

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	GTAC 014-2021-22	CLOSING DATE:	25 FEBRUARY 2022	CLOSING TIME:	11:00 AM
DESCRIPTION	APPOINTMENT OF PROJECT OFFICER TO MANAGE PLANNING, DEVELOPMENT AND IMPLEMENTATION OF THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT PRECINCT (OFFICE ACCOMODATION PPP PROJECT)				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM.					

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX
SITUATED AT (STREET ADDRESS)

GTAC TENDER BOX					
GOVERNMENT TECHNICAL ADVISORY CENTRE (GTAC): NATIONAL TREASURY					
240 MADIBA STREET (CORNER THABO SEHUME STREET AND MADIBA STREET), PRETORIA					
24TH FLOOR RECEPTION AREA					
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
		TCS PIN:		OR	CSD No:
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]		☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT ☐ Yes ☐ No	
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX		☐ AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)			
		☐ A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)			
		☐ A REGISTERED AUDITOR NAME:			
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?		☐ Yes ☐ No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? ☐ Yes ☐ No [IF YES ANSWER PART B:3 BELOW]	
SIGNATURE OF BIDDER				DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			TECHNICAL INFORMATION MAY BE DIRECTED TO:		
DEPARTMENT/ PUBLIC ENTITY	GTAC		CONTACT PERSON	Nolubabalo Tokwe	
CONTACT PERSON	Nolubabalo Tokwe		TELEPHONE NUMBER	012 315 5549	
TELEPHONE NUMBER	012 315 5549		FACSIMILE NUMBER	-	
FACSIMILE NUMBER	-		E-MAIL ADDRESS	psp@gtac.gov.za	
E-MAIL ADDRESS	psp@gtac.gov.za				

PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:								
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION. 1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE 1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION. 1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION. 1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.								
2. TAX COMPLIANCE REQUIREMENTS								
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS. 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA. 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID. 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER. 2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.								
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS								
<table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?</td> <td style="text-align: right;">☐ YES ☐ NO</td> </tr> <tr> <td>3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?</td> <td style="text-align: right;">☐ YES ☐ NO</td> </tr> <tr> <td>3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?</td> <td style="text-align: right;">☐ YES ☐ NO</td> </tr> <tr> <td>3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?</td> <td style="text-align: right;">☐ YES ☐ NO</td> </tr> </table> IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.	3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	☐ YES ☐ NO	3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?	☐ YES ☐ NO	3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	☐ YES ☐ NO	3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?	☐ YES ☐ NO
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3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?	☐ YES ☐ NO							
3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	☐ YES ☐ NO							
3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?	☐ YES ☐ NO							

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

BID REFERENCE: GTAC 014-2021-22

DESCRIPTION: APPOINTMENT OF PROJECT OFFICER TO MANAGE PLANNING, DEVELOPMENT AND IMPLEMENTATION OF THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT PRECINCT (OFFICE ACCOMODATION PPP PROJECT)"

CLOSING TIME: 11H00 AM

CLOSING DATE: Friday, 25 February 2022

I N F O R M A T I O N T O B I D D E R S

INFORMATION TO BIDDERS

Reference: GTAC 014-2021-22

Description: APPOINTMENT OF PROJECT OFFICER TO MANAGE PLANNING, DEVELOPMENT AND IMPLEMENTATION OF THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT PRECINCT (OFFICE ACCOMODATION PPP PROJECT)"

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1. CONTENTS OF THE BIDDER PACK

Tender Pack Doc.	Title	Type	Purpose
1	Information to Bidders	Pdf	For Information
2	Terms of reference	Pdf	Technical Requirements
3	SBD 1 – Invitation to bid	Pdf	To be printed, filled in by hand and signed.
4	SBD 4 – Declaration of interest	Pdf	To be printed, filled in by hand and signed.
5	SBD 6.1 - B-BBEE declaration	Pdf	To be printed, filled in by hand and signed.
6	SBD 8 - Declaration of bidder's past supply chain management practices	Pdf	To be printed, filled in by hand and signed.
7	SBD 9 - Certificate of independent bid determination	Pdf	To be printed, filled in by hand and signed.
8	SBD 3.3 pricing schedule must be submitted in a separate sealed envelope marked pricing schedule/price proposal.	Pdf	Information requirement

2. INSTRUCTIONS FOR COMPLETION AND SUBMISSION OF BIDS

2.1 COMPLETION OF BIDS

Bidders are advised that, to facilitate an efficient evaluation process, the bid should be as prescribed, concise and written in plain English; and

2.2 CLARIFICATIONS

- 2.2.1 Requests for clarification must be made in writing by e-mail to psp@gtac.gov.za
- 2.2.2 Requests for clarification will be accepted by GTAC up until 18 February 2022
- 2.2.3 The submission reference [GTAC: 014-2021-22] should be included in the subject line of the email.
- 2.2.4 Telephonic requests for clarification will not be accepted.
- 2.2.5 The clarifications will be made available to all applicants by a notification on the following websites: https://www.gtac.gov.za/Pages/Advertised_Tenders.aspx and the National Treasury E-portal

3 EVALUATION PROCESS

3.1 The evaluation process comprises the following phases:

3.1.1 Phase I: Initial screening process

3.1.1.1 During this phase bid documents will be reviewed to determine compliance with tax matters and whether Central Supplier Database report (CSD) or SARS pin number/MAAA registration has been submitted with the bid documents at closing date and time of bid.

3.1.1.2 The bid proposal will be checked for compliance with the administrative requirements of the bid as indicate below:

Step	Administrative Requirements	Check
1	Master bid document	Provided and bound
2	Four copies of the Bid document	Provided and bound
Included in the bid document		
3	SBD 1	Completed and signed
4	Tax compliant status requirement: CSD registration number/SARS pin and CSD summary report	Provided and valid
5	SBD 4	Completed and signed
6	SBD 6.1	Completed and signed
7	SBD 8	Completed and signed
8	B-BBEE Certificate if applicable in accordance with SBD 6.1/Affidavit if applicable	Provided and valid
9	SBD 9	Completed and signed
10	SBD 3.3 pricing schedule	Completed and signed (sealed in a separate enveloped marked "pricing schedule/price proposal")

GTAC reserves the right to reject applications that are not submitted in the prescribed format or where the information presented is illegible or incomplete.

3.1.3 Phase II: Functionality evaluation - desktop

- a. Bids will be evaluated strictly according to the bid evaluation criteria stipulated in this section of the Terms of Reference (TOR). During this stage bidders' response will be evaluated for functionality based on achieving a minimum score specified in the Terms of Reference of this bid. Bidders who are successful in meeting the functionality threshold will be invited to attend an interview.
- b. Bidders must, as part of their bid documents, submit supportive documentation for all technical requirements as indicated hereunder. The panel responsible for scoring the respective bids will evaluate and score all bids based on their submissions and the information provided.
- c. Bidders will not rate themselves, but need to ensure that all information is supplied as required. The Bid Evaluation Committee (BEC) will evaluate and score all responsive bids and will verify all documents submitted by the bidders.
- d. The panel members will individually evaluate the responses received against the criteria as set out set out in the TOR.

3.1.4 Phase III: Functionality evaluation – Interview

- a. GTAC: PSP official will invite bidders who scored minimum threshold for Interview that forms part of the evaluation process in the Terms of Reference. Bidders who are successful in meeting the functionality threshold during the interview process, will be evaluated further on price and B-BBEE principle.

3.1.5 Phase IV: Price evaluation as per PPPFA

- a. The Price will be evaluated as per paragraph 5 indicated below.
- b. Price Schedule/ Financial proposal must be submitted in South African Rand.
- c. GTAC reserves the right to negotiate rates with the recommended bidder/s.

4. SCORING METHODOLOGY

- a. Each panel member will rate each individual criterion on the score sheet using the values as detailed in the TOR scoring criteria.
- b. Individual value scores will be added to obtain the marks scored for all elements. These marks will be added and averaged according to the number of panel members. Only bidders that have met or exceeded the minimum threshold of 65 % for desktop evaluation and interview will be evaluate and scored in terms of pricing and B-BBEE/ PPPFA.

5. EVALUATION CRITERIA

- a. In terms of regulation 5 of the Preferential Procurement Regulations pertaining to the Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000), responsive bids will be adjudicated by the State on the 80/20-preference point for Broad-Based Black economic empowerment in terms of which points are awarded to bidders on the basis of:
 - The bid price (maximum 80 points)
 - Broad-based black Economic Empowerment as well as specific goals (maximum 20 points)
- b. The following formula will be used to calculate the points for price in respect of bidders with a Rand value up to R50 million:

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

Where

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

$P_{\min}$ = Comparative price of lowest acceptable bid

A maximum of 20 points may be awarded to a bidder for being a Broad-Based Black Economic Empowerment and/or subcontracting with a Broad-Based Black Economic Empowerment stipulated in the Preferential Procurement regulations. For this bid the maximum number of Broad-based black Economic Empowerment status that could be allocated to a bidder is indicated in paragraph 6.

- c. The State reserves the right to arrange contracts with more than one contractor.
- d. It is the Government's intention to promote the following Broad-Based Black Economic Empowerment with this bid, and the points to be allocated are indicated against each level of contributor:

6. POINTS

The Preferential Procurement Policy Framework Act 2000 (PPPFA) Regulations were gazetted on January 2017 (No. 34350) and effective from April 2017. These regulations require bidders to submit valid original or certified copies of their B-BBEE Status Level Certificates from a SANAS accredited verification agency and accredited Auditing firm, the 80/20 preference points systems will be applied in accordance with the formula and applicable points provided for in the respective status level contributor tables in the Regulations.

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

- a. The points scored by a bidder in respect of the points indicated above will be added to the points scored for price.
- b. Bidders are requested to complete the various preference claim forms in order to claim preference points.
- c. Only a bidder who has completed and signed the declaration part of the preference claim form will be considered for B-BBEE status.
- d. Professional Services Procurement Unit may, before a bid is adjudicated or at any time, require a bidder to substantiate claims it has made with regard to B-BBEE status.
- e. Points scored will be rounded off to the nearest 2 decimals.
- f. In the event that two or more bids have scored equal total points, the contract will be awarded to the bidder scoring the highest number of points for B-BBEE status. Should two or more bids be equal in all respects, the award shall be decided by drawing of lots.
A contract may, on reasonable and justifiable grounds, be awarded to a bid that did not score the highest number of points.

7. MANDATORY REQUIREMENTS

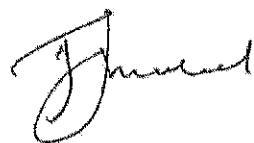
- 7.1 CVs from persons employed by the State will not be considered.
- 7.2 SCM SBD 3.3 pricing schedule/financial proposal. Pricing to be submitted in a separate sealed envelope marked "pricing schedule/price proposal".
- 7.3 Bidders must be registered with the Central Supplier Database (CSD), provide Registration Summary Report/CSD Number

TERMS OF REFERENCE

"APPOINTMENT OF PROJECT OFFICER TO MANAGE PLANNING, DEVELOPMENT AND IMPLEMENTATION OF THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT PRECINCT (OFFICE ACCOMODATION PPP PROJECT)"

BACKGROUND INFORMATION

Contracting authority	Government Technical Advisory Centre (GTAC), National Treasury
Name of project	"PROJECT OFFICER SERVICES TO MANAGE PLANNING, DEVELOPMENT AND IMPLEMENTATION OF THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT OFFICE ACCOMODATION PROJECT."
Budget Manager	Tumisang Moleke Head : PPP Unit Government Technical Advisory Centre (GTAC)
Purpose	To manage the planning, development and implementation of the Department of Justice and Constitutional Development office accommodation project.



.....
Tumisang Moleke
Head: PPP Unit

Date: ...24/01/2022.....

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GLOSSARY OF TERMS

The following acronyms are used in this Request for Proposal:

BEC	Bid Evaluation Committee
B-BBEE	Broad Based Black Economic Empowerment
CIPC	Companies and Intellectual Property Commission
CSD	Central Supplier Database
CV	Curriculum Vitae
DPSA	Department of Public Service and Administration
DTI	Department of Trade and Industry
EME	Exempted Micro Enterprise
GTAC	Government Technical Advisory Centre
DEPARTMENT	The Department of Justice and Constitutional Development; also referred to as the Institution in the document
GPG	Gauteng Provincial Government
GTAC	Government Technical Advisory Centre
PFMA	Public Finance Management Act, 1999
PPPFA	Preferential Procurement Policy Framework Act, 2000
PPP	Public Private Partnership
PSC	Project Steering Committee
QSE	Qualifying Small Business Enterprise
SANAS	South African National Accreditation System
SARS	South African Revenue Services
VAT	Value Added Tax

DEFINITIONS

The following definitions are used in this tender invitation :

Bidder means the respondent to these TORs

Institution means the Department of Justice and Constitutional Development

Preferred bidder means the bidder appointed as the preferred Bidder to fulfill the role of the Project Officer

Project means the Department of Justice and Constitutional Development PPP Project

Project Advisor means the official appointed by GTAC to advise the Department and to ensure delivery on the project;

Project Officer means a person identified by the Accounting Officer or accounting authority of an institution (in this case GTAC), who is capable and appropriately qualified to manage a Public Private Partnership (PPP) to which that institution is party from inception to its expiration or termination.

Project Steering Committee means the committee established by the Institution to steer the project and to ensure delivery on all project objectives.

1. INTRODUCTION

- 1.1 GTAC seeks to procure a Project Officer, on behalf of the Department of Justice and Constitutional Development to manage the planning and implementation of their office accommodation project. The Project Officer is a person identified by the Accounting Officer of an Institution, who is capable and appropriately qualified to manage a Public Private Partnership (PPP) from inception to its expiration or termination.
- 1.2 It is currently envisioned that the Department of Justice and Constitutional Development project ("the Project") will be procured in compliance with Treasury Regulation 16 Issued in terms of the Public Finance Management Act (PFMA). The appointment of a Project Officer is a requirement in terms of Treasury Regulations 16 guiding the implementation of Public Private Partnership (PPP) projects.
- 1.3 Furthermore, due to the complexity of this Project, specifically in view of current already existing building that is being refurbished and quite a number of entities that may be involved in this office accommodation project the appointment of a skilled and experienced Project Officer to provide a hands-on project assistance from the current stage within which the Project is (inception phase), to the signing of the PPP agreement, financial closure and into the construction term is a legal necessity.
- 1.4 The Government Technical Advisory Centre thus intends to procure the services of an experienced Project Officer to manage the planning and implementation of the Project through a PPP on behalf the Accounting Officer.

2. PROJECT OVERVIEW

2.1 Scope of the Project

The Project is an office accommodation project that encapsulates the design, build finance, operation and maintenance of a building complex/precinct for the Department of Justice and Constitutional Development and its entities. The buildings are in the Tshwane Central Business District (**CBD**). The intention is for the buildings to accommodate the head office functions of the Department and some of its entities. The Project will be procured via a PPP, in compliance with Treasury Regulation 16

The Department has with support from the Department of Public Works and Infrastructure already identified a site in the Central Business District with an existing building (Justice College. In the meantime the Department and its entities are leasing the buildings and have therefore taken a decision to build their own the building to accommodate all its head office personnel and its entities, thus reducing its dependency on leased accommodation.

Through a feasibility study to be conducted by Transaction Advisors for the Department, the preferred procurement option will be identified, and is envisaged to be for the procurement of private sector consortia to enter into PPP agreements with the Department for the design, construction, finance, operation and maintenance of serviced office accommodation for Department. The Project Officer will be procured in compliance with Treasury Regulation 16. This TOR is for the Project Officer for the period of at least 5 years performance based.

The Project is in line with the Department's strategic vision: *An accessible Justice system in a vibrant and evolving constitutional democracy*

The site is located in the Central Business District of Tshwane. This precinct's footprint is bound by Struben Street in the north, Johannes Ramokhoase Street in the South, Walter Sisulu in the East and Lillian Ngoyi in the West) Street.

2.2 Key Project Objectives

- Improving service delivery by the Department and its entities through efficient functional working space
- Harvesting workplace efficiency improvements as capacity to absorb increased service delivery demands. This will bring about an effective decrease in the unit of service delivery cost, therefore this will contribute to the affordability of the project over the PPP contract term;
- Creating a vehicle for increasing black equity ownership of the property estate in the CBD through socio-economic empowerment and developmental objectives enabled by the Project;
- Improving space functionality and working environment accommodating staff growth of various entities in the coming years without increased allocation of space, also improving flexibility in structures;
- Creating an urban design of a government precinct through consolidation of office space structures that will act as a stimulus for urban regeneration and socio-economic empowerment.

3. DURATION

The Project Officer will be appointed fulltime for a contract term period of 5 (five) years Performance Based, covering the Project period from the inception phase through the procurement phase and into at least the development phase and the first year of the delivery phase. Please refer to Treasury Regulation 16 to the PFMA that can be accessed via the GTAC website at www.gtac.gov.za

4. SCOPE OF WORK

4.1. DUTIES AND RESPONSIBILITIES

Under the direct supervision of the Accounting Officer or delegated official of GTAC and the Department the Project Officer will carry out the following duties and have the following responsibilities:

- i. Manage the planning and implementation of the Project on behalf of the Accounting Officer of the Department, exercising delegated authority
- ii. Consult with the management of the institution at all relevant stages in the project cycle and ensure ongoing consultation and buy-in from relevant stakeholders;
- iii. follow diligently, the PPP Practice Notes issued by National Treasury in terms of the PFMA;
- iv. establish and manage a project team and project secretariat;
- v. carry out all functions from the feasibility phase (inception phase if not concluded yet) to procurement through financial close to implementation phases as delegated;
- vi. Direct and manage the work of the Transaction Advisor and approve payment terms of the Transaction Advisor agreements at every applicable phase of the Project;
- vii. Carry out all outstanding functions required of the Department to properly submit applications for Treasury Approvals in terms of Treasury Regulation 16, PPP Manual, guidelines and standardised provisions and respond to all queries from the relevant interest, and that state property is appropriately protected;
- viii. Develop, prepare and compile project information memorandums and any other information document as may reasonably be required by the DOJCD from time to time in connection with the Project;
- ix. Lead the drafting of relevant documents to aid and enable progress, development or implementation of the Project;
- x. The Project Officer will be required to chair and manage the outputs of report to the Project's Steering Committee as established;
- xi. Manage all information systems necessary for the proper planning and implementation of the Project;
- xii. Manage the PPP, into the term of the PPP agreement, in terms of the PPP agreement management plan, on behalf of the institution
- xiii. Be responsible for preparing and implementing the PPP agreement management plan and ensure that the PPP agreement is properly enforced in terms of Treasury Regulation Treasury in respect thereof;
- xiv. diligently manage the project from inception to the signing of the PPP agreement and financial closure, to ensure that the project is affordable to the institution, provides an optimal value for money solution for the [service delivery/use of state property], and appropriately allocates risk to the private party;
- xv. Ensure that the institutional function is effectively and efficiently performed in the public 16.7 applicable to this appointment. In so doing also maintain mechanisms and procedures as approved in the PPP agreement management plan for:

- measuring the outputs of the PPP agreement;
 - monitoring and regulating the implementation of, and performance in terms of the PPP agreement;
 - liaising with the Private Party;
 - resolving disputes and differences with the Private Party;
 - generally overseeing the day-to-day management of the PPP agreement;
 - reporting on the PPP agreement in DOJCD's annual report;
- xvi. Establish and maintain close links to the PPP Unit of the National Treasury, DPWI and City of Tshwane in order to ensure proper alignment of policy and best practice;
- xvii. Prepare and compile any information as may reasonably be required by the institution from time to time in connection with the PPP project;
- xviii. Conform to all statutory obligations and non-statutory external obligations binding upon the Department in respect of the Project;
- xix. Comply with all applicable rules, regulations, policies, practices and procedures set down from time to time; and
- xx. remain honest and faithful to the institution in the performance of these duties and responsibilities, acting at all times according to good industry practice and in compliance with the public service code of conduct.

4.2 STAKEHOLDER RELATIONS

- a) Consult with management of the Department at all relevant stages during the PPP project cycle;
- b) Ensure ongoing consultation and buy-in from relevant stakeholders including but not limited to GTAC, National Treasury, Department of Public Works and Infrastructure (DPWI) City of Tshwane, utilities service providers, and others;
- c) Resolve disputes and differences that may arise between stakeholder groups;
- d) Establish and maintain close links with the PPP Unit in GTAC as well National Treasury in order to ensure proper communication and alignment of policy and best practice.

4.3 PROJECT ADMINISTRATIVE SUPPORT

- a) The Project Officer will need meticulous, efficient and reliable administrative support. The Project Officer must supply an appropriate administrative support element which should be included in the fixed fee of the Project Officer.
- b) The administrative role will be to ensure scrupulous document management and meetings administration throughout the PPP Project cycle.
- c) Well-kept Project records are vital, enabling an institution to:
 - access original documents;

- compile its annual reports as required by the PFMA;
 - supply the Auditor-General with the legally required documentation at any time;
 - produce, at any time, accurate Project information in terms of the Promotion of Access to Information Act, 2000;
 - make decisions quickly and compile PPP procurement documentation accurately and efficiently, based on preceding Project decisions;
 - give quick and accurate briefings to the accounting officer/authority and senior management;
 - devise and implement an effective Project communication strategy for engaging with key stakeholders throughout the Project cycle.
- d) The Project Officer together with his/her project support are strongly advised to set up the PPP Project management system in consultation with the Department to ensure appropriate compliance with the Department's risk management, internal controls, and governance standards.

4.4 REPORTING

- a) The Project Officer will report to the Accounting Officer of GTAC and the Department, or such other senior official as identified by the Accounting Officer;
- b) Prepare and compile any presentations as required and requested by the Department from time to time in connection with the project;
- c) The Project Officer will be required to provide the Accounting Officer of GTAC and the Department with a monthly progress report that succinctly captures and imparts crucial information related to the Project such as progress, challenges, review the project programme, provide project direction, resolve impasses to ensure ongoing institutional input and support.

4.5. SKILLS DEVELOPMENT

- a) The Department may assign personnel from its ranks, for the purpose of developing their skills and proficiency in PPP projects. The Project Officer will be required to manage the development of these personnel so that they become acquainted and proficient with the project deliverables during all phases of the project development process;
- b) The Project Officer will be required to provide the Department with regular progress reports in this regard;
- c) The remuneration of assigned staff will remain the responsibility of the Department

4.6. ROLE OF THE PROJECT OFFICER

The Project Officer is responsible for making a specific project work on time, on budget and to the standards set by National Treasury. All the institutional tasks and obligations detailed in

Treasury Regulation 16, *National Treasury's PPP Manual and Standardisation PPP Provisions* are placed on the desk of the Project Officer. In effect, the contents of these substantial documents (**PUBLIC PRIVATE PARTNERSHIP REGULATION (TREASURY REGULATIONS 16 TO THE PFMA)**) constitute the Project Officer's job. In context, the Project Officer appointed shall be a person who is capable and appropriately skilled, resourced and qualified.

4.7 PROGRESS TO DATE

- a) The Government Technical Advisory Centre is in the interim busy preparing the terms of reference for the Transaction Advisory team which will assist the Department through PPP project cycle.
- b) A Transaction Advisor will be appointed for the PPP project cycle to fulfil their role and responsibilities as per Treasury Regulation 16 and the PPP Manual

4.8 BACKGROUND DOCUMENTATION AND PREPARATORY WORK

The Project Officer will have to become familiar with all background documentation and work conducted to date related to the Project including the Transaction Advisor services agreement.

4.9 QUALIFICATIONS, EXPERIENCE, SKILL AND KNOWLEDGE, COMPETENCIES

Any submission submitted should be based, and will be evaluated on, the specific relevant qualifications and experience of the identified individual proposed as the lead Project Officer.

a) Academic Qualifications

The Project Officer must have a relevant degree in the field of engineering, built environment commercial, legal, management, or finance.

b) Necessary Experience

The Project Officer must demonstrate the depth and breadth of their own experience, knowledge and skills. As a minimum requirement, the individual acting as the Project Officer must have had experience as Project Officer in at least one (01) PPPs in South Africa up until financial close fulfilling the roles and responsibilities as set out in the PPP Manual and Standardised PPP Provisions published by National Treasury. It is preferable that the Project Officer's experience is in office accommodation PPPs and includes the development phase and first year of the delivery phase fulfilling the roles and responsibilities as set out in the PPP Manual and Standardised PPP Provisions published by National Treasury.

c) Skills and Knowledge required

The Project Officer must have:

- In depth knowledge and understanding of PPP best practice, the PPP regulatory framework and knowledge of recent developments in government policy with regard to PPP's. This includes the PFMA, Treasury Regulation 16, PPP Manual and Standardised

PPP Provisions as issued by National Treasury;

- A good understanding of South African law relating to the built environment and government regulatory framework applicable to provincial Departments, especially but not limited to the Government Immovable Asset Management Act, Gauteng Land Administration Act and PPP contracts;
- Knowledge and understanding of PPP best practice;
- Black Economic Empowerment ("BBBEE");
- Public sector procurement;
- Public sector functioning and administration and public sector budget management and processes;
- Due diligence requirements of banking sector for PPPs;
- PPP contracting;
- Communication and negotiation skills;
- Stakeholder Engagements;
- Knowledge of financial modelling and project financing;
- Construction project management.

4.10 PROJECT OFFICER AVAILABILITY AND ACCOUNTABILITY

- a) The Project Officer may be an individual or a company with a clear appointed champion. If the Project Officer consists of a team, the team must be managed by a single lead Project Officer who will be held accountable and responsible. The members of the team must have both the skill and experience necessary to undertake the range of tasks set out in this tender. The Project Officer will be held accountable in terms of the Project Officer agreement, for ensuring project deliverables and for the professional conduct and integrity of the team. The CVs of team members must be included in the tender's proposal setting out their qualifications, skill, expertise and relevant hands on experience, such persons not to be replaced without prior notice and consultation with DOJCD.
- b) The Project Officer must be personally available to do the work on a full-time basis in order to meet project deliverables and milestones.
- c) The nominated lead Project Officer must provide a letter of commitment for the duration of the Project and company or firm that applies must guarantee the availability of the lead person for the duration of the Project. If the lead person is not available the company should provide someone with similar skills, experience and qualifications.

4.11 REMUNERATION AND DISBURSEMENT ARRANGEMENTS

- a) The fee will be distributed in equal monthly payment over the period of the contract as indicated in the SLA
- b) All services and deliverables rendered are to be approved by the Department prior to payment
- c) All costs and expenses are to be included in the price proposal
- d) The Project Officer is expected to have his/her own offices, but the Department may provide satellite office space for the use of the Project Officer for his/her convenience to enable the implementation of the Project Officer agreement. The Department will only provide office space and the bidder will make all provision to provide all necessary equipment and furniture.
- e) Remuneration for the Project Officer will be payable in South African Rands inclusive of VAT upon submission of a valid tax invoice in accordance with the SLA. The price can be quoted using seventeen days (17) a month, eight hours a day up to a maximum of R1200 an hour inclusive of VAT. This will serve as a basis of comparison with other bidders.

4.12 MANAGEMENT OF THE PROJECT OFFICER

- a) The Project Officer shall be appointed by the Accounting Officer of GTAC.
- b) The Project Officer will be expected to meet regularly with the project steering committee and or monthly with the accounting officer or any designated senior official to report progress updates, provide project direction, resolve impasses and ensure ongoing institutional input and support at these meetings.

5. BID SUBMISSION REQUIREMENTS

Your technical proposal must include the following documents, which must be compiled and packaged in the following order:

- a) CV of the individual to be evaluated for the Project Officer, outlining his or her suitability for this assignment, as well as his highlighted responsibilities and experience relevant to this assignment in the last 5 (five) years or more.
- b) Bidders must submit copies of identity documents of directors or shareholders of the company who will be responsible for this project with the bid documents at the closing date and time of the bid .
- c) Certified copies of educational qualifications, SAQA accreditation and Registration certificates where applicable
- d) Certified copy of an Identity Document
- e) A proposal setting out a comprehensive understanding of the tender outlining work plan with a timetable for delivery.
- f) Certified copies must not be older than 6 months. International qualifications must be accompanied by SAQA accreditation in order to be evaluated.

g) Bidders and their employees are required to comply with and observe South African laws, including but not limited to Employment Services Act No. 4 of 2014; and Immigration Act No.13 of 2002. Service providers will also be required to prove that:

- i) They have exhausted all avenues to acquire the required skill amongst South Africans; and in such cases obtain the required approvals from the Department of Labour and Employment.
- ii) The personnel have valid work permits

6. BID EVALUATION

The evaluation will be done in 4 (four) main stages following adherence to certain compliance requirements.

- Stage 1: Administrative compliance;
- Stage 2: Functional evaluation;
- Stage 3 : Interview evaluation
- Stage 4: Preferential Procurement Evaluation (Price and B-BBEE Points)

The Bid Evaluation Committee will assess all tenders received against certain requirements set in the tender invite and these will include the following:

STAGE 2: FUNCTIONALITY

TECHNICAL EVALUATION TABLE

EVALUATION CRITERIA				
NO	COMPONENT	SCORING CRITERIA	WEIGHT	
1.	Reference to PPP projects up to financial close Proof of PPP Projects successfully completed as Project Officer. (Provide the name of the Institution assisted, contact person, project involved in and the value of the project, year completed) A Project Officer should have successfully completed at least three (3) infrastructure projects (PPPs or similar) with a commercial component	5 = 5 or more PPP projects and or other infrastructure 4 = 4 or more PPP projects and or other infrastructure 3 = 3 or more PPP projects and or other infrastructure 2 = 2 or more PPP projects and or other infrastructure 1 = 1 PPP projects and or other infrastructure 0 = None /zero PPP projects and or other infrastructure completed	20	
2.	Qualifications Academic Qualifications of the Project Officer: These could be in project management, built environment, construction management and any other relevant discipline	5 = Masters or Equivalent 4 = Honours or equivalent 3 = Degree or equivalent 2 = National Diploma or equivalent 1 = Below National Diploma 0= No relevant qualifications/No proof	20	
3.	Experience of Project Officer General professional experience in the infrastructure planning, development, and implementation of government economic infrastructure or social projects - Built Environment - Construction management - Project management - Contract Management - Facilities management	5 = above 10 years 4 = 7-10 years 3 = 5 - 6 years 2 = 2 - 4 years 1 = less than 2 years	20	
4	PPP/Project Finance procurement and structuring Relevant experience and track record: Applicable regulations and policies Applicable guidelines and standards Experience in infrastructure procurement in the public sector Negotiation List of project finance or infrastructure projects	5 = above 10 years 4 = 7 – 10 years 3 = 5 – 6 years 4 = 2 – 4 years 1 = less than 2 years	30	

EVALUATION CRITERIA				
NO	COMPONENT	SCORING CRITERIA	WEIGHT	
5	QUALITY OF PROJECT COMPREHENSION Demonstrated in proposal, i.e. work plan, project management approach, proposed time frame for the project	5 - A comprehensive and excellent project management approach accompanied by a clear work plan with timelines 4 - A very good project management approach, accompanied by a work plan with timelines 3 - A good project management approach with clear work plan and timelines 2 - An average project management approach. No clear work plan and timelines 1- Poor project management approach. None or unclear work plan and timelines	10	
TOTAL POINTS FOR FUNCTIONALITY SCORE				100
MINIMUM POINTS TO SCORE				65

Bidders must score 65 points or more to be eligible for further evaluation. Bidders that do not make the threshold shall be eliminated and not evaluated further.

STAGE 3: INTERVIEW

Bidders who, on evaluation received a threshold score of 65 and above will be required to undergo an interview that will form part of the selection process. The interview evaluation will be as follows:

COMPONENT	SCORING CRITERIA	WEIGHT
1. Demonstrated knowledge of experience in infrastructure planning, development, and implementation of government infrastructure or projects	5 = Excellent (Demonstrated capability is significantly above the expected capability level). 4 = Good (Demonstrated capability exceeds the expected capability level). 3 = Average (Demonstrated capability meets the expected capability level). 2 = Below Average (Demonstrated capability is below the expected capability level). 1 = Poor (Demonstrated capability is significantly below the expected capability)	30
2. Demonstrated knowledge and experience in the legislation, regulations and policies applicable to PPP projects and infrastructure procurement in the public sector	5 = Excellent (Demonstrated capability is significantly above the expected capability level). 4 = Good (Demonstrated capability exceeds the expected capability level). 3 = Average (Demonstrated capability meets the expected capability level). 2 = Below Average (Demonstrated capability is below the expected capability level). 1 = Poor (Demonstrated capability is significantly below the expected capability)	30
2. Demonstrated general professional experience in providing services in the public sector – all spheres of government and its entities	5 = Excellent (Demonstrated capability is significantly above the expected capability level). 4 = Good (Demonstrated capability exceeds the expected capability level). 3 = Average (Demonstrated capability meets the expected capability level). 2 = Below Average (Demonstrated capability is below the expected capability level). 1 = Poor (Demonstrated capability is significantly below the expected capability)	20
4. Demonstrated leadership, communication and skills transfer capabilities	5 = Excellent (Demonstrated capability is significantly above the expected capability level). 4 = Good (Demonstrated capability exceeds the expected capability level).	20

COMPONENT	SCORING CRITERIA	WEIGHT
	3 = Average (Demonstrated capability meets the expected capability level). 2 = Below Average (Demonstrated capability is below the expected capability level). 1 = Poor (Demonstrated capability is significantly below the expected capability)	
TOTAL		100
THRESHOLD		65

Bidders must score 65 points or more during the interview to be eligible for further evaluation based on preferential procurement point system (80/20). Bidders that do not make the threshold shall be eliminated and not evaluated further.

STAGE 4 : PREFERENTIAL PROCUREMENT EVALUATION

Price

Under this evaluation the bidders shall be evaluate for B-BBEE and Price. The B-BBEE evaluation shall be done by identifying the level of contributor according to points as set out in the table 4 below:

$$P_s = 80 \left[\frac{1 - P_t - P_{\min}}{P_{\min}} \right]$$

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

$P_{\min}$ = Price of lowest acceptable tender

Preference Points Evaluation (B-BBEE Evaluation)

In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference 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

7. INFORMATION TO BIDDERS

CONTENT OF THE BIDDER PACK

Tender Pack Doc.	Title	Type	Purpose
1	Information to Bidders	pdf	For Information.
2	Terms of reference	pdf	Requirements.
3	SCM SBD 1 – Invitation to bid	pdf	To be printed, filled in by hand and signed.
4	SCM SBD 2 – Tax clearance certificate requirements	pdf	For Information.
5	SCM SBD 4 – Declaration of interest	pdf	To be printed, filled in by hand and signed.
6	SCM SBD 6.1 - B-BBEE declaration	pdf	To be printed, filled in by hand and signed.
7	SCM SBD 8 - Declaration of bidder's past supply chain management practices	pdf	To be printed, filled in by hand and signed.
8	SCM SBD 9 - Certificate of independent bid determination	pdf	To be printed, filled in by hand and signed.
9	SCM SBD 3.3 pricing schedule must be submitted before the closing date of the bid in a sealed envelope marked pricing schedule/price proposal.	pdf	To be printed, filled in by hand and signed.

a. INSTRUCTIONS FOR COMPLETION AND SUBMISSION OF BIDS

The successful bidder will sign a Transaction Advisor Contract as per Regulation 16's Practice Note No.4 of 2004

b. COMPLETION OF BIDS

Bidders are advised that, to facilitate an efficient evaluation process, the bid should be as prescribed, concise, and written in plain English.

c. CLARIFICATIONS

- i. Requests for clarification must be made in writing by e-mail to psp@gtac.gov.za
- ii. Requests for clarification will be accepted by GTAC until XXXXXXXX. The bid reference number must be included in the subject line of the email.
- iii. Telephonic enquiries for clarification will not be accepted. Bidders must reduce all enquiries to writing and send to the above email address.
- iv. No briefing session will be held.

SBD 3.3

PRICING SCHEDULE

NAME OF BIDDER: BID NO: GTAC 014-2021-22

CLOSING TIME: 25 FEBRUARY 2022

OFFER TO BE VALID FOR 90 DAYS FROM THE CLOSING DATE OF BID.

BID PRICE IN RSA CURRENCY INCLUSIVE OF ** ALL APPLICABLE TAXES

GTAC 014-2021-22 - APPOINTMENT OF PROJECT OFFICER TO MANAGE PLANNING, DEVELOPMENT AND IMPLEMENTATION OF THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT PRECINCT (OFFICE ACCOMODATION PPP PROJECT)"

1. Services must be quoted in accordance with the attached Terms of Reference (refer to 4.11).
2. All prices quoted **must** be inclusive of all applicable taxes, if no indication is given, prices will be evaluated as all-inclusive
3. The price can be quoted using seventeen days (17) a month, eight hours a day up to a maximum of R1200 an hour inclusive of VAT. This will serve as a basis of comparison with other bidders.
4. The Project Officer will be procured in compliance with Treasury Regulation 16 for the period of at least 5 years performance based
5. **Name of the Proposed Project Officer:**

5-year period	Hourly rate (Excl. VAT)	Hourly rate (Incl. VAT)	Daily rate (Incl. VAT)	Days per year (17x12)	Total per annum (VAT Inclusive): Daily rate* days per year
Year 1	R	R	R	204	R
Year 2	R	R	R	204	R
Year 3	R	R	R	204	R
Year 4	R	R	R	204	R
Year 5	R	R	R	204	R
Total for the entire period of this assignment (All applicable taxes included)					R

6. Period required for commencement with project after acceptance of bid _____
7. Are you a VAT vendor? Yes/No
8. Are the rates quoted firm for the full period? Yes/No
9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index.

Any enquiries regarding this bid may be directed to: psp@gtac.gov.za

SBD 4

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, 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 an advertised competitive bid, a limited bid, a proposal or written price quotation). 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; 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.
2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**
 - 2.1 Full Name of bidder or his or her representative:
 - 2.2 Identity Number:.....
 - 2.3 Position occupied in the Company (director, trustee, shareholder², member):
 - 2.4 Registration number of company, enterprise, close corporation, partnership agreement or trust:
 - 2.5 Tax Reference Number:
 - 2.6 VAT Registration Number:
 - 2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / PERSAL numbers must be indicated in paragraph 3 below.

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.

²"Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

2.7 Are you or any person connected with the bidder presently employed by the state? **YES / NO**

2.7.1 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:

.....

.....

.....

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

2.7.2.1 If yes, did you attach proof of such authority to the bid document? **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:

.....

.....

.....

2.8 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? **YES / NO**

2.8.1 If so, furnish particulars:

.....

.....

.....

2.9 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? **YES / NO**

2.9.1 If so, furnish particulars.

.....

2.10 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?

2.10.1 If so, furnish particulars.

2.11 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?

YES/NO

2.11.1 If so, furnish particulars:

3 Full details of directors / trustees / members / shareholders.

[illegible]

4 DECLARATION

I, THE UNDERSIGNED (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.
I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME SHOULD THIS
DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- 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

- a) The value of this bid is estimated to exceed/not exceed R50 000 000 (all applicable taxes included) and therefore the preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

1.4 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	
B-BBEE STATUS LEVEL OF CONTRIBUTOR	
Total points for Price and B-BBEE must not exceed	100

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“Functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

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

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

80/20

or

90/10

$$P_s = 80 \left(1 - \frac{Pt - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{Pt - P_{\min}}{P_{\min}} \right)$$

Where

Ps = Points scored for price of bid under consideration

Pt = 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, preference 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 (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5. BID DECLARATION

5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

6.1 B-BBEE Status Level of Contributor: . =(maximum of 10 or 20 points)
(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

YES	☐	NO	☐
-----	--------------------------	----	--------------------------

7.1.1 If yes, indicate:

- What percentage of the contract will be subcontracted.....%
- The name of the sub-contractor.....
- The B-BBEE status level of the sub-contractor.....
- Whether the sub-contractor is an EME or QSE

(Tick applicable box)

YES	☐	NO	☐
-----	--------------------------	----	--------------------------

- Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations, 2017:

Designated Group: An EME or QSE which is at least 51% owned by:	EME √	QSE √
Black people	☐	☐
Black people who are youth	☐	☐
Black people who are women	☐	☐
Black people with disabilities	☐	☐
Black people living in rural or underdeveloped areas or townships	☐	☐
Cooperative owned by black people	☐	☐

Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
 - ☐ One person business/sole propriety
 - ☐ Close corporation
 - ☐ Company
 - ☐ (Pty) Limited
- [TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

8.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
 - ☐ Supplier
 - ☐ Professional service provider
 - ☐ Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]

8.7 Total number of years the company/firm has been in business:.....

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we 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 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a

fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

- (a) disqualify the person from the bidding 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 bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury 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.

WITNESSES

1.

2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....

.....

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 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.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
 - a. abused the institution's supply chain management system;
 - b. committed fraud or any other improper conduct in relation to such system; or
 - c. failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers 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 Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
4.1.1	If so, furnish particulars:		
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)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
4.2.1	If so, furnish particulars:		
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 ☐	No ☐
4.3.1	If so, furnish particulars:		

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 ☐	No ☐
4.4.1	If so, furnish particulars:		

SBD 8

CERTIFICATION

**I, THE UNDERSIGNED (FULL NAME).....
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION
FORM IS TRUE AND CORRECT.**

**I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT,
ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION
PROVE TO BE FALSE.**

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Js365bW

CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. 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;
5. 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

6. 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.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. 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.
9. 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.

10. 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.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Js914w 2

SWORN AFFIDAVIT – B-BBEE EXEMPTED MICRO ENTERPRISE

I, the undersigned,

Full name & Surname	
Identity number	

Hereby declare under oath as follows:

1. The contents of this statement are to the best of my knowledge a true reflection of the facts.
2. I am a member / director / owner of the following enterprise and am duly authorised to act on its behalf:

Enterprise Name	
Trading Name	
Registration Number	
Enterprise Address	

3. I hereby declare under oath that:
 - The enterprise is _____ % black owned;
 - The enterprise is _____ % black woman owned;
 - Based on the management accounts and other information available on the _____ financial year, the income did not exceed R10,000,000.00 (ten million rands);
 - Please confirm on the table below the B-BBEE level contributor, **by ticking the applicable box.**

100% black owned	Level One (135% B-BBEE procurement recognition)	
More than 51% black owned	Level Two (125% B-BBEE procurement recognition)	
Less than 51% black owned	Level Four (100% B-BBEE procurement recognition)	

4. The entity is an empowering supplier in terms of **the dti** Codes of Good Practice.
5. I know and understand the contents of this affidavit and I have no objection to take the prescribed oath and consider the oath binding on my conscience and on the owners of the enterprise which I represent in this matter.
6. The sworn affidavit will be valid for a period of 12 months from the date signed by commissioner.

Deponent Signature: _____

Date: _____

Commissioner of Oaths
Signature & stamp