.2.2 Compliance with the Funding Window Guidelines and specific funding criteria and criteria and any other applicable legislation
- 3.2.3 Administrative compliance with funding window process
- 3.2.4 Internal Controls and Governance requirements

3.3 EXPECTED OUTPUTS AND DELIVERABLES

- 3.3.1 Provide a detailed review report including recommendations for each stage of the funding window process when needed (i.e. the report should include Funding Window, invitation, application, evaluation and recommendation stages).
- 3.3.2 This should strengthen the control environment, give an independent view of the compliance of the processes used and allow corrections in the process or evaluation to be addressed before award.
- 3.3.3 Present the report to relevant BANKSETA management and governance structures before the final award is made (when required).

3.4 SCOPE OF WORK

The service provider will be expected to conduct a review of the process as detailed in the approved funding window guidelines and below.

The review/probity services will be carried out on the following stages:

3.4.1 Funding Window invitation stage:

3.4.1.1 Confirm the approval of Funding Window Guidelines and specific funding criteria

3.4.1.2 Review the Invitation Process and alignment to the approved guidelines and specific funding criteria.

3.4.1.3 Have briefings with applicable management and governance structures (where necessary).

3.4.2 Funding Window Application Submission Stage

3.4.2.1 Review the Appointment process of the Evaluation Committee

3.4.2.2 Review the Recording of applications received

3.4.2.3 Review of Evaluation Tool

3.4.3 DG Funding Window evaluation stage:

3.4.3.1 Review the evaluation process.

3.4.3.2 Review and verify that all mandatory documents have been submitted and completed according to the requirements of the specification

3.4.3.3 Admin evaluation – review that applicants are correctly declined or approved

3.4.3.4 Ensure that the evaluation criteria are applied consistently by the Evaluation Committee according to the approved criteria

3.4.3.5 From the population of the applications evaluated, a sample of the scoring must also be reviewed

3.4.3.6 Cast and cross cast the scores by Evaluation Committee

3.4.3.7 Review the final Evaluation Committee report

3.4.4 Reporting

3.4.4.1 Provide a detailed review report, including recommendations at each stage of the funding window process (i.e. the report should include Funding Window invitation, application, evaluation and recommendation stages).

3.4.4.2 Present the report to relevant BANKSETA management and governance structures (when required).

4. TERMS OF REFERENCE - CATEGORY B – SCM PROBITY / COMPLIANCE REVIEW SERVICES.

4.1 SCM Probity /Compliance Review Services

4.1.1 Probity or compliance review services for tenders and selected higher value RFQs.

4.1.2 BANKSETA as a public entity complies with SCM legislation which includes amongst other PFMA, Preferential procurement policy and National Treasury Instructions and Circulars.

4.1.3 Approximately 9% of BANKSETA's expenditure is procured under SCM.

4.1.4 Tenders and selected higher Value RFQ transactions undergo competitive bidding process.

4.1.5 All transactions above R1 million are processed as tenders /public bids in line with legislation.

4.1.6 All transactions from R2,000 to R1 million are processed as Requests For Quotation.(RFQ)

4.1.7 BANKSETA has split up RFQs in that the ones above R600,000 are called higher value RFQs and are done using the committee system.

4.1.8 BANKSETA is expecting about 20 transactions a year needing this probity/compliance review split into about 10 tenders and 10 higher value RFQs. The number is dependent on the BANKSETA's needs each year.

4.1.9 The probity/compliance review must be done in line with the SCM legislation and BANKSETA SCM policy.

4.1.10 From the population of the tenders or higher value RFQs evaluated, a sample of the scoring must also be reviewed

4.1.11 A written report must be produced.

4.2 INTENDED USE AND EXPECTED OUTCOMES

- 4.2.1 The purpose of the probity/compliance review is to have an independent assessment of BANKSETA's compliance with the applicable legislation, policy and process for each transaction reviewed.
- 4.2.2 It should also point out any weaknesses or recommendations for improvements.
- 4.2.3 This should strengthen the control environment, give an independent view of the compliance of the processes used and allow corrections in the process or evaluation to be addressed before award.
- 4.2.4 The report will be tabled to the BANKSETA board sub-committee and ultimately to the board before the final award is made. (When required)

4.3 SCOPE OF WORK

- 4.3.1 The service provider should check the entire process in line with the SCM policy and relevant legislation
- 4.3.2 The service provider should check the scoring was done in line with the criteria for a sample of bids/quotes received
- 4.3.3 The service provider should check accuracy of the reports produced
- 4.3.4 A written report confirming whether the correct processes were utilised, outlining any shortcomings/non-compliance matters were noted and recommendations for corrections and detailing which bids scoring was checked in detail should be produced.

5. DURATION OF CONTRACT

Two years from date of contract.

6. ANY SPECIAL CONSIDERATIONS

The BANKSETA would like to appoint a service provider who will be able to provide the required services in relation to both categories as explained above and therefore the proposals from the prospective providers must address both categories.

7. PRICING STRUCTURE

The Pricing Schedule must be completed as per the attached annexure A.

- 7.1 The quoted prices will remain fixed for the duration of the contract.
- 7.2 The attached pricing sheets (Appendix A) must be completed in full. The BANKSETA will not entertain pricing adjustments after the signing of contract, and it is therefore important that all pricing elements are disclosed.
- 7.3 The pricing sheet should show VAT separately.
- 7.4 The Bidders are therefore required to indicate a total bidding price by completing the pricing schedule provided in full.
- 7.5 Sufficient detail should be included to enable the BANKSETA to fully understand the make-up of the overall pricing.
- 7.6 All pricing assumptions, excluded costs and estimated costs must be clearly documented. The BANKSETA assumes that the pricing document as supplied is complete and covers all costs associated with this project.

8. SUBMISSION REQUIREMENTS

- 8.1 All submissions must be delivered in individual envelopes as per clause 8.6.
- 8.2 Respondents should take particular care to ensure that there is no
- 8.3 discrepancies between all submissions presented to the BANKSETA.
- 8.4 The BANKSETA reserves the right to reject any submissions if there are
- 8.5 discrepancies identified in the submissions thereto.
- 8.6 Document must be submitted as follows:

One hardcopy must be the original submission, clearly marked "Original" and one (1) copied version of the original and a soft copy.

8.6.1 An Envelope 1 – Original

8.6.2 B Envelope 2 – Hard Copy of the original document and 1 Soft copy

8.6.3 C Envelope 3 – Pricing include SBD1 – (invitation to bid)

8.6.4 Each individual envelope must be clearly marked with the following information:

Description of the Submission: PROVISION OF SCM AND DISCRETIONARY GRANT PROBITY/COMPLIANCE AND REVIEW SERVICES

Submission Bid Number: **BS/2021/RFB459**

- 8.7 Submissions that are faxed, sent via telex, and/ or electronic mail delivery will not be accepted.

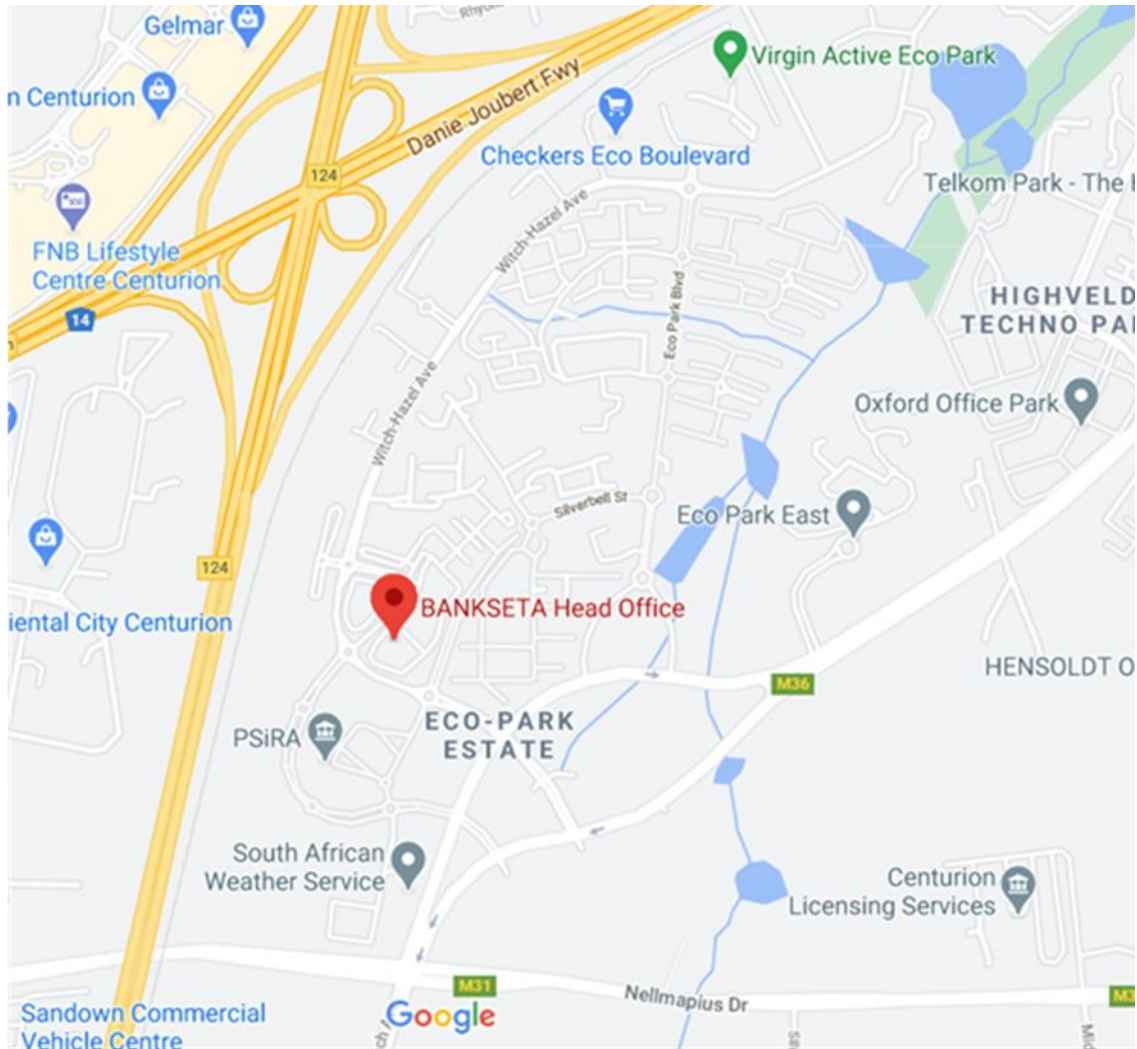
- 8.8** All submissions received by BANKSETA will become the property of the BANKSETA and will not be returned to the respondent.
- 8.9** The submissions must be inserted into the SUBMISSION BOX available at the

Reception Area of BANKSETA Offices at the following address: -

Eco Origin Office Park,
Block C2,
349 Witch-hazel Avenue,
Eco Park Estate,
Highveld,
Centurion,
0144

The bidders must use gate 1 to enter the Eco-Origins Office park

The BANKSETA is situated in a very large office park with security offices at the main gate. Please allow at least 30 minutes to clear security and navigate through the office park.



- 8.10 NB: Service provider is required to sign a register on their submission.
- 8.11 Unsuccessful bidders will be informed in writing when the process is concluded.
- 8.12 A tender will be considered late if received after the specified date and time.
- 8.13 Service providers are therefore strongly advised to ensure that Tenders be despatched allowing enough time for any unforeseen events that delay the delivery of the Tender.

9. ENQUIRIES/COMMUNICATION

Contact person for enquiries regarding the tender document:

Mr Jackie Kwinika

Title: Specialist: Supply Chain Management Unit

Email: jackiek@bankseta.org.za copy scm@bankseta.org.za

All clarifications or enquiries must be made in writing and received by the BANKSETA at least a week before closing date of the Tender. Telephonic requests for clarification will not be accepted.

RFB TIMELINES

Activity	Time	Date
Non-Compulsory Briefing session	11h00	25 November 2021
Final questions and answers emailed to BANKSETA. Responses will be published on the website under the tender,	c.o.b	7 December 2021
Closing date	11h00	14 December 2021
Tender evaluation, Bidder Verification and Due Diligence	c.o.b.	TBA
Clarification presentations by Service Providers if required/ Due Diligence	c.o.b.	TBA
Provisional Contract Award	c.o.b.	TBA
Contract Signatures	c.o.b.	TBA

10. TENDER EVALUATION/ADJUDICATION

Bids will be evaluated in three (3) phases:

10.1 Compliance/eligibility: Bids that do not pass the compliance/ eligibility evaluation will be disqualified from participating in the next evaluation phase

10.2 Technical/Functionality: (Bids that do not meet the minimum threshold indicated in clause 12 will not participate in the final evaluation)

10.3 Price and BBBEE Evaluation: (Bidder will be appointed on the highest scores)

11. COMPLIANCE/ELIGIBILITY EVALUATION

Respondents who do not meet the requirements below **will be** immediately disqualified.

NB: (For Joint Venture (JV) submissions each partner to the JV must submit all documents listed below and the signed JV Agreement including JV agreement signed by both parties).

N.B All relevant forms/documents as prescribed by the PFMA Regulation: Framework for Supply Chain Management accompanying this document must be completed in full and signed where applicable by a duly authorized official of the primary contractor / bidder.

NB: The bidder will immediately be disqualified if they fail to submit the items listed below (Statutory evaluation)

Item	Description
1.	Submission of proposal (response document) and pricing schedule –Annexure A
2	Submission of the following fully completed and signed returnable documents: <ul style="list-style-type: none"> - SBD 1 Invitation to submission - SBD 4 Declaration of interest - SBD 6.1 preference point claim form - SBD 8 Declaration of respondents' past supply chain management - SBD 9 Certificate of independent bid determination
3	Special Conditions that the bidder needs to accept by signing the last page
4	Submission of Central Supplier Database report

11.1 PRICE AND BBBEE

The tender will be evaluated based on the 80/20 principle

80 Points for price and 20 points for BBBEE

The BBBEE Certificate or a Sworn Affidavit for the exempted bidders to be attached.

Price	BBBEE	Total Points
80	20	100

11.2 COMPLIANCE STATUS

11.2.1 The bidders should be registered on the Central Supplier Database (CSD) operated by the National Treasury and available on the National Treasury website.

11.2.2 The BANKSETA, before making an award, shall check on the central supplier database (CSD) whether;

(a) the bidder or any of its directors are not listed / indicated as restricted from doing business with the public sector, and/or are person(s) prohibited.

(b) its directors are not employees of the state and have no conflict of interest in the BANKSETA

(c) the bidder's tax status is compliant.

11.2.3 The BANKSETA will not award any bids to service providers who do not comply with the above.

11.3 TECHNICAL/ FUNCTIONALITY EVALUATION

The evaluation of the functionality of the will be evaluated as per the criteria contained in the table below:

CRITERIA	EIGHTING /Percentage
1. Capacity, Knowledge & expertise of the service provider's team	35
Sub-criteria 1.1 Team Qualifications – Professional designation The bidder should demonstrate that the team comprises of, or has access to at least one member who has a professional designation related to auditing (for example IAC, CIA, PIA), by submission of the current certificate/s or letter/s for the professional designation: On evaluation the BANKSETA will award points as follows:	15

<ul style="list-style-type: none"> • The bidder's submission includes a team with at least one member with a professional designation related to auditing and proof in the form of a valid certificate or letter to confirm that they have a professional designation related to auditing for example IAC, CIA, PIA = 5 points • The bidder's submission does not include any proof of professional designation related to auditing = 0 Points 	
<p>Sub-criteria 1.2 Experience of the team members</p> <p>The bidder should submit its proposed team and the proposed team members must have at least 5 years experience on average in a public sector auditing or probity review environment.</p> <p>The service providers should submit the cvs of the proposed team members which clearly indicate the experience in public sector auditing or probity review environment.</p> <p>On evaluation the BANKSETA will award points as follows:</p> <ul style="list-style-type: none"> • The proposed team members have on average more than 5 Years relevant experience = 5 Points • The proposed team members have on average 5 years relevant experience = 3 Points • The proposed team members have on average less than 5 Years relevant experience = 0 points 	20
<p>2. Bidder's Methodology and Approach</p>	35
<p>The bidder must provide the methodology and approach followed in conducting probity review services covering both categories (Category A - Discretionary Grant Funding Window probity and Category B - SCM Probity):</p> <p>On evaluation the BANKSETA will award points as follows</p> <ul style="list-style-type: none"> ▪ The service provider has submitted a detailed methodology and approach for both Category A - Discretionary Grant 	

<p>Funding Window probity and Category B - SCM Probity:= 5 Points</p> <ul style="list-style-type: none"> ▪ The service provider has submitted a detailed methodology and approach for Category A only (Discretionary Grant Funding Window probity) = 2 Points ▪ The service provider has submitted a detailed methodology and approach for Category B only (SCM Probity) = 2 Points ▪ The service provider has not submitted a methodology and approach for both Category A - Discretionary Grant Funding Window probity and Category B - SCM Probity):=0 Points) 	
<p>3. Experience of the bidder (references)</p>	<p>30</p>
<p>The bidder should provide formal contactable references letters from clients in the public sector it has previously provided probity review work and/or audit work for.</p> <p>The reference letters should</p> <ul style="list-style-type: none"> - Be on the client's letterhead, - Be signed and dated - Indicate the type of work done, - Indicate the period when the probity work was performed and concluded, (please note that the work should have been done not later than three (3) years from the tender closing date) - Show the client contact details being the name, email or telephone number. <p>BANKSETA may contact the references and verify the information.</p> <p>On evaluation the BANKSETA will award points as follows:</p> <ul style="list-style-type: none"> ▪ 5 or more acceptable reference letters = 5 points ▪ 4 acceptable reference letters =4 points ▪ 3 acceptable reference letters = 3 points ▪ less than 3 acceptable reference letters = 0 points. 	

(5 points total)	
Total available	100
Minimum threshold to qualify	70

11.3.1 The minimum threshold for technical / functional evaluation is 70% or a weighting of 70. Any bidder scoring less than 70% or a weighting of 70 will be disqualified from further evaluation.

11.4 FUNCTIONALITY WILL BE EVALUATED USING THE FOLLOWING FORMULA:

$$Pf = (So/Ms) \times Ap$$

Where:

- Pf – is the percentage scored for functionality by Request for Proposal under consideration.
- So – is the total score of the Request for Proposal in question.
- Ap – is the percentage allocated for functionality.
- Ms – is the maximum score possible.

11.4.1 Each technical /functional evaluation criteria and sub-criterion shows how it will be evaluated out of a maximum of 5 points. i.e Ms =5

11.4.2 The score evaluated per criteria or sub-criterion is divided by 5 and then multiplied by the weight of the criteria or sub-criterion to arrive at the percentage.

11.4.3 The percentages for all criteria are added together to reach the final percentage.

11.4.4 Any proposals not meeting a minimum threshold of 70 weighting or 70% on functionality will be disqualified will not take part in the final price/preference evaluation.

12. PRICING WILL BE EVALUATED USING THE FOLLWING FORMULA:

80/20 PREFERENCE POINT SYSTEMS

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

80/20

$$Ps = 80 \left(1 - \frac{Pt - P \min}{P \min} \right)$$

Where

Ps = Points scored for price of bid under consideration.

Pt = Price of bid under consideration.

Pmin = Price of lowest acceptable bid.

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

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

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

The points scored by a bidder in respect of the B-BBEE contribution will be added to the points scored for price in order to arrive at the overall score.

Points will be rounded off to the nearest 2 decimals.

In the event that two or more tenders have scored equal total points, the contract will be awarded to the bidder scoring the highest number of points for the specified goals or B-BBEE contribution.

14. TENDER CONDITIONS

14.1 BANKSETA reserves the right to withdraw or amend terms of reference by notice in writing by advertising in the media in which the tender was originally advertised prior to the closing date.

14.2 BANKSETA reserves the right not to award this tender.

- 14.3** The cost of preparing the applications will not be reimbursed.
- 14.4** The BANKSETA reserves the right to conduct a due diligence (including site visits, capacity, assessment and financial capability assessment) on short listed tenderers before contracting.
- 14.5** BANKSETA reserves the right to verify the information submitted and request for further information during evaluation of the proposal.
- 14.6** BANKSETA shall not be liable for any direct, indirect, consequential or other losses or damages including loss of profit that may be incurred by any person including, but not limited to, an Applicant, Short Listed Applicant or Successful Applicant, or any director, officer or associated company thereof, as a result of any reliance on or use of information supplied in response to this tender or as a result of the tender process contemplated in this tender document.
- 14.7** BANKSETA makes no representations, undertakings or warranties whatsoever to any person in respect of the tender or any information contained in the tender.
- 14.8** This tender is confidential and proprietary to BANKSETA and may not be used, reused, copied or distributed for any purpose, other than in relation to the tender process, without BANKSETA's prior written consent.

15. REVIEW PROCESS

- 15.1** In order to evaluate and adjudicate proposals effectively, it is imperative that applicants submit responsive applications. To ensure an application will be regarded as responsive it is imperative to comply with all conditions pertaining to the application and to complete all the mandatory fields and questionnaires.
- 15.2** All applications duly lodged as per the submission requirements will be evaluated in accordance with the stipulated evaluation criteria.
- 15.3** All proposals will go through Bid Evaluation Committee (BEC) for evaluation on functionality
- 15.4** The proposals from BEC will be tabled before the Bid Adjudication Committee (BAC).

15.5 The validity period of proposals is 150 days after closing.

16. REASONS FOR REJECTION

16.1 Applicants shall not contact BANKSETA on any matter pertaining to the application from the time the application is closed to the time the application has been adjudicated. The results of the Tender will be published by the BANKSETA on portal any other platform which was advertised. Any effort by an applicant to influence the evaluation, application comparisons or application award decisions in any matter, may result in rejection of the applicant concerned.

16.2 BANKSETA shall reject a submission if the applicant has committed a proven corrupt or fraudulent act in competing for a particular contract.

17. JOINT VENTURE

In the case of a Joint Venture, the following will be Applicable:

17.1 Each JV Member must have a its CSD report showing its tax matters to be

17.2 Submission of a signed Joint Venture Agreement by the JV Partners and attached to this tender document; and

17.3 Submission of a Joint Venture BBBEE Rating Certificate.

18. POPIA

18.1 POPIA - The Protection of Personal Information Act,("POPIA") includes the right to protection against unlawful collection, retention, dissemination and use of personal information. BANKSETA complies with POPIA in collecting, processing and distributing of Personal Information, which include cooperation with the Regulator as provided for in the act.

PART A
INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (BANK SETA)					
BID NUMBER:	BS/2021/RFB459	CLOSING DATE:	14 December 2021	CLOSING TIME:	11h00 am
DESCRIPTION	PROVISION OF SCM AND DISCRETIONARY GRANT PROBITY/COMPLIANCE REVIEW SERVICES				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
Reception Area of BANKSETA Offices at the following address: -Eco Origin Office Park,Block C2, 349 Witch-hazel Avenue, Eco Park Estate, Highveld, Centurion,0144					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Jackie Kwinika		CONTACT PERSON	Jackie Kwinika	
TELEPHONE NUMBER	011 805 9661		TELEPHONE NUMBER	011 805 9661	
FACSIMILE NUMBER	n/a		FACSIMILE NUMBER	n/a	
E-MAIL ADDRESS	jackiek@bankseta.org.za		E-MAIL ADDRESS	jackiek@bankseta.org.za	
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA

PART B

TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>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.</p> <p>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.</p> <p>1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</p>
2. TAX COMPLIANCE REQUIREMENTS
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>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.</p> <p>2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.</p> <p>2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>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.</p> <p>2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN</p>

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:

.....

DECLARATION OF INTEREST

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

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

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

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

2.2 Identity Number:
.....

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

2.4 Company Registration Number:
.....

2.5 Tax Reference Number:
.....

2.6 VAT Registration Number:
.....

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

¹"State" means –

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

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

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

the evaluation and or adjudication of this bid?
 2.9.1 If so, furnish particulars.

.....

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

2.10.1 If so, furnish particulars.

.....

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

2.11.1 If so, furnish particulars:

.....

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

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

4 DECLARATION

I, THE UNDERSIGNED

(NAME).....

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

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

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

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

1. GENERAL CONDITIONS

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

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

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

b) Either the **80/20** preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.2 Points for this bid shall be awarded for:

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

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

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

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

1.5 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

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

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

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

80/20 **or** **90/10**

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

Where

P_s = Points scored for price of bid under consideration
 P_t = Price of bid under consideration
 P_{\min} = Price of lowest acceptable bid

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

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

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

5. BID DECLARATION

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

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

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

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

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

(***Tick applicable box***)

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

- 7.1.1 If yes, indicate:

- What percentage of the contract will be subcontracted.....%
- The name of the sub-contractor.....
- The B-BBEE status level of the sub-contractor.....
- Whether the sub-contractor is an EME or QSE
(***Tick applicable box***)

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

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations, 2017:

Designated Group: An EME or QSE which is at least 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:.....
....

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

.....
.....
8.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
 - ☐ Supplier
 - ☐ Professional service provider
 - ☐ Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]

8.7 Total number of years the company/firm has been in business:.....

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

WITNESSES

1.

2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....

.....

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		

4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf

of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

SPECIAL CONDITIONS THAT THE BIDDER NEEDS TO COMPLY WITH.

NB: Complete only the part which is applicable for this tender.

SPECIAL CONDITIONS		CONFIRMATION		
		Yes	No	If no, indicate deviation
1	GENERAL			
1.1	<p>Respondents must indicate compliance or noncompliance on a paragraph-by-paragraph basis. Indicate compliance with the relevant special conditions by marking the YES box and noncompliance by marking the NO box. The bidder must clearly state if a deviation from these special conditions are offered and the reason therefore. If an explanatory note is provided, the paragraph reference must be attached as an appendix to the bid submission. Responses not completed in this manner may be considered incomplete and rejected. Answering questions or supplying detail by referring to other sections will not be accepted.</p> <p>Should respondents fail to indicate agreement/compliance or otherwise, BANKSETA will assume that the respondents is not in compliance or agreement with the statement(s) as specified in this request for quotation.</p>			
2	THE SPECIAL CONDITIONS OF REQUEST FOR QUOTATION, REQUEST FOR BID AND CONTRACT			
		Yes	No	If no, indicate deviation
2.1	Special Conditions of Request for Quotation, Request for Bid and Contract has been noted.			
3	GENERAL CONDITIONS OF CONTRACT			
		Yes	No	If no, indicate deviation
3.1	The General Conditions of Contract must be accepted by signing the last page of this document.			
4	ADDITIONAL INFORMATION REQUIREMENTS			

		Yes	No	If no, indicate deviation
4.1	During evaluation of the responses, additional information may be requested in writing from respondents. Replies to such request must be submitted, within 5 (five) working days or as otherwise indicated. Failure to comply, may lead to your response being disregarded.			
5	VENDOR INFORMATION	Yes	No	If no, indicate deviation
5.1	Vendor are encouraged to register on the Central Supplier Database (CSD) as an award cannot be made to a vendor who is not registered and tax compliant on CSD.			

6	CONFIDENTIALITY	Yes	No	If no, indicate deviation
6.1	The response and all information in connection therewith shall be held in strict confidence by respondents and usage of such information shall be limited to the preparation of the response. Respondents shall undertake to limit the number of copies of this document.			
6.2	All respondents are bound by a confidentiality agreement preventing the unauthorised disclosure of any information regarding BANKSETA or of its activities to any other organisation or individual. The respondents may not disclose any information, documentation or products to other clients without written approval of the accounting authority or the delegate.			
7	INTELLECTUAL PROPERTY, INVENTIONS AND COPYRIGHT (Only applicable to services requiring IP)			
7.1	Copyright of all documentation relating to this contract belongs to the client. The successful bidder may not disclose any information, documentation or products to other clients without the written approval of the accounting authority or the delegate.			

7.2	All the intellectual property rights arising from the execution of this contract shall vest in BANKSETA who shall be entitled to cede and assign such to the Department of Higher Education and Training (DHET) and the contractor undertakes to honour such intellectual property rights and all future rights by keeping the know-how and all published and unpublished material confidential.			
7.3	In the event that the contractor or any project team member would like to use information or data generated by the project, for academic or any other purpose, prior written permission must be obtained from the client. Such permission will not be unreasonably withheld and if it is withheld, written reasons will be provided.			
7.4	BANKSETA shall own all deliverables produced by the Contractor during the course of, or as part of the contract whether capable of being copyrighted or not ("IP") and which are or may become eligible for copyright under the laws of the Republic of South Africa and which relates to the contract or which arises directly from this contract. This IP BANKSETA shall be entitled to freely cede and assign to the Department of Higher Education and Training. No other document needs to be executed to give effect to this session, assignment or transfer.			
7.5	The provisions of this clause 7 shall only apply to such IP that is created during the course and scope in terms of this contract.			
7.6	The contractor assigns to BANKSETA or the Department of Higher Education and Training, as BANKSETA directs, the rights conferred upon itself as author by section 20(1) of the Copyright Act, No 98 of 1978, as amended.			
7.7	The Contractor acknowledges and agrees that each provision of clause 7 is separate, severally and separately enforceable from any other provisions of this contract.			

7.8	The invalidity or non-enforceability of any one or more provision hereof, shall not prejudice or effect the enforceability and validity of the remaining provisions of this contract.			
7.9	This contract contains various stipulatio alteri in favour of the Department of Higher Education and Training, which rights shall continue in effect after termination of this contract, and which rights can be exercised and enforced at any time by the Department of Higher Education and Training.			
7.10	This clause 7 shall survive termination of this contract.			
8	NON-COMPLIANCE WITH DELIVERY TERMS			
		Yes	No	If no, indicate deviation
8.1	As soon as it becomes known to the contractor that he/she will not be able to deliver the services within the delivery period and/or against the quoted price and/or as specified, BANKSETA must be given immediate written notice to this effect.			

9	WARRANTS and PAYMENTS			
		Yes	No	If no, indicate deviation
9.1	The Contractor warrants that it is able to conclude this agreement to the satisfaction of the BANKSETA.			
9.2	The successful respondent IS NOT required to furnish to the purchaser a performance security.			
9.3	Although the contractor will be entitled to provide services to persons other than BANKSETA, the contractor shall not without the prior written consent of BANKSETA, be involved in any manner whatsoever, directly or indirectly, in any business or venture which competes or conflicts with the obligations of the contractor to provide Services.			
9.4	The BANKSETA will pay the contractor the fee as set out in the final contract. No additional amounts will be payable by the BANKSETA to the contractor.			

9.5	The Contractor shall from time to time during the currency of the contract, invoice the BANKSETA for the services rendered. No payment will be made to the contractor unless an invoice complying with section 20 of the VAT act No 89 of 1991 has been submitted to the BANKSETA.			
9.6	Payment shall be made into the contractor's bank account normally 30 days after the receipt of an acceptable and valid invoice. Banking details must be submitted with the contractor's first invoice. Proof of the banking details will be accepted in the following forms: <input type="checkbox"/> Copy of a cancelled cheque; <input type="checkbox"/> Letter from bank; <input type="checkbox"/> Statement.			
9.7	The contractor shall be responsible for accounting to the appropriate authorities for its income tax, VAT or other monies required to be paid in terms of applicable law.			

9.8	No favour, delay, relaxation or indulgence on the part of any Party in exercising any power or right conferred on such Party in terms of this contract shall operate as a waiver of such power or right nor shall any single or partial exercise of any such power or right under this agreement.			
10	PARTIES NOT AFFECTED BY WAIVER OR BREACHES			
		Yes	No	If no, indicate deviation
10.1	The waiver (whether express or implied) by any Party of any breach of the terms or conditions of this contract by the other Party shall not prejudice any remedy of the waiving party in respect of any continuing or other breach of the terms and conditions hereof .			
10.2	No favour, delay, relaxation or indulgence on the part of any Party in exercising any power or right conferred on such Party in terms of this contract shall operate as a waiver of such power or right nor shall any single or partial exercise of any such power or right under this agreement.			
11	RETENTION			
		Yes	No	If no, indicate deviation

11.1	On termination of this agreement, the contractor shall, on demand hand over all documentation provided as part of the project and all deliverables, etc., without the right of retention, to BANKSETA.			
11.2	No agreement to amend or vary a contract or order or the conditions, stipulations or provisions thereof shall be valid and of any force and effect unless such agreement to amend or vary is entered into in writing and signed by the contracting parties. Any waiver of this requirement shall be in writing			
12	Dispute Resolution			
		Yes	No	If no, indicate deviation
12.1	If any dispute or difference of any kind whatsoever arises between the purchaser and the supplier in connection with or arising out of the contract, the parties shall make every effort to resolve amicably such dispute or difference by mutual consultation.			
12.2	If, after thirty (30) days, the parties have failed to resolve their dispute or difference by such mutual consultation, then either the Purchaser or the Supplier may give notice to the other party of his			
	intention to commence with mediation. No mediation in respect of this matter may be commenced unless such notice is given to the other party. Such notice shall be in English.			
12.3	Notice of intention to commence with mediation shall be writing, in the English language, and served on the other party either personally, by facsimile or electronic mail.			
12.4	If the parties are unable to agree on a mediator or to resolve any disputes by way of mediation within 14 days (fourteen days) of any party requesting in writing that the dispute be resolved by mediation, it may be settled in a South African court of law.			
12.5	All disputes shall be referred to mediation with an AFSA accredited and appointed mediator in accordance with the then current rules of the Arbitration Foundation of Southern Africa or its successor.			

12.6	Notwithstanding any reference to mediation and/or court proceedings herein, (a) the parties shall continue to perform their respective obligations under the contract unless they otherwise agree; and (b) the purchaser shall pay the supplier any monies due the supplier			
13	FORMAT OF REQUEST FOR QUOTATION, REQUEST FOR BID AND CONTRACT			
		Yes	No	If no, indicate deviation
13.1	Respondents must complete all the necessary quotation documents and undertakings required in this quotation document. Respondents are advised that their responses should be concise, written in plain English and simply presented. Respondents are to set out their quotation in the format prescribed in the RFQ/RFB documents:			
13.2	Respondents must complete and return Special Conditions of Contract.			

<div style="border-bottom: 1px solid black; margin-bottom: 10px; text-align: center;">NAME OF BIDDER</div> <div style="border-bottom: 1px solid black; margin-bottom: 10px; text-align: center;"> </div> <div style="border-bottom: 1px solid black; margin-bottom: 10px; text-align: center;"> </div> <div style="text-align: center;">SIGNATURE</div>	DATE
---	------