

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE COMMUNITY SCHEMES OMBUD SERVICE					
BID NUMBER:	RFQ012-2023R	CLOSING DATE: 22 May 2023		CLOSING TIME:	16h00
DESCRIPTION	THE APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT TRAINING ON EVIDENCE EVALUATION AND ITS IMPORTANCE WITHIN ADJUDICATION FOR CSOS ADJUDICATORS				
BID RESPONSE DOCUMENTS MAY BE EMAILED TO THE BELOW (EMAIL ADDRESS) quotations@csos.org.za					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Jabulile Sithole		CONTACT PERSON	Kanozi Mlotha	
TELEPHONE NUMBER	066 302 5937 /(010) 593 0533		TELEPHONE NUMBER	066 478 5179 /(010)593 0533	
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	jabulile.sithole@csos.org.za		E-MAIL ADDRESS	kanozi.mlotha@csos.org.za	
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:		OR	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
[A DETIALED CSD REPORT REFLECTING EME OR QSE 51% OR MORE BLACK OWNERSHIP FOR AT LEAST ONE OF THE DESIGNATED GROUPS MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR SPECIFIC GOALS]					

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]
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QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?

☐ YES ☐ NO

DOES THE ENTITY HAVE A BRANCH IN THE RSA?

☐ YES ☐ NO

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?

☐ YES ☐ NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?

☐ YES ☐ NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?

☐ YES ☐ NO

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.

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, 2022 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.
- 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 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:

TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT TRAINING ON EVIDENCE EVALUATION AND ITS IMPORTANCE WITHIN ADJUDICATION FOR CSOS ADJUDICATORS

1. TERMS AND CONDITIONS

This Request for Proposal (RFP) has been compiled by the CSOS and is made available to Bidders subject to the following terms and conditions, which Bidders are deemed to acknowledge and accept:

- 1.1 A Bid submitted in response to this RFP will constitute a binding offer which will remain binding and irrevocable for a period of ninety (90) Days from the date of submission to the CSOS.
- 1.2 Unless or until a binding contract is concluded between the CSOS and the successful Bidder, the offer constituted by the Bid will be deemed not to have been accepted and no agreement will be deemed to be reached with any Bidder.
- 1.3 The CSOS reserves the right to amend, modify, withdraw or terminate this RFP or any of the requirements set out herein at any time (and from time to time), without prior notice and without liability to compensate or reimburse any Bidder or person.
- 1.4 Should this RFP be amended, the CSOS undertakes to publicize or send each Bidder in writing the amended RFP. No oral amendments by the Bidder or the CSOS shall be considered.
- 1.5 It is compulsory for a Bidder submitting a bid to be registered on the National Treasury's Central Supplier Database ("the CSD") and ensure that it remains registered for the duration of the services and/or contract, if successful.
- 1.6 The Bidder needs to ensure that it is tax compliant at the time of submitting its Bid and remains tax compliant for the duration of the contract and/or services, if successful, and undertakes to provide supporting documentation issued by the South African Revenue Services ("SARS") confirming it is tax compliant upon request by the CSOS.
- 1.7 The CSOS reserves the right to conduct site inspections or call for supporting documentation in order to confirm any information provided by a Bidder in its response to this Bid.
- 1.8 This RFP is not intended to form the basis of a decision to enter into any transaction with the CSOS and does not constitute an offer or recommendation to enter into such transaction, or an intention to enter into any legal relationship with any person.

**TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT EVIDENCE EVALUATION
AND ITS IMPORTANCE TRAINING WITHIN ADJUDICATION TRAINING FOR CSOS ADJUDICATORS**

- 1.9 Neither the CSOS or any of its respective directors, officers, employees, agents, representatives or advisors will assume any responsibility for any costs or expenses incurred by any party in or associated with preparing or submitting a Bid in response to this RFP.
- 1.10 No entity may be involved, whether directly or indirectly, in more than one Bid in response to this RFP. Failure to comply with this requirement may, within the sole discretion of the CSOS, result in disqualification of the relevant entity.
- 1.11 Any material change in the control and/or composition of any Bidder or any core member of a Bidder after submission of a Bid, shall be brought to the attention of the CSOS Supply Chain Management ("SCM") Section in writing. The CSOS shall be the sole arbiter as to what constitutes a material change in the control and/or composition of any Bidder and may in its sole discretion disqualify the Bidder from any further participation in the bid process.
- 1.12 Any requirement set out in this RFP which stipulates the form and/or content of any aspect of a Bid, is stipulated for the sole benefit of the CSOS, and unless the contrary is expressed, may be waived by the CSOS in its sole discretion at any stage in the bid process.
- 1.13 The CSOS and its advisors shall rely on a Bid as being accurate and complete in relation to the information and proposals provided therein by the Bidders.
- 1.14 All Bids submitted to CSOS shall become the property of the CSOS and will not be returned to the Bidders. The CSOS will make all reasonable efforts to maintain information contained in proposals in confidence.
- 1.15 A Bid submitted by the Bidder shall be considered irregular if it shows any omissions, or irregularities of any kind. However, the CSOS reserves the right to waive any irregularities and to make an award in the best interest of the organization.
- 1.16 The CSOS reserves the right to accept or reject in part or whole any Bid submitted, and to waive any technicalities if this is in the best interest of the organization.
- 1.17 The CSOS reserves the right to require a Bidder to provide a formal presentation of its RFP at a date and time to be determined by the CSOS. The CSOS shall provide adequate instructions and clarification regarding the purpose and scope of the presentation. All expenses shall be borne by the Bidder.
- 1.18 In this RFP, the words "service provider", "supplier" will be used interchangeably to refer to the Bidder.
- 1.19 All costs associated with the preparation and submission of the Bid remain the responsibility of the Bidder. The costs shall not be chargeable to the CSOS by the successful or unsuccessful Bidder.

1.20 All Bids must be formulated and submitted in accordance with the requirements of this RFP.

1.21 Bids received after the closing date and time as specified in this RFP shall be rejected.

2. INTRODUCTION

2.1. The Community Schemes Ombud Service (CSOS) was established as a Public Entity under the Community Schemes Ombud Service Act (Act No 9 OF 2011) [CSOS Act] and promulgated on the 11 June 2011. The CSOS is classified as a Schedule 3A Public Entity in terms of the Public Finance Management Act (Act No 1 of 1999) [PFMA].

2.1.1 Provide an alternative dispute resolution service;

2.1.2 Regulate, monitor and quality assure all community schemes governance documentation;

2.1.3 Provide training for conciliators, adjudicators, and other employees of the CSOS;

2.1.4 We are the custodians of, preserve and provide public access (electronically or by other means) to schemes governance documentation;

2.1.5 Promote good governance of community schemes;

2.1.6 Provide education, information, documentation and other such services as may be required to raise awareness to owners, occupiers, executive committees and other persons or entities who have rights and obligations in community schemes, as regards those rights and obligations;

2.1.7 Monitor community schemes governance; and

2.1.8 Deal with any matters as may be necessary to give effect to the objectives of this CSOS Act.

3. BACKGROUND

3.1 CSOS facilitates monthly internal training sessions on CSOS legislation to its dispute resolution staff which includes the training of Adjudicators and Quality Assurance Adjudicators.

3.2 CSOS now require services of an experienced service provider to provide training to CSOS adjudicators and quality assurance adjudicators, on evidence evaluation and its importance for CSOS adjudications.

- 3.3 The ability to appropriately evaluate evidence is crucial to assessing the merits of the Parties' submissions, witness' statements and expert evidence in order to determine the validity of the dispute to be resolved.
- 3.4 Accordingly, the successful service provider will provide training on how, why and when to determine the relevance of evidence within adjudications, and this shall include the process of eliminating that which is irrelevant.

4. PROJECT PURPOSE

- 4.1 The purpose of this Request for Quotations (RFQ) is to appoint an outcome-based service provider with a solid perspective on adjudications, to provide training to 60 CSOS adjudicators and quality assurance adjudicators on how and when evidence is evaluated and eliminated within the adjudication process. This shall include determination of relevant facts using underpinning principles of Evidence Law.
- 4.2 This will be done as identified in the scope of work in clause 6 below, and which shall include a manual on Evidence Evaluation within adjudications.
- 4.3 The successful bidder will conduct a 5-day training session and over a period of 1 week which shall include a technical exercise relevant to S38 and S39 of the CSOS Act, to determine assimilated knowledge by the trained candidates.

5. LEGISLATIVE FRAMEWORK

- 5.1 CSOS is primarily responsible for the administration of the CSOS Act and the Sectional Title Schemes act, however, the following pieces of legislation have a direct impact of CSOS strategy:
- 5.1.1 Community Schemes Ombud Service Act, 2011
 - 5.1.2 Sectional Titles Schemes Management Act, 2011
 - 5.1.3 Promotion of Access to Information, 2000
 - 5.1.4 Promotion of Administrative Justice Act, 2000
 - 5.1.5 Protection of Personal Information Act, 2013
 - 5.1.6 Public Finance Management Act, 1999 (Act No. 1 of 1999), *as amended*.
 - 5.1.7 Share Block Control Act, 1980 (Act No. 59 of 1980), *as amended*.
 - 5.1.8 Housing Development Schemes for Retired Persons Act [1988 (Act No. 65 of 1988) South African

5.1.9 Co-operatives Act, 2005(Act No. 14 of 2005), *as amended*;

5.1.10 Companies Act, 2008 (Act No. 71 of 2008), *as amended*; and

5.1.11 The Constitution of the Republic of South Africa

6. SCOPE OF WORK & METHODOLOGY

6.1 The successful service provider shall develop a customized training manual covering topics as articulated in 6.3 below and with due regard to S38, S39, S50 and S51 of the CSOS Act.

6.2 Using the developed customized manual, the Service Provider shall provide training on Evidence Evaluation during adjudication. The training shall be outcome based and to help improve the quality of CSOS adjudication orders.

6.3 The training will focus on the following aspects:

6.3.1 Poor or incorrect interpretation of evidence - successful review of adjudication orders;

6.3.2 Assessment and analysis of evidence - use of evidence to resolve disputes;

6.3.3 The onus and standard of proof;

6.3.4 Types of evidence and admissibility; and

6.3.5 Evaluation of evidence by an Adjudicator.

6.4 Knowledge/Expertise of the Facilitator

The bidder must demonstrate the following knowledge/expertise:

- Knowledge of the court processes – motion proceedings (similarities with the adjudication process in as far as evidence evaluation is concerned)
- Adjudication/arbitration experience
- Challenges that lead to successful appeals of adjudication orders/arbitration awards
- Facilitation of training for adjudication/arbitration

7. DELIVERABLES

- 7.1 Once the above is done, the service provide must submit the following deliverables:
- 7.1.1 Assessment results based on the technical exercise relevant to S38, S39, S50 and S51 of the CSOS Act, to be undertaken by 60 adjudicators and quality assurance adjudicators.
 - 7.1.2 A manual on evidence evaluation & its importance in an adjudication process.
- 7.2 It is expected that this deliverable will be delivered in a manner that shows a high degree of professionalism, the facilitator's competence in conciliation and adjudications.
- 7.3 All documents must be language edited – formatted using Arial 11 font and CSOS branding.

8. PROJECT TIME FRAME

- 8.1 This project will be undertaken within a period of 1 month, from the conclusion of a Service Level Agreement.
- 8.2 The deliverable listed in clause 7.1.1 & 7.1.2 above, shall be submitted to CSOS at agreed intervals and within 1 month as shall be proposed and agreed to with CSOS.
- 8.3 The service provider must include a full cost estimate in its proposal, broken down by deliverables, milestones, and timeframe. **Note: All costs must include all applicable taxes and disbursements – but exclude the training venue and refreshments as shall be provided by CSOS.**

9. PROJECT EVALUATION CRITERIA

- 9.1 A three (3) phase evaluation process will be considered in evaluating the proposals, being the mandatory requirements, functionality requirement and price and specific goals.

9.2 SUPPLY CHAIN MANAGEMENT COMPLIANCE REQUIREMENTS

9.2.1 Bidders should comply with the following compliance requirements

Documents required	Comply/ Not Comply
Valid B-BBEE certificate issued by an accredited SANAS verification agency /Affidavit signed by the EME/QSE representative and attested by a Commissioner of Oath/B-BBEE certificate issued by the Companies and Intellectual Property Commission (CIPC)	
Proof of registration on the National Treasury Central Supplier Database (provide CSD summary report or CSD number)	
Valid compliance tax PIN letter/number from SARS	
Completed SBD documents (SB1, SBD 3.3 SBD 4, SDB 6.1)	

9.3 Phase 1 : Mandatory Requirements

9.3.1 Bidders must submit all the mentioned below requirements. The following mandatory requirements must be met to qualify for functionality. Failure to comply with the below mandatory requirements will result into disqualification.

Requirements	Comply/ Not Comply
The training must be accredited by SAQA or the relevant SETA	
Legal qualification of facilitator (Bjuris or Bproc or LLB)	

9.4 Phase 2: Functional/technical Evaluation

TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT EVIDENCE EVALUATION AND ITS IMPORTANCE TRAINING WITHIN ADJUDICATION TRAINING FOR CSOS ADJUDICATORS

- 9.4.1 Only bidders that comply with the mandatory requirements will be evaluated for functional evaluation.
- 9.4.2 In this phase the evaluation will be based on the bidders 'responses in respect of the bid proposal (evaluated on the minimum functional specifications).
- 9.4.3 Prospective bidders who score a minimum of 65% points or more will be considered for the next phase 3 of evaluation (Price and Specific goals).

No	Functionality Evaluation Criteria	Weighting
1. Service provider's understanding of the assignment and deliverables required – Scope and Deliverables.	<p>Provision of a clear methodology and detailed approach and identification of key aspects of the training and how these will be addressed.</p> <p>The training will focus on the following aspects.</p> <ul style="list-style-type: none"> 1.1 Development of the Manual 1.2 Training Approach of Adjudicators 1.3 Assessment of Adjudicators 1.4 Poor/ incorrect interpretation of evidence <ul style="list-style-type: none"> - successful review of adjudication orders 1.5 Assessment and analysis of evidence - use of evidence to resolve disputes 1.6 The onus and standard of proof 1.7 Types of evidence and admissibility 1.8 Evaluation of evidence by an Adjudicator <p>Points allocation</p> <ul style="list-style-type: none"> 2. Nonresponsive response (does not meet key areas) = 0 points 3. Average response (Meets one to four key areas) = 3 points 4. Adequate response (meets five to seven key areas) = 4 points 5. Excellent response (Very detailed covering all eight areas) = 5 points 	30
2.Bidder's experience (Reference letters)	Evidence of clear management, facilitation, and co-ordination for the assignment	30

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	<p>A minimum of three (3) contactable reference letters from clients, indicating similar work undertaken and confirming similar services rendered on clients' letterheads.</p> <p>Points allocation:</p> <ul style="list-style-type: none"> • Five references letters on company letterhead = 5 Points • Four reference letters on company letterhead=4 points • Three references on company letterhead=3 points • Two reference letters on company letterhead= 2 points • One reference letter=1 point • No reference on company letterhead= 0 point. 	
<p>6. Service provider capacity and appropriate technical qualifications</p>	<p>Identification of an experienced training facilitator with qualifications to carry out the assignment.</p> <p>Attach CV of the facilitator indicating the following</p> <ul style="list-style-type: none"> • Legal qualification • experience in litigation • experience in arbitrations/adjudications, • accredited training facilitator <p>Points allocation:</p> <ul style="list-style-type: none"> • 10 years and above experience = 5 points • 7-9-years' experience = 4 points • 5-6 years' experience = 3 points • 3-4 years' experience = 2 points • 1-2 years' experience = 1 point 	<p>40</p>

TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT EVIDENCE EVALUATION AND ITS IMPORTANCE TRAINING WITHIN ADJUDICATION TRAINING FOR CSOS ADJUDICATORS

	<ul style="list-style-type: none"> Less than one year to no experience = 0 points 	
Total		100
Minimum functionality		65

9.5 PRICING AND SPECIFIC GOALS

9.5.1 To facilitate a transparent selection process that allows equal opportunity to all bidders, CSOS has a Supply Chain Management policy that will be adhered to. Proposals will be evaluated in terms of the prevailing Supply Chain Management policy applicable to CSOS and it should be noted that proposals will be assessed using the 80/20 formula (preference points system) for Price and Specific goals as per the PPPFA and CSOS Preferential Procurement Policy.

Criteria	Sub Criteria	SUBSTANTIATION	Weighting/Points
Price	Detailed budget breakdown	Attach quotation on the company letterhead as per pricing schedule	80
Specific Goals	<p>CSD report reflecting that company is at least 51% black owned by the below designated groups:</p> <ul style="list-style-type: none"> Women and/or Youth and/or People living with disability and/or Black people who are military veterans. 	Detailed (Full Registration) CSD Report	20
Total Points for Price and			100

TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT EVIDENCE EVALUATION AND ITS IMPORTANCE TRAINING WITHIN ADJUDICATION TRAINING FOR CSOS ADJUDICATORS

Specific Goals		
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10 PRICING

10.1 The bidder shall provide total price in the South African Rands inclusive of VAT if applicable. The bidders must quote for all line items on the pricing schedule.

NO	DESCRIPTION	QTY	Amount (R)
1.	Develop a customized training manual covering topics as articulated in 6.3 of TOR	1	
2.	Training Facilitation fee	60	
3	Certificates	60	
4	Assessments and Moderation	60	
SUB-TOTAL		R	
VAT @15%		R	
TOTAL INCLUDING VAT		R	

11. INSTITUTIONAL ARRANGEMENTS

- 11.1 CSOS will delegate official/s to provide guidance and oversight to the service provider.
- 11.2 Similarly, the service provider will delegate a project manager to ensure that the assignment is rolled out in terms of these Terms of Reference and as shall be recorded in the Service Level Agreement.
- 11.3 An RFQ by a consortium of individuals or a group of companies will be considered provided that the consortium is formally structured and headed by an individual or company taking overall responsibility for the consortium's activities under this assignment.

12. COPYRIGHT

- 12.1 The copyright of all data collected and the final report to be delivered by the service provider will rest with CSOS.
- 12.2 The service provider will not publish (including presentation to conferences and all other forums), whether in part or whole, the submitted report without the written permission of CSOS.

13 INSTRUCTIONS TO BIDDERS

13.1 TERMS AND CONDITIONS

- 13.1.1 CSOS reserves, under exceptional circumstances, the right to extend the closing date. All proposals and all subsequent information received from bidders will not be returned.
- 13.1.2 The adjudication process does not represent a commitment on the part of the CSOS to proceed further with that proposal or of any other bidder.

13.2 CHANGES TO THIS RFQ DOCUMENT

- 13.2.1 CSOS reserves the right to make changes on this RFQ Document. All changes will be communicated to those entities that have responded to the RFQ. No reliance shall be placed on other information or comment from any other person.

13.3 CONFIDENTIALITY

- 13.3.1 Any information relating to the submissions, through the process or otherwise, shall be treated in strict confidence.

13.4 OTHER MATTERS

- 13.4.1 CSOS reserves the right not to enter into any relationship and no correspondence pertaining to submissions will be entered into.
- 13.4.2 If CSOS does not accept any proposal, it will declare this RFQ call process closed and may then elect to:
- Proceed on a completely different basis; and
 - Not to appoint any respondent in the event it deems proposals not appropriate.
- 13.4.3 CSOS will not accept any responsibility for costs incurred by bidders in preparing and submitting proposals.

13.4.4 CSOS reserves the right to engage in processes to validate all claims made in the proposal.

13.5 PAYMENT STRUCTURE

13.5.1 CSOS undertakes to pay in full within thirty (30) days, all valid claims for work done to its satisfaction upon presentation of a substantiated claim/invoice.

13.6 GENERAL

13.6.1 It is important to note that the successful bidder will work under the supervision of a CSOS representative, abide by CSOS's Code of Conduct, and other organizational guidelines.

13.6.2. The successful bidder will be required to sign a Service Level Agreement (SLA)

14. CONTACT DETAILS

14.1 Information regarding the **technical content** of this assignment is available from:

Name : Ms K Mlotha, Adjudicator General
Tel : (+27 10) 593 0533
Cell : 066 478 5179
E-mail : kanozi.mlotha@csos.org.za

14.2 Further information regarding the Supply Chain Management requirements for this assignment is available from the CSOS Supply Chain Management Section:

Name : Ms J Sithole, Senior Procurement Specialist
Tel : (+27 10) 593 0533
Cell : 060 302 5937
E-mail : jabulile.sithole@csos.org.za

PRICING SCHEDULE
(Professional Services)

NAME OF BIDDER: **BID NO: RFQ012-2023R: THE APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT TRAINING ON EVIDENCE EVALUATION AND ITS IMPORTANCE WITHIN ADJUDICATION FOR CSOS ADJUDICATORS**

CLOSING DATE : 22 MAY 2023

CLOSING TIME 16h00

OFFER TO BE VALID FOR 90 DAYS FROM THE CLOSING DATE OF BID.

ITEM NO <u>TAX</u>	DESCRIPTION	BID PRICE IN RSA CURRENCY INCLUSIVE OF <u>VALUE ADDED</u>
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DESCRIPTION: THE APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT TRAINING ON EVIDENCE EVALUATION AND ITS IMPORTANCE WITHIN ADJUDICATION FOR CSOS ADJUDICATORS

1. Services must be quoted in accordance with the attached terms of reference.

Services must be quoted in accordance with the attached terms of reference.

Total cost of the assignment (R inclusive VAT

R.....

PRICING SCHEDULE

NO	DESCRIPTION	QTY	Amount (R)
1.	Develop a customized training manual covering topics as articulated in 6.3 of TOR	1	
2.	Training Facilitation fee	60	
3	Certificates	60	
4	Assessments and Moderation	60	
SUB-TOTAL		R	
VAT @15%		R	
TOTAL INCLUDING VAT		R	

Signature (Bidder)

Date

The financial proposal for this assignment should cover for all assignment activities as per terms of reference

2. Period required for commencement with project after acceptance of bid_____
- 3 Are the rates quoted firm for the full period? Yes/No
4. If not firm for the full period, provide details of the basis on which Adjustments will be applied for, for example consumer price index.

Technical enquiries regarding bidding procedures may be directed to:

Kanozi Mlotha

Tel: (010) 593 0533

Cell: 066 478 5179

E-mail address: kanozi.mlotha@csos.org.za

Supply Chain queries may be directed to:

Jabulile Sithole

Cell: 066 302 5937

Email: jabulile.sithole@csos.org.za

PLEASE REFER TO THE ATTACHED TERMS OF REFERENCE FOR MORE INFORMATION.

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

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

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

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state? **YES/NO**

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

Full Name	Identity Number	Name of State institution

2.2 Do you, or any person connected with the bidder, have a relationship

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

with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....

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

2.3.1 If so, furnish particulars:

.....

3 DECLARATION

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

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring

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

institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

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

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature	Date
.....
Position	Name of bidder

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- 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 To be completed by the organ of state

- a) The applicable preference point system for this tender is the **80/20** preference point system.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
(b) Specific Goals.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

		POINTS
PRICE		80
SPECIFIC GOALS	Detailed (Full Registration) CSD Report	20
Total points for Price and SPECIFIC GOALS		100

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \\ \mathbf{Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)} & \mathbf{or} & \mathbf{Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)} \end{array}$$

Where

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

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

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

$$\begin{array}{ccc} 80/20 & \text{or} & 90/10 \\ Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right) & \text{or} & Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right) \end{array}$$

Where

- Ps = Points scored for price of tender under consideration
Pt = Price of tender under consideration
Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
- then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
EME OR QSE which is at least 51% black owned by: <ul style="list-style-type: none"> • Women and/or; • Youth and/or • People living with disabilities, and/or • Military veterans 	20	

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety
- ☐ Close corporation
- ☐ Public Company
- ☐ Personal Liability Company
- ☐ (Pty) Limited
- ☐ Non-Profit Company
- ☐ State Owned Company

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I 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 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –

- (a) disqualify the person from the tendering 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 tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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, if deemed necessary.

<p>.....</p> <p>SIGNATURE(S) OF TENDERER(S)</p>	
SURNAME AND NAME:
DATE:
ADDRESS:

