



REQUEST FOR QUOTATION (RFQ/015/2023)

APPOINTMENT OF A SERVICE PROVIDER FOR ADVANCE COMPANY LAW TRAINING

CLOSING DATE: 05 OCTOBER 2023

TIME: 16H00

Brand South Africa

103 Central Street, Houghton, Gauteng, South Africa |
PO Box 87168, Houghton, 2041, Gauteng, South Africa Telephone: +27 11 712 5000 | Fax: +27 11 483 0124
Email: info@brandsouthafrica.com | Website: www.brandsouthafrica.com

Acting Chief Executive Officer: Ms Sithembile Ntombela



1. INTRODUCTION

Brand South Africa, previously known as the International Marketing Council of South Africa (IMC) was established in 2002 and tasked with leading the global and domestic marketing of our nation's Brand. The primary object of the Trust is to develop and implement a pro-active and coordinated marketing and communication and reputation management strategies for South Africa.

Brand South Africa's international mandate is to build South Africa's Nation Brand reputation in order to improve the country's global competitiveness, reflecting a great focus on driving international investment and trade.

Domestically, Brand South Africa's mandate is to build pride & patriotism amongst South Africans and contribute to social cohesion and nation brand ambassadorship, giving our country a consolidated and clear brand image. This involves the creation of a unified message and promise that becomes identifiable with South Africa, thereby building credibility, conviction and committed patronage.

Brand South Africa is also the central hub of national reputation and competitiveness intelligence. This intelligence is vital for articulating, aligning and mobilising key messages about the nation for the use and benefit of all stakeholders and strategic partners.

2. WHO WE ARE

Brand South Africa is a Schedule 3A Public Entity, which was established in terms of the Brand South Africa Trust Deed, which is governed by the Trust Property Control Act No.57 of 1988 and the Public Finance Management Act, No.1 of 1999. The organisation reports to the Department of Communication, from which it receives its budget.

3. PURPOSE

The purpose of Brand South Africa is to develop and implement pro-active and coordinated marketing, communication, and reputation management strategies for the country.

4. MISSION

To achieve our purpose, we will embark on the following execution mission:

- Develop and articulate a South African national brand identity that will advance South Africa's long-term positive reputation and global competitiveness.
- Seek to build individual and institutional alignment to and support for the brand in South Africa and pride and patriotism amongst South African.
- Build awareness and the image of the Nation Brand in other countries.
- Seek the involvement and cooperation of various government departments, civil society, business and the non-government sector.

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5. SCOPE OF WORK

a) Brand South Africa hereby invites experienced and reputable service providers to submit quotations for the advance company law training as per the below.

b) Course outline must include the following:

- analyse the history and development of South African company;
- evaluate the rules regarding corporate legal personality;
- appraise the principles of corporate criminal liability;
- analyse critically the legal principles of corporate governance with emphasis on the directors of a company; and
- interpret and evaluate the principles of corporate social responsibility.

6. DELIVERABLES

a) Course to be conducted In Online for a period of one (1) day

b) Course to be attended by x1 delegate.

c) Short Course - A certificate of completion to be issued to attendees who complete the course.

7. EVALUATION CRITERIA

Table 1 - Mandatory Evaluation

ITEM	EVIDENCE	(x)	
The Service provider must be SETA Accredited.	Valid certificate or records in the name of the bidding company	Yes	No
Facilitator: • 3 years relevant Experience • Relevant Qualification/Accreditation	CV and copy of proof of qualification/Accreditation	Yes	No

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7.1. Table 2 - Price and Specific Goals

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

Table 2 - Price and Specific Goals		
CRITERIA	SUB-CRITERIA	WEIGHTING / POINTS
Price	Detailed budget breakdown	80
Specific Goals	Specific Goal	20
TOTAL		100

NB: Price and specific goals points will be calculated as described in the Preferential Procurement Regulations of 2022. SBD 6.1 form must be used to claim points for specific goals for the company. A copy of CSD report and certified copy of B-BBEE certificate or Sworn Affidavit must be submitted as proof of specific goals. When the said documentation is not provided as proof the company will automatically score zero points for specific goals. Brand SA may request further information if clarity is needed.

7. INSTRUCTIONS TO BIDDERS

7.1. Terms and Conditions

Brand South Africa reserves, under exceptional circumstances, the rights to extend the closing date. All proposals and all subsequent information received from bidders will not be returned.

The adjudication process does not represent a commitment on the part of the Brand South Africa to proceed further with that proposal or of any other bidder.

The price quoted must be valid for at least 90 days.

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7.2. Changes to this RFQ document

Brand South Africa reserves the right to make changes on this RFQ Document. All changes will be communicated to those firms that have responded to the RFQ. No reliance shall be placed on other information or comment from any other person.

7.3. Confidentiality

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

7.4. Other matters

Brand South Africa reserves the right not to enter into any relationship and no correspondence pertaining to submissions will be entered into.

If Brand South Africa does not accept any proposal, it will declare this RFQ call process closed and may then elect to:

- Proceed on a completely different basis; and
- Not to appoint any respondent in the event it deems proposals not appropriate.

Brand South Africa will not accept any responsibility for costs incurred by bidders in preparing and submitting proposals.

Brand South Africa reserves the right to engage in processes to validate all claims made in the proposal.

8. PAYMENT STRUCTURE

- 8.1. Brand South Africa undertakes to pay in full within thirty (30) days, all valid claims for work done to its satisfaction upon presentation of a substantiated claim/invoice.
- 8.2. Payments will only be made on the basis of the work completed (milestones/ deliverables) as per the project implementation plan to be agreed at the inception of the project.

9. GENERAL

- 9.1. Below are compulsory requirements for this service:

It is important to note that the successful bidder will work under the supervision of a Brand South Africa representative, abide by Brand South Africa's Code of Conduct, and other organisational guidelines.

- 9.2. Kindly submit the following document:

- (SARS Pin Number/ Tax Clearance Certificate).
- National Treasury Central Supplier Database Report.
- Completed and signed SBD forms.
- Completed and signed POPIA PROTECTION OF PERSONAL INFORMATION ACT, 2013 (POPIA)
- Quotation on Company Letterhead

10. CONTACT DETAILS FOR INFORMATION

- 10.1. Further information regarding technical matters can be sent via email to:

Nicholusm@brandsouthafrica.com or tel: 011 483 0122.

- 10.2. Further information regarding supply chain matters can be send via email to:

quotations@brandsouthafrica.com or ntsepengl@brandsouthafrica.com or at tel: 011 483 0122.

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11. SUBMISSIONS OF PROPOSALS

- 11.1. Proposals should be submitted on or before the **05 OCTOBER** by no later than **16H00** to the following address: ntsepengl@brandsouthafrica.com
- 11.2. The selection of the qualifying bid/quotations will be at the Brand South Africa's sole discretion. Brand South Africa does not bind itself to accept any particular bid/quotations, and reserves the right not to appoint the bidder.

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SBD 3

PRICING SCHEDULE

Note:

- 1 Bidder must complete the pricing as per the table below
- 2 All pricing will be according to the Scope of work
- 3 Line Prices are all **VAT EXCLUDING**, and **TOTAL PRICE** is **VAT INCLUSIVE**

The following pricing schedule needs to be completed in line with the required deliverables (where applicable) and return a part of the tender submission.

Description	No of attendees	Price
ADVANCE COMPANY LAW COURSE	1	
		R
VAT		R
GRAND TOTAL		R

NB:

- BIDDERS ARE EXPECTED TO QUOTE ACCORDING TO THE SCOPE OF WORKS ABOVE
- BIDDERS ARE EXPECTED TO PROVIDE A DETAILED BREAK DOWN OF COSTS ON COMPANY LETTER HEAD

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BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

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

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

2. Bidder's declaration

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

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

Full Name	Identity Number	Name of State institution

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

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

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

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2.2.1 If so, furnish particulars:

.....
.....

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

2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

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

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

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

institution in relation to this procurement process prior to and during the bidding

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

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

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

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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 are applicable to invitations to tender:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 To be completed by the organ of state

(delete whichever is not applicable for this tender).

- a) The applicable preference point system for this tender is the **90/10** preference point system.
- b) The applicable preference point system for this tender is the **80/20** preference point system.
- c) Either the **90/10 or 80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

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

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

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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 in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

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

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3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

3.2.1. POINTS AWARDED FOR PRICE

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

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

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4. POINTS AWARDED FOR SPECIFIC GOALS

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

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

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
100 % Black owned	N/A	10		
Exempted Micro Enterprise (Annual Turnover less the R 10 000 000)	N/A	10		

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DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

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

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and

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directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and

- (e) forward the matter for criminal prosecution, if deemed necessary.

.....

SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

PROTECTION OF PERSONAL INFORMATION ACT, 2013 (POPIA)

I/we as Band South Africa's potential service provider hereby:

- grant my/our voluntary consent to Brand South Africa to collect, process and use my/our personal information in accordance with the provisions of POPIA;
- confirm that I/we understand and acknowledge that my/our personal information may be used by Brand South Africa in order to discharge its public and/or statutory duties;
- grant our consent to Brand South Africa that my/our personal information may be disclosed to third parties in consistence with Brand South Africa's statutory duties; and
- confirm that I/we are aware that there may be circumstances during which Brand South Africa will not need my/our express consent to process my/our personal information, such as during litigation or the information is already in the public domain.

Should any of my / our personal information change, I/ we shall promptly inform Brand South Africa by contacting accounts@brandsouthafrica.com

SIGNED AT _____ ON THIS _____ DAY OF _____ 202_____

FULL NAMES AND SURNAME: _____

CAPACITY OF THE SIGNATORY: _____

SIGNATURE: _____

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