



public enterprises

Department:
Public Enterprises
REPUBLIC OF SOUTH AFRICA

**REQUEST FOR QUOTATIONS (RFQ):
RFQ SCM 38/2021 - 2022**

**REQUEST FOR QUOTATION (RFQ):
Skills Development Facilitation Programme/ Short Course**

CLOSING DATE: 12 November 2021

TIME:11:00

1. INTRODUCTION

The vision of the Department of Public Enterprises (DPE), articulated in 2011, “is to drive investment, productivity and transformation in the Department’s portfolio of State-Owned Companies (SOC), their customers and suppliers so as to unlock growth, drive industrialisation, create jobs and develop skills”

The Department sees the SOC for which it is responsible as key instruments of industrial policy and core players of the developmental state, essential in driving economic growth through the provision of efficient, reliable and affordable economic infrastructure. The Department therefore provides direction to the SOC in order to ensure that their activities, operations and investment programmes support the medium-term strategic framework of the government, as well as the programmes set out in the National Development Plan (NDP) and the New Growth Path (NGP).

The work of the DPE and its SOC contribute to Outcome 6 of the 12 National Government outcomes adopted by the Cabinet Lekgotla in January 2010 “An efficient, competitive and responsive economic infrastructure network”.

2. WHO WE ARE

The Office of Public Enterprises (OPE) was established in 1994 to champion and direct the restructuring of State-Owned Companies (SOCs) and to ensure their optimal economic and developmental impact. A Cabinet decision was taken in 1999 to accelerate the restructuring of State-Owned Enterprises (SOEs) and the OPE was upgraded and re-designated as the Department of Public Enterprises (DPE) – a National Government Department.

The DPE is the shareholder representative for Government and is mandated by the Executive to oversee a number of SOCs that operate in core sectors of the economy like Mining, Defence, Energy, Logistics and others. Of these, two (SAA and SA EXPRESS) are currently in Business Rescue and consequently strategically de-emphasised until the outcomes of the Business Rescue processes are known. The DPE is the primary interface between Government and the SOCs concerned and, in addition to oversight, provides input to the formulation of policy, legislation and regulation.

3. CONSTITUTIONAL MANDATE

The DPE undertakes shareholder oversight for Government and is currently instructed by the Executive Authority to oversee core strategic State-Owned Companies. DPE is the primary interface between Government and the SOCs concerned and provides input into the formulation of policy, legislation and regulation. Currently the DPE does not have a legislated constitutional mandate. The DPE is recognised as a Government department through Proclamation No. 82 of 1999.

4. MISSION

To provide clear strategic direction and oversight to the Department’s SOCs, seeking to ensure that:

- They are financially sustainable, adequately funded and operationally robust.
- Their operating models keep pace with global development and innovation;
- They provide reliable, high-quality and cost-effective services and infrastructure to industry and our citizens.
- They secure investment and funding for strategic industrial development; and

- They align with national developmental objectives.

5. SCOPE OF WORK

Department of Public Enterprise hereby requests assistance with the quotations for **Skills Development Facilitation Programme/ Short Course**. It should be designed to empower Human Resource Practitioners with in-depth knowledge and skills in the theory and practice of skills development facilitation. The programme should address the national unit standards for skills development facilitators, provide an outcome based practical and theoretical learning experience and be accredited by the SABPP.

The following modules among others should be covered.

1. Skills Development Legislation
2. The Workplace skills Plan
3. Implementation of Workplace Skills Plan
4. Reporting on the workplace Skills Plan

6. EVALUATION CRITERIA

In order to facilitate a transparent selection process that allows equal opportunity to all bidders, DPE has a Supply Chain Management policy that will be adhered to. Proposals will be evaluated in terms of the prevailing Supply Chain Management policy applicable to DPE and it should be noted that proposals will be assessed using the 80/20 formula (preference points system) for Price and B-BBEE as per the PPPFA 2017 Regulations.

Table 1- Price and B-BBEE

CRITERIA	SUB-CRITERIA	WEIGHTING/ POINTS
Price	Detailed budget breakdown	80
B-BBEE (Status Level Verification Certificate)	B-BBEE Level Contributor	20
TOTAL		100

7. INSTRUCTIONS TO BIDDERS

7.1. Terms and Conditions

DPE reserves, under exceptional circumstances, the rights to extend the closing date. All proposals and all subsequent information received from bidders will not be returned.

The adjudication process does not represent a commitment on the part of the DPE to proceed further with that proposal or of any other bidder.

7.2. Changes to this RFQ document

DPE reserves the right to make changes on this RFQ Document. All changes will be communicated to those bidders that have responded to the RFQ/ RFP. No reliance shall be placed on other information or comment from any other person.

7.3. Confidentiality

Any information relating to the submissions, through the process or otherwise shall be treated in strict confidence.

7.4. Other matters

7.4.1. DPE reserves the right not to enter any relationship and no correspondence pertaining to submissions will be entered into.

7.4.2. If DPE does not accept any proposal, it will declare this RFQ/ RFP call process closed and may then elect to:

- Proceed on a completely different basis; and
- Not to appoint any respondent in the event it deems proposals not appropriate.

7.4.3. DPE will not accept any responsibility for costs incurred by bidders in preparing and submitting proposals.

7.4.4. DPE reserves the right to engage in processes to validate all claims made in the proposal.

7.4.5. DPE reserves the right to cancel the award if it is determined that the supplier/service provider recommended for award, has engaged in corrupt or

fraudulent activities in competing for the contract in question. For the purposes of this RFQ/ RFP, "fraudulent practice" means a misrepresentation of facts in order to influence a selection process or the execution of a contract to the detriment of the accounting officer/authority and includes collusive practices among bidders/contractors (prior to or after submission of proposals) designed to establish prices at artificial, non-competitive levels and to deprive the accounting officer/authority of the benefits of free and open competition.

8. PAYMENT STRUCTURE

- 8.1.** DPE undertakes to pay in full within thirty (30) days, all valid claims for work done to its satisfaction upon presentation of a substantiated claim/invoice.
- 8.2.** Payments will only be made on the basis of the work completed (milestones/deliverables) as per the project implementation plan to be agreed at the inception of the project.

9. GENERAL

Below are compulsory requirements for this service:

- 9.1.** It is important to note that the successful bidder will work under the supervision of a DPE representative, abide by DPE's Code of Conduct, and other organizational guidelines.
- 9.2.** Kindly submit the following document:
 - Valid B-BBEE Level of contribution or Sworn Affidavit Certificate issued by the following agencies SANAS, IRBA or CCA (Failure to attach certificate will lead to non- allocation of points)
 - Proof that tax matters with SARS are in order (SARS Pin Number/ Tax Clearance Certificate)
 - National Treasury Central Supplier Database Report
 - Completed and signed SBD forms
 - SABPP Accreditation

10. CONTACT DETAILS FOR INFORMATION

- 10.1.** Further information regarding technical matters can be sent via Lettie.sono@dpe.gov.za tel: 012 431 1165
- 10.2.** Further information regarding supply chain matters can be send via email to: nhlakanipho.msane@dpe.gov.za tel: 012 431-1001

11. SUBMISSIONS OF PROPOSALS

11.1. Proposals should be submitted on or before 12 November 2021 by no later than 11:00 to the following email address: quotations@dpe.gov.za or Hand delivered to **80 Hamilton Street, Arcadia, Pretoria, 0083.**

11.2. The selection of the qualifying bid/quotations will be at Department of Public Enterprise's sole discretion. Department of Public Enterprise does not bind itself to accept any bid/quotations and reserves the right not to appoint the bidder.

DETAIL SCOPE OF WORK/SERVICE

1	Detail description	Quantity	Unit Price	Total price
	<p>The following modules among others should be covered.</p> <ol style="list-style-type: none">1. Skills Development Legislation2. The Workplace skills Plan3. Implementation of Workplace Skills Plan4. Reporting on the workplace Skills Plan	1 Person		

SBD 4

DECLARATION OF INTEREST

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

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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:

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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:

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

2.9.1 If so, furnish particulars.

.....

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

2.10.1 If so, furnish particulars.

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.....

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract?

YES/NO

2.11.1 If so, furnish particulars:

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.....
.....

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

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

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

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/price quotation:

(Bid Number/price quotation and Description)

in response to the invitation for the bid/price quotation 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/price quotation, 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/price quotation in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid/price quotation 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/price quotation 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/quote 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.

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Signature

.....
Date

.....
Position

.....
Name of Bidder

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