

REQUEST FOR PROPOSAL (RFP)

RFP NUMBER	RFQ 355-01-2025
DATE ISSUED	28 January 2025
PROJECT NAME	Safety Health and Environmental (SHE) Legal Liability Training for Executives, Managers & Supervisors for One Day (54)
CLOSING DATE AND TIME	3 February 2025 11:00am
NAME OF PROPOSER/TENDERER	
CSD SUPPLIER NUMBER (MA NUMBER)	
TELEPHONE NUMBER	
FAX NUMBER	
EMAIL ADDRESS	
PHYSICAL ADDRESS	
B-BBEE STATUS LEVEL OF CONTRIBUTION	
FULL NAME OF BIDDER OR HIS OR HER REPRESENTATIVE	
IDENTITY NUMBER	
POSITION OCCUPIED IN THE COMPANY (DIRECTOR, TRUSTEE, SHAREHOLDER)	
COMPANY REGISTRATION NUMBER	
TAX REFERENCE NUMBER	
VAT REGISTRATION NUMBER	
QUOTE PRICE (INCL VAT)	

SIGNATURE

Full details of directors / trustees / members / shareholders.

Full Name	Identity Number	Personal Tax Reference Number	State Employee Number / Persal Number

A. BIDDER'S DISCLOSURE (SBD 4)

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

- 2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state? **YES/NO**

¹ the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

- 2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

- 2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

- 2.2.1 If so, furnish particulars:

.....
.....

- 2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

- 2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

I, the undersigned, (name)
in submitting the accompanying bid, do hereby make the following
statements that I certify to be true and complete in every respect:

- 3.1 I have read, and I understand the contents of this disclosure;

- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 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 consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.5 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.
- 3.6 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.7 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.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN

² 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.



TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

B. REQUEST FOR PROPOSAL FOR SAFETY HEALTH AND ENVIRONMENTAL (SHE) LEGAL LIABILITY TRAINING FOR EXECUTIVES, MANAGERS AND SUPERVISORS FOR ONE DAY (54)

1. BACKGROUND TO SANSA

The South African National Space Agency (SANSA) has a mandate, as outlined in the South African National Space Agency Act, 2008 (Act No 36 of 2008), to co-ordinate and integrate national space science and technology programmes and conduct long-term planning and implementation of space-related activities in South Africa, for the benefit of the citizens of South Africa

2. SCOPE OF WORK

SANSA requires the services of a legal firm/consultant to execute a virtual SHE legal liability training course for all SANSA Executives, Managers, and Supervisors (54) for one day.

The course should include, but not be limited to the following:

- Legal terminology
- Driving forces for legal compliance
- Criminal and civil liability (Common Law)
- Relevant case studies
- COIDA Act (case law)
- Due diligence
- Delict recovery of damages
- Indemnity agreements
- The OHS Act and legislative criminal liability
- Employers' duties and employees' duties
- Duties of manufacturers; client; agent; designer; principal contractor and contractor.
- Inspectors' powers and investigation/inquiries
- Contractors
- Environmental liability
- Corporate governance

- Legal compliance strategy.

All attendees must receive a certificate of competence.

C. EVALUATION CRITERIA

SANSA promotes the concept of “best value” in the award of contracts, as opposed to merely looking for the cheapest price, which does not necessarily provide the best value. Best value incorporates the expertise, experience and technical proposal of the organisation and individuals who will be providing the service and the organisational capacity supporting the project team.

SANSA is committed to achieving Government's transformation objectives in terms of the Preferential Procurement Policy Framework Act.

The value of this bid is estimated not to exceed R1 million (all applicable taxes included) and therefore the **80/20** system shall be applicable.

Please Note: the above amount (R1 million) is not the budgeted amount for this project, but it is the Treasury threshold for written price quotations.

1. Preference

Specific goals for this RFP and number of points are indicated as per table 1 below. Proof of the specific goals below must be attached and submitted with the bid document in order to qualify for the preference points (specific goals).

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

Table 1: Specific Goals and points

The specific goals allocated points in terms of this RFP	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
1	20	
2	18	
3	14	
4	12	
5	8	
6	6	

7	4	
8	2	
Non-compliant contributor	0	
Total Points (Specific Goals)	20	

2. Eligibility Criteria

To be eligible for the functionality, price and preferencing evaluation, the bidder must submit the following as per table 2 below.

If there is “**No**” on the Table 2 below, the bidder who didn't submit the required document (s) with their bid will be requested in writing to submit them within three (3) working days for inclusion in the Bid Evaluation Committee item, if a bidder fails to submit on the 3rd working day, the relevant bid will be rejected.

Table 2: Eligibility Criteria

Criteria	Attached (Yes/No)	Comments
CSD Registration Summary Report		
Service provider to provide a Facilitator's CV with 10 years' practical experience in Safety, Health and Environment legal liability training facilitation		
Service provider to provide and attach proof of legal liability training provided in the past 5 years, in a form of 3 signed reference letters on a company letter head.		
Service provider to demonstrate that their facilitators have legal qualification and expertise in Safety, Health and Environment (i.e. legislation, policies, directives, etc) Law related qualification		

D. PRICING SCHEDULE

Pricing Instructions

1. The Bidder must price all items;
2. Rates are to include all costs with no unspecified cost to allow for a fair evaluation.
3. Payment will be made based on the deliverables (proven progress) for the services rendered/goods received.
4. Payment will only be made on the basis of invoices provided.
5. Offer to be valid for 30 days from the bid closing date.

DESCRIPTION	AMOUNT (EXCL VAT)
Safety Health and Environmental (She) Legal Liability Training for Executives, Managers and Supervisors For One Day (54)	
TOTAL CONTRACT AMOUNT (EXCLUDING VAT)	
VAT (15%)	
TOTAL CONTRACT AMOUNT (INCLUDING VAT)	

E. SPECIAL CONDITIONS

- a) Quotations to be returned to: kmagetse@sansa.org.za
- b) The service provider shall commit to post support where and when required by SANSA.
- c) Contract will not be awarded unless supplier is registered on the Central Supplier Database. A supplier registration summary with a compliance tax status must be submitted with the proposal. Potential suppliers should contact SANSA should they require assistance in registering on the CSD) before the closing date of the bid.
- d) This RFP is part of the Supplier Development Programme (SDP). The recommended bidder will be required to sign the SDP agreement for shorter payment periods for EMEs.
- e) The offices of SANSA are situated at the following address:
SANSA
CSIR Campus
Building 10
Meiring Naude Street
Brummeria
Pretoria

F. TIMELINES

The successful service provider must be in the position to provide the goods/service within 1 week after the purchase order has been issued by SANSA.

G. SUPPORTING DOCUMENTATION AND MINIMUM CRITERIA

In order to demonstrate their capacity and score points with respect to the criteria, tenderers should provide the following supporting documentation.

- Proof of specific goals must be submitted in order to qualify for preference points (specific goals).
- Quotation must reflect a cost breakdown, where applicable, prices quoted must be inclusive of VAT.
- All pages of quotation must be signed by the authorised person.
- SANSA has the right to withdraw any quotation at any time within the validity of the quotation.
- SANSA reserves the right to invite bidders to present their bid proposals for final decision or visit the bidders' premises as part of the evaluation process.

H. DECLARATION

The undersigned, who warrants that he / she is duly authorized to do so on behalf of the enterprise:

- confirms that neither the name of the enterprise or the name of any partner, manager, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears on the Register of Tender Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act of 2004;
- confirms that no partner, member, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears, has within the last five years been convicted of fraud or corruption;
- confirms that I / we are not associated, linked or involved with any other tendering entities submitting tender offers and have no other relationship with any of the tenderers or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest;
- confirms that the contents of this questionnaire/forms (SBD 4) are within my personal knowledge and are to the best of my belief both true and correct
- accept that, in addition to cancellation of a contract, action may be taken against me should the Declaration prove to be false.
- confirms that the bidder has read the General Conditions of Contract (GCC) and agree with the conditions. The GCC can be found on (<http://www.treasury.gov.za/divisions/ocpo/sc/generalconditions/>)

Signed

Date

Name

Position

Enterprise
name

BID CONDITIONS

1. Disqualification

Please note that if a bid document is not filled in correctly or completely, or complied with the specification, or is delivered/sent after the bid closing date and time, or the supplier is not registered on the CSD or supplier has a non-compliant tax status, then unfortunately that bidder will be disqualified. Please return this document with the required supporting documents.

2. Bid Document Submission

Emailed tender documents will be accepted. However, the onus is on the tenderer to ensure that complete email documents have been received by the SANSA by the due date and time.

Please note that any alterations to the tender document other than filling in the tenderer's details and tender price will automatically disqualify the tenderer.

COMPLIANCE WITH PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013) ("POPIA")

1. The Constitution guarantees citizens the right to privacy, including the right not to have the privacy of their communications infringed.

2. POPIA aims to promote the protection of privacy through the application of its guiding principles for the processing of personal information in a context-sensitive manner.

Committed to your Privacy

3. SANSA fully comprehends that your personal and company information is valuable to you; your privacy is just important to SANSA. SANSA commits to safeguarding and lawfully processing your personal information.

Purpose for Processing your Personal Information

4. SANSA collects, holds, uses and discloses your personal information mainly to provide you with access to its services. SANSA will only process your personal information for a purpose you would reasonably expect, including:

- Complying with any legal and regulatory requirements such as contract agreements, etc.
- Confirming, verifying and updating your details.
- Invoicing or paying you to ensure payment and tax compliance.

5. SANSA may collect your personal information which may include your first name and last name, company name and its registration number, identity numbers, email address, physical or postal address, other contact information, banking details, etc.

Consent to Disclose and Share your Personal Information

6. SANSA may need to share your personal information, with third parties, to provide advice, and/or services. Where SANSA shares your personal information, it will take all reasonable precautions to ensure that the third party will treat your personal information with the same level of protection as required by SANSA.

Request and Access to your Personal Information

7. Should you require further information on this or have any concerns about how your personal information is processed or used, you can contact SANS's Information Officer: Mr Humbulani Mudau on popi_paia@sansa.org.za.

8. You can request access to the personal information SANS has on you at any time. If you think that SANS has outdated information, you may request to update or correct it. You can also opt-out and request the removal of your personal information at any time. If there are any lawful reasons for requiring SANS to retain any information, SANS will advise so.

9. PLEASE TAKE NOTE that your personal information is securely hosted on infrastructure / system managed by SANS. SANS assures you that your information will not be shared for any marketing or promotional purposes without your consent.

10. SANS will continue to manage, monitor, refine and develop policies, processes and systems. This will ensure that SANS takes every practical and reasonable step(s) to ensure data protection, is in line with POPIA.

END