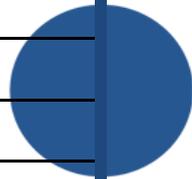




<b>NAME OF BID</b>	<b>PANEL OF FINANCIAL SECTOR RESEARCHERS, POLICY AND REGULATORY EXPERTS</b>
<b>BID NO.</b>	<b>FSCA2021/22-T008</b>
<b>CLOSING DATE</b>	<b>25 NOVEMBER 2021</b>
<b>CLOSING TIME</b>	<b>11h00 (South African Standard Time, obtained from Telkom SA SOC Limited by dialling 1026)</b>

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



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

P.O. Box 35655; Menlo Park; 0102

Switchboard: +27 12 428 8000

Website: [www.fsca.co.za](http://www.fsca.co.za)



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## A. INTRODUCTION TO BID

### 1. Introduction

- 1.1 The Financial Sector Conduct Authority (FSCA) was established in terms of the Financial Sector Regulation Act No. 9 of 2017. It is responsible for market conduct regulation and supervision of the financial services industry. The objectives of the FSCA are to enhance and support the efficiency and integrity of financial markets, to protect financial customers by promoting their fair treatment by financial institutions, as well as providing financial customers with financial education. The FSCA is a Schedule 3A Public Entity, in terms of the Public Finance Management Act (PFMA).
- 1.2 The vision of the FSCA is to ensure an efficient financial sector where customers are informed and treated fairly and its mission is to ensure a fair and stable financial market, where customers are informed and protected, and where those that jeopardize the financial well-being of customers are held accountable. Visit the FSCA website, [www.fsca.co.za](http://www.fsca.co.za) for further information about the FSCA.
- 1.3 The FSCA operates from offices in Pretoria at Riverwalk Office Park; 41 Matroosberg Road; Ashlea Gardens Extension 6; Menlo Park; Pretoria.
- 1.4 All information, including personal information collected during this process will be treated as confidential, and processed in line with the FSCA Privacy Policy. For more information on how your personal information is processed and how you can exercise your rights in term of applicable information privacy laws, please visit the Privacy Policy on [www.fsca.co.za](http://www.fsca.co.za)
- 1.5 Bidders are hereby invited from suitable qualified firms to be listed on the FSCA's panel of financial sector researchers, policy and regulatory experts to provide research services, specialist policy analysis and expert advisory services, monitoring and evaluation services for Consumer Financial Education (CFE) projects and legislative drafting services as and when required for a period of 3 years. The contract will commence on 1 January 2021 or earlier.
- 1.6 This bid is subject to the Preferential Procurement Policy Framework Act No. 5 of 2000 and the Preferential Procurement Regulations, 2017, Broad-Based Black Economic Empowerment Act, the General Conditions of Contract (GCC) and, if applicable, any other special conditions of contract. Where, however, the special conditions of contract conflict with the general conditions of contract, the special conditions of contract prevail.

### 2. Briefing session

- 2.1 An online **non-compulsory briefing** session will be held on **09 November 2021** at **10H30** for a maximum of 1 hour. Microsoft Teams link will be provided on the FSCA website.

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## 2.2 THE FSCA WILL NOT BE COMPELLED TO REPEAT ANY ISSUES ALREADY COVERED TO LATECOMERS, NOR OPEN THE BRIEFING SESSION REGISTER ONCE THE SESSION IS CONCLUDED

### 3. Bid enquiries and questions

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

Jessie Myanga  
 Supply Chain Management Unit  
 Tel no.: (012) 422 7159  
 E-mail: [tenders@fsca.co.za](mailto:tenders@fsca.co.za)

3.2 All questions relating to the contents of the bid (conditions, rules, terms of reference etc.) must be forwarded in writing via email to [tenders@fsca.co.za](mailto:tenders@fsca.co.za) by not later than **15 November 2021**. Questions received after this date will not be entertained.

3.3 All questions must reference specific paragraph numbers, where applicable.

3.4 All enquiries (received on or before the closing date for enquiries) will be consolidated and the FSCA will publish one response document on the FSCA website ([www.fsca.co.za](http://www.fsca.co.za)) within three (3) working days after the date in indicated in paragraph 3.2.

3.5 No requests for information shall be made to any other person or place and in particular not to the existing provider of this service.

### 4. Bid submission

4.1 Bid documents may either be posted (preferably by registered mail) or placed in the bid box or couriered to the physical address. Bids submitted by means of e-mail, telex facsimile, electronic or similar means shall not be considered.

4.2 Complete documents with supporting annexures shall be packaged, sealed, clearly marked, and submitted strictly as follows:

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4.3 The FSCA requires two (2) printed copies, one (1) original and one (1) copy and one electronic copy (in electronic storage media, preferably a CD or flash drive/memory stick) in PDF format all bound in a sealed envelope marked as stated in paragraph 4.2.

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

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

GPS Coordinates	
Latitude	-25.7843344
Longitude	28.268365

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

PO Box 35655  
 Menlo Park  
 Pretoria  
 0102

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

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

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

## 5. Pricing schedule

### 5.1 GUIDELINE FOR DETERMINING FEES

- 5.1.1 Pricing should be based on the guideline provided in **Annexure B attached.**

## B. DEFINITIONS

### 6. Definitions

6.1 Unless inconsistent with or expressly indicated otherwise by the context.

6.1.1 **FSCA** shall mean the Financial Sector Conduct Authority or any successor in title.

6.1.2 **Contractor** shall mean the successful bidder whose bid has been accepted by the FSCA and shall include the bidders' personal representatives.

6.1.3 **Contract** shall include the General Conditions of Contract and Special Conditions of Contract, the specifications including any schedules attached to the specifications, and any agreement entered into in terms of these Special Conditions of Contract.

6.1.4 **Service** shall mean provision of research services, specialist policy analysis and expert advisory services, monitoring and evaluation services for CFE projects and legislative drafting services as and when required for a period of 3 years.

6.1.5 **Person** includes any company incorporated or registered as such under any law, any body of persons corporate or unincorporated, any trust. Person, firm or company shall include an authorised employee or agent of such person.

6.2 Except where the context indicates otherwise, in this document the singular includes the plural, and with reference to gender, the one includes the other.

## C. BID RULES

### 7. Capabilities and experience of bidders

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

### 8. Form of bid

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

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

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

### 9. Signing of bid

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

### 10. Bid all inclusive

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

### 11. Alterations to bid documents

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

### 12. Qualifications on bid

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

### 13. FSCA's rights

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

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

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

#### 14. Undertaking by bidder

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

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

- 14.5 The successful bidder accepts full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on them under the supply agreement and Service Level Agreement (SLA) to be concluded with the FSCA, as the principal(s) liable for the due fulfilment of such contract.
- 14.6 The draft Service Level Agreement will constitute the terms and conditions upon which FSCA is prepared to contractually engage the prospective Bidder(s) to render the services under this bid. Bidders are requested to:
- 14.6.1 Indicate their acceptance of the terms and conditions set out in the draft Master Services Agreement, alternatively to propose required changes to such terms and conditions;
- 14.6.2 Each comment and/or amendment must be fully explained; and,
- 14.6.3 All changes and/or amendments to the draft Master Services Agreement must be in an easily identifiable colour font and tracked for ease of reference.
- 14.6.4 FSCA reserves the right to accept or reject any or all changes or amendments proposed by Bidders. In addition, FSCA reserves the right to change, amend or add to the terms and conditions of the draft Service Level Agreement.
- 14.7 The bidder accepts that all costs incurred in the preparation, presentation and demonstration of the solution offered by it shall be for the account of the bidder. All supporting documentation and manuals submitted with this bid will become FSCA property unless otherwise stated by the bidder/s at the time of submission.

## 15. Central supplier database

- 15.1 The FSCA will not award any bid to a supplier who is not registered as a prospective supplier on the Central Supplier Database (CSD) as required in terms of National Treasury Circular No. 3 of 2015/2016 and National Treasury SCM Instruction Note 4 of 2016/2017.
- 15.2 The supplier is responsible to continuously update their information, including personal information on the CSD to ensure that it is complete, accurate and not misleading.

## 16. Supplier performance management

- 16.1 Supplier Performance Management is viewed by the FSCA as a critical component in ensuring it acquires value for money and maintains good supplier relations between the FSCA and all its suppliers.
- 16.2 The successful bidder shall upon receipt of written notification of an award, be required to conclude an SLA with the FSCA (where applicable), which will form an integral part of the supply agreement. The SLA will serve as a tool to measure, monitor and assess the supplier's performance and ensure effective delivery of service, quality and value-add to the FSCA's business.
- 16.3 The successful bidder will be required to comply with the above conditions and provide a scorecard on how their product/service offering is being measured to achieve the objectives of this condition.

## 17. Cancellation of contract

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

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

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

## 18. Applicable laws

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

18.2 Each bidder shall accept the jurisdiction of the courts of the Republic of South Africa.

## 19. Reasons for disqualification of bid

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

19.1.1 bidders who submit incomplete information and documentation as specified in the requirements of this bid document;

19.1.2 bidders who submit information that is fraudulent, factually untrue or inaccurate;

19.1.3 bidders who receive information not available to other potential bidders through any means;

19.1.4 bidders who do not comply with mandatory requirements, if stipulated in the bid document;

19.1.5 bidders who fail to attend a compulsory briefing session and sign bid register, if stipulated in the bid advert and/ or in this bid document; and/or

19.1.6 bidders who fail to comply with FICA (Financial Intelligence Centre Act) requirements (where applicable).

## 20. Delegation of authority

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

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**21. Bid rules are binding**

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

**22. Language of contract**

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

## D. TERMS OF REFERENCE

### 23. Objectives

23.1 The broad objectives of this bid include:

23.1.1 To provide bidders with adequate information to understand and respond to the FSCA's requirements to appoint suitably qualified firms to be listed on the FSCA's panel of researchers, policy and regulatory experts, to provide research services, specialist policy analysis, expert advisory services, monitoring and evaluation services for CFE projects and legislative drafting services as and when required for a period of three (3) years.

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

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

### 24. Pre-qualification criteria

24.1 The FSCA requires that all individuals applying to be considered as part of the panel to hold a minimum qualification of a Postgraduate Degree relevant to the skills required in the scope of work. In the instance of the bidder being an incorporated company, a body of persons corporate or unincorporated, trust or firm, the key person(s) who will be performing the services or expert advice must meet the minimum requirements or hold a Postgraduate Degree relevant to the skills required in the scope of work.

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

### 25. Purpose of the request for bid

25.1 The purpose of this bid is to request prospective service providers to submit proposals to be listed on the FSCA panel of financial sector researchers, policy and regulatory experts, to provide research services, specialist policy analysis, expert advisory services, monitoring and evaluation services for CFE projects and legislative drafting services, as and when required for a period of three (3) years.

### 26. Background

26.1 For the FSCA to effectively execute its legislated mandate as determined by its objectives and functions set out in the Financial Sector Regulation Act (Act 9 of 2017), it has identified the need to undertake the following activities, amongst others:

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26.1.1 Perform research and analysis regarding domestic and international developments relating to:

26.1.1.1 the protection of financial customers and fair customer treatment, financial education, fair and efficient financial markets, and anti-money laundering and countering the financing of terrorism (AML/CFT) matters;

26.1.1.2 market conduct risk, market efficiency and integrity risk, AML/CFT risk and financial stability risk; and

26.1.1.3 the licensing, regulatory, supervisory and enforcement practices in order to identify and mitigate the risks noted in 26.1.1.2;

26.1.2 Perform ongoing monitoring, research and assessment of technological trends and innovations (Fintech focus) to understand their impact on financial sector business models, product and solution design, and customer outcomes;

26.1.3 Develop and maintain supervisory and regulatory frameworks and practices for which the FSCA has responsibility (for the purpose of this bid, supervision includes aspects relating to licensing and enforcement);

26.1.4 Develop and promote the FSCA's financial inclusion and financial education initiatives;

26.1.5 Monitor and evaluate financial education activities, projects and programmes;

26.1.6 Perform research and analysis to further develop and support transformation of the financial sector; and

26.1.7 Co-ordinate the FSCA's interaction with other regulatory and supervisory authorities and standard setting bodies.

26.2 Due to the nature of the business requirements, the need arises from time to time for the FSCA to utilise the services of external firms in performing the activities set out above.

26.3 Bidders are required to submit proposals in respect of one or more of the following categories. Bids for each category must be clearly ticked and an area of speciality must be specified under each category selected (See Annexure A/Table 1 below).

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Table 1

CATEGORY	DESCRIPTION OF CATEGORY	✓ TICK	AREA/S OF SPECIALITY
Category 1	Financial sector, market and financial customer research and analysis		E.g. Financial customers research
Category 2	Financial sector regulatory and supervisory framework and policy development and evaluation (including development of regulatory and supervisory tools)		
Category 3	Financial Technology (Fintech)		
Category 4	Financial Education		

**NB: Failure to indicate a category may result in disqualification of the bid.**

- 26.4 For the purposes of clarity, it should be noted that an appointment to the panel does not guarantee assignment of work to any panel member. Panel members may be assigned work as and when required.
- 26.5 The selection of service providers from the panel will be on a rotational basis or be determined by the specific service required.
- 26.6 For all the categories, rates will be determined by the requirements set-out in Annexure B.

## 27. Scope of work

- 27.1 The successful bidders will be required to the mandate that inter alia includes but is not limited to the following services as referred to below:

### 27.1.1 Category 1: Financial sector, market and customer research and analysis

Bidders will be required to undertake research and produce detailed research reports, presentations and/or technical papers on financial sector issues, trends and conduct risks. The focus areas will include, but is not limited to, domestic and international trends and risks in relation to:

- 27.1.1.1 Financial customer behaviours and preferences (including a behavioural economics approach);
- 27.1.1.2 Distribution and servicing models, including in lower income customer segments;
- 27.1.1.3 Financial sector trends, developments and market research;
- 27.1.1.4 Matters affecting financial inclusion and financial sector transformation;
- 27.1.1.5 Matters affecting the payment system;
- 27.1.1.6 Matters affecting AML/CFT considerations in the financial sector;
- 27.1.1.7 Matters affecting the integrity, efficiency and stability of financial markets; and
- 27.1.1.8 Conduct, inclusion and transformation, and markets matters that may affect financial stability.

### 27.1.2 **Category 2: Financial sector regulatory and supervisory frameworks and policy development**

Bidders will be expected to provide technical support to the FSCA in carrying out legislative review and development of the market conduct regulatory and supervisory frameworks. This includes but is not limited to:

- 27.1.2.1 Reviewing existing financial sector laws;
- 27.1.2.2 Drafting legislation or similar type instruments and/or policy proposals (e.g. Discussion or Position Papers), and generally supporting policy development;
- 27.1.2.3 Analysing feedback on draft legislation or policy proposals and preparing appropriate responses;
- 27.1.2.4 Developing appropriate best-practise supervisory and regulatory approaches; and
- 27.1.2.5 Participating in identified policy projects.

### 27.1.3 **Category 3: Financial Technology**

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Bidders will be required to conduct research and assessment of technological trends and innovations to understand their external impact on financial sector business models, product and solution design and customer outcomes, in order to inform agile and appropriate regulatory and supervisory responses to technological innovations.

#### 27.1.4 Category 4: Financial Education

Bidders will be required to assist the FSCA with conducting research on best practices in promoting financial education, how to effectively and efficiently support financial education in South Africa, and monitoring and evaluation of financial education initiatives, including:

- 27.1.4.1 Determining the effectiveness of life event (generational) issues as a basis for CFE interventions;
- 27.1.4.2 Establishing the effectiveness of CFE interventions for consumer indebtedness and provide contextual recommendations;
- 27.1.4.3 Gauging the influence of income volatility on the effectiveness of CFE;
- 27.1.4.4 Probing the decision making of financial customers and their behaviour and develop CFE nudges to effect change; and
- 27.1.4.5 Monitoring and evaluation of specific financial education activities, projects and programmes according to a terms of reference provided.

## 28. Special conditions

28.1 The following special conditions are applicable to this bid:

- 28.1.1 Subsequent to appointment to the panel, a panel member will be required to enter into an agreement with the FSCA, stipulating the terms of engagement.
- 28.1.2 The FSCA may at its own discretion vary an instruction to include more work or exclude work areas.
- 28.1.3 For every assignment, an assignment letter and a purchase order will be issued to the assigned panel member.
- 28.1.4 The FSCA reserves the right to appoint a service provider outside the approved panel for purposes of rendering the services to the FSCA, subject to the correct procurement processes being followed.

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- 28.1.5 A bidder assigned any work may not cede, assign or sub-contract any part thereof to any person unless with the written consent of the FSCA or as may be required by the applicable laws.
- 28.1.6 A bidder assigned work will report directly to the Executive responsible for the area of work assigned or any person delegated by the FSCA in respect of any engagement and for the receipt and handling of all forms of reports and all administration pertaining to any particular assignment.
- 28.1.7 The bidder must declare any possible conflict of interest with the FSCA in the pursuance of the proposed assignment.
- 28.1.8 In the event that any conflict of interest is discovered during an assignment, the FSCA reserves the right to summarily cancel the assignment and demand that all information, documents and property of the FSCA be returned forthwith.

## 29. Bid evaluation

29.1 The proposals will be evaluated as follows.

### 29.1.1 Evaluation Stage One: Compliance

Compliance with administrative requirements stated in the Standard Bidding Documents and the mandatory requirements as listed in paragraph 32 below. In this evaluation stage, all bidders that fail to provide the required information and documentation, will be disqualified from further evaluation.

### 29.1.2 Evaluation Stage Two: Functional evaluation (Desktop evaluation)

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

### 29.1.3 Evaluation Stage Three: Site Inspection

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

**30. Functional evaluation (Desktop)**

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

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

**Table 2**

ITEM	DESCRIPTION	DETAILED DESCRIPTION	RATING	WEIGHT
A.	A.1. Experience of the bidder (i.e. natural person or the project leader of the bidder, if the bidder is juristic person) relating to relevant categories of expertise referred to in the scope of work. Where a bidder is a juristic person the bid must specify who the project leader will be and provide the CV/s of the project team.	A.1.1 No CV provided or less than 5 years' experience relating to any of the categories of expertise referred to in the scope of work.	0	40
		A.1.2 Provided detailed CV of bidder (natural person or a project leader of a juristic bidder) highlighting the level of directly relevant expertise and reflecting their directly relevant experience of at least 5 years but less than 10 years.	1 – 3	
		A.1.3 Provided detailed CV of bidder (natural person or a project leader of a juristic bidder) highlighting the level of directly relevant expertise and reflecting their directly relevant experience of 10 years or more.	4 – 5	
B.	B.1 Detailed portfolio of evidence of projects undertaken on relevant categories of expertise referred to in	B.1.1 No portfolio of evidence provided.	0	
		B.1.2 Provided portfolio of evidence of 1 to 4 projects undertaken on relevant categories of	1 – 3	

ITEM	DESCRIPTION	DETAILED DESCRIPTION	RATING	WEIGHT
	<p>the scope of work and area/s of specialisation under each category selected. (submit manual and/or electronic files for each category).</p> <p><b>NB: For each category selected, bidders must specify area/s of speciality based on the background (paragraph 26.1.1 to 26.1.7) and the scope of work as set out in paragraph 27</b></p>	<p>expertise referred to in the TOR and area/s of specialisation under each category selected.</p>		40
		<p>B.1.3 Provided portfolio of detailed and clear comprehensive evidence of 5 or more projects undertaken on relevant categories of expertise referred to in the TOR and area/s of specialisation under each category selected.</p>	4 - 5	
C.	<p>C.1 Bidders must submit verifiable and relevant reference letters on a company letterhead for similar projects undertaken in the past five years. Reference letters must include a description of the project undertaken.</p>	<p>C.1.1 No reference letters provided.</p>	0	20
		<p>C.1.2 Provided 1 to 4 reference letters confirming the relevant experience and skills.</p>	1 - 3	
		<p>C.1.3 Provided 5 or more reference letters confirming the relevant experience and skills.</p>	4 - 5	
<b>Total</b>				<b>100</b>

### 31. Preference point system

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

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

31.2 Where

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

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

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

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

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

**Table 1**

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

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

31.6 Bidders who did not submit their B-BBEE Status Level Verification Certificates/certified copies of sworn affidavits or who are non-compliant contributors to B-BBEE do not qualify for preference points for B-BBEE but should not be disqualified from the bidding process unless if the FSCA has

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

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

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

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

31.8.1.1 Verification agencies accredited by SANAS; or

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

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### 32. Standard bidding documents

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

**Table 2**

Invitation to bid	SBD 1
Declaration of Interest	SBD 4
Preference Points Claim Form for Preferential Procurement Regulations 2017 (including a valid B-BBEE Status Level Verification Certificate) <b>Should a bidder not complete and sign the SBD6.1, the bidder will be allocated 0.00 points for B-BBEE.</b>	SBD 6.1
Declaration: Abuse of Supply Chain Management Systems	SBD 8
Certificate of Independent Bid Determination	SBD 9

### 33. Timeline of the bid process

33.1 The period of validity of the bid and the withdrawal of offers, after the closing date and time are 120 days, expiring on 22 March 2022. The project timeframes of this bid are set out below:

**Table 3**

STAGE	DESCRIPTION OF STAGE	ESTIMATED COMPLETION DATE (OR WORK WEEK ENDING)
1.	Advertisement of bid on Government e-tender portal / print media / Tender Bulletin	27 October 2021
2.	Non-Compulsory briefing session	09 November 2021
3.	Questions relating to bid from bidder(s)	15 November 2021
4.	Bid closing date	25 November 2021
5.	Compliance: Bid Evaluation Committee	29 November 2021
6.	Functional Evaluation: (Desktop evaluation)	30 November 2021
7.	Preference Point System: Bid Evaluation Committee	03 December 2021
8.	Bid Adjudication: Bid Adjudication Committee	09 December 2021
9.	Notification of the outcome to the bidders	15 December 2021

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

33.3 Any time or date in this bid is subject to change at the FSCA's discretion. The establishment of a time or date in this bid does not create an obligation on the part of the FSCA to take any action or create any right in any way for any bidder to demand that any action be taken on the date established. The bidder accepts

that, if the FSCA extends the deadline for bid submission (the Closing Date) for any reason, the requirements of this bid otherwise apply equally to the extended deadline.

**E. ANNEXES**

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## ANNEXURE A - CATEGORIES OF EXPERTISE

33.4 Bidders must select one or more categories.

### BIDS FOR EACH CATEGORY MUST BE CLEARLY TICKED

CATEGORY	DESCRIPTION OF CATEGORY	✓ TICK	AREAS OF SPECIALITY
Category 1	Financial sector, market and financial customer research and analysis		E.g. Financial customers research
Category 2	Financial sector regulatory and supervisory framework and policy development and evaluation (including development of regulatory and supervisory tools)		
Category 3	Fintech		
Category 4	Financial Education		

**34. ANNEXURE B - GUIDELINE FOR DETERMINING FEES**

FUNCTIONAL ROLE	QUALIFICATION AND EXPERIENCE	MANIMUM HOURLY RATE	MAXIMUM DAILY RATE
Partner/Account Manager/Director/Sector Expert Legal Drafter/ Senior Financial Sector Policy or Regulatory Expert.	Relevant Postgraduate degree and 15 years or more experience.	R 3500	R 28000
Project Manager/Project Lead/Senior Legal Drafter/Senior Regulatory Expert or Advisor/Senior Financial Sector Policy or Regulatory Expert.	Relevant Postgraduate degree and 10 years or more experience.	R 3000	R 24000
Senior Consultant/Senior Researcher/Senior Specialist/Senior Manager/ Legal Drafter Financial Sector Policy or Regulatory Expert	Relevant Postgraduate degree and 8-year experience.	R 2700	R 21600
Associate Consultant/Associate Researcher/ Specialist/Manager	Relevant Bachelor's degree and 5 years or more experience.	R 1800	R 14400
Junior Consultant/Junior Researcher/Analyst	Relevant Bachelor's degree and 3 or more years' experience.	R 1500	R 12000
Report Editor/SR	Relevant Bachelor's degree and 3 years or more experience.	R 1200	R 9600
Data Collector	Relevant Diploma and 1 year or more experience.	R 500	R 4000
Data Capturer	Relevant Diploma and 1 year or more experience.	R 800	R 6400
Data Analyst	Relevant Diploma and 1 year or more experience.	R 700	R 5600

1. In exceptional circumstances, for specific projects, bidders must provide adequate motivation should they deem it necessary to charge rates higher than the rates provided in the table.
2. Rates in the table exclude operational/project expenditure e.g., travelling, hotel accommodation, parking, travel and subsistence allowance. If this expenditure will be incurred, the pricing must be shown separately.
3. Value Added Tax is excluded from the rates in the table.
4. Project-specific experience requirements will be specified in the project-specific terms of reference.
5. Rate's increase will be based on the CPI applicable for that specific year.

**STANDARD BIDDING DOCUMENTS****Standard Bidding Document (SBD 1)****PART A  
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE FINANCIAL SECTOR CONDUCT AUTHORITY					
BID NUMBER:	FSCA2021/22-T008	CLOSING DATE:	25 November 2021	CLOSING TIME:	11H00
DESCRIPTION	PANEL OF FINANCIAL SECTOR RESEARCHERS, POLICY AND REGULATORY EXPERTS				
<b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>					
Riverwalk Office Park, Block B					
41 Matroosberg Road (Corner Garsfontein and Matroosberg Roads)					
Ashlea Gardens, Extension 6, Menlo Park					
Pretoria, South Africa, 0081					
BIDDING PROCEDURE AND TECHNICAL ENQUIRIES MAY BE DIRECTED TO					
DEPARTMENT	Supply Chain Management Department				
FACSIMILE NUMBER	Not applicable				
E-MAIL ADDRESS	<a href="mailto:tenders@fsc.co.za">tenders@fsc.co.za</a>				
TELEPHONE NUMBER	012 422 7159 / 012 422 2980				
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		

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

**PART B  
TERMS AND CONDITIONS FOR BIDDING**

**1. BID SUBMISSION:**

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED- (NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
- 1.4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**

**2. TAX COMPLIANCE REQUIREMENTS**

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

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

SIGNATURE OF BIDDER: .....

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

DATE: .....

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## Standard Bidding Document (SBD 4)

### DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state<sup>1</sup>, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-
    - the bidder is employed by the state; and/or
    - the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.
  
  2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**
    - 2.1 Full Name of bidder or his or her representative: .....
    - 2.2 Identity Number: .....
    - 2.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>) :.....
    - 2.4 Company Registration Number: .....
    - 2.5 Tax Reference Number: .....
    - 2.6 VAT Registration Number: .....
    - 2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.
- <sup>1</sup>“State” means –
- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
  - (b) any municipality or municipal entity;
  - (c) provincial legislature;
  - (d) national Assembly or the national Council of provinces; or
  - (e) Parliament.
- <sup>2</sup>“Shareholder” means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

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**DECLARATION OF INTEREST (continuation)**

2.7 Are you or any person connected with the bidder presently employed by the state?

**TICK APPLICABLE**

YES	NO

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member: .....  
 Name of state institution at which you or the person connected to the bidder is employed : .....  
 Position occupied in the state institution: .....

Any other particulars:  
 .....  
 .....  
 .....

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative Work outside employment in the public sector?  
 .....  
 .....  
 .....

**TICK APPLICABLE**

YES	NO

2.7.2.1 If yes, did you attach proof of such authority to the ? bid document?  
 .....  
 .....  
 .....

**TICK APPLICABLE**

YES	NO

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:  
 .....  
 .....  
 .....

2.8 Did you or your spouse, or any of the company's Directors /trustees /shareholders /members or their spouse conduct business with the state in the previous twelve months?

**TICK APPLICABLE**

YES	NO

2.8.1. If so, furnish particulars:  
 .....  
 .....  
 .....  
 .....

**DECLARATION OF INTEREST (continuation)**

2.9 Do you or any person connected with the bidder have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid

**TICK APPLICABLE**

<b>YES</b>	<b>NO</b>

2.9.1. If so, furnish particulars:

.....  
.....  
.....

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid?

**TICK APPLICABLE**

<b>YES</b>	<b>NO</b>

2.10.1. If so, furnish particulars:

.....  
.....  
.....

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

**TICK APPLICABLE**

<b>YES</b>	<b>NO</b>

2.11.1. If so, furnish particulars:

.....  
.....  
.....

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

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


**4 DECLARATION**

I, THE UNDERSIGNED (NAME) .....  
 CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS  
 CORRECT. I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN  
 TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD  
 THIS DECLARATION PROVE TO BE FALSE.

.....  
 Signature

.....  
 Date

.....  
 Position

.....  
 Name of bidder

## Standard Bidding Document (SBD 6.1)

### PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.**

#### 1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

- (a) The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable; or
- (b) The 80/20 preference point system will be applicable to this tender.

1.3 Points for this bid shall be awarded for:

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

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

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

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

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

**2. DEFINITIONS**

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
- 1) B-BBEE Status level certificate issued by an authorized body or person;
  - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

**3. POINTS AWARDED FOR PRICE****3.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS**

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

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

80/20 or 90/10

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

Where

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

**4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR**

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

<b>B-BBEE Status Level of Contributor</b>	<b>Number of points (90/10 system)</b>	<b>Number of points (80/20 system)</b>
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

**SBD 6.1**

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

**5. BID DECLARATION**

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

**6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1**

6.1 B-BBEE Status Level of Contributor: . = .....(maximum of 10 or 20 points)  
(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

**7. SUB-CONTRACTING**

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

*(Tick applicable box)*

<b>YES</b>		<b>NO</b>	
------------	--	-----------	--

7.1.1 If yes, indicate:

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

*(Tick applicable box)*

<b>YES</b>		<b>NO</b>	
------------	--	-----------	--

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

<b>Designated Group: An EME or QSE which is at last 51% owned by:</b>	<b>EME</b>	<b>QSE</b>
	√	√
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
<b>OR</b>		
Any EME		

Any QSE		
---------	--	--

**SBD 6.1**

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

**8. DECLARATION WITH REGARD TO COMPANY/FIRM**

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

**8.4 TYPE OF COMPANY/ FIRM**

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

[TICK APPLICABLE BOX]

**8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

.....

.....

.....

.....

.....

**COMPANY CLASSIFICATION**

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

[TICK APPLICABLE BOX]

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

8.7 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as

indicated in paragraph 1 of this form;

- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
  - (a) disqualify the person from the bidding process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
  - (e) forward the matter for criminal prosecution.

<p><b>WITNESSES</b></p> <p>1. ....</p> <p>2. ....</p>	<p>..... SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE: .....</p> <p>ADDRESS..... ..... ..... .....</p>
---	--

**EXAMPLE OF SWORN AFFIDAVIT TO BE USED****SWORN AFFIDAVIT – B-BBEE EXEMPTED MICRO ENTERPRISE - GENERAL**

I, the undersigned,

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

Hereby declare under oath as follows:

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

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

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

3. I hereby declare under Oath that:

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

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

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

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

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

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

## Standard Bidding Document (SBD 8)

### DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
  - a. abused the institution's supply chain management system;
  - b. committed fraud or any other improper conduct in relation to such system; or
  - c. failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p><b>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</b></p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</p> <p>4.1.1 If so, furnish particulars:</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p><b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b></p> <p>4.2.1 If so, furnish particulars:</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Item	Question	Yes	No
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	4.4.1 If so, furnish particulars:		

I, THE UNDERSIGNED (FULL NAME).....  
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder  
Js365bW

## Standard Bidding Document (SBD 9)

### CERTIFICATE OF INDEPENDENT BID DETERMINATION

1. This Standard Bidding Document (SBD) must form part of all bids<sup>1</sup> invited.
2. Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
3. Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
  - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
  - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
4. This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid rigging.
5. In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete SBD 9

I, the undersigned, in submitting the accompanying bid:

---

(Bid Number and Description)

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**CERTIFICATE OF INDEPENDENT BID DETERMINATION (continuation)**

in response to the invitation for the bid made by:

\_\_\_\_\_

(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: \_\_\_\_\_ that:  
 (Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - (a) has been requested to submit a bid in response to this bid invitation;
  - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder.

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**CERTIFICATE OF INDEPENDENT BID DETERMINATION (continuation)**

6. 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>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
- prices;
  - geographical area where product or service will be rendered (market allocation)
  - methods, factors or formulas used to calculate prices;
  - the intention or decision to submit or not to submit, a bid;
  - the submission of a bid which does not meet the specifications and conditions of the bid;  
or
  - bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

<sup>3</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.**

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

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## F. ADMINISTRATIVE CHECKLIST

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

ITEM	DOCUMENT REFERENCE		ACTION TO BE TAKEN	YES/ NO
1.	SBD 1	Invitation to bid	Is the form duly completed and signed?	
2.	SBD 4	Declaration of Interest	Is the form duly completed and signed?	
3.	SBD 6.1	Preference Points Claim Form for Preferential Procurement Regulations 2017	Is the form duly completed, B-BBEE points claimed and form signed?	
4.	B-BBEE status level verification certificate		Is proof of B-BBEE Status level of contributor attached?	
5.	SBD 8	Declaration: Abuse of Supply Chain Management Systems	Is the form duly completed and signed?	
6.	SBD 9	Certificate of Independent Bid Determination	Is the form duly completed and signed?	
7.	Tender submission		Two (2) printed copies (one original original and one copy) submitted?	
			One (1) electronic copy submitted?	

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

.....  
 Signature

.....  
 Date

.....  
 Position

.....  
 Name of Bidder