

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE DEPARTMENT OF HOME AFFAIRS

BID NUMBER:	DHA12-2022	CLOSING DATE:	07 OCTOBER 2022	CLOSING TIME:	11:00
DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER(S) TO PROVIDE SPECIALISED LEGISLATIVE DRAFTING OF DRAFT VARIOUS BILLS ADMINISTERED BY THE DEPARTMENT OF HOME AFFAIRS FOR A PERIOD UNTIL 31 MARCH 2024				
BID RESPONSE DOCUMENTS MUST BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
Department of Home Affairs,					
230 Johannes Ramokhoase Street,					
Cnr. Thabo Sehume and Johannes Ramokhoase Streets					
Hallmark Building, Pretoria					
BIDDING PROCEDURE ENQUIRIES MUST BE DIRECTED TO			TECHNICAL ENQUIRIES MUST BE DIRECTED TO:		
CONTACT PERSON	Lettie Makhudu/ Lunga Njwabule		CONTACT PERSON	Moses Malakate	
TELEPHONE NUMBER	(012) 406 2750 / (012) 406 4027		TELEPHONE NUMBER	012 406 4273	
E-MAIL ADDRESS	lettiemakhudu@dha.gov.za lunga.njwabule@dha.gov.za		E-MAIL ADDRESS	moses.malakate@dha.gov.za	
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?		☐ YES ☐ NO	
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?		☐ YES ☐ NO	
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 PREFERENTIAL PROCUREMENT REGULATIONS, 2017 AND 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:

.....

I INSTRUCTIONS TO BIDDERS

A THE TENDER DOCUMENTS

Rules for Bidding

- 1.1. The Department is not bound to accept any of the proposals submitted and reserves the right to call for presentations from short-listed bidders before final selection.
- 1.2. The Department reserves the right to terminate this appointment or temporarily defer the work, or any part thereof, at any stage of completion should the Department decide not to proceed with the tender.
- 1.3. The Department also reserves the right to appoint any other person to undertake any part of the tasks.
- 1.4. The service provider must be a single legal entity with all other necessary expertise secured via sub-contract, or under a joint venture arrangement. The Department will enter into a single contract with a single entity for the delivery of the work set out in these tender documents.
- 1.5. The bidding entity shall be the same entity that will execute the bid. Any bid found to be fronting for another entity or entities shall be disqualified immediately.
- 1.6. All South African firms submitting bids as part of a consortium or joint venture must submit a valid original tax clearance certificates.
- 1.7. Foreign firms providing proposals must become familiar with local conditions and laws and take them into account in preparing their proposals.
- 1.8. The service provider and its affiliates are disqualified from providing goods, works and services to any private party to this Agreement, or any eventual project that may result, directly or indirectly from these services.
- 1.9. Firms may ask for clarification on these tender documents or any part thereof up to close of business 1 week before the deadline for the submission of the bids.
- 1.10. The Department reserves the right to return late bid submission unopened.
- 1.11. Firms may not contact the Department on any matter pertaining to their bid from the time when the bids are submitted to the time the contract is awarded. Any effort by a bidder to influence bid evaluation, bid comparisons or bid award decisions in any manner, may result in rejection of the bid concerned.
- 1.12. Should the contract between the Department and the service provider be terminated by either party due to reasons not attributable to the service provider, the service provider will be remunerated for the appropriate portion of work completed up to a maximum amount of not more than the total fee bid by the service provider for the appropriate phase of the project during which the appointment was terminated.

Conditions of the Tender

- 1.13. The General Conditions of contract will apply.
- 1.14. The Department will become the owner of all information, documents, programmes, advice and reports collected and compiled by the service provider in the execution of this tender.
- 1.15. The copyright of all documents, programmes, and reports compiled by the service provider will vest in the Department and may not be reproduced or distributed or made available in any other way without the written consent of the Department.
- 1.16. All information, documents, programmes and reports must be regarded as confidential and may not be made available to any unauthorised person or institution without the written consent of the Department.
- 1.17. Bidders shall undertake to limit the number of copies of this document and destroy them in the event of their failure to secure the contract.
- 1.18. The service provider is entitled to general knowledge acquired in the execution of this agreement and may use it, provided that it shall not be to the detriment of the Department.

Cost of Bidding

- 1.19. The Bidder shall bear all costs associated with the preparation and submission of its bid and the Department, will in no case be held responsible or liable for these costs, regardless of the conduct or outcome of the tender process.

Content of Tender Documents

- 1.20. The services required, tender procedures and contract terms are prescribed in the tender documents, which include:
 - i. Instruction to Bidders;
 - ii. Technical Bid;
 - iii. Terms of Reference;
 - iv. Evaluation Criterion;
 - v. Financial Bid;
- 1.21. The Bidder is expected to examine all instructions, forms, terms and specifications in the tender documents. Failure to furnish all information required by the tender documents or submission of a bid not responsive to the tender documents in every respect will be at the Bidder's risk and may result in rejection of the bid.

Clarification of Tender Documents

- 1.22. The Department will respond in email to any request for clarification of the tender documents which it receives no later than 1 week prior to the deadline for submission of bids prescribed by the Department.
- 1.23. **Bidders are invited to a non-compulsory virtual (Microsoft Teams) briefing session that will be held as follows:**

DHA12-2022

- **Date and time:** Monday, 19 September 2022 at 14h00.

Bidders must submit an email requesting the link to the virtual meeting **on or before Friday, 16 September 2022**.

Amendment of Tender Documents

- 1.24. At any time prior to the deadline for submission of bids, the Department may, for any reason, whether at its own initiative or in response to a clarification requested by a prospective bidder, modify the tender document by amendment.
- 1.25. All prospective bidders who have received the tender document will be notified of the amendment in writing or by fax, and same will be binding on them.
- 1.26. In order to allow prospective bidders reasonable time in which to take the amendment into account in preparing their bids, the Department, at their discretion, may extend the deadline for the submission of bids.

B. PREPARATION OF BIDS

Language of Bid

- 1.1. The bid prepared by the Bidder, as well as all correspondence and documents relating to the bid exchanged by the Bidder and the Department shall be written in English.

Documents Constituting the Bid

- 1.2. The bid prepared by the Bidder shall comprise the following components:

- 1. Technical Bid, including:**

- i. Invitation to Bid (SBD 1)
- ii. Tax Clearance Certificate
- iii. Declaration of Interests(SBD4)
- iv. Preferential Points Claim Forms (SBD 6.1)
- v. General Conditions of contract
- vi. CSD report
- vii. Letter of Authority
- viii. Completed Technical Specification Document

- 2. Financial Bid, comprising:**

- i. Price Schedule & Professional services (SBD 3.3)
- ii. Preferential points B-BBE certificate

Bid Prices

- 1.3. Prices indicated on the Price Schedule shall be the total price of services including, where applicable:
 1. All duties and other taxes;
 2. The price of transportation, insurance and other costs incidental to delivery of the services to their final destination;
 3. The price of any other incidental services required in terms of the tender deliverables;
- 1.4. Prices quoted by the Bidder shall be fixed during the Bidder's performance of the Contract and not subject to variation on any account.
- 1.5. A bid submitted with a variable price quotation will be treated as non-responsive and rejected.
- 1.6. Prices shall be quoted in South African Rands.
- 1.7. The Department has limited resources and bids must be competitive, with market related pricing, as this will be one of the deciding factors in the final award of the contract.

Period of Validity of Bids

- 1.8. Bids shall remain valid for 90 days after the closing date of bid prescribed by the Department. A bid valid for a shorter period shall be rejected by the Department as non-responsive.
- 1.9. In exceptional circumstances, the Department may solicit the Bidder's consent to an extension of the period of validity. The request and the response thereto shall be made in writing. A Bidder may refuse the request. A Bidder granting the request will not be required nor permitted to modify its bid.

Format and Signing of Bid

- 1.10. The Bidder shall prepare one copy of the Technical Bid and Financial Bid separately, clearly marking each "Original Technical Bid" and "Original Financial Bid", as appropriate. **Apart from hard copies, a copy should also be provided on CD or memory stick. In the event of any discrepancy between the two, the original shall govern.**
- 1.11. The original and all copies of the bid shall be typed or written in indelible ink and shall be signed by the Bidder or a person or persons duly authorized to bind the Bidder to the Contract. All pages of the bid, except for un-amended printed literature, shall be initialled by the person or persons signing the bid.
- 1.12. Any interlineations, erasures or overwriting shall be valid only if they are initialled by the person or persons signing the bid.

Sealing and Marking of Bids

- 1.13. The original and copy of the Technical Bid shall be placed in a sealed envelope clearly marked Technical Bid and original and copy of the Financial Bid shall be placed in a sealed envelope clearly marked Financial Bid and warning "Do not open with Technical Bid". All the inner envelopes shall then be placed into an outer envelope. The inner and outer envelopes shall be addressed to the following address:

Department of Home Affairs
230 Johannes Ramokhoase Street
Pretoria
0001

- 1.14. The inner envelopes shall also indicate the name and address of the Bidder to enable the bid to be returned unopened in case it is declared late.
- 1.15. If the outer envelope is not sealed and marked as required by the clause, the Department will assume no responsibility for the bid's misplacement or premature opening.
- 1.16. Faxed bids will not be accepted. **only hand delivered bids submitted before the due date and time will be accepted**

Closing Date of Bids

- 1.17. Bids (Technical and Financial) must be received by the Department at the address specified under clause 1.13 above. In the event of the specified date for the submission of Bids being declared a holiday for the Department, the Bids will be received up to the appointed time on the next working day.
- 1.18. The Department may, at its discretion, extend this deadline for submission of bids by amending the bid documents in which case all rights and obligations of the Department and Bidders previously subject to the deadline will thereafter be subject to the deadline as extended.

Late Bids

- 1.19. Any bid received by the Department after the deadline for submission of bids prescribed by the Department, will be rejected and/or returned unopened to the Bidder.

Modification and Withdrawal of Bids

- 1.20. The Bidder may modify or withdraw its bid after the bid's submission, provided that written notice of the modification or withdrawal is received by the Department prior to the deadline prescribed for submission of bids.
- 1.21. The Bidder's modification or withdrawal notice shall be prepared, sealed, marked and dispatched in accordance with the provisions of clause 6. A withdrawal notice may also be sent by fax, followed by a signed confirmation copy, post marked not later than the deadline for submission of bids.
- 1.22. No bid may be modified subsequent to the deadline for submission of bids.
- 1.23. No bid may be withdrawn in the interval between the deadline for submission of bids and the expiration of period of bid validity specified by the Bidder on the Invitation to Bid form.

C. EVALUATION OF BIDS

Clarification of Bids

- 1.1. During evaluation of bids, the Department may, at its discretion, ask the Bidder for a clarification of its bid. The request for clarification and the response shall be in writing.

Preliminary Examination

- 1.2. The Department will examine the bids to determine whether they are complete, whether they meet all the conditions of the Contract and Technical Specifications and whether any computational errors have been made, whether the documents have been properly signed, and whether the bids are generally in order.
- 1.3. Arithmetical errors will be rectified on the following basis. If there is a discrepancy between the unit price and the total price that is obtained by multiplying the unit price and quantity, the unit price shall prevail and the total price shall be corrected. If there is a discrepancy between words and figures, the amount in words shall prevail. If the supplier does not accept the correction of errors, its bid may be rejected.
- 1.4. If a bid is not responsive and not fulfilling all the conditions of the Contract and not meeting Technical Specifications, it will be rejected by the Department and may not subsequently be made responsive by the Bidder by correction of the non-conformity.

Evaluation and Comparison of Bids

- 1.5. The Department will evaluate and compare the financial bids only of those Bidders whose Technical Bid has been accepted by the Department.
- 1.6. The Department's evaluation of a financial bid will take into account information to be provided on the SBD 3.3.

Contacting the Department

- 1.7. Subject to clause 1.1 above, no Bidder shall contact the Department on any matter relating to its bid, from the time of the bid opening to the time the Contract is awarded. If the bidder wishes to bring additional information to the notice of the Department, it should do so in writing.
- 1.8. Any effort by a Bidder to influence the Department in its decisions on bid evaluation, bid comparison or contract award may result in rejection of the Bidder's bid.

D. AWARD OF CONTRACT

Post qualification

- 1.1. The Department will determine to its satisfaction whether the Bidder that is selected as having submitted the highest evaluated responsive bid meets the criteria specified in these documents, and is qualified to perform the contract satisfactorily.

- 1.2. The determination will take into account the Bidder's financial, technical and production capabilities. It will be based upon an examination of the documentary evidence of the Bidder's qualifications submitted by the bidder, as well as such other information as the Department deems necessary and appropriate.
- 1.3. An affirmative determination will be a prerequisite for award of the Contract to the Bidder. A negative determination will result in rejection of the Bidder's bid, in which event the Department will proceed to the next highest evaluated bid to make a similar determination of that Bidder's capabilities to perform the contract satisfactorily.

Department's right to vary Quantities at Time of Award

- 1.4. The Department reserves the right at the time of Contract award to increase or decrease the quantity of the services originally specified in the Terms of Reference without any change in unit price or other terms and conditions.

Department's right to accept or reject any or all Bids

- 1.5. The Department reserves the right to:
 1. Accept or reject all or individual items of this bid;
 2. Accept one or more bids submissions reject individual items;
 3. Request clarification or further information regarding any item in the Proposal;
 4. Request further information from any bidder after the closing date;
 5. Accept a bid that may not reflect the lowest pricing;
 6. Consider any bid that may not conform to any aspect of this bid;
 7. Annul the tender process and reject all bids at any time prior to contract award;
 8. Consider such alternate services, terms or conditions that may be offered, whether such offer is contained in a Proposal or otherwise;
 9. Award the contract or any part thereof to one or more bidders; without thereby incurring any liability to the affected Bidder or bidders.

Notification of Award

- 1.6. Prior to the expiration of the period of bid validity, the Department will notify the successful bidder in writing by registered letter or by fax, to be confirmed in writing by registered letter, that its bid has been accepted.
- 1.7. The notification of award will constitute the formation of the Contract.

Signing of Contract

- 1.8. At the same time as the Department notifies the successful bidder that its bid has been accepted, the Department will send the bidder the Contract Form provided in the tender documents, incorporating all agreements between the parties.
- 1.9. Within 2 days of receipt of the Contract Form, the successful bidder shall sign and date the Contract Form and return it to the Department.

Termination of Service

- 1.10. In case of any failure to comply with any of the conditions of the contract or unsatisfactory rendering of service, the stipulation of the General Conditions of Contract and the Special Conditions of Contract, shall be applicable.
- 1.11. Should the Department, after a reasonable period of notice, of not less than seven days, in writing, depending upon the circumstances, call upon the service provider to comply with any of the conditions and should he/she fail to do so, the Department shall, without prejudice to any of its rights be entitled to cancel the contract, and to claim from the service provider any damage or loss that might have been suffered, including any additional expense incurred by it having either to invite fresh bids or to accept any less favourable bid.

Unsatisfactory Performance

- 1.12. Failure to comply with the conditions of the contract, the Department shall be entitled, without prejudice to its other rights, to cancel the contract in terms of the General Conditions of Contract. Delays beyond time limits and timeframes agreed upon between the parties. Failure to meet the performance standards indicated in the contract

Assignment

- 1.13. The contractor shall not, without prior written authority of the Department, cede, assign or transfer its rights or obligations in respect of this contract or any part thereof or any share of interests herein, directly or indirectly, to any person, firm or organization whatsoever.



home affairs

Department:
Home Affairs
REPUBLIC OF SOUTH AFRICA

TERMS OF REFERENCE

DHA12-2022

**APPOINTMENT OF A SERVICE PROVIDER(S) TO PROVIDE SPECIALISED LEGISLATIVE DRAFTING OF DRAFT
VARIOUS BILLS ADMINISTERED BY THE DEPARTMENT OF HOME AFFAIRS FOR A PERIOD UNTIL 31 MARCH 2024**

CLOSING DATE AND TIME OF BID:

07 OCTOBER 2022 at 11h00

Bidders are invited to a non-compulsory virtual (Microsoft Teams) briefing session that will be held as follows:

DHA12-2022

Date and time: Monday, 19 September 2022 at 14h00.

Bidders must submit an email requesting the link to the virtual meeting on or before Friday 16 September 2022.

BID VALIDITY PERIOD: 90 DAYS

**Department of Home Affairs
Supply Chain Management**

TERMS OF REFERENCE

1. Objectives

1.1 The objectives (aim) of this tender are:

To appoint a service provider(s) that will provide specialised legislative drafting in relation to the following Bills:

- (a) Drafting, and finalisation, of the Home Affairs Framework Bill;
- (b) development, and finalisation, of Marriage Bill;
- (c) development, and finalisation, of the One Stop Border Post Bill;
- (d) development, and finalisation, of the National Identification and Registration Bill; and
- (e) amendment of section 34 of the Immigration Act, 2002 (Act No. 13 of 2002), following the decision of the Constitutional Court in LHR & others v Minister of Home Affairs & others.

2. Background

Ad Home Affairs Framework Bill

- 2.1 In March 2017, Cabinet approved the Business Case for repositioning of the Department of Home Affairs (the “Department”) as a modern, secure department located within the security system of the State. Cabinet also announced that the Department would be fully integrated into the Justice, Crime Prevention and Security Cluster (the “JCPS cluster”). In the majority, Departments that operate within the security system of the State are established by an Act of Parliament which regulates, amongst others, recruitment of employees, access to buildings (National Key Points), etc. Thus, the Business Case stated that the first implementation step would be the drafting of a White Paper on Home Affairs which must lay a solid policy foundation for drafting an anchor legislation.
- 2.2 In May 2017, a Discussion Paper on the Repositioning of the Department of Home Affairs (the “Department”) was *gazetted* for public comments; and after largely positive feedback a White Paper was drafted. In December 2018, Cabinet approved the publication of the White Paper for public comments. The White Paper was *gazetted* for public comments on 18 January 2019. Following the Cabinet approval of the White Paper for public consultation, the Department began with the process of developing a Home Affairs Framework Bill.
- 2.3 The Home Affairs Framework Act will, *inter alia*, define the Department’s mandatory obligations and frame the mandate and principles by which subsidiary legislation must be drafted. The Home Affairs Framework Act is a necessary legal instrument that will enable the department to be repositioned as a secure, modern department

that is located within the security system. The Home Affairs Framework Act will also deal with a differentiated condition of employment and training model for those who will be employed to perform public administration and security functions.

2.4 There is currently a draft Bill, developed by the Department that covers key elements of the Bill at a basic level. The service provider will be required to further develop the Bill to its finality. This will include the service provider undertaking further research and strengthening of the following areas of the draft Bill:

- (a) Provisions for an enabling legislation which frames the mandate of the Department;
 - (b) provision to empower the Minister to declare certain functions of the Department as essential services after consultation with relevant structures;
 - (c) provisions for a differentiated Conditions of Employment and training model for those who will be employed to perform public administration and security functions;
 - (d) provisions that will ensure that the Department can deliver on its core mandate securely and efficiently by procuring and accessing resources such as expertise, technology, networks, accommodation and security services;
 - (e) provisions that establish conditions for accessing of the Department's buildings, systems by employees, clients and service providers in line with relevant security policies and legislation; and
 - (f) provisions for the establishment of a capacity within the Department for vetting employees and accrediting all individuals who access the Department's systems, including 3rd party service providers.
- This may also include undertaking a threat assessment to the system to ensure system integrity.

In view of the above, the service provider is expected to finalise the drafting of the Home Affairs Framework Bill.

Ad Marriage Bill

The legislation that regulates marriages in South Africa has been developed without an overarching policy that is based on constitutional values (e.g. equality, non-discrimination and human dignity) and the understanding of modern society dynamics. Instead of creating a harmonised system of marriage in South Africa, the state has sought to give recognition to different marriage rituals through passing a range of different marriage laws. Marriages in SA are regulated through the following legislation:

- The Marriage Act, 1961 (Act No. 25 of 1961) and its associated regulations (monogamous marriage for opposite sex couples);
- The Recognition of Customary Marriages, 1998 (Act No. 120 of 1998) - (polygamous marriages for opposite sex couples - polygamy); and
- The Civil Union Act, 2006 (Act No. 17 of 2006) - (monogamous partnerships for both same and opposite sex couples).

Despite all the changes that have been made in the marriage legislation post 1994, there are still serious gaps in the

current legislation. For instance, the current legislation does not regulate some religious marriages such as the Hindu, Muslim and other customary marriages that are practiced in some African or royal families.

In March 2022, Cabinet approved the White Paper on Marriages in South Africa (the “White Paper”) as the official policy of government that lays policy foundation for drafting a new single or omnibus legislation. To give effect to the White Paper, the Department of Home Affairs should develop a Marriage Bill that will enable South Africans of different sexual orientation, religious and cultural persuasions to conclude legal marriages that will accord with the doctrine of equality, non-discrimination and human dignity as encapsulated in the Constitution of the Republic of South Africa, 1996 (the “Constitution”).

The service provider(s) will be expected to develop, draft and finalise the Marriage Bill taking into account the approved Policy on Marriages in South Africa.

Ad One Stop Border Post Bill

The border environment, particularly ports of entry, provide an opportunity for the country to maximise its economic and trade opportunities as it offers a pathway to intra-country, regional and global markets. In addition, the border environment also offers opportunities to secure the nation’s security and sovereignty by being a site where goods, persons and conveyancers are processed in and out of the country. In order to maximise economic and trade opportunities while minimising risks associated with international migration, the government of South Africa has, in March 2022, approved the One Stop Border Post Policy.

The One Stop Border Post (the “OSBP”) concept refers to the legal and institutional framework, facilities and associated procedures that enable goods, people and vehicles to stop once whereby they undergo necessary controls following applicable regional and national laws to exit one state and enter the adjoining state. This is contrary to a traditional two-stop border post concept whereby entry/ exit procedures are carried out on both sides of the border for persons, vehicles and goods. A one-size fit all OSBP model is unrealistic given the varying socio-economic and geographical factors. Internationally, there are at least three OSBP models that may be applicable for South Africa to consider. That is:

- “Straddle Border Post” – This type of OSBP physically straddles the borderline and the Common Control Zone is bisected by the borderline.
- “Single Country Border Post” – This type is located solely in one country. It offers the efficiency of a single facility, but requires extra-territorial jurisdiction.
- “Juxtaposed Border Post” – This type of OSBP requires a dedicated facility in each country, each serving one direction of traffic. In a juxtaposed border it is usually the case that exit formalities from country A and entry formalities for country B are done in country B and *vice versa*.

The OSBP policy lays a strong policy foundation for drafting a constitutionally sound legislation and negotiating regional instruments for managing OSBPs with the neighbouring countries. The implementation of the one-stop concept requires that the border agencies of each state involved are able to apply their national laws in the territory of the adjoining state. As national laws cannot automatically be applied in other territories, specific provisions must be developed to give such agencies extra-territorial jurisdiction. The envisioned One Stop Border Post Act will, amongst other things, provide for extra-territorial authority to both SA and neighbouring countries.

OSBPs are aimed at addressing long waiting times and delays at ports of entry by facilitating faster border clearances and limiting the duplication of border agency interventions, which in turn improves trade competitiveness and efficiencies in the movement of persons, through cutting down on cost and time. OSBPs will be governed by domestic legislation, bilateral agreements between South Africa and each neighbouring state willing and able to share OSBPs with South Africa.

The service provider(s) will be expected to develop, draft and finalise the draft One Stop Border Post Bill taking into account the approved Policy on the One Stop Border Post.

Ad National Identification and Registration Bill

An identity management framework (policy and legislation) is needed to address how the Department will regulate the manner in which personal information will be processed by establishing conditions which meet the minimum threshold requirements for the lawful processing of personal information. It will also be necessary for the Department to articulate how the digital administrative datasets under its control will be used to enable inclusivity, economic development and national security. The emerging macro policy framework on the management of personal information enjoins organs of state that handle personal information to establish a specific identity management framework (policy and legislation) to ensure compliance with the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). It also requires that where a system is classified as critical information infrastructure, a framework must be set in place to ensure compliance with the provisions of the Cybercrimes Act, 2020 (Act No. 19 of 2020).

The argument for South Africa to strengthen its identity management capacity was made in the 2017 Mandate Paper that is published annually by the Department of Planning, Monitoring and Evaluation (the "DPME") as a guide to government budgeting approaches and priorities. It stated that improved operational and information systems will help to fight crime and corruption as well as government efficiency in general. It further stated that the bedrock of such administrative systems is an effective identity system for citizens and visitors. It is, therefore, critical to ensure that the population register of the Department and the electronic and card identification system include all citizens and be of the highest integrity.

In March 2022, Cabinet adopted the Official Identity Management Policy as the official policy of Government. The

Department of Home Affairs is seeking to appoint service provider(s) to develop, draft and finalise the draft National Identification and Registration Bill.

Ad amendment of section 34 of the Immigration Act, 2002 (Act No. 13 of 2002)

On 29 June 2017, the Constitutional Court (the “Court”) held, in Lawyers for Human Rights (“LHR”) matter (case CCT 38/16) handed down on 29 June 2017 (the “LHR matter”), that section 34(1)(b) and (d) of the Immigration Act, 2002 (Act No. 13 of 2002) (the “Act”) is inconsistent, and therefore invalid, with sections 12(1) and 35(2)(d) of the Constitution of the Republic of South Africa, 1996 (the “Constitution”).

The declaration of invalidity was suspended for a period of 24 months from the date of the judgment to allow Parliament to correct the defect.

The Department of Home Affairs is looking to appoint service provider(s) to draft, and finalise, the Immigration Amendment Bill in order to bring section 34 of the Act in line with the Constitutional Court judgment.

3. Scope and Extent of the Tender

3.1. The successful bidder will be expected to—

- (a) draft and finalise the identified Bills;
- (b) amend, and finalise, the Immigration Amendment Bill;
- (c) ensure the technical quality, adherence to the best practice and consistency with the Constitution and other legislation; and
- (d) provide legal advice during the drafting process.

3.2 The successful bidder will be expected to execute and conduct the following tasks for / provide the following services / items to the Department of Home Affairs:

Part 1: Undertaking of Research and draft the identified Bills

The Department seeks to appoint a service provider(s) to conduct the necessary research to inform the development, drafting and finalisation of the identified Bills. The successful service provider(s) will be required to: -

- (i) Drafting, and finalisation, of the Home Affairs Framework Bill;
- (ii) development, and finalisation, of Marriage Bill;
- (iii) development, and finalisation, of the One Stop Border Post Bill;
- (iv) development, and finalisation, of the National Identification and Registration Bill; and
- (iv) amendment of section 34 of the Immigration Act, 2002 (Act No. 13 of 2002) following the decision of the Constitutional Court in LHR & others v Minister of Home Affairs & others.

Part 2: Finalisation of the Bills

The successful bidder or bidders will be required to:

- (a) ensure finalisation of the Home Affairs Framework Bill;
- (b) ensure finalisation of the Marriage Bill;
- (c) ensure the finalisation of the One Stop Border Post Bill;
- (d) ensure the finalisation of the National Identification and Registration Bill; and
- (e) ensure the amendment of section 34 of the Immigration Act, 2002 (Act No. 13 of 2002) following the decision of the Constitutional Court in LHR & others v Minister of Home Affairs & others.

4. Special Conditions of Contract

4.1. To achieve the above the successful bidder will be required to meet the following requirements:

Bidders must submit proposals containing: -

- (a) A profile for the organisation and resumes of persons that will be working on the project.
- (b) The resumes of persons that will be assigned to the project which resumes must outline relevant work experience, qualifications, registration with relevant professional bodies and identity documents.
- (c) A summary of the service provider's experience in drafting legislation, within Government, the service provider(s) has undertaken in relation to the terms of reference herein articulated and relevant references that can validate the experience of the company; and
- (d) the names of at least the last two recent, contactable references (contact person and telephone number; name of the project done and completed, and the duration of the project). The reference letters should at least cover the experience the service provider(s) possesses in providing the required drafting and finalisation of the Bills, as per the tender.

5. Tender Deliverables / Outputs and Timeframes

5.1. The primary deliverables to be achieved

The successful bidder or bidders will be required to deliver one or all of the following:

- (a) Draft Home Affairs Framework Bill;
- (b) Draft Marriage Bill;
- (c) Draft One Stop Border Post Bill;
- (d) Draft National Identification and Registration Bill;
- (e) Draft Amendment of section 34 of the Immigration Act, 2002 (Act No. 13 of 2002) following the decision of the

Constitutional Court in LHR & others v Minister of Home Affairs & others; and

(f) Consultation with relevant stakeholders as and when required.

The service provider(s) is expected to deliver on the project by 1 March 2023.

6. Logistics and Timing

6.1 Project location(s):

The drafting process will not require a fixed determination of locality and can be performed remotely, or at the premises of the Department of Home Affairs or from the premise of the vendor. However, what is imperative is the availability of the service provider(s) to attend and participate physical or virtual consultation sessions, within the Department and, where applicable, with external stakeholders.

It may also be required that the service provider(s) attend any planned oversight and governance meetings or consultation with inter-disciplinary working groups as determined through a consultative process.

6.2 Expected commencement date:

The commencement date is effective immediately following appointment.

6.3 Project period:

The contract will be effective until March 2024, or aligned to the period required for completion of the legislative process for the Bill to develop and draft the requisite Bills.

6.4 Bid proposal

The bid proposal should be one hard copy proposal and one hard copy for financials plus softy copy for both.

6.5 Fee structure

The cost should be an all-inclusive cost including professional fees, VAT, disbursements, transport, research work and the actual drafting.

The service provider(s) must complete Annexure **A** for the work they are interested in competing for. The price comparison will be done per Bill required and service provider(s) can submit a price for one or more.

The service provider will be paid or reimbursed for work done outside the original Province on the following:

Kilometer claim = AA rates

Accommodation = National Treasury cost containment rates

Flights = Economy rates

6.6 Briefing (pre-bid) session

There will be a non-compulsory virtual briefing session.

7. EVALUATION CRITERIA

The following evaluation process will be followed to evaluate the bids received:

Stages	Description	Applicable for this bid
Stage 1A	Initial screening process / compliance with bid requirements	Yes
Stage 1B	Non-compulsory briefing session	Yes
Stage 2	Pre-qualification criteria	Yes
Stage 3	Mandatory Requirement evaluation	Yes
Stage 4	Functionality requirement evaluation	Yes
Stage 5	Price / B-BBEE evaluation	Yes

Stage 1A: Initial screening process / compliance with bid requirements

Verification of bidder compliance with bid requirements.

Stage 1B: Non-compulsory briefing session

- A non-compulsory virtual briefing session will be held

Stage 2: Pre-qualification criteria

- Service provider(s) must indicate their compliance with the following pre-qualification requirements in terms of Regulation 4 of the Preferential Procurement Regulations 2017 and provide proof.
- Proof includes a valid SANAS B-BBEE Status Level Verification certificate or a B-BBEE certificate issued by the Companies and Intellectual Property Commission, with the exception of EME's and QSE's who are required to submit sworn affidavit in terms of Code of Good Practice. The sworn affidavit must be signed by the EME representative and attested by a Commissioner of oath.
- If a service provider is bidding as a consortium or joint venture (including unincorporated consortia and joint ventures) they must submit a consolidated B-BBEE Status Level Verification Certificate.
- Bidders who fail to meet the pre-qualification requirement will be disqualified.

- Only the following tenderers may respond to this request:

Pre-qualification criteria	Comply	Do not comply
Bidders must have a minimum of B-BBEE level 4 or better, that is, level 1 to 4 status level contributor		
EVIDENCE: Bidders must submit a copy of valid SANAS B-BBEE certificate or a valid B-BBEE certificate issued by the Companies and intellectual Property Commission or a valid Sworn affidavit signed by the representative and attested by a Commissioner of Oath		

Stage 3: Mandatory requirements evaluation

Service provider(s) that fail to meet the mandatory requirement will be disqualified.

Service provider(s) **must** indicate their compliance with the following mandatory requirements as required by the Department and provide proof.

The Department reserves the right to verify proof of registration.

Mandatory requirement 1	Comply	Do not comply
The service provider must provide a Certificate of good standing, not older than 6 months, from the appropriate Legal Practice Council or Law Society in respect of each Practitioner, per category, who will deal with the Department		
The bidder must be registered in terms of the Legal Practice Act, 2014 (Act No. 28 of 2014)		
EVIDENCE: Letter of good standing, and where applicable, a valid fidelity fund certificate in respect of practising Attorneys and Trust Advocates.		

Stage 4: Functionality requirement evaluation

The Technical proposal will be evaluated out of 100 points with a threshold of 60 points (60%).

The below scoring guide must be used where applicable:

- Poor = 1 - Significantly below requirements
- Inadequate = 2- Below requirements
- Good = 3 – Meets requirements
- Very good = 4 – Above requirements
- Excellent = 5 – Significantly above requirements

Bidders that score less than minimum of 60 points (60%) will be disqualified. Bidders must score a minimum of 60 points (60%) on functionality to qualify for further evaluation on price and preference points.

Evaluation Criteria				
No.	Category	Evidence	Weight	Score
1.	<u>Qualifications</u> Qualification in Law or equivalent qualification No qualification or no information = 0 Bachelor's Degree in Law (NQF7) = 5 Honors / LLB Degree in Law (NQF 8) = 10 Master's Degree in Law (NQF 9) = 15 PhD Degree in Law or higher (NQF 10) = 20	Copy of qualification	20	
2.	<u>Legal drafting experience</u> Relevant experience in drafting government legislation or similar work. No information = 0 1 Bill/Act drafted = 5 2 Bills/Acts drafted = 10 3 Bills/Acts drafted = 15 4 Bills/Acts drafted = 20	Contactable references	20	
3	Relevant experience in drafting government legislation or similar work. No information = 0 1 Bill/Act drafted = 5 2 Bills/Acts drafted = 10 3 Bills/Acts drafted = 15 4 Bills/Acts drafted = 20	Evidence of actual legislative drafting work done (Bills / Acts)	20	
4.	<u>Research experience</u> Relevant experience in undertaking research or similar work. No relevant information = 0 1 legal research done = 5 2 legal research done = 10 3 legal research done = 15	Contactable references	15	
5	<u>Research experience</u> Relevant experience in undertaking research or similar work.	Evidence of actual work done (Research	15	

	No relevant information = 0 1 legal research done = 5 2 legal research done = 10 3 legal research done = 15	work)		
6.	<u>Methodology</u> Understanding of the Terms of Reference Project Implementation Plan with clear timeframes 1 = Poor, 2 = Inadequate, 3 = Good, 4 = Very Good, 5 = Excellent	Project Plan / Proposal	10	
TOTAL			100	

Stage 5: Price / B-BBEE

- Bids will then be evaluated in accordance with the prescripts of the Preferential Procurement Policy Framework Act
- (PPPFA) and the associated Preferential Procurement Regulations of 2017, which stipulate a 80/20 preference point system is applicable and will be calculated with a rand value up to R50 million (all applicable taxes included).
- Only service provider(s) that qualify with stage 4 functional evaluation will be considered for Price / B-BEE evaluation.
- The service provider must complete the pricing schedule and SBD 3.3 for price.

No	COMPONENTS	POINTS
1.	Price:	80
2.	Preferential points: BBBEE	20
	TOTAL:	100

SBD4

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

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.

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

2.2.1 If so, furnish particulars:

.....
.....

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

2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

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

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

3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;

3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.

3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.

3.4 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

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.

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

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT

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,

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 ~~exceed/not exceed~~ R50 000 000 (all applicable taxes included) and therefore the preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

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	
B-BBEE STATUS LEVEL OF CONTRIBUTOR	
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

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4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1 Preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
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 is applicable:

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		

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

.....

.....

PRICING SCHEDULE
(Professional Services)

NAME OF BIDDER: **BID NO:** DHA12-2022

CLOSING TIME 11:00 **CLOSING DATE: 07 OCTOBER 2022**

OFFER TO BE VALID FOR 90 DAYS FROM THE CLOSING DATE OF BID.

ITEM NO	DESCRIPTION **(ALL APPLICABLE TAXES INCLUDED)	BID PRICE IN RSA CURRENCY	
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. R.....		
3.	PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)		
4.	PERSON AND POSITION	HOURLY RATE	DAILY RATE
	-----	R-----	R-----
	-----	R-----	R-----
	-----	R-----	R-----
	-----	R-----	R-----
5.	PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT		
	-----	R-----	----- days
	-----	R-----	----- days
	-----	R-----	----- days
	-----	R-----	----- days

- 5.1 Travel expenses (specify, for example rate/km and total km, class of air travel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
-----	-----	-----	R.....
-----	-----	-----	R.....
-----	-----	-----	R.....
-----	-----	-----	R.....

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

- 5.2 Other expenses, for example accommodation (specify, eg. Three-star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
-----	-----	-----	R.....
-----	-----	-----	R.....
-----	-----	-----	R.....
-----	-----	-----	R.....

TOTAL: R.....

6. Period required for commencement with project after acceptance of bid
7. Estimated man-days for completion of project
8. Are the rates quoted firm for the full period of contract? *YES/NO
9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index.

***[DELETE IF NOT APPLICABLE]**

ANNEXURE A

(a) Home Affairs framework Bill

NO	SERVICES	TIMELINE	COST	
			Excl. VAT	Incl. VAT
1	Develop a framework for Bill	To be concluded and submitted or before 31 March 2024 (The process to be finalised within a period of 2 (two) weeks)		
2	Hold consultations with the relevant Business Units within the Department on the proposed Bill. Submit a Consultation Report	Complete consultations on or before 31 March 2024 (The process to be finalised within a period of 1 (one) week)		
3	Review of domestic law or international law likely to impact on the Bill. Submit a Research Report	The cataloguing and review to be concluded on or before 31 March 2023. (The process to be finalised within a period of 3 (three) weeks)		
4	Draft the 1 st draft of the Bill	The 1 st draft to be finalised on or before 31 March 2023. (The process to be finalised within a period of 5 (five) weeks)		
5	Hold consultation with relevant internal and external stakeholders regarding the Bill	Consultations to be finalised on or before 31 March 2023 (the process to be finalised within a period of 2 (two) weeks)		
6	Obtain a preliminary legal opinion on the Bill from the Office of the Chief State Law Adviser	The preliminary certification to be obtained on or before 31 March 2023 (the process to be finalised within a period of 2 (two) weeks)		
7	Revise the Bill submitted to Cabinet for Approval for public consultation	The revised Bill to be submitted to Cabinet on or before 31 March 2023 (the process to be finalised within 2 (two) weeks)		
8	Conduct an Socio-Economic Impact Assessment	The assessment to be conducted on or before 31 March 2023		
9	Assist in gazetting the Bill for	Bill to be submitted for public		

	public participation / comments	comments on or before 31 March 2023		
10	Finalise the Bill (including relevant amendments) and submit to Cabinet for approval.	Final Bill to be submitted to Cabinet on or before 31 March 2023 (The process to be finalised within a period of 2 weeks)		
11	Submit the Cabinet approved final Bill to the Office of the Chief State Law Advisors for certification.	The Bill to be submitted for certification on or before 31 March 2023 (the process to be finalised within a period of 2 (two) weeks)		
TOTAL				

(b) Marriage Bill

NO	SERVICES	TIMELINE	COST	
			Excl. VAT	Incl. VAT
1	Develop a framework for Bill	To be concluded and submitted on or before 31 March 2024 (The process to be finalised within a period of 2 (two) weeks)		
2	Hold consultations with the relevant Business Units within the Department on the proposed Bill. Submit a Consultation Report	Complete consultations on or before 31 March 2024 (The process to be finalised within a period of 1 (one) week)		
3	Review of domestic law or international law likely to impact on the Bill. Submit a Research Report	The cataloguing and review to be concluded on or before 31 March 2023. (The process to be finalised within a period of 3 (three) weeks)		
4	Draft the 1 st draft of the Bill	The 1 st draft to be finalised on or before 31 March 2023. (The process to be finalised within a period of 5 (five) weeks)		
5	Hold consultation with relevant internal and external stakeholders regarding the Bill	Consultations to be finalised on or before 31 March 2023 (the process to be finalised within a period of 2 (two) weeks)		
6	Obtain a preliminary legal opinion on the Bill from the Office of the Chief State Law Adviser	The preliminary certification to be obtained on or before 31 March 2023 (the process to be finalised within a period of 2 (two) weeks)		
7	Revise the Bill submitted to Cabinet for Approval for public consultation	The revised Bill to be submitted to Cabinet on or before 31 March 2023 (the process to be finalised within 2 (two) weeks)		
8	Conduct an Socio-Economic Impact Assessment	The assessment to be conducted on or before 31 March 2023		
9	Assist in gazetting the Bill for public participation / comments	Bill to be submitted for public comments on or before 31 March 2023		

10	Finalise the Bill (including relevant amendments) and submit to Cabinet for approval.	Final Bill to be submitted to Cabinet on or before 31 March 2023 (The process to be finalised within a period of 2 weeks)		
11	Submit the Cabinet approved final Bill to the Office of the Chief State Law Advisors for certification.	The Bill to be submitted for certification on or before 31 March 2023 (the process to be finalised within a period of 2 (two) weeks)		
TOTAL				

(c) One Stope Boarder Post Bill

NO	SERVICES	TIMELINE	COST	
			Excl. VAT	Incl. VAT
1	Develop a framework for Bill	To be concluded and submitted or before 31 March 2024 (The process to be finalised within a period of 2 (two) weeks)		
2	Hold consultations with the relevant Business Units within the Department on the proposed Bill. Submit a Consultation Report	Complete consultations on or before 31 March 2024 (The process to be finalised within a period of 1 (one) week)		
3	Review of domestic law or international law likely to impact on the Bill. Submit a Research Report	The cataloguing and review to be concluded on or before 31 March 2023. (The process to be finalised within a period of 3 (three) weeks)		
4	Draft the 1 st draft of the Bill	The 1 st draft to be finalised on or before 31 March 2023. (The process to be finalised within a period of 5 (five) weeks)		
5	Hold consultation with relevant internal and external stakeholders regarding the Bill	Consultations to be finalised on or before 31 March 2023 (the process to be finalised within a period of 2 (two) weeks)		
6	Obtain a preliminary legal opinion on the Bill from the Office of the Chief State Law Adviser	The preliminary certification to be obtained on or before 31 March 2023 (the process to be finalised within a period of 2 (two) weeks)		
7	Revise the Bill submitted to Cabinet for Approval for public consultation	The revised Bill to be submitted to Cabinet on or before 31 March 2023 (the process to be finalised within 2 (two) weeks)		
8	Conduct an Socio-Economic Impact Assessment	The assessment to be conducted on or before 31 March 2023		
9	Assist in gazetting the Bill for public participation / comments	Bill to be submitted for public comments on or before 31 March 2023		

10	Finalise the Bill (including relevant amendments) and submit to Cabinet for approval.	Final Bill to be submitted to Cabinet on or before 31 March 2023 (The process to be finalised within a period of 2 weeks)		
11	Submit the Cabinet approved final Bill to the Office of the Chief State Law Advisors for certification.	The Bill to be submitted for certification on or before 31 March 2023 (the process to be finalised within a period of 2 (two) weeks)		
TOTAL				

(d) National Identification and Registration Bill

NO	SERVICES	TIMELINE	COST	
			Excl. VAT	Incl. VAT
1	Develop a framework for Bill	To be concluded and submitted on or before 31 March 2024 (The process to be finalised within a period of 2 (two) weeks)		
2	Hold consultations with the relevant Business Units within the Department on the proposed Bill. Submit a Consultation Report	Complete consultations on or before 31 March 2024 (The process to be finalised within a period of 1 (one) week)		
3	Review of domestic law or international law likely to impact on the Bill. Submit a Research Report	The cataloguing and review to be concluded on or before 31 March 2023. (The process to be finalised within a period of 3 (three) weeks)		
4	Draft the 1 st draft of the Bill	The 1 st draft to be finalised on or before 31 March 2023. (The process to be finalised within a period of 5 (five) weeks)		
5	Hold consultation with relevant internal and external stakeholders regarding the Bill	Consultations to be finalised on or before 31 March 2023 (the process to be finalised within a period of 2 (two) weeks)		
6	Obtain a preliminary legal opinion on the Bill from the Office of the Chief State Law Adviser	The preliminary certification to be obtained on or before 31 March 2023 (the process to be finalised within a period of 2 (two) weeks)		
7	Revise the Bill submitted to Cabinet for Approval for public consultation	The revised Bill to be submitted to Cabinet on or before 31 March 2023 (the process to be finalised within 2 (two) weeks)		
8	Conduct an Socio-Economic Impact Assessment	The assessment to be conducted on or before 31 March 2023		
9	Assist in gazetting the Bill for public participation / comments	Bill to be submitted for public comments on or before 31 March 2023		

10	Finalise the Bill (including relevant amendments) and submit to Cabinet for approval.	Final Bill to be submitted to Cabinet on or before 31 March 2023 (The process to be finalised within a period of 2 weeks)		
11	Submit the Cabinet approved final Bill to the Office of the Chief State Law Advisors for certification.	The Bill to be submitted for certification on or before 31 March 2023 (the process to be finalised within a period of 2 (two) weeks)		
TOTAL				

(e) Amendment of section 34 of the Immigration Act, 20022 (Act No.13 of 2022) following the decision of the constitutional Court in LHR & other v Minister of Home Affairs and Others

NO	SERVICES	TIMELINE	COST	
			Excl. VAT	Incl. VAT
1	Develop a framework for Bill	To be concluded and submitted on or before 31 March 2024 (The process to be finalised within a period of 2 (two) weeks)		
2	Hold consultations with the relevant Business Units within the Department on the proposed Bill. Submit a Consultation Report	Complete consultations on or before 31 March 2024 (The process to be finalised within a period of 1 (one) week)		
3	Review of domestic law or international law likely to impact on the Bill. Submit a Research Report	The cataloguing and review to be concluded on or before 31 March 2023. (The process to be finalised within a period of 3 (three) weeks)		
4	Draft the 1 st draft of the Bill	The 1 st draft to be finalised on or before 31 March 2023. (The process to be finalised within a period of 5 (five) weeks)		
5	Hold consultation with relevant internal and external stakeholders regarding the Bill	Consultations to be finalised on or before 31 March 2023 (the process to be finalised within a period of 2 (two) weeks)		
6	Obtain a preliminary legal opinion on the Bill from the Office of the Chief State Law Adviser	The preliminary certification to be obtained on or before 31 March 2023 (the process to be finalised within a period of 2 (two) weeks)		
7	Revise the Bill submitted to Cabinet for Approval for public consultation	The revised Bill to be submitted to Cabinet on or before 31 March 2023 (the process to be finalised within 2 (two) weeks)		
8	Conduct an Socio-Economic Impact Assessment	The assessment to be conducted on or before 31 March 2023		
9	Assist in gazetting the Bill for public participation / comments	Bill to be submitted for public comments on or before 31 March 2023		

10	Finalise the Bill (including relevant amendments) and submit to Cabinet for approval.	Final Bill to be submitted to Cabinet on or before 31 March 2023 (The process to be finalised within a period of 2 weeks)		
11	Submit the Cabinet approved final Bill to the Office of the Chief State Law Advisors for certification.	The Bill to be submitted for certification on or before 31 March 2023 (the process to be finalised within a period of 2 (two) weeks)		
TOTAL				