



REQUEST FOR PROPOSAL (RFP)

Supplier Name:

Goods		Service	✓
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Request for Proposal number	RFP0006
Date Issued	30 October 2024
Project Name/ Description of Goods/Services	Procurement of PFMA Service Provider
Description	Appointment of a Service Provider to assist with updating of Panel's policies to be in line with the Public Finance Management Act (PFMA)
Closing date	08 November 2024
Closing time	12h00 No late bids will be considered
Proposals must be submitted to	Takeover Regulation Panel, Freestone Park, 1 st Floor Block 2, 135 Patricia Road, Atholl, Sandton 2196
Instruction on submission of Bids	Only bids submitted directly to the Panel on/before the closing date as indicated above shall be accepted (no faxes or emailed bids will be accepted)
For more information (Supply Chain Management)	Khuthadzo Tshivhilinge at 011 784 0035 / khuthadzot@trpanel.co.za
For more information (Technical)	Margaret Motsoahae at 011 784 0035 / margaretm@trpanel.co.za

1. THE FOLLOWING CONDITIONS WILL APPLY

- 1.1. Where quotation/proposal is R2 000.00 or more, Preferential Procurement System will apply 80/20.
- 1.2. Price(s) quoted must be valid for **120 days** from the closing date.
- 1.3. Price(s) quoted must be exclusive of VAT.
- 1.4. Valid Tax clearance certificate.
- 1.5. Valid B - BBEE Certificate.
- 1.6. Strict compliance with the invitation requirements and evaluation criteria will be adhered to.
- 1.7. The bidder should provide CSD Summary Report (www.csd.gov.za)
- 1.8. The attached forms are to be completed by the bidder (where applicable):
 - 1.8.1. **Annexure A: SBD 4 – Declaration of Interest**
 - 1.8.2. **Annexure B: SBD 6.1 – Preference Points claim**
- 1.9. This request for a formal quotation/proposal is subject to the Preferential Procurement Policy Framework Act and The Preferential Procurement Regulations, 2022, The General Conditions of Contract (GCC) and, if applicable, any other special Conditions of Contract.
- 1.10. No late proposals will be accepted.

2. Evaluation Process

2.1. Compliance with minimum requirements

2.1.1. Evaluation of proposals

The Panel will make use of the Central Supplier Database (CSD) to access key information, which is required to conduct supplier vetting, including Company Registration status, Tax compliance status and any other relevant checks conducted on CSD.

2.1.2. Preference points system

The 80/20 preference point system will be used where 80 points will be dedicated to price and 20 points to B-BBEE status. If all bids received exceed R1 000 000.00, the proposal will be cancelled and re-issued.

2.2. Technical and Functionality Evaluation

The bids shall first be evaluated for functionality. A **minimum score of 70%** must be obtained on functionality before a proposal is considered for further evaluation.

	Description	Weight %
1.	Company profile The company profile should indicate the following: <ul style="list-style-type: none">• Services rendered;• Bidder's years of experience; and• Proposed team structure.	30
2.	Experience of the proposed team Curriculum Vitae(s) and qualifications of each team member	60
3.	Reference where similar work was done. Three contactable references where similar services were rendered in the past three years.	10
Total		100

3. ABOUT THE PANEL

- 3.1. The Takeover Regulation Panel (the Panel) is established as a juristic person in terms of section 196 of the Act. The Panel reports to the Minister of the Department of Trade, Industry and Competition (the dtic). It functions as an organ of state within the public administration but as an institution outside the public service.
- 3.2. The Panel is listed as a Schedule 3A public entity in the Public Finance Management Act, 1999 (PFMA).

4. INVITATION

The Takeover Regulation Panel invites qualifying service providers to submit a proposal in response to this Request for Proposal to assist with updating of Panel's policies to be in line with the Public Finance Management Act (PFMA) and National Treasury Regulations.

5. BACKGROUND

The purpose of this RFP is to appoint a suitably qualified service provider who is committed to skills transfer to assist with updating of Panel's policies to be in line with the Public Finance Management Act (PFMA) and National Treasury Regulations.

6. KNOWLEDGE AND EXPERTISE REQUIRED

The team that has full appreciation of the compliance to PFMA and National Treasury Regulations; and statutory reporting requirements for Schedule 3A public entities.

7. SUPPLIER'S RESPONSE

SUPPLIER INFORMATION	
Name of Company	
Registration Number	
VAT Number	
Contact Person	
Contact Number	
E-mail Address	
Street Address	

8. ADMINISTRATIVE COMPLIANCE RETURNABLE DOCUMENTS

Mandatory); (O – Optional)	Submitted	
Bidder disclosure (SBD 4) signed and completed	M	<input type="checkbox"/> Yes <input type="checkbox"/> No
Preference Points claimed (SBD 6.1), signed and completed with B-BBEE certificate or affidavit	O	<input type="checkbox"/> Yes <input type="checkbox"/> No
(M – Mandatory); (O – Optional)	Submitted	
Pricing completed	M	<input type="checkbox"/> Yes <input type="checkbox"/> No
EVALUATION DOCUMENTS Note: Compulsory to submit all returnable documents (where applicable)	Submitted	
A portfolio covering a similar scope of work (a minimum of 3 in the past 5 years) The project must include the value and duration of the contract. (submit proof)	M	<input type="checkbox"/> Yes <input type="checkbox"/> No
Three trade reference letters for similar work (printing solution) not older than a year (minimum of 3). The reference letter must include names and contact details.	M	<input type="checkbox"/> Yes <input type="checkbox"/> No
Fault reporting procedures and turnaround time to fix the fault	M	<input type="checkbox"/> Yes <input type="checkbox"/> No

9. **TERMS OF CONTRACT**

The successful bidder will be required to enter into a Service Level Agreement (SLA) with the Panel.

10. **PRICING SCHEDULE**

Proposed Team	Role	Proposed Rate excluding VAT

Form: SBD 4**BIDDERS DISCLOSURE****1. PURPOSE OF THE FORM**

- 1.1. 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, the bidder is required to make this declaration in respect of the details required hereunder.
- 1.2. Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

- 2.1. Is the bidder, or any of its directors/trustees/shareholders/members/partners or any person having a controlling interest¹ in the enterprise employed by the state?

YES/NO

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

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

- 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

- 2.2.2. If so, furnish particulars:

3. **DECLARATION**

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

- 3.1. I have read and I understand the contents of this disclosure.
- 3.2. I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect.
- 3.3. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.
- 3.4. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.5. 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.
- 3.6. 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.

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

- 3.7. 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.
- 3.8. I certify that the information furnished in paragraphs 1, 2 and 3 above is correct.
- 3.9. I accept that the Panel may reject the bid or act against me in terms of paragraph 6 of PFMA SCM Instruction No. 03 of 2021/22 on preventing and combating abuse in the Supply Chain Management system should this declaration prove to be false.

I, the undersigned, _____, certify that the information furnished above is true and correct.

Signature	
Date	
Designation	

Form: SBD 6.1.**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022**

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

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

1. GENERAL CONDITIONS

- 1.1. The following preference point systems apply to invitations to tender:
- 1.1.1. the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
 - 1.1.2. the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).
- 1.2. **To be completed by the organ of state**
- The applicable preference point system for this tender is the **80/20** preference point system.
- 1.3. Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:
- 1.3.1. Price; and
 - 1.3.2. Specific Goals.
- 1.4. **To be completed by the organ of state:**
- The maximum points for this tender are allocated as follows:

	Points
Price	80
Specific Goals	20
Total Points for Price and Specific Goals	100

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

2. DEFINITIONS

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

3. FORMULA FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

80/20:

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

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

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

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

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

5. DECLARATION WITH REGARD TO COMPANY/FIRM

Name of company	
VAT Registration Number	
Company Registration Number	

5.1. TYPE OF COMPANY/ FIRM

<input type="checkbox"/>	Partnership/Joint Venture / Consortium
<input type="checkbox"/>	One person business/sole propriety
<input type="checkbox"/>	Close corporation
<input type="checkbox"/>	State Owned Company

[Tick applicable box]

I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

5.1.1. The information furnished is true and correct;

5.1.2. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;

- 5.1.3. In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- 5.1.4. If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have:
 - 5.1.4.1. disqualify the person from the tendering process;
 - 5.1.4.2. recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - 5.1.4.3. cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - 5.1.4.4. recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years after the *audi alteram partem* (hear the other side) rule has been applied; and
 - 5.1.4.5. forward the matter for criminal prosecution, if deemed necessary.

I, the undersigned, _____, certify that the information furnished above is true and correct.

Signature	
Date	
Designation	