

REQUEST FOR QUOTATION

YOU ARE HEREBY INVITED TO QUOTE FOR REQUIREMENTS OF THE MARINE LIVING RESOURCES FUND
--

RFQ NUMBER: RFQ 000473

CLOSING DATE: 05 November 2021

CLOSING TIME: 11:00

DESCRIPTION:

THE APPOINTMENT OF A SERVICE PROVIDER TO UNDERTAKE THE TESTING OF MARINE BIOTOXINS IN OYSTERS AND MUSSELS FROM BIVALVE FARMS IN SALDANHA BAY AND ALGOA BAY FOR A PERIOD OF SIX (6) MONTHS

NB: Suppliers must be registered on CSD

The successful service provider will be required to fill in and sign a written Contract Form (SBD 7).

RFQ DOCUMENTS MAY BE HANDED TO SUPPLY CHAIN MANAGEMENT AT 6TH FLOOR FORETRUST BUILDING, MARTIN HAMMERSCHLAG WAY, FORESHORE, 8001

OR

EMAILED TO Pmoloi@environment.gov.za

Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.

ALL RFQS MUST BE SUBMITTED ON THE OFFICIAL FORMS

THIS RFQ IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT

THE FOLLOWING PARTICULARS MUST BE FURNISHED (FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)

NAME OF BIDDER	
POSTAL ADDRESS	
STREET ADDRESS	
TELEPHONE NUMBER	CODE.....NUMBER.....
CELLPHONE NUMBER	
FACSIMILE NUMBER	CODE.....NUMBER.....
E-MAIL ADDRESS	
VAT REGISTRATION NUMBER	

HAS AN ORIGINAL AND VALID TAX CLEARANCE CERTIFICATE BEEN SUBMITTED? (SBD 2)

YES or NO

HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE BEEN SUBMITTED? (SBD 6.1)

YES or NO

IF YES, WHO WAS THE CERTIFICATE ISSUED BY?

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA).....
 A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS);
 OR.....
 A REGISTERED AUDITOR
 [TICK APPLICABLE BOX]

(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE 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?
NO YES or

[IF YES ENCLOSE PROOF]

SIGNATURE OF BIDDER
DATE
CAPACITY UNDER WHICH THIS BID IS SIGNED
TOTAL BID PRICE..... TOTAL NUMBER OF ITEMS OFFERED

ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:

Department: DFFE.....
Contact Person: Pinky Moloi
Tel: 021 402 3397.....
E-mail address: Pmoloi@environment.gov.za

ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:

Contact Person: Mayizole Majangaza
Tel: 021 430 7076 / 061 506 2328.....
E-mail address: MMajangaza@environment.gov.za

PRICING SCHEDULE
(Professional Services)

NAME OF BIDDER:.....	RFQ NO: RFQ 000473
CLOSING TIME 11:00.....	CLOSING DATE :05 November 2021

OFFER TO BE VALID FOR **21 DAYS** FROM THE CLOSING DATE OF BID.

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)
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Description:

THE APPOINTMENT OF A SERVICE PROVIDER TO UNDERTAKE THE TESTING OF MARINE BIOTOXINS IN OYSTERS AND MUSSELS FROM BIVALVE FARMS IN SALDANHA BAY AND ALGOA BAY FOR A PERIOD OF SIX (6) MONTHS

Please see the attached specification.

NB: Suppliers must be registered on CSD

1. The accompanying information must be used for the formulation of proposals.
2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project.

Total Price R.....

Any enquiries regarding bidding procedures may be directed to the –

DEPARTMENT OF FORESTRY, FISHERIES & THE ENVIRONMENT

Attention: Pinky Moloi

Tel: 021 402 3397

Or for technical Enquiries

Contact Person: Mayizole Majangaza

Tel: 021 430 7076 / 061 506 2328 or MMajangaza@environment.gov.za

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 a price quotation, advertised competitive bid, limited bid or proposal). 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):

2.4 Company Registration Number:

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 attached 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 IN TERMS OF
PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION
PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

May 2011

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 not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable;

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	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
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;

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

80/20 or **90/10**

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

P_{min} = Price of lowest acceptable bid

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:

Page 2 of 5

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:

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

(***Tick applicable box***)

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

- v) 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		
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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

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



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Directorate: Sustainable Aquaculture Management, Department of Environment, Forestry and Fisheries
Private Bag X2, Vlaeberg, Cape Town, 8018; Tel: (021) 402 3911; Fax: (021) 402 3065

TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO UNDERTAKE THE TESTING OF MARINE BIOTOXINS IN OYSTERS AND MUSSELS FROM BIVALVE FARMS IN SALDANHA BAY AND ALGOA BAY FOR A PERIOD OF SIX (6) MONTHS

1. INTRODUCTION

- 1.1 The Department of Forestry, Fisheries and the Environment (DFFE), as the lead agent for aquaculture management and development, through the Marine Living Resources Fund (MLRF), is responsible for ensuring food safety of cultured fish from marine aquaculture farms which are regulated through the implementation of official aquaculture food safety programmes. The MLRF requires the services of a suitably qualified service provider to undertake the testing of marine biotoxins in oysters and mussels from bivalve farms in Saldanha Bay and Algoa Bay for a period of six (6) months.

2. BACKGROUND

- 2.1 The National Aquaculture Policy Framework for South Africa (2013) is aimed at creating an enabling environment that will promote growth and sustainability of the marine sector in South Africa, as well as to enhance the industry's contribution to economic growth. The Directorate: Sustainable Aquaculture Management (D: SAM), within the Branch Fisheries Management, is responsible for the fulfilment of the strategic objectives of the policy through the development and implementation of relevant enabling legislation, policies and programmes as well as be responsive and compliant to international obligations and agreed standards.
- 2.2 The Directorate for Sustainable Aquaculture Management is also responsible for the development and management of food safety programmes enforced through permit conditions issued in terms of the Marine Living Resources Act (MLRA), 1998 (Act No. 18 of 1998). The food safety programmes include the South African Shellfish Monitoring and Control Programme (SASM&CP), South African Aquacultured Marine Fish Monitoring and Control Programme (SAMFM&CP) and the National Residue Control Programme (NRCP). The objectives of these programmes include providing guarantees to domestic and international markets and consumers, giving guarantees that harvested South African cultured fish products are safe for human consumption.
- 2.3 The food safety risks associated with human consumption of cultured fish include environmental and veterinary drug residues and the accumulation of biotoxins and

pathogenic microbiological organisms. The aquaculture industry is monitored and controlled in terms of the MLRA which includes the shellfish and finfish aquaculture farms regulated by the Department. The bivalves cultured in South Africa include oysters (*Crassostrea gigas*), Mediterranean Mussels (*Mytilus galloprovincialis*) and Black Mussels (*Choromytilus meridionalis*). The oyster and mussel farms are predominantly located in Saldanha Bay with one oyster farm situated in Algoa Bay so far, with more oyster and mussel farms expected in the future due to the Aquaculture Development Zone currently being established in Algoa Bay.

- 2.4 Biotoxin testing includes the testing of shellfish samples for Paralytic Shellfish Toxins twice a week, Lipophilic Shellfish Toxins once a week and Amnesic Shellfish Toxins once a month in Saldanha Bay and Paralytic Shellfish Toxins once a month, Lipophilic Shellfish Toxins twice a month and Amnesic Shellfish Toxins once a month in Algoa Bay.
- 2.5 The MLRF is requested to appoint an accredited service provider to undertake the biotoxin testing of the bivalve farms in Saldanha Bay and Algoa Bay for a period of six (6) months.

3. TERMS OF REFERENCE

The appointed service provider will be expected to perform the following duties:

- 3.1 Undertake the **biotoxin testing** of routine samples of mussels and oysters namely Paralytic Shellfish Toxins twice a week, Lipophilic Shellfish Toxins once a week and Amnesic Shellfish Toxins once a month from three (3) sampling stations respectively in Saldanha Bay and Paralytic Shellfish Toxins once a month, Lipophilic Shellfish Toxins twice a month and Amnesic Shellfish Toxins once a month in Algoa Bay.
- 3.2 Undertake the biotoxin testing of samples submitted during an intensive sampling regime which occurs during harmful algal bloom (HAB) events (i.e. is unpredictable and dependent on a HAB event).
- 3.3 The following estimated number of mussel and oyster samples will need to be tested per month, this number includes an additional 20% of samples that may need to be tested during contingency events (i.e. intensive sampling regime):
 - Paralytic Shellfish Toxins: 30 samples
 - Lipophilic Shellfish Toxins: 17 samples
 - Amnesic Shellfish Toxins: 30 samples
- 3.4 Paralytic Shellfish Toxins (PST) and Lipophilic Shellfish Toxins samples to be tested and the test results emailed to SAMSanitation@environment.gov.za within three (3) days of receiving the samples and Amnesic Shellfish Toxins within five (5) days. Compliance with these timeframes is essential to allow the Department to implement contingency closure/re-opening of farms accordingly.
- 3.5 Attend virtual monthly progress meetings, draft meeting minutes and submit monthly progress reports (including an initial project inception report) regarding testing conducted for approval by the appointed MLRF Project Manager. A final closure report is also required.

4. CONDITIONS:

- 4.1 The service provider must provide detailed pricing schedule.
- 4.2 The service provider must quote set fees in South African Rand (inclusive of VAT)
- 4.3 The service provider will be paid through the branch Fisheries payments system upon invoicing.
- 4.4 Proposals must be accompanied by:
 - 4.4.1. Names and brief CV's of the staff who will be available for the duration of the work.
 - 4.4.2. Brief (2 page) motivation explaining why the service provider is best suited to undertake the work including accreditation of laboratories and accredited methods used for toxin testing.
 - 4.4.3. Brief description of previous relevant work/projects undertaken with 3 valid references.
 - 4.4.4. Confirmation of availability of staff in accordance to the specified time frame (i.e. the duration of the service required).
- 4.5 The evaluation of proposals will be carried out in two phases as per Section 7 below. The quotes will be assessed in terms of compliance with the scope of work and the expertise and then qualifying quote will be assessed in terms of price and BBBEE.
- 4.6 The MLRF reserves the right to invite short listed suppliers/companies to present their proposals for final decision.
- 4.7 Applicants must be prepared to work at rates not exceeding those prescribed by the office of the Auditor-General or the Department of Public Service and Administration (DPSA).
- 4.8 The successful service provider shall under no circumstances commence with the project work without first being issued, by the Department, and signing an appointment letter and an order number.

5. ADDITIONAL INFORMATION ON PROPOSALS

- 5.1 A breakdown of the hourly tariff inclusive of value-added tax for services rendered. Expenditure incurred without the prior approval of the Project manager will not be reimbursed.
- 5.2 In so far as possible, a comprehensive budget, showing the charge out rates of all the staff to be involved in the project and including all other costs factors.
- 5.3 The MLRF will not be held responsible for any costs incurred by the applicant in the preparation and submission of the proposals.
- 5.4 Please take note that the MLRF is not bound to select any of the firms submitting proposals. The MLRF reserves the right not to award any of the proposals and not to award the contract to the lowest proposal price as well as to renegotiate the proposal price of the preferred applicant.

5.5 Travelling costs and time spent or incurred between home and office of consultants and the Department head office will not be for the account of the MLRF.

6. REPORTS AND PAYMENT

6.1 Applicants are required to submit a project plan of action of all deliverables detailing the cost of the services. Prices quoted must be VAT inclusive.

6.2 The price must remain firm for the duration of the contract.

6.3 The successful applicant will be paid on a monthly basis upon submission of satisfactory and acceptable project manager-reviewed monthly deliverable reports as stated in section 3 above.

6.4 The appointment of the service provider will be for the duration of six (6) months from the date of signing of the Service Level Agreement.

7. EVALUATION METHOD

7.1 The evaluation for this quotation will be carried out in two (2) phases:

- Phase 1: Mandatory requirements.
- Phase 2: Price and B-BBEE.

8. MANDATORY REQUIREMENTS

	Requirement	Comply: Yes or No
Mandatory requirements:	The laboratory and biotoxin testing methods is South African National Accreditation System (SANAS) accredited. SANAS accreditation certificate must be provided and evidence of the methods being SANAS accredited	
	The service provider has at least 2 years' experience in marine biotoxin testing of molluscan shellfish in terms of the scope of work in Section 4 above. A resume/company profile indicating years of experience in marine biotoxin testing must be provided and what tests were conducted during this period.	
	The service provider has demonstrated capacity in terms of sufficient staff and equipment to undertake the required tests in accordance with the scope of work in Section 3 above. An organogram must be provided indicating staff responsibilities in terms of biotoxin testing functions.	
	The service provider has demonstrated competency in record keeping, sample and document management to ensure the execution of the scope of work indicated in Section 3. Provide a protocol of how samples are handled and how the results are captured and disseminated.	

NOTE: Failure to meet all the mandatory requirements will lead to the service provider being disqualified and will not be further evaluated for Price and BEE (Phase 2).

7.2 PHASE 2: Preference Point System 80/20

7.2.1 The **second phase** is to perform an evaluation of Price and B-BBEE on the service providers, that successful qualified on Phase 1 (Mandatory Requirements).

7.2.2 **Calculation of points for price** - The PPPFA prescribes that the lowest acceptable quotation will score 80 points for price. Service providers that quoted higher prices will score lower points for price on a pro-rata basis.

7.2.3 Calculating of points for B-BBEE status level of contribution

Points will be awarded to a service provider for attaining the B-BBEE status level of contribution by submitting original and valid B-BBEE Status Level Verification Certificate issued by SANAS Accredited Verification Agency or certified copies thereof; or B-BBEE Certificate issued by CIPC, or Sworn Affidavit commissioned by Commissioner of Oaths together with their quotations, to substantiate their B-BBEE rating claims. SBD 6.1 must also be duly completed, signed, and submitted alongside the quotation to claim preference points. Failure to do so will result in B-BBEE preference points being forfeited.

Phase 3: The following table must be used to calculate the B-BBEE scores (80/20)	
PRICE	
B-BBEE Status Level Contributor	Number of points (80/20)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non –compliant contributor	0

8. SPECIAL CONDITIONS OF CONTRACT

- 8.1 On appointment, the performance measures for the delivery of the agreed services will be closely monitored by the MLRF.
- 8.2 The MLRF will not be held responsible for any costs incurred by the service providers in the preparation, presentation, and submission of the proposal.
- 8.3 The Project Manager allocated to the service by the MLRF shall do the ongoing management of the Service Level Agreement (SLA).
- 8.4 The Service Provider/s will be required to submit electronic copies of the monthly reports to the Project manager, within four (4) working days after the end of each month for the duration of the project. Failure to submit these reports on time may result in penalties.
- 8.5. The Service Provider/s must guarantee the presence of the Team Leader in charge of the project throughout the duration of the contract. Prior to the appointment of a replacement, the Project Manager from the MLRF must approve such appointment. If the Team Leader has to leave the project, a period of at least one month is required in which the senior consultant must work parallel with the next person (senior consultant with similar expertise and equal years of experience) appointed to be able to transfer skills and knowledge.

- 8.6 All the conditions specified in the General Conditions of Contract (GCC) will apply and where the conditions in the special conditions of contract contradicts the conditions in the general conditions of contract the special conditions of contract will prevail.
- 8.7 The proposals should be submitted with all required information as per the requirements stipulated in these Terms of Reference.
- 8.8 Travelling costs and time spent or incurred between home and office of the service provider and MLRF office will not be for the account of MLRF.
- 8.9 Service providers failing to meet all the mandatory requirements will automatically be disqualified.
- 8.10 Service providers are requested to submit the original and valid B-BBEE Status Level Verification Certificate issued by SANAS Accredited Verification Agency or certified copies thereof.
- 8.11 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 8.12 A trust, consortium or joint venture or will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate proposal.
- 8.13 If the application is made by a Joint Venture or Partnership, the accreditation credentials in the name of joined entity should be submitted. Both members in the joint venture must meet the requirement of the proposal.
- 8.14 Poor or non-performance by the service provider will result in cancellation of the service and the SLA.
- 8.15 The MLRF has the right to exclude a service provider and/or terminate the contract if the service provider or its sub-contractors are party to an interest group or entity involved in legal proceedings opposing the MLRF.

9. PAYMENT TERMS

- 9.1 The MLRF undertakes to pay out in full or as per deliverables within 30 (thirty) days all valid claims for work done to its satisfaction upon presentation of a substantiated and satisfactory claim and the required reports stipulated in special conditions. No payment will be made where there is outstanding information/work not submitted by the Service Provider/s until that outstanding information is submitted.

10. DEADLINE

The deadline for the submission of quotations is 05 November 2021.

11. ENQUIRIES

Should you require any further information in this regard, please do not hesitate to contact:

Name: Mr Mayizole Majangaza
Tel: 021 – 430 7076 / 061 506 2328
E-Mail: MMajangaza@environment.gov.za

For Supply Chain Management enquired, please do not hesitate to contact:

Name: Ms Pinky Moloi
Tel: 021 – 402 3397
E-Mail: Pmoloi@environment.gov.za

Please quote the project name on the quotation/proposal.