



TERMS OF REFERENCE FOR A RESEARCH PROJECT

“UNPACKING REGULATORY BARRIERS: IMPEDIMENTS TO SUSTAINABLE ECONOMIC PARTICIPATION FOR COMMUNITY- OWNED ENTERPRISES IN THE SOUTH AFRICAN ECONOMY” OVER A PERIOD OF SIX (6) MONTHS

BID REF: NDA09/DMR01/24

BRIEFING SESSION VENUE	NO BRIEFING SESSION WILL BE HELD
CLOSING DATE & TIME	26th AUGUST 2024 12H00
SUBMISSION DOCUMENTS	<p>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 submitted inside the tender box placed at the main entrance of the NDA National Office. The tender box is accessible 24/7.</p> <p><i>Bid documents must be submitted in person and/or through courier services.</i></p>
SUPPLIER ENVELOPES	<p>The supplier's envelope/s MUST have the description of the RFP “UNPACKING REGULATORY BARRIERS: IMPEDIMENTS TO SUSTAINABLE ECONOMIC PARTICIPATION FOR COMMUNITY OWNED ENTERPRISES IN SOUTH AFRICAN ECONOMY” OVER A PERIOD OF SIX (6) MONTHS</p> <p><u>TWO-ENVELOPE system will be used for the submission of proposals.</u></p> <p>Technical Envelope This envelope must contain only the technical information listed in section 10 of this document.</p> <p>Commercial Envelope This envelope must contain price quotations plus all the mandatory documents listed in section 19 of this document.</p> <p>Participating service providers must submit TWO sets of envelopes with identical information/ Study Title labelled on each envelope.</p>

LATE BIDS	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).
Commercial Queries: Contact Mr Muzi Matsenjwa at 011 018-5562 between 08h30 to 17h00 on weekdays. Queries can also be sent in writing to MuziM@nda.org.za	
Technical Queries: Contact Dr Nthabiseng Kraai at 011-018 5507. Queries can also be sent in writing to NthabisengK@nda.org.za	
Closing date for the submission of queries: 22nd August 2024	

Table of Contents

1. INTRODUCTION	4
2. BACKGROUND AND CONTEXT	5
3. PROBLEM STATEMENT	8
4. PURPOSE AND AIM OF THE STUDY	8
5. RESEARCH OBJECTIVES AND QUESTIONS.....	9
6. RESEARCH METHODOLOGY.....	10
7. SCOPE OF WORK.....	11
8. DELIVERABLES	12
9. PROJECT TIMEFRAMES	12
10. TECHNICAL EVALUATION (PHASE 1).....	13
11. COMMERCIAL EVALUATION (PHASE 2)	15
12. JOINT VENTURES, CONSORTIUMS AND TRUSTS	17
13. SUB-CONTRACTING	17
14. CLIENT BASE.....	18
15. PACKAGING OF THE BID DOCUMENT.....	18
16. PRICING.....	19
17. TENDER VALIDITY	19
18. NDA PAYMENT TERMS	19
19. MANDATORY DOCUMENTS.....	19
20. CENTRAL SUPPLIER DATABASE	20
21. CONTRACT AWARD.....	20
22. DISCLAIMER.....	20
23. ADDITIONS AND AMENDMENTS TO THE BID	21
24. CONTENT PAGE.....	21
25. PRICE NEGOTIATIONS.....	21
26. SPECIAL CONDITIONS OF THIS BID.....	21

ANNEXURES

- 1) Annexure A - Concept Paper Pathways out of Poverty
- 2) Annexure B – NDA Turnaround Strategy

1. INTRODUCTION

The National Development Agency (NDA) is a Schedule 3A, Public entity, as prescribed by the PFMA Act of 1999. The Agency was established through the National Development Act of 1998, as amended.

The secondary mandate of the NDA Act requires the NDA in Section 3 (2):

3(2)(a) to promote-

- (i) consultation, dialogue and sharing of development experience between civil society and relevant organs of State; and*
- (ii) debate on policy development.*

3(2)(b) To undertake research and publication aimed at providing the basis for development policy.

The National Development Agency (NDA) in its 5-year strategic plan, adopted an approach of providing developmental interventions for community-owned enterprises (**see Annexure A**) as a tool for creating sustainable livelihoods in responding to poverty eradication in poor and depressed communities. The proposed strategic shift strategy covered the entire value chain pipeline and the new NDA service delivery model (**see Annexure B**) for poverty eradication. The new NDA service delivery models define approaches, targets and measurements of outcomes and impacts of its interventions. The NDA service delivery model seeks to understand and address key components of a sustainable development model or framework, which can be contextualised as understanding the vulnerability of the people affected by poverty; understanding available assets in relation to social, human, financial, natural and physical aspects; transformation in both structures and processes; strategies for achieving livelihoods; measurable outcomes impacting on poverty eradication. Poverty eradication efforts are more complex and multidimensional they go beyond relief of those living in poverty but create environments, through policies and legislative frameworks, strategies and plans that permanently move poor people out of poverty.

The Research Unit has the responsibility of conducting research work in response to the Secondary Mandate of the NDA. The NDA defines a few enterprise configurations as community-owned, which includes amongst others, cooperatives, and social enterprises. The operative descriptor of these enterprises is that they are owned by an individual or a group of people or individuals who established or started the enterprise. The main aim of these enterprises is to generate income that benefits themselves while addressing a societal problem in the communities. The beneficial effects of these types of enterprises are many-fold, such as, if successful, they can reduce poverty levels, increase households and individuals' income, increase productivity, and reduce unemployment. The approach of supporting community-owned enterprises brings into context the importance of a supportive and conducive policy environment for all types of enterprises that are currently not recognised as drivers of

the economy, inclusive of those classified as “informal traders”. These enterprises are not only faced with sustainability challenges due to funding, technical and management capacities but also challenges of regulatory and compliance requirements for their survival. Therefore, it is crucial to understand and address interventions for policy and regulatory reforms.

The NDA is therefore undertaking this research study to understand to what extent the current policies and regulatory frameworks are impeding the viability of these enterprises, intending to contribute towards informing development policies on poverty reduction in South Africa. The NDA will use lobby and advocacy approaches to influence policymakers in alignment with development policy and regulatory frameworks to mitigate and facilitate refinement of these economic activities at a community level. Three distinct outputs directly contribute to this research project, the first is to produce a research report that can provide evidence to inform and shape policy and regulatory frameworks. The second is to assist the NDA in setting appropriate agenda for addressing policy and regulatory impediments for inclusive economy, and the third, is to organise thought leadership engagements, policy dialogues and synthesis of policy enhancements proposals to influence policy and regulatory reforms on inclusive economy.

2. BACKGROUND AND CONTEXT

South Africa is marked by a complex history of colonisation, apartheid, racial disparities, and profound socio-economic inequalities. The country has been on a journey of transformation and development since the dawn of democracy in 1994. The post-apartheid era brought with it the promise of a more equitable and just society, where economic self-dependence and the alleviation of poverty would be central tenets of the nation's progress as enshrined in the constitution, legislations and policy frameworks adopted after 1994. Evidence from statistics and research studies, however, paints a picture of persistent challenges of high levels of poverty, inequality, and unemployment which can be attributed to low levels of productivity in people of the economic productive ages (15-59 years). This population group in South Africa cannot access the means of production for self-reliance and sustainable income to meet their basic needs. There are marginal investments by the state in productive capacity (development) for the poor as compared to consumptive capacities (welfare) targeting the poor population group. The balancing of investment in the state in the consumption economy and productive economy for the poor is negatively affecting positive gains that can be derived in reducing poverty levels in poor communities. South African poor population is currently trapped in a vicious cycle of poverty due to the restrictions of social, economic, and developmental policies that impede the active participation of the poor in sustainable livelihood activities, especially those that are informal traders.

The concept of community-owned, sometimes referred to as community-based, enterprises¹ has been used in other countries as a tool for poverty eradication, especially for those, that cannot be absorbed by the formal employment markets. Community-owned enterprises aim to create sustainable livelihood and income for those who are participating in these enterprises. They are wholly owned by those who are members or a member. The sustainable livelihood concept offers a more coherent and integrated approach to poverty. Some scholars, Chambers and Conway (1992)², propose that a sustainable livelihood which is applied commonly at the household level should comprise the capabilities, assets (stores, resources, claims, and access) and activities required for a means of living. They further said a livelihood is sustainable when it can cope with and recover from stress and shocks, maintain or enhance its capabilities and assets, and provide sustainable livelihood opportunities for the next generation, which contributes net benefits to other livelihoods at the local and global levels and in the short and long term. The United Nations Development Programme³ also advocates for sustainable livelihoods through serving as an integrating factor that allows policies to simultaneously address development, sustainable resource management and poverty eradication.

Well-structured and supported community-owned enterprises can play a significant role in the South African economy, particularly in providing a sustainable vehicle for low-income individuals, households, and communities to generate income and employment opportunities, thus contributing to local economic development. However, they often face challenges such as lack of access to formal markets, limited financial resources, and regulatory barriers. The NDA is conducting this study to influence sustainable development policies and legislative frameworks that would promote a supportive and enabling policy and legislative environment for community-owned enterprises, inclusive of informal traders, to actively participate in productive economic activities that can earn them sustainable income and economic growth within the communities they reside. The net positive outcome would be reducing large numbers of poor people migrating to areas perceived to have opportunities for earning and income and economic growth benefiting their households.

In this context, the understanding of South African social, developmental, and economic policies becomes an imperative task in addressing poverty. These policies, implemented by successive governments, aim to uplift and empower the poorest and most marginalized segments of the population. Local economic development needs financial, infrastructure and other support to thrive and create much-needed jobs in a low-growth and severely constrained economy. A central goal has been

¹ In the context of this research study, "community-owned enterprises" means enterprises that are started, owned, and run by a member or a group of members of a community regardless of their formalization status (formal or informal enterprise for purposes of making an income for themselves and their families. They are inclusive of cooperatives, income generation projects, social entrepreneurs, street traders, Spaza shops, stokvels, backyard farmers or communal land farmers or smallholder farmers, individual plumbers, carpenters, builders, garden maintenance etc.

² Chambers R. and Gordon C. (1992). Sustainable Rural Livelihoods: Practical Concepts for the 21st Century. IDS Discussion Paper 296, IDS, Brighton, UK.

³ UNDP. Promoting Sustainable Livelihoods: A Briefing Note Submitted to the Executive Committee, June 4, 1997

to reduce the stubbornly high poverty rates that persist in the country. According to the South African Quarterly Labour Force Survey released by StatsSA in February 2024, formal sector employment decreased by 128,000 in Q4: 2023, while informal sector employment increased by 124,000 over the same period. Informal trading⁴ is an income-generating activity where individuals or groups of individuals engage in exchanging goods or services to generate income for their survival and meet basic needs. These types of entrepreneurs are often marginalised by the regulatory and legislative frameworks to fully participate and be protected whilst doing their business. The informal sector positively contributes to the sustainable livelihoods of those involved in the informal sector and the relatives of those through income generation, family support, wealth creation, source of employment, business incubation and innovation and creativity (Thwala, et al., 2023).⁵

Community-owned enterprises are a concept that needs to provide key and useful elements for community development, especially in tackling unemployment and poverty. There is a body of literature on this concept, for example, Mkhize (2020)⁶ considers community-based entrepreneurship (CBE) as a viable approach for bridging the gap between people living in the mainstream economy and the Bottom of the Pyramid (BoP), especially in rural communities of developing nations such as South Africa. Peredo & Chrisman (2006:309)⁷ and Parusottama *et al.* (2018),⁸ posit that community-based entrepreneurship is a concept that emerged from the need to provide sustainable local economic development among the poor populace mostly located in rural areas. Whilst Ratten and Welpé (2011)⁹ conclude that many governments globally have seen the benefits of CBE because of its potential to transform society and improve the standard of living of the people. Peredo and Chrisman (2006),¹⁰ emphasises that community-based enterprises are created by community members acting corporately as the solution to respond to poor communities to address poverty challenges through income generation for members of the community.

Community-owned enterprises have played a significant role in addressing poverty, fostering local economic development, and driving social transformation in various parts of the world. For example,

⁴ According to IGI Global, Informal trading is those unorganized small-scale, self-employment-creating activities which might involve individuals or unremunerated relatives of the business owner, a small number of hired workers or totally without any hired workers which the resource-poor engage in to increase household income generation opportunities.

⁵ Thwala, et al., 2023, '*Contribution of the informal sector towards sustainable livelihoods: evidence from*

⁶ Mkhize, Derera & Ganiya (2020). The role of sense of belonging on the success of community-based agricultural enterprises in KwaZulu-Natal, South Africa. *Journal of Contemporary Management*. Volume 17 (2): 1-20.

⁷ Peredo AM and Chrisman JJ. (2006). Toward a theory of community-based enterprise. *Academy of Management Review* 31(2):309-328.

⁸ Parusottama A, Trilaksono T, Soehadi AW. (2018). Community-Based Entrepreneurship: A Community Development Model to Boost Entrepreneurial Commitment in Rural Micro Enterprises. *MIX: Jurnal Ilmiah Manajemen*, Volume 8, No. 2, June 2018.

⁹ Ratten V and Welpé IM. (2011). Community-based, social and societal entrepreneurship. *Journal of Entrepreneurship and Regional Development* 283-286.

¹⁰ Peredo AM and Chrisman JJ. (2006). Toward a theory of community-based enterprise. *Academy of Management Review* 31(2):309-328.

the Working World (Argentina, United States), a nonprofit organisation that supports community-owned enterprises globally provides accessible loans, technical assistance, and mentorship to help grassroots initiatives start or expand their businesses. The design of legislation and policy at the national and global level uses concepts of entrepreneurship and economic development that fail to understand the effect and to some extent the implications on essential features of venturing into impoverished communities in developing countries, such as South Africa. The concept of entrepreneurship or enterprises applies to not only those who created means of production from an economic sense but even those who create economic activities for social and developmental reasons.

This research focuses on legislative, regulatory and policy impediments for these types of enterprises, community-owned, inclusive of cooperatives, social enterprises, informal traders, stokvels and any other forms of enterprises owned by individuals or members of a community for making an income. Many of these enterprises do not survive due to several problems such as access to financing, skills development, access to markets and compliance with regulations.

It is for these reasons that the NDA is commissioning a research study on the legislative, regulatory and policy environment in which these enterprises must thrive.

3. PROBLEM STATEMENT

A significant proportion of community-based, initiated, and owned are faced with several challenges for their survival and growth. A large proportion of them die in the first year of their lives. Many reasons are attributed to their failures, including the legislative and regulatory requirements they need to comply with in South Africa. The restrictive nature of the regulatory and legislative environment becomes barriers hindering growth and potential for economic empowerment and contribution. These barriers, which include restrictive policies, limited access to formal markets, and infrastructure constrain the ability of informal traders to expand their businesses and contribute more effectively to economic development. This study aims to identify and analyse these barriers to lobbying and advocating policy and regulatory reform proposals for a more conducive environment for all types of community-owned enterprises in South Africa.

4. PURPOSE AND AIM OF THE STUDY

This study aims to explore and understand the legislative and regulatory barriers, including policy frameworks and municipal Bylaws that impede full and active participation in the South African economy by community-owned enterprises. By identifying and analysing the impact of these barriers, the government would be able to review and amend legislation, regulations and policies to create an enabling environment for these enterprises to positively contribute to reducing poverty, unemployment

and inequalities. Policy and legislative reforms, if informed by facts, are more likely to be accepted by law and policymakers. The targeted beneficiaries of the reforms are also more likely to drive the urgency of the reports through pressure groups from those affected. Lobby and advocacy then become a better vehicle to drive the agenda.

5. KEY RESEARCH OBJECTIVES AND QUESTIONS

Key Research Objectives	Key Research Questions	Sub- Questions
<p>Objective 1: To identify and analyse the specific policy and regulatory barriers faced by community-owned enterprises to support their growth, sustainability, and contribution to the broader economy.</p>	<p>Key Question 1: What are the specific regulatory barriers faced by community-owned enterprises in South Africa, and how these barriers impact their operations, growth, sustainability and contribution to the broader economy?</p>	<ul style="list-style-type: none"> • What are the economic, social and development policies and regulatory barriers that stifle the participation of community-owned enterprises to be successful and contribute to poverty reduction and the economy in general in South Africa? • What were the original intent of these policies and regulations for enterprises? Are the original intentions of the policies and regulations still valid and meeting the needs of the current context? • Are informal traders (businesses) taken into consideration by these policies and regulations? How can these – informal traders – be seen as contributors to sustainable livelihoods, economic activity and broader economic growth?
<p>Objective 2: Investigate sector-based policies, regulatory frameworks, and programs intended to support community-owned enterprises, but which instead hinder their growth, sustainability, and contribution to increased economic growth.</p>	<p>Key Question 2: Which sector-based policies, regulatory frameworks, and programs intended to support community-owned enterprises hinder their growth, sustainability, and contribution to increased economic growth?</p>	<ul style="list-style-type: none"> • Which specific sector-based policies and regulatory frameworks are designed to support community-owned enterprises? • In what ways do these policies and regulatory frameworks impede the growth of community-owned enterprises? • How do these policies and regulatory frameworks affect the sustainability of community-owned enterprises? • Which types of businesses, operating in which sectors are impacted negatively by these policies and regulatory frameworks? What are the gaps in these policies and regulatory frameworks? • Does the nature, context and or the environment where these enterprises are operating contribute to the failures of these enterprises in running a successful enterprise? Can enhanced policy and regulatory environment mitigate the challenges and how? • How would community-owned enterprises benefit from enhanced policies and regulatory frameworks in achieving better and sustainable livelihoods for themselves and their families, particularly regarding income generation and economic stability? • Are there any common factors across different sectors that contribute to these impediments? • • What recommendations can be made to reform these policies and frameworks to better support the growth and sustainability of community-owned enterprises?
<p>Objective 3: Draw local, national and international lessons that have been effective in the design and application of similar policies and regulatory</p>	<p>Key Question 3: What types of local, national and international good practice lessons from economic, social and development policies and</p>	<ul style="list-style-type: none"> • What are the examples of policies, regulations, strategies and initiatives implemented in South Africa and other countries to reduce or eradicate poverty through inclusive economic participation of the informal sector? • What strategies and approaches can be used in the development of policies and regulatory frameworks in

<p>frameworks effectively – where such or similar policies and regulatory regimes have produced positive outcomes.</p>	<p>regulatory frameworks can be learned, adapted and applied within the South African context to support community-owned enterprises?</p>	<p>such unique challenges faced by community-owned enterprises, inclusive of informal enterprise formations and traders, such as limited access to finance, lack of legal recognition, and social exclusion?</p> <ul style="list-style-type: none"> • What lessons can be drawn from successful South African and international initiatives that could be applied to the South African context? • How can South Africa adapt and implement best practices to enhance the economic empowerment and inclusion of its informal sector
<p>Objective 4: To assess the extent to which economic, social, and development policies and regulations create conducive and supportive environments (ecosystems) for the growth and sustainability of community-owned enterprises in various geographical contexts</p>	<p>Key Question 4: To what extent do these economic, social and development policies and regulations create a conducive and supportive environment (ecosystems) for community-owned enterprises to grow and sustain their businesses in the different geographical and administrative environments?</p>	<ul style="list-style-type: none"> • Which geographical and administrative environments are impacted (positive & negative) by these policies (national, provinces and municipalities vs urban, township, informal settlement, rural? • What are the specific areas of impediments that need review, alignment, and development to enhance these enterprises' growth and sustainability in these different environments? • How do the geographical dynamics of these enterprises' environment impact the overall economy and local economy and their communities? • What are the implications of these policies and regulatory frameworks in the geographical and administrative location distribution of these types of enterprises to support their growth, sustainability and improved livelihoods in the communities they are operating?
<p>Objective 5: To recommend policy and legislative changes that promote economic empowerment and support the growth and sustenance of community-owned enterprises.</p>	<p>Key Question 5: What policy or legislative changes can be recommended to promote economic empowerment ,growth and sustenance of community-owned enterprises?</p>	<ul style="list-style-type: none"> • What are the key challenges and gaps in the current policy and legislative framework that hinder the development of the informal sector? • How resilience are these types of enterprises to economic growth, economic shocks and vulnerabilities when well structures and operate in conducive environment for community owned and informal enterprises. • What are the potential risks and challenges associated with relying on these types of enterprises for sustainable growth and livelihoods; economic growth and creating solidarity economy as an alternative to the current liberal and monopolistic economy? • What policy recommendations can be made to create a more supportive and enabling environment for small traders and entrepreneurs, especially for the economic active group?

6. RESEARCH METHODOLOGY

6.1. Research Design: The study proposes the utilization of mixed methods approach combining both quantitative and qualitative research methods to gain a comprehensive understanding of the legislative and regulatory barriers.

6.2. Data Collection

The service provider will be expected to source the data from different organisations, departments etc. The NDA will provide the appointed Service Provider with the letter of Introduction/Authorisation to serve

as formal permission for the service provider to request/access the necessary data for the study from identified stakeholders.

- **Literature Review (Peer-Reviewed and Grey):** Review existing academic journals, manuscripts, departments' reports, policies, conference proceedings etc, to understand the current regulatory landscape for both formal and informal business sectors. Also, official statistical data from government and research organisations.
- **Surveys** to gather quantitative data on the experience of community-owned enterprises with regulatory barriers.
- **Interviews:** In-depth interviews are to be conducted with key informants.
- **Focus Groups:** Focus group discussions to explore their experiences and perceptions of regulatory barriers in more depth and to further provide insights into the common challenges faced by community-owned enterprises and possible strategies for overcoming them.
- **Case Studies:** In-depth analysis few cases in selected areas (Urban, peri-urban, township, Rural) and business sectors (street vendors, spaza shops, informal waste pickers, stokvels, etc) to understand the restrictions of the legislation for their businesses to thrive.

***Note:** In collecting the data, the Service provider should consider the geographical coverage in the nine provinces, the appointed service provider can use their preferred data collection approach whether through a physical interview, telephone or through Teams platforms or any other technological approach .*

6.3. Data Analysis

- **Quantitative analysis:** The quantitative data from the surveys is to be analyzed using both descriptive (Mean, median, mode, standard deviation) to summarize the data and inferential statistics (Regression Analysis, ANOVA, chi-square tests, etc) to explore any patterns or any possible correlations, relationships or influences between groups.
- **Qualitative analysis:** The qualitative data should be analyzed thematically to identify key themes or patterns within the data and content analysis by systematically coding and categorizing the qualitative data.
- **Comparative analysis:** Compare the regulatory frameworks and practices in other countries to identify best practices and lessons to be learned within the South African context.

In interpreting the results, the service provider should integrate qualitative and quantitative findings to provide

6.4. Ethical Considerations

The study must adhere to research ethical principles, including obtaining informed consent from

participants, ensuring confidentiality, and protecting the anonymity of participants.

7. SCOPE OF WORK

- The study should focus on regulatory barriers at the national, provincial, and municipal levels.
- It should cover a range of regulatory aspects, including but not limited to licensing, taxation, competition law, consumer protection, environmental regulations, zoning, access to finance, Trade and industry regulations, etc.
- Data must be collected from urban, peri-urban, townships and rural areas across different provinces to ensure a comprehensive understanding of the issues.

8. DELIVERABLES

The research project will produce the following deliverables in line with the aim and objectives outlined above:

- **An Inception Report:** Inception report with a clear and detailed work plan outlining the project deliverables and their timeframes and technical methodological approach of how the study will be carried out; the proposed team members and their roles in the project to ensure the timely delivery of the research project.
- **A Literature Review Report:** This report will be used to set the agenda for Think Tank discussions on lobbying and advocating for policy changes. The literature must also have a summary of key literature findings that the NDA can use for setting the agenda for discussions whilst awaiting the evidence-based findings of the study from primary collected data.
- **A draft research report:** A draft report to be presented to the NDA, Social Development Portfolio, Monitoring, Evaluation, Research and Learning Committee and other key stakeholders for inputs and engagements as part of preparation for the final report.
- **Final research report:** A detailed report presenting the research findings, analysis, and recommendations, structured according to the research objectives. The research report must be between 120 – 200 pages (excluding the cover page, table of contents, references, and Appendix) on a 1.5-line spacing and justified. Font type and size - Arial 11. British (UK) English language, Intext citation must be used and parenthetical referencing using Harvard style referencing.
- **Policy Brief:** A policy brief on the study subject covering context, key findings, and key recommendations for legislative and policy changes (social, economic and development)

required for creating a supportive and enabling environment for informal businesses – this paper must be between 10-15 pages.

- **Policy Dialogue (virtual):** A presentation of the research findings and policy review recommendations to relevant stakeholders to disseminate findings and recommendations for regulatory reforms.

9. PROJECT TIME FRAME

- The project must be completed within **06 months** of signing the contract.
- Progress will be monitored based on the project plan provided by the service provider.

10. TECHNICAL EVALUATION (PHASE 1)

DESCRIPTION	WEIGHT
1. PROJECT PLAN	
1.1. Project Plan with clearly defined activities, team roles and responsibilities (resources) and timelines <i>(A Project Plan with no timelines, resources or activities will not be considered and will lead to a score of zero)</i>	5
2. RESEARCH METHODOLOGY	
2.1. Research methodology (clearly stipulate a proposed approach to be used in responding to the research objectives, indicating the population, proposed sampling strategies, size and rationale for such strategy and sample size, and data analysis instruments/techniques that will be used for both quantitative and qualitative data)	40
2.2. Stakeholder Mapping - identification and mapping of key stakeholders who will participate or might have an interest in or be affected by the research.	10
2.3. Ethical Consideration: Discuss how informed consent will be obtained and how participants' confidentiality will be ensured.	5
<i>Note: In stakeholder mapping, the proposal should consider a wide range of stakeholders, and categorize them e.g. Government Departments, Regulatory bodies, CSOs, Academic Institutions, Community-owned enterprises, Private sector representatives, Informal sector representatives, etc.</i>	
3. PROJECT TEAM QUALIFICATIONS	
3.1. A project leader with a minimum of master's degree qualification in public policy, economics, policy studies, social sciences, development studies or equivalent (NQF Level 9)	3

<p>3.2. A project leader with project management professional certification (PMI, Prince 2, Agile, Scrum, PgMP, CAPM etc.)</p>	<p>3</p>
<p>3.3. A minimum of four (4) research team members (excluding the Project lead) with Honours degree qualification (NQF Level 8) in the fields of economics, policy studies, development studies, social sciences, behavioural sciences or equivalent. <i>(8 points will be allocated to a minimum of four (4) researchers with qualifications provided, and a score of zero will be provided to three or fewer team members or non-related qualifications)</i></p>	<p>8</p>
<p><i>All certificates must be certified by the Commissioner of Oath (certification should be within 06 months). Failure to submit certified proof of qualifications and professional certifications will not be considered and will result in a score of zero.</i></p>	
<p>4. PROJECT TEAM AND COMPANY EXPERIENCE</p>	
<p>4.1. Experience of the Company: The company should submit a company profile indicating the experience. A minimum of 10 years experience in research. (A score of zero will be allocated to company experience below 10 years experience within the research space)</p>	<p>5</p>
<p>4.2. Client Reference Letters: The company should provide reference letters of previous research work rendered by the company in the past eight (8) years.</p>	
<p><u>The reference letters from clients of a bidder must include:</u></p>	
<ul style="list-style-type: none"> • Client letterhead and date of the letter • The letter must indicate the research scope, the duration of the project/study and the year in which the study was done. • Contact person, contact numbers and email address. • The letter must be signed by a duly authorised person. 	<p>10</p>
<p>1-2 Client reference letters = 2 points 3 - 4 Letters = 5 points 5 letters and more = 10 points</p>	
<p><i>Reference letters not meeting <u>all</u> of the prescribed criteria on point 4.2 will not be considered.</i></p>	
<p>4.3. Experience of the Team (Project leader and Support Team)</p>	
<p>4.3.1. The project leader must have a minimum of 10 years experience in leading research projects and published at least one research paper/manuscript in areas of economic development, development studies, social studies, business/entrepreneurship or related areas. A CV of not more than three pages</p>	<p>3</p>

should be submitted indicating both the research and project management experience. A peer-reviewed paper/s must be indicated in the CV and the hyperlink included.

4.3.2. A minimum of Four (4) support research team members with a minimum of 5 years experience in research. CVs of not more than three pages should be submitted for each team member indicating their research experience. Three or fewer CVs will not be considered and will lead to a score of zero as four is the minimum number of required research team members.

8

Failure to attach CVs for each member meeting the minimum experience requirements will lead to a score of zero. An Organogram of all the project team members including the lead must be provided and indicating their roles in the project. Failure to provide the Organogram indicating roles in the project will also lead to a score of zero.

TOTAL SCORE	100
MINIMUM QUALIFYING SCORE	75

Note: Bidders who score less than 75 points on technical evaluation will not be evaluated further.

TECHNICAL EVALUATION SCORE CLARIFICATION

1. PROJECT PLAN			WEIGHT
Clear	Partially Clear	Not Clear	5
4-5	2-3	0 – 1	
2. RESEARCH METHODOLOGY			
Clear	Partially Clear	Not Clear	40
30 – 40	10 – 29	0 – 9	
3. STAKEHOLDER MAPPING			
Clear	Partially Clear	Not Clear	10
7-10	4-6	0-3	
5. ETHICAL CONSIDERATION			
Clear	Partially Clear	Not Clear	5
4-5	2-3	0 – 1	

11. COMMERCIAL EVALUATION

- (a) Bids will be evaluated in accordance with the NDA's Supply Chain Management Policy and Preferential Procurement Policy, 2023, 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 (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).
- (b) 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.
- (c) Bid proposal must score a minimum of seventy-five (75) points 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 seventy-five (75) out of 100 will not be considered for further evaluation and will be disqualified.
- (d) 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), 10 points will be awarded for Enterprises owned by black people, 4 points for enterprise located in a specific Rural/Underdeveloped/Township (should the required locality merely be the Province, the full points will be applied to the Province), 2 points for Enterprises owned by black African women, 2 points for Enterprises owned by black African youth and 2 points for Enterprises owned by black African with disability. **The CSD I AM register report will be used to allocate points and the (80/20 system) will be applied in accordance with the table below:**

Specific Goal	Number of points (80/20 system)
Enterprises owned by black people (<i>must be included as a specific goal</i>)	10 points % shareholding by black people will determine the points
Enterprises located in a specific: <ul style="list-style-type: none"> • Rural / Underdeveloped/Township or work to be done or services to be rendered in that area. (BD 1 must be completed with full location and must be accompanied by proof of address to claim points).	4 points <ul style="list-style-type: none"> • Rural/Underdeveloped/Township p/: = 4 points should no declaration or proof be supplied, the bidder score zero but will not be disqualified. should the required locality be the Province, the full points will be applied to the Province. <i>points will be given if the enterprise has its registered head office or registered operational office in that location</i>

• Enterprises owned by black African women.	2 points % shareholding by the targeted group will determine points that are scored
• Enterprises owned by black African with disability.	2 points % shareholding by the targeted group will determine points that are scored
• Enterprises owned by black African youth.	2 points % shareholding by the targeted group will determine points that are scored

- (e) The highest ranked bidder will be awarded the bid. It should be noted also that the NDA reserves the right not to appoint any service provider and no service provider will be reimbursed for any costs incurred whilst participating in this bid.

12. JOINT VENTURES, CONSORTIUMS AND TRUSTS

A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.

A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity if the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.

Bidders must submit concrete proof of the existence of joint ventures and/or consortium arrangements. The NDA will accept signed agreements as acceptable proof of the existence of a joint venture and/or consortium arrangement.

When bidding through a Joint Venture, the Joint Ventures must submit a Consolidated B-BBEE certificate if it is not an incorporated entity when responding to tenders. This means that the bidder will have to obtain a new B-BBEE certificate for the Joint Venture, which consolidates each participant's B-BBEE status level.

13. CLIENT BASE

The NDA reserves the right to contact references during the evaluation and adjudication process to obtain information.

14. PACKAGING OF THE BID DOCUMENTS

The bidder shall place both the sealed Technical Proposal and Price/ Commercial Proposal envelopes into an outer sealed envelope or package, and must be clearly marked as follows:

14.1 Functionality/Technical Envelope

Bid Ref: **BID REF: NDA09/DMR01/24**

“UNPACKING REGULATORY BARRIERS: IMPEDIMENTS TO SUSTAINABLE ECONOMIC PARTICIPATION FOR COMMUNITY- OWNED ENTERPRISES IN THE SOUTH AFRICAN ECONOMY” OVER A PERIOD OF SIX (6) MONTHS

Bid closing date and time: **26th AUGUST 2024**

Name and address of the bidder:

In this envelope, the bidder shall only address the technical aspects of the bid as per **Section 5** of this document.

14.2 Pricing/Commercial Envelope

Bid Ref: **BID REF: NDA09/DMR01/24**

“UNPACKING REGULATORY BARRIERS: IMPEDIMENTS TO SUSTAINABLE ECONOMIC PARTICIPATION FOR COMMUNITY- OWNED ENTERPRISES IN THE SOUTH AFRICAN ECONOMY” OVER A PERIOD OF SIX (6) MONTHS

Bid closing date and time: **26th AUGUST 2024**

Name and address of the bidder:

In this envelope, the bidder shall only address the commercial aspects of the bid as per **Section 13** of this document.

15. PRICING

- (a) 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.
- (b) 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 indicated.
- (c) 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.
- (d) 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.
- (e) All prices submitted should be typed in black ink or written in pen, proposals written in pencil will not be accepted and evaluated.
- (f) A two-envelope system will be used for the submission of proposals.

16. TENDER VALIDITY

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

17. NDA PAYMENT TERMS

Invoices will be paid 30-days from the date of submission and approval. All invoices must be sent to the following e-mail address: Invoices@nda.org.za

18. MANDATORY DOCUMENTS

- (a) Valid Tax Clearance Certificate issued by the South African Revenue Services (SARS). Where consortium/joint ventures/sub-contractor are involved in each party to the association must submit a separate valid original Tax Clearance Certificate or SARS tax Pin or a CSD report. Alternatively, service providers must fully complete Standard Bid Document 1 (SBD 1) to give effect to the tax compliance status system.
- (b) Signed agreements for joint ventures and/or consortium arrangements.
- (c) Company registration documents (CIPC).
- (d) A letter/resolution authorising the person signing the bid documents and contracts.
- (e) All participating bidders must complete, sign and return ALL the attached SBD forms (SBD1, 3.3, 4&6.1) together with their proposals.

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

19. CENTRAL SUPPLIER DATABASE

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.

20. 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 the basis to finalise contract terms and conditions.

21. DISCLAIMER

- (a) 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 for any information communicated which is not accurate, current or complete.
- (b) 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 to allow the NDA to consider what corrective action is necessary (if any).
- (c) 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.
- (d) No representations made by or on behalf of NDA about 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.

22. ADDITIONS AND AMENDMENTS TO THE BID

- (a) The NDA reserves the right to change any information in, or to issue an 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.
- (b) Should the NDA exercise its right to change the information in terms of clause 22.1 all amendments will be communicated to all bidders.

23. CONTENT PAGE

Participating bidders are required to submit a detailed content page and page dividers clearly indicating (cross-referencing) where each of the technical requirements is placed in their bid documents exactly as outlined in **section 10** (technical evaluation criteria) of this TORs. Any additional information that the supplier would like to provide should be referenced as well on the content page.

24. PRICE NEGOTIATIONS

- (a) Where the bidder that scored the highest total points did not quote a reasonable or a market-related price, the NDA may negotiate with the bidder to offer a reasonable or market-related price, should the adjudicator agree to this;
- (b) Should the bidder scoring the highest total points not agree on a reasonable or market-related price, the NDA may cancel the bid or negotiate with the bidder that scored the second highest total points or the third highest total points, in that order.

25. SPECIAL COMMERCIAL CONDITIONS OF THIS BID

NDA reserves the right to;

- (a) To accept part of a tender rather than the whole tender.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) Award to multiple bidders based either on size or geographic considerations.

26. ETHICS AWARENESS TO SERVICE PROVIDERS

NDA pledges towards high ethical conduct in dealing with Service Providers

- *NDA is committed to highest standard of ethics in conducting its business and encourages all stakeholders to contribute towards building ethical culture within the organization.*
- *NDA shall not demand money from Service Providers to get work (tenders and quotations) from the organization.*
- *Suppliers are prohibited to induce NDA employees through gifts in order to directly and indirectly benefit business from NDA.*
- *NDA has a strict gift policy to ensure that gifts received from Suppliers are properly declared to ensure transparency.*
- *Any unethical behaviour that is compromising by NDA employees shall be reported to Fraud/ethics Hotline:0800 701 701*

I HAVE READ AND UNDERSTOOD THE NDA PLEDGE THAT PROMOTE HIGHLY ETHICAL CULTURE. I WILL, TO THE BEST OF MY ABILITY, ADHERE TO AND HONOUR THIS PLEDGE IN MY PROFESSIONAL DEALINGS WITH NDA.

Signature: Representative of the Service Provider

Date

Name: Representative of the Service Provider

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
		CLOSING DATE: 26th August			
		2024			
BID NUMBER: NDA09/DMR01/24		CLOSING TIME: 12H00 PM			
DESCRIPTION "UNPACKING REGULATORY BARRIERS: IMPEDIMENTS TO SUSTAINABLE ECONOMIC PARTICIPATION FOR COMMUNITY- OWNED ENTERPRISES IN THE SOUTH AFRICAN ECONOMY" OVER A PERIOD OF SIX (6) MONTHS					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
26 WELLINGTON ROAD, PARKTOWN, 2193					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON		Muzi Matsenjwa or Elizabeth Mngabashe		CONTACT PERSON	
TELEPHONE NUMBER		011 018 5562/5546		Dr Nthabiseng Kraai	
FACSIMILE NUMBER				TELEPHONE NUMBER	
E-MAIL ADDRESS		muzim@nda.org.za/		011 018 5507	
SUPPLIER INFORMATION				FACSIMILE NUMBER	
NAME OF BIDDER				E-MAIL ADDRESS	
POSTAL ADDRESS				nthabisengk@nda.org.za	
STREET ADDRESS (attach proof not older than 6 months)					
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]		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	
		<input type="checkbox"/> Yes <input type="checkbox"/> No		[TICK APPLICABLE BOX]	
				<input type="checkbox"/> Yes <input type="checkbox"/> No	
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?		<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]	
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
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.					

**PART B
TERMS AND CONDITIONS FOR BIDDING**

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

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

SIGNATURE OF BIDDER:

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

DATE:



PRICING SCHEDULE
(Professional Services)

NAME OF BIDDER:	BID NO.: NDA09/DMR01/24
CLOSING TIME 12H00	CLOSING DATE... 26th AUGUST 2024
...	

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.....

Name of Bidder:

.....	.....	R.....
.....	.....	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
Tel:011 018 5500
muzim@nda.org.za

Or for technical information –

Dr Nthabiseng Kraai

[Tel:011 018 5507](tel:0110185507)
nthabisengk@nda.org.za



SBD4

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state? **YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

¹ the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.



SBD4

Full Name	Identity Number	Name of State institution

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

2.2.1 If so, furnish particulars:

.....

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

2.3.1 If so, furnish particulars:

.....

3 DECLARATION

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

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



SBD4

- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS

² Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.



SBD4

1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature Date

.....
Position Name of bidder



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

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

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

1. GENERAL CONDITIONS

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

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

1.2 To be completed by the organ of state

(delete whichever is not applicable for this tender).

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

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

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

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

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

Where

- P_s = Points scored for price of tender under consideration
 P_t = Price of tender under consideration
 P_{min} = Price of lowest acceptable tender

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

3.2.1. POINTS AWARDED FOR PRICE

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

$$Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}}\right) \text{ or } Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}}\right)$$

Where

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

4. POINTS AWARDED FOR SPECIFIC GOALS

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

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Enterprises owned by black people (must be included as a specific goal)		10		
Enterprises located in a specific: Rural / Underdeveloped/Township for work to be done or services to be rendered in that area (SBD 1 must be completed with full location and must be accompanied by proof of address to claim points)		4		
Enterprises owned by black African women		2		
Enterprises owned by black African with disability.		2		
Enterprises owned by black African youth		2		

DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

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

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

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

