

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE COMMUNITY SCHEMES OMBUD SERVICE					
BID NUMBER:	RFQ011-2023	CLOSING DATE:	23 MARCH 2023	CLOSING TIME:	16h00
DESCRIPTION	THE APPOINTMENT OF A SERVICE PROVIDER TO RENDER TRAINING FOR THE LEGAL SERVICES DEPARTMENT				
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	Kanya Siqam	CONTACT PERSON	Nonkululeko Mthethwa		
TELEPHONE NUMBER	(010) 593 0533	TELEPHONE NUMBER	010) 593 0533		
FACSIMILE NUMBER		FACSIMILE NUMBER			
E-MAIL ADDRESS	kanya.siqam@csos.org.za	E-MAIL ADDRESS	nonkululeko.mthethwa@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]
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 RENDER TRAINING FOR THE LEGAL SERVICES DEPARTMENT

1. TERMS AND CONDITIONS

This Request for quotation (RFQ) 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 RFQ 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 RFQ 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 RFQ be amended, the CSOS undertakes to publicize or send each Bidder in writing the amended RFQ. 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 to confirm any information provided by a Bidder in its response to this Bid.



TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO RENDER TRAINING FOR THE LEGAL SERVICES DEPARTMENT

- 1.8 This RFQ is not intended to form the basis of a decision to enter any transaction with the CSOS and does not constitute an offer or recommendation to enter such transaction, or an intention to enter into any legal relationship with any person.
- 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 RFQ. 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 changes 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.

TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO RENDER TRAINING FOR THE LEGAL SERVICES DEPARTMENT

- 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 RFQ, 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 RFQ shall be rejected.

CONFIDENTIALITY AND INTELLECTUAL PROPERTY

- 1.22 All the produced documents are the property of CSOS.
- 1.23 The CSOS is not obliged to appoint a bidder with the lowest price if based on its sole discretion and assessment, the said bidder does not exhibit or demonstrate adequate capacity or full comprehension of the scope of work to be undertaken. In this regard, CSOS may appoint the second-ranked bidder provided that the reasons for such deviation are properly justified.

TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO RENDER TRAINING FOR THE LEGAL SERVICES DEPARTMENT

2. INTRODUCTION

- 2.1 The Community Schemes Ombud Service (CSOS) is established in terms of the Community Scheme Ombud Service Act, 2011 [Act 9 of 2011) to regulate the conduct of parties within community schemes and to ensure their good governance. CSOS reports to the Minister of Human Settlement and is accountable to Parliament.
- 2.2 In order for CSOS to deliver on its mandate, key amongst other priorities of the organization is:
 - 2.2.1 To regulate all community schemes in South Africa and part of our regulatory function entails the provision of dispute resolution services.
 - 2.2.2 To promote good governance of community schemes by developing and implementing appropriate guidelines to enhance stability and harmonious relations amongst the parties.
 - 2.2.3 To roll out massive educational campaigns to educate and train stakeholders within community schemes and the public at large.
 - 2.2.4 To enhance community schemes tenure as alternative tenure option.
 - 2.2.5 To develop and implement appropriate organisational systems, controls, and measures to enhance financial, economic, and organisational efficiency.

3. PROJECT BACKGROUND

- 3.1 As per HR training requirements, the CSOS Legal Services section has requested various training courses for 3 (three) CSOS officials. The training will assist the section fulfil their performance indicators and overall improve the functions of the section.
- 3.2 The training courses will assist the section with more knowledge and capability in applying tools and techniques of contract management, litigation and compliance, administration and evaluation and monitoring.

4. PROJECT PURPOSE

- 4.1 The purpose of this Request for Quotation (RFQ) is to appoint an experienced and reputable service provider that can assist the CSOS Legal Services Officials with training sessions for Litigation and Compliance, Advanced contract management, Outcomes-Based Monitoring and Evaluation Implementation, Policy management, Implementation and Analysis in the public sector and Monitoring and evaluation for the

TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO RENDER TRAINING FOR THE LEGAL SERVICES DEPARTMENT

public sector training. These trainings will improve the overall performance of the Legal Services section and assist the section with strategic objectives for the unit as well as the business.

5 SCOPE OF WORK

5.1 CSOS hereby requests experienced and reputable bidders to submit quotations for Litigation and Compliance, Advanced contract management, Outcomes-Based Monitoring, Policy management, Implementation and Analysis in the public sector and Monitoring and evaluation for the public sector skills training. The prospective service provider is requested to present training courses between 5 and 90 days for three CSOS officials.

Skills programme Title	Unit Standard Title	Unit standard ID	Credits	Outcomes
Advanced Contract Management	Recognise and respond to key challenges when managing contracts		4	Effective management of contractual challenges
	Deploy a range of contract management tools and demonstrate appropriate behaviours in a range of contract management situations		4	Effective use of contractual management tools
	Manage cost and supplier performance during the contract so that contract outcomes are consistent with expectations		4	Effective management of supplier performance
	Manage contracts in a way that ensures effective stakeholder engagement contracts		4	Effective stakeholder engagement

TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO RENDER TRAINING FOR THE LEGAL SERVICES DEPARTMENT

	Comply with the contract management framework and reduce the impact of uncertainty upon contractual results		4	Reduced uncertainty on contractual results
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Skills programme Title	Unit Standard Title	Unit standard ID	Credits	Outcomes
Risk, Compliance and Governance Law	Compliance – The South African regulatory environment • The international regulatory environment (UK and USA) • The case for compliance – why comply? • The compliance framework • The regulator and its objectives • The role of the compliance function and the compliance officer • The building blocks of an effective compliance programme		5	
	Corporate Governance – The need for good corporate governance • Corporate governance principles • Creating a		5	

TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO RENDER TRAINING FOR THE LEGAL SERVICES DEPARTMENT

	governance culture • The legislative framework			
	Risk Management – Training and awareness • Business risk vs compliance risk • Loss of reputation – case studies • Risk management and good governance		5	
	Financial Markets – Understanding financial markets • Financial sector regulation • Market abuse, market manipulation and insider trading • Case studies (local and international) • Comparative analysis – South Africa, UK and USA		5	
	Financial Crime – Money laundering • Bribery and corruption • Financing terrorism • Data security • Financial sanctions • High risk clients and politically exposed persons • The Financial Action Task Force recommendations • South African legislative framework • UK legislative		5	

TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO RENDER TRAINING FOR THE LEGAL SERVICES DEPARTMENT

	framework • USA legislative framework.			
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Skills programme Title	Unit Standard Title	Unit standard ID	Credits	Outcomes
Monitoring and Evaluation for the Public Sector	Performance management systems		3	Develop an understanding of the importance of monitoring and evaluation as a tool for the public sector to manage performance related processes of policy implementation, strategic management and programme/project management.
	Project management and the project cycle		3	Understand the composition of the Government-wide monitoring and institutional
	Monitoring and evaluation		3	Understand key monitoring and evaluation concepts and principles in the

TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO RENDER TRAINING FOR THE LEGAL SERVICES DEPARTMENT

				government context.
	Statistical analysis		3	Understand data collection and data analysis for monitoring and evaluation
	Research module		3	Understand the relationship between institutional monitoring and evaluation and the GWME system. Understand and apply techniques for statistical and data analysis.

Skills programme Title	Unit Standard Title	Unit standard ID	Credits	Outcomes
Outcomes-Based Monitoring and Evaluation Implementation	Basics of results-based management, Concepts of M&E Problem analysis and M&E readiness assessment		3	<ul style="list-style-type: none"> - Understand the concepts of M&E - Determine relevant indicators and data necessary for M&E - Design an M&E process

**TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO RENDER TRAINING FOR
THE LEGAL SERVICES DEPARTMENT**

				<ul style="list-style-type: none"> - Determine relevant indicators and data necessary for M&E - Design an M&E process
	Results chain and logical framework, Selecting indicators and Outcome statements		3	<ul style="list-style-type: none"> - Appreciate evaluation in the context of developmental work - Understand the framework of analytical categories of evaluation - Undertake a problem analysis - Develop results chains and logframes
	Data-related considerations, Techniques for monitoring and evaluating designs and types of evaluation and M&E reporting		3	<ul style="list-style-type: none"> - Establish baselines and targets - Develop a results measurement matrix, and - Develop an indicators-data grid

TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO RENDER TRAINING FOR THE LEGAL SERVICES DEPARTMENT

Skills programme Title	Unit Standard Title	Unit standard ID	Credits	Outcomes
Policy management, Implementation and Analysis in the public sector	Policy formulation Policy implementation Problem solving Policy analysis Delegation		3	Ability to identify and consult with stakeholders to determine needs, expectations and demands suggest solutions to the problems to successful policy implementation facilitate the solving of problems to ensure optimal and accessible service delivery solve basic operational problems relating to service delivery in order to achieve operational objectives, and use a variety of different models when formulating policies for the Public Sector.

The Service provider will provide training of the above-mentioned to CSOS Officials as follows:

- Knowledge of Business Law and strategic practices.
- Structured approach to the application of Advanced Contract Management, Outcomes-Based Monitoring and Evaluation Implementation, Policy

TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO RENDER TRAINING FOR THE LEGAL SERVICES DEPARTMENT

management, Implementation and Analysis in the public sector and Monitoring and evaluation for the public sector and Compliance and Litigation Training.

Deliverables

- All Presentations and support training material for each course must be provided.
- Hardcopies of course material.
- Access to classes, virtual or in – person.

6. SUPPLY CHAIN MANAGEMENT REQUIREMENTS

6.1 Bidders should submit the following :

Documents required	Submitted (Yes/No)
Valid B-BBEE certificate issued by an accredited SANAS verification agency /Sworn Affidavit signed by the EME 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). Failure to meet this requirement will lead to disqualification of the bidder.	
Valid tax pin number/Tax compliance letter.	
Fully completed SBD documents (SBD 1, 3.3, 4, and 6.1)	

TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO RENDER TRAINING FOR THE LEGAL SERVICES DEPARTMENT

7. MANDATORY REQUIREMENTS

7.1 Bidders must comply with the below mandatory requirement, bidders who fail to meet the mandatory requirement will not be further evaluated on price and specific goals.

Submitted	Comply/ Not Comply
<ul style="list-style-type: none"> CV's of the facilitator/s must be attached to demonstrate at least 3 years' experience conducting training or workshops or lecturing . 	
<ul style="list-style-type: none"> Submit qualifications of facilitator indicating level of expertise and LLB degree ,Higher qualification or equivalent . 	
<ul style="list-style-type: none"> Proof of course accreditation with the relevant SETA. 	

8. EVALUATION CRITERIA

8.1 In order 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

TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO RENDER TRAINING FOR THE LEGAL SERVICES DEPARTMENT

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 Specific Goals			100

9. Pricing Schedule

9.1 The bidder shall provide total price in the South African Rand inclusive of VAT. Where conflicts exist between the price quoted in the pricing schedule and the other prices quoted by the bidder elsewhere, the price quoted in the pricing schedule shall prevail. Provision for VAT in the bid price should be calculated at 15%. Quoted prices must be inclusive of agency commission where applicable. The bidders must quote for all line items on the pricing schedule.

TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO RENDER TRAINING FOR THE LEGAL SERVICES DEPARTMENT

10. INSTRUCTIONS TO BIDDERS

10.1 TERMS AND CONDITIONS

10.1.1 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.

10.1.2 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.

10.2 CHANGES TO THIS RFQ DOCUMENT

10.2.1 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.

10.3 CONFIDENTIALITY

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

10.4 OTHER MATTERS

10.4.1 CSOS reserves the right not to enter into any relationship and no correspondence pertaining to submissions will be entered into.

10.4.2 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.

10.4.3 CSOS will not accept any responsibility for costs incurred by bidders in preparing and submitting proposals.

TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO RENDER TRAINING FOR THE LEGAL SERVICES DEPARTMENT

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

10.5 PAYMENT STRUCTURE

10.5.1 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.

10.5.2 Payments will only be made on the basis of the work completed (milestones/deliverables) as per the project implementation plan to be agreed at the inception of the project.

10.6 GENERAL

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

11. CONTACT DETAILS FOR INFORMATION

11.1 Further information regarding technical matters can be sent via email to Kanya Sicam : kanya.sicam@csos.org.za Tel: 010 593 0533

11.2 Further information regarding supply chain management matters can be send via email to Nonkululeko. Mthethwa: nonkululeko.mthethwa@csos.org.za or at Tel: 010 593 0533/ 060 524 5867

PRICING SCHEDULE
(Professional Services)

NAME OF BIDDER:BID NO:
THE APPOINTMENT OF A SERVICE PROVIDER TO RENDER TRAINING FOR THE LEGAL SERVICES DEPARTMENT
CLOSING TIME 16:00PM ON 24 MARCH 2023

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 RENDER TRAINING FOR THE LEGAL SERVICES DEPARTMENT

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

Total cost of the assignment (R inclusive VAT)

Description	Quantity (per learner)	Price
Cost of facilitating workshop	4	R
Course Materials	4	R
Certificates	4	R
Assessments/POE	4	R
Subtotal		R
VAT @15% (if applicable)		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:

Kanya Sicam

Tel: (010) 593 0533

E-mail address: Kanya.Sicam@csos.org.za

Supply Chain queries may be directed to:

Nonkululeko Mthethwa

Cell: (010) 593 0533

Email address: Nonkululeko.Mthethwa@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**

(delete whichever is not applicable for this tender).

- 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	
SPECIFIC GOALS	
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:

$$P_S = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right) \text{ or } P_S = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

P_{max} = 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 (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)

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.

..... SIGNATURE(S) OF TENDERER(S)	
SURNAME AND NAME:
DATE:
ADDRESS:

