

**NON – COMPULSORY BUT STRONGLY RECOMMENDED CLARIFICATION MEETING
– ONLINE (SKYPE)**



**CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD**

SUPPLY CHAIN MANAGEMENT – TENDERS & CONTRACTS

DESCRIPTION:

TENDER NO.209S/2023/24 - THE PROVISION OF THIRD PARTY ASSISTED POINT OF SALE (POS) PAYMENT SERVICES FOR THE PAYMENT OF THE CITY OF CAPE TOWN'S TRAFFIC AND BY- LAW CONTRAVENTION NOTICES

HELD ON:

12 April 2024

MINUTES

DETAILS OF DISCUSSIONS HELD AT THE NON-COMPULSORY BRIEFING SESSION

PURPOSE AND ADMINISTRATION

- a) The meeting via Skype was opened by Ayanda Mili
- b) The purpose is to go through the important things in the tender document, and focus on areas where service provider's needs to know. Then questions will be allowed.

It's a Non-Compulsory Briefing Session, for tender number 209S/2023/24.

TENDER DESCRIPTION: THE PROVISION OF THIRD PARTY ASSISTED POINT OF SALE (POS) PAYMENT SERVICES FOR THE PAYMENT OF THE CITY OF CAPE TOWN'S TRAFFIC AND BY- LAW CONTRAVENTION NOTICES

Contract Period: 01 July 2025 until 30 June 2028.

Closing date of submission: 29 April 2024 at 10:00 a.m.

Tender box number: 148

Tenderer fee: R 200.00, Non-refundable tender fee payable to City of Cape Town (CCT) for a hard copy of the tender document, however the tender document can be downloaded on website downloads of the tender document, fee is not applicable to website downloads of the tender document.

After the service provider downloaded the document needs to print the entire tender document out and bind it, then the annexures or supporting documents must be attached with the tender document.

Tenderer need to submit everything in the tender document and the tender document needs to be completed with a non erasable ink and submit it in a hard copy, no electronic submission is accepted.

No clauses must be deleted in the tender document or rewrite any clauses in the tender document.

Advertised date: 28 March 2024.

Should the tenderer have an enquiry, they must send an email preferably in week prior to the closing date to ensure that there is fairness in the process.

Any questions where the committee could not answer the bidder's questions on the briefing session they are welcome to send an email.

CCT SUPPLY CHAIN MANAGEMENT ENQUIRIES:

Name: Finance Tenders

Email: finance.tenders@capetown.gov.za

CONDITIONS OF TENDER

Procurement procedures, General

The CCT intends to appoint two tenderers (the highest ranked tenderer ("the winner") and in addition of one "Standby tenderer") for the allocation of work. If insufficient responsive bids are received, the CCT reserves the right to appoint fewer tenderers, or not to appoint any tenderers at all.

Meaning – City of Cape Town might have intend to appoint 2 tenderers but reserved the right to appoint 1 tenderer, but the City intent to appoint 2 tenderers.

Suppliers, once appointed and subject to operational requirements, will be invited to deliver the goods or services on a "winner-takes-all" basis, whereby the order will always be offered and, if accepted, allocated to the highest ranked tenderer ("the winner"), and only if he refuses or unable to deliver the service as required the work be offered to the next highest ranked tenderer from the Standby tenderer).

The City got 2 platform if a tenderer feels aggrieved by the decision that has been taken by the City of Cape Town the tenderer may submit an Objection or complaints by dispute in terms of Regulation 49 and 50 of the Local Government:

2.1.6 Objections, complaints, queries and disputes/ Appeals in terms of Section 62 of the Systems Act/ Access to court

2.1.6.1 Disputes, objections, complaints and queries

In terms of Regulations 49 and 50 of the Local Government: Municipal Finance Management Act, 56 of 2003 Municipal Supply Chain Management Regulations (Board Notice 868 of 2005):

- a) *Persons aggrieved by decisions or actions taken by the City of Cape Town in the implementation of its supply chain management system, may lodge within 14 days of the decision or action, a written objection or complaint or query or dispute against the decision or action.*

The dispute and objection process is basically dealt with independent person that independent person can only take note of the tenderer dispute or objection and address it internally and inform the tenderer the outcome.

Or the tenderer may submit the appeal dealt with in terms of section 62 of the Local Government:

2.1.6.2 Appeals

- a) In terms of Section 62 of the Local Government: Municipal Systems Act, 32 of 2000 a person whose rights are affected by a decision taken by the City, may appeal against that decision by giving written notice of the appeal and reasons to the City Manager within 21 days of the date of the notification of the decision.
- b) An appeal must contain the following:
- i. Must be in writing
 - ii. It must set out the reasons for the appeal
 - iii. It must state in which way the Appellant's rights were affected by the decision;
 - iv. It must state the remedy sought; and
 - v. It must be accompanied with a copy of the notification advising the person of the decision
- c) The relevant City appeal authority must consider the consider the appeal and may confirm, vary or revoke the decision that has been appealed, but no such revocation of a decision may detract from any rights that may have accrued as a result of the decision.

Appeals authority is the only authority at the City of Cape Town that may vary or revoke the decision that has been taken.

The objection protocol cannot actually revoke or vary the decision it is only appeals authority that can revoke or vary the decision. There is 2 different processes.

The tenderer can submit the request to:

2.1.6.4 All requests referring to sub clauses 2.1.6.1 and 2.1.6.2 must be submitted in writing to:

The City Manager - C/o the Manager: Legal Compliance Unit, Legal Services Department,
Corporate
Services Directorate

Via hand delivery at: 20th Floor, Tower Block, 12 Hertzog Boulevard, Cape Town 8001

Via post at: Private Bag X918, Cape Town, 8000

Via fax at: 021 400 5963 or 021 400 5830

Via email at: MSA.Appeals@capetown.gov.za

Or ask access to information by requesting the information, (BAC Report, Minutes of the BAC) to:

2.1.6.5 All requests referring to clause 2.1.6.3 must be submitted in writing to:

The City Manager - C/o the Manager: Access to Information Unit, Corporate Services Directorate

Via hand delivery at: 20th Floor, Tower Block, 12 Hertzog Boulevard, Cape Town 8001

Via post at: Private Bag X918, Cape Town, 8000

Via fax at: 086 202 9982

Via email at: Access2info.Act@capetown.gov.za

2.1.7 City of Cape Town Supplier Database Registration

Tenderers are required to be registered on the CCT Supplier Database as a service provider. Tenderers must register as such upon being requested to do so in writing and within the period contained in such a request, failing which no orders can be raised or payments processed from the resulting contract. In the case of Joint Venture partnerships this requirement will apply individually to each party of the Joint Venture. Tenderers who wish to register on the City of Cape Town's Supplier Database may collect registration forms from the Supplier Management Unit located within the Supplier Management / Registration Office, 2nd Floor (Concourse Level), Civic Centre, 12 Hertzog Boulevard, Cape Town (Tel 021 400 9242/3/4/5). Registration forms and related information are also available on the City of Cape Town's website www.capetown.gov.za (follow the Supply Chain Management link to Supplier registration). It is each tenderer's responsibility to keep all the information on the CCT Supplier Database updated.

2.1.8 National Treasury Web Based Central Supplier Database (CSD) Registration

Tenderers are required to be registered on the National Treasury Web Based Central Supplier Database (CSD) as a service provider. Tenderers must register as such upon being requested to do so in writing and within the period contained in such a request, failing which no orders can be raised or payments processed from the resulting contract. In the case of Joint Venture partnerships this requirement will apply individually to each party of the Joint Venture.

Tenderers who wish to register on the National Treasury Web Based Central Supplier Database (CSD) may do so via the web address <https://secure.csd.gov.za>.

It is each tenderer's responsibility to keep all the information on the National Treasury Web Based Central Supplier Database (CSD) updated.

- a) To the service providers who are registered to the City of Cape Town Supplier Database, to register with the City of Cape Town. As well as National Treasury. If the tenderer is not registered does not mean the tenderer will be disqualified in this process, the tenderer will still be considered but unfortunately the City cannot do business with the tenderer if the tenderer is not registered in the 2 databases.

2.2 Tenderer's obligations

It is important because this is how the tenderer will be evaluated in this process, in order for the tenderer ensure comply with everything.

The method of evaluation does not start by considering the price, the tenderer can be cheaper but the committee might not get to the tenderer's price.

The committee first evaluate in terms of compliance with tender conditions:

- a) specification,
- b) pricing instruction
- c) and contract conditions

The tenderer to make sure comply with the tender conditions.

Also the tenderer needs to make sure comply with Supply Chain Management policy by completing all the necessary schedules.

- a) Make sure declaration of interest is completed
- b) Make sure the Certificate of Independent is signed
- c) Make sure the Tax matters always in order
- d) Make sure that the City of Cape Town is given an authority to deduct any outstanding amount owed to the City of Cape Town

2.2.1.1.3 Mandatory Requirement

Tenderers failing to comply and submit the below with their tender submission, shall be deemed non-responsive:

2.2.1.1.3.1 - Registration:

(i) The tenderer and/or its collectors and/or the payment gateway service provider's must be PCI-compliant and must provide proof of valid certification with the PCI Security Standards Council. Proof must be submitted with tender submission. Complete Schedule 13B1

(ii) The tenderer and/or its collectors and/or the payment gateway service provider's must be registered with the Payment Association of South Africa (PASA). Proof of valid registration must be submitted with tender submission. Complete Schedule 13B2

(iii) All PCI Compliant Certificates and PASA certification must be in the tenderers name and/or its collectors and/or the payment gateway service provider's name.

This are the 2 themes that will make the tenderer responsive, if the tenderer don't comply with the PCI and don't have PASA then the tenderer will be automatically deemed non responsive the tenderer will be not evaluated, regardless if the tenderer has the good price, preference BBBEE status.

Applicable formula:

The 80/20 preference point system will apply to this tender

The 80/20 price/preference points system will be applied to the evaluation of responsive tenders up to and including a Rand value of R50'000'000 (all applicable taxes included), whereby the order(s) will be placed with the tenderer(s) scoring the highest total number of adjudication points.

Price shall be scored as follows:

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

Where: P_s is the number of points scored for price;
 P_t is the price of the tender under consideration;
 P_{min} is the price of the lowest responsive tender.

Preference points shall be based on the Specific Goal as per below:

Table B1: Awards above R750 000 and up to R50 mil (VAT Inclusive)

#	Specific goals allocated points	Preference Points (80/20) <i>Equal/ below R50 mil</i>	Evidence	Additional Guidance
<i>Persons, or categories of persons, historically disadvantaged- (HDI) by unfair discrimination on the basis of</i>				
1	Gender are women (ownership)* >75% - 100% women ownership: 5 points >50% - 75% women ownership: 4 points >25% - 50% women ownership: 3 points >0% - 25% women ownership: 2 points 0% women ownership = 0 points	5	<ul style="list-style-type: none"> Company Registration Certification Central Supplier Database report 	<ul style="list-style-type: none"> Issued by the Companies and Intellectual Property Commission Report name: CSD Registratic report
2	Race are black persons (ownership)* >75% - 100% black ownership: 5 points >50% - 75% black ownership: 4 points >25% - 50% black ownership: 3 points >0% - 25% black ownership: 2 points 0% black ownership = 0 points	5	<ul style="list-style-type: none"> B-BBEE certificate; Company Registration Certification Central Supplier Database report 	<ul style="list-style-type: none"> South African Nation Accreditation System approved certificate or commissioner sworn affidavit Issued by the Companies and Intellectual Property Commission Report name: CSD Registratic report

3	Disability are disabled persons (ownership)* WHO disability guideline >2% ownership: 3 points >0% - 2% ownership: 1.5 point 0% ownership = 0 points	3	<ul style="list-style-type: none"> • Proof of disability • Company Registration Certification 	<ul style="list-style-type: none"> • Medical certificate/ South African Revenue Services disability registration • Issued by the Companies and Intellectual Property Commission
Reconstruction and Development Programme (RDP) as published in Government Gazette				
4	Promotion of Micro and Small Enterprises Micro with a turnover up to R20million and Small with a turnover up to R80 million as per National Small Enterprise Act, 1996 (Act No.102 of 1996) SME partnership, sub-contracting, joint venture or consortiums	7	<ul style="list-style-type: none"> • B-BBEE status level of contributor; • South African owned enterprises; • Financial Statement to determine annual turnover 	<ul style="list-style-type: none"> • Specifically in line with the respective sector codes which the company operates, • South African National Accreditation System approved certificate or commissioned sworn affidavit • Certificate of incorporation or commissioned sworn affidavit • Latest financial statements (1 Year)
Total points		20		

Estimated value is below R50 million therefore the 80 represent the price, the 20 represent the preference. The City of Cape Town has adopted a Preferential Procurement Policy were they looking for a specific goals in order to allocate preference point.

VOLUME 2: RETURNABLE DOCUMENTS

Form of Offer

Form of Offers needs to be completed and signed if the offer is not completed and signed it means the tenderer has not made an offer.

Schedule of Deviations

If the tenderer has any deviations in terms of the conditions of tender, tenderer needs to mention the deviations.

Material deviation will be not accepted.

Service Provider are requested to familiarised themselves with clause 2.3.7.1 in terms of deviations.

Pricing Instruction

For tenderer to be responsive for this process, the tenderer needs to comply with all the Tender Conditions.

Price Schedule

COMMISSION PAYABLE:

The commission payable to the Service Provider will be per successful contravention notice payment transaction transmitted to the City.

The commission price payable per transaction shall be **fixed for each period of the contract as listed below. Tenderers that do not comply with this instruction will be non-responsive.**

ITEM	DESCRIPTION	UNIT OF MEASUREMENT	PERIOD	TRANSACTION RATE (excl VAT)
1	Commission Payable	Per transaction	From 1 July 2025 until 30 June 2026	R.....
2	Commission Payable	Per transaction	From 1 July 2026 until 30 June 2027	R.....
3	Commission Payable	Per transaction	From 1 July 2027 until 30 June 2028	R.....

The Transaction Rate is exclusive of VAT, the City system will automatic add VAT to the company that are VAT registered.

BANK COST

The City shall reimburse the Service Provider's bank costs incurred at a percentage of the transaction value.

The cost shall be **fixed** for the duration of the contract period.

Tenders that do not comply with this instruction will be non-responsive

BANK COSTS RE-IMBURSEMENTS

Item	Description	Unit of Measurement	% of payment transaction value (excl. VAT)	
4	Cash transaction	Per transaction	% of payment transaction value (excl. VAT)	
				%
5	Debit card transaction	Per transaction	% of payment transaction value (excl. VAT)	
				%
6	Credit card transaction	Per transaction	% of payment transaction value (excl. VAT)	
				%
7	Other transaction (<i>Specify</i>)	Per transaction	% of payment transaction value (excl. VAT)	
				%

Tenderer to give percentage (%) not Rand value.

Other transaction tenderer needs to specify what will be other transaction.

SUPPORTING SCHEDULES

Schedule 1: Certificate of Authority for Partnerships/ Joint Ventures/ Consortiums-

If the tenderer is JV needs to complete and sign schedule1. Need to mention the lead partner

Schedule 2: Declaration for Procurement above R10 million

Needs to be complete the schedule

Schedule 3: PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS

2022 – The schedule needs to completed and signed, tenderers to claim points the committee won't be able to give tenderer points if the tenderer don't claim.

Schedule 4: Declaration of Interest – State Employees (MBD 4 amended)

Tenderers to complete the schedule, provide all the declaration of interest.

Schedule 5: Conflict of Interest Declaration

Tenderers to complete and sign the schedule.

Schedule 6: Declaration of Tenderer's Past Supply Chain Management Practices (MBD 8)

Tenderers to complete and sign the schedule.

Schedule 7: Authorisation for the Deduction of Outstanding Amounts Owed to the City of Cape Town

Tenderers must ensure that they pay their rates on time and are not in arrears for more than 3 months.

Schedule 8: Contract Price Adjustment and/or Rate of Exchange Variation

Not Applicable

Schedule 9: Certificate of Independent Tender Determination

Tenderers to complete and sign the schedule.

Schedule 10: Price Basis for Imported Resources

Not Applicable

Schedule 11- List of other documents attached by tenderer

Tenderers to list all the supporting documents they are attached with tender submission.

Schedule 12: Record of Addenda to Tender Documents

Tenderers to complete and sign the schedule.

Schedule 13: Information to be provided with the tender

Tenderers to indicate the information they submitted and to provide certified copies of each contract with each such retail store.

VOLUME 3:DRAFT CONTRACT**Specification(s)**

This is a repetitive tender the current tender is ending next year 30 June 2025, the committee try to detail both Spec and Scope.

Service Providers are requested to read through every page of the specification, if tenderer need any clarity must email as indicated to the tender document.

Tenderers are encourage to read and understand the specification.

QUESTIONS:

1. How will the BBBEE be allocated for JV?

Answer:

Need to provide both JV partners, information for both JV partners (Directors and Owners of the companies) Schedules signed by both companies.

Tenderer needs to substantiate information of both JV partners, if the tender want to claim race in the company, combining both JV Partners there is a percentage of ownership of people who are black in this JV agreement. Tenderer needs to have the JV agreement in order for a tenderer to prove that.

2. Does the City Contravention System have API's?

Answer:

Yes, those will be provided to the successful tenderers

3. P75, will Electronic Receipt customer be acceptable?

Answer:

The requirement is printed receipt for customer.

4. I see you refer to contempt of court information in your document, correct me if I'm wrong is this not only applicable for warrant? If so is your expectation that the POS system need to be able to handle warrant payment as well?

Are City expecting POS to manage documentation that customers have to sign when paying the warranty POS?

Answer:

No intention to have warrant payments over the counter at the retail store, only for online and City offices.

5. Does your requirement for payment services include POS devices, handheld devices?

Answer:

City don't provide any copy.

Tenderer to provide the devices as well.

6. How many back ends service provider will be required to integrate for traffic fines?

Answer:

Possible 2 service providers, maybe 3 service providers then of cause 4th one maybe something internal to City SAP System.

The current situation is that for the contraventions system is that the same service provider got both contracts, the integration is going to be with 1 for the external part, the is also other bi-law fines that is integration with SAP System.

7. Are service providers providing reports via SFTP?

Answer

Whoever the successful service provider is, the City will have the conversation about which method or were will be uploaded into.

Even if the City specify SFTP they do reserve to change the format.

8. Is the City will be putting out an E-Commerce tender as well, which will cater for warrant payments?

Answer:

There is a tender that is advertised today (12 April 2024).

Page 74 and 77 of the Specification, the notice can be issued PM to provide SCM with a context of the Notice to highlight of the replacement pages that will be moving, "*the warrant thing*".

The notice according to the SCM Policy must be issued at least week before the closing of the tender.

The meeting adjourned.

APPROVAL

SIGNATURE: _____

DATE: _____

(In consultation with members of BSC)

