

RFQ NUMBER:	SFF/0705/08/2022
ISSUE DATE:	31 August 2022
ADDRESS AND CONTACT PERSON	151 FRANS CONRADIE DRIVE PAROW phumlaniS@strategicfuelfund.co.za CC sandisiweK@strategicfuelfund.co.za 0215242700
CLOSING DATE:	08 September 2022
CLOSING TIME:	16H00
TENDER VALIDITY PERIOD:	60 DAYS FROM CLOSING DATE

COMPANY NAME:

CONTACT PERSON:

CONTACT NUMBER:

E-MAIL ADDRESS:

PHYSICAL ADDRESS:

SUPPLIER TO NOTE:

- A) SFF CONDITIONS OF PURCHASE WILL APPLY
- B) LATE / INCOMPLETE QUOTATIONS WILL NOT BE CONSIDERED

BACKGROUND

SFF is a wholly owned subsidiary of CEF established by the Government and came into operation in 1977. The entity is mandated by the Minister of Energy to manage and control the Strategic stocks, Strategic assets and commercialization of the assets in order to fund the government mandate.

In 2012 SFF merged with Oil Pollution Control South Africa (OPCSA), which was previously a service provider to SFF. SFF manages three terminals: Saldanha, Milnerton and Ogies. Saldanha is fully utilized for both strategic crude storage and commercial activity with its revenue used to fund the mandate of SFF.

1. SCOPE OF WORK

The scope of work for the conducting of due diligence audits and advanced risk assessments will include as a minimum the following areas;

✓ **Security clearance**

SFF security requirements are made known to Tenderers in the tender documentation and are binding on all its suppliers and its employees for the duration of the contract.

The due diligence exercise has the purpose of clearing a supplier on behalf of SFF even before an award is made to such a company.

Conflict of Interest: The Service Provider shall ensure that conflict of interest/potential conflict of interest as defined in the SFF Procurement Policy, Procedure and the SBD 4 document (available from National Treasury's website), is highlighted and/or disclosed.

The Service Provider shall ensure that politically exposed person (s), defined as someone who has been entrusted with a prominent public function, is highlighted and/or disclosed.

✓ **Legal status and BBBEE compliance**

The due diligence exercise must confirm the Tenderer's legal status, which includes but not limited to determination of the Tenderer's past supply chain practices (as defined in SBD 8 available from the National Treasury's website) and BBBEE compliance in terms of the above.

✓ **Company's ability to perform in terms of the scope of work**

Included in all tender documentation is the scope of work or material specifications and corresponding Technical Questionnaire/Evaluation Criteria listing required information from all Tenderers.

The due diligence exercise must evaluate the information submitted relating to the company's ability/potential ability to perform the services or supply materials as per specifications, taking into account its organisational structure, management, personnel, infrastructure, workshop facilities, equipment, procedures, etc.

A physical verification of the facilities will be required. This should include pictures of the personnel, facilities and equipment (if applicable).

It the case of materials, it is important to know if the supplier keeps stock, have a warehouse, is an official appointed product agency or original manufacturer in South Africa, are geared for reconditioning and if the supplier is certified to supply the required components / materials to meet our insurers. This exercise may also be required from time to time on new companies that SFF may wish to place on its database where tenders have not yet been requested for such services or partial due diligence is required.

✓ **Financial ability/Creditworthiness**

A due diligence exercise is required to evaluate the financial status/systems of a company to ensure that the required services tendered for can be performed and will evaluate, inter alia, the following issues:

- Credit worthiness – is the company solvent and not listed with any credit bureau
- Ability to obtain credit/finance for the contract
- Compliance with Tax legislation – Income Tax, VAT, etc.
- Proper accounting – in accordance with GAAP
- Verification and assessment of any terms and conditions of any Joint Venture or Shareholders Agreements relating to financial matters
- Audited financial statements for three years, together with Auditor's Reports

✓ **Organization and Good Standing**

A due diligence exercise is required to evaluate the company to ensure that it complies with legislation and will evaluate, inter alia, the following issues;

- The Company's organizational chart
- The Company's list of shareholders (up to the level of individuals) and number of shares held by each
- Company's assumed names and copies of registrations and re- registrations thereof
- COID, ISO, ANSI, SABS API, etc. where applicable

✓ **Tax compliance**

A due diligence exercise is required to evaluate the tax compliance status of a company and will evaluate, inter alia, the following issues

- Sales tax returns for the last three years
- Tax Certificates/Clearance Certificates and Tax Registrations

2. The scope of work for the Advanced Risk Assessment will cover the following minimum areas:

- **Site Visits if required;**
- **Interviews with recommended company and sub-contractor(s);**
- **In depth, on the ground perspective on the risk profile of the recommended bidder**

- Risk assessment on the 9 pillars
 1. Governance & Leadership;
 2. Company Strategy & Culture;
 3. Financial Performance;
 4. Operations;
 5. Corporate Social Responsibility;
 6. Demand Market;
 7. Supplier Market;
 8. Competitive Landscape; and
 9. Trends, benchmarks and industry analysis

A detailed risk report will be prepared highlighting how the company scored on each of the 9 pillars, with recommendations and next steps.

FORM OF OFFER

Notes to Pricing:

- a) Prices must be quoted in South African Rand, inclusive of VAT
- b) Prices quoted must be held valid for a period of 60 days from closing date of this RFQ
- c) Please note that should you have offered a discounted price(s) SFF Association will only consider such price discount(s) in the final evaluation stage if offered on an unconditional basis.
- d) NOTE that quantities are only an estimate and Quantities are NOT guaranteed. In this regard, SFF estimates approximately 10 due diligence and advanced risk assessment report may be required within the 12-month period, on an as and when required basis. HOWEVER, no expectation should be created as this is merely an estimate with no guarantee.

THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF VALUE ADDED TAX IS:

..... Rand (in words and cents); R (in figures) including VAT, contingency, accommodation and travel

.This offer may be accepted by the employer by signing the acceptance part of this form of offer and acceptance and returning one copy of this document to the bidder before the end of the period of validity stated in the RFQ.

Signature Date

Print Name

Capacity
(for the tenderer)

(Name and address of the organization)
.....

witness

Date

PRICING SCHEDULE

DESCRIPTION	COST PER REPORT (INCLUSIVE OF VAT)
Cost of each due diligence report which includes the advanced risk assessment and covers the full scope of work	
NOTE:	
SFF estimates approximately 10 due diligence and advanced risk assessment report may be required within the 12-month period, on an as and when required basis. HOWEVER, no expectation should be created as this is merely an estimate with no guarantee	
TOTAL FOR 12 MONTHS	

DELIVERY PERIOD: Suppliers are requested to offer their earliest delivery period possible as delivery may be a deciding factor in adjudication of the quotation.

Delivery will be effected within Working days from date of order. (To be completed by Service provider)

DELIVERY POINT: The service / goods must be delivered at the following address: **SFF ASSOCIATION PAROW**

VALIDITY PERIOD: SFF desires a validity period up to **60 days** against this Quotation. It should be noted that suppliers may offer an earlier validity period, but that their quotation may in that event, be disregarded for this reason.

This Quotation is valid until (To be completed by Supplier)

YOUR REFERENCE:

PAYMENT:

Payment will be made upon completion of the works within 30 days from date of receipt of a correct tax invoice.

1. EVALUATION CRITERIA

The evaluation of Quotations to determine whether the Bidder is capable of delivering the Goods/Services and will be evaluated according to the following Evaluation Criteria:

Evaluation Criteria	Weighting
Price	80
BEE	20

STAGE 1: Mandatory Requirements

(a) Test for Administrative Responsiveness

The test for administrative responsiveness will include the following:

Administrative responsiveness check
<ul style="list-style-type: none"> Whether the RFQ has been received on time Whether all Returnable Documents were completed and returned by the closing date and time Verify the validity of all Returnable Documents

The test for Administrative Responsiveness [Stage One] must be passed for a Quotation to progress to further pre-qualification.

(b) Test for Substantive Responsiveness to RFP

The test for substantive responsiveness to this RFQ will include the following:

Check for substantive responsiveness
<ul style="list-style-type: none"> Whether any general pre-qualification criteria set by SFF Association, have been met Whether the RFQ contains a priced offer Whether the RFQ materially complies with the scope of work given

The test for substantive responsiveness [Stage One] must be passed for a Proposal to progress to Stage 3 for further evaluation

SFF Association reserve the right not to evaluate your submission and to omit your submission from further participation in this RFQ process should it not comply with the Critical Criteria as contained in this Request for Quotation.

SFF Association reserves the right to lower the threshold for Technical Evaluation Criterion by 10% [Ten percent] if no Tenderers pass the predetermined minimum threshold in respect of Technical.

STAGE 3: Evaluation and Final Weighted Scoring

(a) Price Criteria [Weighted score 80]

Evaluation Criteria	
•	Commercial Offer

Price Evaluation: The evaluation for price will be done based on the following formula:

Where

PS = Points scored for price of tender under consideration

Pt = Rand value of offer tender consideration

Pmin = Rand value of lowest acceptable tender

(b) Broad-Based Black Economic Empowerment criteria [Weighted score 20 points]

Preference points will be awarded to a Tenderer for attaining the B-BBEE status level of contribution in accordance with the table indicated in Annexure A: Preference Points Claim Form

BEE Evaluation: The BBBEE component of evaluation is weighted at 20% of the evaluation criteria. Bidders will be awarded the following points based on the level of their BBBEE as per their BBBEE Certificate issued by an agency approved by SANAS or IRBA registered Auditors:

BBBEE Status Level of Contributor	Number of Points
1	20
2	18
3	16
4	12
5	8
6	6
7	4
8	2
Non-complaint contributor	0

(c) Cost /Price

The service provider will be requested to provide a quotation for the work to be taken. The total fees VAT inclusive must be quoted in South African Rands (ZAR). The quoted fee will remain fixed for one year.

STAGE FOUR: Post Tender Negotiations (if applicable)

SFF Association reserves the right to conduct post tender negotiations with a shortlist of Tenderer(s). The shortlist could comprise of one or more Tenderers. Should SFF Association conduct post tender negotiations, Tenderers will be requested to provide their best and final offers to SFF Association based on such negotiations. A final evaluation will be conducted in terms of 90/10 evaluation thereafter the contract will be negotiated and awarded to the successful Tenderer(s).

2. RETURNABLE DOCUMENTS

Returnable Documents means all the documents, Parts and Annexures, as listed in the tables below.

(a) Mandatory Returnable Documents

Failure to provide all mandatory Returnable Documents at the closing date and time of this tender will result in a Tenderer's disqualification. Tenderers are therefore urged to ensure that all these Documents are returned with their Proposal

Please confirm submission of the mandatory Returnable Documents detailed below by so Indicating [Yes or No] in the table below:

MANDATORY RETURNABLE DOCUMENTS	SUBMITTED [Yes/No]
Form of offer	
Original and valid Tax Clearance Certificate	

(b) Essential Returnable Documents

In addition to the requirements of Part (a) above, Tenderers are further required to submit with their Proposals the following **essential Returnable Documents** as detailed below.

Failure to provide all essential Returnable Documents may result in a Tenderer's to re-submit the documents and if not will be disqualified. Tenderers are therefore urged to ensure that all these documents are returned with their Proposals.

Please confirm submission of these essential Returnable Documents by so indicating [Yes or No] in the table below:

ESSENTIAL RETURNABLE DOCUMENTS & SCHEDULES	SUBMITTED [Yes or No]
RFP Declaration Form	

ESSENTIAL RETURNABLE DOCUMENTS & SCHEDULES	SUBMITTED [Yes or No]
B-BBEE Certificate	
List of Directors	
Company Profile	
Project Schedule	
Company Organogram	
Completion Certificate	
Appointment Letters	
CK Document	
Letter of Good Standing	
Proof of Bank Account (either a cancelled cheque or letter from the bank)	
Copies of Directors' ID documents	
Company Letter Head	
CSD Registration	

CONTINUED VALIDITY OF RETURNABLE DOCUMENTS

The successful Tenderer will be required to ensure the validity of all returnable documents, including but not limited to its Tax Clearance Certificate and valid B-BBEE Verification Certificate, for the duration of any contract emanating from this RFP. Should the Tenderer be awarded the contract **[the Agreement]** and fail to present SFF Association with such renewals as and when they become due, SFF Association shall be entitled, in addition to any other rights and remedies that it may have in terms of the eventual Agreement, to terminate such Agreement forthwith without any liability and without prejudice to any claims which SFF Association may have for damages against the Tenderer.

By signing these RFQ documents, the Tenderer is deemed to acknowledge that he/she has made himself/herself thoroughly familiar with all the conditions governing this RFQ, including those contained in any printed form stated to form part hereof, and SFF Association will recognize no claim for relief based on an allegation that the Tenderer overlooked any such condition or failed properly to take it into account for the purpose of calculating tendered prices or otherwise.

In addition, by signing these RFQ documents, the Tenderer is deemed to have acknowledged that SFF Association is required to Process its Personal Information (as such capitalised terms are defined in the Protection of Personal Information Act, No. 4 of 2013), in order to evaluate its tender and that such Processing shall be done in accordance with SFF Association's Privacy Policy, which is available on the SFF website and on request – the Tenderer is expected to familiarise itself with this Privacy Policy. The SFF association reserves

the right and the Tenderer is hereby informed that external service providers may be appointed by the SFF association to assist SFF in evaluating tender responses and suitability for appointment.

SIGNED at _____ On this _____ day of _____ 20____

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 _____

Name _____

2 _____

Name _____

SIGNATURE OF TENDERER'S AUTHORISED REPRESENTATIVE:

Name _____

ANNEXTURE 1:**SIGNING POWER – RESOLUTION OF BOARD OF DIRECTORS**

NAME OF ENTITY: _____

It was resolved at a meeting of the Board of Directors held on _____ that

FULL NAME(S)

CAPACITY

SIGNATURE


In his/her capacity as indicated above is/are hereby authorised to enter into, sign, execute and complete any documents relating to this Proposal and any subsequent Agreement for the provision of Services. A list of those person(s) authorised to negotiate on behalf of the abovementioned entity [if not the authorised signatories] is also submitted along with this Proposal together with their contact details.

FULL NAME _____

SIGNATURE CHAIRMAN

FULL NAME _____

SIGNATURE SECRETARY

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ANNEXTURE 2:

1. DECLARATION OF INTEREST (SBD 4)


Any legal person, including persons employed by the state¹, SANSA Board members or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). 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-

- The bidder is employed by the state;
- SANSA Board member; and/or
- 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

¹“State” means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament

Are you or any person connected with the bidder presently employed by the state? If so, furnish the following particulars: Name of person / director / trustee / shareholder/ member:..... Name of state institution at which you or the person connected to the bidder is employed..... Position occupied in the state institution:..... Any other particulars:.....	YES / NO
If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? If yes, did you attach proof of such authority to the bid document? (Note: Failure to submit proof of such authority, where applicable, may result in the qualification of the bid If no, furnish reasons for non-submission of such of:.....	YES / NO YES / NO
Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? If so, furnish particulars:.....	YES / NO

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Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? If so, furnish particulars:.....	YES / NO
Are you, or any person connected with the bidder aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid? If so, furnish particulars:.....	YES / NO
Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract? If so, furnish particulars:.....	YES / NO


ANNEXURE 3

Declaration of Bidder's past supply chain management practices (SBD 8)

- 1.1 This Standard Bidding Document must form part of all bids invited.
- 1.2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system
- 1.3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
- 2.3.1 Abused the institution's supply chain management system
 - 2.3.2 Committed fraud or any other improper conduct in relation to such system; or
 - 2.3.3 Failed to perform on any previous contract.

2.4 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

Item	Question	Yes	No
2. 4.1	Is the bidder or any of its directors listed on the National Treasury's database as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2.4.1.1	If so, furnish particulars:		

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2.4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? To access this Register enter the National Treasury's website, www.treasury.gov.za, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2.4.2.1	If so, furnish particulars:		
2.4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2.4.3.1	If so, furnish particulars:		
2.4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2.4.4.1	If so, furnish particulars:		

ANNEXURE 4


Certificate of Independent Bid Determination (SBD 9)

3.1. This Standard Bidding Document (SBD) must form part of all bids¹ invited.

3.2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.

3.3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:

- a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.

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b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.

3.4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.

3.5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

Certificate of Independent Bid Determination

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:


I certify, on behalf of: _____ that:

(Name of Bidder)

- A. I have read and I understand the contents of this Certificate;
- B. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
- C. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
- D. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;

- E. For the purposes of this Certificate and the accompanying bid, I understand that the word “competitor” shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
- (a) Has been requested to submit a bid in response to this bid invitation;
 - (b) Could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) Provides the same goods and services as the bidder and/or is in the same line of business as the bidder
- F. 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 consortium³ will not be construed as collusive bidding.
- G. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
- (i) prices;
 - (ii) geographical area where product or service will be rendered (market allocation)
 - (iii) methods, factors or formulas used to calculate prices;
 - (iv) the intention or decision to submit or not to submit, a bid;
 - (v) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (vi) bidding with the intention not to win the bid.
- H. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
- I. 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 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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- J. 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.