



**REFERENCE: IEC/COM-02/2022**

**CLOSING DATE: 6 SEPTEMBER 2022**

**ENQUIRIES**

**TECHNICAL SPECIFICATIONS:** Kate Bapela

**Tel:** 012 622 5579 or **eMail:** Bapelap@elections.org.za

**ADMINISTRATIVE ENQUIRIES:** Mr Vincent Qwabe

**Tel:** (012) 622-5576 / (012) 622-5700

**TENDER IEC/COM-02/2022**

**SERVICE DESCRIPTION: ADVERTISING AGENCY SERVICES**

Kindly furnish the Electoral Commission with a bid for the investigation panel services as per the attached documents.

The conditions contained in the Electoral Commission's supply chain management (SCM) policy documents and all other conditions stated in this tender, will apply to your submission.

This tender, as formulated, contains the relevant Electoral Commission's bid documents/forms that must be completed.

A tender briefing session will be held at 11:00 on 18 August 2022 at the Electoral Commission's national office situated at:

Election House  
Riverside Office Park  
1303 Heuwel Avenue  
CENTURION

Kindly submit your bid by completing the relevant forms and deposit the bid in the tender box at the Electoral Commission's address before the closing date and time as specified on page two (2).

The Electoral Commission takes no responsibility for any late bids, whatever the reason may be.

Yours sincerely

**SUPPLY CHAIN MANAGEMENT (SCM)**  
**ELECTORAL COMMISSION**

**Electoral Commission**

*Ensuring Free and Fair Elections*

Commissioners: Ms J.Y. Love (Vice-Chairperson) | Dr N.P. Masuku | Mr M. Moepya | Judge D. Pillay  
National Office: Election House, Riverside Office Park, 1303 Heuwel Avenue, Centurion, 0157 | P/Bag X112, Centurion, 0046  
[info@elections.org.za](mailto:info@elections.org.za) | [www.elections.org.za](http://www.elections.org.za)  
Tel (+27) 12 622 5700

**TENDER NUMBER: IEC/COM-02/2022**  
**SERVICE DESCRIPTION: ADVERTISING AGENCY SERVICES**

**CLOSING TIME: 11:00**

**CLOSING DATE: 6 SEPTEMBER 2022**

YOU ARE HEREBY INVITED TO SUBMIT A BID TO THE ELECTORAL COMMISSION OF THE REPUBLIC OF SOUTH AFRICA.

**THIS TENDER DOCUMENT MUST BE COMPLETED AND ALL APPLICABLE PAGES RETURNED AS PART OF YOUR BID SUBMISSION - DO NOT RETYPE OR SUBSTITUTE THE PAGES OF THE TENDER DOCUMENT IN ANY OTHER FORM.**

ALL TENDER FORMS (**PAGE 2 THROUGH TO PAGE 40**) MUST BE COMPLETED AND SIGNED IN ORIGINAL INK. FORMS WITH PHOTOCOPIED SIGNATURES/INITIALS OR ANY OTHER SUCH REPRODUCTION OF DETAIL WILL BE REJECTED, RESULTING IN THE TENDER BEING DISQUALIFIED.

SUBMIT YOUR BID IN A SEPARATE SEALED ENVELOPE OR SUITABLE CONTAINER IF NECESSITATED AND WRITE YOUR COMPANY NAME AS WELL AS THIS TENDER REFERENCE NUMBER (**IEC/COM-02/2022**) ON THE ENVELOPE/CONTAINER.

SERVICE PROVIDERS SHOULD ENSURE THAT BIDS ARE DELIVERED TIMEOUSLY TO THE CORRECT ADDRESS AND PLACED IN THE TENDER BOX. BID DOCUMENTS MUST ONLY BE DEPOSITED IN THE TENDER BOX(ES) WHICH ARE IDENTIFIED AS TENDER BOX(ES) OF THE ELECTORAL COMMISSION.

**BID DOCUMENTS MUST BE SUBMITTED BY NO LATER THAN THE CLOSING DATE AND TIME IN THE TENDER BOX SITUATED AT:**

**Election House**

**Riverside Office Park**

**1303 Heuwel Avenue**

**CENTURION**

**THE TENDER BOX WILL BE OPEN DURING OFFICE HOURS.**

BIDS SUBMITTED IN THE INCORRECT TENDER BOX(ES) OF THE ELECTORAL COMMISSION, AND NOT IN THE BOX STIPULATED ABOVE WILL NOT BE CONSIDERED.

**BIDS, AS A WHOLE OR IN PART, RECEIVED AFTER THE CLOSING DATE AND TIME ARE LATE AND WILL NOT BE ACCEPTED FOR CONSIDERATION. LATE BIDS ARE RECORDED BUT SET ASIDE.**

BIDS SUBMITTED BY TELEGRAM, FACSIMILE, POST OR BY ELECTRONIC MEANS SUCH AS eMAIL WILL NOT BE ACCEPTED FOR CONSIDERATION.

THE ELECTORAL COMMISSION WILL PUBLISH THE AWARD OF THIS TENDER IN ACCORDNACE WITH STATUTORY REQUIREMENTS AS REQUIRED. SERVICE PROVIDERS SHOULD NOTE THE AWARD OF THE TENDER AS PUBLISHED. NO GENERAL NOTICES TO UNSUCCESSFUL BIDDERS WILL BE ISSUED.

THE ELECTORAL COMMISSION GENERALLY DOES NOT ISSUE LETTERS OF APPOINTMENT. SUCCESSFUL BIDDERS WILL BE REQUIRED TO SIGN A SERVICE LEVEL AGREEMENT, AND/OR WILL BE ISSUED WITH AN OFFICIAL PURCHASE ORDER AS MAY BE APPLICABLE WHICH REPRESENTS THE 'CONTRACT' BETWEEN THE TWO PARTIES CONCERNED.

**CONTENTS OF THIS PAGE NOTED:**

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The use of any correction fluid, tape or similar products may invalidate your tender submission!!

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## **BACKGROUND**

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The Electoral Commission is a permanent body established in terms of Chapter 9 of the Constitution of the Republic of South Africa and the Electoral Commission Act 51 of 1996. It is responsible for managing and administering all elections and promoting and safeguarding democracy in South Africa. Although publicly funded and accountable to Parliament, the Electoral Commission is independent of government.

In terms of Section 190 of the Constitution of the Republic of South Africa (Act 108 of 1996), the Electoral Commission must -

- Manage elections of national, provincial and municipal legislative bodies;
- Ensure that those elections are free and fair;
- Declare the results of those elections; and
- Compile and maintain a voters' roll.

Duties of the Electoral Commission as stated in Section 5 of the Electoral Commission Act require that the Electoral Commission:

- Compile and maintain a register of parties;
- Undertake and promote research into electoral matters;
- Develop and promote the development of electoral expertise and technology in all spheres of government;
- Continuously review electoral laws and proposed electoral laws, and make recommendations;
- Promote voter education;
- Declare the results of elections for national, provincial and municipal legislative bodies within seven (7) days of those elections; and
- Appoint appropriate resources in any sphere of government to conduct elections when necessary.

The Electoral Commission currently operates in approximately 270 municipal electoral offices, nine (9) provincial offices and ten (10) warehouses at national and provincial level.

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## **GENERAL TENDER CONDITIONS**

1. These conditions form part of the tender and failure to comply with these may invalidate a bid.
2. The following definitions shall apply:
  - (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 utilised 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 (including a service level agreement) that results from the acceptance of a bid by the Electoral Commission;
  - (i) “EME” means any enterprise with an annual total revenue that is less than the prescribed threshold value;
  - (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) “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 duties and taxes;
  - (o) “state” means any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act (the PFMA), 1999 (Act No. 1 of 1999), any municipality or municipal entity, provincial legislature, National Assembly or the National Council of provinces; or Parliament;

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- (p) "Service Provider or Supplier" (used interchangeably) means any individual or entity that has the potential to be contracted by the Electoral Commission to render goods/services.
- (q) "sub-contract" means the primary bidder/contractor's assigning, leasing, making out work to, or employing, another person to support such primary bidder/contractor in the execution of part of a project in terms of the SLA/contract.

In the event that the primary contractor/bidder is purchasing or renting goods from another entity for the purposes of rendering the services required in respect of this tender the latter shall be deemed not to be a 'sub-contractor'; and

- (r) "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; and
  - (s) "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.
3. The tender forms are drafted to ensure that certain essential information is to be furnished in a specific manner. Any additional particulars shall be furnished in the enclosed questionnaire/s (where applicable) or in a separate annexure/s.
  4. The tender forms shall not be retyped or redrafted but photocopies may be prepared and used. All photocopied pages must, however, be completed and signed/initialled in original ink as stipulated.
  5. Additional offers may be made for any item in response to this tender but only on a photocopy of the applicable page/s. Additional offers made in any other manner may be disregarded.
  6. Tenders must not be qualified by the bidder's own conditions of tender. Failure to comply with this requirement shall invalidate the bid.
  7. Failure on the part of the bidder to *sign/initial all applicable pages* of this tender form and thus to acknowledge and accept the conditions in writing shall invalidate the bid submission.
  8. Failure on the part of the bidder to complete the attached forms, questionnaires and specifications document in all respects may invalidate the bid submission. Failure to complete mandatory forms/schedules shall invalidate the bid submission.
  9. All changes/alterations in the bid document should be signed/initialled. Failure on the part of the bidder to sign/initial any alterations and/or corrections made to information provided in this tender form may invalidate the tender.
  10. No correction fluid/tape or similar products will be allowed and the use thereof on any page of the tender document may invalidate your bid submission.
  11. Any changes/alterations to pricing that are not signed/initialled are considered material, and shall invalidate the bid submission. Correction fluid/tape or similar products will not be allowed to amend prices and the use thereof shall invalidate the bid submission.
  12. Information/detail provided on completed tender forms must be legible and ink must be used. Tender forms completed and signed mechanically, e.g. by means of a typewriter/computer or a signature/initial by means of a stamp are deemed to have been completed in original ink. Pencil must not be used as it shall lead to the disqualification of the bid submission.
  13. Service providers shall check the numbers of the pages and satisfy themselves that none are missing or duplicated. No liability shall be accepted with regard to claims arising from the fact that pages are missing or duplicated. Incomplete bid submissions (i.e. with missing pages) shall be disqualified.
  14. Tender prices must be all inclusive, including VAT in respect of all vendors registered for VAT purposes. Non-VAT registered bidder shall not charge nor be eligible for the payment of VAT.

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15. Tender prices for supplies in respect of which installation/erection/assembly is a requirement, shall include ALL costs inclusive of VAT on a basis of delivered on site as specified.
16. The Electoral Commission shall only accept bids at prices that are market related. In the event that a bid is deemed to not be market related the Electoral Commission reserves the right to negotiate prices in accordance with the provisions of the Preferential Procurement Regulations in order to achieve a market related price or cancel the tender altogether.
17. National Treasury has placed an obligation on all bidders that intend doing business with government to register on its Central Supplier Database (CSD). The Electoral Commission will not contract any bidder that is not registered on the CSD.
18. It is an absolute requirement that the tax affairs of the successful bidder must be in order.
19. An entity's tax compliance status is indicated on the Central Supplier Database (CSD). The Electoral Commission will only contract bidders whose tax status is compliant. This means that if a bidder has a non-compliant tax status before the award is completed the bid will be disqualified if that bidder's tax affairs remains non-compliant as per the provisions of National Treasury Instruction 9 of 2017/2018. It remains the bidder's responsibility to ensure that their taxes are in order, remain in order and that this is reflected on the CSD. The bidder must also ensure that all sub-contractors (if applicable) are tax compliant.
20. Bids must be submitted based on firm tender prices and delivery periods, unless otherwise stated in the bid specifications. Consequently, bidders must clearly state whether prices and delivery periods will remain firm for the duration of the SLA/contract or not.
21. When the SLA/contract is awarded on the basis of firm prices, contract prices may be adjusted during the contract period only if:
  - (a) customs or excise duty or any other duty, levy or tax (excluding any anti-dumping and countervailing duties or similar duties), is introduced in terms of any Act or regulation; or
  - (b) any such duty, levy or tax is legally changed or abolished; and
  - (c) the onus of proof of the effect of such events is placed upon the bidder.
22. If non-firm prices are provided for in the bid specifications, the following rules shall apply:
  - (a) In respect of any factors which demonstrably have an influence on the production cost of the supplies or the cost of rendering the services which have been tendered on the basis of non-firm prices, price adjustments which become effective during the contract period may be allowed with effect from the date of the change in cost and founded on the actual direct change in the cost as used in the calculation of the tender price, in addition to those provided for.
  - (b) Where the bidder is the manufacturer of the supplies or the provider of the service, or where he/she/they is the accredited agent of the manufacturer or the provider, evidence in support of the price adjustments claimed shall be produced on demand.
  - (c) As an alternative, the bidder may specify a formula in the bid submission for the purpose of adjusting prices in accordance with published indices.
  - (d) Where the bidder is not the provider of the service, or where he/she/they is not the accredited agent of the provider, any price adjustment shall be based on the increase or reduction to the bidder in the net cost of the supplies on which the tender price was based. When any such increase or reduction in costs occurs, the bidder shall submit copies of the quotation or price list with reference to which the tender price as calculated, as well as the revised quotation or price list on which the claim is based.
23. Where prices are subject to exchange rate fluctuations, bidders must take that factor into account when bidding and, where necessary, should ensure that they have taken the necessary forward

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cover to provide for possible price increases. When applicable, specific detail to this effect should be included in the bid submission.

24. Unconditional discounts offered by any bidder as part of their bid submission may be considered by the Electoral Commission at its sole discretion in the bid adjudication process. Any other discounts offered by any bidder will be taken into consideration for payment purposes.
25. The bid specifications form an integral part of the tender document and bidders shall indicate in the space/s provided whether the specific services offered are according to specification or not.
26. In cases where the services offered are not according to specification, the deviations from the specifications must be indicated. Specifications may not, however, be changed on the tender forms provided as that shall invalidate a bid submission.
27. Unless specifically provided for in the tender document, no bids transmitted by facsimile or email will be considered.
28. Service providers are requested to promote local content as far as possible.
29. A service level agreement (SLA/contract) shall be entered into with the successful bidder.
30. Unless otherwise stipulated, all tools/equipment needed must be supplied by the successful bidder.
31. Any bidder found to be influencing the tender adjudication process shall be automatically disqualified and not accepted for consideration.
32. In accordance with the Electoral Commission's policy, the Electoral Commission reserves the right to procure goods/services outside of the SLA/contract if, *inter alia*, an emergency arises; the bidder's point of supply is not situated at or near the place where services are required or, if the bidder's services are not readily available.
33. The Electoral Commission reserves the right to negotiate the extension of the SLA/contract at its sole discretion with due regard to any statutory provisions imposed by National Treasury at the time of considering such extension.
34. The Electoral Commission may, at its sole discretion, resolve to procure lesser or additional goods/services as provided through the tender should the need arise. Any such change in the scope of services shall be negotiated with the successful bidder if and when relevant with due regard to any statutory provisions imposed by National Treasury at the time of considering such.
35. Bid submissions received by the Electoral Commission and bid evaluation, assessment and adjudication reports that may contain sensitive information relating to any specific bids are not available for perusal by the public.
36. All information supplied by the Electoral Commission will be in the strictest confidence and will remain the proprietary information of the Electoral Commission. No bidder will be permitted to disclose any such information to any third party without the prior express consent and/or written authority and/or consent of the Electoral Commission.
37. Should the bidder fail to comply with any of the conditions of the SLA/contract, the Electoral Commission shall be entitled, without prejudice to any of its other rights, to:
  - (a) arrange for the alternative execution of the service/s not rendered or not in conformity with the specifications of the SLA/contract; and
  - (b) recover all costs, losses or damages it has incurred or suffered as a result of the bidder's conduct; or
  - (c) cancel the SLA/contract and claim any damages which it has suffered as a result of having to make less favourable arrangement due to such cancellation.
38. All acquisitions for goods/services made by the Electoral Commission are subject to the following conditions:

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- (a) No variations from the terms and conditions herein contained, and no contrary stipulation by the bidder shall be valid and binding unless confirmed by the Electoral Commission in writing.
  - (b) The Electoral Commission reserves the right to cancel any order if delivery is not made in due time and the bidder will not be entitled to any cancellation fees.
  - (c) Part deliveries will only be accepted on prior arrangement with the Electoral Commission.
  - (d) If delivery is not met as per agreement, the Electoral Commission reserves the right to cancel the outstanding delivery, and recover all costs, losses or damages it has incurred or suffered as a result of the bidder's conduct.
  - (e) No price adjustments shall be accepted unless stipulated in the bid document received and agreed to by the Electoral Commission. The bidder will be obliged to sell at tendered prices.
  - (f) The award of the tender may be subjected to the negotiation of a market-related price with a bidder in accordance with the provisions of the Preferential Procurement Regulations, 2017.
  - (g) The Electoral Commission shall not be responsible for any risk in relation to the goods before delivery.
  - (h) The Electoral Commission shall not be obliged to pay for any goods with any deviation from the agreed specification and quality.
  - (i) The Electoral Commission shall be entitled to return any goods with defects or deviations from the agreed specification without consent from the bidder.
  - (j) The service provider shall submit a valid tax invoice where the service provider is VAT registered, or a valid invoice if the service provider is not VAT registered, conforming to tax law requirements, to the Electoral Commission. The invoice amount shall correspond with the order amount and shall be VAT inclusive, where applicable.
  - (k) Details provided on invoices issued to the Electoral Commission must correspond to the details of the bidder as registered on the Central Supplier Database (CSD). It remains the bidder's responsibility to ensure that details are correct to enable the Electoral Commission to effect any payments due to the bidder.
  - (l) Payment shall be effected within 30 days of receipt of a valid invoice/s together with a statement of the Electoral Commission's account, unless a dispute arises in respect of such invoice/s. Every effort shall be made to take advantage of special discounts.
  - (m) To avoid unnecessary delays in payment, it remains the bidder's responsibility to ensure that banking details are correct and validated on the Central Supplier Database (CSD). The Electoral Commission will not be liable for interest accrued on overdue accounts where the bidder has not resolved their incorrect banking details on the CSD.
39. No damages shall be claimable by the Electoral Commission in respect of any reasonable period of delay which the bidder can prove to the satisfaction of the Electoral Commission to be directly due to unforeseen events and/or any *force majeure*.
40. If the execution of any SLA/contract entered into is likely to be delayed or is in fact being delayed on account of any reason, full particulars of the circumstances shall be immediately reported in writing to the contact person stated in the service level agreement (SLA/contract), and at the same time the bidder shall indicate the extension of the delivery/completion period which will then be required.
41. If information required in respect of any item in the tender document cannot be adequately inserted in the space provided, additional information may be provided on a separate sheet of paper with a clear and accurate reference to the item and page of the tender document.

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42. Service providers may, at the discretion of the Electoral Commission, be requested to submit samples or prototypes, make presentations and/or written submissions in order for the Electoral Commission to assess compliance with tender conditions and specifications.
43. Scoring in respect of this tender will be based on the provisions of the Preferential Procurement Policy Framework Act, 2000 (PPPFA) and Preferential Procurement Regulations, 2017. These regulations require bidders to submit valid original or certified copies of their B-BBEE Status Level Certificates from accredited verification agencies or an affidavit as applicable.
44. The following preference point systems are applicable to bids of the Electoral Commission:
- the 80/20 system for requirements with a Rand value of up to R50,000,000 (all applicable taxes included);
  - the 90/10 system for requirements with a Rand value above R50,000,000 (all applicable taxes included); and
  - if it is unclear which preference point system will be applicable, then either the 80/20 or the 90/10 preference point system will apply and the lowest acceptable bid will be used to determine the applicable preference point system.
45. **The value of this tender is estimated to not exceed R50,000,000 (all applicable taxes included) and therefore the 80/20 scoring system shall be applicable.**
46. Preference points for this bid shall be awarded for:
- Price (80 or 90 as applicable); and
  - B-BBEE status level of contribution (20 or 10 as applicable).
47. A maximum of 80 or 90 points is allocated for price on the following basis:

$$80/20 \text{ or } 90/10 \quad P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \text{ or } P_s = 90 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

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

48. 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	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

49. Bidders who qualify as exempted micro enterprises (EMEs) in terms of the B-BBEE Act must submit a sworn affidavit (with the exception of sector codes).

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- (a) For sectors not repealed nor amended, a B-BBEE status level certificate issued by an Accounting Officer as contemplated in the Close Corporation Act (CCA), or a Verification Agency accredited by South African Accreditation System (SANAS) or a Registered Auditor. Registered auditors do not need to meet the prerequisite for Independent Regulatory Board of Auditors (IRBA) approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.
50. Bidders who qualify as qualifying small enterprises (QSEs) in terms of the B-BBEE Act must submit a sworn affidavit or B-BBEE status level certificate as applicable.
  - (a) QSEs with at least 51% black ownership must submit a B-BBEE QSE sworn affidavit.
  - (b) QSEs with 50% or less black ownership must submit their original and valid B-BBEE status level certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Verification Agency accredited by South African Accreditation System (SANAS).
51. Bidders other than EMEs or QSEs with at least 50% black ownership must submit their original and valid B-BBEE status level certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Verification Agency accredited by South African Accreditation System (SANAS).
52. Failure on the part of a bidder to complete and/or to sign this form and submit a sworn affidavit, or an original or a certified copy of a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
53. A trust, consortium or joint venture, will qualify for points for its B-BBEE status level as a legal entity, provided that the entity submits its B-BBEE status level certificate.
54. A trust, consortium or joint venture will qualify for points for its B-BBEE status level as an unincorporated entity, provided that the entity submits its consolidated B-BBEE status level certificate as if it were a group structure and that such a consolidated B-BBEE status level certificate is prepared for every separate bid.
55. Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialised scorecard contained in the B-BBEE Codes of Good Practice.
56. 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.
57. A person awarded a SLA/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.
58. The Electoral Commission 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 preference points, in any manner required by the Electoral Commission. In the event that no response is received from the issuer of the certificate after 48 hours no B-BBEE points will be allocated in the final scoring.
59. A successful bidder who's bid is acceptable will be awarded a contract based on lowest acceptable price, which is market related, subject to complying with all the other requirements, such as, meeting the technical specifications and satisfying the Electoral Commission's due diligence audit requirements which entails confirmation of the bidder's capacity, capability and ability to render the goods/services in accordance with the tender conditions/specifications.
60. 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.

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61. Points scored will be rounded off to the nearest 2 decimal places.
62. In the event that two or more bids have scored equal total points, the successful bid will be the one scoring the highest number of preference points for B-BBEE.
63. 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 will be the one scoring the highest score for functionality.
64. Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.
65. Any legal person may make an offer or offers in terms of this invitation to bid.
66. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority, where:
  - (a) the bidder is employed by the state; and/or
  - (b) the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and/or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and/or adjudication of the bid.
67. The Public Service Administration Management Act 11 of 2014 prohibits public servants from conducting business with the state or being a director of a public or private company that conducts business with the state. This Act will take effect on a date still to be determined by the President. Should your bid be submitted on a date after such determination by the President, you may be disqualified in terms of this Act.
68. The Electoral Commission may cancel the tender in accordance with the provisions of the Preferential Procurement Regulations, 2017 for reasons that include:
  - (a) Changed circumstances – There is no longer a need for the goods/services.
  - (b) Funds are no longer available to cover the total envisaged expenditure.
  - (c) No acceptable bid is received.
  - (d) There is a material irregularity in the tender process.

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**BID SUBMISSION**

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This standard bidding document must be completed by the bidder and forms part of all bids.

In the case of a consortium or joint venture, every member of the consortium or joint venture must complete the questionnaire.

In the case of subcontractors, where more than 25% of the work will be done by such subcontractor/s each subcontractor must complete the mandatory tender forms (pages 14 to 23).

Separate forms must be used in each case.

Failure to complete and sign/initial all pages of this document in original ink shall invalidate your bid.

Where space provided is insufficient, annexes must be submitted with the relevant information.

False documents and/or the omission of information may invalidate your bid.

The form serves as a declaration to ensure that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.

Any bid may be disregarded if the bidder or any of its directors or shareholders has:

- abused the Electoral Commission's supply chain management system;
- committed fraud or any other improper conduct in relation to such system; or
- failed to perform on any previous contract.

**PROSPECTIVE BIDDERS MUST REGISTER ON THE NATIONAL TREASURY CENTRAL SUPPLIER DATABASE (CSD) PRIOR TO SUBMITTING THEIR BIDS. FAILURE TO REGISTER ON THE CSD SHALL INVALIDATE YOUR TENDER.**

**A BIDDER'S TAX AFFAIRS MUST BE IN ORDER TO BE CONSIDERED IN THE ADJUDICATION OF THIS TENDER. A BIDDER'S TAX COMPLIANCE STATUS IS REFLECTED ON THE NATIONAL TREASURY CENTRAL SUPPLIER DATABASE (CSD).**

**A BIDDER'S TAX COMPLIANCE STATUS SHALL APPLY AS IT WAS AT THE TIME OF THE AWARD OF THE TENDER. THE TENDER SHALL ONLY BE AWARDED TO A BIDDER THAT IS TAX COMPLIANT. THE ELECTORAL COMMISSION VERIFIES TAX STATUS AGAINST THE CSD. ANY BID WITH A NON-COMPLIANT TAX STATUS SHALL BE REJECTED AT THE TIME OF THE AWARD OF THE TENDER. TAX NON-COMPLIANT BIDDERS ARE, THEREFORE, ENCOURAGED TO CONTINUOUSLY MONITOR THEIR TAX COMPLIANCE STATUS ON THE CSD AND MUST ENSURE THAT THEIR STATUS REFLECTS AS TAX COMPLIANT. BIDDERS MUST RESOLVE ANY PENDING TAX ISSUES WITH SARS TIMEOUSLY AS IT TAKES TIME FOR STATUS CHANGES TO BE EFFECTED FROM THE SARS TAX COMPLIANCE SYSTEM (TCS) TO THE CSD.**

**ALTHOUGH NOT ALL THE INFORMATION REQUESTED HEREUNDER MIGHT BE RELEVANT TO THE SPECIFIC REQUIREMENTS OF THIS TENDER, YOU ARE REQUESTED TO COMPLETE THE DOCUMENT WITH AS MUCH RELEVANT DETAIL AS POSSIBLE.**

**THE INFORMATION MAY BE USED DURING THE BID EVALUATION PROCESS OF THE TENDER.**

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**TENDER QUESTIONNAIRE**

Important note: Where more space is required for additional information please use photocopies of the applicable page/s. However, all pages **must** be completed and signed in original ink.

1. Name of business entity (bidder): .....
2. Company CIPC registration number (if applicable): .....
3. Central Supplier Database (CSD) registration number:

M	A	A	A						
---	---	---	---	--	--	--	--	--	--

Your unique registration number as provided above will be used to capture your company details as a vendor to the Electoral Commission. The Electoral Commission will draw your registration detail and tax compliant status from the National Treasury Central Supplier Database (CSD) and any changes (including banking details) you effect to your registration on the CSD will automatically update your registration as a vendor to the Electoral Commission. Detail provided on invoices issued to the Electoral Commission must correspond to the detail of your company as registered on the CSD. It remains your responsibility to ensure that details are correct to enable the Electoral Commission to effect any payments due to you.

4. Contact person (person representing bidder): .....
5. Contact number: .....
6. Cellphone number: .....
7. eMail address: .....
8. Physical address of bidder: ..... Postal Code: .....

9. Type of Company/Enterprise [TICK APPLICABLE BOX]

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

10. Describe Principal Business Activities

.....

11. Company Classification [TICK APPLICABLE BOX]

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional
- ☐ Other, e.g. transporter, *et cetera*.

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

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13. The names of directors / members of companies are drawn from the Central Supplier Database (CSD). Please provide the detail of any directors / trustees / shareholders / members / partners or any person having a controlling interest and their individual identity numbers that do not appear on your CSD registration in the table below.

Full Name	Identity Number

14. SMME Classification (Tick one applicable to your company):

Non-SMME		Very Small	
Medium		Micro	
Small		EME	

15. Please stipulate the B-BBEE status level of contribution as it appears on the certificate/affidavit for your entity
16. Is the entity an exempted micro enterprise (EME) for the purposes of the Preferential Procurement Regulations, 2017?
17. Has a B-BBEE status level verification certificate/affidavit been submitted?

YES		NO	
YES		NO	

18. If yes, who issued the certificate?

Commissioner of Oaths in the case of an applicable sworn affidavit	
A verification agency accredited by the South African Accreditation System (SANAS)	
An IRBA registered auditor	

All bidders must submit sworn affidavits or original or certified copies of their status level certificates together with their bid documentation in support of and confirming the B-BBEE status level indicated above. Failure to submit the affidavit or certificate will result in a bidder being deemed as a non-compliant contributor and a status level of zero (0) will be allocated.

19. Legal status of bidder (tick one box)

Principal bidder		
Subcontractor		.....% of work will be subcontracted*
Consortium		
Joint venture (JV)		
Other, specify		

In the case of subcontractors, where more than 25% of the work will be done by such subcontractor/s, each subcontractor must complete the tender questionnaire as well as the bidder's disclosure (SBD4).

Separate forms must be used in each case.

The tax affairs of subcontractors must also be in order on the Central Supplier Database (CSD).

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**20. Employment Equity Act (EEA) (Chapter VI – General Provisions: State Contracts)**

21. In terms of Section 53(1) of the EEA every employer that makes an offer to conclude an agreement with any organ of state for the furnishing of suppliers or services to that organ of state or for the hiring or letting of anything:

21.1 must-

- (i) if it is a designated employer, comply with Chapters II and III of this Act; or
- (ii) if it is not a designated employer, comply with Chapter II of this Act; and

21.2 attach to that offer either-

- (i) a certificate in terms of subsection (2) which is conclusive evidence that the employer complies with the relevant Chapters of this Act; or
- (ii) a declaration by the employer that it complies with the relevant Chapters of this Act, which, when verified by the Director-General, is conclusive evidence of compliance.

22. In terms of Section 53(2) of the EEA an employer referred to in subsection (1) may request a certificate from the Minister confirming its compliance with Chapter II, or Chapters II and III, as the case may be.
23. In terms of Section 53(3) a certificate issued in terms of subsection (2) is valid for 12 months from the date of issue or until the next date on which the employer is obliged to submit a report in terms of section 21, whichever period is the longer.
24. In terms of Section 53(4) a failure to comply with the relevant provisions of this Act is sufficient ground for rejection of any offer to conclude an agreement referred to in subsection (1) or for cancellation of the agreement\*.

\* Statutory regulations may require that supplies and services shall not be procured for and on behalf of the State, unless an employer has attached to its offer a certificate in terms of Section 53(l)(b)(i) or a declaration in terms of Section 53(l)(b)(ii) of the Employment Equity Act.

25. Is your company a designated employer in terms of the Employment Equity Act (EEA)? (Act 55 of 1998)

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

26. Does your company comply with Chapter III of the Employment Equity Act? (Act 55 of 1998)

YES		NO		EXEMPT	
-----	--	----	--	--------	--

27. In respect of the EEA requirements above, please attach either:

- 27.1 A certificate in terms of Section 53(2) of the EEA which is conclusive evidence that the employer complies with the relevant Chapters of the EEA; or

An employer may request a certificate from the Minister confirming its compliance with Chapter II, or Chapters II and III, as the case may be.

- 27.2 A declaration by the employer that it complies with the relevant Chapters of the EEA, which, when verified by the Director-General, is conclusive evidence of compliance.

28. Important: The EEA requirements stipulated in paragraphs 21.2, 27.1 and 27.2 will come into effect once the President has approved the Employment Equity Amendment Bill (B 14B – 2022).
29. Bidders must monitor developments around the EEA in order to be informed of any changes in the statutory requirements.
30. In the event of subcontractors being used to render the services required in terms of this tender, the principal bidder must complete the schedule below in order to clearly indicate which entities will be

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subcontracted as well as the percentage of work to be subcontracted to each of these entities in relation to the total value of the contract.

Name of Company to be Subcontracted	% Value of Total Contract Allocated to Subcontractor
<b>Total % of Work to be Sub-contracted*</b>	..... %

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**FINANCIAL INFORMATION**

31. What is the company's annual average turnover during the previous three financial years or such lesser period during which the business has been operating?

Financial Year (e.g. 2020, 2021, 2022)	Annual Turnover	Gross Asset Value	Net Asset Value
	R	R	R
	R	R	R
	R	R	R
	R	R	R

32. Please provide the following figures in respect of the most recent audited financial statements:

Figures are provided for the audited financial statement of ..... (State Year)

- o Total current assets R.....
- o Inventory R.....
- o Prepaid expenses R.....
- o Current liabilities R.....

33. Is your company listed on the Stock Exchange?

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

34. Are the prices quoted firm for the full period of the contract?

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

If the tender prices are not firm for the full period, provide details against the appropriate category(s) below:

Non-firm prices, i.e. prices linked to statutory adjustments and other proven adjustments.

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

Explanation: .....

Prices linked to fixed period adjustments.

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

Prices linked to escalation formula adjustments.

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

Explanation: Note that for the purpose of price comparisons, the actual price inclusive of VAT that the Electoral Commission will have to pay over the contract period will be used, unless otherwise stipulated in the detailed specifications

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**DELIVERABLES AND GUARANTEES**

---

35. Is the delivery period stated in the tender firm?

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

36. Do you confirm that the required goods/services are guaranteed in terms of any specific guarantees that may be required in the bid specification?

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

37. Are you the accredited representative in the Republic of South Africa of the manufacturer of the equipment offered by you?

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

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## BIDDER'S DISCLOSURE AND DECLARATION (SBD4)

### 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<sup>1</sup> 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:

.....  
 .....

- 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:

.....  
 .....

<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.

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### 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.
- 3.5 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.
- 3.6 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.
- 3.7 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 2021/2022 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

In addition to the above I, the undersigned, in submitting the accompanying bid in response to the invitation for the bid made by The Electoral Commission do hereby make the following statements that I certify to be true and complete in every respect.

I certify, that:

1. I have read and I understand the contents of this disclosure and declaration.
2. I certify that the information furnished in this bid submission, which includes the information stated in respect of the applicable SBD forms, is true and correct. I accept that the Electoral Commission

<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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may reject the bid or act against me should this declaration be found not to be true and complete in every respect.

3. Each person whose signature appears on the accompanying bid has been authorised by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder.
4. I hereby bid to render all or any of the services described in the attached documents to the Electoral Commission on the terms and conditions and in accordance with the specifications stipulated in the tender documents (and which shall be taken as part of, and incorporated into, this tender) at the prices including VAT and on the terms regarding time for delivery and/or execution inserted therein.
5. I agree that:
  - a) the offer herein shall remain binding upon me/us and open for acceptance by the Electoral Commission during the validity period indicated and calculated from the closing time of the tender;
  - b) this tender and its acceptance shall be subject to the terms and conditions contained in the general tender conditions of the Electoral Commission with which I am/we are fully acquainted;
  - c) I/we agree that my/our bid shall be valid for a period of 180 days; and
  - d) the law of the Republic of South Africa shall govern the contract created by the acceptance of my/our bid.
6. I furthermore confirm that I/we have satisfied myself/ourselves as to the correctness and validity of my/our bid, that the price(s) and rate(s) quoted cover all the work/item(s) specified in the tender documents and that the price(s) and rate(s) cover all my/our obligations under a resulting contract/service level agreement and that I/we accept that any mistakes regarding price(s) and calculations will be at my/our risk.
7. I hereby accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me/us under this agreement as the Principal(s) liable for the due fulfilment of this contract.
8. I agree that any action arising from this contract may in all respects be instituted against me/us and I/we hereby undertake to satisfy fully any sentence of judgement which may be pronounced against me/us by a court of law as a result of such action.
9. Confirmation is granted that SARS may, on an ongoing basis during the contract term, disclose my/our (including that of subcontractors, partners and undisclosed principals) tax compliance status to the Electoral Commission for purposes of verifying my/our tax compliance status with SARS.
10. Notice has been taken of the tender document including all the relevant forms and the General Tender Conditions contained in this tender document, the content of which is understood.
11. It is confirmed that the required tender forms have been completed in full and signed.

.....  
Name and Surname in Print

.....  
Signature

.....  
Position

.....  
Name of Bidder (Bidding Entity)

Date.....

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**BID EVALUATION****IMPORTANT NOTICE:**

*The under-mentioned requirements form an integral part of the bid assessment and bid evaluation processes that will be followed by the Electoral Commission. Please note that bids that do not conform to the primary compliance requirements indicated in Section A will not be considered. The bid evaluation requirements below must be read together with the bid evaluation criteria that may form part of the bid specifications.*

**A Acceptance or Rejection of Bid (Primary Compliance Verification)****Legality of bid document:**

- Non-compliance with tender rules - The following shall lead to disqualification:
- Failure to attend a compulsory briefing session (if applicable).
- Failure to return all pages of the tender document that must be signed/initialled.
- Failure to complete tender forms in original ink.
- Failure to sign/initial all applicable pages of the tender document. Signing of the Bidder's Disclosure and Declaration is deemed equivalent to signing page 19 and/or signing the page represents signing the Bidder's Disclosure and Declaration.
- Any changes/alterations to pricing that are not signed/initialled and/or the use of correctional fluid/tape or any similar product in respect of pricing in the tender document.
- Any changes to the tender specifications (unless formally agreed to by the Electoral Commission and recorded as such before the closure of the tender).
- Failure to complete and sign all affidavits, certificates, declarations and annexures contained in the tender in original ink.
- Failure to register on the Central Supplier Database (CSD).
- Non-compliance with tender rules – In addition to (a) above, the following may lead to disqualification:
- Failure to sign/initial any other alterations and/or corrections to the information submitted by the bidder, which the Electoral Commission may consider to be material.
- No tender shall be awarded to a bidder that is not tax compliant.

**Incomplete bid submission:**

- The following shall lead to disqualification:
- Rates and Prices – Schedules not completed as required.
- Failure to submit obligatory written proposals/explanations/samples/prototypes/ certificates or similar requirements.
- In respect of subcontractors (>25%) or joint ventures or consortiums, failure to complete and submit the required tender forms (pages 14-23 of the tender document) or to submit evidence that your tax affairs are in order.

**B Bid Evaluation****Inability to evaluate the tender:**

- Incomplete Schedule of Rates and Prices.
- Prices and information not furnished as specified and/or required.
- Incomplete written proposals/submissions where required.

Bids that qualify for bid evaluation purpose shall be subjected to the bid evaluation criteria as set out in the bid specifications.

Such bid evaluation shall include assessment and evaluation of the bidder's disclosure.

Bidders should note that ALL information requested in terms of the bid submission is required and may be used for bid evaluation purposes.

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**General questionnaire to ensure compliance with tender requirements/rules/conditions/ specifications:**

Question	If YES, please tick*	If NO, please tick*
Are you duly authorised to sign the tender?		
Has the <i>Bidder's Disclosure and Declaration</i> been completed and signed?		
Have separate forms (pages 14-23) been completed for each member of a consortium, joint venture or subcontractor as specified in the tender document?		
Is the tender document complete – i.e. are all pages as well as compulsory returnables included/returned with your bid submission?		
The use of pencil to complete the tender forms will invalidate your bid. Have all applicable pages of this document been completed and signed or initialled in original ink by the signatory of the tender document?		
Have all corrections/alterations to information and or prices made on this document been certified/signed/initialled by the signatory of the tender document?		
Have you noted that the use of correction fluid/tape or any such products to amend prices shall invalidate your bid submission?		
Is your company (and any potential subcontractors) registered on the Central Supplier Database (CSD)? Please include a copy of your registration form in your bid submission.		
Are your tax affairs in order and reflected as being compliant on the Central Supplier Database (CSD)? As such, have you noted that your bid may be rejected at the time of awarding this tender if your tax status is non-compliant on the CSD?		
Have the General Tender Conditions been noted?		
Have the Bid Evaluation Criteria been noted?		
Has the Scope of Services been noted?		
Have prices been quoted VAT inclusive?		
Have a comprehensive written proposal and/or samples/certificates/ <i>et cetera</i> as called for in this tender been prepared and submitted with the tender document?		

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**SOUTH AFRICA**

# **Bid Specifications**

**TENDER  
IEC/COM-02/2022**

## **ADVERTISING AGENCY SERVICES**

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## 1. BACKGROUND

The Electoral Commission is a permanent body established in terms of Chapter 9 of the Constitution of the Republic of South Africa and the Electoral Commission Act 51 of 1996. It is responsible for managing and administering all elections and promoting and safeguarding democracy in South Africa. Although publicly funded and accountable to Parliament, the Electoral Commission is independent of government.

The functions of the Electoral Commission, amongst others, include:

- 1.1 Administer and manage electoral processes at all levels of government.
- 1.2 Ensuring that elections are free and fair, and therefore promote conditions which are conducive to the holding of free and fair elections.
- 1.3 The strengthening of constitutional democracy through civic education.

Currently the operations of the Electoral Commission include one national office, nine provincial offices.

High voter participation in elections is one of the main indicators of a healthy democracy. There are approximately 26,3 million voters on the National Common Voters' Roll. To persuade people not yet registered will take positive, creative and informative campaigns countrywide.

An election period can be roughly divided into three phases: voter registration, Election Day and the announcement of results, each with its own sub-phases and communication challenges.

## 2. PROJECT DESCRIPTION

In preparation for the 2024 national and provincial elections and possibly the 2026 municipal elections, the Electoral Commission will need to obtain the services of an advertising agency.

The advertising agency services will include the following:

- 2.1 Development of an advertising strategy for election campaigns.
- 2.2 Development of creative for use in branded materials across all media platforms.
- 2.3 Execution and management of all reproduction requirements.
- 2.4 Production of by-elections advertising elements.
- 2.5 Production of short *ad hoc* campaigns.

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The advertising agency services will be used at pre-arranged intervals. For instance, the elections campaigns for the 2024 national and provincial elections and 2026 municipal elections, continuous by-elections and all elections related activities as determined by the Electoral Commission.

Services required for by-elections campaigns will be on limited basis. These may require radio adverts and crawlers if and when required.

Ad hoc services would usually include activities such as profiling the Electoral Commission for youth month, women's month and heritage month or messages of support for Grade 12 learners.

The advertising agency will be required to provide support to national, provincial and local advertising initiatives.

### **3. DELIVERABLES IN TERMS OF THE CONTRACT**

#### **3.1 DEVELOP CREATIVE AND COPY FOR ADVERTISING MATERIALS**

The successful bidder will be expected to:

3.1.1 Conceptualise overall campaign theme and sub-elements of different media platforms. The campaign theme will be targeted at the Electoral Commission's national communication and stakeholder strategy.

#### **3.2 COMMUNICATION STRATEGY**

3.2.1 Develop creative, produce design and layout and produce scripts for advertising materials including, but not limited to:

- 3.2.1.1 Print
- 3.2.1.2 Radio
- 3.2.1.3 Television
- 3.2.1.4 Outdoor
- 3.2.1.5 Social Media
- 3.2.1.6 Online and Digital advertising
- 3.2.1.7 Internal collateral
- 3.2.1.8 Mobile media

The successful bidder will also be required from time to time, to assist in the refinement, updating and implementation of communication strategies in response to environmental changes for both internal and external execution.

#### **3.3 ELECTION LOGO DESIGN**

Bidders must be able to conceptualize and produce an elections logo to be used for an election and to be used in different media.

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### **3.4 ADVERTISEMENT, CONCEPT, DESIGN AND PRODUCTION:**

#### **3.4.1 Print Media Advertising**

Bidders must:

- 3.4.1.1 Design and produce print advertisement concepts of different sizes, to be inserted in newspapers, magazines and other publications, *et cetera*.
- 3.4.1.2 Design and produce power wrap inserts and leaflets.

#### **3.4.2 Online Advertising**

Bidder must design and produce a concept for online and digital advertisement.

#### **3.4.3 Radio Advertising**

Bidders must:

- 3.4.3.1 Develop and produce concepts for radio programs.
- 3.4.3.2 Design and produce election campaign radio advertisement concepts of 30" English Commercial, 45" Vernacular Commercial and 10" Power spots. These advertisements will be produced for registration weekends as well as an election day campaign.

#### **3.4.4 Television Advertising**

Bidders must:

- 3.4.4.1 Develop and produce concepts for TV programs.
- 3.4.4.2 Design concepts for the production of TV commercials of 30" Commercial, 10" (news clocks, squeeze backs, crawlers, opening and closing billboards) and public service announcement for the Electoral Commission.
- 3.4.4.3 Design and produce TV broadcast element concepts for the Electoral Commission,
- 3.4.4.4 Concept production of election related material for placement on soapie storylines.

#### **3.4.5 Outdoor Advertising**

Bidders must design and produce concepts and materials to advertise on outdoor media including but not limited to the following platforms:

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- 3.4.5.1 Street poles
- 3.4.5.2 Bill boards
- 3.4.5.3 LED screen in stadiums *et cetera*
- 3.4.5.4 Digital boards
- 3.4.5.5 Taxi and bus branding
- 3.4.5.6 Train stations, taxi ranks and bus ranks TVs
- 3.4.5.7 Bus stop shelters
- 3.4.5.8 Wall murals
- 3.4.5.9 Litter bins
- 3.4.5.10 Mall escalators

### 3.4.6 Social Media Advertising

Bidders must develop and produce concepts for advertising on social media platform such as on Facebook, Twitter and YouTube.

### 3.4.7 Internal Collateral

Bidders must develop and produce advertising concepts for the Electoral Commission's stakeholders as well as partners. Internal platforms such as posters; reception videos; desktop concepts as well digital links to be utilized on various platforms.

The Electoral Commission reserves the right to have material printed through their panel of printers.

### 3.4.8 Mobile Media

## 3.5 TRANSLATIONS

Bidders are required to do language translations for the campaign material in all official South African languages. For example, Afrikaans, English, isiNdebele, Sepedi, Sesotho, Setswana, SiSwati, Tshivenda, Xitsonga, isiXhosa and isiZulu.

## 3.6 ADVERTISING STRATEGY

The successful bidder will be expected to:

- 3.6.1 In consultation with the media buyer, to develop the Electoral Commission advertising strategy and implementation plan.
- 3.6.2 Have full understanding of alternative media available to reach target markets as outlined in the Electoral Commission communication/stakeholder strategy.
- 3.6.3 Where necessary, bidders to suggest alternative advertising platforms other than mainstream media.

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- 3.6.4 Use supplied media monitoring analysis reports in order to adjust advertising plans where necessary.

### **3.7 REPORTING REQUIREMENTS**

- 3.7.1 The advertising agency must submit a contact report after meetings or telephone conversations on matters agreed upon.
- 3.7.2 The advertising agency must submit a monthly status report to the Electoral Commission on their obligations as per the service level agreement.
- 3.7.3 The advertising agency is required to meet with the Electoral Commission as agreed or when the need arises, to update officials on progress or achievements of their obligations.
- 3.7.4 The advertising agency must provide the Electoral Commission with a close-out report on completion of every election campaign.

## **4. PROPOSAL (WRITTEN SUBMISSION)**

### **4.1 Conceptualisation and Strategy for the 2024 Election Campaign**

All bidders must submit a concept document / written proposal. Failure to do so shall lead to disqualification.

The written proposal must cover the following:

- 4.1.1 The bidders' understanding of the constitutional mandate of the Electoral Commission;
- 4.1.2 Develop a national advertising strategy campaign for the 2024 National and Provincial elections inclusive of registration and other election events, but excluding by-elections. i.e. Concept document must comprise the following:
- Advertising strategy
  - Creative conceptualisation
  - Material production
  - Copy/script development
  - Implementation of communication strategy
  - Branding
  - Market research
- 4.1.3 List five (5) target market of the Electoral Commission;
- 4.1.4 Provide ten (10) media platforms to be deployed for an election campaign.

The theme and logo for the 2024 national and provincial elections will focus on the youth and their participation and involvement in the elections.

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The objective of the advertising campaign is to evoke interest and promote maximum participation in these elections. It is also to inform the public about the new voting stations, the registration and election dates and to persuade them to check their registration status and ultimately vote.

There are a number of challenges that have to be taken into consideration with each general election in pursuit of this goal among others:

- The diverse target audience.
- The large number of young people who are not registered and do not vote.
- The political sensitivity of the elections.
- The plethora of political activities.
- Competition with events on the South African calendar.

## **4.2 Production and Development of Creative for Media Platforms**

4.2.1 Produce radio scripts and television story board for the 2024 election campaign. One (1) vernacular language to assess impact of the message other than English.

The script must be inclusive for diverse audience, be thematic, creative and adaptable when carried through different media platforms.

4.2.2 Produce two (2) design elements per platform for Weekend registration as well as Voting day campaigns for 2024 elections:

- 4.2.2.1 Print (Posters; newspaper adverts; flyers)
- 4.2.2.2 Digital (Website)
- 4.2.2.3 Outdoor (Billboards, wall murals, street pole adverts, LED lights for stadiums)
- 4.2.2.4 Social media
- 4.2.2.5 Internal collateral

## **4.3 Team Capacity**

Bidders should demonstrate the capacity and capability of the agency by submitting:

X2 CVs of senior management team i.e. Managing Director; Chief Executive Officer; Head of Creative Strategy, Executive Creative Director, Head of Production or any other member of the senior executive team. A 3 paged CVs with minimum 5 years' skills, expertise and experience of managing national advertising accounts.

X5 CVs of dedicated team to the Commission with advertising skills, qualifications and experience of 5 years minimum.

Furthermore, bidders must also submit the company organogram.

Bidders must submit the company profile.

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#### 4.4 List of Clients

Bidders must submit list of contracts in the last five (5) years. i.e. 2017 to 2022 for national campaigns (aimed at national, provincial and local target market). Information to include value of contract; contact person(s), email address and contact numbers.

#### 5. TRACK RECORD

Bidders must submit two (2) previous national advertising campaigns implemented in the past, i.e. Portfolio of Evidence. Failure to do so shall lead to disqualification.

The Portfolio of Evidence will be scored based on the following:

- 5.1 Development of a national advertising strategy.
- 5.2 Production of national radio and television campaigns.
- 5.3 Production of creative designs for mass media.
- 5.4 Capability to analyse media reports to enhance advertising campaign.
- 5.5 Demonstration of ability to implement report back mechanism.
- 5.6 Experience and expertise to collaborate with service providers / suppliers.
- 5.7 Demonstration of capability to provide in-house skill to analyse an advertising strategy's effectiveness.
- 5.8 Submission of proof that advertising agency subscribes to the Advertising Regulatory Board (ARB). Failure to do so shall lead to disqualification.

#### 6. PRICING SCHEDULE

The pricing schedule must be completed in full, taking into consideration the inflation rate.  
Failure to do so shall lead to disqualification

Items Description	Cost per Campaign: 2024 Elections VAT Inclusive	Cost per Campaign: 2026 Elections VAT Inclusive
<b>6.1 Development and Conceptualisation of Advertising strategy</b>		
<b>Subtotal for 6.1</b>	R.....	R.....
<b>6.2 Above the line (ATL) <u>Production and Commission</u> charges for one (1) registration weekend AND election day campaign</b>		
6.2.1 Print: x2 Registration and Election day advert (27x4 full colour) As per rate card for newspapers	R	R
6.2.2 Print: x2 Registration and Election day newspaper strip advert (10 x 8 full colour) As per rate card for newspapers	R	R
6.2.3 Radio: x2 executions. 30" English commercial; 10" Power spots and 45" Vernacular for Registration and Election day	R	R

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Items Description	Cost per Campaign: 2024 Elections VAT Inclusive	Cost per Campaign: 2026 Elections VAT Inclusive
6.2.4 Television: x2 executions. 30" commercial; 10" clocks; 10" squeeze backs; and opening and closing news billboards Adverts for Registration and Election day	R	R
6.2.5 Outdoor: x2 executions (sizes: 3 x 6 sheets; Street pole ads) for Registration and Election day	R	R
6.2.6 Social Media: x2 banners for Social media adverts (Facebook; Twitter; YouTube) for Registration and Election day	R	R
6.2.7 Online news: x2 executions (homepage takeover designs only) for Registration and Election day	R	R
6.2.8 Mobile media (Please Call Me): or alternative media for Registration and Election day	R	R
<b>Subtotal for 6.2.1 – 6.2.8</b>	R.....	R.....
<b>6.3 Below the line (BLT) <u>Production and Commission</u> charges for one (1) registration weekend AND election day campaigns</b>		
6.3.1 Posters: x2 executions (designs only) – sizes A2 & A1 for Registration and Election day	R	R
6.3.2 DL Flyers: x2 executions (designs only) – sizes 100mm x 210mm for Registration and Election day	R	R
6.3.3 Stickers: x2 executions (designs only) – sizes round 55mm & rectangular 70mm x 240mm for Registration and Election day	R	R
<b>Subtotal for 6.3.1 – 6.3.3</b>	R.....	R.....
<b>6.4 Agency resource fee, including Travel and Communication</b>		
6.4.1 Account Director, per hour	R	R
6.4.2 Executive Creative Director, per hour	R	R
6.4.3 Production / Administrator, per hour	R	R
6.4.4 Account Manager(s), per hour	R	R
6.4.5 Copy Writer, per hour	R	R
6.4.6 Desk Top Publisher (DTP), per hour	R	R
6.4.7 Traffic Manager, per hour	R	R
6.4.8 Strategy Officer, per hour	R	R
6.4.9 Finance / Administrator, per hour	R	R
6.4.10 Head of Broadcast, per hour	R	R

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Items Description	Cost per Campaign: 2024 Elections VAT Inclusive	Cost per Campaign: 2026 Elections VAT Inclusive
Subtotal for 6.4.1 – 6.4.10	R.....	R.....
<b>6.5 Commission charges for the production of an election themed song</b>		
Subtotal for 6.5	R.....	R.....
<b>6.6 Communication strategy: Support</b>		
Subtotal for 6.6	R.....	R.....
<b>TOTAL BID PRICE (VAT inclusive)</b>	R.....	R.....

**Notes:**

All costs must be VAT inclusive.

**6.7. Budget**

Proposals to be submitted should also contain a detailed budget, including VAT, relating to the cost provided in section 6 that clearly demonstrates how the cost has been determined.

The successful bidder will be required to provide a monthly breakdown of the campaign budget detailed above.

Service providers to note that in the event of the Electoral Commission holding two (2) registration weekends instead of one, that additional costs for production and the allocation of additional tasks shall be at the sole discretion of the Electoral Commission. The Electoral Commission will issue a written approval /brief to the successful service provider for such services.

**7. EXCLUSIVITY OF CONTRACT**

The Electoral Commission reserves the right to appoint more than one (1) service provider or no service provider at all.

**8. PERIOD OF THE CONTRACT**

The successful advertising agency will be in service for a period of 5 years from the date of the last signature on the SLA.

NB: No retainer fees will be paid to the bidder.

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**Advertising Agency Services  
Bid Evaluation  
Tender IEC/COM-02/2022**

**Bidder:**

**EVALUATION OF BIDS**

**Stage 1: Assessment of Bidder's Disclosure**

All bids received will be evaluated and assessed in respect of the mandatory information provided in the Bidder's Disclosure (SBD4) as well as the register for restricted suppliers and tender defaulters.

Any potential issues that may arise or transgressions that may be identified will be pursued in accordance with statutory obligations and requirements.

In this regard, the following must be noted:

The Electoral Commission must, as part of its supply chain management (SCM) processes, identify and manage all potential conflicts of interest and other disclosures made by a person participating in procurement process to enable the accounting officer or delegated authority to make informed decisions about the person participating in the SCM process.

As such, the Bidders Disclosure form, issued as Standard Bidding Document (SBD) 4, attached as Annexure B, was extended to all entities which were invited to participate in the Bid process.

As part of the evaluation of the procurement process, the information provided by a person on the SBD4 form must be evaluated.

In so doing, it must be noted that if the bid evaluation establishes that:

- (a) a person within the bidding entity is an employee of the State, the Electoral Commission's CEO must request the relevant accounting officer/accounting authority whether the person-
  - (i) Is prohibited from conducting business with the State in terms of Section 8 of the Public Administration Management Act, 2014; or
  - (ii) has permission to perform other remunerative work outside of their employment, where the PAMA does not apply to such employee;
- (b) the conduct of a person constitutes a transgression of the Prevention and Combating of Corrupt Activities Act, 2004;
- (c) the conduct of a person constitutes a transgression of the Competition Act, 1998, the conduct must be reported to the Competition Commission; and
- (d) the conduct of a person must be dealt with in terms of the prescripts applicable to the Electoral Commission.

If it is established that a person has committed a transgression in terms of the above, or any other transgression of SCM prescripts, the bid may be rejected and the person may be restricted.

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The Electoral Commission's CEO must inform National Treasury of any action taken against a person within 30 days of implementing the action.

During the bid evaluation process, the Electoral Commission must in addition to other due diligence measures, establish if a person is not listed in -

- (a) the Register of Tender Defaulters; and
- (b) the list of restricted suppliers.

A bid related to a restricted bidder or tender defaulter shall be rejected.

The under-mentioned assessment criteria will be used to evaluate the elements relating to SBD4 and restricted suppliers and tender defaulters:

Assessment Criteria	Bidder Requirement (YES/NO)	Comments
Bidder is registered on the National Treasury Central Supplier Database (CSD)*.		
Bidder is tax compliant.**		
The bidder is not an employee of the state.		
The bidder's conduct does not constitute a transgression of the Prevention and Combating of Corrupt Activities Act.		
The bidder's conduct does not constitute a transgression of the Completion Act.		
The bidder is not a tender defaulter as per the register published on the National Treasury website.		
The bidder is not a restricted supplier as per the register published on the National Treasury website.		

\* No bid shall be accepted if a supplier is not registered on the National Treasury Central Supplier Database (CSD).

\*\* A bidder must be tax compliant before a contract is awarded. A bid will be disqualified if the bidder's tax affairs remains non-compliant as per the provisions of National Treasury Instruction No 09 of 2017/2018 Tax Compliance Status Verification.

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## **Stage 2: Bid Evaluation on Functionality**

Bids will be evaluated on the functionality criteria below.

### **TECHNICAL BID EVALUATION CRITERIA**

Bids will be evaluated against the specified bid evaluation criteria below.

Only bids that meet the functional and operational needs of the Electoral Commission will be considered.

<b>STAGE 2 KEY REQUIREMENTS FOR BID EVALUATION (Note: Bidders that are not compliant with any of the key requirements stipulated below will be disqualified in Stage 2)</b>	<b>YES</b>	<b>NO</b>
Submission of proof that the agency subscribes to the Advertising Regulatory Board (ARB); (section 5.8)		
Submission of written proposal (section 4)		
Submission of Track Record - Two (2) national advertising campaigns completed previously (section 5)		
Submission of Pricing Schedule (section 6)		

**OUTCOME: QUALIFIES FOR FURTHER EVALUATION IN STAGE 3 (YES/NO)**

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### **STAGE 3**

<b>FUNCTIONAL CRITERIA</b>	<b>MAXIMUM</b>	<b>POINTS</b>
<b><i>Scoring is based on written proposal as well as submission of two (2) national advertising campaign projects</i></b>		
<b>2.1 Conceptualisation and strategy for the 2024 election campaign (section 4.1)</b>	<b>34</b>	
Provide a detailed 2024 election campaign approach and methodology to cover the proposed scope of work. Bidders to conceptualise the strategy on how such tasks will be delivered as outlined in sections 4.1.1 to 4.1.4		
4.1.1 The bidders' understanding of the constitutional mandate of the Electoral Commission;	5 (1 point per mandate)	
4.1.2 Develop a national advertising strategy campaign for the 2024 National and Provincial elections. i.e. Concept document must include the following: <ul style="list-style-type: none"> <li>Advertising strategy</li> <li>Creative conceptualisation</li> </ul>	14 (2 points or zero for the elements)	

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FUNCTIONAL CRITERIA	MAXIMUM	POINTS
<ul style="list-style-type: none"> <li>• Material production</li> <li>• Copy/script development</li> <li>• Implementation of communication strategy</li> <li>• Branding</li> <li>• Market research</li> </ul> <p>4.1.3 List five (5) The target market of the Electoral Commission;</p> <p>4.1.4 Provide ten (10) types of media platforms to be deployed for an election campaign.</p>	<p>5 (1 point per target market)</p> <p>10 (1 point per platform)</p>	
<b>2.2 Production and development of creative elements for media platforms (section 4.2.)</b>	<b>20</b>	
<p>4.2.1 Produce radio scripts and television story board for the 2024 election campaign</p> <p>4.2.2 Produce two (2) design elements per platform for Weekend Registration and Voting day Campaigns</p> <p>4.2.2.1 Print (Posters; Newspaper adverts; Flyers)</p> <p>4.2.2.2 Digital (Website)</p> <p>4.2.2.3 Outdoor (Billboards; Wall Murals, Street Pole Ads, LED Lights for Stadiums)</p> <p>4.2.2.4 Social Media</p> <p>4.2.2.5 Internal Collateral</p> <p>4.2.2.6 Mobile Media</p>	<p>2 (1 point each for radio and Television story board development)</p> <p>3 points or zero for translation of radio script to 1 vernacular language)</p> <p>10 (2 points or zero for 2 creative designs for Registration Weekend for mass media)</p> <p>10 (2 points or zero for 2 creative designs for Voting Day for mass media)</p>	
<b>2.3 Team Capacity (section 4.3)</b>	<b>12</b>	
<p>X2 CVs of senior management. 3 paged CVs with minimum 5 years of skills expertise and experience of managing national advertising accounts.</p> <p>X5 CVs of dedicated team to the IEC with advertising agency skills, qualifications and experience of 5 years minimum.</p>	<p>4 (2 points or zero for minimum 5 years'/ industry experience)</p>	

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FUNCTIONAL CRITERIA	MAXIMUM	POINTS
<p>Organogram of the company</p> <p>Submission of company profile</p>	<p>5 (1 point per suitable CV with 5 years' industry relevant experience and skills)</p> <p>2 points or zero for organogram with 3 levels/ or more</p> <p>1 point for company profile</p>	
<b>2.4 List of clients and value of national advertising campaigns (section 4.4)</b>	<b>10</b>	
Submit list of 5 contracts in the last five (5) years i.e. 2018 to 2022, for national campaigns (targeting national, provincial and local stakeholders) List to consist of client name, value of contract; contact person(s), email and contact numbers.	10 (2 points per national campaign or zero)	
<b>2.5 Track Record (section 5)</b>	<b>30</b>	
<p>Submit two (2) national advertising campaigns undertaken previously including all the elements listed in sections 5.1 to 5.7.</p> <p>5.1 Development of a national advertising strategy.</p> <p>5.2 Production and expertise to produce national radio and television campaigns.</p> <p>5.3 Production of creative designs for mass media.</p> <p>5.4 Capability to analyse media reports to enhance advertising campaign.</p> <p>5.5 Demonstration of ability to implement report back mechanism.</p> <p>5.6 Experience and expertise to collaborate with service providers / suppliers.</p> <p>5.7 Demonstration of capability to provide in-house skill to analyse an advertising strategy's effectiveness.</p>	<p>2 (1 point per submission)</p> <p>28 (2 points or zero for addressing requirements 5.1 to 5.7 per case study)</p>	
<b>TOTAL POINTS</b>	<b>106</b>	
<b>POINTS SCORED</b>		

Minimum required points: 79/106 (75%)

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**Stage 4: Bid Adjudication**

Bids will be evaluated on the functionality criteria below.

Only bids that comply with the requirements and conditions of the tender and that meet the minimum criteria in the bid evaluation process will be considered for bid adjudication purposes.

Bids will be adjudicated based on the provisions of the Preferential Procurement Regulations, 2017 (referred to as PPPFA scoring).

The tender will be awarded to the acceptable bid with the highest PPPFA points.

**Important Note:**

Any bid qualifying for bid adjudication purposes shall be subjected to the Electoral Commission’s due diligence audit requirements which will include a site inspection to confirm that the warehouse facility and building offered in respect of such bid complies with and conforms to the bid specifications and the Electoral Commission’s requirements.

Bid Evaluation Committee Member	Sign Off	
	Signature	Date

**CONTENTS OF THIS PAGE NOTED:**