

**SPECIAL CONDITIONS OF CONTRACT**

# NCDoH/005/2022

**APPOINTMENT OF A SERVICE PROVIDER FOR THE PROVISION OF FOOD(CATERING) SERVICES FOR THE NORTHERN OF HEALTH**

**FOR THE PERIOD OF THREE (3) YEARS**

**CLOSING DATE AND TIME OF BID**

# 06 FEBRUARY 2022 AT 14H00

**BID VALIDITY PERIOD: 90 DAYS**

**Department of Health**

## TABLE OF CONTENTS

LIST OF ABBREVIATIONS..............................................................................................................3

SECTION A ........................................................................................................................................5

1. INTRODUCTION ...................................................................................................................5
2. LEGISLATIVE AND REGULATORY FRAMEWORK .......................................................5
3. BID INFORMATION SESSION............................................................................................5
4. SPECIFICATIONS AND SCOPE OF SERVICES.............................................................5

SECTION B...........................................................................................................................................6

5. EVALUATION CRITERIA......................................................................................................6

6. ADDITIONAL BID REQUIREMENTS......……..................................................................12

7. TERMS AND CONDITIONS…...........................................................................................12

8. NEGOTIATION…….............................................................................................................14

 9. SUBMISSION OF BIDS……...............................................................................................14

10. COMMUNICATION AND CONFIDENTIALITY….............................................................15

11. CONTACT DETAILS………...……………........................................................................15

**LIST OF ABBREVIATIONS**

|  |  |
| --- | --- |
| BAC  | Bid Adjudication Committee  |
| BEC  | Bid Evaluation Committee  |
| CIPC  | Companies and Intellectual Property Commission  |
| CPA  | Contract Price Adjustment  |
| CSD  | Central Supplier Database  |
| EME  | Exempted Micro Enterprise  |
| PD  | Provincial Department  |
| OCPO  | Office of the Chief Procurement Officer  |
| PPPFA  | Preferential Procurement Policy Framework Act  |
| PPR  | Preferential Procurement Regulations, 2017  |
| QSE  | Qualifying Small Enterprise  |
| SARS  | South African Revenue Service  |
| VAT  | Value Added Tax  |
| PSIRA | Private Security Industry Regulations Authority  |
| SABS | South African Bureau of Standards |
| HACCP | Hazard Analysis and Critical Control Points |

## Table 1: Returnable Bid Document Checklist

|  |  |  |  |
| --- | --- | --- | --- |
| **#**  | **Document Name**  | **Included in the published bid document?**  | **To be returned by bidder?**  |
| **MANDATORY BID DOCUMENTS**  |
| 1  | Original and valid B-BBEE status level verification certificate or certified copies thereof or signed original sworn affidavit  | No  | Yes  |
| 2 | Original Tax Clearance Certificate | No  | yes |
| 3 | CSD full report  | No  | Yes  |
|  **STANDARD BIDDING DOCUMENTS**  |
|  4  |  SBD 1: Invitation to Bid  | Yes  | Yes  |
|  5 | SBD 3.3: Pricing Schedule | Yes | Yes |
|  6 | SBD 4 Declaration of Interest  | Yes  | Yes  |
|  7 | SBD 6.1 Preference Points Claim Form  | Yes  | Yes  |

**# ALL THE PROSPECTIVE BIDDERS ARE REQUIRED TO RETURN THESE DOCUMENTS AS PER ABOVE SEQUENCE**

**SECTION A**

## 1. INTRODUCTION

 This bid is for the Appointment of a service provider for the provision of Food(Catering) services for Northern Cape Department of Health.

 This bid document is divided as follows:

1.1 Section A : Conditions of bid

1.2 Section B : Conditions of Bid and Other Bid requirements

## 2. LEGISLATIVE AND REGULATORY FRAMEWORK

2.1 This bid and all contracts emanating there from will be subject to General Conditions of Contract issued in accordance with Treasury Regulation 16A published in terms of the Public Finance Management Act, 1999 (Act 1 of 1999) as well as the Preferential Procurement Policy Framework Act 2000 (PPPFA) with its latest 2017 Regulations. The Special Conditions of Contract (SCC) are supplementary to that of General Conditions of Contract. However, where the Special Conditions of Contract are in conflict with the General Conditions of Contract, the Special Conditions of Contract prevail.

## 3. BID INFORMATION SESSION

3.1 No Briefing Session will be held for this Bid.

## 4. TECHNICAL SPECIFICATION AND SCOPE OF WORK

Bidders must be able to deliver the goods/services as required by the specification The detailed technical specification is attached **Annexure A**

**SECTION B**

## 5. PART 1: EVALUATION CRITERIA

The bid shall be evaluated in five (4) phases as per the table below:

###  Table 2: Evaluation criteria

|  |  |  |  |
| --- | --- | --- | --- |
| **Phase I**  | **Phase II** | **Phase III**  | **Phase IV**  |
| Pre -Qualifying Criteria  | Compliance with mandatory and other bid requirements  | Functionality  Requirements   | Price and B-BBEE  |
| Regulation 4.1 (level 1-8) | Standard bidding documents must be completed and signed.  | Bids will be evaluated in terms of the Functionality criteria.  | Bids evaluated in terms of the80/201 or 90/10 Preference system |

#### Phase I: Pre- Qualifying Criteria for Preferential Procurement

5.1.1 Bidders must be a minimum B-BBEE status level contributor from level 1(one) to 8(eight) as per Regulation 4(1)(a) of Preferential Procurement Regulations, 2017.

5.1.2 Bidders are required to submit proof of B-BBEE status level of contributor. Proof includes original and valid B-BBEE status level verification certificates or certified copies thereof or a sworn affidavit signed by the EME representative and attested by Commissioner of oaths.

5.1.3 A trust, consortium or joint venture (including unincorporated consortia and joint ventures) must submit a consolidated B-BBEE status level verification certificate.

 5.1.4 Public entities and tertiary institutions must also submit their B-BBEE certificates.

5.1.5 A bidder who fails to comply with clause .1.1 will be disqualified and will not proceed to Phase II.

**5.2 Phase II: MANDATORY REQUIREMENTS**

5.2.1 Bidders must submit all required documents indicated hereunder with the bid documents at the closing date and time of the bid. During the evaluation phase, the bidders will be evaluated based on the documents submitted under mandatory documents. Bidders who fail to comply with any of the mandatory criteria will be disqualified.

5.2.2 **RETURNABLE DOCUMENTS**

 Documents as stipulated on Table 1 above, the returnable Bid Documents Check list must be submitted at the closing date and time of the bid. Failure to submit these documents may invalidate the bid.

5.2.3 **PRICING STRUCTURE AND SCHEDULE**

 5.2.3.1 The pricing schedule provided in the bid forms is an integral part of the id document and bidders must ensure that it is completed without changing the structure thereof.

 5.2.3.2 Prices quoted must be furnished on the basis of supply and delivery including VAT.

 5.2.3.3 Prices submitted for this bid must be filled in on the field provided on the [pricing schedules supplied with the bid. Price structures that do not comply with this requirement may invalidate the bid.

5.2.4 **TAX CLEARANCE COMPLIANCE**

 5.2.4.1 It is a condition of this bid that the tax matters of the successful bidder(s) are in order, or that satisfactory arrangements have been made with South African Revenue

Service (SARS) to meet the bidder’s tax obligations.

5.2.4.2 The Tax Compliance status requirements are also applicable to potential foreign bidders / individuals who wish to submit bids.

5.2.4.3 It is a requirement that bidders grant a written confirmation when submitting this bid response that SARS may on an on-going basis during the tenure of the transversal contract disclose the bidder’s tax compliance status and by submitting this bid such confirmation is deemed to have been granted.

 5.2.4.4 Bidders are required to be registered on the Central Supplier Database (CSD) and Northern Cape Department of Health shall verify the bidder’s tax compliance status through the CSD or through SARS.

5.2.4.5 Where Consortia / Joint Ventures / Sub-Contractors are involved, each party must be registered on the CSD and their tax compliance status will be verified through the CSD or through SARS.

## 5.3 Phase III: FUNCTIONALITY REQUIREMENTS

5.3.1 **STANDARD/SPECIFICATION**

5.3.1.1 Items must comply with the specification as stated in the bid document. The Specification as per the pricing schedule is a summary description and the attached Annexure – Technical Specification is the detailed specification for the items.

5.3.2 **GENERAL REQUIREMENTS**

 5.3.2.1 Bidders must develop a crisis control developed by the specialist service provider that is in line with the HACCP and SABS guidelines and protocols

**5.4 Phase IV: PRICE AND BBBEE**

##### 5.4.1 Response Field

Bidders are required to submit responsive bids by completing all the prices per line items they are bidding for, mandatory response fields and item questionnaires on the

provided pricing schedule for the individual items. In this regard bidders’ attention is drawn to the response field and price structure explanations and examples supplied in the document

##### 5.4.2 Applicable Taxes

All bid prices must be inclusive of all applicable taxes.

Failure to comply with this condition will invalidate the bid.

##### 5.4.3 Value Added Tax

All bid prices must be inclusive of fifteen percent (15%) Value Added Tax. Failure to comply with this condition may invalidate the bid.

##### 5.4.4 Pricing Structure

5.4.4.1 Prices submitted for this must be filled in on the field provided on the pricing schedule supplied with the bid.

5.4.4.2 Bidders must submit one final delivery price inclusive of all costs such as transport, labour and packaging costs.

#### 5.4.5 Preferential Point System

5.4.5.1 In terms of regulation 7 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 90/10 preference point system in terms of which points are awarded to bidders on the basis of:

1. The bid price (Maximum of 90 points)
2. B-BBEE status level of contributor (maximum 10 points)

5.4.5.2 The following formula will be used to calculate the points for price:

  *Pt*  *P*min 

 Ps = 90 1

  *P*min 

 Where

 Ps = Points scored for comparative price of bid under consideration

 Pt = Comparative price of bid under consideration

 Pmin = Comparative price of lowest acceptable bid

5.4.5.3 A maximum of 10 points may be allocated to a bidder for attaining their B-BBEE status level of contributor in accordance with the table below:

### Table 3: Preference Point System

|  |  |
| --- | --- |
| **B-BBEE Status Level of Contributor**  | **Number of Points**  |
| 1  | 10  |
| 2  | 9  |
| 3  | 6  |
| 4  | 5  |
| 5  | 4  |
| 6  | 3  |
| 7  | 2  |
| 8  | 1  |
| Non-compliant contributor  | 0  |

5.4.5.4 Bidders are required to complete the preference claim form SBD 6.1, and submit their original and valid B-BBEE status level verification certificate or a certified copy thereof

or a sworn affidavit at the closing date and time of the bid in order to claim the BBBEE status level point.

 5.4.5.5 The points scored by a bidder in respect of the level of B-BBEE contribution will be added to the points scored for price.

 5.4.5.6 Only bidders who have completed and signed the declaration part of the preference claim form and who have submitted a B-BBEE status level certificate issued by an accredited verification agency or a sworn affidavit will be considered for preference points.

 5.4.5.7 Failure on the part of the bidder to comply with the above paragraphs will be deemed that preference points for B-BBEE status level of contribution are not claimed and will therefore be allocated a zero (0).

 5.4.5.8 The State may, before a bid is adjudicated or at any time, require a bidder to substantiate claims it has made with regard to preference.

 5.4.5.9 The points scored will be rounded off to the nearest two (2) decimals.

 5.4.5.10 In the event that two (2) or more bids have scored equal total points, the award will be to the bidder scoring the highest number of preference points for B-BBEE.

 5.4.5.11 However, when functionality is part of the evaluation process and two (2) or more bidders have scored equal points including equal preference points for B-BBEE, the awarded will be to the bidder scoring the highest for functionality.

 5.4.5.12 Should two (2) or more bids be equal in all respects, the award shall be decided by the drawing of lots.

 5.4.5.13 A contract may, on reasonable and justifiable grounds, be awarded to a bid that did not score the highest number of points.

## 6. PART 2: ADDITIONAL BID REQUIREMENT

### 6.1 Introduction

All bidders must comply with the requirements below as well as submit all required documents referred below. Unless the requirements specifically provide for mandatory compliance, the Northern Cape department of Health reserves the right to disqualify a bid that does not comply with any of the requirements.

### 6.2 Company Profile

The bidder must submit a company profile which includes, but is not limited, to the following: -

i. Business Structure; ii. Business Functions;

iii. Details of the bidder’s directors/owners (Full name and surname and ID or passport number).

The company profile must further include a shareholding portfolio with valid proof of registration of the company with CIPC. If by law registration with CIPC is not required, proof of ownership/shareholding must be provided.

## 7. TERMS AND CONDITIONS

### 7.1 Third Party Agreements and Subcontractor Agreements

7.1.1 No Agreement between the bidder and any third party will be binding to the State.

7.1.2 In the event that the bidder intends using sub-contractors to execute the Contract or part thereof, the bidder must note that it shall remain responsible and accountable for completion of the work or delivery of service requirements as per Regulation 12 of the PPR 2017.

7.1.3 The bidder must declare as required in terms if SBD 6.1 its intention to subcontract and the percentage of subcontracting thereof and must provide full description of subcontractor.

### 7.2 Supplier Due Diligence

7.2.1 The State reserves the right to conduct supplier due diligence prior to final award or at any time during the transversal contract period and this may include preannounced/ non-announced site visits. During the due diligence process the information submitted by the bidder will be verified and any misrepresentation thereof may disqualify the bid in whole or parts thereof.

### 7.3 Counter Conditions

7.3.1 Bidders’ attention is drawn to the fact that amendments to any of the bid conditions or setting of counter conditions by bidders may result in the invalidation of such bids.

### 7.4 Fronting

7.4.1 The Department of Health (Northern Cape) supports the spirit of broad based black economic empowerment and recognizes that real empowerment can only be achieved through individuals and businesses conducting themselves in accordance with the Constitution and in an honest, fair, equitable, transparent and legally compliant manner. Against this background the Department of Health (Northern Cape) does not support any form of fronting.

7.4.2 The Department of Health (Northern Cape), 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 to determine the accuracy of the representation made in this bid document. Should any of the fronting indicators as contained in the Guidelines on Complex Structures and Transactions and Fronting, issued by the DTI, be established during such enquiry / investigation, the onus will be on the bidder to prove that fronting does not exist. Failure to do so by the bidder within a period of fourteen (14) days from date of notification by Department of Health (Northern Cape) 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 ten (10) years, in addition to any other remedies the Department of Health (Northern Cape) may have against the bidder concerned.

### 7.5 Right of Award

The State reserves its following rights;

7.5.1 To award the bid in part or in full;

7.5.2 Not to make any award in this bid;

7.5.3 Request further technical information from any bidder after the closing date;

7.5.4 Verify information and documentation of the supplier;

7.5.5 To withdraw or amend any of the bid conditions by notice in writing to all bidders prior to closing of the bid and post award; and

7.5.6 In the event that an incorrect award has been made to remedy the matter in any lawful manner it may deem fit.

## 8. NEGOTIATION

The State reserves the right to negotiate with the preferred bidders prior to award and with the successful bidders(s) post award.

## 9. SUBMISSION OF BIDS

9.1 Bidders must respond to the bid as follows:

9.1.1 Submit hard copies at the **Northern Cape Department of Health, P/Bag X5049, Kimberley 8301, James Exum Building, Deposit the bid in the tender box.**

9.1.2 Bidders are requested to initial each page of the bid document on the bottom right hand corner; and

9.1.3 Submit any bid queries via email to Sbooi@ncpg.gov.za /tmazibuko@ncpg.gov.za

9.2 The hard copy of the bid response will serve as the legal bid document.

9.3 Bidders must submit the bid to TIC in the following format:

1. One (1) original hard copy clearly marked as “original”;
2. One (1) duplicate hard copies clearly marked as “copy of the original”;

9.4 Non-compliance with 9.1 above may invalidate the bidder’s response.

9.5 All soft copy documents submitted must be an exact copy of the hard copy documents. Any discrepancies between the soft copy and the hard copy, the hard copy will take precedence.

9.6 A bid should be submitted in a sealed envelope or sealed suitable cover on which the name and address of the bidder, the bid number and the closing date must be clearly visible.

### 9.7 Late bids received after the closing date and time, at the address indicated in the bid documents, will not be accepted for consideration and where applicable, be returned unopened to the bidder.

Bids received after the closing dateand time, at the TIC and according to 10 above will NOT be accepted for consideration and where practicable, be returned unopened to the bidder.

## 10. COMMUNICATION AND CONFIDENTIALITY

10.1 The SCM Directorate within the Office of the Chief Financial Officer may communicate with bidders where clarity is sought after the closing date and timeof the bid and prior to the award of the contract, or to extend the validity period of the bid, if necessary.

10.2 If a bidder finds or reasonably believes it has found any discrepancy, ambiguity, error or inconsistency in this bid or any other information provided by the Department of Health (other than minor clerical matters), the bidder must promptly notify the Department of Health in writing of such discrepancy, ambiguity, error or inconsistency in order to afford the Department of Health an opportunity to consider what corrective action is necessary (if any).

10.3 Any actual discrepancy, ambiguity, error or inconsistency in this bid or any other information provided by the Department of Health will, if possible, be corrected and provided to all bidders without attribution to the bidder who provided the written notice.

10.4 All communication between the bidder and the National Department of Health (Northern Cape) must be done in writing.

## 11. CONTACT DETAILS

### 11.1 General

Northern Cape Department of Health, Office of the Chief Financial Officer, Private Bag x5049, Kimberley, 8301

Physical address: Dutoitspan Road, Belgravia, Kimberley 8301

### 11.2 Bid Enquiries

All enquiries should be in writing to sbooi@ncpg.gov.za**/**tmazibukoi@ncpg.gov.za The closing date for receipt of all enquiries is **0 February** **2022**. All enquiries beyond the closing date will not be considered.