



<b>NAME OF BID</b>	<b>TRUSTEE TOOLKIT INTERACTIVE E-LEARNING CONTENT DEVELOPMENT AND PACKAGING</b>
<b>BID NO.</b>	<b>FSCA2022/23-T002</b>
<b>CLOSING DATE</b>	<b>16 August 2022</b>
<b>CLOSING TIME</b>	<b>11h00 (South African Standard Time, obtained from Telkom SA SOC Limited by dialling 1026)</b>

<b>BIDDER NAME</b>			
<b>ID/REGISTRATION NUMBER</b>			
<b>CSD NUMBER</b>			
<b>B-BBEE LEVEL</b>		<b>EXPIRY DATE</b>	
<b>CONTACT PERSON</b>			
<b>EMAIL ADDRESS</b>			
<b>TELEPHONE NUMBER</b>			

Riverwalk Office Park, Block B; 41 Matroosberg Road  
(Corner Garsfontein and Matroosberg Roads)  
Ashlea Gardens, Extension 6  
Menlo Park; Pretoria; South Africa; 0081

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**Executive Committee:**

Commissioner: U. Kamlana | Deputy Commissioners: A. Ludin | K. Gibson | F. Badat

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## A. INTRODUCTION TO BID

### 1. Introduction

- 1.1 The Financial Sector Conduct Authority (FSCA) was established in terms of the Financial Sector Regulation Act No. 9 of 2017. It is responsible for market conduct regulation and supervision of the financial services industry. The objectives of the FSCA are to enhance and support the efficiency and integrity of financial markets, to protect financial customers by promoting their fair treatment by financial institutions, as well as providing financial customers with financial education. The FSCA is a Schedule 3A Public Entity, in terms of the Public Finance Management Act (PFMA).
- 1.2 The vision of the FSCA is to ensure an efficient financial sector where customers are informed and treated fairly, and its mission is to ensure a fair and stable financial market, where consumers are informed and protected, and where those that jeopardize the financial well-being of consumers are held accountable. Visit the FSCA website, [www.fsc.co.za](http://www.fsc.co.za) for further information about the FSCA.
- 1.3 The FSCA operates from offices in Pretoria at Riverwalk Office Park; 41 Matroosberg Road; Ashlea Gardens Extension 6; Menlo Park; Pretoria.
- 1.4 All information, including personal information collected during this process will be treated as confidential, and processed in line with the FSCA Privacy Policy. For more information on how your personal information is processed and how you can exercise your rights in term of applicable information privacy laws, please visit the Privacy Policy on [www.fsc.co.za](http://www.fsc.co.za)
- 1.5 Bidders are hereby invited for appointment of a service provider to develop and package the required interactive e-learning modules for the trustee training toolkit (TTK) to be implemented in two phases over a period not exceeding two years, including the provision of post-implementation support per phase for a period of three months. The contract will commence on 1 November 2022 or earlier.
- 1.6 This bid is subject to the Preferential Procurement Policy Framework Act No. 5 of 2000 and the Preferential Procurement Regulations, 2017, Broad-Based Black Economic Empowerment Act, the General Conditions of Contract (GCC) and, if applicable, any other special conditions of contract. Where, however, the special conditions of contract conflict with the general conditions of contract, the special conditions of contract prevail.

### 2. Briefing session

- 2.1 A **non-compulsory briefing** session will be held on **28 July 2022** at **11H00** for a maximum of 1 hour. A Microsoft Teams link will be provided on the FSCA website.

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- 2.2 **THE FSCA WILL NOT BE COMPELLED TO REPEAT ANY ISSUES ALREADY COVERED TO LATECOMERS, NOR OPEN THE BRIEFING SESSION REGISTER ONCE THE SESSION IS CONCLUDED AND THE REGISTER HAS CLOSED.**

### 3. Bid enquiries and questions

- 3.1 Enquiries relating to minor administrative issues with reference to the bid may be directed to:

Nobusi Mazwai  
 Supply Chain Management Unit  
 Tel no.: (012) 357 7847  
 E-mail: [tenders@fsc.co.za](mailto:tenders@fsc.co.za)

- 3.2 All questions relating to the contents of the bid (conditions, rules, terms of reference etc.) must be forwarded in writing via email to [tenders@fsc.co.za](mailto:tenders@fsc.co.za) by not later than 04 August 2022. Questions received after this date will not be entertained.
- 3.3 All questions must reference specific paragraph numbers, where applicable.
- 3.4 All enquiries (received on or before the closing date for enquiries) will be consolidated and the FSCA will publish one response document on the FSCA website ([www.fsc.co.za](http://www.fsc.co.za)) within three (3) working days after the date in indicated in paragraph 3.2.
- 3.5 No requests for information shall be made to any other person or place and in particular not to the existing provider of this service.

### 4. Bid submission

- 4.1 Bid documents may either be posted (preferably by registered mail) or placed in the bid box or couriered to the physical address. Bids submitted by means of e-mail, telex facsimile, electronic or similar means shall not be considered.
- 4.2 Complete documents with supporting annexures shall be packaged, sealed, clearly marked and submitted strictly as follows:

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<b>Bid Name</b>	<b>TRUSTEE TOOLKIT INTERACTIVE E-LEARNING CONTENT DEVELOPMENT AND PACKAGING</b>

- 4.3 The FSCA requires two (2) printed copies, one (1) original and one (1) copy and one electronic copy (in electronic storage media, preferably a CD or flash

drive/memory stick) in PDF format all bound in a sealed envelope marked as stated in paragraph 4.2.

- 4.4 Bids must be properly packaged and deposited on or before the closing date and before the closing time in the bid box situated at the reception area of the FSCA. The physical address of the FSCA is as follows:

Financial Sector Conduct Authority  
 Riverwalk Office Park, Block B  
 41 Matroosberg Road (Corner Garsfontein and Matroosberg Roads)  
 Ashlea Gardens, Extension 6  
 Menlo Park  
 Pretoria, 0081

GPS Coordinates	
Latitude	-25.7843344
Longitude	28.268365

- 4.5 Bid documents may also be posted (preferably by registered mail) to:

PO Box 35655  
 Menlo Park  
 Pretoria  
 0102

- 4.6 Bid documents will only be considered if received by the FSCA on or before the closing date and time, regardless of the method used to send or deliver such documents to the FSCA.

- 4.7 **Late submissions will not be accepted.**

- 4.8 Bidders must initial each page of the bid document on the bottom right hand corner.

## 5. Pricing schedule

- 5.1 Only fixed prices will be accepted.
- 5.2 A pricing schedule must be submitted on a separate sheet from the technical proposal for ease of evaluation. The pricing schedule must be submitted adjacent to the SBD3.3 form in the bid proposal.

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**B. DEFINITIONS**

**6. Definitions**

- 6.1 Unless inconsistent with or expressly indicated otherwise by the context.
  - 6.1.1 **FSCA** shall mean the Financial Sector Conduct Authority or any successor in title.
  - 6.1.2 **Contractor** shall mean the successful bidder whose bid has been accepted by the FSCA and shall include the bidders' personal representatives.
  - 6.1.3 **Contract** shall include the General Conditions of Contract and Special Conditions of Contract, the specifications including any schedules attached to the specifications, and any agreement entered into in terms of these Special Conditions of Contract.
  - 6.1.4 **Service** shall mean the development and packaging of interactive e-learning modules for the trustee training toolkit (TTK) to be implemented in two phases over a period not exceeding two years, including provision of post implementation support per phase for a period of three months per phase.
  - 6.1.5 **Person** includes any company incorporated or registered as such under any law, any body of persons corporate or unincorporated, any trust. Person, firm or company shall include an authorised employee or agent of such person.
- 6.2 Except where the context indicates otherwise, in this document the singular includes the plural, and with reference to gender, the one includes the other.

## C. BID RULES

### 7. Capabilities and experience of bidders

7.1 Bidders are required to provide all information as necessary to demonstrate their capabilities and experience with regard to the requested services.

### 8. Form of bid

8.1 The bid shall be signed and witnessed on the form of bid incorporated herein. The schedule of services shall be fully priced in South African Rand to show the total amount of the bid and shall be signed. The certificates, schedules and forms contained in this document shall be completed and signed by the bidder in blue or black ink.

8.2 **Please note:** No correction fluid such as Tippex or similar product is allowed. All changes must be scratched out and a signature next to each change

8.3 Where the space provided in the bound document is insufficient, separate schedules may be drawn up in accordance with the prescribed formats. These schedules shall be bound with a suitable contents page and submitted with the bid documents.

### 9. Signing of bid

9.1 The bid must be signed by a person who is duly authorised to do so.

### 10. Bid all inclusive

10.1 The bidder must provide an all-inclusive fee statement in the bid.

### 11. Alterations to bid documents

11.1 No unauthorised alteration or addition shall be made to the form of bid, to the schedule of quantities of services to be rendered or to any other part of the bid documents. If any such alteration or addition is made or if the schedule of quantities of services to be rendered, or other schedules or certificates are not properly completed, such submission may be disqualified.

### 12. Qualifications on bid

12.1 Bids submitted in accordance with this bid document shall be without any qualifications.

### 13. FSCA'S rights

13.1 The FSCA is entitled to amend any bid conditions, bid validity period, bid specifications, or extend the bid's closing date, all before the bid closing date.

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The FSCA reserves a right to extend the bid validity period before its expiry period. All bidders, to whom the bid documents have been issued and where the FSCA have record of such bidders, may be advised in writing of such amendments in good time and any such changes will also be posted on the FSCA's website under the relevant bid information. All prospective bidders should, therefore, ensure that they visit the website regularly and before they submit their bid response to ensure that they are kept updated on any amendments in this regard.

- 13.2 The FSCA reserves the right not to accept the lowest priced bid or any bid in part or in whole.
- 13.3 The FSCA reserves the right to award this bid as a whole or in part.
- 13.4 The FSCA reserves the right to conduct site visits at bidder's corporate offices and/or at client sites if so required.
- 13.5 The FSCA reserves the right to consider the guidelines and prescribed hourly remuneration rates for consultants as provided in the National Treasury Instruction Note 02 of 2016/2017: Cost Containment Measures, where relevant.
- 13.6 The FSCA reserves the right to request all relevant information, agreements and other documents to verify information supplied in the bid response. The bidder hereby gives consent to the FSCA to conduct background checks on the bidding entity and any of its directors/trustees/shareholders/members.

#### 14. Undertaking by bidder

- 14.1 By submitting a bid in response to this bid, the bidder will be taken to have offered to render all or any of the services described in the bid response submitted by it to the FSCA on the terms and conditions and in accordance with the specifications stipulated in this bid document.
- 14.2 The bidder shall prepare for a possible presentation should the FSCA require such and the bidder shall be notified thereof in good time before the actual presentation date. Such presentation may include a practical demonstration of products or services as called for in this bid.
- 14.3 The bidder agrees that the offer contained in its bid shall remain binding upon him and receptive for acceptance by the FSCA during the bid validity period indicated in this document and calculated from the bid closing date. Its acceptance shall be subject to the terms and conditions contained in this bid document read with the bid.
- 14.4 The bidder furthermore confirms that they have satisfied themselves as to the correctness and validity of their bid response; that the price(s) and rate(s) quoted cover all the work/item(s) specified in the bid response documents; and that the price(s) and rate(s) cover all their obligations under a resulting contract

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for the services contemplated in this bid; and that they accepts that any mistakes regarding price(s) and calculations will be at their risk.

14.5 The successful bidder accepts full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on them under the supply agreement and Service Level Agreement (SLA) to be concluded with the FSCA, as the principal(s) liable for the due fulfilment of such contract.

14.6 The bidder accepts that all costs incurred in the preparation, presentation and demonstration of the solution offered by it shall be for the account of the bidder. All supporting documentation and manuals submitted with this bid will become FSCA property unless otherwise stated by the bidder/s at the time of submission.

## 15. Central supplier database

15.1 The FSCA will not award any bid to a supplier who is not registered as a prospective supplier on the Central Supplier Database (CSD) as required in terms of National Treasury SCM Instruction Note 4A of 2016/2017.

15.2 The supplier is responsible to continuously update their information, including personal information on the CSD to ensure that it is complete, accurate and not misleading.

## 16. Supplier performance management

16.1 Supplier Performance Management is viewed by the FSCA as a critical component in ensuring it acquires value for money and maintains good supplier relations between the FSCA and all its suppliers.

16.2 The successful bidder shall upon receipt of written notification of an award, be required to conclude an SLA with the FSCA (where applicable), which will form an integral part of the supply agreement. The SLA will serve as a tool to measure, monitor and assess the supplier's performance and ensure effective delivery of service, quality and value-add to the FSCA's business.

16.3 The successful bidder will be required to comply with the above conditions, and also provide a scorecard on how their product/service offering is being measured to achieve the objectives of this condition.

## 17. Cancellation of contract

17.1 If the FSCA becomes aware or is satisfied that any person (including an employee, partner, director or shareholder of the bidder or a person acting on behalf of or with the knowledge of the bidder), firm or company; amongst others:

17.1.1 is executing a contract with the FSCA unsatisfactorily,

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- 17.1.2 has in any manner been involved in a corrupt act or provided a gift or remuneration in relation to any officer or employee of the FSCA, in connection with obtaining or executing a contract,
- 17.1.3 has acted in bad faith, in a fraudulent manner or committed an offence in obtaining or executing a contract,
- 17.1.4 has in any manner influenced or attempted to influence the awarding of an FSCA's bid,
- 17.1.5 has when advised that his bid has been accepted, given notice of his inability to execute or sign the contract or to furnish any security required,
- 17.1.6 has engaged in any anti-competitive behaviour, including having entered into any agreement or arrangement, whether legally binding or not, with any other person, firm or company to refrain from bidding for this contract, or relating to the bid price to be submitted by either party,
- 17.1.7 has disclosed to any other person, any information relating to this bid, except where disclosure, in confidence, was necessary to obtain quotations required for the preparation of the bid,

the FSCA may, in addition to any other legal recourse, which it may have, cancel the contract between the FSCA and such a person, firm or company and/or resolve that no bid from such a person will be favourably considered for a period, as prescribed by the National Treasury.

- 17.2 Any restriction imposed upon any person shall apply to any other person with which such a person is actively associated.

## 18. Applicable laws

- 18.1 The laws of the Republic of South Africa shall be applicable to each contract created by the acceptance of a bid and each bidder shall indicate an address in the Republic and specify it in the bid as his domicilium citandi et executandi where any legal process may be served on him.
- 18.2 Each bidder shall accept the jurisdiction of the courts of the Republic of South Africa.

## 19. Reasons for disqualification of bid

- 19.1 The FSCA reserves the right to disqualify any unacceptable bid as defined in the PPPFA Act and such disqualification may take place without prior notice to the offending bidder. The grounds for disqualification amongst others could include the following:

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- 19.1.1 bidders who submit incomplete information and documentation as specified in the requirements of this bid document;
- 19.1.2 bidders who submit information that is fraudulent, factually untrue or inaccurate;
- 19.1.3 bidders who receive information not available to other potential bidders through any means;
- 19.1.4 bidders who do not comply with mandatory requirements, if stipulated in the bid document;
- 19.1.5 bidders who fail to attend a compulsory briefing session and sign bid register, if stipulated in the bid advert and/ or in this bid document; and/or
- 19.1.6 bidders who fail to comply with FICA (Financial Intelligence Centre Act) requirements (where applicable).

## 20. Delegation of authority

- 20.1 The FSCA may delegate any power vested in it by virtue of these Terms of Reference to an officer or employee of the FSCA.

## 21. Bid rules are binding

- 21.1 The bid rules as well as the instructions given in the official bid notice shall be binding on all bidders submitting bid applications for the service or services set out in the bid document.

## 22. Language of contract

- 22.1 The bid documents are drafted in English and any contract, which originates from the acceptance of the bid, will be interpreted and construed in English.

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## D. TERMS OF REFERENCE

### 23. Objectives

23.1 The broad objectives of this bid include:

23.1.1 To provide bidders with adequate information to understand and respond to the FSCA's requirements to appoint a service provider to develop and package the required interactive e-learning modules for the trustee training toolkit (TTK) over a period not exceeding two years including the provision of post-implementation support for a period of three months per phase.

23.1.2 To ensure uniformity in the responses received from each prospective service provider.

23.1.3 To provide a structured framework for the evaluation of proposals.

### 24. Pre-qualification criteria for preferential procurement

24.1 In terms of Regulation 4 of the Preferential Procurement Policy Framework Act Regulations of 2017, the FSCA requires that bidders must have a minimum B-BBEE contributor status level of 4 or better and submit proof of B-BBEE Status Level of contributor to qualify.

24.2 Bidders who do not meet the pre-qualification criteria stipulated in paragraph 24.1 of the bid document will be disqualified from further evaluation.

### 25. Background

25.1 Section 7A(3)(a) of the Pension Fund Act, 1956 requires trustees of retirement funds to attain skills and training. To this end the TTK was developed and implemented in 2013 as optional training to provide support to trustees in this respect. On 10 July 2020 the Conduct Standard 4 of 2020 was published which made the TTK compulsory training and required trustees to complete the TTK within six (6) months after being appointed.

25.2 The on-line content of the TTK is hosted on the platform of the FSCA. The content consists of three (3) modules of four (4) learning units each with a final summative assessment at the end of the learning process. Upon successful completion of the summative assessment the learner is issued with a system generated certificate. Depending on the results, of the learner's assessment, the system generates a certificate type based on the results (bronze, silver, gold, platinum, diamond). The current content is only available as static PDF content because the previous interactive content was developed using an older version of Adobe Captivate, which was dependent on Adobe Flash. This TTK solution can be viewed here: [www.trusteetoolkit.co.za](http://www.trusteetoolkit.co.za).

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- 25.3 The FSCA has re-developed the TTK learning content, and this content is currently in a body of knowledge (BoK) in MS Word format. This content includes a significant expansion of the learning outcomes and learning content. It now consists of a total of 22 modules, covering a much broader range of topics to equip the members of the board of trustees of retirement funds with comprehensive knowledge and understanding of their responsibilities as trustees of a retirement fund.
- 25.4 The BoK was developed by the FSCA's retirement fund subject-matter experts and this content must form the basis for the e-learning content to be developed. Please refer to **Annexure B** for a copy of the BoK.
- 25.5 In addition, the FSCA has developed the final summative assessments consisting of multiple-choice questions (a stem with 4 options of which one is the key) that must be included at the end of each module. The final summative assessments are **excluded** from the e-learning content to be developed and packaged, as these final summative assessments will be hosted directly on the FSCA's platform. However, it is important that the e-learning content aligns with the content of these summative assessments, and therefore these assessments will be provided to the contractor in an excel format to ensure that the e-learning content that is developed and the summative assessments for each module aligns properly, and that the e-learning content will therefore prepare the learners to complete the final summative assessment after completion of each module.

## 26. Additional information

- 26.1 The content must be delivered without any dependencies on the FSCA platform on which it will be loaded. However, for clarification purposes please note the following information:
- 26.1.1 The FSCA platform is built on ASP.Net and C#;
- 26.1.2 It is hosted on premise at the FSCA, and the platform is being maintained and supported in-house;
- 26.1.3 The content will be published as HTML5 and plugged into the existing system to make it available to users; and
- 26.1.4 The platform will integrate to the content through the common java interface for Adobe Captivate (for progress tracking purposes).

## 27. Purpose of the request for bid

- 27.1 The purpose of this bid is to appoint a service provider to develop and package the required interactive e-learning modules for the trustee training toolkit (TTK)

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over a period not exceeding two years including the provision of post-implementation support for a period of three months per phase.

**28. Scope of work**

28.1 The contractor will be required to:

28.1.1 Use sound instructional design principles to develop interactive e-learning content that covers all the topics and content as included in the BoK (Annexure B) for a total of 22 modules and must include:

- 28.1.1.1 Audio (voice-overs);
- 28.1.1.2 Videos;
- 28.1.1.3 Graphics;
- 28.1.1.4 Gamification;
- 28.1.1.5 Animation (for example whiteboard animation); and
- 28.1.1.6 Formative assessments for each of the 22 modules;

28.1.2 Create a storyboard for each of the modules to be included in the handover in Word format;

28.1.3 Develop content that is customisable by the FSCA;

28.1.4 Align the e-learning content for each of the modules to the final assessments provided by the FSCA to the contractor in an Excel format;

28.1.5 Develop content using plain language (Grade 12) to cater for learners whose home language may not be English;

28.1.6 Develop all the interactive e-learning content referred to in paragraph 28.1.1 in accordance with the FSCA corporate identity which will be provided by the FSCA;

28.1.7 Create three different mock-ups (concepts) of the interactive e-learning content for the FSCA to choose from taking into consideration the requirements as set out in paragraph 28.1.1 The mock-up must be presented to the FSCA via a demonstration with all the relevant FSCA stakeholders included;

28.1.8 Package the e-learning content to be developed in Adobe Captivate Creative Cloud 2019 projects with all the necessary files included. The Project Files (CPTX) and HTML files of the e-learning content for each of the 22 modules must be handed over to the FSCA ICT Division to put

the e-learning content on the FSCA's platform, taking into consideration the information included in paragraph 26.

28.1.9 Package the content using its own licenses for Adobe Captivate Creative Cloud 2019. The FSCA has its own Adobe Captivate licenses, and licensing is therefore excluded from the scope of this request;

28.1.10 Design and implement the proposed solution to include the following:

28.1.10.1 Solution (HTML Files) testing in the UAT and Production environments;

28.1.10.2 Provide the technical support on the implementation of the HTML files in the two environments referred to in paragraph 28.1.10.1; and

28.1.10.3 Provide support for a period of three months after implementation of the TTK to fix issues in respect of the integration of the developed course content with the e-learning platform. This would include tracking the learner progress through the course content through the common java interface for Adobe captivate or similar;

## 29. Timelines

29.1 The interactive e-learning content for the first 11 modules (phase 1) must be developed, packaged and handed over to the FSCA ICT Division within seven months after the SLA is signed by the contractor and the FSCA. The support referred to in paragraph 28.1.10.3 must then commence from the date that the interactive e-learning content was handed over to the FSCA ICT Division for a duration of three months.

29.2 The interactive e-learning content for the remaining 11 modules (phase 2) must be developed, packaged and handed over to the FSCA ICT Division by 30 September 2023. The support referred to in paragraph 28.1.10.3 must commence from the date that the interactive e-learning content was handed over to the FSCA ICT Division for a duration of three months.

## 30. Bid conditions

30.1 The following special conditions are applicable to this bid:

30.1.1 The stipulated timeline for phase 1 and phase 2 referred to in paragraph 29.1 and paragraph 29.2 cannot be exceeded.

30.1.2 Failure to meet the condition in 29.1.1 will be disqualified from further evaluation.

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**31. Bid evaluation**

31.1 The proposals will be evaluated as follows.

**31.1.1 Evaluation Stage One: Compliance**

Compliance with administrative requirements stated in the Standard Bidding Documents and the mandatory requirements as listed in paragraph 34 below. In this evaluation stage, all bidders that fail to provide the required information and documentation, will be disqualified from further evaluation.

**31.1.2 Evaluation Stage Two: Functional evaluation (Desktop evaluation)**

In this evaluation stage, bidders are expected to obtain a minimum of 80 out of 100 points to proceed to the next evaluation stage. Failure to obtain the prescribed minimum points will automatically disqualify the bid offer from proceeding to the next evaluation stage.

**31.1.3 Evaluation Stage Three: Preference Point System**

The 80/20 preference point system shall be applicable to this phase, where 80 points represent maximum obtainable points for the lowest acceptable price, and 20 points represent the B-BBEE level status. Points will be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table as listed in the bid documentation.

**31.1.4 Evaluation Stage Four: Site Inspection**

At the FSCA’s discretion, a site inspection may be conducted at this stage. The FSCA will visit the selected bidders’ premises with the objective of verifying information as contained in their respective bid documents. Should it be discovered during a site inspection or presentation that the information submitted by the bidder is inconsistent with what is on their current premises of business, such bidders will be disqualified.

**32. Functional evaluation (Desktop)**

32.1 The bid/proposal will be evaluated for functionality and be rated as follows:

32.1.1 Values: 0=Poor 1=Below average, 2=Average, 3=Good, 4=Very Good, 5=Excellent

**Table 1**

ITEM	DESCRIPTION	DETAILED DESCRIPTION	RATING		SUB-WEIGHT	WEIGHT
A.	A.1. Technical Fidelity	A.1.1. The bidder must clearly indicate in a detailed proposal how the product features and functions will meet each of the set requirements specified in the scope of work (section 28 of the ToR). All bidders to complete <b>Annexure A</b> .	The bidder did not submit a proposal.	0	20	40
			The bidder's submitted a proposal which does not meet all of the set requirements.	1 - 3		
			The bidder's submitted a detailed proposal which meets all the set requirements or exceed the set requirements.	4 - 5		
		A.1.2. The bidder must provide at least three accessible electronic links of similar work done in the past - the samples must be accessible without any technical challenges in respect of audio, visual or interaction and the	The bidder did not provide any accessible electronic link of similar work done in the past to samples.	0	20	
The bidder provided less than three accessible electronic links of similar work done in the past and	1 - 3					

**TRUSTEE TOOLKIT INTERACTIVE E-LEARNING CONTENT DEVELOPMENT AND PACKAGING**

ITEM	DESCRIPTION	DETAILED DESCRIPTION	RATING		SUB-WEIGHT	WEIGHT
		functionality must be user friendly.	are in alignment with the requirements of this tender. .			
			The bidder provided three or more accessible electronic links of similar work done in the past and all are in alignment with the requirements of this tender.	4 - 5		
B.	B.1. Bidder's Track Record and References	<p>B.1.1. The bidder must provide at least three verifiable reference letters where a similar work was undertaken in the last four years from closing of the date of this bid. The reference letters must contain the following:</p> <p>(a) Name of the client;</p>	The bidder did not provide verifiable contactable references letters.	0		20

**TRUSTEE TOOLKIT INTERACTIVE E-LEARNING CONTENT DEVELOPMENT AND PACKAGING**

ITEM	DESCRIPTION	DETAILED DESCRIPTION	RATING		SUB-WEIGHT	WEIGHT
		(b) Contact person name; (c) Contact person telephone number(s); (d) Contract duration; (e) Description of work done	The bidder provided less than three verifiable contactable references of work undertaken within the past four years, which is in alignment with the requirements for this tender.	1 - 3		
			The bidder provided three or more verifiable contactable references letters of work undertaken within the past four years, which is in alignment with the requirements for this tender.	4 - 5		

**TRUSTEE TOOLKIT INTERACTIVE E-LEARNING CONTENT DEVELOPMENT AND PACKAGING**

ITEM	DESCRIPTION	DETAILED DESCRIPTION	RATING		SUB-WEIGHT	WEIGHT
c.	C.1. Project Team	<p>C.1.1. The bidder must provide a minimum of four (4) CV's of the project team as evidence that clearly demonstrate that its resources have a minimum of three (3) years practical experience in the functions required to deliver the services in respect of this bid based on the criteria listed in sub-paragraphs 28.1.1 to 28.1.1.6. Including functions in respect of:</p> <p>(a) Instructional design / curriculum design                      (b) Graphic design                      (c) Web and e-learning development                      (d) Relevant ICT applications/ programmes including Adobe Captivate</p>	The bidder did not include CVs of the project team.	0		20
			The bidder provided less than four CVs of the project team as evidence which clearly demonstrate that its resources have a minimum of three (3) years practical experience in instructional design and e-learning content development.	1 - 3		
			The bidder provided four or more CVs as evidence which clearly demonstrate that its resources have a minimum of three (3) years practical experience in instructional design and	4 - 5		

**TRUSTEE TOOLKIT INTERACTIVE E-LEARNING CONTENT DEVELOPMENT AND PACKAGING**

ITEM	DESCRIPTION	DETAILED DESCRIPTION	RATING		SUB-WEIGHT	WEIGHT
		(e) Project management	e-learning content development.			
D.	D.1. Project planning and management	D.1.1. The bidder must provide a detailed project plan for the execution of the project that clearly sets out the following:  (a) Key milestones; (b) Project deliverables per milestone; (c) Timeline per milestone; and (d) Detailed cost breakdown per milestone. (e) Description of how the bidder will provide a high-quality service.	The bidder did not provide a project plan.	0		20
			The bidder provided a project plan which does not meet all the requirements for the execution of the project as sets out stipulated.	1 - 3		
			The bidder provided detailed project plan that meets all the requirements as stipulated.	4 - 5		
<b>TOTAL</b>						<b>100</b>

### 33. Preference point system

33.1 The formula below will be used to calculate the preference procurement points for price:

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

33.2 Where

*P<sub>s</sub>* = Points scored for comparative price of bid under consideration

*P<sub>t</sub>* = Comparative price of bid or offer under consideration

*P<sub>min</sub>* = Comparative price of lowest acceptable bid

33.3 Depending on the bidder's level of broad-based black empowerment contribution, a maximum of 20 points may be allocated to a bidder. The points scored by a bidder for broad-based black economic empowerment contribution will be added to the preference procurement points allocated for price.

33.4 The table below reflects the number of points to be allocated to a bidder based on broad-based black economic empowerment contribution:

**Table 2**

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

33.5 Bidders are required to submit proof of B-BBEE Status Level of contributor. Proof includes valid B-BBEE Status Level Verification Certificates or certified copies of sworn affidavits together with their bidders or price quotations, to substantiate their B-BBEE rating claims

33.6 Bidders who did not submit their B-BBEE Status Level Verification Certificates/certified copies of sworn affidavits or who are non-compliant contributors to B-BBEE do not qualify for preference points for B-BBEE but

should not be disqualified from the bidding process unless if the FSCA has stipulated a specific B-BBEE Status Level as pre-qualification criteria in terms of Regulation 4; and the bidder does not meet this requirement. In this instance, the FSCA must disqualify such bidder as having submitted an unacceptable bid.

33.7 A consortium or joint venture (including unincorporated consortia and joint ventures) must submit a consolidated B-BBEE Status Level Verification Certificate for every separate bid

33.8 Bidders must ensure that their B-BBEE Status Level Verification Certificates submitted are issued by the following agencies:

33.8.1 Bidders who qualify as Exempted Micro Enterprise (EMEs):

33.8.1.1 Verification agencies accredited by SANAS; or

33.8.1.2 Sworn affidavit signed by the EME representative and attested by a Commissioner of oaths.

#### 34. Standard bidding documents

34.1 The following compulsory additional information are required. Failure to complete, and supply any of these documents might lead to disqualification from this bid:

**Table 3**

Invitation to bid	SBD 1
Pricing Schedule	SBD 3.3
Bidder's Declaration	SBD 4
Preference Points Claim Form for Preferential Procurement Regulations 2017 (including a valid B-BBEE Status Level Verification Certificate) <b>Should a bidder not complete and sign the SBD6.1, the bidder will be allocated 0.00 points for B-BBEE.</b>	SBD 6.1

#### 35. Timeline of the bid process

35.1 The period of validity of the bid and the withdrawal of offers, after the closing date and time are 90 days, expiring on 14 November 2022. The project timeframes of this bid are set out below:

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Table 4

STAGE	DESCRIPTION OF STAGE	ESTIMATED COMPLETION DATE (OR WORK WEEK ENDING)
1.	Advertisement of bid on Government e-tender portal / print media / Tender Bulletin	22 July 2022
2.	Briefing session	28 July 2022
3.	Questions relating to bid from bidder(s)	04 August 2022
4.	Bid closing date	16 August 2022
5.	Compliance: Bid Evaluation Committee	24 August 2022
6.	Functional Evaluation: (Desktop evaluation)	31 August 2022
7.	Preference Point System: Bid Evaluation Committee	07 September 2022
8.	Bid Adjudication: Bid Adjudication Committee	29 September 2022
9.	Notification of the outcome to the bidders	05 October 2022

35.2 All dates and times in this bid are South African Standard Time.

35.3 Any time or date in this bid is subject to change at the FSCA's discretion. The establishment of a time or date in this bid does not create an obligation on the part of the FSCA to take any action or create any right in any way for any bidder to demand that any action be taken on the date established. The bidder accepts that, if the FSCA extends the deadline for bid submission (the Closing Date) for any reason, the requirements of this bid otherwise apply equally to the extended deadline.

**E. ANNEXURE A: TECHNICAL FEDILITY REQUIREMENTS**

**(THIS SECTION TO BE COMPLETED BY ALL BIDDERS)**

TECHNICAL FEDILITY CRITERIA	FULLY COMPLY	DO NOT COMPLY (Please explain)	REFERENCE (Annexure, page number, paragraph number where the criteria are discussed in the detailed proposal)
<b>1. INSTRUCTIONAL DESIGN PRINCIPLES</b>			
1.1. Use sound instructional design principles that supports adult learning			
1.2. The features and functions of the solution include:			
1.2.1. Audio (voice-overs)			
1.2.2. Videos			
1.2.3. Graphics			
1.2.4. Gamification			
1.2.5. Animation			
1.2.6. Formative assessment activities			
1.3. A storyboard for each module showing the activities and content covered for each of the 22 modules			
1.4. The content is customisable			

TECHNICAL FIDELITY CRITERIA	FULLY COMPLY	DO COMPLY (Please explain)	NOT COMPLY	REFERENCE (Annexure, page number, paragraph number where the criteria are discussed in the detailed proposal)
1.5. Alignment of content to the final summative assessment questions (multiple-choice) provided by the FSCA				
1.6. Plan language aimed at Grade 12 used to cater for learners whose home language may not be English.				

2. PACKAGING				
2.1. Package e-learning content in Adobe Captivate Creative Cloud 2019 projects and HTML files for each of the 22 modules				
2.2. Use own licenses for Adobe Captivate Creative Cloud 2019 when packaging the e-learning content.				
3. IMPLEMENTATION AND TECHNICAL SUPPORT				
3.1. Solution (HTML Files) testing in the UAT and Production environments				
3.2. Provide the technical support on the implementation of the HTML files in the UAT and Production environments				
3.3. Technical support provided for a period of 3 months after implementation of the TTK to fix issues in respect of the integration of the developed course content with the e-learning platform.				

3.4. Technical support includes tracking the learner progress through the course content through the common java interface for Adobe captivate or similar			
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**STANDARD BIDDING DOCUMENTS****Standard Bidding Document (SBD 1)****PART A  
INVITATION TO BID**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE FINANCIAL SECTOR CONDUCT AUTHORITY</b>					
BID NUMBER:	<b>FSCA2022/23-T002</b>	CLOSING DATE:	<b>16 August 2022</b>	CLOSING TIME:	<b>11H00</b>
DESCRIPTION	<b>TRUSTEE TOOLKIT INTERACTIVE E-LEARNING CONTENT DEVELOPMENT AND PACKAGING</b>				
<b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>					
Riverwalk Office Park, Block B					
41 Matroosberg Road (Corner Garsfontein and Matroosberg Roads)					
Ashlea Gardens, Extension 6, Menlo Park					
Pretoria, South Africa, 0081					
<b>BIDDING PROCEDURE AND TECHNICAL ENQUIRIES MAY BE DIRECTED TO</b>					
DEPARTMENT	Supply Chain Management Department				
FACSIMILE NUMBER	Not applicable				
E-MAIL ADDRESS	<a href="mailto:tenders@fsc.co.za">tenders@fsc.co.za</a>				
TELEPHONE NUMBER	012 367 7847				
<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					

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**[TRUSTEE TOOLKIT INTERACTIVE E-LEARNING  
CONTENT DEVELOPMENT AND PACKAGING]**

TELEPHONE NUMBER		CODE		NUMBER	
CELLPHONE NUMBER					
FACSIMILE NUMBER		CODE		NUMBER	
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS		TAX COMPLIANCE SYSTEM PIN:		<b>OR</b> CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE		TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT [TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					
<i>ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</i>		<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		<i>ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW ]	
<b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO					
DOES THE ENTITY HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO					
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO					
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO					
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? <input type="checkbox"/> YES <input type="checkbox"/> NO					
<b>IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.</b>					

**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 IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
- 1.4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**

**2. TAX COMPLIANCE REQUIREMENTS**

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

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

SIGNATURE OF BIDDER: .....

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

DATE: .....

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**Standard Bidding Document (SBD 3.3)**

**PRICING SCHEDULE**  
(Professional Services)

NAME OF BIDDER: .....	BID NO.: FSCA2022/23-T002
CLOSING TIME 11:00	CLOSING DATE 16 August 2022

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

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)
---------	-------------	--

1. The accompanying information must be used for the formulation of proposals.
2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project.
3. PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)

R.....

4. PERSON AND POSITION

HOURLY RATE

DAILY RATE

.....	R.....	.....

5. PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT

.....	R.....	..... days

5.1 Travel expenses (specify, for example rate/km and total km, class of air travel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
.....	.....	.....	R.....
.....	.....	.....	R.....
.....	.....	.....	R.....
.....	.....	.....	R.....

TOTAL: R.....

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

5.2 Other expenses, for example accommodation (specify, eg. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
.....	.....	.....	R.....
.....	.....	.....	R.....
.....	.....	.....	R.....
.....	.....	.....	R.....
TOTAL: R.....			

- 6. Period required for commencement with project after acceptance of bid .....  
.....
- 7. Estimated man-days for completion of project .....  
.....
- 8. Are the rates quoted firm for the full period of contract? \*YES/NO
- 9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index.  
.....  
.....  
.....

**Standard Bidding Document (SBD 4)**

**BIDDER'S DISCLOSURE**

**1. PURPOSE OF THE FORM**

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

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

**2. Bidder's declaration**

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> in the enterprise, employed by the state? **YES/NO**

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

Full Name	Identity Number	Name of institution	State

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**

2.2.1 If so, furnish particulars:

.....  
.....

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

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

2.3.1 If so, furnish particulars:

.....  
.....

**3 DECLARATION**

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

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>2</sup> will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring 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.

<sup>2</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

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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

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## Standard Bidding Document (SBD 6.1)

### 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
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

- (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) The 80/20 preference point system will be applicable to this tender.

1.3 Points for this bid shall be awarded for:

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

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

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

1.5 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.

1.6 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.

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PROCUREMENT REGULATIONS 2017 (continuation)**

**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:

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

80/20 or 90/10

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Where

- Ps = Points scored for price of bid under consideration  
 Pt = Price of bid under consideration  
 Pmin = 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

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Non-compliant contributor	0	0
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**SBD 6.1**

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017 (continuation)**

**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)*

<b>YES</b>	<input type="checkbox"/>	<b>NO</b>	<input type="checkbox"/>
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7.1.1 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 or QSE

*(Tick applicable box)*

<b>YES</b>	<input type="checkbox"/>	<b>NO</b>	<input type="checkbox"/>
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v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

<b>Designated Group: An EME or QSE which is at last 51% owned by:</b>	<b>EME</b> √	<b>QSE</b> √
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		
<b>OR</b>		
Any EME		
Any QSE		

**SBD 6.1**

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017 (continuation)**

**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**

.....

.....

.....

.....

.....

**COMPANY CLASSIFICATION**

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

[TICK APPLICABLE BOX]

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

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- 8.7 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.

<p><b>WITNESSES</b></p> <p>1. ....</p> <p>2. ....</p>	<p>..... SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE: .....</p> <p>ADDRESS..... ..... ..... .....</p>
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**EXAMPLE OF SWORN AFFIDAVIT CAN BE USED BY SUPPLIERS IN THE RELEVANT CATEGORY**
**SWORN AFFIDAVIT – B-BBEE EXEMPTED MICRO ENTERPRISE - GENERAL**

I, the undersigned,

<b>Full name &amp; Surname</b>	
<b>Identity number</b>	

Hereby declare under oath as follows:

1. The contents of this statement are to the best of my knowledge a true reflection of the facts.
2. I am a Member / Director / Owner of the following enterprise and am duly authorised to act on its behalf:

<b>Enterprise Name:</b>	
<b>Trading Name (If Applicable):</b>	
<b>Registration Number:</b>	
<b>Enterprise Physical Address:</b>	
<b>Type of Entity (CC, (Pty) Ltd, Sole Prop</b>	
<b>Nature of Business:</b>	
<b>Definition of “Black People”</b>	<p>As per the Broad-Based Black Economic Empowerment Act 53 of 2003 as Amended by Act No 46 of 2013 “Black People” is a generic term which means Africans, Coloureds and Indians –</p> <ol style="list-style-type: none"> <li>(a) who are citizens of the Republic of South Africa by birth or descent; or</li> <li>(b) who became citizens of the Republic of South Africa by naturalisation-             <ol style="list-style-type: none"> <li>i. before 27 April 1994; or</li> <li>ii. on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalization prior to that date;”</li> </ol> </li> </ol>

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<b>Definition of “Black Designated Groups”</b>	<p>“Black Designated Groups means:</p> <ul style="list-style-type: none"> <li>(a) unemployed black people not attending and not required by law to attend an educational institution and not awaiting admission to an educational institution;</li> <li>(b) Black people who are youth as defined in the National Youth Commission Act of 1996;</li> <li>(c) Black people who are persons with disabilities as defined in the Code of Good Practice on employment of people with disabilities issued under the Employment Equity Act;</li> <li>(d) Black people living in rural and under developed areas;</li> </ul>
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3. I hereby declare under Oath that:

- The Enterprise is \_\_\_% Black Owned as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 (1) of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013,
- The Enterprise is \_\_\_% Black Female Owned as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 (1) of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013,
- The Enterprise is \_\_\_% Black Designated Group Owned as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 (1) of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013,
- Black Designated Group Owned % Breakdown as per the definition stated above:
  - Black Youth % = \_\_\_%
  - Black Disabled % = \_%
  - Black Unemployed % = \_\_\_%
  - Black People living in Rural areas % = \_\_\_%
  - Black Military Veterans % = \_%
- Based on the Financial Statements/Management Accounts and other information available on the latest financial year-end of \_\_, the annual Total Revenue was R10,000,000.00 (Ten Million Rands) or less
- Please Confirm on the below table the B-BBEE Level Contributor, **by ticking the applicable box.**

100% Black Owned	<b>Level One</b> (135% B-BBEE procurement recognition level)	
At least 51% Black Owned	<b>Level Two</b> (125% B-BBEE procurement recognition level)	
Less than 51% Black Owned	<b>Level Four</b> (100% B-BBEE procurement recognition level)	

4. I know and understand the contents of this affidavit and I have no objection to take the prescribed oath and consider the oath binding on my conscience and on the Owners of the Enterprise which I represent in this matter.
  
5. The sworn affidavit will be valid for a period of 12 months from the date signed by commissioner.

Deponent Signature: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Commissioner of Oaths  
Signature & stamp

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**F. ADMINISTRATIVE CHECKLIST**

Hereunder is a checklist to ensure that the bid document is complete in terms of administrative compliance. Please ensure that the following forms have been completed and signed and that all documents, as requested, are attached to the tender document.

ITEM	DOCUMENT REFERENCE		ACTION TO BE TAKEN	YES/NO
1.	SBD 1	Invitation to bid	Is the form duly competed and signed?	
2.	SBD 3.3	Pricing Schedule	Is the form duly competed and signed?	
3.	SBD 4	Declaration of Interest	Is the form duly competed and signed?	
4.	SBD 6.1	Preference Points Claim Form for Preferential Procurement Regulations 2017	Is the form duly competed, B-BBEE points claimed and form signed?	
5.	B-BBEE status level verification certificate		Is proof of B-BBEE Status level of contributor attached?	
6.	Tender submission		Two (2) printed copies (One original original and one copy) submitted?	
			One (1) electronic copy submitted?	

I, the undersigned (name) .....  
certify that the information furnished on this checklist is true and correct.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder