



**REFERENCE: IEC/ICT-04/2023**

**CLOSING DATE: 8 DECEMBER 2023**

**ENQUIRIES**

**TECHNICAL SPECIFICATIONS: Melanie du Plessis**

Tel: (012) 622-5700 or eMail: [duplessism@elections.org.za](mailto:duplessism@elections.org.za)

**ADMINISTRATIVE ENQUIRIES: Mr Vincent Qwabe**

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

**TENDER IEC/ICT-04/2023**

**SERVICE DESCRIPTION: RESULTS SYSTEM AUDIT**

Kindly furnish the Electoral Commission with a bid for the provisioning of a results systems audit as per this tender document.

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

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

A tender briefing session will be held at 11:00, virtually on 22 November 2023 ([link](#))

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

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

Yours sincerely

**SUPPLY CHAIN MANAGEMENT**

**Electoral Commission**

*Ensuring Free and Fair Elections*

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

**TENDER NUMBER: IEC/ICT-04/2023**

**SERVICE DESCRIPTION: RESULTS SYSTEM AUDIT**

**CLOSING TIME: 11:00**

**CLOSING DATE: 8 DECEMBER 2023**

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

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

ALL TENDER FORMS (**PAGE 2 THROUGH TO PAGE 49**) MUST BE COMPLETED AND SIGNED IN ORIGINAL INK. THE BIDDER IS HOWEVER NOT REQUIRED TO FILL IN THE TENDER EVALUATION CRITERIA. FORMS WITH PHOTOCOPIED SIGNATURES/ INITIALS OR ANY OTHER SUCH REPRODUCTION OF DETAIL WILL BE REJECTED, RESULTING IN THE TENDER BEING DISQUALIFIED.

SUBMIT YOUR BID IN A SEPARATE SEALED ENVELOPE OR SUITABLE CONTAINER IF NECESSARY AND WRITE YOUR COMPANY NAME AS WELL AS THIS TENDER REFERENCE NUMBER (**IEC/LG-06/2023**) ON THE ENVELOPE/ CONTAINER.

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

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

**Election House**

**Riverside Office Park**

**1303 Heuvel Avenue**

**CENTURION**

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

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

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

ONLY BIDS SUBMITTED IN THE CORRECT TENDER BOX(ES) AS SPECIFIED IN THE TENDER DOCUMENT OF THE ELECTORAL COMMISSION SHALL BE ACCEPTED. BIDS SUBMITTED IN THE ADDRESS NOT SPECIFIED IN THE TENDER DOCUMENT, BY TELEGRAM, FACSIMILE, POST OR BY ELECTRONIC MEANS SUCH AS eMAIL WILL NOT BE ACCEPTED FOR CONSIDERATION.

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

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

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## **BACKGROUND**

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

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

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

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

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

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

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## **GENERAL TENDER CONDITIONS**

1. These conditions form part of the tender and failure to comply with these may invalidate a bid.
2. The following definitions shall apply:
  - (a) “all applicable taxes” includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
  - (b) “B-BBEE” means broad-based black economic empowerment as defined in section 1 of the Broad Based Black Economic Empowerment Act;
  - (c) “B-BBEE status level of contributor” means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
  - (d) “bid” means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations and advertised competitive bidding processes;
  - (e) “Broad-Based Black Economic Empowerment Act” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003); together with the Broad-Based Black Economic Empowerment Amendment Act, 2013 (Act No. 46 of 2013)
  - (f) “comparative price” means the price after the factors of a non-firm price and all unconditional discounts that can be utilised have been taken into consideration;
  - (g) “consortium or joint venture” means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract;
  - (h) “contract” means the agreement (including a service level agreement) that results from the acceptance of a bid by the Electoral Commission;
  - (i) “EME” means any exempted micro enterprise with an annual total revenue that is less than the prescribed threshold value;
  - (j) “firm price” means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
  - (k) “functionality” means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
  - (l) “non-firm prices” means all prices other than “firm” prices;
  - (m) “person” includes a juristic person;
  - (n) “rand value” means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable duties and taxes;
  - (o) “service provider” means any individual or entity that is contracted by the Electoral Commission to render goods or services.
  - (p) “specific goal” means specific goals as contemplated in section 2(1)(d) of the Preferential Procurement Policy Framework Act, 2000

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- (q) “state” means any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act (the PFMA), 1999 (Act No. 1 of 1999), any municipality or municipal entity, provincial legislature, National Assembly or the National Council of provinces; or Parliament;
- (r) “sub-contract” means the primary bidder/contractor’s assigning, leasing, making out work to, or employing, another person to support such primary bidder/contractor in the execution of part of a project in terms of the SLA/contract.

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

- (s) “total revenue” bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad Based Black Economic Empowerment Act and promulgated in the Government Gazette on 9 February 2007; and
- (t) “trust” means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person.

3. The tender forms are drafted to ensure that certain essential information is to be furnished in a specific manner. Any additional particulars shall be furnished in the enclosed questionnaire/s (where applicable) or in a separate annexure/s.
4. The tender forms shall not be retyped or redrafted but photocopies may be prepared and used. All photocopied pages must, however, be completed and signed/initialled in original ink as stipulated.
5. Additional offers may be made for any item in response to this tender but only on a photocopy of the applicable page/s. Additional offers made in any other manner may be disregarded.
6. Tenders will not be qualified by the bidder’s own conditions of tender. Failure to comply with this requirement shall invalidate the bid.
7. Failure on the part of the bidder to *sign/initial all applicable pages* of this tender form and thus to acknowledge and accept the conditions in writing shall invalidate the bid submission.
8. Failure on the part of the bidder to complete the attached forms, questionnaires and specifications document in all respects may invalidate the bid submission. Failure to complete mandatory forms/schedules shall invalidate the bid submission.
9. All changes/ alterations in the tender document should be signed/initialled. Failure on the part of the bidder to sign/initial any alterations and/or corrections made to information provided in this tender form may invalidate the tender submission.
10. No correction fluid/tape or similar products will be allowed and the use thereof on any page of the tender document may invalidate your bid submission.
11. Any changes/ alterations to pricing that are not signed/ initialled are considered material, and shall invalidate the bid submission. Correction fluid/tape or similar products will not be allowed to amend prices and the use thereof shall invalidate the bid submission.
12. Information/detail provided on completed tender forms must be legible and ink must be used. Tender forms completed and signed mechanically, e.g. by means of a typewriter/computer or a signature/initial by means of a stamp are deemed to have been completed in original ink. Pencil must not be used as it shall lead to the disqualification of the bid submission.
13. Bidders shall check the numbers of the pages and satisfy themselves that none are missing or duplicated. No liability shall be accepted with regard to claims arising from the fact that pages are missing or duplicated. Incomplete bid submissions (i.e. with missing pages) shall be disqualified.

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14. Tender prices must be all inclusive, including VAT in respect of all vendors registered for VAT purposes. Non-VAT registered bidder shall not charge nor be eligible for the payment of VAT.
15. Tender prices for supplies in respect of which installation/ erection/ assembly is a requirement, shall include ALL costs inclusive of VAT on a basis of delivered on site as specified.
16. The Electoral Commission shall only accept bids at prices that are market related. In the event that a bid is deemed to not be market related the Electoral Commission reserves the right to negotiate prices in accordance with the provisions of the SCM policy in order to achieve a market related price or cancel the tender altogether.
17. National Treasury has placed an obligation on all bidders that intend doing business with government to register on its Central Supplier Database (CSD). The Electoral Commission will not contract any bidder that is not registered on the CSD.
18. It is an absolute requirement that the tax affairs of the successful bidder must be in order.
19. An entity's tax compliance status is indicated on the Central Supplier Database (CSD). The Electoral Commission will only contract bidders whose tax status is compliant. This means that if a bidder has a non-compliant tax status before the award is completed the bid will be disqualified if that bidder's tax affairs remains non-compliant as per the provisions of National Treasury Instruction 9 of 2017/2018. It remains the bidder's responsibility to ensure that their taxes are in order, remain in order and that this is reflected on the CSD. The bidder must also ensure that all sub-contractors (if applicable) are tax compliant.
20. Bids must be submitted based on firm tender prices and delivery periods, unless otherwise stated in the bid specifications. Consequently, bidders must clearly state whether prices and delivery periods will remain firm for the duration of the SLA/contract or not.
21. When the SLA/contract is awarded on the basis of firm prices, contract prices may be adjusted during the contract period only if:
  - (a) customs or excise duty or any other duty, levy or tax (excluding any anti-dumping and countervailing duties or similar duties), is introduced in terms of any Act or regulation; or
  - (b) any such duty, levy or tax is legally changed or abolished; and
  - (c) the onus of proof of the effect of such events is placed upon the bidder.
22. If non-firm prices are provided for in the bid specifications, the following rules shall apply:
  - (a) In respect of any factors which demonstrably have an influence on the production cost of the supplies or the cost of rendering the services which have been tendered on the basis of non-firm prices, price adjustments which become effective during the contract period may be allowed with effect from the date of the change in cost and founded on the actual direct change in the cost as used in the calculation of the tender price, in addition to those provided for.
  - (b) Where the bidder is the manufacturer of the supplies or the provider of the service, or where he/she/they is the accredited agent of the manufacturer or the provider, evidence in support of the price adjustments claimed shall be produced on demand.
  - (c) As an alternative, the bidder may specify a formula in the bid submission for the purpose of adjusting prices in accordance with published indices.
  - (d) Where the bidder is not the provider of the service, or where he/she/they is not the accredited agent of the provider, any price adjustment shall be based on the increase or reduction to the bidder in the net cost of the supplies on which the tender price was based. When any such increase or reduction in costs occurs, the bidder shall submit copies of the quotation or price list with reference to which the tender price as calculated, as well as the revised quotation or price list on which the claim is based.

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23. Where prices are subject to exchange rate fluctuations, bidders must take that factor into account when bidding and, where necessary, should ensure that they have taken the necessary forward cover to provide for possible price increases. When applicable, specific detail to this effect should be included in the bid submission.
24. Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts.
25. Unconditional discounts offered by any bidder as part of their bid submission may be considered by the Electoral Commission at its sole discretion in the bid adjudication process. Any other discounts offered by any bidder will be taken into consideration for payment purposes.
26. The bid specifications form an integral part of the tender document and bidders shall indicate in the space/s provided whether the specific goods and/or services offered are according to specification or not.
27. In cases where the goods and/or services offered are not according to specification, the deviations from the specifications must be indicated. Specifications may not, however, be changed on the tender forms provided as that shall invalidate a bid submission.
28. Unless specifically provided for in the tender document, no bids transmitted by facsimile or email will be considered.
29. Bidders are requested to promote local content as far as possible.
30. A service level agreement (SLA/contract) shall be entered into with the successful bidder.
31. Unless otherwise stipulated, all tools/equipment needed must be supplied by the successful bidder.
32. Any bidder found to be influencing the tender adjudication process shall be automatically disqualified and not accepted for consideration.
33. In accordance with the Electoral Commission's policy, the Electoral Commission reserves the right to procure goods/services outside of the SLA/contract if, *inter alia*, an emergency arises; the service provider's point of supply is not situated at or near the place where services are required or, if the service provider's services are not readily available.
34. The Electoral Commission reserves the right to negotiate the extension of the SLA/contract at its sole discretion with due regard to any statutory provisions imposed by National Treasury at the time of considering such extension.
35. The Electoral Commission may, at its sole discretion, resolve to procure lesser or additional goods/services as provided through the tender should the need arise. Any such change in the scope of services shall be negotiated with the successful bidder if and when relevant with due regard to any statutory provisions imposed by National Treasury at the time of considering such.
36. Bid submissions received by the Electoral Commission and bid evaluation, assessment and adjudication reports that may contain sensitive information relating to any specific bids are not available for perusal by the public.
37. All information supplied by the Electoral Commission will be in the strictest confidence and will remain the proprietary information of the Electoral Commission. No bidder will be permitted to disclose any such information to any third party without the prior express consent and/or written authority and/or consent of the Electoral Commission.
38. Should the bidder fail to comply with any of the conditions of the SLA/contract, the Electoral Commission shall be entitled, without prejudice to any of its other rights, to:
  - (a) arrange for the alternative execution of the service/s not rendered or not in conformity with the specifications of the SLA/contract; and

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

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writing to the contact person stated in the service level agreement (SLA/contract), and at the same time the service provider shall indicate the extension of the delivery/completion period which will then be required.

42. If information required in respect of any item in the tender document cannot be adequately inserted in the space provided, additional information may be provided on a separate sheet of paper with a clear and accurate reference to the item and page of the tender document.
43. Bidders may, at the discretion of the Electoral Commission, be requested to submit samples or prototypes, make presentations and/or written submissions in order for the Electoral Commission to assess compliance with tender conditions and specifications.
44. Scoring in respect of this tender will be based on the provisions of the Preferential Procurement Policy Framework Act, 2000 (PPPFA) and Preferential Procurement Regulations, 2022. Only valid B-BBEE status level certificates, CIPC B-BBEE certificates or B-BBEE affidavits are acceptable, and these will be subject to verification and validation.
45. The following preference point systems are applicable to bids of the Electoral Commission:
  - (a) the 80/20 system for goods and/or services with a Rand value equal to or below R50,000,000 (all applicable taxes included);
  - (b) the 90/10 system for goods and/or services with a Rand value above R50,000,000 (all applicable taxes included); and
  - (c) if it is unclear which preference point system will be applicable, then either the 80/20 or the 90/10 preference point system will apply and the lowest acceptable bid will be used to determine the applicable preference point system.
46. **The value of this tender is estimated to not exceed R50,000,000 (all applicable taxes included) and therefore the 80/20 scoring system shall be applicable.**
47. Preference points for this bid shall be awarded for:
  - (a) Price (80 or 90 as applicable); and
  - (b) Specific goal(s) (a maximum of 20 or 10 as applicable).
48. A maximum of 80 or 90 points is allocated for price on the following basis:

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

Where

$P_s$  = Points scored for price of bid under consideration  
 $P_t$  = Price of bid under consideration  
 $P_{\min}$  = Price of lowest acceptable bid

49. In terms of Regulation 3(b) of the Preferential Procurement Regulations, 2022 preference points must be awarded to a bidder for specific goal(s) in accordance with the table below:

B-BBEE Status Level of Contributor	Number of Points 80/20	Number of Points 90/10
1	20	10
2	18	9
3	14	6
4	12	5
5	8	4
6	6	3
7	4	2
8	2	1
Non-compliant contributor	0	0

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50. Bidders who qualify as exempted micro enterprises (EMEs) in terms of the B-BBEE Act and its codes must submit a CIPC B-BBEE certificate or B-BBEE sworn affidavit (with the exception of sector codes).
  - (a) For EMEs falling under a sector charter, the bidder must submit a B-BBEE document in compliance with the applicable sector code.
51. Bidders who qualify as qualifying small enterprises (QSEs) in terms of the B-BBEE Act and its codes must submit a B-BBEE sworn affidavit or B-BBEE status level certificate as applicable.
  - (a) QSEs with at least 51% black ownership must submit a B-BBEE QSE sworn affidavit.
  - (b) QSEs with 50% or less black ownership must submit their valid B-BBEE status level certificate, issued by a Verification Agency accredited by South African Accreditation System (SANAS) substantiating their B-BBEE claims. A black-owned QSE may be measured in terms of the QSE scorecard should it so choose and therefore may also provide a valid B-BBEE status level certificate issued by a Verification Agency accredited by SANAS substantiating their B-BBEE claims.
52. Bidders other than EMEs or QSEs must submit their valid B-BBEE status level certificate issued by a Verification Agency accredited by South African Accreditation System (SANAS), substantiating their B-BBEE claim.
53. Failure on the part of a bidder to submit a sworn affidavit, or a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) together with the bid, will be interpreted to mean that preference points for specific goals are not claimed.
54. In order to validate the credibility of the information recorded on the B-BBEE verification certificate, sworn affidavit or CIPC B-BBEE certificate the Electoral Commission requires all applicable supporting documents.
55. An incorporated joint venture will qualify for points for its B-BBEE status level as a legal entity, provided that the entity submits its B-BBEE status level certificate.
56. A trust, consortium or unincorporated joint venture will qualify for points for its B-BBEE status level as an unincorporated entity, provided that the entity submits its consolidated B-BBEE status level certificate as if it were a group structure and that such a consolidated B-BBEE status level certificate is prepared for every separate bid.
57. Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialised scorecard contained in the B-BBEE Codes of Good Practice.
58. Start-ups that are EMEs but wish to tender for contracts of R10 million in value or above, must be verified using the QSE scorecard. For tenders of R50 million in value or above start-ups must be verified using the generic scorecard.
59. A person will not be awarded points specific goals if it is indicated in the bid document that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for.
60. A person awarded a SLA/contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned.
61. The Electoral Commission reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preference points, in any manner required by the Electoral Commission. In the event that no response is

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received from the issuer of the certificate after 48 hours or the bidder, no specific goal points will be allocated in the final scoring.

62. A bidder who's bid is acceptable will be awarded a contract based on lowest acceptable bid, which is market related, subject to section 2(1)(f) of the PPPFA, in addition to complying with all the other requirements, such as, meeting the technical specifications and satisfying the Electoral Commission's due diligence audit requirements which entails confirmation of the bidder's capacity, capability and ability to render the goods/services in accordance with the tender conditions/ specifications.
63. Points scored will be rounded off to the nearest two (2) decimal places.
64. In the event that two or more bids have scored equal total points, the successful bid will be the one scoring the highest number of points for specific goals.
65. Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.
66. Any legal person may make an offer or offers in terms of this invitation to bid.
67. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/ her authorised representative declare his/ her position in relation to the evaluating/ adjudicating authority, where:
  - (a) the bidder is employed by the state; and/or
  - (b) the legal person on whose behalf the bidding document is signed, has a relationship with persons/ a person who are/ is involved in the evaluation and/ or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and/ or adjudication of the bid.
68. The Public Service Administration Management Act 11 of 2014 prohibits public servants from conducting business with the state or being a director of a public or private company that conducts business with the state. This Act will take effect on a date still to be determined by the President. Should your bid be submitted on a date after such determination by the President, you may be disqualified in terms of this Act.
69. The Electoral Commission reserves the right not to award the tender to a bidder that has affiliations with any registered political party/parties, candidate(s) or contestant(s).
70. The Electoral Commission may cancel the tender for reasons that may include *inter alia*:
  - (a) Changed circumstances – There is no longer a need for the goods/services.
  - (b) Funds are no longer available to cover the total envisaged expenditure.
  - (c) No acceptable bid is received.
  - (d) There is a material irregularity in the tender process.
  - (e) If the price offered by a bidder scoring the highest points is not market-related.
71. 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.

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**BID SUBMISSION**

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

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

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

Separate forms must be used in each case.

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

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

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

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

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

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

Prospective bidders must register on the National Treasury Central Supplier Database (CSD) prior to submitting their bids. Failure to register on the CSD shall invalidate your tender.

A bidder's tax affairs must be in order to be considered in the adjudication of this tender. A bidder's tax compliance status is reflected on the national treasury central supplier database (CSD).

A bidder's tax compliance status shall apply as it was at the time of the award of the tender. The tender shall only be awarded to a bidder that is tax compliant. The electoral commission verifies tax status against the CSD. Any bid with a non-compliant tax status shall be rejected at the time of the award of the tender. Tax non-compliant bidders are, therefore, encouraged to continuously monitor their tax compliance status on the CSD and must ensure that their status reflects as tax compliant. bidders must resolve any pending tax issues with SARS timeously as it takes time for status changes to be effected from the SARS Tax Compliance System (TCS) to the CSD.

Although not all the information requested hereunder might be relevant to the specific requirements of this tender, you are requested to complete the document with as much relevant detail as possible.

The information may be used during the bid evaluation process of the tender.

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## TENDER QUESTIONNAIRE

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

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

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

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

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

.....Postal Code: .....

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

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

10. Describe Principal Business Activities  
.....

11. Company Classification [TICK APPLICABLE BOX]

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

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

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

Full Name	Identity Number	Designation

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

EME	
QSE	
Generic	

15. Please stipulate the B-BBEE status level of contribution as it appears on the certificate/affidavit for your entity

16. Is the entity an exempted micro enterprise (EME) for the purposes of the Preferential Procurement Regulations, 2022?

17. Has a B-BBEE status level verification certificate/affidavit been submitted?

YES		NO	
YES		NO	

18. If yes, who issued the certificate?

A verification agency accredited by the South African National Accreditation System (SANAS)	
Commissioner of Oaths in the case of an applicable sworn affidavit	
CIPC	

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

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## 19. Compulsory supporting documents for B-BBEE claims

OWNERSHIP	DOCUMENTS REQUIRED
Black ownership Black female ownership	B-BBEE Status level certificate/ CIPC B-BBEE certificate/ B-BBEE sworn affidavit Proof ownership (share certificates for companies/ CK1 or CK2 for CCs) IDs for all owners
Black people with disabilities	Completed form EEA1 Doctor's letter confirming disability
Financial year end and Ex Officio confirmation	Disclosure certificate not older than 3 months

All bidders must submit sufficient supporting documents together with their bid documentation in support of and confirming the specific goals claimed above. Failure to submit the documents will result in a bidder being deemed as non-compliant and zero points (0) will be allocated for specific goals. If the bidder is owned by juristic persons, proof of ownership must be submitted for all entities until all natural persons are accounted for.

## 20. Questionnaire to foreign bidders:

Are you the accredited representative in South Africa for the goods/ services/works offered? [If YES, enclose proof]	YES		NO	
Are you a foreign based supplier for the goods/ services/ works offered? [If YES, answer the questionnaire below ]	YES		NO	
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 via e-Filing through the SARS website [www.sars.gov.za](http://www.sars.gov.za).

## 21. Legal status of bidder (tick one box)

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

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Other, specify		
----------------	--	--

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

Separate forms must be used in each case.

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

In bids where consortia/ joint ventures/ sub-contractors are involved, each party must submit a separate TCS certificate/ PIN/ CSD number.

## 22. Employment Equity Act (EEA) (Chapter VI – General Provisions: State Contracts)

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

23.1 must-

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

23.2 attach to that offer either-

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

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

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

27.	Is your company a designated employer in terms of the Employment Equity Act (EEA)? (Act 55 of 1998)	YES		NO	
28.	Does your company comply with Chapter III of the Employment Equity Act? (Act 55 of 1998)	YES		NO	EXEMPT

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

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- 29.1 A certificate in terms of Section 53(2) of the EEA which is conclusive evidence that the employer complies with the relevant Chapters of the EEA; or
- An employer may request a certificate from the Minister confirming its compliance with Chapter II, or Chapters II and III, as the case may be.
- 29.2 A declaration by the employer that it complies with the relevant Chapters of the EEA, which, when verified by the Director-General, is conclusive evidence of compliance.
30. Important: The EEA requirements stipulated in paragraphs 21.2, 27.1 and 27.2 will come into effect once the President has approved the Employment Equity Amendment Bill (B14 – 2022).
31. Bidders must monitor developments around the EEA in order to be informed of any changes in the statutory requirements.
32. In the event of subcontractors being used to render the services required in terms of this tender, the principal bidder must complete the schedule below in order to clearly indicate which entities will be subcontracted as well as the percentage of work to be subcontracted to each of these entities in relation to the total value of the contract.

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

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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### **FINANCIAL INFORMATION**

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

<b>Financial Year (e.g. 2021, 2022, 2023)</b>	<b>Annual Turnover</b>	<b>Gross Asset Value</b>	<b>Net Asset Value</b>
	R	R	R
	R	R	R
	R	R	R
	R	R	R

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

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

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

35. Is your company listed on the Stock Exchange?

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

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

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

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

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

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

Explanation: .....

Prices linked to fixed period adjustments.

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

Prices linked to escalation formula adjustments.

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

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

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**DELIVERABLES AND GUARANTEES**

---

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

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

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

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

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

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

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## BIDDER'S DISCLOSURE AND DECLARATION (SBD4) INCLUDING POPIA CONSENT

### 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 disclosure, declaration and provide consent in respect of the details required hereunder.

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

### 2. Bidder's Declaration

- 2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> in the enterprise, employed by the state?

YES	NO
-----	----

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest<sup>1</sup> in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

- 2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution?

YES	NO
-----	----

- 2.2.1 If so, furnish particulars:

.....  
.....

- 2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract?

YES	NO
-----	----

- 2.3.1 If so, furnish particulars:

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

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- 2.4 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have an affiliation with any registered political party/parties, candidate(s) or contestant(s)?

YES	NO
-----	----

- 2.4.1 If so, furnish particulars:

.....

### 3. POPIA Consent

#### 3.1 Consent to Process Information According to the Protection of Personal Information Act (POPI Act) - POPIA

- a) By participating in tenders of the Electoral Commission a bidder gives consent and accepts that the information they provide will be used for purposes of evaluation and adjudication of bids. This includes use of the data provided by a bidder to perform due diligence checks involving the collection of personal data from third parties (e.g. clients of the bidder(s), SARS, CIPS) to validate claims and to gather important information for the purpose of evaluation and adjudication of this bid. This may include the collection of publicly available data.
- b) By participating in the bid the bidder gives consent and accepts that the Electoral Commission may use personal data to investigate potential risk such as fronting, criminal conduct, unethical conduct for the protection of its rights and for the purpose of evaluation and adjudication of this bid. The Electoral Commission may also share personal data with relevant authorities for investigation of criminal conduct and for other lawful purpose.
- c) The bidder accepts that the Electoral Commission may share their personal data with third parties to support its internal and external audit processes.
- d) The bidder acknowledges that their personal data will be kept confidential and will be used for the purpose intended for a bid and will not be shared with third parties for unrelated or unlawful purposes. In addition, the information will be handled in line with record retention guidelines and be disposed of when the timelines in the guidelines have been reached. Any request for deletion of personal information will be acceded to in line with legislative requirements. Should such deletion impact on the evaluation, adjudication, awarding and contract phases a bidder will be informed and such impact effected.

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#### 4. 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:

- 4.1 I have read and I understand the contents of this disclosure and declaration.
- 4.2 I understand that the accompanying bid will be disqualified if this disclosure and or declaration is found not to be true and complete in every respect.
- 4.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>2</sup> will not be construed as collusive bidding.
- 4.4 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.
- 4.5 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 4.6 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 4.7 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 4 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/2022 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

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

I certify, that:

1. I have read and I understand the contents of this disclosure and declaration as well as consent to the provisions set out in respect of the Protection of Personal Information Act (POPIA).
2. I certify that the information furnished in this bid submission, which includes the information stated in respect of the applicable SBD forms, is true and correct. I accept

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

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

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

.....  
 Name and Surname in Print  
 .....  
 Position  
 .....  
 Date.....

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

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## PENALTIES

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### 1. PENALTIES AS PER THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022

If the Electoral Commission is of the view that a bidder submitted false information regarding a specific goal it will follow the prescriptions as per regulation 9 and if the Electoral Commission concludes that such information is false it may -

- disqualify the bidder or terminate the contract in whole or in part; and
- if applicable, claim damages from the bidder.

### 2. PENALTIES AS PER THE B-BBEE ACT

It is contrary to the B-BBEE Act for a measured entity to trade with an invalid/ inconclusive or incorrect B-BBEE verification certificate, sworn affidavit or CIPC certificate.

Trading with an invalid or fraudulent B-BBEE certificate or sworn affidavit/ CIPC certificate may constitute an offence in terms of section 13O(1)(a) of the B-BBEE Act, which states that a person commits an offence if that person knowingly misrepresents or attempts to misrepresent the B-BBEE status of an enterprise, and the B-BBEE Commission may institute an investigation in terms of section 13J of the B-BBEE Act.

In addition, section 13A of the B-BBEE Act has empowered organs of state to cancel any contract or authorisation awarded on account of false information knowingly furnished by or on behalf of an enterprise in respect of its B-BBEE empowerment status.

If an entity is found to have violated the B-BBEE Act, the B-BBEE Commission is empowered to act accordingly as guided by the B-BBEE Act and this can result in the entity that violated the B-BBEE Act to be fined up to 10% of its annual turnover, and individuals involved could be imprisoned for up to 10 years, and/ or fined. Specifically, the offence under section 13O (2) could lead to imprisonment of up to 12 months, or a fine, or both the fine and imprisonment.

In terms of section 13O (2) a procurement officer or any official of an organ of state who becomes aware of the commission of, or attempt to commit any offence referred to under section 13O (1) and fails to report it, is guilty of an offence.

Any person convicted of an offence in terms of the BBEEA may not, for a period of 10 years from the date of conviction, contract or transact any business with any organ of state or public entity and must for that purpose be entered into the register of tender defaulters which the National Treasury maintain for that purpose.

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## **BID EVALUATION**

### **IMPORTANT NOTICE:**

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

### **A Acceptance or Rejection of Bid (Primary Compliance Verification)**

#### **Legality of bid document:**

##### **The following shall lead to disqualification:**

- Non-compliance with tender rules.
- Failure to attend a compulsory briefing session (if applicable).
- Failure to return all pages of the tender document that must be signed/initialled.
- Failure to complete tender forms in original ink.
- Failure to sign/ initial all applicable pages of the tender document. Signing of the Bidder's Disclosure and Declaration is deemed equivalent to signing that specific page and/or signing the page represents signing the Bidder's Disclosure and Declaration.
- Any changes/ alterations to pricing that are not signed/ initialled and/ or the use of correctional fluid/ tape or any similar product in respect of pricing in the tender document.
- Any changes to the tender specifications (unless formally agreed to by the Electoral Commission and recorded as such before the closure of the tender).
- Failure to complete and sign all affidavits, certificates, declarations and annexures contained in the tender in original ink.
- Failure to register on the Central Supplier Database (CSD).
- A non-compliant tax status

##### **The following may lead to disqualification:**

- Failure to sign/initial any other alterations and/or corrections to the information submitted by the bidder, which the Electoral Commission may consider to be material.

#### **Incomplete bid submission:**

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

### **B Bid Evaluation**

#### **Inability to evaluate the tender:**

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

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

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

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

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**General questionnaire (for completion by the bidder) to ensure compliance with tender requirements/ rules/ conditions/ specifications:**

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

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**SOUTH AFRICA**

# **Bid Specifications**

**TENDER  
IEC/ICT-04/2023**

**RESULTS SYSTEM AUDIT**

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## 1 **Introduction**

The Electoral Commission (IEC) is a permanent body created by the Constitution to promote and safeguard representative democracy in South Africa. Although accountable to Parliament, the Electoral Commission is independent of the government of the day. Its immediate task is the impartial management of free and fair elections at all levels of government.

As a result of the Constitutional Court ruling to include independent candidates in National and Provincial elections, the Electoral Act has been adapted to include the independent candidates.

Two (2) ballot papers will be used for the National Assembly, i.e. one (1) for each region which includes independent candidates and one (1) national ballot with only parties. As before, nine (9) provincial ballots will be used for the respective Provincial Legislatures.

Voting is conducted in approximately 23 300 voting stations across the country and each voter receives three ballots, i.e. a national, regional and provincial ballot. Once voting is done, counting commences and results slips are completed and signed by political parties and then transported to the IEC office in the municipality. Results are then captured for each ballot type in a voting district, scanned and verified by auditors at the approximately 300 IEC offices across the country.

As part of the preparations for the NPE 2024 elections, the Electoral Commission has commenced with a project to enhance the results system, incorporating a legislative amendment and a number of business requirements. The Electoral Commission requires an external audit of the functionality and data integrity of the results system.

## 2 **Requirement**

The Electoral Commission requires a functional software audit of the National and Provincial Elections Result System to be used for the upcoming National and Provincial Elections (NPE), with a view to establish an independent assessment and report of the functional soundness and data integrity of the system.

## 3 **Current technical environment**

The Electoral Commission has a national office in Centurion and provincial offices in each of the nine provinces. There are approximately 300 municipal offices around the country. The Electoral Commission has chosen Microsoft products as their standard across all platforms running in a client /server architecture. The National and Provincial Elections system runs on the following platform:

- a) Windows 10 or later
- b) Windows Server 2016 or later
- c) Microsoft SQL Server 2016 or later

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- d) Microsoft Visual Studio 2017, 2019
- e) .NET Framework 4.7 or later
- f) Microsoft SQL Reporting Services 2016 is being used for the report development.

#### **4 Technical specifications**

The audit will be conducted in a controlled environment and needs to cover all functional areas for results processing- refer to High-level system functionality.

- 4.1 Functional review – A review of the functionality provided by the application, which ensures that the system meets the requirements as specified in the design documentation (inclusive of the current system changes).**
- 4.2 Data integrity review – A review of the controls within the application, which ensures the integrity, accuracy and completeness of data. This review needs to establish that the results captured are reflected and consolidated correctly across all reports (internal and public) and are in line with the applicable legal prescripts.**
- 4.3 System test – Perform an end-to-end system test which includes:**
  - a. Configuration of the electoral event
  - b. Capturing data
  - c. Checking exceptions management functionality
  - d. Verifying seat calculations as per Schedule 1A of the Electoral Act
  - e. Verifying seat assignment
  - f. Verifying the functionality of edit windows (refer to **High-level system functionality**)
  - g. Verifying the accuracy of reports
  - h. Performing negative testing
- 4.4 Security review – A review of segregation of duties controls.**
- 4.5 Review of fixes – The scope will include reviewing remedial action was identified during the review processes.**
- 4.6 Retesting of fixes – The scope will include retesting fixes identified during this audit**
- 4.7 Audit outcome reports – At the end of the review, the service provider will be required to submit reports:**
  - i. A management report, providing a high-level overview of the findings and status of the results system; and

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- j. A detailed report addressing findings and proposed remedial actions both technically and functionally.

## 5 **Required responses**

Bidders are required to submit their bids accompanied by their **detailed written proposal** by the closing date and time as stipulated in the bid document. The written proposal will be used to evaluate the capacity of the bidder to deliver on this project and will also serve as a reference for comparative analysis and selection between bidders. It must comprehensively demonstrate how the bidder will execute on this project, and address the following:

- 5.1 **Cover letter – A cover letter including the bidders primary and secondary contact persons and contact information. Preferably the Electoral Commission the company to be registered with I**
- 5.2 **Methodology and procedures – Provide information on the methodologies and procedures that will be used to perform all the reviews detailed in section 4, including testing from the lowest SQL layer to the highest functional layer. Phases of the project must include analysis and understanding, workflow testing, segregation of duties.**
- 5.3 **Capacity, track record and references – Bidders must include evidence of successfully implementing at a minimum of five (5) similar IT projects. Provide a skills and experience matrix (see Capacity, track record and references) with references to South African clients where similar audits were conducted. The Electoral Commission requires:**
  - a) **Reference sites and their contact details;**
  - b) **A signed reference letter from the client confirming the details of the engagement;**
  - c) **Including at least the company name;**
  - d) **Contact person(s) and contact number(s);**
  - e) **Physical address;**
  - f) **Project cost and timeline of the projects; and**
  - g) **Size of the project team and a short description of the nature of the project. The Rand value of at least (3) projects should each amount to R1.5mil or above.**

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The Electoral Commission prefers details of open reference sites where contact does not have to be arranged via the bidder.

- 5.4 Team structure – The proposal must include the proposed team structure and the CVs of project resources that will be working on this particular engagement. The project team should include resources with systems analyst and SQL experience. The skill level of each resource must also be provided. The team structure should be South African citizens. The Team lead / project manager must have the relevant audit qualifications and specialising in ICT software audits.
- 5.5 Timeframe for each type of review – Within the project timeframe (provided in section 8), proposals must include timelines for each of the six reviews required in section 4. The overall completion of the project should not take longer than three (3) and a half working calendar months.
- 5.6 Cost – The total cost along with a detailed breakdown per review is required (as per Hourly Rates). Bidders are required to provide their team of resources with hourly rates, in case additional rework and review beyond the scope of this brief is required (as per Pricing Schedule). All prices quoted must be VAT inclusive. Please note that the prices provided for *Review of Fixes (section 4.5)* is based on 40 hours in order to compare the final prices. However, for the final invoice, the actual hours tested should be used in line with the rates provided in section 10.1.

## 6 General tender conditions & award

The following standard conditions must be adhered to and complied with, failing of which the bid will be disqualified.

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- 6.1 Documentation must be complete, clearly marked and in accordance with the Technical Specifications (section 4) and Required Responses (section 5).
- 6.2 Details of any sub-contractor must be included in the written proposal should a sub-contractor be used.
- 6.3 The selection process may include short-listing, presentation and demonstration of the solution by the short-listed finalists.
- 6.4 The contract will be awarded to a bidder whose services successfully conforms to specifications and is able to deliver and support the product, as well as in terms of the provisions of the Preferential Procurement Policy Framework Act, 2000.
- 6.5 Awarding of the tender to any successful bidder shall be subject to the Electoral Commission's due diligence audit requirements.
- 6.6 The successful bidder shall also be required to enter into a Service Level Agreement (SLA/Contract) with the Electoral Commission in order to formalize and confirm the exact solutions to be delivered.
- 6.7 The Electoral Commission will issue a formal purchase order to the successful bidder before commencement of any services.
- 6.8 No payment shall be made until the project has been completed in line with the requirements.

## 7 Pricing requirements

With respect to cost, bidders are advised to ensure that the following issues are factored into the price. The Electoral Commission requires the pricing to be stated as follows:

- 7.1 Provide the total cost of the project along with a detailed breakdown covering all the reviews outlined in *Technical Specifications* (section 4).
- 7.2 Provide a schedule containing the names of proposed resources with hourly rates.
- 7.3 All prices must be inclusive of VAT. Refer to – Pricing Schedule.

## 8 Project timeframe

The successful bidder will be required to adhere to the proposed project time lines as follows:

Project Timeline	Date
Tender briefing (non-compulsory)	24 November 2023

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Submission of written proposal in tender box	8 December 2023
Project start	15 January 2023
Project end	15 April 2024

## 9 **Tender response and closing date**

Bidders are required to show their interest in this tender by submitting a detailed written proposal demonstrating the ability, capacity and experience of successfully completing similar projects.

The tender details will also be available on the VotaQuotes eProcurement website which can be accessed via the URL below:

[https://votaquotes.elections.org.za/eproc\\_inter/eTenders/Browse-eTenders.aspx](https://votaquotes.elections.org.za/eproc_inter/eTenders/Browse-eTenders.aspx)

All written proposal must be received before closing date. Submissions received after the closing date and time will not be considered for evaluation.

Written proposals must be placed in the Electoral Commission's tender box situated in the foyer of the Electoral Commission's national office in Centurion at the following address:

**Election House  
1303 Heuwel Avenue  
Riverside Office Park  
Centurion**

**Note:** Submissions must be **clearly** marked for the attention of:

**Procurement and Asset Management -  
Tender – IEC/ICT-04/2023: NPE 2024 Results System Audit**

**Please supply your contact details with your submission.**

**Please note that email and fax submissions will NOT be accepted.**

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## 10 Pricing Schedules

### 10.1 Hourly Rates.

Bidders must supply the level of the resources and the number of resources available.

Such information must reflect in the table below:

Name of resource	Resource Type / Level	Resource rate per hour (VAT inclusive)
1.		R
2.		R
3.		R
4.		R
5.		R
6		R
7.		R
8.		R
9.		R
10		R

**Bidders must indicate total number of resources available for this project:.....**

**Note:** The above information is required for comparative purposes only.

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**10.2 Detailed price breakdown per review**

**Bidders must complete and submit the pricing schedule below in the prescribed format, to allow evaluation of this tender. Failure to complete and submit the pricing below shall lead to the bid disqualification.**

No	Review	Cost (VAT Inclusive)
1	<b>Functional review</b> (Detailed breakdown must be included)	R
2	<b>Data integrity review</b> (Detailed breakdown must be included)	R
3	<b>System test</b> (Detailed breakdown must be included)	R
4	<b>Security review</b> (Detailed breakdown must be included)	R
5	<b>Review of Fixes</b> (Use a total of 40 hours for costing purposes). Please note that the actual hours worked must be billed according to the hourly rates provided in 10.1.	R
6	<b>Audit outcome reports</b> (Detailed breakdown must be included)	R
	<b>TOTAL COST</b>	R.....

**10.3 Capacity, track record and references**

Bidders must complete the track record's (5) and reference sheet using the tables below:

<b>Capacity, track record and references</b>		
<b>1. THE REFERENCE MUST CONTAIN THE FOLLOWING DETAILS</b>		
Customer name		
Contact Person		
Contact Details	Email	
	Telephone	

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	Physical address	
Service Description	Description of nature of audit project	
Services Provided	Project cost	R
	When was the service provided?	
	Timeline / project plan	

<b><u>Capacity, track record and references</u></b>		
<b>2. THE REFERENCE MUST CONTAIN THE FOLLOWING DETAILS</b>		
Customer name		
Contact Person		
Contact Details	Email	
	Telephone	
	Physical address	
Service Description	Description of nature of audit project	
Services Provided	Project cost	R
	When was the service provided?	
	Timeline / project plan	

<b><u>Capacity, track record and references</u></b>		
<b>3. THE REFERENCE MUST CONTAIN THE FOLLOWING DETAILS</b>		
Customer name		
Contact Person		
Contact Details	Email	

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	Telephone	
	Physical address	
Service Description	Description of nature of audit project	
Services Provided	Project cost	R
	When was the service provided?	
	Timeline / project plan	

<b>Capacity, track record and references</b>		
<b>4.THE REFERENCE MUST CONTAIN THE FOLLOWING DETAILS</b>		
Customer name		
Contact Person		
Contact Details	Email	
	Telephone	
	Physical address	
Service Description	Description of nature of audit project	
Services Provided	Project cost	R
	When was the service provided?	
	Timeline / project plan	

<b>Capacity, track record and references</b>	
<b>5.THE REFERENCE MUST CONTAIN THE FOLLOWING DETAILS</b>	
Customer name	

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Contact Person		
Contact Details	Email	
	Telephone	
	Physical address	
Service Description	Description of nature of audit project	
Services Provided	Project cost	R
	When was the service provided?	
	Timeline / project plan	

## 11 High-level system functionality

This section covers on a high-level the business processes as well as functionality developed. Reference Schedule 1A of Electoral Act, 73 of 1998.

### 11.1 Results Capturing

Note that the process is repeated for three ballot types, namely National, Regional and Provincial ballots.

Three (3) ballot papers will be used in the National and Provincial elections. Two (2) ballot papers will be used for the National Assembly and one (1) for the Provincial Legislatures.

The National Assembly ballot papers will be one (1) for each region, which includes independent candidates and one (1) national ballot with only parties.

As before, nine (9) provincial ballots will be used for the respective Provincial Legislatures.

Once a results slip for a voting district (VD) is received at the capturing site, the results can be captured on the NPE system. The capturer captures the results for the VD on the first capture screen of the NPE system as per the results slip, and then moves onto the second capture screen. The second capture screen is a replica of the first screen, but is blank with no results captured. The capturer has to re-enter the results for the VD on the second capture screen, as they did for the first capture screen. This process is referred to as the double blind capturing method.

Results capture validations are performed when the user clicks the save button on the second results capture screen. Should a validation requirement not be met, the applicable message will be displayed. The validations listed below check for the

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completeness and correctness of the captured results on the second save of the VD result:

- a) All results for the listed parties have been captured;
- b) First capture and second capture values are the same;
- c) Validate that the Total Votes Cast are equal to the sum of the Total Valid Votes and Total Number of Spoilt Votes;
- d) Validate that the Total Party Votes (all votes entered by the Capturer for the parties) is equal to the Total Valid Votes;
- e) Validate that the results captured for any one party does not exceed the pre-defined system parameter; and
- f) Validate that no fields (on first or second capture) are blank.

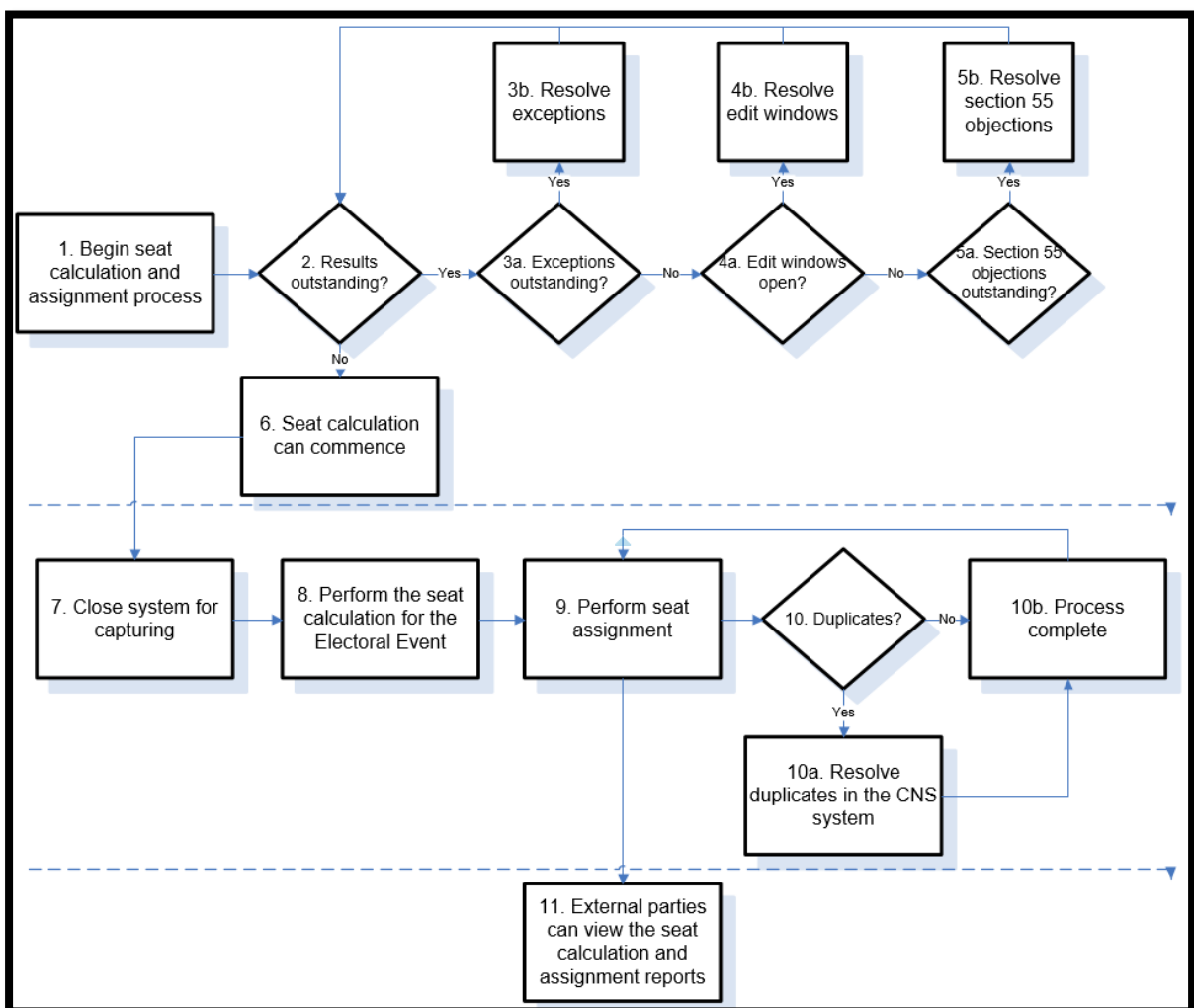


Figure 1: Voting, Counting and Results Capturing Process per ballot type

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### 11.2 Results Slip Scanning

As part of the results capturing exercise, the Electoral Commission will be scanning each of the results slips used to capture results. The scanned images of the slips will be transferred from each capturing site to National Office servers using Microsoft MSMQ. The Results system will provide reporting on the progress of images that have already been scanned and transferred to the central servers at National Office. System users are able to view the scanned images while viewing the Voting District (VD) results or by just typing the VD Number. Results are not available if the relevant result slip is not scanned.

Functionality on the Result System to support this process includes:

- a) Print blank result slip
- b) Capture result
- c) Scan result slip
- d) Audit result
- e) Audit result report
- f) Outstanding voting results report
- g) Result capturing progress report
- h) Exceptions/Variance report
- i) Results Excluded/Not Expected report
- j) Results report
- k) Party Result report
- l) Overall Party Statistics report
- m) Voter Turnout and Spoilt Ballots report

### 11.3 Edit Window

Once a result has been captured and audited for a VD, it can only be recaptured or edited in an edit window. When this occurs, a capturer can request an edit window, which allows for the editing of the captured result within a limited timeframe.

Capturers will capture the request for an edit window on the NPE system. Once submitted by the capturer, the request will be forwarded to the Provincial Electoral Officer (PEO) and thereafter National Office for approval. At each stage of the approval process, an SMS will be sent to the applicable approver, notifying them of the status of the edit window request. This will ensure that edit windows are actioned immediately or in the shortest possible time. Once an edit window has been opened, the VD result is captured again using the same results capture process.

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There will also be instances when an edit window will be requested to resolve an exception. Once an edit window has been opened, the result must be recaptured and audited as per the normal capturing/auditing process and the exception must be resolved.

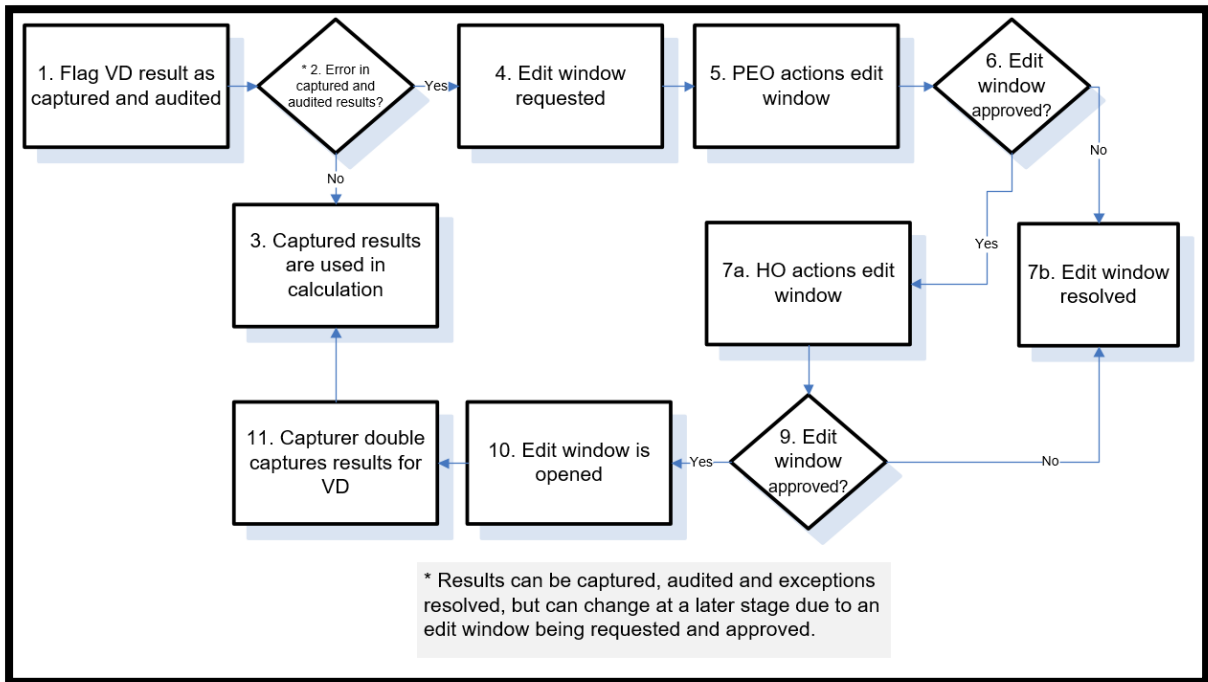


Figure 2: Edit Window Process

Functionality on the Result System to support this process includes:

- a) Maintain edit window duration
- b) Capture edit window
- c) Maintain edit window
- d) Capture result
- e) Audit result
- f) Audit result report
- g) Voting districts in edit window report

#### 11.4 Seat Allocation

The Seat Calculation and Assignment module determines the number of seats that are allocated to each party/ Independent, and then assigns candidate(s) to each seat.

The calculation of seats can only occur when the following conditions have been met:

1. All results have been received and audited for those VDs where results are expected;
2. All exceptions have been resolved;
3. All Section 55 Objections have been resolved; and

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4. All edit windows have been resolved.

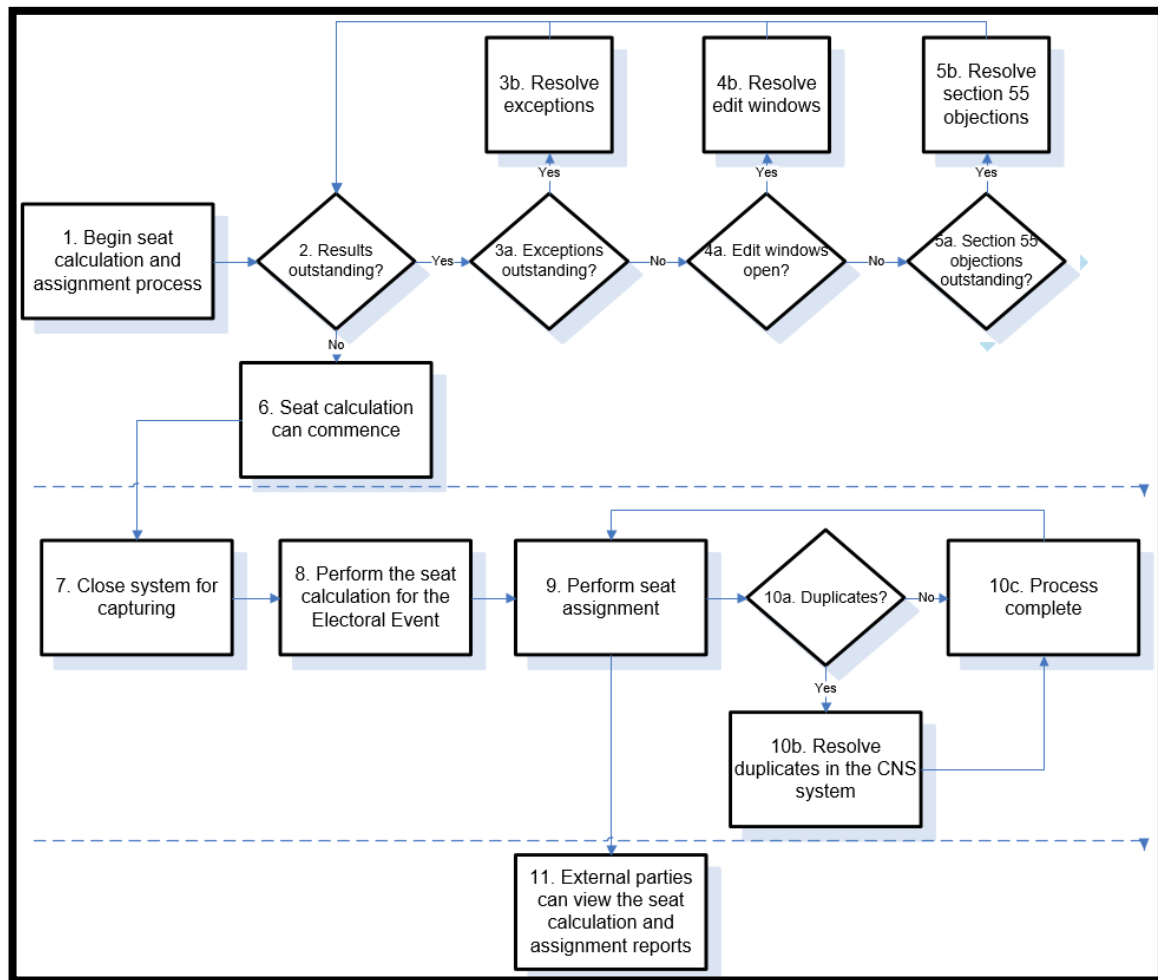


Figure 3: Calculation and Assignment Process

### 11.5 Exception Resolution

Exceptions will be raised on the NPE system for resolution:

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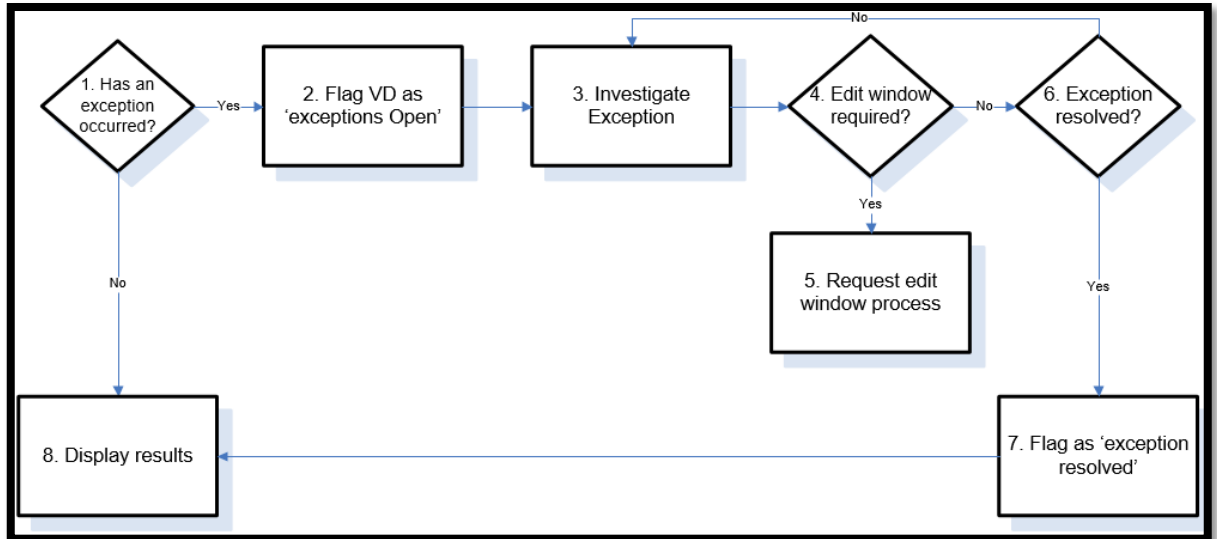


Figure 6: Exceptions Process

### 11.6 Section 55 Objections

The NPE system caters for the handling of objections material to the results (S55 of the Electoral Act) raised by parties and therefore a module catering for this functionality has been developed. The Section 55 Objections module (S55) will feature very basic functionality which will allow for the capturing of an objection, the resolution of objections and the reporting of outstanding and resolved objections.

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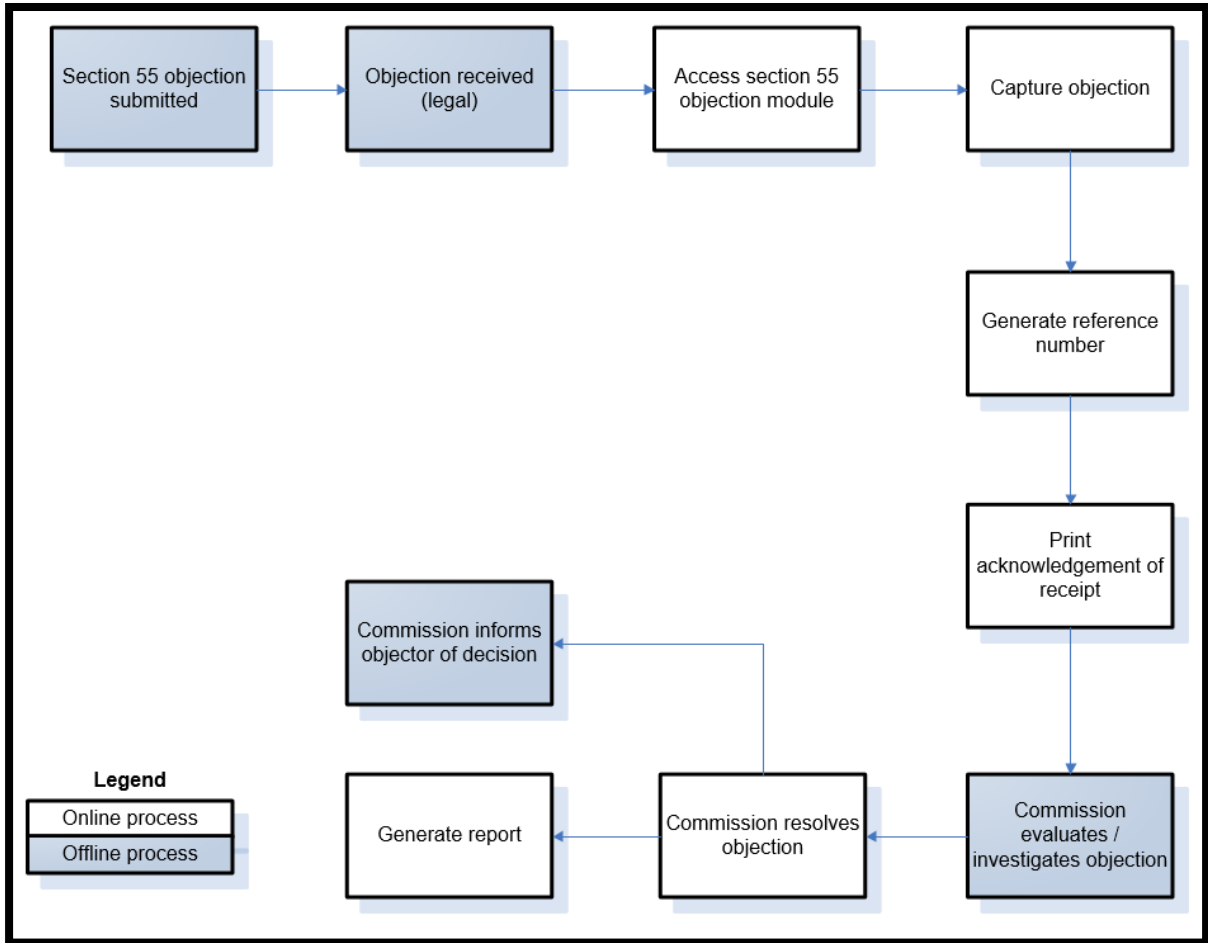


Figure 7: Section 55 Objections Process

Any objection that is raised in the S55 module will hold up the seat calculation process and therefore all objections must be resolved before the seat calculation process can kick off.

Section 55 Objections need to be lodged by parties or individuals as outlined in the Electoral Act. Therefore, Objectors are required to submit written objections to the Legal department. These objections need to be captured within the Section 55 Objections module, evaluated and investigated in the prescribed manner. The decision of the Electoral Commission will be recorded and the Objector informed thereof.

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## 12 Bid Evaluation Criteria

Results System Audit for NPE 2024

Tender Reference No: \_\_\_\_\_

Tenderer Name: \_\_\_\_\_

### 12.1 Stage 1: Assessment of Bid Compliance and Bidder's Disclosure

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

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

In this regard, the following must be noted:

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

As such, the Bidders Disclosure form, issued as Standard Bidding Document (SBD) 4, attached as **Capacity, track record and references**, was extended to all entities which were invited to participate in the bid process.

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

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

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

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- (c) the conduct of a person constitutes a transgression of the Competition Act, 1998, the conduct must be reported to the Competition Commission; and
- (d) the conduct of a person must be dealt with in terms of the prescripts applicable to the Electoral Commission.

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

The Electoral Commission's Accounting Officer/accounting authority must inform National Treasury of any action taken against a person within 30 days of implementing the action.

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

- (e) the Register of Tender Defaulters; and
- (f) the list of restricted suppliers.

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

The under-mentioned assessment criteria will be used to evaluate the elements relating to the bid submission, SBD4, CSD registration, tax compliance, restricted suppliers and tender defaulters:

Assessment Criteria	Bidder Requirement (YES/NO)	Comments
Bidder is tax compliant. *		
The bidder is not an employee of the state.		
Having certified the SBD4, it is accepted that the bidder's conduct does not constitute a transgression of the Prevention and Combating of Corrupt Activities Act.		
Having certified to the SBD4, it is accepted that the bidder's conduct does not constitute a transgression of the Competition Act.		

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Assessment Criteria	Bidder Requirement (YES/NO)	Comments
The bidder is not a tender defaulter as per the register published on the National Treasury website.		
The bidder is not a restricted supplier as per the register published on the National Treasury website.		

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

### Stage 2:

1	Detailed cost breakdown submitted	YES	NO
2	List of resources with hourly rates and CVs of the team provided	YES	NO
3	Timeframe provided (section 5.4)	YES	NO
4	Project reference, 5 submitted similar ICT projects. Capacity and track record submitted.	YES	NO
<b>Non-compliance to any of the above requirements will result in disqualification from further consideration</b>			

### Stage 3:

No	Description	Weighted Score	Score	Comments
1	<b>Methodology and procedures (sections 5.2)</b>	28		
2	<b>Capacity and track record (sections 5.3)</b>	40		
3	<b>Team structure (sections 5.4)</b>	22		

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4	<b>Timeframes for each type of review (sections 5.5)</b>	10		
	<b>Final score</b>	<b>100</b>		
	<b>Minimum score required is 75 to achieve 75%</b>			

#### Stage 4: Bid Adjudication Process

Bids will be adjudicated as set out below.

Adjudication of Bids	
Only bids that comply with the requirements and conditions of the bid and that meet the minimum criteria in the bid evaluation process as stipulated above will be considered for bid.	
Acceptable bids must be market related.	
This bid is deemed not to exceed R50 million including VAT.	
Therefore, the 80/20 preference point system (PPPFA scoring) in terms of the Preferential Procurement Policy Framework Act, 2005 (PPPFA) and the Preferential Procurement Regulations, 2022 shall apply in the adjudication process of this auction where all acceptable bids received are equal to or below R50 million including VAT. Preference points will be allocated as follows:	
B-BBEE Status Level of Contributor	Number of Points
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

**Failure to submit the required supporting documents for preference claims will lead to zero (0) points for the claim.**

Bid Evaluation Team Member	Sign Off	
	Signature	Date

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**12.2 Breakdown of Evaluation Criteria**

<b>1. Methodology and Procedures</b>	<b>28</b>
Methodology - <b><u>2 points</u></b> per applicable aspect mentioned to a maximum of 5 aspects	10
Procedures for each of the 6 reviews – <b><u>3 points</u></b> per review, one point per applicable procedure to a maximum of three	6 x 3
<b>2. Capacity and Track Record</b>	<b>40</b>
Capacity available – <b>1 point</b> for 1-3 resources, <b>3 points</b> 4-5 resources, <b>5 points</b> for >=6 resources	5
Project Cost - <b>0 points</b> if < 3, <b>3 points</b> if 3 projects >= R1.5mil	5
Track record for each of the 5 projects – <b><u>6 points in total</u></b> per project as follows: <ul style="list-style-type: none"> <li>• <b>Company and contact details: <u>1 point</u></b></li> <li>• <b>Signed reference letter: <u>2 points</u></b></li> <li>• <b>Description: 0 points</b> if project not similar or applicable, <b><u>3 points</u></b> if project similar or applicable.</li> </ul> Note that maximum points in each category are underlined for ease of reference	6 x 5
<b>3. Team Structure - CVs</b>	<b>22</b>
General skills – <b>18 points</b> – <b>3 points per applicable CV to a maximum of 6</b> if CVs are provided and relevant to an ICT system audit and the management thereof	6 x 3
Specific system analyst and SQL skills – <b>2 points</b> per relevant CV to a maximum of 2 CV's	4
<b>4. Timeframes for each type of review</b>	<b>10</b>
Timeframes for each review – <b>0 points</b> for no confirmation; <b>5 points</b> if overall timeframe confirmed; <b>10 points</b> if overall timeframe confirmed and breakdown provided per review	10
<b>TOTAL</b>	<b>100</b>

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