



TERMS OF REFERENCE

To:	The Bidder
From:	Supply Chain Management Unit

BID PARTICULARS

Project Description	Expansion of the Existing Approved Panel of Researchers on Economic Development Planning		
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Bid Reference	EDT 008-19		
Bid Closing Date	25 June 2024	Bid Closing Time	11:00 am
Bid Briefing Session	Not Applicable		

1. PURPOSE

- 1.1 The Department of Economic Development and Tourism (DEDAT) is responsible to co-ordinate the provinces' Growth for Jobs (G4J) strategy. The strategy is aimed at providing breakout growth for the provincial economy leading to an annual growth rate of between 4-6% where there is sufficient employment and opportunity, and which is sustainable, resilient, diverse, and thriving – generating confidence, hope.
- 1.2 The Departmental objectives to achieve this goal include economic leadership, improving the ease of doing business, and establishing an innovative and competitive business environment.

- 1.3 To this end, the Department seeks to establish a panel comprising of professional and/or specialised researchers in the fields of financial, spatial, statistical, techno-economic, the green economy (including the economics of energy, water and waste), environmental and qualitative economic analysis. Directorates in DEDAT may procure specialist research and economic development planning services from this panel through an approved and efficient process as and when required for a period of three (3) years, provided that budgets are available and approved.

2. BACKGROUND

- 2.1 One of the elements of the leadership approach that DEDAT has adopted for G4J, is to improve regional economic governance and embrace innovation. Vertical and horizontal leadership will be provided within the economy to enable all stakeholders to make the Western Cape a growing, resilient and inclusive economic leader.
- 2.2 The range, depth, complexity and frequency of the professional and technical economic analyses and applications that are required to give effect to this leadership commitment, exceed the internal capacity of the Department. These requirements range from surveys to econometric modelling, sectoral and labour market analyses and development planning, as well as economic impact assessment. It also includes the preparation of appropriate economic indicators in support of rapidly changing economic planning requirements, such as those emerging from the need to promote the development of township economies.

3. NATURE AND SCOPE OF SERVICES TO BE RENDERED

- 3.1 Professional and/or specialised researchers on all aspects of economic development planning, as described in the purpose above, are invited to apply for registration on a Panel based on their expertise, experience and compliance with SCM requirements as determined in the Public Finance Management Act.
- 3.1 The primary need for the Panel of Researchers is to provide the DEDAT with scientific evidence, analysis and recommendations regarding the challenges to economic growth and job creation, responses to these challenges and the impact of these responses. The panel will only be engaged where internal capacity is inadequate and where there is a lack of skills for the

services that may be required. Researchers will bring independent insight, specialist and external perspectives to the Department's research portfolio and work. These inputs will be provided in the form of reports, models, presentations and notes for discussion at workshops and meetings.

- 3.2 Service providers will be expected to provide research support, which may include the following services:
- a) Planning, conducting and reporting on surveys and other research methods as required; to obtain market information, socio-economic, economic and doing business information and essential economic data sets (including information required for red tape reduction).
 - b) Sectoral, industry and labour market analyses and assessments.
 - c) Econometric and other economic modelling, as well as related systems and processes (macro-economic forecasting is specifically included on a range of indicators that are not available to DEDAT).
 - d) Macro and micro economic impact assessments; including cost benefit analysis and evaluation research.
 - e) Compilation of appropriate economic development and competitiveness indicators and indexes, including indicators of inclusive economic development.
 - f) Development and application of appropriate analytical capacity to rank project options to facilitate resource allocation for the greatest local economic and job creation impact.
 - g) Research on provincial, regional and local economic growth and development, as well as for emerging economic issues, such as the township economy, regulatory reform, regulatory impact assessments, innovation and the application of principles from behavioural economics.
 - h) Research and planning for spatial constraints and implications for economic development in a local context.
 - i) Evidence-based and locally appropriate recommendations for the promotion of economic resilience and sustainability, with specific reference to the green economy, including the economics of energy, water and waste.

- j) Identification of options to mitigate or circumvent barriers to economic growth and job creation.
- k) Identification of international best practice and benchmarking regarding economic development promotion

3.3 Furthermore, researchers must possess at least 5-years of professional experience in their areas of specialisation as indicated in section 3.2 above.

4. EVALUATION METHODOLOGY

4.1 This bid shall be evaluated for compliance / non-compliance to the minimum requirements as per the table outlined below:

Phase 1: Compliance to compulsory requirements: during this phase, bids will be verified against the minimum eligibility requirements as set out in sections 8 and 9 of this Terms of Reference. If bids do not meet the minimum eligibility requirements, they will be deemed non-responsive and will not be evaluated further.

Phase 2: Responsive bids will, thereafter, be evaluated for compliance / non-compliance to the minimum requirements as per the table outlined below:

#	CRITERIA: MINIMUM REQUIREMENTS	REFERENCE
1.	The lead researcher is required to possess a minimum of 5-years of local and/or international experience in at least one of the identified areas of bidding in paragraph 3.2.	Paragraph 7.1(a)
2.	Minimum qualifications of the lead researcher should be a master's degree in the field related to the identified area(s) for bidding.	Paragraph 7.1(a)

3.	Proven track record of relevant / related projects in the past. The service provider will be required to provide THREE written and contactable work references where similar work was undertaken in the last 5-years. Letter to be on the relevant company / government department / organisation letterhead.	Paragraph 7.1(b)
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- 4.2 Only Bidders that **comply** for **all three (3) minimum criteria** will be listed on the database and be eligible to submit proposals / quotations for Job Briefs as the need arises.
- 4.3 Written work reference letters indicating previous work done by no less than **THREE (3)** contactable client references will be subject to a reference checking.
- 4.4 After the establishment of the Panel, Job Briefs will be compiled as and when required and will be circulated to panel members with requests for quotations. Each Job Brief may contain its own unique evaluation criteria. There is no guarantee that job briefs will be issued for all categories of services listed on the panel and being registered on the panel does not guarantee that a service provider will be awarded work.

5. DURATION OF CONTRACT

- 5.1 The service providers will be appointed to the **Panel of Researchers** for **DEDAT** for the **remainder** of the **three (3) year period, ending March 2026**, subject to the performance of the service provider(s). The performance of appointed service provider(s) will be reviewed on an annual basis and/or on completion of a specific project.
- 5.2 Requests for service providers to submit applications for inclusion on the Panel will be managed through bid re-advertising windows.

6. TRAINING AND TRANSFER OF SKILLS

- 6.1 The terms of reference for the request for quotations from panel members for specific services, may include appropriate training and transfer of skills pertaining to that unique

service, whether it be a survey or econometric modelling or any other expert service. In this event, the project manager for each specific service will be expected to nominate a suitable official for practical training and skills development on the job.

7. SERVICE PROVIDERS PROPOSAL

7.1 Bidders are required to submit the documents mentioned below. **Failure to comply, will render the bidder's application non-compliant:**

- a) The names, CV'S, and fields of expertise for each of their researchers (CV's must reflect academic qualifications and years of professional experience). The lead researcher must have a master's degree or higher in economics or a related field as specified in paragraph 3 above; and at least five years of research experience in at least one of the nominated or other appropriate fields. Information contained in the CV's should be summarised in the Company Expertise table **(ANNEXURE A)** provided. Evidence of experience must be provided in CV's in the form of titles of previous work with an abstract of what the work entailed.
- b) Information on three client project managers who may be contacted for references on the quality of their recent work during past five/5-years.

8. MINIMUM REQUIREMENTS FOR A VALID BID

8.1 Service providers that fail to adhere to any of the following, will be rendered non-compliant:

- a) Bidders must submit proposals before the bid closing date and time.
- b) Bidders are required to be registered on the Central Supplier Database (CSD).
- c) The Department shall verify the bidder's tax compliance status through the CSD.
- d) Each party participating in a Joint Venture / Consortia must be tax compliant and must provide a WCBD 4. Signed agreements as satisfactory proof for the existence of a joint venture and/or consortium arrangement must be submitted
- e) Consortiums must provide a WCBD 4 and must be tax compliant.

9. RETURNABLE DOCUMENTS

9.1 The following documents are compulsory and must be submitted according to the table below. Failure to submit documents listed under Table I below will result in disqualification.

Table 1: List of Compulsory Bid Documents and Requirements

Document to be submitted	Disqualification	Description / Instruction
Proposal portfolio of evidence	Yes	Bidder's proposal and supporting documentation.
WCBD 1	Yes	Invitation to Bid 1) Authorised representative to sign bid. 2) Complete and sign.
* WCBD 4	Yes	Declaration of Interest, Declaration of Bidder's Past Supply Chain Management Practices and Certificate of Independent Bid Determination 1) Complete and sign.
* WCBD 6.1	No	Preference Points Claim Form 1) Non-submission will lead to zero (0) score for B-BBEE points. Only the B-BBEE status stated on the completed WCBD 6.1 will apply to the evaluation of this bid and not the B-BBEE status on the WCSEB or CSD. 3) Complete and sign.

*** If registered on the WCSEB and the information as per the completed forms submitted are still the same and valid, there would be no need to complete and resubmit.**

10. JOINT VENTURE / CONSORTIUM / TRUST

- A joint venture, consortium or trust must submit a consolidated B-BBEE scorecard if they are claiming preference points.
- A joint venture, consortium or trust will qualify for points on evaluation of their B-BBEE status level as a legal entity, provided that the entity submits the requisite B-BBEE status

level certificate.

- c) Bidders must submit substantive proof of the existence of joint ventures and/or consortium arrangements. The department will accept signed agreements as satisfactory proof for the existence of a joint venture and/or consortium arrangement.
- d) Joint venture and/or consortium agreements must clearly set out the roles and responsibilities of the lead partner. The agreement must also clearly identify the lead partner that is accordingly provided with a power of attorney to bind the other co-parties in all matters pertaining to the joint venture and/or consortium arrangement.
- e) Each party participating in a joint venture, consortium or trust must submit a WCBD 4.
- f) Each party participating in a joint venture, consortium or trust must be tax compliant.
- g) The organisational structure of the team for which a registration application is being submitted (including any joint venture, consortium or trust arrangements) must be provided as per Table 1 of paragraph 9.
- h) Joint ventures, consortia or trusts may not be formed with service providers that are also independently registered on the Panel of Researchers on Economic Development Planning.

11. SUBCONTRACTING

- a) A service provider awarded a contract may only enter into a subcontracting arrangement to a maximum of 25% of the value of the contract.
- b) Subcontracting may only be with service providers that are not also independently registered on the Panel.
- c) The organisational structure of the team for which a registration application is being submitted (including any sub-contracting arrangements) must be provided.

12. REGISTRATION ON SUPPLIER DATABASES

- a) Prospective applicants must be registered on the Central Supplier database (CSD) at the time of bid closure.
- b) All prospective applicants who are not registered on the Central Supplier Database are requested to self- register on www.csd.gov.za. For further assistance with the

registration process, please contact Siyavuya Maputi on (021) 483 9166 or e-mail Siyavuya.Maputi@westerncape.gov.za.

- c) **Registration on databases and compliance of tax status will be verified at the time of the award.** Where the successful applicant is not tax compliant, the department will notify the applicant in writing of their non-compliant status and the applicant will be requested to submit written proof from SARS of their tax compliance status or proof that they have made an arrangement to meet their outstanding tax obligations within 7-working days.

13. CONTRACTUAL ASPECTS

- 13.1 The contents of this document shall be deemed to constitute the Special Conditions of Contract applicable to this bid and shall be read together with the General Conditions of Contract issued in accordance with Chapter 16A of the Treasury Regulations.
- 13.2 Where, however, the Special Conditions of Contract are in conflict with the General Conditions of Contract, the Special Conditions of Contract shall prevail.
- 13.3 The bid document, together with the specifications contained in this document, shall constitute part of the Contract.
- 13.4 Applicants shall not perform any work or render any services in terms of the Contract unless in receipt of a written instruction to this effect by the Department.
- 13.5 The successful bidder may not assign his/ her obligations.
- 13.6 The successful bidder must advise the Head of Department of Economic Development and Tourism immediately when unforeseeable circumstances will adversely affect the execution of the contract. Full particulars of such circumstances as well as the period of delay must be furnished.

14. DISCLAIMER

- 14.1 Bidders must make and rely on their own investigations and satisfy themselves as to the

correctness of any and all aspects of their application for registration on the Provincial Panel of Consultants in economics and related fields. The Department will not be liable for any incorrect or potentially misleading information in relation to any part of this document and any accompanying bid documents.

- 14.2 The department reserves the right not to appoint any particular contracted partner who does not comply with the conditions of this bid or if information is obtained by the department about a bidder that could put the department at risk.
- 14.3 The department reserves the right to cancel this bid should the budget not be available at the time of award to cover the full quote of this tender or if the need does not exist anymore or the specification has changed.

15. ABSENCE OF OBLIGATION

- 15.1 No legal or other obligation shall arise between bidders and the Department unless and until the formal appointment documentation has been signed. The Department is not obliged to proceed with any proposals of any bidder. The Department also reserves the right to request changes to any proposed consortia.

16. INDEMNITY

- 16.1 The successful bidder will indemnify, protect, defend and hold harmless the Department from and against any and all claims, demands, actions and proceedings whatsoever including all fees, costs and expenses incurred in respect thereof arising out of:
- a) Any claim of any taxes payable by the bidder.
 - b) Any claim for Workmen's Compensation Insurance or for any loss for which the bidder is liable.
- 16.2 Any claim by a third party including any employees of the Department or of the bidder for any loss resulting from any bodily injury and or damages to property by any act or omission of the bidder or any of its employees, servants or agents.

17. FRONTING

- 17.1 The department supports the spirit of broad based black economic empowerment and recognises that real empowerment can only be achieved through individuals and businesses conducting themselves in accordance with the Constitution and garnering opportunities in an honest, fair, equitable, transparent, and legally compliant manner. Against this background the department strongly condemns any form of fronting.
- 17.2 The department, in ensuring that bidders conduct themselves in an honest manner will, as part of the bid evaluation processes, conduct, or initiate the necessary enquiries / investigations in determining the accuracy of the representations made in bid documents / proposals. Should any of the fronting indicators as contained in the Guidelines on Complex Structures and Transactions and Fronting, issued by the Department of Trade Industry and Competition ("dtic"), be determined during such enquiry / investigation, the onus will be on the bidder to prove that the allegation of 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 to conduct business with the public sector for a period not exceeding 10-years, in addition to any other remedies the department may have at its disposal and accordingly wish to institute against such bidder concerned.

18. CONFLICT OF INTEREST, CORRUPTION AND FRAUD

- 18.1 The department reserves the right to disqualify any potential bidding agency who either itself, or through any of its members (save for such members who hold a minority interest in the bidding agency through shares listed on any recognised stock exchange), indirect members (being any person or entity who indirectly holds at least a 15% interest in the bidder other than in the context of shares listed on a recognised stock exchange), directors or members of senior management, whether in respect of the department or any other department organ or entity and whether from the Republic of South Africa or otherwise:
- a) Engages in any collusive tendering, anti-competitive conduct, or any other similar conduct, including but not limited to any collusion with any other bidder in respect of the subject matter of this bid.

- b) Seeks any assistance, other than assistance officially provided by a department, from any employee, advisor or other representative of a department in order to obtain any unlawful advantage in relation to the procurement or services provided or to be provided to the department, officers, directors, employees, advisors or other representatives.
- c) Makes or offers any gift, gratuity, anything of any value or other inducement, to any departmental officers, directors, employees, advisors or other representatives in order to obtain any unlawful advantage in relation to procurement or services provided or to be provided to a department.
- d) Accepts anything of value or an inducement that would or may provide financial gain, advantage or benefit in relation to procurement or services provided or to be provided to a department.
- e) Pays or agrees to pay to any person any fee, commission, percentage, brokerage fee, gift, or any other consideration, that is contingent upon or results from, the awarding of any tender, contract, right or entitlement which is in any way related to procurement or the rendering of any services to the department.
- f) Has in the past engaged in any matter referred to above.
- g) Has been found guilty in a court of law on charges of fraud and/or forgery, regardless of whether or not a prison term was imposed and despite such a bidding agency, member or director's name(s) not specifically appearing on the List of Tender Defaulters kept at National Treasury.

19. MISREPRESENTATION DURING THE LIFECYCLE OF THE CONTRACT

- 19.1 The bidding agency should note that the terms of its tender will be incorporated in the proposed contract by reference and that the department relies upon the bidder's tender as a material representation in making an award to a successful bidding agency and in concluding an agreement with said bidding agency.
- 19.2 It follows therefore that misrepresentations in a tender may give rise to service termination and a claim by the department against the bidder notwithstanding the conclusion of the SLA between the Department and the bidding agency for the provision of the service(s) in

question. In the event of a conflict between the bidder's proposal and the SLA concluded between the parties, the contents of the SLA will prevail.

- 19.3 Throughout this bid process and thereafter, bidding agencies must secure the department's written approval prior to the release of any information that pertains to **(i)** the potential work or activities to which this bid relates; or **(ii)** the process which follows this bid. Failure to adhere to this requirement may result in disqualification from the bid process and civil action.

END.