

## **TERMS OF REFERENCE**

**BID NUMBER: RFB18/2022/2023**

**BID - SUPPLY, DELIVERY AND ASSEMBLING AND INSTALLATION OF OFFICE FURNITURE TO  
THE COMPETITION COMMISSION OFFICES.**



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## **1. BACKGROUND**

- 1.1** The Competition Commission (Commission) is a statutory body constituted in terms of the Competition Act, No. 89 of 1998 (the Act). It is one of three, independent competition regulatory authorities established in terms of the Act, with the other two being the Competition Tribunal and the Competition Appeal Court. The Commission is empowered by the Competition Act to investigate, control and evaluate restrictive business practices, abuse of dominant positions, mergers, undertake market inquiries and advocacy in order to achieve equity and efficiency in the South African economy.
- 1.2** CCSA is a public entity listed in schedule 3A of the Public Finance Management Act (PFMA), and acts in compliance with section 217 of the Constitution of South Africa and applicable Public Procurement Regulations and Prescripts.

## **2. OBJECTIVE**

- 2.1** The objective of this bid is to appoint service provider for the Supply, Delivery and Assembling and Installation of Office Furniture to the Competition Commission Offices.
- 2.2** Details of the required goods and services are contained below in the scope of work.
- 2.3** The price template has been created separately as an *Annexure to Standard Bid Document 3.1*
- 2.4** Please make sure that the pricing template is fully completed for all the items listed on the template.



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### 3. SCOPE OF WORK

3.1 Below is the divisional count, positions, type of furniture and quantities required:

Division Headcounts	Position	Furniture Type - Standard	Quantity
Commissioners Office - 24	Commissioner	Executive	1
	Deputy Comm	Executive	1
	X2 Principals/X6 Heads	Manager	8
Advocacy - 21	Divisional Manager	Executive	1
	X2 Principals	Manager	2
ERB - 32	Divisional Manager	Executive	1
	X7 Principals	Manager	7
Legal Services	Divisional Manager	Executive	1
	X3 Principals	Manager	3
Cartels - 29	Divisional Manager	Executive	1
	X3 Principals	Manager	3
M&A - 27	Divisional Manager	Executive	1
	X3 Principals	Manager	3
Market Conduct	Divisional Manager	Executive	1
	X5 Principals	Manager	5
Finance - 17	Chief Financial Officer	Executive	1
	X2 Principals	Manager	3
Corporate Services - 36	Divisional Manager	Executive	1
	X4 Principals	Manager	4
Bulk Fillers			4
Boardroom furniture			
Steel Shelving	1 SCM storeroom		

3.2 The furniture for the rest of the staff will have to be standard especially the Open Plan Areas to use cluster workstations (4- or 6-seater) or normal tables.

3.3 Meeting Room Furniture – *subject to site inspection for confirmation of the size of the rooms, bidders will be required to do their own measurements.*

3.4 Block C (Commissions current office space)

3.3.1. Africa Room

3.3.2. Red Room

3.3.3. Nile Room



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- 3.3.4. Imbizo Room
- 3.3.5. Legal Chambers

**3.5 Other space area: in the Department of Trade Industry and Competition (DTIC) Campus**

- 3.5.1 6 boardrooms
- 3.5.2 Steel shelving – provision for 1 storage facility

**4. DELIVERABLES**

**4.1 Duration**

- 4.1.1. The furniture must be delivered and installed within six (6) weeks from the date the Commission confirms request for delivery.
- 4.1.2. Bidders who attend the Compulsory Briefing Session (online) will be eligible to attend the Site Visit – bidders will be informed of the date to view the location and layouts at least 2 days after the briefing session.

**4.2 Warranties And Guarantees**

- 4.2.1. The office furniture must have a minimum of 12 months warranty and five (5) years guarantee.
- 4.2.2. The service provider warrants that all products and items delivered are new, unused and shall have no defects.

**5. TIMEFRAMES**

- 5.1** The duration of the contract: once off, within six (6) weeks from the date the Commission confirms request for delivery.

**6 CONTRACTUAL OBLIGATION**

- 6.1** Bidders to fully complete SBD 3.1 including all applicable costs (*including Annexure A, with the total bid price clearly referenced in SBD 3.1*)
- 6.2** In the case of the service provider using sub-contractors, the former will be responsible for ensuring delivery of services from any such sub-contractors and for making any payments to such sub-contractors.
- 6.3** Bidder will be subjected to measuring satisfactory performance.
- 6.4** The successful bidder will be required to have adequate liability insurance in place (**upon parties contracting**)
- 6.5** The bidding process is in accordance with the criteria set out in the Commission's Supply Chain Management Policy and Preferential Procurement Policy, in accordance with the provisions set out in the Preferential Policy Framework Act of 2000.
- 6.6** Bidders are also required to take all reasonable steps to protect information, in line with the provisions of the POPIA 4 of 2014.



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## **7 ABSENCE OF OBLIGATION & CONFIDENTIALITY**

- 7.1** No legal or other obligation shall arise between the service provider and CCSA unless/until both parties have signed a formal contract, Purchase acceptance or Service Level Agreement in place.
- 7.2** The Contract site is at **CCSA (as and when required)**.

## **8 WORKMEN AND SUPERVISION ON SITE**

- 8.1** The service provider shall be held responsible for the conduct of his employees and the conduct of his sub-contractor's employees for the full duration of the contract.

## **9 ADMINISTRATIVE CRITERIA (Phase 1)**

- 9.1** Proof of registration on CSD (**Central Supplier Database**)
- 9.2** General Conditions of Contract - Please initial each page.
- 9.3** Standard Bid Document 1 – Proof of authority must be submitted e.g., company resolution including - complete and sign.
- 9.4** Standard Bid Document 3.1 – complete and sign 3.1 (bidder may provide a quotation on a letter and price according to Annexure A) total bid price must be clearly table in SBD 3.1.
- 9.5** Standard Bid Document SBD 4
- 9.6** Standard Bid Document and SBD 6.1
- 9.7** Bidders are required to submit original or certified valid B-BBEE certificates / sworn affidavit in order to substantiate their rating claims. If bidders do not submit certificates or are non-compliant contributors to B-BBEE they do not qualify for preference points for B-BBEE but will not be disqualified from the process.
- 9.8** Bidders are required to submit their unique personal identification number (PIN) issued by SARS to enable the organ of state to view the taxpayer's profile and tax status. Bidders must also submit a printed TCS together with the bid.



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## 10 EVALUATION CRITERIA

**10.1** Responses will be evaluated using a predetermined set of evaluation criteria. The evaluation criteria is designed to reflect the Commission's requirements in terms of identifying a suitable service provider and ensure the selection process is transparent and affords all the bidders a fair opportunity for evaluation and selection.

### 10.2 Functional Evaluation threshold (Phase 2)

10.2.1. The tender submission will be functionally evaluated out of a **minimum of 70 points – any bidder who scores less than 70** will not be considered for further evaluation **maximum score is 100.**

10.2.2. The evaluation is based on functionality, which will be evaluated using the following criteria and points:

Evaluation Area	Evaluation Criterion	Minimum Points	Maximum Points
<b>Project/ Rollout Plan</b>	The Bidder must provide a project plan that indicates the timelines of each step undertaken in the process from sourcing of materials, manufacturing, delivery, and installation. <i>(Bidders must provide proposed modern furniture as referenced in Annexure B)</i> 3 - 4 weeks = <b>40 points</b> 5 - 6 weeks = <b>30 points</b> <b>Non-compliance with any of the above = 0 points</b>	<b>30</b>	<b>40</b>
<b>References</b>	Three (3) clients (on client letterhead) who the bidder has supplied with office furniture. The purpose of references is to obtain feedback on the bidder's ability to supply, deliver, assemble, and install furniture at the required quantities and quality standard to client's own specification with performing customer service levels on time.  The bidder must provide a <b>signed reference letter</b> from the client <i>(on a client letterhead dated and signed, with a contactable email address, the value of project completed)</i>  <ul style="list-style-type: none"> <li>Minimum 3 references letters with all above</li> </ul>	<b>20</b>	<b>30</b>



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	<p>information supplied = <b>20 points</b></p> <ul style="list-style-type: none"> <li>4 – 5 references letters with all above information supplied = <b>25 points</b></li> <li>Above 5 references letters with all above information supplied = <b>30 points</b></li> </ul> <p><b>Noncompliance with any of the above = 0 points</b> <b>Due diligence will be conducted against reference letters submitted</b></p>		
<b>Portfolio of Evidence</b>	<p>The service provider must submit proof of a Portfolio of Evidence against the client reference letters submitted.</p> <ul style="list-style-type: none"> <li>Minimum 3 POE as per the reference letters supplier = <b>20 points</b></li> <li>4 – 5 POE as per the reference letters supplier = <b>25 points</b></li> <li>Above 5 POE as per the reference letters supplier = <b>30 points</b></li> </ul> <p><b>Noncompliance with any of the above = 0 points</b> <b>Due diligence will be conducted against references provided</b></p>	<b>20</b>	<b>30</b>
<b>TOTAL</b>		<b>70</b>	<b>100</b>

10.3.1 Bidders who obtained less than the minimum threshold of **70 points** will be declared non-responsive and therefore will not be eligible for **evaluation of BBBEE Aligned to Specific Goals & Price Preference**.

#### 10.4 Preference Evaluation

##### 10.4.1 BBBEE and Price

As the tender **price is estimated to be between R2001 and R50 million including VAT**, the tender responses will be evaluated on the **80/20-point system**.



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## 11 ADJUDICATION USING A POINT SYSTEM

- 11.3 The bidder obtaining the highest number of total points will be awarded the contract unless objective criteria justify the award to another bidder.
- 11.4 Preference points shall be calculated after process has been brought to a comparative basis taking into account all factors of non-firm prices.
- 11.5 In the event that two or more bids have scored equal points in terms of price and preference points for BBEE, the successful bid must be the one scoring the highest number of preference points for BBEE - in terms of PPPFA Act 5 of 2000.
- 11.6 However, when functionality is part of the evaluation process and two or more bids have scored equal points for BBEE, the successful bid must be the one scoring the highest score for functionality.
- 11.7 Should two or more bids be equal in all respect, the award shall be decided by the drawing of lots.

## 12 POINTS AWARDED FOR PRICE AND BBEE PREFERENCE POINT

The **80/20** preference point system

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

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

$P_{\min}$

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





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### 13 B-BBEE PREFERENTIAL POINTS WILL BE AWARDED AS FOLLOWS:

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

**13.3** Bidders who qualify as EME's and QSE's in terms of the B-BBEE Act must submit a Sworn affidavit. Misrepresentation of information constitutes a criminal offence.

**13.4** Bidders other than EME's or QSE's must submit their original and valid B-BBEE status level verification certificate, substantiating their B-BBEE rating issued by SANAS.

**13.5** Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.

### 14 Consortium

**14.1** A consortium is an association of two or more individuals, companies, organisations, or governments (or any combination of these entities) with the objective of participating in a common activity or pooling their resources for achieving a common goal.

**14.2** A consortium requires that each participant retains its separate legal status and the consortium's control over each participant is generally limited to activities involving the joint endeavour, particularly the division of profits. A consortium is formed by contract, which designates the rights and obligations of each member.

**14.3** In a consortium, only the lead bidder's credentials both in terms of financial and technical qualifications are considered. Therefore, the interpretation and application to a RFQ/Bid process is such that the lead partner is identified and the following requirements are required as follows:



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**a) Lead Partner**

- All administrative documents (consortium agreement between the lead partner and the partner)
- Technical requirements (which will show in the proposal and other requirements why the need for the consortium, which for all intent and purpose fulfils the requirements of the bid through combination of skills)

**b) Partner**

- Proof of CSD registration.
- Tax Pin.
- BBBEE Sworn-Affidavit.
- SBD 4

**14.4** It should be taken into cognisance that although the lead partner is the qualifying entity, the partner should prove that it can do business with state-owned entities, through CSD registration, proof that the taxes are compliant, its level of BBBEE status in order to align with the BBBEE status level required by the BID, declare interest and answer questions that it is not a disqualified entity with the National Treasury. The foregoing ensures compliance from an SCM process perspective that the consortium is in order.

**14.5** Of importance is that in a consortium, each individual team members retain their identities.

**15. A joint venture**

A joint venture is a business entity created by two or more parties, generally characterized by shared ownership, returns and risks and shared governance.

**16.1 Unincorporated joint venture:**

16.1.1 All SCM documents are filled in by the joint venture in the name of the joint venture, although the submission of administrative documents (partnership agreement between parties) will be completed in the name of the joint venture, and the following will be required from both parties, amongst others

- a) SBD 4
- b) SBD 6.1
- c) Tax pin
- d) CSD registration.
- e) The JV agreement will direct which bank account of the two entities will be used.
- f) Consolidated Joint BBBEE Certificate.



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## 16.2 Incorporated joint venture

16.2.1 This aligned to a registered entity or company. A registered entity/ company with a consolidated BBBEE certificate and a bank account in the name of the Joint venture. The required compliance documents must be complete by the entity/ company the name of the joint venture, and the following will be required amongst others

- a) SBD 4
- b) SBD 6.1
- c) Tax pin
- d) CSD registration.

e) The JV agreement will direct which bank account of the two entities will be used.

f) Consolidated Joint BBBEE Certificate.

16.2.2 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 capacity and the ability to execute the sub-contract.

16.3 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capacity and the ability to execute the sub-contract.

## 17 COMMUNICATION

Respondents are warned that a response will be disqualified should any attempt be made by a bidder either directly or indirectly to canvass any officer(s) or employees of CCSA in respect of BID process, between the closing date and the date of the award of the business.

All enquiries relating to this BID should be emailed **three days before the closing date**.

## 18 CONDITIONS TO BE OBSERVED WHEN BIDDING

The Commission does not bind itself to accept the lowest or any BID, nor shall it be responsible for or pay any expenses or losses which may be incurred by the bidder in the preparation and delivery of his BID submission. The Commission also reserves the right to withdraw or cancel the BID at any stage.

No BID shall be deemed to have been accepted unless and until a formal contract / Contract Form and letter of award or Purchase Order is prepared and executed.

The competitive shall remain open valid by the Commission for a period of **120 days** from the closing date of the BID Enquiry.



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CCSA reserves the right to:

- 18.1** Not evaluate and award a bid that do not comply strictly with this BID document.
- 18.2** Make a selection solely on the information received in the Bid Document and Enter into negotiations with any one or more of preferred bidder(s) based on the criteria specified in the terms of reference.
- 18.3** Contact any bidder during the evaluation process, in order to clarify any information, without informing any other bidders. During the evaluation process, no change in the content of the BID shall be sought, offered or permitted.
- 18.4** Cancel this BID at any time.
- 18.5** Should bidder(s) be selected for further negotiations, they will be chosen on the basis of the cost effectiveness and the principal of value for money not necessarily on the basis of the lowest costs.

## **19. Cost of Bidding**

- 19.1** The bidder shall bear all costs and expenses associated with preparation and submission of its BID submission and the CCSA shall under no circumstances be responsible or liable for any such costs, regardless of, without limitation, the conduct or outcome of the bidding, evaluation, and selection process.

## **20. Note to Bidders:**

- 20.1** Due diligence to be conducted by CCSA prior to the award of the contract.

**END OF TERMS OF REFERENCE DOCUMENT**



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**Annexed to this document for completion and return with the document:**

- ANNEXURE SBD 1 and conditions to tender.
- ANNEXURE SBD 3.1 (*pricing schedule including Annexure*)
- ANNEXURE SBD 4
- ANNEXURE SBD 6.1
- ANNEXURE General Conditions of Contract (GCC)
- Proposed furniture layout (*bidder to recommended modern type look ad feel of furniture without compromising on quality and price*) – Annexure B
- Bid Advert