

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE *(South African National Biodiversity Institute)*

BID NUMBER:	SANBI: G454/2022	CLOSING DATE:	13 April 2023	CLOSING TIME:	11:00am
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DESCRIPTION THE APPOINTMENT OF A MULTIDISCIPLINARY PANEL OF PROFESSIONALS AND EXPERTS IN THE BUILT ENVIRONMENT AND RELATED FIELDS FOR VARIOUS INFRASTRUCTURE WORKS FOR A PERIOD OF 36 MONTHS (FROM 1 OCTOBER 2023 - 30 SEPTEMBER 2026) AT THE SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE (SANBI) CAMPUSES ACROSS SOUTH AFRICA

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

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT:

Biodiversity Centre
Pretoria National Botanical Garden,
2 Cussonia Avenue,
Brummeria Pretoria

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO

TECHNICAL ENQUIRIES MAY BE DIRECTED TO:

CONTACT PERSON		CONTACT PERSON	
TELEPHONE NUMBER		TELEPHONE NUMBER	
FACSIMILE NUMBER		FACSIMILE NUMBER	
E-MAIL ADDRESS	sanbi.tenders@sanbi.org.za	E-MAIL ADDRESS	

SUPPLIER INFORMATION

NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA

B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] ☐ Yes ☐ No	B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] ☐ Yes ☐ No
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]			
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS			
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?		☐ YES ☐ NO	
DOES THE ENTITY HAVE A BRANCH IN THE RSA?		☐ YES ☐ NO	
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ NO		☐ YES	
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?		☐ YES ☐ NO	
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? NO		☐ YES ☐	
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.			

PART B
TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.
1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).
2. TAX COMPLIANCE REQUIREMENTS
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:
(Proof of authority must be submitted e.g. company resolution)

DATE:

**PRICING SCHEDULE – FIRM PRICES
(PURCHASES)**

NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED

IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of bidder.....Bid number: **SANBI: G454/2022**

Closing Time 11:00

Closing date: **13 April 2023**

OFFER TO BE VALID FOR **120 DAYS** FROM THE CLOSING DATE OF BID.

ITEM NO.	QUANTITY	DESCRIPTION	BID PRICE IN RSA CURRENCY
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**** (ALL APPLICABLE TAXES INCLUDED)**

-
- Required by:
 - At:
.....
 - Brand and model
 - Country of origin
 - Does the offer comply with the specification(s)?
*YES/NO
 - If not to specification, indicate deviation(s)
 - Period required for delivery
 - *Delivery: Firm/not firm
 - Delivery basis

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination.

**** “all applicable taxes” includes value- added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.**

***Delete if not applicable**

BIDDER'S DISCLOSURE

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**

- 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**

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.

2.3.1 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.
- 3.4 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.
- 3.5 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.
- 3.6 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 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

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.

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- 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 To be completed by the organ of state

(delete whichever is not applicable for this tender).

- a) The applicable preference point system for this tender is the 90/10 preference point system.
- b) The applicable preference point system for this tender is the 80/20 preference point system.
- c) Either the 90/10 or 80/20 preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	
SPECIFIC GOALS	
Total points for Price and SPECIFIC GOALS	100

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

80/20	or	90/10
$Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$	or	$Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \mathbf{Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)} & \mathbf{or} & \mathbf{Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)}
 \end{array}$$

Where

Ps = Points scored for price of tender under consideration
 Pt = Price of tender under consideration
 Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
 - (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
 then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)

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

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety
- ☐ Close corporation
- ☐ Public Company
- ☐ Personal Liability Company
- ☐ (Pty) Limited
- ☐ Non-Profit Company
- ☐ State Owned Company

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I 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 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering 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 tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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, if deemed necessary.

.....	
SIGNATURE(S) OF TENDERER(S)	
SURNAME AND NAME:	
DATE:	
ADDRESS:	
	
	
	

REQUEST FOR TENDER

FOR

THE APPOINTMENT OF A MULTIDISCIPLINARY PANEL OF PROFESSIONALS AND EXPERTS IN THE BUILT ENVIRONMENT AND RELATED FIELDS FOR VARIOUS INFRASTRUCTURE WORKS FOR A PERIOD OF 36 MONTHS (FROM 1 OCTOBER 2023 - 30 SEPTEMBER 2026) AT THE SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE (SANBI) CAMPUSES ACROSS SOUTH AFRICA

**South African National Biodiversity Institute (SANBI)
Private Bag X101
Silverton
0184
South Africa**

Tender No: G454/2022

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1. Introduction and Background

The South African National Biodiversity Institute (SANBI) leads and coordinates research and monitors and reports on the state of biodiversity in South Africa. The institute provides knowledge and information, gives planning and policy advice and pilots best-practice management models in partnership with stakeholders. SANBI engages in ecosystem restoration and rehabilitation, leads the human capital development strategy of the sector and manages the National Botanical and Zoological Gardens as 'windows' to South Africa's biodiversity for enjoyment and education.

The Department of Forestry, Fisheries and the Environment (DFFE) has allocated funds over the 2023/24 – 2025/26 Medium Term Expenditure Framework (MTEF) towards a National Infrastructure Programme at various campuses and sites of the South African National Biodiversity Institute (SANBI). The programme includes infrastructural maintenance, refurbishments, upgrades, replacements and/or new infrastructure at all sites.

Projects will be identified for implementation over the MTEF period at each of SANBI's existing campuses and sites across the country. The range of services require liaison with relevant SANBI officials, and other SANBI-appointed professionals, and developing cost-effective site-specific solutions for the design and implementation of infrastructure projects that will vary across the various campuses.

2. Invitation to Tender

Tenders are hereby invited for the appointment of a multidisciplinary panel of professionals and experts in the built environment and related fields for various infrastructure works for a period of 36 months (from 1 October 2023 - 30 September 2026) at the South African National Biodiversity Institute (SANBI) campuses across South Africa.

Note: parties interested in tendering for professional services being supplied to SANBI during the 1 October 2023 to 30 September 2026 **must** first be appointed to this panel.

The tender process will be co-ordinated by SANBI's Supply Chain Management (SCM) department, contactable at the following address:

Deputy-Director: Supply Chain Management
South African National Biodiversity Institute (SANBI)
Private Bag X101
Silverton
0184

The tender closes on 13 April 2023 at 11:00

3. Scope of Proposed Works

The purpose of this tender is to procure a multidisciplinary panel of professionals and experts in the built environment and related fields for various infrastructure works for a period of 36 months (from 1 October 2023 - 30 September 2026) at the South African National Biodiversity Institute (SANBI) campuses across South Africa.

Interested parties are to submit bids that consist of one or more resources, as listed in this document. Resources will be considered on an individual basis for eligibility, and if successful, will be added to the panel of professionals and experts. The panel will consist of multiple professionals per discipline. As upcoming projects are identified by SANBI, the panel will be approached to supply quotations per each desired discipline, wherein the lowest quotations are to be considered on a per individual basis. Being successful in gaining entry into the panel of professionals does not guarantee work. It is at the panel member's discretion whether to respond to Request for Quotations or Request for Tenders as issued to the panel.

SANBI currently operates from 14 campuses spread across eight provinces in South Africa. Panel members will be eligible to provide services at all of the campuses below.

- Free State National Botanical Garden, Bloemfontein, Free State
- Hantam National Botanical Garden, Nieuwoudtville, Northern Cape
- Harold Porter National Botanical Garden, Betty's Bay, Western Cape
- Karoo Desert National Botanical Garden, Worcester, Western Cape
- Kirstenbosch National Botanical Garden, Cape Town, Western Cape
- KwaZulu-Natal National Botanical Garden, Pietermaritzburg, KwaZulu-Natal
- KwaZulu-Natal Herbarium, Durban, KwaZulu-Natal
- Kwelera National Botanical Garden, East London, Eastern Cape
- Lowveld National Botanical Garden, Mbombela, Mpumalanga
- Mokopane Biodiversity Conservation Centre, Mokopane, Limpopo
- National Zoological Garden, Pretoria, Gauteng
- Pretoria National Botanical Garden, Pretoria, Gauteng
- Thohoyandou Botanical Garden, Thohoyandou, Limpopo
- Walter Sisulu National Botanical Garden, Roodepoort/Mogale City, Gauteng

3.1. Predicted services

Consulting, investigative, design, procurement and project management services will include but not be limited to the following:

- Feasibility studies.
- Financial modelling and estimates for construction.
- Site investigations and provision of reports.
- Design Development.
- Environmental Impact Assessments.
- Environmental audits.
- Heritage assessments, monitoring and auditing.
- Traffic studies.

- Compilation of technical specifications including bills of quantities.
- Conducting Tender briefing sessions.
- Conducting Tender clarifications and issuing of minutes.
- Conducting price negotiations.
- Compiling Tender reports.
- Inspection of the contractors' premises, plant and equipment.
- Site inspections, construction monitoring, administration and supervision, assessments.
- Issuing of instructions to contractors.
- Assessment and approval of contractor's claims, manuals and reports.
- Overseeing site testing and commissioning (including at manufacturer's premises).
- Issuing of technical advice and recommendations to SANBI Management on specific projects and any existing infrastructure in general.
- Compilation of final handover and close-out documents.

The scope of services of the various disciplines required shall be managed in accordance with the relevant Board Notices (or equivalent) providing the guideline scope of services and tariff fees for persons registered in terms of the Architectural Professional Act (Act No. 44 of 2000), Quantity Surveying Professional Act (Act No. 49 of 2000), Engineering Professional Act (Act No. 46 of 2000) and Construction Health & Safety Professionals in terms of the Project & Construction Management Professions Act, 200 (Act No. 48 of 2000). If there is any conflict between the specific requirements and the relevant guideline scope of services document referred to above, the specific requirements shall take precedence.

The works for implementation may be in different work packages of differing sizes, and the services required will follow the standard stages of a project lifecycle:

Stage 1: Inception

Receive, appraise and report on the client's requirements with regard to:

- The client's brief.
- The site, rights and constraints.
- Budgetary constraints.
- The need for consultants.
- Project programme.
- Methods of contracting.

Stage 2: Concept and viability (concept design)

Prepare an initial design and advise on:

- The intended space provisions and planning relationships.
- Proposed materials and intended building services.

- The technical and functional characteristics of the design.
- Check for conformity of the concept with the rights to the use of the land.
- Review the anticipated costs of the project.
- Review the project programme.

Stage 3: Design development

- Confirm the scope and complexity.
- Review the design and consult with local and statutory authorities.
- Develop the design, construction system, materials and components.
- Incorporate and co-ordinate all services and the work of consultants.
- Review the design, costing and programme with the consultants.

Stage 4: Documentation and procurement

4.1 Prepare documentation required for local authority submission:

- Co-ordinate technical documentation with the consultants and complete primary co-ordination.
- Prepare specifications for the works.
- Review the costing and programme with the consultants.
- Obtain the client's authority and submit documents for approval.

4.2 Complete construction documentation and proceed to call for tenders:

- Obtain the client's authority to prepare documents for procuring offers for the execution of the works.
- Obtain offers for the execution of the works.
- Evaluate offers and recommend on awarding the building contract.
- Prepare the contract documentation and arrange the signing of the building contract.

Stage 5: Construction

- Administer the building contract.
- Give possession of the site to the contractor.
- Issue construction documentation.
- Initiate and/or check sub-contract design and documentation that are appropriate.
- Inspect the works for conformity to the contract documentation and acceptable quality in terms of industry standards.
- Administer and perform the duties and obligations assigned to the principal agent in the JBCC building contract, or fulfil the obligations provided for in other forms of the contract.
- Issue the certificate of practical completion.
- Assist the client in obtaining the occupation certificate.

Stage 6: Close-out

- Facilitate the project close-out including the preparation of the necessary documentation to effect completion, handover and operation of the project.

- When the contractor's obligations with respect to the building contract have been fulfilled, the architectural professional shall issue the certificates related to contract completion.
- Provide the client with as-built drawings and relevant technical and contractual undertakings by the contractor and sub-contractors.

Additional services may or may not be required during this appointment, in addition to the standard services as per applicable board notices. These services may be requested on an *ad hoc* basis, individually or in varying combinations, and shall be provided by prior agreement between the client and the relevant professionals.

The Service Provider is required to provide all aspects of the services with reasonable professional care, diligence and skill in accordance with generally accepted professional techniques and standards, and ensure that all legal requirements are met, and that all legal processes are adhered to.

3.2. Key Personnel

Interested parties are to submit bids that consist of one or more resources, as listed below. Please tick which resources have been submitted below.

Services Required	Professional Regulatory body/Council*	Qualifications and Experience Required	Tick resources selected
Lead Consultant (Professional Civil/Structural Engineer)	ECSA	BSc Degree Civil/Structural Engineering (15+ years' working experience, with experience in management and coordination of multidisciplinary teams)	
Principal Agent (Professional Architect)	South African Council for the Architectural Profession	BSc Architecture or equivalent degree (15+ years' working experience, with experience in management and coordination of multidisciplinary teams)	
Professional Structural Engineer	ECSA	BEng/BSc Degree in Civil/Structural Engineering (10+ years' experience)	
Professional Structural Engineering Technologist	ECSA	B-Tech in Civil/Structural Engineering (10+years' experience)	
Structural Engineer	ECSA (Candidate)	BEng/BSc Civil/Structural Engineering (less than 5 years' experience)	
Structural Engineering Technologist	ECSA (Candidate)	B-Tech in Civil/Structural Engineering (less than 5 years' experience)	
Professional (Pr.) Civil Engineer	ECSA	BEng/BSc Degree in Civil Engineering (10+ years' experience)	

Services Required	Professional Regulatory body/Council*	Qualifications and Experience Required	Tick resources selected
Professional (Pr.) Civil Engineering Technologist	ECSA	B-Tech in Civil Engineering (10+ years' experience)	
Civil Engineer	ECSA (Candidate)	BEng/BSc Civil Engineering (<5 years' experience)	
Civil Engineering Technologist	ECSA (Candidate)	B-Tech in Civil Engineering (<5 years' experience)	
Professional (Pr.) Mechanical Engineer	ECSA	BEng/BSc Degree in Mechanical Engineering (10+ years' experience)	
Professional (Pr.) Mechanical Engineering Technologist	ECSA	B-Tech in Mechanical Engineering (10+ years' experience)	
Mechanical Engineer	ECSA (Candidate)	BEng/BSc Mechanical Engineering (<5 years' experience)	
Mechanical Engineering Technologist	ECSA (Candidate)	B-Tech in Mechanical Engineering (<5 years' experience)	
Professional (Pr.) Electrical Engineer	ECSA	BEng/BSc Electrical Engineering (10+ Years' experience)	
Professional (Pr.) Electrical Engineering Technologist	ECSA	B-Tech in Electrical Engineering (10+ Years' experience)	
Electrical Engineer	ECSA (Candidate)	BEng/BSc Electrical Engineering (<5 years' experience)	
Electrical Engineering Technologist	ECSA (Candidate)	B-Tech in Electrical Engineering (<5 years' experience)	
Professional (Pr.) Electronic Engineer	ECSA	BEng/BSc Electronic Engineering (10+ Years' experience)	
Professional (Pr.) Electronic Engineering Technologist	ECSA	B-Tech in Electronic Engineering (10+ Years' experience)	
Electronic Engineer	ECSA (Candidate)	BEng/BSc Electronic Engineering (<5 years' experience)	

Services Required	Professional Regulatory body/Council*	Qualifications and Experience Required	Tick resources selected
Electronic Engineering Technologist	ECSA (Candidate)	B-Tech in Electronic Engineering (<5 years' experience)	
Hydrogeologist	South African Council for Natural Scientific Professions	BSc Hons degree in Hydrogeology or related field with registration as a Hydrogeologist	
Process Engineer	ECSA	BSc or BEng Degree in Chemical Engineering. At least 4 years' experience (must include site experience, first principle design experience & management experience)	
Professional Traffic Engineer	ECSA	BSc in Civil Engineering or Degree in Traffic/Transportation Engineering (10+ years' experience)	
Professional Electronic and Automation Design Engineer	ECSA	BEng/BSc in Electronic/Electrical Engineering (10+ years' experience)	
Professional Architect	SACAP	BSc Architecture or equivalent degree with 10+ years' experience	
Professional Architectural Technologist	SACAP	B-Tech (Architecture Technology) with 10+ years' experience	
Architect	SACAP (Candidate)	BSc Architecture or equivalent degree with <5 years' experience	
Architectural Technologist	SACAP (Candidate)	B-Tech (Architecture Technology) with <5 years' experience	
Professional Quantity Surveyor	SACQSP	BSc Quantity Surveying with 8+ years' experience in construction projects, including projects R50M+ in contract value	
Quantity Surveyor	SACQSP (Candidate)	B-Tech/BSc Quantity Surveying with <5 years' experience	
Geotechnical Engineer	ECSA	BSc Degree /BTech in Civil Engineering with specialization in Geotechnical Services, including the full services required to execute a geotechnical investigation	
Professional Town Planner	SACPLAN	B-degree in Town and Regional Planning with 8+ years' experience	

Services Required	Professional Regulatory body/Council*	Qualifications and Experience Required	Tick resources selected
Professional Land Surveyor	South African Geomatics Council	B-degree with registration as a Professional Land Surveyor and 8+ years' experience in land survey of sites for construction purposes	
Waste Management Specialist		B-degree in a relevant scientific field or environmental management with 8+ years' experience in waste management	
Environmental Assessment Professional	EAPASA	M-Degree in Environmental Management or equivalent with 8+ years' experience	
Environmental Control Officer	EAPASA	B-Degree in Environmental Management or equivalent with more than two years' experience in monitoring implementation of an EMPr	
Heritage specialist	APHP	M-Degree in the built environment with 10+ years' experience in heritage assessment, monitoring and reporting	
Occupational Health & Safety Agent	SACPCMP	B-Degree with 5+ years' experience in compiling baseline Health and Safety Requirements, conducting OHS audits and monitoring of construction sites	
Landscape Architect	SACLAP	Suitably qualified with 5+ years' experience in the landscape architectural environment	
Landscape Specialist		Demonstrated landscaping experience with successfully completed projects in botanical gardens, zoological gardens, or associated landscaping with large architectural or engineering projects	
Interior Designer		BA Interior Design/BSc Interior Design/BTech Interior Design with 5+ years' experience in interior design for infrastructure projects	

Where registration with a regulatory professional body is required for professional practice of a discipline, proof of such registration must be included in the CV and qualification pack for that individual.

Should it become necessary to replace any of the key personnel listed at the time of tender or during the course of this contract, they may only be replaced by individuals with similar or better qualifications and experience, who satisfy the minimum requirements and only with the approval of SANBI.

4. Pricing Information

Pricing information is only relevant after successful inclusion in the panel of professionals and during quotation

stage. Being successful in gaining entry into the panel of professionals does not guarantee work.

As it is difficult to define the precise scope and length of services required for the projects to be undertaken by the professionals. SANBI will be mostly dependent on a time-based contracts comprised of the hourly rates for professionals and key personnel identified in the work packages. Once estimated costs of construction are determined, remainder of services will be adjusted in accordance with the stage-related fees indicated under the gazetted guidelines for fee determination governing the various disciplines and sub-disciplines. Wherever possible, lump-sum appointments will be awarded, for example, for certain investigations, studies, and reports that lead to or culminate in authorisations.

On issue of a work package, the professional team will be compiled and appointed within the prevailing professional fee guidelines as gazetted. Charge-out rates for required professionals will be used to determine the financial offer. All costs related to transport and disbursements of the professional team will be reimbursed off proven cost of invoice.

A sample activity schedule for time-based fees for professional service providers is proposed below. Do not complete this table as it is supplied as an example of future tenders or requests for quotations only.

Anticipated professional service providers required	Hourly rate
Lead Consultant/Principal Agent	R
Architect/Technologist	R
Professional Quantity Surveyor	R
Professional Structural Engineer	R
Engineer/Technologist	R
Professional Civil Engineer	R
Engineer/Technologist	R
Professional Mechanical Engineer	R
Engineer/Technologist	R
Professional Electrical Engineer	R
Professional Landscaper	R
Professional Occupational Health & Safety Agent	R
Professional Land Surveyor	R
TOTAL hourly rate (ZAR) (excl. VAT)	
TOTAL hourly rate (ZAR) (incl. VAT)	

SAMPLE PURPOSES ONLY

According to the CIDB's Standard Professional Services Contract, time-based fees which are stated in the Pricing Data as a unique rate and are not calculated by multiplying the total annual cost of employment contained, shall unless otherwise stated in the Contract Data, be adjusted on each anniversary of the Starting Date. The adjustment to the time-based fees shall be equal to:

$$(CPI_n - CPI_s) / CPI_s$$

where CPI_s = the indices specified in the Contract Data during the month in which the start date falls

CPI_n = the latest indices specified in Contract Data during the month in which the anniversary of the Start Date falls

5. Requirements for Proposals

5.1. Mandatory Documentation Required

Tender offers will only be accepted for evaluation if:

- the tenderer submits a copy of the CSD registration report or registration number.
- the completion of all SBD forms.
- the tenderer is registered and in good standing with the compensation fund (Letter of good standing with COIDA issued by the Department of Labour), if applicable.
- the tenderer includes in their submission all the returnable documents

5.2. Other Requirements

The proposal must also include:

- Details of the bidder, including relevant skills, experience and track record in support of the required competencies, as well as up to date CVs.
- A copy of all proposed professionals' valid and up-to-date registrations with the relevant professional councils.
- Reference letters from at least four (4) clients for projects within the last five (5) years relating to the skills required herein.
- A list of ten (10) similar assignments with contactable references and indicating value of works completed and role in the assignment.

SANBI reserves the right: to verify any information supplied in the tender submission; to not appoint any Service Provider; to cancel or withdraw this tender at any time without attracting any penalties or liabilities; to have the final say in the appointment of the Service Provider and that this will be binding; to disqualify a tender or cancel any subsequent contracts should it be found that: 1) Information was omitted that should have been disclosed, 2) factually inaccurate information was provided and/or 3) that a misrepresentation of facts have occurred.

SANBI shall not be held liable for any cost that has been incurred by the Service Provider in the preparation of the proposal, the obtaining of certificates or any other cost that might be incurred in submitting the proposal.

6. Evaluation Criteria

In accordance with the National Treasury Instruction Note on the Amended Guidelines in Respect of Bids that include Functionality as a Criterion for Evaluation (issued 3 September 2010), this bid will be evaluated in one stage only. Price is excluded from this bid.

Bids will be evaluated according to the functionality criteria listed in the table below:

[illegible]

FUNCTIONALITY CRITERIA	POINTS
Maximum possible score for functionality	100

Service providers who fail to score a minimum of 35 points for each section will not be eligible for further consideration.

7. Contract period

The appointment is anticipated to be for a period of 36 months. The contractual appointment period will be as stipulated in the contract data.

The appointment of panel members shall be subject to all parties agreeing mutually acceptable contractual Term and Conditions. In the event of all parties failing to reach an agreement, SANBI reserves the right and shall be entitled to re-advertise the tender.

A contractual agreement will be signed for appointment to the professional panel, as well as individual contractual agreements for each work package if awarded. For the award of project specific contracts, evaluation will be two staged, with functionality considered in the first stage and pricing and specific goals (80/20) in the second round.

SANBI reserves the right to award a certain amount of projects to each service provider on the SANBI panel of professionals.

8. Submission

Tenders can be submitted in the tender box located in the reception area of the Biodiversity Centre Building at the Pretoria National Botanical Garden, 2 Cussonia Avenue, Brummeria, Pretoria, during office hours before the closing date and time. Normal office hours are from 08:00 – 16:00 daily. Accept that proof of posting shall not be accepted as proof of delivery. E-mailed and faxed submissions will not be accepted. Late submissions will be disqualified.

This is a single-envelope tender process. Service Providers are to submit one (1) pack of original proposals, marked "ORIGINAL" in an envelope.

Failure to submit in the prescribed manner WILL lead to the bid being disqualified.

9. General Safety, Health and Environmental (SHE) requirements

All Service Providers entering into a contract with the South African National Biodiversity Institute (SANBI) shall, as a minimum, comply with the following requirements:

- The Occupational Health & Safety Act (OHSA) (Act 85 of 1993) and its Regulations.
- The Service Provider's staff may be expected to attend induction training before commencing any work so that they become familiar with the part of the garden they are stationed in and the evacuation procedures.
- The Compensation for Occupational Injuries & Diseases Act (Act 130 of 1996).
- The National Environmental Management Act (Act No. 107 of 1998).
- The National Environmental Management: Waste Act (Act 59 of 2008).
- The South African National Biodiversity Institute Health and Safety specification and relevant policies.

10. General

- All documents submitted in the response to this Request for Tender (RFT) shall be written in English.
- Potential service providers shall not assume that information and/or documents previously supplied to SANBI, at any time prior to this RFT, will be considered, and they shall not make reference to such information and/or documentation in their response to the RFT.
- The appointment of a successful Service Provider shall be subject to all parties agreeing to mutually acceptable contractual terms and conditions. The preferred form of contract for the professional services as per this RFT will be the **Standard Professional Services Contract** July 2009 (Third Edition of CIDB document 1014).
- The contract will be drawn up between SANBI and the Service Provider.
- Any or all information made available to the service provider by SANBI shall be regarded as confidential and shall not be made available to third parties without the prior written consent of SANBI.
- While the Service Provider will be working with a number of SANBI staff, including the Chief Director: Conservation Gardens and Tourism and the SANBI-appointed Programme Manager, final accountability rests with the relevant internal SANBI project manager.
- The tender process will be co-ordinated by SANBI's Supply Chain Management (SCM) department, contactable at the following email address: sanbi.tenders@sanbi.org.za
- Bidders must reference the tender title when submitting their proposal.
- Refer to annexure A for special conditions of contract.

ANNEXURE A

1. SPECIAL CONDITIONS OF CONTRACT

Any award made to a bidder(s) under this bid is conditional, amongst others, upon –

- a. The bidder(s) accepting the terms and conditions contained in the Special Conditions of Contract as the minimum terms and conditions upon which SANBI is prepared to enter into a contract with the successful Bidder(s).

- b. The bidder submitting the General Conditions of Contract to SANBI together with its bid, duly signed by an authorised representative of the bidder.

2. SERVICE LEVEL AGREEMENT

- 2.1. Upon award SANBI and the successful bidder will conclude a Service Level Agreement or Standard Independent Contractor Agreement regulating the specific terms and conditions applicable to the services being procured by SANBI, more or less in the format of the draft Service Level Indicators included in this tender pack.
- 2.2. SANBI reserves the right to vary the proposed draft Service Level Indicators and/or Milestones during the course of negotiations with a bidder by amending or adding thereto.
- 2.3. Bidder(s) are requested to:
 - a. Comment on draft Service Level Indicators and/or Milestones and where necessary, make proposals to these;
 - b. Explain each comment and/or amendment; and
 - c. Use an easily identifiable colour font or “track changes” for all changes and/or amendments to the Service Level Indicators and/or Milestones for ease of reference.
- 2.4. SANBI reserves the right to accept or reject any or all amendments or additions proposed by a bidder if such amendments or additions are unacceptable to SANBI or pose a risk to the organisation.

3. SPECIAL CONDITIONS OF THIS BID

SANBI reserves the right:

- 3.1. To award this tender to a bidder that did not score the highest total number of points, only in accordance with section 2(1)(f) of the PPPFA (Act 5 of 2000)
- 3.2. To negotiate with one or more preferred bidder(s) identified in the evaluation process, regarding any terms and conditions, including price without offering the same opportunity to any other bidder(s) who have not been awarded the status of the preferred bidder(s).
- 3.3. To accept part of a tender rather than the whole tender.

- 3.4. To carry out site inspections, product evaluations or explanatory meetings in order to verify the nature and quality of the services offered by the bidder(s), whether before or after adjudication of the Bid.
- 3.5. To correct any mistakes at any stage of the tender that may have been in the Bid documents or occurred at any stage of the tender process.
- 3.6. To cancel and/or terminate the tender process at any stage, including after the Closing Date and/or after presentations have been made, and/or after tenders have been evaluated and/or after the preferred bidder(s) have been notified of their status as such.
- 3.7. Award to multiple bidders based either on size or geographic considerations.

4. SANBI REQUIRES BIDDER(S) TO DECLARE

In the Bidder's Technical response, bidder(s) are required to declare the following:

- 4.1. Confirm that the bidder(s) is to: –
 - a. Act honestly, fairly, and with due skill, care and diligence, in the interests of SANBI;
 - b. Have and employ effectively the resources, procedures and appropriate technological systems for the proper performance of the services;
 - c. Act with circumspection and treat SANBI fairly in a situation of conflicting interests;
 - d. Comply with all applicable statutory or common law requirements applicable to the conduct of business;
 - e. Make adequate disclosures of relevant material information including disclosures of actual or potential own interests, in relation to dealings with SANBI;
 - f. Avoidance of fraudulent and misleading advertising, canvassing and marketing;
 - g. To conduct their business activities with transparency and consistently uphold the interests and needs of SANBI as a client before any other consideration; and
 - h. To ensure that any information acquired by the bidder(s) from SANBI will not be used or disclosed unless the written consent from SANBI has been obtained to do so.

5. CONFLICT OF INTEREST, CORRUPTION AND FRAUD

- 5.1. SANBI reserves its right to disqualify any bidder who either itself or any of whose members (save for such members who hold a minority interest in the bidder through shares listed on any recognised stock exchange), indirect members

(being any person or entity who indirectly holds at least a 15% interest in the bidder other than in the context of shares listed on a recognised stock exchange), directors or members of senior management, whether in respect of SANBI or any other government organ or entity and whether from the Republic of South Africa or otherwise ("Government Entity"), —

- a. engages in any collusive tendering, anti-competitive conduct, or any other similar conduct, including but not limited to any collusion with any other bidder in respect of the subject matter of this bid;
- b. seeks any assistance, other than assistance officially provided by a Government Entity, from any employee, advisor or other representative of a Government Entity in order to obtain any unlawful advantage in relation to procurement or services provided or to be provided to a Government Entity;
- c. makes or offers any gift, gratuity, anything of value or other inducement, whether lawful or unlawful, to any of SANBI's officers, directors, employees, advisors or other representatives;
- d. makes or offers any gift, gratuity, anything of any value or other inducement, to any Government Entity's officers, directors, employees, advisors or other representatives in order to obtain any unlawful advantage in relation to procurement or services provided or to be provided to a Government Entity;
- e. accepts anything of value or an inducement that would or may provide financial gain, advantage or benefit in relation to procurement or services provided or to be provided to a Government Entity;
- f. pays or agrees to pay to any person any fee, commission, percentage, brokerage fee, gift or any other consideration, that is contingent upon or results from the award of any tender, contract, right or entitlement which is in any way related to procurement or the rendering of any services to a Government Entity;
- g. has in the past engaged in any matter referred to above; or
- h. has been found guilty in a court of law on charges of fraud and/or forgery, regardless of whether or not a prison term was imposed and despite such bidder, member or director's name not specifically appearing on the List of Tender Defaulters kept at National Treasury.

6. MISREPRESENTATION DURING THE LIFECYCLE OF THE CONTRACT

- 6.1. The bidder should note that the terms of its Tender will be incorporated in the proposed contract by reference and that SANBI relies upon the bidder's Tender as a material representation in making an award to a successful bidder and in concluding an agreement with the bidder.
- 6.2. It follows therefore that misrepresentations in a Tender may give rise to service termination and a claim by SANBI against the bidder notwithstanding the conclusion of the Service Level Agreement between SANBI and the bidder for

the provision of the Service in question. In the event of a conflict between the bidder's proposal and the Service Level Agreement concluded between the parties, the Service Level Agreement will prevail.

7. PREPARATION COSTS

The Bidder will bear all its costs in preparing, submitting and presenting any response or Tender to this bid and all other costs incurred by it throughout the bid process. Furthermore, no statement in this bid will be construed as placing SANBI, its employees or agents under any obligation whatsoever, including in respect of costs, expenses or losses incurred by the bidder(s) in the preparation of their response to this bid.

8. INDEMNITY

If a bidder breaches the conditions of this bid and, as a result of that breach, SANBI incurs costs or damages (including, without limitation, the cost of any investigations, procedural impairment, repetition of all or part of the bid process and/or enforcement of intellectual property rights or confidentiality obligations), then the bidder indemnifies and holds SANBI harmless from any and all such costs which SANBI may incur and for any damages or losses SANBI may suffer.

9. PRECEDENCE

This document will prevail over any information provided during any briefing session whether oral or written, unless such written information provided, expressly amends this document by reference.

10. LIMITATION OF LIABILITY

A bidder participates in this bid process entirely at its own risk and cost. SANBI shall not be liable to compensate a bidder on any grounds whatsoever for any costs incurred or any damages suffered as a result of the Bidder's participation in this Bid process.

11. TAX COMPLIANCE

No tender shall be awarded to a bidder who is not tax compliant. SANBI reserves the right to withdraw an award made, or cancel a contract concluded with a successful bidder in the event that it is established that such bidder was in fact not tax compliant at the time of the award, or has submitted a fraudulent Tax Clearance Certificate to SANBI or whose verification against the Central Supplier Database (CSD) proves non-compliant. SANBI further reserves the right to cancel a contract with a successful bidder in the event that such bidder does not remain tax compliant for the full term of the contract.

12. TENDER DEFAULTERS AND RESTRICTED SUPPLIERS

No tender shall be awarded to a bidder whose name (or any of its members, directors, partners or trustees) appear on the Register of Tender Defaulters kept by National Treasury, or who have been placed on National Treasury's List of Restricted Suppliers. SANBI reserves the right to withdraw an award, or cancel a contract concluded with a Bidder should it be established, at any time, that a bidder has been blacklisted with National Treasury by another government institution.

13. GOVERNING LAW

South African law governs this bid and the bid response process. The bidder agrees to submit to the exclusive jurisdiction of the South African courts in any dispute of any kind that may arise out of or in connection with the subject matter of this bid, the bid itself and all processes associated with the bid.

14. RESPONSIBILITY FOR SUB-CONTRACTORS AND BIDDER'S PERSONNEL

A bidder is responsible for ensuring that its personnel (including agents, officers, directors, employees, advisors and other representatives), its sub-contractors (if any) and personnel of its sub-contractors comply with all terms and conditions of this bid. In the event that SANBI allows a bidder to make use of sub-contractors, such sub-contractors will at all times remain the responsibility of the bidder and SANBI will not under any circumstances be liable for any losses or damages incurred by or caused by such sub-contractors.

15. CONFIDENTIALITY

Except as may be required by operation of law, by a court or by a regulatory authority having appropriate jurisdiction, no information contained in or relating to this bid or a bidder's tender(s) will be disclosed by any bidder or other person not officially involved with SANBI's examination and evaluation of a Tender.

No part of the bid may be distributed, reproduced, stored or transmitted, in any form or by any means, electronic, photocopying, recording or otherwise, in whole or in part except for the purpose of preparing a Tender. This bid and any other documents supplied by SANBI remain proprietary to SANBI and must be promptly returned to SANBI upon request together with all copies, electronic versions, excerpts or summaries thereof or work derived there from.

Throughout this bid process and thereafter, bidder(s) must secure SANBI's written approval prior to the release of any information that pertains to (i) the potential work or activities to which this bid relates; or (ii) the process which follows this bid. Failure to adhere to this requirement may result in disqualification from the bid process and civil action.

16. SANBI PROPRIETARY INFORMATION

Bidder will on their bid cover letter (SBD1) make declaration that they did not have access to any SANBI proprietary information or any other matter that may have unfairly placed that bidder in a preferential position in relation to any of the other bidder(s).

17. AVAILABILITY OF FUNDS

Should funds no longer be available to pay for the execution of the responsibilities of this bid (G454/2022), SANBI may terminate the Agreement at its own discretion or temporarily suspend all or part of the services by notice to the successful bidder. The successful bidder shall immediately make arrangements to stop the performance of the services and minimize further expenditure; provided that the successful bidder shall thereupon be entitled to payment in full for the services delivered, up to the date of cancellation or suspension.