

NDA

National  
Development  
Agency

## REQUEST FOR BIDS

The National Development Agency invites bids for the following:

BID NO.	BID DESCRIPTION	EVALUATION CRITERIA	CLOSING DATE & TIME
NDA09/CS02/21	THE APPOINTMENT OF A SERVICE PROVIDER FOR THE PROVISION OF SAGE 300 PEOPLE SYSTEM WITH SUPPORT AND MAINTENANCE FOR THE NATIONAL DEVELOPMENT AGENCY OVER A PERIOD OF 36 - MONTHS	80/20 80: Price 20: BEE	21 JANUARY 2022 @ 12H00 PM

Bid documents (Terms of Reference) will be available on the NDA website ([www.nda.org.za](http://www.nda.org.za)) from Friday 10 December 2021. To get to the bid documents click on Supply Chain Management, then click on current tenders and you will have a view of all current tenders.

**A compulsory briefing session will be held via Microsoft Teams on the 12 January 2022 at 10:00am**

**MICROSOFT TEAMS:** Bidders who are interested in joining the compulsory briefing session MUST send their e-mail addresses to: [MuziM@nda.org.za](mailto:MuziM@nda.org.za) by 12 January 2022 at 09h00 AM so that a link can be sent to them for joining the Microsoft Teams meeting

**Bid submission:** All bids must be submitted ONLY in the NDA tender box. NDA will not take responsibility for documents left at the Reception or anywhere else besides the tender box. The tender box is located at 26 Wellington Road, Parktown, Johannesburg, 2193 (the tender box is accessible 24/7). Service providers can send bids using courier services for door to door delivery but no bids can be posted to NDAs' postal address.

**Closing date: 21 January 2022**

**Closing time: 12h00PM** - Late bids will be disqualified.

**Contact person for Commercial queries:** Mr Muzi Matsenjwa - 011 018-5562 or [muzim@nda.org.za](mailto:muzim@nda.org.za) / [ElizabethM@nda.org.za](mailto:ElizabethM@nda.org.za) between 08h30 and 17h00 weekdays.

**Contact person for Technical Queries** is Mr Thamsanqa Langa on +27 82 657 5265 or [ThamsanqaL@nda.org.za](mailto:ThamsanqaL@nda.org.za)

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09/12/2021



social development

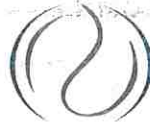
Department:  
Social Development  
REPUBLIC OF SOUTH AFRICA



UNLOCKING  
POTENTIAL



sassa  
SOUTH AFRICAN SOCIAL SECURITY AGENCY



**NDA**

National  
Development  
Agency

## TERMS OF REFERENCE

### THE APPOINTMENT OF A SERVICE PROVIDER FOR THE PROVISION OF SAGE 300 PEOPLE SYSTEM WITH SUPPORT AND MAINTENANCE FOR THE NATIONAL DEVELOPMENT AGENCY OVER A PERIOD OF 36 - MONTHS

**BID REF: NDA09/CS02/21**

<b>BRIEFING SESSION</b>	<b>A COMPULSORY BRIEFING SESSION WILL BE HELD ON THE ON THE 12<sup>th</sup> JANUARY 2022.</b>
<b>VENUE</b>	<b>TIME: 10h00 AM</b>  <b>MICROSOFT TEAMS:</b> Bidders who are interested in joining the 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 12 <sup>th</sup> January 2022 so that a link can be sent to them for joining the Microsoft Teams meeting.
<b>CLOSING DATE</b>	<b><u>21<sup>st</sup> January 2022</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>

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<b>SUPPLIER ENVELOPES</b>	<p>The supplier's envelope/s MUST clearly have the description: "<b>SAGE 300 PEOPLE SYSTEM WITH SUPPORT AND MAINTENANCE OVER A PERIOD OF 36 – MONTHS</b>".</p> <p>A TWO-ENVELOPE system will be used for the submission of bids:</p> <p><b>Commercial Envelope</b> This envelope must contain price quotations plus all the mandatory documents as listed in section 14.0 of this document.</p> <p><b>Technical Envelope</b> This envelope must contain all info listed in section 9 of this document.</p>
<b>LATE BIDS</b>	<p>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>
<p>Contact person for Commercial Queries is Ms Elizabeth Mngqabashe or Muzi Matsenjwa on 011 018-5546/5562 between 08h30 to 17h00 on weekdays. Queries can also be sent in writing to <a href="mailto:ElizabethM@nda.org.za">ElizabethM@nda.org.za</a>/<a href="mailto:MuziM@nda.org.za">MuziM@nda.org.za</a>.</p> <p>Contact person for Technical Queries is Mr Thamsanqa Langa on +27 82 657 5265 or <a href="mailto:ThamsanqaL@nda.org.za">ThamsanqaL@nda.org.za</a></p>	

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## **OVERVIEW OF NDA**

The National Development Agency is a public entity listed under Schedule 3A of the Public Finance Management Act (PFMA). It was established in terms of the National Development Agency Act No 108 of 1998 as amended.

### **Our mandate**

In terms of the National Development Agency (NDA) Act (Act No 108 of 1998 as amended), NDA was mandated to contribute towards the eradication of poverty and its causes by granting funds to civil society organizations (CSOs) to:

- Implement development projects in poor communities, and
- Strengthen the institutional capacity of other CSOs that provide services to poor communities.

### **Impact Statement:**

Reduced levels of poverty in South Africa.

### **Mission:**

A premier development agency that coordinates and integrates development initiatives to break the cycle of poverty in the country.

### **Vision:**

Championing development for a society free from poverty.

### **Organisational values:**

- Integrity
- Accountability and Responsibility
- Transparency
- Respect
- Ubuntu
- Innovation
- Excellence

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## 1.0 Background

The National Development Agency (NDA) use Sage 300 People for Human Resource (HR) and Payroll business transactions processing. The NDA is licensed for 250 employees which includes the following modules:

- Payroll
- Leave Management
- General Ledger Integration
- Sage Intelligence Connector
- Job Management
- Personnel Management
- Performance Management
- Equity
- Skills
- Web Self Service
- Job Requisition
- Mobile App

The Sage 300 People is hosted on-prem within the below mentioned ICT infrastructure:

- Virtual Machines (VM) on VMWare i.e.: 2 VMs one dedicated to the app and the other to the database.
- Microsoft Windows Server 2016 Standard.
- Microsoft SQL Server 2017 Enterprise.
- Internet Information Service (IIS) 10.

## 2.0 PURPOSE

The purpose of these Terms of Reference (ToR's) is to get bids to appoint a qualified Sage accredited service provider to assist the NDA with end-to-end Sage 300 People System Support and Maintenance services for a period of thirty-six (36) months.

## 3.0 SCOPE OF WORK

The role of the appointed service provider is to assist the NDA with Sage 300 People system support and maintenance services through various channels i.e., remotely, on-site, email,

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and telephonic as per request. Twenty (20) hours per month must be allocated to the NDA for system support and maintenance services. A fixed annual market rate per hour must be provided by the service provider for payment purposes.

The appointed service provider must ensure that the following key areas are fulfilled:

### **3.1. System Support**

The following scope forms part of the system support service.

- Ensure efficient resolution of all calls logged by the NDA in the helpdesk system.
- Support must be attended using various channels i.e., remotely, on-site, email, and telephonic as per request by the NDA.
- Provide monthly reports of all calls logged by the NDA during the monthly Quality of Service (QoS) meetings indicating performance measures specified in section 3.3 of this ToR's.
- Escalation of system related issues and problems to appropriate authority e.g., NDA ICT Specialist/s and Management.
- Assist with system data integrity issues i.e., accuracy, consistency, completeness, and reliability.
- System administration and configuration based on best practise recommended by Sage SA.
- Facilitate or provide user training for the NDA including refresher trainings as per request i.e., end-user, super user, and administrators.
- Assist with designing custom system reports and dashboards as per request e.g., Monthly user group profiles in line with approved functionalities for management verification.
- Twenty (20) hours per month must be allocated to the NDA for system support and maintenance services.

### **3.2. System Maintenance**

- Commit to monthly system maintenance meeting to discuss reports e.g., QoS, system performance health checks, and any other report as per NDA's request.

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- Provide system documentations e.g., change management, user/system manuals, technical documents for custom system settings or configurations, etc. All system modifications must be documented, and the documents provided to the NDA for audit purposes.
- Management and implementation of system patches, and updates in consultation with the NDA ICT teams and management.
- Management and implementation of advance system enhancements and add-ons as per request by the NDA e.g., system customisation, automation, and integrations.
- Recommend new products or add-on modules to the system to ensure that the NDA is functioning efficiently in the space of the COVID pandemic.
- Ensure compliance with the NDA ICT Governance and laws of the country i.e., POPIA.
- Performing optimisation tasks that ensures the system performs at its best. i.e., system performance health checks.
- Identify and report system risks and propose mitigation controls for the NDA.

### **3.3 LICENSE RENEWAL**

- Facilitate and ensure that the NDA is up to date in terms of the Sage 300 People software license for the first year. License cost and/or estimate for the first year must be included within the total project cost. License service cost must only include the Sage 300 People software and not SQL Server, Windows Server, etc.



#### **4.0 AD HOC SERVICES (NON SCORABLE REQUIREMENTS)**

4.1 The Ad Hoc Services will not exceed 15% of the Contract Value for the contract period. Both the Agency and the successful bidder will be required to keep account of the Ad Hoc Services and the costs thereof such that the specified variation percentage is not exceeded.

4.2 All service requests requirements (outside the scope of work) will be classified as Ad Hoc Services, except for the Change Requests that result from Incident Management, Problem Management and Maintenance processes, which will be part of the baseline services.

4.3 The Successful bidder will invoice only on approved and completed Ad Hoc Services on one-month arrear bases. Bidder to indicate acceptance with this arrangement.

4.4 Ad hoc services to be agreed in advance with the successful bidder and price list to be documented in advance.

#### **5.0 QUALITY OF SERVICE**

The quality of service delivered by the appointed service provider for the Sage 300 People System Support and Maintenance will be closely monitored by the NDA through monthly QoS meetings. Should the NDA receive unsatisfactory service, which will be guided by the Service Level Agreement (SLA), the NDA reserves the right to immediately enter a service dispute that may result in the termination of the contract.

##### ***5.1. Prioritisation and Measurement***

Reported support or maintenance requests must be prioritised and deadlines set as per the SLA. The priority and deadlines for these requests must be evaluated on an ongoing basis and amended as and when needed.

##### ***5.2. Priority Levels***

The following priority levels may be used to identify the levels of a support or maintenance requests or calls:

- Priority Level 1
- Priority Level 2
- Priority Level 3
- Priority Level 4

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Level	Description	Requirement
Priority Level 1	Complete system failure affecting majority or all users.	Average response time < 30min. Average resolution time < 8 hrs.
Priority Level 2	Partial system failure affecting specific users where system is functional but in an unsatisfactory state.	Average response time < 2hrs. Average resolution time < 16hrs.
Priority Level 3	Maintenance issues.	Average response time < 4hrs. Resolution time based on the schedule plan.
Priority Level 4	Approved enhancements and custom settings	Average response time < 4hrs. Resolution time based on the schedule plan.

Security issues or call logs such as creation of new users, set-up of user profiles, delegation of authority, and any other security issues must be addressed as critical with the following response and resolution times:

- Response Time: Within 30 minutes
- Resolution Time: Within 1hr

### 5.3. Target Performance measurements

The actual performance will be calculated as follows:

Actual Performance =  $\frac{\text{number of issues resolved per month} \times 100}{\text{total no of issues logged per month}}$

Where < 50% is unsatisfactory, >= 50% is average, > 60% is good, > 75% is very good, > 90% is exceptional.

## 6.0 REPORTING

The appointed service provider will report directly to the ICT Manager or to the delegated NDA official. The service provider will be required to submit specific monthly QoS reports to the NDA within 5 working days after the end of each month for the duration of the contract. The reports must provide the details of the logged calls, resolutions, recommendations, and target performance measurements including configuration settings and steps taken to resolve the issues. The monthly billing (invoice) must be accompanied by the QoS report as a supporting document.

## 7.0 SPECIAL CONDITIONS / NOTE

- The service provider must be an accredited Sage Business Partner.
  - The service provider must submit at least three references with contact details for Sage 300 People support and maintenance services provided elsewhere.
  - If the service provider and the NDA are not able to reach an agreement in terms of the SLA, the NDA may withdraw the award of the bid and/or appoint another service provider.
  - The service provider must inform the NDA of any movement in key personnel directly linked to this project and provide reasonable notice and an equally qualified replacement.

## 8.0 CONTRACT PERIOD

The appointed service provider will be required to sign a SLA with the NDA. The contract will be valid from the date of appointment for a period of thirty-six (36) months.

## 9.0 TECHNICAL EVALUATION CRITERIA (PHASE 1)

Category	Description	Weight
<b>Service provider relevant experience for the project.</b>	<p>The service provider must submit three (3) signed reference letters on the client letterhead where the Sage 300 People Support and Maintenance services were provided. NDA reserves the right to contact these organizations without prior notice to the bidder. Each reference letter must indicate <b>the scope of work, start and end date, and service ratings.</b></p> <p><i>Ten (10) points will be allocated for each letter and zero for no letter or letter not meeting the requirements on the above paragraph.</i></p>	30
<b>Experience of bidder's key consultants that will be assigned to</b>	<p>The bidder is required to submit a minimum of three (3) CVs of the key consultants that will be assigned to the project. The CVs must demonstrate prior experience relating to systems support and maintenance and also indicate the name of the organizations where the experience was gained.</p>	15

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the project.	<i>Five (5) points will be allocated for each CV that meets the requirements i.e., experience of three (3) years of higher in the systems support and maintenance field and zero for less than 3 years or no CV.</i>	
<b>Understanding of the work and services required.</b>	Quality and responsiveness of the proposal towards the scope of work as described in section 2 of the ToR's. Service providers MUST provide a Written Confirmation of their ability to provide the services as per section 2 of the ToR's.  <i>Eighteen (18) points will be allocated for each requirement responded to in sections 3.1, 3.2 and 3.3 of this ToR's.</i>	18
<b>Existing Call logging (Helpdesk) system</b>	Fifteen (15) points if the service provider has an existing call logging (Helpdesk) system. Service providers must provide a Name, Description and Screenshot of the Helpdesk system	15
<b>Accredited Sage Business Partners.</b>	The bidder should provide evidence that they are an accredited Sage Business Partner.  <ul style="list-style-type: none"> <li>• Accreditation as a SAGE Business partner for three (3) years or more <b>(12 points)</b></li> <li>• Accreditation as a SAGE Business partner for less than three (3) years <b>(6 points)</b></li> </ul>	12
<b>Training Plan and Skills Transfer.</b>	A training plan must be provided indicating how the service provider will facilitate NDA staff training transfer skills  <ul style="list-style-type: none"> <li>• Sage related training plan <b>(5 points)</b></li> <li>• Skills transfer plan <b>(5 points)</b></li> </ul>	10
<b>TOTAL SCORE</b>		<b>100</b>
<b>MINIMUM QUALIFYING SCORE</b>		<b>70</b>

**Note: Bidders who score less than 70 points on technical evaluation will not be evaluated further.**

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**10.0 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 seventy (70) 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 70 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

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- 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.

## **11.0 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

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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.

## **12.0 TENDER VALIDITY**

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

## **13.0 NDA PAYMENT TERMS**

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

## **14.0 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 (SBD1, SBD2, SBD4, SBD6.1 SBD 3.3 and relevant Annexure, SBD8 and SBD9) declaration forms, together with their proposals.

14.5 Proof of being SAGE Business Partner accreditation.

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

## **15.0 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

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## **16.0 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.

## **17.0 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.



## **18.0 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 19.1 all amendments will be communicated to all bidders.

## **19.0 CONTENT PAGE**

19.1 Participating bidders are required to submit a detailed content page that clearly state (**cross-reference**) where each technical requirement as per section 9.0 of this document is placed in their bid documents. Any additional information that we might have been missed must be clearly referenced in the content page.

## **20.0 PRICE NEGOTIATIONS**

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

## **21.0 SPECIAL CONDITIONS OF THIS BID**

NDA reserves the right to;

21.1 To accept part of a tender rather than the whole tender.

21.2 To carry out site inspections, product evaluations or explanatory meetings in order to verify the nature and quality of the services offered by the bidder(s), whether before or after adjudication of the Bid.

21.3 To correct any mistakes at any stage of the tender that may have been in the Bid documents or occurred at any stage of the tender process.

21.4 To cancel and/or terminate the tender process at any stage, including after the Closing Date and/or after presentations have been made, and/or after tenders have been evaluated and/or after the preferred bidder(s) have been notified of their status as such.

21.5 Award to multiple bidders based either on size or geographic considerations.

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## **22.0 TAX COMPLIANCE**

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

## **23.0 TENDER DEFAULTERS AND RESTRICTED SUPPLIERS**

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

## PART A INVITATION TO BID

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>					
BID NUMBER:	NDA09/CS02/21	CLOSING DATE: 21 January 2022		CLOSING TIME:	12h00 PM
DESCRIPTION	<b>THE APPOINTMENT OF A SERVICE PROVIDER FOR THE PROVISION OF SAGE 300 PEOPLE SYSTEM WITH SUPPORT AND MAINTENANCE FOR THE NATIONAL DEVELOPMENT AGENCY OVER A PERIOD OF 36 - MONTHS</b>				
<b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>					
26 WELLINGTON ROAD, PARKTOWN, JOHANNESBURG, 2193					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>			<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>		
CONTACT PERSON	Muzi Matsenjwa		CONTACT PERSON	Thamsanqa Langa	
TELEPHONE NUMBER	011 018 5500		TELEPHONE NUMBER	011 018 5500	
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	MuziM@nda.org.za		E-MAIL ADDRESS	ThamsanqaL@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:		OR	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?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?				<input type="checkbox"/> YES <input type="checkbox"/> 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.

IS THE EMPLOYEE IN THE RSA FOR PURPOSES OF TAXATION?

IS THE END?

**PART B**  
**TERMS AND CONDITIONS FOR BIDDING**

<b>1. BID SUBMISSION:</b>
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).
<b>2. TAX COMPLIANCE REQUIREMENTS</b>
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).

### Application for a Tax Clearance Certificate

**Purpose**

Select the applicable option ..... Tenders  Good standing

If "Good standing", please state the purpose of this application


**Particulars of applicant**

Name/Legal name (Initials & Surname or registered name)											
Trading name (if applicable)											
ID/Passport no						Company/Close Corp. registered no					
Income Tax ref no						PAYE ref no	7				
VAT registration no	4					SDL ref no	L				
Customs code						UIF ref no	U				
Telephone no	CODE		NUMBER			Fax no	CODE		NUMBER		
E-mail address											
Physical address											
Postal address											

**Particulars of representative (Public Officer/Trustee/Partner)**

Surname											
First names											
ID/Passport no						Income Tax ref no					
Telephone no						Fax no					
E-mail address											
Physical address											

**Particulars of tender (if applicable)**

Tender number

Estimated Tender amount R

Expected duration of the tender  year(s)

**Particulars of the 3 largest contracts previously awarded**

Date started	Date finalised	Principal	Contact person	Telephone number	Amount

**Audit**

Are you currently aware of any Audit investigation against you/the company?  YES  NO

If "YES" provide details

**Appointment of representative/agent (Power of Attorney)**

I the undersigned confirm that I require a Tax Clearance Certificate in respect of  Tenders  or  Goodstanding.

I hereby authorise and instruct  to apply to and receive from SARS the applicable Tax Clearance Certificate on my/our behalf.

Signature of representative/agent

--

Date

Name of representative/agent

**Declaration**

I declare that the information furnished in this application as well as any supporting documents is true and correct in every respect.

Signature of applicant/Public Officer

--

Date

Name of applicant/Public Officer

**Notes:**

1. It is a serious offence to make a false declaration.
2. Section 75 of the Income Tax Act, 1962, states: Any person who
  - (a) fails or neglects to furnish, file or submit any return or document as and when required by or under this Act; or
  - (b) without just cause shown by him, refuses or neglects to-
    - (i) furnish, produce or make available any information, documents or things;
    - (ii) reply to or answer truly and fully, any questions put to him ...

As and when required in terms of this Act ... shall be guilty of an offence ...

3. **SARS will, under no circumstances, issue a Tax Clearance Certificate unless this form is completed in full.**

Your Tax Clearance Certificate will only be issued on presentation of your South African Identity Document or Passport (Foreigners only) as applicable.





**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

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.....

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 –

Muzi Matsenjwa  
MuziM@nda.org.za  
National Development Agency  
26 Wellington road  
Parktown  
Johannesburg  
2193

Or for technical information –Thamsanqa Langa

(Thamsanqa Langa, ThamsanqaL@nda.org.za)

Tel: 011 018 5500

Name of Bidder: .....  
Name of Bidder: .....



**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.

"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 / Number	Employee / Persal 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:

<b>80/20</b>	<b>or</b>	<b>90/10</b>
$P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$	or	$P_s = 90 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$

Where

- $P_s$  = Points scored for price of bid under consideration
- $P_t$  = Price of bid under consideration
- $P_{\min}$  = 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:

- 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	<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.

WITNESSES

1. ....

2. ....

.....  
SIGNATURE(S) OF BIDDERS(S)

DATE: .....

ADDRESS .....

.....

.....



### 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 .....

<b>WITNESSES</b>	
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 .....

DATES: .....  
.....



**NDA**

National  
Development  
Agency

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>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		

4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? <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



**NDA**

National  
Development  
Agency

**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

- Js914w 2