



**TERMS OF REFERENCE**  
**THE APPOINTMENT OF A SERVICE PROVIDER TO DEVELOP A**  
**TURNAROUND STRATEGY FOR THE NATIONAL DEVELOPMENT AGENCY**  
**(NDA) OVER A PERIOD OF 12 - MONTHS**

**BID REF: NDA14/OCEO01/21**

<b>BRIEFING SESSION</b>	A COMPULSORY BRIEFING SESSION WILL BE HELD ON THE <b>09<sup>th</sup> MARCH 2021 @ 10H00</b>
<b>VENUE</b>	<b>MICROSOFT TEAMS:</b> Bidders who are interested in joining the non-compulsory briefing session <b>MUST</b> send their e-mail addresses to: <a href="mailto:MuziM@nda.org.za">MuziM@nda.org.za</a> by 09h00 on the 09 <sup>th</sup> March 2021 so that a link can be sent to them for joining the Microsoft Teams meeting.
<b>CLOSING DATE</b>	<b><u>23<sup>rd</sup> MARCH 2021</u></b>
<b>CLOSING TIME</b>	12H00
<b>SUBMISSION OF DOCUMENTS</b>	All proposals must be delivered at the NDA Head Office on or before the closing date and time. The Head Office address is 26 Wellington Road, Parktown, Johannesburg, 2193. Submissions must be strictly submitted inside the tender box, which is at the main entrance and accessible 24/7.  <i>Service providers outside of Gauteng are advised to send their documents by courier. NDA will not take responsibility for documents sent via postal services.</i>

<b>SUPPLIER ENVELOPES</b>	<p>The supplier's envelope/s MUST clearly have the description of the " The appointment of a service provider to develop a Turnaround Strategy for the NDA over a period of 12 months".</p> <p>A TWO-ENVELOPE system will be used for the submission of bids:</p> <p>Commercial Envelope This envelope must contain price quotations plus all the mandatory documents as listed in section 14 of this document.</p> <p>Technical Envelope This envelope must contain all info listed in section 5,6,7 and 8 of this document.</p>
<b>LATE BIDS</b>	Bids received after the closing date and time will not be accepted for consideration and where practicable, will be returned unopened to the Bidder(s).
<p>Contact person for Commercial Queries is Mr Muzi Matsenjwa or Ms Ntombikhona Lurani on +27 11 018-5562/5635 between 08h30 to 17h00 on weekdays. Queries can also be sent in writing to <a href="mailto:MuziM@nda.org.za/NtombikhonaL@nda.org.za">MuziM@nda.org.za/NtombikhonaL@nda.org.za</a></p> <p>Contact person for Technical Queries is Mr Ben Morule +27 11 018 5578 or <a href="mailto:BenM@nda.org.za">BenM@nda.org.za</a>.</p>	

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## 1. OVERVIEW OF NDA

1.1 The National Development Agency (NDA) reports to Parliament through the Department of Social Development. The NDA is classified as a public entity under schedule 3A of the Public Finance Management Act, 1999 (Act No. 1 of 1999), and was established in November 1998 by the National Development Act, 1998 (Act No. 108 of 1998) (NDA Act) as government's response to the challenge of poverty and its causes in South Africa.

1.2 The NDA derives its mandate from the National Development Agency Act, 1988 (Act No. 108 of 1998). In terms of the Act, the primary objective of the NDA is to contribute towards the eradication of poverty and its causes by granting funds to CSOs for the purposes of:

- (a) carrying out projects or programmes aimed at meeting the development needs of poor communities; and
- (b) strengthening the institutional capacity of other CSOs involved in direct service provision to poor communities.

1.3 The secondary objects of the NDA in terms of the Act are-

- (a) to promote-
  - (i) consultation, dialogue and sharing of development experience between CSOs and relevant organs of State; and
  - (ii) debate on policy development
- (b) to undertake research and publication aimed at providing the basis for development policy.

1.4 The NDA plays a critical role in contributing towards shifting the country from the scourge of poverty towards poverty eradication. Through the Act and various policies, the NDA contributes to – but is not limited to – the advancement of economic development, social cohesion, access to basic human rights and skills development. This contribution of the NDA supports the National Development Plan (NDP) 2030 outcomes for a greater and better South Africa.

1.5 The National Development Plan (NDP), the Medium-Term Strategic Framework (MTSF), Sector Plans and the United Nations Sustainable Development Goals (SDGs)

guide the NDA's functions. The aim of the NDP is in line with the NDA's mandate. The NDP aims to reduce inequality and eliminate poverty by 2030.

## **2. BACKGROUND**

2.1 The 2020 calendar year has had an impact of epic proportions across the globe. The enormity of the Corona Virus has seen colossal changes across public, private and civil society operations. The concerted global response to the pandemic from its onset has been one of prioritising resources towards healthcare in a bid to lessen the envisaged impact on humanity. The overall impact on developing countries was catastrophic as these countries are largely faced with a myriad of developmental challenges competing for limited budgetary resources.

2.2 South Africa's response to the pandemic was no different. The President of the Republic, Mr Cyril Ramaphosa, announced an economic stimulus package to the value of R500 billion to lift the country from the economic abyss imposed by Covid-19. The pressure on the fiscus has built up to a point where expectedly, large scale budget cuts are being implemented across government to fund the economic recovery plan, healthcare initiatives and social protection efforts, amongst others.

2.3 The seeming gap between the NDA's budgetary allocation and its immense responsibility of poverty eradication has been further exacerbated by the harsh reality of the triple challenges of poverty, inequality and unemployment widen significantly beyond pre-Covid-19 recorded levels. The NDA recognises the opportunities afforded by this global crisis and hereby seeks to reposition and reinvent itself to be a force to be reckoned with, in pushing back the frontiers of poverty and its debilitating effects on South Africa and its already poverty stricken rural communities. The turnaround of the NDA will be underpinned by the following key priorities and focus areas:

- Business Turnaround, inclusive of audit turnaround measures;
- Financial Sustainability of the NDA;
- Strategic Partnerships;
- Digitisation and System Integration;
- Community and Economic Development; and
- Evidence based research and evaluation
- Influence debates on development policy

- 2.4 Furthermore, the NDA's overall performance for the past few years has been below par, to a point where it has received an unqualified opinion with findings for the Annual Financial Statements and a disclaimer on Performance Information. In direct response to the apparent stagnation, the NDA management has resolved to pursue the development of a fully-fledged business turnaround strategy which will guide the NDA on a road to recovery and to halt this worrying trend of non-performance. The turnaround strategy should also focus on the development and implementation of the business processes and standard operating procedures in support of the proposed focus work areas that constitute it.
- 2.5 The imminent budget cuts are proof that NDA cannot depend solely on the allocation from the fiscus. The NDA should therefore earnestly focus its efforts on the development of a Revenue Generation Model that encapsulates and detail the alternative funding sources and the various plausible strategies to be employed to raise funds from these identified sources in order to lessen dependency on the National Treasury allocation.
- 2.6 Aligned to the anticipated turnaround strategy should also be the Revised Business Model to ensure end-to-end implementation of the Act. The key consideration for the revised business model will be the required skills and capacity for its full implementation. The audit of the current skills will therefore be crucial in determining the gap between the current and the future skills. The organisational structure will inevitably have to change in alignment to the revised business model. The finalisation of the organisational structure will be embedded in business process reengineering to ensure fit for purpose structure with clearly defined functional responsibilities for the implementation of the NDA mandate.
- 2.7 The ongoing sustainability of the NDA relies heavily on the optimisation strategies to maximise productivity and eliminate duplications across a range of functional responsibilities in the organisation. The optimisation process should also be characterised by cost saving initiatives in a bid to prioritise resources towards long-term sustainable plans that add lasting value in the mandate of the NDA. Through continuous planning and realignment of processes, the NDA should redirect resources towards areas of high community impact.

- 2.8 The Revenue Generation Model should be anchored in strong and sound partnerships in strategic sectors of the economy. Amongst others, the NDA will pursue partnerships with various formations in order to establish high yielding collaborative partnerships in the fight against poverty. Within the ambit of the Inter-Governmental Relations framework, the NDA will seek to establish lasting partnerships across the three spheres of government regarding coordination of community based development efforts as espoused in the District Development Model.
- 2.9 To this end, the NDA will pursue the Department of Cooperative Governance and Traditional Affairs on the formalisation of the NDA coordination role. The NDA will also consider employing cross referral strategies with a number of funding agencies, where unsuccessful applicant CSO's can be referred to NDA for further capacitation, compliance and registration with relevant authorities.
- 2.10 The fulfilment of the secondary mandate of the NDA depends largely on sound research which is able to stand academic scrutiny and is of developmental relevance for use by NDA in particular and the rest of government in general. The NDA will thus expand partnerships with research institutes, institutions of higher learning and expert government organisations in pursuit of ground-breaking research on the pertinent issue of poverty and other research areas of developmental interest. The partnerships should extend to other exploratory areas that we have not ventured into before, such as TVET colleges.
- 2.11 Central to the digitisation of NDA work is the automation of current internal NDA process as well as external services to the CSOs in line with the approved NDA ICT Masterplan. At a service delivery level, the work of the NDA is largely contact based and has suffered significantly due to hard lockdown travel restrictions imposed by Covid-19. In order to extend the reach and coverage of NDA service delivery focused programmes, the NDA will focus on digitising and automating its services, beginning with the capacity building programme. The automation of the capacity building programme will serve as a springboard to total digitisation of NDA services. The NDA will explore a shared services model within the social development portfolio in order to leverage on existing ICT infrastructure within the portfolio.

### **3. PURPOSE**

- 3.1 The purpose of this tender is to appoint a service provider to develop a Turnaround Strategy for NDA. The service provider is also expected to facilitate the development of a revised Strategic Plan (2020-2025), Annual Performance Plan (2022/23) and Annual Operational Plan (2022/23) in alignment to the Turnaround Strategy. The resultant Turnaround Strategy should detail the strategic options for NDA and the modalities to achieve its primary and secondary mandate.

### **4. OBJECTIVES**

- 4.1 Lead the process of consultation with various stakeholders on the strategic direction and key strategic focus areas of the NDA;
- 4.2 Facilitation of the internal and external planning sessions;
- 4.3 Develop a turnaround strategy to reposition the NDA and the key elements for inclusion are:
- Strategic Review and alignment with mandate,
  - Business environment and culture review,
  - New Business Model,
  - Operational strategy and changes (must cover critical business processes, SOPS' KPI's),
  - Funding Model (revenue generation) noting move away from reliance on state funds,
  - Cost reduction, optimisation strategies and tools for productivity analysis,
  - High value yielding strategic partnerships,
  - Sustainable partnerships with research institutes, institutions of higher learning and expert government organisations in pursuit of research on poverty and developmental measures to eradicate it,
  - Shared services model within the social development portfolio in order to leverage on existing ICT infrastructure,
  - Digitisation and automation of NDA services as well as the related individual costs and timeframes,
  - Revised organisational structure to support above, as well as measures to rationalise existing structure; Stakeholder strategy,
  - Formalisation and institutionalisation of the NDA coordination role for the implementation of the District Development Model,



- Cross referral strategies with a number of funding agencies Communication plan & strategy for the turnaround.
- 4.4 Prepare an implementation plan with detailed steps and timeframes to implement the elements of the strategy;
- 4.5 Prepare the revised 5-year Strategic Plan, Annual Performance Plan (2022/23) and Annual Operational Plan (2022/23).

## **5. SCOPE AND EXTENT OF WORK**

- 5.1 The NDA will embark on a turnaround process. This process is aimed at developing and presenting a case for the reinvention of the NDA to ensure its sustainable existence and the resultant impact of its work. A series of workshops and planning sessions will be undertaken, which will result in the development of a Turnaround Strategy. A Strategic Plan, Annual Performance Plan and Annual Operational Plan will be developed to give effect to the Turnaround Strategy.
- 5.2 Through this process, the NDA will assess the relevance, adequacy, appropriateness, performance and effectiveness of most of its strategy and programmes, with the intention of better focusing them to ensure their effectiveness; improve administrative systems and processes; streamline internal operations and transform the way the organisation conducts its operations to achieve better results.
- 5.3 The NDA reserves the right to require service provider/s to do a presentation of the services they will offer.

## **6. CHALLENGES TO BE ADDRESSED BY THE TURNAROUND STRATEGY**

- 6.1 The following are some of the key challenges to be addressed by the development of the turnaround strategy.
- Poor organisational performance
  - Weak oversight, governance and internal control
  - Poor audit outcomes
  - Non-adherence to regulatory and policy requirements
  - Poor implementation of NDA Act
  - Inadequate systems, policies and procedures to support work performance

- Non-SMART Key Performance Indicators and inadequate Technical Indicator Descriptions
- Non-existence of business processes for KPIs and other work areas
- Lack of high impact service delivery KPIs aligned to strategy
- Inappropriate organisational structure
- Inability to raise resources to support mandate execution
- Poor reputation, shareholder, stakeholder and public confidence
- Weak service delivery and poor implementation of projects
- Lack of impact of NDA programmes and projects
- Lack of alignment between mandate, strategy and goals
- Lack of alignment of NDA programmes and projects to government plans and objectives
- Poor staff competencies and organisational culture
- Unsustainable and incompatible office occupancy

## **7. DELIVERABLES AND OUTPUTS**

The successful service provider will be expected to:

- 7.1 Develop the detailed Project Scope and Timelines within the stipulated NDA timeframes of *(12 months)*
- 7.2 Conduct Pre-Planning Session for EXCO, SMT and Board inputs on the turnaround strategy;
- 7.3 Propose a sound methodology for the turnaround strategy development process;
- 7.4 Propose a stakeholder engagement process within the social development sector to source inputs in the development of the turnaround strategy for NDA;
- 7.5 Review policy documents, reports, planning documents as well as other relevant documents
- 7.6 Produce a summary assessment report consolidating outcomes of the document review;
- 7.7 Conduct the Environmental Scan and Situational Analysis using the applicable planning methodology and tools;
- 7.8 Conduct a critical review of the NDA and its future role in the development sector;
- 7.9 Develop the Strategic Risks, Mitigation Plans, Assumptions and Critical Success Factors for the successful implementation of the plan;

- 7.10 Identify the implications of the proposed turnaround strategy in terms of institutional capacity, financial resourcing, business processes and administrative systems;
- 7.11 Assess the adequacy of the NDA Act to the proposed Turnaround Strategy and identify and propose amendments to the NDA Act;
- 7.12 Propose brand repositioning options for NDA in line with the proposed Turnaround Strategy;
- 7.13 Propose a firm Change Management Programme on implementing the turnaround strategy;
- 7.14 Communication plan (Stakeholder engagement plan) on all phases of a project cycle;
- 7.15 Develop the Theory of Change for NDA;
- 7.16 Develop a detailed costing for the implementation of the turnaround strategy; they must develop the implementation plan with costing of each element and timeframe
- 7.17 Develop a strategic planning session process and facilitation plan;
- 7.18 Conduct Strategic Planning Sessions and Divisional Planning sessions;
- 7.19 Conduct a series of workshops with Board members, Management, staff and other key stakeholders;
- 7.20 Produce workshop reports for all the planning sessions;
- 7.21 Incorporation of both the internal and external stakeholders' inputs in the finalisation of the turnaround strategy;
- 7.22 Develop a Business Case for NDA
- 7.23 Develop the Turnaround Strategy containing the essential elements of the strategy as listed under section 4
- 7.24 Develop an implementation plan to deliver on the strategy as proposed containing all the required elements, and proposing the detailed projects, activities involved in each stage of the project, estimated timeframes and costing
- 7.25 Develop the Strategic Plan (2020/25), Annual Performance Plan (2022/23) and Annual Operational Plan (2022/23) to effect implementation of the turnaround strategy; and
- 7.26 Attend project team meetings and Management meetings as and when required.
- 7.27 Develop a comprehensive manual with tools, instruments, templates and processes to implement the turnaround strategy
- 7.28 Develop a Space and workplace management plan to support the proposed business model.

## 8. CRITERIA FOR EVALUATING FUNCTIONALITY (PHASE 1)

DESCRIPTION	WEIGHT
<b>1. PROJECT CHARTER</b>	
1.1. Project Charter with clearly defined tasks, goals and milestones, team roles and responsibilities	5
<b>2. METHODOLOGY</b>	
2.1. Turnaround Strategy methodology (clearly stipulate a proposed response to challenges in section 4,6 and 7)	20
2.2. Action Plan linking the turnaround strategy to the NDA Mandate and the strategic goals (Strategic Plan, Annual Performance Plan and Annual Operational Plan)	5
2.3. Environmental Scanning and Situational Analysis approach (including document review)	5
2.4. Effective Risk Management Plan	5
2.5. Proposed facilitation plan for the planning sessions	5
<b>3. STAKEHOLDER ENGAGEMENT APPROACH</b>	
3.1. The stakeholder engagement approach should address the stakeholder identification, consultation, involvement and empowerment.	5
3.2. Change Management Plan	5
<b>4. PROJECT TEAM</b>	
4.1. A project leader with a minimum of Masters degree in Business Management or any related field. Certified Proof of qualification should be attached.	5
4.2. A minimum of two team members with a minimum of any Bachelors Degree. Certified Proof of qualification should be attached.	
<b>Failure to submit the proof of qualifications and CV will result in a score of zero.</b>	5
<b>5. EXPERIENCE</b>	
5.1. <b>Experience of the Company</b> – The company should submit a company profile indicating its experience. A minimum of 5 years' experience in development of	5

Turnaround strategies or similar by the bidder/company is required. <b>A score of zero will be allocated to company experience below 5 years .</b>	
<b>5.2. Reference Letters:</b> - The company should provide a minimum of three reference letters of previous work done by the company/Bidder on the development of a business turnaround strategy or implementing business turnaround projects. The reference letters should be on a client letterhead, signed, and indicate the scope of work of not more than five years and must have contactable references.	<b>3</b>
<b>5.3. Experience of the Team</b>	
<ul style="list-style-type: none"> <li>The project leader must have a minimum of 10 years experience in strategy, project management, change management or any other related. CV not more than three pages should be submitted.</li> </ul>	<b>3</b>
<ul style="list-style-type: none"> <li>A minimum of two support team members with a minimum of 5 years experience in strategy, change management or any other related. CV not more than three pages indicating such experience should be submitted.</li> </ul>	<b>4</b>
<b>Failure to meet the minimum requirements and attaching CVs for each member will result in a score of zero.</b>	
<b>6. TURNAROUND STRATEGY IMPLEMENTATION GUIDE</b>	
Develop a comprehensive manual with tools, instruments, templates and processes to implement the turnaround strategy	<b>10</b>
<b>7. SPACE AND WORKPLACE MANAGEMENT PLAN</b>	
The bidder should propose an efficient Space and Workplace Management plan to support the proposed business model. The proposed plan should guide the NDA is using its office space efficiently and effectively (space utilization, optimization and costs reduction) to support its core functioning and smooth_workflow.	<b>10</b>
<b>TOTAL SCORE</b>	<b>100</b>
<b>MIMIMUM QUALIFYING SCORE</b>	<b>80</b>

**Note: Bidders who score less than 80 on technical/functionality evaluation will not be evaluated further.**

## 9. TECHNICAL EVALUATION SCORE CLARIFICATION (PHASE 2)

1.1. PROJECT CHARTER			WEIGHT
Clear	Partially Clear	Not Clear	5
4-5	2-3	0 – 1	
2.1. TURNAROUND STRATEGY METHODOLOGY			
Clear	Partially Clear	Not Clear	20
15 – 20	8 – 14	0 – 7	
3.1. STAKEHOLDER ENGAGEMENT APPROACH			
Clear	Partially Clear	Not Clear	5
4-5	2-3	0 – 1	
3.2. CHANGE MANAGEMENT PLAN			
Clear	Partially Clear	Not Clear	5
4-5	2-3	0 – 1	
SPACE AND WORKPLACE MANAGEMENT PLAN			
Clear	Partially Clear	Not Clear	10
8-10	4-7	0 – 3	
TURNAROUND STRATEGY IMPLEMENTATION GUIDE			
Clear	Partially Clear	Not Clear	10
8-10	4-7	0 – 3	

## 10. COMMERCIAL EVALUATION (PHASE 2)

- 10.1. Bids will be evaluated in accordance with the Preferential Procurement Regulations, 2017, using the 80/20 preference points system as prescribed in the Preferential Procurement Policy Framework Act (PPPFA, Act 5 of 2000). The lowest acceptable bid will score 80 points for price and maximum of 20 points will be awarded for attaining the Broad-Based Black Economic Empowerment (B-BBEE) status level of contribution.
- 10.2. The bid proposals received will be evaluated in two (2) phases. On the first phase bids will be evaluated on functionality and on the second phase in accordance with the 80/20 preference points system respectively.
- 10.3. Bid proposal must score a minimum of eighty (80) points or more out of hundred (100) points on functionality in order to qualify for advancement to the next phase of evaluation. Second phase, a bid proposal scoring less than 80 out of 100 will not be considered for further evaluation and will be disqualified.
- 10.4. Phase two: During this phase, bid proposals that passed the first phase will be further evaluated based on the 80/20 preference points system in accordance with the PPPFA Act, where 80 points will be attained in respect of price (the lowest acceptable bid will score 80 points and bidders that quoted higher prices will score lower points for price on a pro-rata basis) and 20 points will be awarded for attaining the Broad-Based Economic Empowerment (B-BBEE) status level of contribution in accordance with the table below:

<b>B-BBEE Status Level of Contributor</b>	<b>Number of points (80/20 system)</b>
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

10.5. In order to claim the B-BBEE Status Level of Contributor, bidders must submit Sworn Affidavits or original and valid B-BBEE Status Level Verification Certificates or certified copies thereof, issued by accredited Verification Agencies such as SANAS or Registered Auditor approved by the IRBA together with their bids, to substantiate their B-BBEE claims. Exempted Micro Enterprises must submit a letter from the Accounting Officer who is appointed in terms of the Close Corporation Act.

10.6. Bidders who do not submit B-BBEE Status Level Verification Certificate or are non-compliant contributors to B-BBEE do not qualify for preference points for B-BBEE, but will not be disqualified from the bidding process. They will score points out of 80 for price only and zero (0) points out of 20 for B-BBEE.

10.7. Bidders are requested to complete the preference claim form (SBD 6.1) in order to claim preference points.

10.8. A tender will be awarded to the tenderer who scored the highest total number of points in terms of the preference point systems (price and B-BBEE points). It should be noted that the NDA reserves the right not to appoint any bidder and no bidder will be reimbursed for any costs incurred whilst participating in this bid.

## **11. PRICING**

11.1. Bidders must submit a detailed cost breakdown for all applicable costs e.g. Initial setup costs, monthly costs, and any other applicable costs. All prices submitted must be inclusive of VAT.

11.2. Bidders must indicate if their prices will be fixed and firm for the duration of the proposed contract period, if not, the proposed escalations should be clearly indicated.

11.3. Bidders must ensure that the quotes submitted have no arithmetic errors as NDA will not rectify any errors and no adjustments to quotations received will be permitted.

11.4. Bidders will carry the responsibility of ensuring that the proposals submitted have been signed by a duly authorised person. Should it be established after the submission of proposals that the signatory authorising the proposal is not legally appointed by the service provider, the offer/proposal will be disqualified from the evaluation process.



11.5. All prices submitted should be typed in black ink or written in pen, proposals written in pencil will not be accepted and evaluated.

11.6. A two-envelope system will be used for the submission of proposals.

## **12. TENDER VALIDITY**

All submitted bids must be valid for 150-days from the closing date of this bid.

## **13. NDA PAYMENT TERMS**

Invoices will be paid 30-days from the date of submission and approval.

## **14. MANDATORY DOCUMENTS**

14.1. Valid Tax Clearance Certificate issued by the South African Revenue Services (SARS). Where consortium/joint ventures/sub-contractor are involved each party to the association must submit a separate valid original Tax Clearance Certificate or SARS tax Pin or a CSD report.

14.2. Company registration documents (CIPC).

14.3. A letter/resolution authorising the person signing the bid documents and contracts.

14.4. All participating bidders must complete, sign and return ALL the attached SBD forms together with their proposals.

*Failure to complete and submit any of the attached documents will result in immediate disqualification.*

## **15. CENTRAL SUPPLIER DATABASE**

15.1. The NDA will not appoint any supplier who is not registered as a prospective supplier on the central supplier database as required in terms of National Treasury Circular No. 3 of 2015/2016 and National Treasury SCM Instruction note 4 of 2016/2017

## **16. CONTRACT AWARD**

A binding contract will be signed after both parties have fully agreed to the scope of work and all terms and conditions. The NDA legal department will develop a draft contract that shall be used as basis to finalise contract terms and conditions.

## 17. DISCLAIMER

- 17.1. Whilst all due care has been taken in connection with the preparation of this bid, the NDA makes no representations or warranties that the content in this bid or any information communicated to or provided to bidders during the bidding process is, or will be, accurate, current or complete. The NDA, and its officers and employees will not be liable with respect to any information communicated which is not accurate, current or complete.
- 17.2. If a bidder finds or reasonably believes it has found any discrepancy, ambiguity, error or inconsistency in the bid or any other information provided by the NDA (other than minor clerical matters); the bidder must promptly notify NDA in writing of such discrepancy, ambiguity, error or inconsistency in order to afford the NDA an opportunity to consider what corrective action is necessary (if any).
- 17.3. Any actual discrepancy, ambiguity, error or inconsistency in this bid or any other information provided by the NDA will, if possible, be corrected and provided to all bidders without attribution to the bidder who provided the written notice.
- 17.4. No representations made by or on behalf of NDA in relation to this bid will be binding on the NDA unless that representation is expressly incorporated into the contract ultimately entered into between NDA and the successful bidder.

## 18. ADDITIONS AND AMENDMENTS TO THE BID

- 18.1. The NDA reserves the right to change any information in, or to issue any addendum to this bid before the closing date and time. The NDA its officers and employees will not be liable in connection with either the exercise of, or failure to exercise this right.
- 18.2. If the NDA exercises its right to change information in terms of clause 18.1 all amendments will be communicated to all bidders.

## 19. CONTENT PAGE

Participating bidders are required to submit a detailed content page that clearly state (cross reference) where each technical requirement as per **section 8** of this document is

placed in their bid documents. Any additional information that we might have missed must be clearly referenced in the content page.

## **20. PRICE NEGOTIATIONS**

As guided by the Implementation Guide Preferential Procurement Regulations, 2017 pertaining to the PPPFA, Act No.5 of 2000, 19.2; the award of this tender may be subjected to price negotiation with the preferred tenderers.

## PART A INVITATION TO BID

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>					
BID NUMBER:	NDA14/OCEO01/21	CLOSING DATE: <u>23<sup>rd</sup> MARCH 2021</u>		CLOSING TIME:	12H00 PM
DESCRIPTION	<b>THE APPOINTMENT OF A SERVICE PROVIDER TO DEVELOP A TURNAROUND STRATEGY FOR THE NATIONAL DEVELOPMENT AGENCY (NDA) OVER A PERIOD OF 12 MONTHS</b>				
<b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>			<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>		
CONTACT PERSON	Muzi Matsenjwa		CONTACT PERSON	Ben Morule	
TELEPHONE NUMBER	011 018 5500/5562		TELEPHONE NUMBER	011 018 5500	
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	MuziM@nda.org.za		E-MAIL ADDRESS	BenM@nda.org.za	
<b>SUPPLIER INFORMATION</b>					
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:		<b>OR</b>	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]	
<b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A BRANCH IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> 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 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: .....

## TAX CLEARANCE CERTIFICATE REQUIREMENTS

**It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.**

- 1 In order to meet this requirement bidders are required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
- 2 SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
- 3 The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
- 4 In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
- 5 Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website [www.sars.gov.za](http://www.sars.gov.za).
- 6 Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website [www.sars.gov.za](http://www.sars.gov.za).



**PRICING SCHEDULE**  
(Professional Services)

NAME OF BIDDER: .....	BID NO: .....
CLOSING TIME 11:00	CLOSING DATE.....

OFFER TO BE VALID FOR ...150.....DAYS FROM THE CLOSING DATE OF BID.

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

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.....	.....

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
.....	R.....	..... days

5.1 Travel expenses (specify, for example rate/km and total km, class of airtravel, 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.....

Bid No.: .....

Name of Bidder: .....

..... R.....

TOTAL: R.....

\*\* "all applicable taxes" includes value- added tax, pay as you earn, income tax, unemployment insurance 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]**

Any enquiries regarding bidding procedures may be directed to the –

(INSERT NAME AND ADDRESS OF DEPARTMENT/ENTITY)

Tel:

Or for technical information –

(INSERT NAME OF CONTACT PERSON)

Tel:





**NDA**

National  
Development  
Agency

SBD 4

### DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state<sup>1</sup>, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

2.1 Full Name of bidder or his or her representative:

.....

2.2 Identity Number:

.....

2.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>):

.....

2.4 Company Registration Number:

.....

2.5 Tax Reference Number:

.....

2.6 VAT Registration Number:

.....

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

<sup>1</sup>"State" means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

<sup>22</sup>Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

2.7 Are you or any person connected with the bidder presently employed by the state? **YES / NO**

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member: .....

Name of state institution at which you or the person connected to the bidder is employed : .....

Position occupied in the state institution: .....

Any other particulars: .....

.....

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

2.7.2.1 If yes, did you attached proof of such authority to the bid document? **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:

.....  
 .....  
 .....

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:

.....  
 .....  
 .....

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

2.9.1 If so, furnish particulars.

.....  
.....  
.....

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid?

YES/NO

2.10.1 If so, furnish particulars.

.....  
.....  
.....

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract?

YES/NO

2.11.1 If so, furnish particulars:

.....  
.....  
.....

**3 Full details of directors / trustees / members / shareholders.**

Full Name	Identity Number	Personal Reference Number	Tax Number	State Number	Employee Peral Number

**4 DECLARATION**

I, THE UNDERSIGNED  
(NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT. I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of bidder

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL  
PROCUREMENT REGULATIONS 2017**

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.**

**1. GENERAL CONDITIONS**

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

- a) The value of this bid is estimated to **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
<b>PRICE</b>	
<b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>	
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

- 1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
- 1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

## 2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
  - 1) B-BBEE Status level certificate issued by an authorized body or person;
  - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

## 3. POINTS AWARDED FOR PRICE

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

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 P_s = 80 \left( 1 - \frac{P_t - P_{min}}{P_{min}} \right) & \text{or} & P_s = 90 \left( 1 - \frac{P_t - P_{min}}{P_{min}} \right)
 \end{array}$$

Where

P<sub>s</sub> = Points scored for price of bid under consideration

P<sub>t</sub> = Price of bid under consideration

P<sub>min</sub> = Price of lowest acceptable bid

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

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

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	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

7.1.1 If yes, indicate:

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

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

Designated Group: An EME or QSE which is at last 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		
<b>OR</b>		
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.

<p>WITNESSES</p> <p>1. ....</p> <p>2. ....</p>
--

<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE: .....</p> <p>ADDRESS .....</p> <p>.....</p> <p>.....</p>
--





**CONTRACT FORM - RENDERING OF SERVICES**

**THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SERVICE PROVIDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SERVICE PROVIDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.**

**PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)**

- 1. I hereby undertake to render services described in the attached bidding documents to (name of the institution)..... in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid .
- 2. The following documents shall be deemed to form and be read and construed as part of this agreement:
  - (i) Bidding documents, viz
    - Invitation to bid;
    - Tax clearance certificate;
    - Pricing schedule(s);
    - Filled in task directive/proposal;
    - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
    - Declaration of interest;
    - Declaration of bidder's past SCM practices;
    - Certificate of Independent Bid Determination;
    - Special Conditions of Contract;
  - (ii) General Conditions of Contract; and
  - (iii) Other (specify)
- 3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
- 4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
- 5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
- 6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT) .....

CAPACITY .....

SIGNATURE .....

NAME OF FIRM .....

DATE .....

WITNESSES	
1	.....
2	.....
DATE:	.....

**CONTRACT FORM - RENDERING OF SERVICES**  
**PART 2 (TO BE FILLED IN BY THE PURCHASER)**

1. I..... in my capacity as..... accept your bid under reference number .....dated.....for the rendering of services indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating service delivery instructions is forthcoming.
3. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice.

DESCRIPTION OF SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	COMPLETION DATE	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

4. I confirm that I am duly authorised to sign this contract.

SIGNED AT .....ON.....

NAME (PRINT) .....

SIGNATURE .....

OFFICIAL STAMP

WITNESSES

1 .....

2 .....

DATE: .....



SBD 8

**DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
  - a. abused the institution's supply chain management system;
  - b. committed fraud or any other improper conduct in relation to such system; or
  - c. failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p><b>The Database of Restricted Suppliers now resides on the National Treasury's website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b></p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
4.1.1	<p>If so, furnish particulars:</p>		

4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? <b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

#### CERTIFICATION

I, THE UNDERSIGNED (FULL NAME).....  
 CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
**Signature**

.....  
**Date**

.....  
**Position**

.....  
**Name of Bidder**

Js365bW



**SBD 9**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Standard Bidding Document (SBD) must form part of all bids<sup>1</sup> invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
  - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
  - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

**<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.**

**<sup>2</sup> Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

\_\_\_\_\_

(Bid Number and Description)

in response to the invitation for the bid made by:

\_\_\_\_\_

(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: \_\_\_\_\_ that:  
(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - (a) has been requested to submit a bid in response to this bid invitation;
  - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder.
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
- (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

**<sup>3</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.**

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....	.....
Signature	Date
.....	.....
Position	Name of Bidder

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