



arts, culture,
sports & recreation

Department:
Arts, Culture, Sports and Recreation
North West Provincial Government
REPUBLIC OF SOUTH AFRICA

760 Dr. James Moroka Drive
Gaabomotho Building
Private Bag X90
Mmabatho 2735

DIRECTORATE

SUPPLY CHAIN MANAGEMENT

Tell: +27 (0) 18 388 2693

E-Mail: goodwin@nwpg.gov.za

BID NUMBER: ACSR 120/2022

VALIDITY PERIOD: 90 DAYS

CLOSING TIME: 11:00

CLOSING DATE: 16 JANUARY 2023

SUBJECT- PROVISION OF DIGITAL LENDING LIBRARY (E-BOOKS) SUBSCRIPTION SERVICES FOR A PERIOD OF THREE (3) YEARS

- 1 You are invited to submit a bid for the provision of digital lending library (e-books) subscription services for a period of three (3) years.
- 2 The conditions contained in the General Conditions of Contract (GCC), the attached Terms of Reference, any other conditions accompanying the bid document and the conditions in the advertisement of this bid are applicable.
- 3 The work procedure the bidder proposes to follow in order to obtain the required result must be clearly outlined and its terms may not conflict with those contained in the General Conditions of Contract
- 4 Bid validity period is a period of 90 days.
- 5 No late, faxed and emailed bids will be considered. Bids received after the closing date and time is not acceptable for consideration.
- 6 It is imperative that the bid document be read carefully, completed in full and be signed. Queries can be directed to Ms. Sebolelo Pitso 018 388 4136 (Supply Chain) or **Mr Levy Segone: 018 388 3962** (for specifications)
- 7 The Department is not bound to accept any of the bids submitted and reserves the right to call for presentations from shortlisted bidders before final selection.
8. ***A non-refundable fee of R150.00 (cash) is payable for this document at office No. 30, contact details: 018 388 2663- Gaabomotho Building. The non-refundable fee for documents does not apply to service providers who can download tender documents and can be found on the e-tender publication portal website www.etenders.gov.za/content/advertised-tenders***



- 9 All the documents accompanying this invitation to bid must be completed in detail and signed where applicable, be sealed in an envelope and be deposited in the bid box before the closing date and time. The bid box is situated at:

**760 DR JAMES MOROKA DRIVE
DEPARTMENT OF ARTS, CULTURE, SPORT & RECREATION,
GAABOMOTHO BUILDING,
MMABATHO 2735.**



INVITATION TO BID FOR PROVISION OF DIGITAL LENDING LIBRARY (E-BOOKS) SUBSCRIPTION SERVICES FOR A PERIOD OF THREE (3) YEARS

REF NUMBER: ACSR 120/2022

ADDRESS

Head of Department
Department of Arts, Culture, Sport & Recreation
Gaabomotho Building
760 Dr. James Moroka Drive
Private Bag X90
Mmabatho 2735

ENQUIRIES

Sebolelo Pitso
018 388 4136



Phase 1: Mandatory Requirements

- Cover page
- SBD 1: Invitation to bid
- SBD 4: Bidders Declaration
- SBD 6.1: Preference points claim form of the Preferential Procurement Regulations 2017
- General Conditions of Contract, each page to be initialised.
- CSD report reflecting compliant tax status, successful bank verification, ownership information and other companies involved in, etc.
- Valid Tax Clearance Certificate / Unique Pin issued by SARS
- CIPC Certificate indicating Directors.
- ID Copies of the shareholders
- Valid B-BBEE Certificate
- In case of a joint venture the following documents to be submitted
 - ✓ Valid joint venture agreement signed by all parties and witnessed
 - ✓ Consolidated B-BBEE Certificate (if not consolidated preference points will be 0)
 - ✓ Valid Tax Clearance Certificate of all parties
 - ✓ Company profile of all parties
- Company profile


.....
MS. S.G. PITSO
ACTING DIRECTOR: SCM

DATE: 18/11/2022



RETURNABLE DOCUMENTS

SHOULD ANY OF THE RETURNABLE DOCUMENTS NOT BE COMPLETED AND ATTACHED, YOUR BID WILL BE DISQUALIFIED (where documents submitted please indicate with yes)

RETURNABLE DOCUMENT	Attached (to be completed by the bidder)	Checked by ACSR official	Verified by BEC MEMBERS
1. Cover page			
2. SBD 1: Invitation to bid (fully completed reflecting the total bid price)			
3. Annexure A: Terms of reference			
4. SBD 4: Bidders Declaration			
5. SBD 6.1: Preference points claim form in terms of the Preferential Procurement Regulations 2017			
6. Valid Full CSD Report			
7. Valid B-BBEE Certificate or sworn affidavit			
8. Joint Venture to submit <ul style="list-style-type: none"> • copy of the Joint Venture Agreement • a consolidated joint venture B-BBEE certificate 			
9. Company profile reflecting the previous work done relevant to the project			



PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	ACSR 120/2022 NW	CLOSING DATE:	16 January 2023	CLOSING TIME:	11h00
DESCRIPTION	PROVISION OF DIGITAL LENDING LIBRARY (E-BOOKS) SUBSCRIPTION SERVICES FOR A PERIOD OF THREE (3) YEARS				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
760 Dr JAMES MOROKA DRIVE					
GAABOMOTHO BUILDING					
MMABATHO					
2735					
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					
		TCS PIN:		OR	CSD No:
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]		<input type="checkbox"/> Yes		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	
		<input type="checkbox"/> No			
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX		<input type="checkbox"/>			
		AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)			
		<input type="checkbox"/>			
		A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)			
		<input type="checkbox"/>			
		A REGISTERED AUDITOR			
		NAME:			
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?		<input type="checkbox"/> Yes <input type="checkbox"/> No		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	
		[IF YES ENCLOSE PROOF]		<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ANSWER PART B:3 BELOW]	
SIGNATURE OF BIDDER			DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)					
TOTAL NUMBER OF ITEMS OFFERED				TOTAL BID PRICE (ALL INCLUSIVE)	
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			TECHNICAL INFORMATION MAY BE DIRECTED TO:		
DEPARTMENT/ PUBLIC ENTITY		ARTS, CULTURE, SPORTS & RECREATION		CONTACT PERSON	
CONTACT PERSON		SEBOLELO PITSO		Levy Segone	
TELEPHONE NUMBER		018 388 4136		TELEPHONE NUMBER	
FACSIMILE NUMBER		N/A		FACSIMILE NUMBER	
E-MAIL ADDRESS		sgpitso@nwpg.gov.za		E-MAIL ADDRESS	
				ilsegon@nwpg.gov.za	

PART B

TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:	
1.1.	BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2.	ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE
1.3.	BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
1.4.	WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
1.5.	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 LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.
2. TAX COMPLIANCE REQUIREMENTS	
2.1	BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2	BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3	APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
2.4	BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
2.5	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / 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.
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS	
3.1.	IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.2.	DOES THE BIDDER HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.3.	DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.4.	DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
<p>IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.</p>	

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

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 interest¹ in the enterprise, employed by the state? **YES/NO**

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

Full Name	Identity Number	Name of State institution

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

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

2.2.1 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 consortium² 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.

² 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.

- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 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

the 1990s, the number of people in the world who are undernourished has increased from 600 million to 800 million (FAO 1996).

There are a number of reasons why the world's population is becoming more undernourished. The most important is that the world's population is growing very rapidly. In 1990, the world population was 5.3 billion. By 2000, it is expected to be 6.1 billion, and by 2025, it is expected to be 7.9 billion (UNEP 1992).

Another reason why the world's population is becoming more undernourished is that the world's food supply is not keeping pace with the world's population. The world's food supply is growing at a rate of 1.5% per year, while the world's population is growing at a rate of 1.8% per year (FAO 1996).

A third reason why the world's population is becoming more undernourished is that the world's food is not being distributed evenly. In 1990, 1 billion people in the world were undernourished. By 2000, it is expected that 1.2 billion people will be undernourished, and by 2025, it is expected that 1.5 billion people will be undernourished (UNEP 1992).

There are a number of ways in which the world's food supply can be increased. One way is to increase the amount of land that is used for agriculture. Another way is to increase the amount of food that is produced on the same amount of land. A third way is to reduce the amount of food that is wasted (FAO 1996).

There are a number of ways in which the world's food can be distributed more evenly. One way is to increase the amount of food that is available in the world's poorest countries. Another way is to reduce the amount of food that is exported from the world's richest countries. A third way is to increase the amount of food that is traded between the world's richest and poorest countries (UNEP 1992).

There are a number of ways in which the world's food can be made more nutritious. One way is to increase the amount of food that is fortified with vitamins and minerals. Another way is to increase the amount of food that is fortified with essential amino acids. A third way is to increase the amount of food that is fortified with essential fatty acids (FAO 1996).

There are a number of ways in which the world's food can be made more affordable. One way is to increase the amount of food that is produced in the world's poorest countries. Another way is to reduce the amount of food that is exported from the world's richest countries. A third way is to increase the amount of food that is traded between the world's richest and poorest countries (UNEP 1992).

There are a number of ways in which the world's food can be made more sustainable. One way is to increase the amount of food that is produced in the world's poorest countries. Another way is to reduce the amount of food that is exported from the world's richest countries. A third way is to increase the amount of food that is traded between the world's richest and poorest countries (UNEP 1992).

There are a number of ways in which the world's food can be made more secure. One way is to increase the amount of food that is produced in the world's poorest countries. Another way is to reduce the amount of food that is exported from the world's richest countries. A third way is to increase the amount of food that is traded between the world's richest and poorest countries (UNEP 1992).

There are a number of ways in which the world's food can be made more accessible. One way is to increase the amount of food that is produced in the world's poorest countries. Another way is to reduce the amount of food that is exported from the world's richest countries. A third way is to increase the amount of food that is traded between the world's richest and poorest countries (UNEP 1992).

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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, 2011.

1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to all bids:
- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
 - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).
- 1.2 The value of this bid is estimated not to exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable.
- 1.3 Preference points for this bid shall be awarded for:
- (a) Price; and
 - (b) B-BBEE Status Level of Contribution.
- 1.4 The maximum points for this bid are allocated as follows:

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

- 1.5 Failure on the part of a bidder to submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS), or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or a sworn affidavit confirming annual turnover and level of black ownership in case of an EME and QSE together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
- 1.6 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) **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- (b) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (c) **“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard

contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

- (d) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- (e) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (f) **“comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- (g) **“consortium or joint venture”** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract;
- (h) **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- (i) **“EME”** means an Exempted Micro Enterprise as defines by Codes of Good Practice under section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (j) **“Firm price”** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- (k) **“functionality”** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- (l) **“non-firm prices”** means all prices other than “firm” prices;
- (m) **“person”** includes a juristic person;
- (n) **“QSE”** means a Qualifying Small EEnterprise as defines by Codes of Good Practice under section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (o) **“rand value”** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- (p) **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- (q) **“total revenue”** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- (r) **“trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- (s) **“trustee”** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ADJUDICATION USING A POINT SYSTEM

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

4. POINTS AWARDED FOR PRICE

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

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

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 comparative price of bid under consideration

P_t = Comparative price of bid under consideration

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

5. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTION

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

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	8	16
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

- 5.2 A bidder who qualifies as a EME in terms of the B-BBEE Act must submit a sworn affidavit confirming Annual Total Revenue and Level of Black Ownership.
- 5.3 A Bidder other than EME or QSE must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating

issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.

- 5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6 Tertiary Institutions and Public Entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

6. BID DECLARATION

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

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 5.1

- 7.1 B-BBEE Status Level of Contribution: = (maximum of 10 or 20 points)
- (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or a sworn affidavit.

8. SUB-CONTRACTING

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

(***Tick applicable box***)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

- 8.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME.

(***Tick applicable box***)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

9. DECLARATION WITH REGARD TO COMPANY/FIRM

- 9.1 Name of company/firm:.....
- 9.2 VAT registration number:.....
- 9.3 Company registration number:.....

9.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....

9.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

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

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

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

WITNESSES

1.
2.

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

DATE:

ADDRESS

.....

.....



arts, culture,
sports & recreation

Department:
Arts, Culture, Sports and Recreation
North West Provincial Government
REPUBLIC OF SOUTH AFRICA



“Terms of Reference”

**DIGITAL LENDING LIBRARY (E-BOOKS)
SUBSCRIPTION SERVICES FOR A
PERIOD OF THREE(3) YEARS**

CLOSING DATE: 16 JANUARY 2022

TIME: 11H00

BID NUMBER: ACSR 120/2022



Head Office: GAABOMOTHO BUILDING

Physical Address : 760 Dr James

Moroka Drive

Gaabomotho Building

Telephone

Contact: Levy Segone

Email: ilsegone@nwpg.gov.za

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1. INTRODUCTION

- 1.1 The Department seeks to appoint a panel of service providers for the digital lending period of three (3) years.
- 1.2 All the short-listed bidders will be incorporated to the consolidated database of the North West Department of Arts, Culture, Sports and Recreation (ACSR).

2. BACKGROUND

As per Schedule 5 (a) of the Constitution of the Republic of South Africa, libraries, other than national libraries, are a provincial competency. The Constitution therefore mandates the Department of Arts, Culture, Sports and Recreation (ACSR) to provide library services to communities of the North West Province through local municipalities.

The Directorate of Library, Information and Archives Services in the Department renders library and information services to the community libraries in the local municipalities of the North West Province. One of the key responsibilities of the Directorate is the provision of library materials which include books and other formats which are purchased and processed at Head Office and dispatched to District libraries for further distribution to community libraries.

A digital library is an electronic version of a regular library containing printed and audio books. The intention of this kind of a library is to increase access to library material, i.e books, audio books, periodicals and magazines. Publications such as books and periodicals are stored and accessed electronically.

Community members will register for the service online and remotely access the database through the internet or an application (APP) to browse, select and borrow and return books. The digital library must be accessed by using smartphones, eReader, tablet, laptop or a desktop computer and will require a network connection to read or download electronic books.

A digital library should enable Users/Patrons to read downloaded material and only require network connection when browsing, borrowing, renewing and returning items to the library.

3. SPECIFIC REQUIREMENTS

STANDARD SPECIFICATION FOR DIGITAL LENDING LIBRARY (eBooks) SUBSCRIPTION

The following minimum specifications must be adhered to:

3.1. Digital Lending Library Subscription for Library Users

The Department requires provision of a subscription services to a digital/electronic lending library, offering e-books, digital audiobooks and any other electronic media to all community members that are registered as Users/Patrons of the e-Lending in the North West Provincial Library Service.

Services required include:

- i. Application licence
- ii. Hosting,
- ii. Maintenance,
- iii. Support and training.

3.2. Application service

- The digital lending library must be accessible to all community members who will register as Users/Patrons of the e-lending library of the North West Provincial Library Service.
- The digital lending library must be accessible through a virtual library, set up as the North West Provincial Library Service.
- The virtual library should be accessible through the use of the Internet.
- The website/APP should be North West Provincial Library Services branded.
- The digital lending library must be available to Users/Patrons with compatible devices and network connection

3.3. Collection Requirements

The service provider must be able to provide access to e-books, digital audiobooks and any other electronic media that will satisfy the educational, informational and recreational needs of the Users/Patrons.

- The Catalogue offered must be comprehensive and suitable for the reading needs of the community in various categories (for adults, juvenile and children)
- The Catalogue must provide materials from a wide range of publishers including South African publishers.
- The Catalogue should be updated regularly with new publications.
- The Catalogue should provide and maintain a minimum of 600,000 titles to select from.

3.4. Technology

- Support all major mobile and desktop devices.
- Digital Rights Management-DRM (copyright protection)
- Relevant applications for ebooks, audiobooks, music and video.

3.6. Management

- Administrator function (with levels of controls)
- Reporting module which includes statistics

3.7. Pricing

- Breakdown of the cost should include annual subscription rates for a three (3) years period.
- The subscription cost should allow for an annual credit of new publications.

4. SCOPE OF WORK

Provide subscription services for a digital lending library service which should include the following:

- hosting, maintenance and renewal of services (licencing)
- training and support to library staff
- secondary level user support (where necessary)
- customizable marketing resources to promote the service.

5. OUTCOME AND PERFORMANCE STANDARDS

- The outcome is to provide access to ebooks, digital audiobooks and any other electronic media to all registered users of the e-lending library of the North West Provincial Library Service.
- The service APP portal must be compatible, accessible, uninterrupted services on digital e-lending and must be available to Users/ Patrons at all times.

6. DELIVERABLES

Provide and maintain a subscription service to the Department to establish and render digital library services to community of North West Province to access ebooks, audiobooks, magazines and periodicals.

7. TERM OF CONTRACT

- The successful bidder will enter into a three (3) year contract with the Department.
- The contract is to be effected upon the date of the signatures on the contractual agreement between the Head of Department and the Service Provider and will run for a period of three (3) years from the date of awarding.

8. PAYMENTS AND PENALTIES

- Successful bidders will enter into a Service Level Agreement (SLA) with the Department which will detail payments and penalties.

9. CONTRACTUAL TERMS AND CONDITIONS

Contractual terms and conditions for the project will be in a form of a Service Level Agreement (SLA) which will detail the obligations of the both parties and other contractual agreements with the Department in the delivery of digital library.

10. AWARD PROCESS

All invitations to bid will undergo Supply Chain Management (SCM) processes before the successful service provider is awarded the contract with a letter signed by the Head of the Department.

11. EVALUATION CRITERIA

11.1 The evaluation process will be conducted in three (3) phases as follows

Phase 1	Phase 2	Phase 3
Administration requirements	Functionality	Price and B-BBEE
Compliance with mandatory and other bid requirements	Bids will be assessed to verify bidders capability and ability to execute the contract Testing minimum of 60 points	Bids evaluated in terms of the 80/20 Preferential Point System

Phase 1: ADMINISTRATIVE/ MANDATORY REQUIREMENT

- 11.1.1 Cover page
- 11.1.2 SBD 1: Invitation to bid
- 11.1.3 SBD 4: Bidder's Declaration
- 11.1.4 SBD 6.1: Preference points claim form of the Preferential Procurement
- 11.1.5 CSD report reflecting compliant tax status, successful bank verification and ownership information
- 11.1.6 Company Profile (mandatory)
- 11.1.7 In bids where joint ventures / sub-contractors are involved, each party must submit a separate proof of Tax Compliance Status (TCS) or PIN / CSD number.
- 11.1.8 Joint Ventures, Consortiums and Trusts

- A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- A joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- Bidders must submit a valid signed joint venture agreements as acceptable proof of the existence of a joint venture.
- The joint venture agreements must clearly set out the roles and responsibilities of the Lead Partner and the joint venture. The agreement must also clearly identify the Lead Partner, with the power of attorney to bind the other party/parties in respect of matters pertaining to the joint venture and/or consortium arrangement.

11.2 Phase 2: FUNCTIONALITY

Testing minimum criteria: 60 points will be based on the capacity of the company to deliver digital lending library subscription service to public libraries (e-lending)

Criteria	Weight	Scoring guideline	Value
1. Relevant experience of the company in digital lending library subscription service to public libraries (e-lending) Signed clients' letters not older than five (5) years' experience in the provision of digital library services (e-lending) or similar projects	30%	Company experience of 5 years or more	5
		Company experience of 4 years	4
		Company experience of 3 years	3
		Company experience of 2 years	2
		Company experience of 1 year	1

2. Organisation and staffing Provide CVs of key Internet Technologies (IT) staff involved in providing maintenance and support in digital library services (e-lending)	30%	Key personnel experience of 5 years or more	5
		Key personnel experience of 4 years	4
		Key personnel experience of 3 years	3
		Key personnel experience of 2 years	2
		Key personnel experience of 1 year	1
3. Catalogue	25%	Provide a web link of the latest catalogue available to access	5
		No catalogue	0
4. Bank rating - letter from the bank reflecting the code (Confirmation letter of bank account holder not acceptable)	15%	Rating A	5
		Rating B	4
		Rating C	3
		Rating D	2
		Rating E	1

11.2.1 For purposes of comparison and in order to ensure meaningful evaluation, service providers are requested to furnish detailed information in substantiation of compliance to the evaluation criteria.

11.2.2 A service provider that scores less than 60 out of 100 in respect of "functionality" will be regarded as submitting a non-responsive bid and will be disqualified.

11.2.3 Only qualifying bids scoring a minimum of 60 points on functionality will be further evaluated in terms of 80/20 Preferential Points System.

11.3 Phase 3: 80/20 PREFERENTIAL POINTS SYSTEM

PRICE	80
B-BBEE STATUS LEVEL: -	20
TOTAL POINTS FOR PRICE, B-BBEE	= 100

12. CONTRACTUAL ARRANGEMENTS

- a. The appointed service provider will enter into a Service Level Agreement with the Department of Arts, Culture, Sports and Recreation to perform all functions as set out in the project Specification or Terms of Reference.

13. CONFIDENTIALITY

- a. No information or documentation may be used for any other purpose other than providing for a tender proposal to the Department (POPI Act), and no copies of any document may be made, except with prior written approval from the Department.
- b. *Section 14 of the Constitution of the Republic of South Africa, 1996, provides that everyone has the right to privacy; the right to privacy includes a right to protection against the unlawful collection, retention, discrimination and use of personal information; the state must respect, protect, promote and fulfil the rights in the Bill of Rights...*

14. PACKAGING OF BID

- 14.1 Bidders to arrange the Standard Bidding Documents (SBDs) in their respective submissions in a numerically and orderly manner.

15. SUBMISSION OF BID DOCUMENTS

- 15.1 Bidders are advised to ensure that their bids are submitted on time.
- 15.2 Bidders should deposit their sealed and clearly marked (tender number) documents into the tender box available on the Ground Floor reception area by 11H00 at the address below:

Department of Arts, Culture, Sports and Recreation, Gaabomotho Building,
760 Dr. James Moroka Drive, MMABATHO, 2735.

- 15.3 Bids received after the closing date and time will not be accepted for consideration. Bid documents should be submitted before 11H00 on the closing date.
- 15.4 There will be no briefing session
- 15.5 The Department reserves the right to approve or not to approve the appointment of the service provider.

SUBMITTED BY



MR T.A. MABE
CHIEF DIRECTOR: ACLA
DATE: 18/11/2022

RECOMMENDED



MR S. SEBOLEWE
CHAIRPERSON: BID SPECIFICATION COMMITTEE
DATE: 18/11/2022

APPROVED / NOT APPROVED



MR. I.S. MOGOROSI
HEAD OF DEPARTMENT
DATE: 18/11/2022

Terms of reference for
Digital lending library
Subscription agreement

