

TERMS OF REFERENCE

- ELIGIBILITY** : The Northern Cape Economic Development, Trade and Investment Promotion Agency has identified a need to appoint a panel of service providers for different commodities.
- DUTY STATION** : Mittah Seperepere International Convention Centre (MSICC) , 10 West Circular Road, Big Hole Precinct, Kimberley, Northern Cape, South Africa.
- CONTRACT PERIOD** : 36 Months
- REPORT TO** : Chief Executive Officer (Acting).
- APPOINTED BY** : Northern Cape Economic Development Trade and Investment Promotion Agency.

Table of Contents

1	BACKGROUND/INTRODUCTION	3
2	PROJECT OBJECTIVE/PURPOSE.....	4
3	POLICY REGULATORY AND LEGISLATIVE FRAMEWORK	4
4	REQUEST FOR BID/PROPOSAL TERMS AND CONDITIONS (RFB/P T&C)	4
5	REQUEST FOR BID/PROPOSAL REQUIREMENTS	5
6	FUNCTIONALITY.....	6
7	FRONTING	7
8	BID FORMAT	8
9	DEFINITIONS.....	8
11.	BRIEFING SESSION	8
12.	SUMMISSION OF BID	8
13.	SUPPLIER DUE DILIGENCE	9

1 BACKGROUND/INTRODUCTION

The Northern Cape Economic Development, Trade and Investment Promotion Agency has identified a need to appoint a panel of service providers.

The services required are:

- Catering and Décor
- Event Management
- Sound, Stage and Stage Lighting
- Electrical Construction
- Civil Construction
- Office and Lounge Furniture
- Information Technology (AV System)
- Stationery
- Office Equipment
- Cleaning Services
- Security Services
- Safety Officers
- Refrigeration and Air-Conditioning
- Landscape and Irrigation
- Equipment repairs and maintenance
- Maintenance services
- Welding
- Carpentry
- Kitchen equipment repairs, service and supplies
- Technician for operating AV equipment
- Gas supplier and service
- Landscape machinery service and repairs
- Elevator service and repair
- Plumbing services
- Fire extinguishers, hydrants and smoke detector maintenance.

The successful service provider will have to enter into a contractual agreement with the NCEDA for the duration of the agreement.

2 PROJECT OBJECTIVE/PURPOSE

The objective of the bid is to appoint service providers for the supply of comprehensive services for NCEDA and MITTAH SEPEREPERE INTERNATIONAL CONVENTION CENTRE (MSICC).

3 POLICY REGULATORY AND LEGISLATIVE FRAMEWORK

All regulations, policies, acts, frameworks, procedures and any sort of law applicable must be adhered to and in full compliance. They are listed below:

- Public Financial Management Act (Act 1 of 1999)
- Preferential Procurement Policy Framework Act (PPPFA) 2000, (ACT NO.5 OF 2000) and the Preferential Procurement Regulations 2022.
- Preferential Procurement Regulations of 2022
- National Environmental Management Act (NEMA) 1998 (Act 107 of 1998);
- National Industrial Participation Program (Local Content);
- Prevention and Combating of Corrupt Activities Act (PCCAA) 2004 (Act 12 of 2004);
- Supply Chain Management Practice Notes and Circulars;
- Broad-Based Black Economic Empowerment Act (BBBEEA) 2003 (Act 53 of 2003);
- Competition Act (CA) 1998 (Act 89 of 1998)

4 REQUEST FOR BID/PROPOSAL TERMS AND CONDITIONS (RFB/P T&C)

The following guidelines are provided to assist a Bidder in completing a response:

- 4.1. The bid should be written in simple tense English for easy understanding and perusal.
- 4.2. Over and above all conditions stipulated by the Provincial Supply Chain Management, Bidders are advised to familiarize themselves with the following policy document:
 - 4.2.1. PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000, (ACT NO.5 OF 2000) and the PREFERENTIAL PROCUREMENT REGULATIONS, 2022. (PPPFA, 2022)
- 4.3. The terms and conditions specified in this bid must be read in conjunction with the PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000, (ACT NO.5 OF 2000) and the PREFERENTIAL PROCUREMENT REGULATIONS, 2022 obtainable at the provincial treasury website and which forms an integral part of this bid. Prospective service providers will be well advised to also familiarize themselves with the contents of the Act.
- 4.4. All costs incurred in the preparation and presentation of the proposal shall be wholly absorbed by the Bidder. All supporting documentation submitted with the proposal will become the property of the NCEDA unless otherwise requested by the Bidder.
- 4.5. All information, supporting materials and other documentation submitted with a bid will become the property of the NCEDA
- 4.6. Bids do not commit NCEDA to pay any costs incurred in the preparation and submission of the Proposal.

- 4.7. NCEDA shall not be liable for any costs incurred by the Bidder in the preparation of response to this RFP. The preparation of response will be made without obligation to acquire any of the items included in any Bidder's proposal or to select any proposal, or to discuss the reasons why such Bidder's or any other proposal was accepted or rejected.
- 4.8. All travelling expenses between NCEDA and the Service Provider are to the Service Provider's account.
- 4.9. No interest shall be payable in the event of a dispute nor accrue on any payments during a period of dispute.
- 4.10. Responses received after the specified due date and time will not be accepted under any circumstances.
- 4.11. The bid would not necessarily have to be accepted by NCEDA, and as such, NCEDA reserves the right to accept any or no bid at all.
- 4.12. NCEDA reserves the right and prerogative to appoint more than one service provider
- 4.13. Instructions to the Bidder on what needs to be included in the proposal or bid and indicating the failure to which non-compliance will be dealt with as well as how any dispute or grievances are to be dealt with are indicated in the bid documents. The terms of the general condition of contract (GCC) forms the general basis of the contract which will be further espoused in the special condition of contract (SCC) in the form of a service level agreement (SLA).
- 4.14. After the closure of the bid the Supply Chain Management Unit (SCM) will open the proposal and draft a long list of all responsive service providers. Thereafter service providers who are non-responsive and do not meet the stipulated functionality evaluation criteria per the terms of this bid will be disqualified.

5 REQUEST FOR BID/PROPOSAL REQUIREMENTS

SERVICE PROVIDERS WHO DO NOT MEET THE REQUIREMENTS BELOW WILL BE DISQUALIFIED

Companies responding to this bid are required to submit the following information:

- 5.1. The following will be the minimum requirements that must be disclosed in the bid/proposal.
 - 5.1.1. General background i.e Detailed Company Profile.
 - 5.1.2. The name and contact details (telephone and/or mobile, fax, email, and postal address) of the project leader (on the front cover of the proposal).
 - 5.1.3. Particulars of project team members who will be involved in the project on an on-going basis (including qualifications and experience -CV's to be included)) and a breakdown of race, gender and disability.
 - 5.1.4. The name of company, business addresses and contact details.
 - 5.1.5. Overview of the organization's capabilities and experience, i.e. Credentials
 - 5.1.6. How long have you been in business?
 - 5.1.7. What is your company's core business, and how long has this been your core business?
 - 5.1.8. What is the total complement of your staff, and what is the statistical breakdown in terms of gender and previously disadvantaged individuals?

- 5.1.9. What is the complement of your management and technical staff, and what is the numerical breakdown in terms of gender and previously disadvantaged individuals?
- 5.1.10. Provide details of clients who make use of your services similar to the ones you offer in this bid, including names, contact persons and the nature of the services.
- 5.1.11. Any other additional information to strengthen your bid/proposal will be considered
- 5.2. The taxes of the successful Bidder must be in order, or satisfactory arrangements must have been made with the Receiver of Revenue to meet his/her tax obligations. This information must be clearly updated on the CSD
- 5.3. In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must have a separate Tax Pins. International companies are to make arrangements with South African Revenue Services for a Tax Pins.
- 5.4. In the event of a consortium, details of roles and responsibilities of each party are to be provided and the overall management structure of the consortium and business model thereof.
- 5.5. The Standard bidding documents to be completed SBD 1, SBD 4 and SBD 6.1 must be completed in full and the signed declaration forms must be attached to the bid.

NCP 1	Invitation to bid/Request for proposal
NCP 4	Declaration of interest
NCP 6.1	Preference points claim

5.6. Mandatory Requirements

5.6.1. Registration on Central Supplier Database (CSD)

Service Providers must be registered as a service provider on the Centralized Supplier Database. If you are not registered proceed to complete the registration of your company prior to submitting your proposal. Refer to <https://secure.csd.gov.za/> to register your company. Ensure that all documentation on the database are updated and valid. Attach a copy of the CSD registration "Summary Report".

5.6.2. Must have a 30 day credit facility/bank guarantee

What is the value of the bank guarantee/credit facility? Provide a copy of the bank guarantee.

5.6.3. Valid and original tax clearance certificate

The validity of the tax clearance certificate issued by the South African revenue services certifying that the taxes of the Bidder are in order will be verified against the information recorded in the Central Supplier Database (CSD).

6 FUNCTIONALITY

The bid will be evaluated using a two (2) phase procurement process 1) technical proposal, once the panel has been approved, service providers on the panel will be invited for the second process of financial proposals.

The Functionality Criteria will be evaluated on the following:

CRITERIA	WEIGHTS
<p>Submissions should be clear of the relevant skills, experience and capacity of the participant, in respect of the commodity / category selected:</p> <ul style="list-style-type: none"> ❖ The experience of the company in undertaking similar work or projects. 	40
<p>Submissions should clearly indicate whether or not the participants have the internal capacity to meet the requirements as per our commodities categories. This will include but not limited to:</p> <ul style="list-style-type: none"> ❖ Resources and Personnel to be dedicated to these projects. ❖ The percentage of the work if any that will be outsourced to third parties. ❖ Project team resumes/ CV's ❖ Financial Capability: Credit facility or bank guarantee 	40
<p><u>REFERENCES</u></p> <p>Contact of at least 3 contactable references from amongst recent clients with whom similar work has been conducted in the past 1 year</p>	20

Bidders are required to score a minimum of 65% on functionality to quality to be evaluated in the next level (Price and Specific goals). Bidders who do not score the minimum of 65% on functionality will be disqualified and not be evaluated on Price and Specific goals.

7 FRONTING

- 7.1 Government supports the spirit of broad based black economic empowerment and recognizes that it can only be achieved through individuals and businesses conducting themselves in accordance with the constitution and in an honest, fair, equitable, transparent and legally compliant manner. Against this background the Northern Cape Economic Development, Trade and Investment Promotion Agency condemns any form of fronting.
- 7.2 The government in ensuring that Bidders conduct themselves in an honest manner will as part of the bid evaluation processes, conduct or initiate the necessary/investigations to determine the accuracy of the representation made in the bid documents. Should any of the fronting indicators as contained in the guidelines on complex structures and transactions and fronting, issued by the Department of trade and industry, be established during such enquiry/investigation, the onus will be on the Bidder/contractor to prove that fronting does not exist. Failure to do so within a period of 14 days from date of notification may invalidate the bid/contract and may also result in the restriction of the Bidder/contractor to conduct business with the public sector for a period not exceeding ten years, in addition to any other remedies

the Department of Economic Development and Tourism may have against the Bidder/contractor concerned.

8 BID FORMAT

Bids must be submitted in the following format:

- 8.1 A proposal which will be evaluated as outlined in these terms of reference must be fully compliant to all aspects of the requirements of the bid.
- 8.2 Official Bid Forms received from NCEDA.
- 8.3 Bidders must note that the only a technical proposal should be submitted NOT Financial.

9 DEFINITIONS

QUALITY MANAGEMENT system means a collection of business processes focused on consistently meeting customer requirements and enhancing their satisfaction. It is expressed as the organizational structure, policies, procedures, processes and resources needed to implement quality management.

10 VALIDITY PERIOD

Bid process is valid for a period of 120 days.

11. BRIEFING SESSION

11.1 There will be NO briefing session.

12. SUBMISSION OF BID

Interested Service Providers must place bid in the **Tender Box** with the following details:

a. Physical Address

Northern Cape Economic Development Trade and Investment Promotion Agency
69 Memorial Road, 1st Floor DSC office block,
Monument heights
Kimberley

b. Closing Details

Date: 03 May 2023

Time: 11H00

Late and emailed submissions will not be accepted. Submissions must be either emailed or hand delivered.

Rating	Definition	Score
Excellent	Exceeds the requirement. Exceptional demonstration by the supplier of the relevant ability, understanding, experience, skills, resource and quality measures required to provide the goods / services. Response identifies factors that will offer potential added value, with supporting evidence.	5
Good	Satisfies the requirement with minor additional benefits . Above average demonstration by the supplier of the relevant ability, understanding, experience, skills, resource and quality measures required to provide the goods / services. Response identifies factors that will offer potential added value, with supporting evidence.	4
AVERAGE	Satisfies the requirement. Demonstration by the supplier of the relevant ability, understanding, experience, skills, resource, and quality measures required to provide the goods / services, with supporting evidence.	3
FAIR	Satisfies the requirement with minor reservations . Some minor reservations of the supplier's relevant ability, understanding, experience, skills, resource and quality measures required to provide the goods / services, with little or no supporting evidence.	2
POOR	Satisfies the requirement with major reservations . Considerable reservations of the supplier's relevant ability, understanding, experience, skills, resource and quality measures required to provide the goods / services, with little or no supporting evidence.	1

13. SUPPLIER DUE DILIGENCE

The Government reserves the right to conduct supplier due diligence prior to final award or at any time during the contract period. This may include site visit. A negative report might lead to performance management with its related issues.

14. CONTRACTUAL AGREEMENT

The successful Bidder(s) will be required to enter into a formal contract with NCEDA that shall be based on this bid specification, the accepted bid, and the letter of acceptance. The contractual agreement may be extended by mutual agreement between the successful service provider(s) and NCEDA.

The contract or any part thereof shall not be subcontracted by the Bidder to any other party without the prior written consent after the bid has been awarded. In the event of any sub-contracting, the Bidder shall bear full responsibility for the quality of work carried out by a sub-contractor.

The Bidder shall not, after the bid has been awarded, assign nor cede the contract or any part thereof or any interest therein to any other party without the prior written consent.

Variations and amendments to the contract shall be valid only if they are done in writing and by mutual consent.

Any contract between the Offices of NCEDA and the successful Bidder shall be governed by the laws of the Republic of South Africa.

15. DURATION

The contract will be for 36 months. It may be renewed upon mutual agreement.

16. SERVICE LEVEL AGREEMENT

Bidders will be required to sign the Service Level Agreement (SLA).