



## TERMS OF REFERENCE

**THE APPOINTMENT OF A SERVICE PROVIDER TO PERFORM A CYBERSECURITY RISK ASSESSMENT AND TO DEVELOP AN IT SECURITY STRATEGY FOR THE NATIONAL DEVELOPMENT AGENCY (NDA) WITHIN A PERIOD OF THREE (03) MONTHS**

**BID REF: NDA03/CS01/22**

<b>BRIEFING SESSION</b>	A COMPULSORY BRIEFING SESSION WILL BE HELD ON THE <b>19<sup>th</sup> OCTOBER 2022.</b>
<b>VENUE</b>	<p><b>MICROSOFT TEAMS:</b> Bidders who are interested in joining the compulsory briefing session MUST send their e-mail addresses to: <a href="mailto:MuziM@nda.org.za">MuziM@nda.org.za</a> and <a href="mailto:LungaMb@nda.org.za">LungaMb@nda.org.za</a> by 09h00 on the 19<sup>th</sup> October 2022 so that a link can be sent to them for joining the Microsoft Teams meeting.</p> <p><b>(Failure to join the briefing session will result in disqualification from the bidding process)</b></p>
<b>CLOSING DATE</b>	<b>31<sup>st</sup> OCTOBER 2022</b>
<b>CLOSING TIME</b>	<b>12h00</b>
<b>SUBMISSION OF DOCUMENTS</b>	<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 strictly submitted inside the tender box, which is at the main entrance of the NDA building and accessible 24/7.</p> <p><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></p>
<b>SUPPLIER ENVELOPES</b>	<p>The supplier's envelope/s MUST clearly have the description <b>"The appointment of service providers to perform a Cybersecurity Risk Assessment and to develop an IT Security Strategy within a period of three (03) months"</b>.</p>

	<p>A Two-envelope system will be used for the submission of bids:</p> <ul style="list-style-type: none"> <li>• <b>Commercial Envelope:</b> This envelope must contain price quotations plus all the mandatory documents as listed in section 17 of this document.</li> <li>• <b>Technical Envelope:</b> This envelope must contain all info listed in section 8 of this document.</li> </ul>
<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><b>Commercial Queries:</b> Contact <b>Mr Muzi Matsenjwa</b> or <b>Lunga Mbatha</b> on <b>011 018-5562/5623</b> between 08h30 to 17h00 on weekdays. Queries can also be sent in writing to <a href="mailto:MuziM@nda.org.za">MuziM@nda.org.za</a> or <a href="mailto:LungaMb@nda.org.za">LungaMb@nda.org.za</a>.</p> <p><b>Technical Queries:</b> Contact Person for technical queries Ms Lerato Dhlamini 011 018 5652/  <a href="mailto:LeratoDH@nda.org.za">LeratoDH@nda.org.za</a> and/or Mr Thabang Moloi 011 018 5505/<a href="mailto:Thabangm1@nda.org.za">Thabangm1@nda.org.za</a>.</p>	

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## **1. OVERVIEW OF NDA**

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

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

(a) carrying out projects or programmes aimed at meeting the development needs of poor communities; and

(b) strengthening the institutional capacity of other CSOs involved in direct service provision to poor communities.

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

(a) to promote-

(i) consultation, dialogue and sharing of development experience between CSOs and relevant organs of State; and

(ii) debate on policy development

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

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

- 1.5 The National Development Plan (NDP), the Medium-Term Strategic Framework (MTSF), Sector Plans and the United Nations Sustainable Development Goals (SDGs) guide the NDA's functions. The aim of the NDP is in line with the NDA's mandate. The NDP aims to reduce inequality and eliminate poverty by 2030.

## **2. BACKGROUND**

- 2.1 The NDA is a Microsoft based environment with 200 employees and has 43 virtual servers, 4 physical servers (x3 VMWare 6.7 and x1 windows). The ICT environment has the following key networking device: switches (FortiSwitch 224D) and Fortinet firewalls. The NDA has three cloud services (Mimecast, Office 365, and Azure) and centralised data centre with one recovery site.

## **3. PURPOSE AND RATIONALE OF THE BID**

- 3.1 The purpose of this bid is to appoint service provider from potential bidder (s) to perform a cybersecurity risk assessment, identify gaps, and develop an ICT Security Strategy and implementation plan for the NDA.

## **4. SCOPE OF WORK**

The NDA would like to adopt an integrated approach to information security and build a capability in a sustainable manner, hence the scope requires a holistic approach from cybersecurity risk assessment, identify gaps, develop an ICT Security Strategy and an implementation plan.

The scope of the project should include, but not limited to the following:

### **4.1 ICT / Cybersecurity risk assessment**

- 4.1.1 The bidder should conduct a comprehensive vulnerability assessment to the entire ICT infrastructure and not be limited to the stated forms of assessments:

- Network Scanning
- Port Scanning
- System Identification
- Operating System Configuration
- Vulnerability Scanning
- Spoofing

- LAN, DMZ & WAN
- Wi-Fi Infrastructure
- Firewall Rules Review
- Denial Of Service Attacks
- Server Infrastructure including Virtual servers and Network Nodes

#### 4.1.2 Penetration Testing (White, Grey and Black Box)

The testing must be non-disruptive and nonintrusive. Any potential disruptive techniques must to be disclosed for the NDA management to determine how the testing will proceed.

The bidder should perform the pen testing using white, grey and the black box approach and cover the following but not limited to:

- Pentest of vulnerabilities identified in the NDA
- Internal environment – including reporting
- Unauthenticated testing from the perspective of an attacker on the internal network including full port scanning, service enumeration and exploitation.
- External Environment – including reporting Domain: [www.nda.org.za](http://www.nda.org.za) and subdomains.
- Internal Networks (LAN, Wi-Fi & Remote) penetration testing.
- DMZ “demilitarized zone” Penetration testing.
- Authenticated Web Applications penetration testing.
- Social engineering attacks such as phishing and malicious USB attacks
- Remote Access for Users/Network VPN Testing.

#### 4.2 Identify gaps

The bidder should identify gaps against the cybersecurity framework/s i.e., ISO 27001 and should use a work protected approach which includes identification of gaps on ICT Platforms, procedures, controls, data, and people as listed but not limited to:

- Critical Systems and Applications Configuration Analysis
- Physical Security review (data centre)
- Current Policy & Procedures review
- Mobile Devices
- Wireless connection

- Conduct cybersecurity response maturity assessment using applicable tools.
- Test current security controls
- All hosted services (i.e., Microsoft platforms, Mimecast etc.)

#### 4.3 Develop an ICT Security Strategy

The bidder must develop an ICT Security Strategy containing the essential elements of the cybersecurity, but not limited to:

- **Identifying** the NDA's awareness of information security to effectively identify and creation of a sustainable information security governance framework (including Policy, Standards and Processes) to provide a consistent approach to managing information security risks, both internally and at key third party suppliers.
- **Protecting** the NDA by developing a strategy that includes additional controls to manage ICT environment and user access. Strategy to improve on effective user training and to increase overall awareness of information security risks and threats.
- **Detect** by providing guidance on appropriate systems, capabilities, processes, and procedures to detect information security events as early as possible.
- The ability to effectively **respond** and **recover** from any information cybersecurity incidents, to maintain effective operations across the NDA and retaining stakeholder confidence. The strategy should include plans for business resilience and to restore any key services that might be impaired by an information security event in an efficient and effective manner.
- Ensure that the strategy is underpinned by supporting proper **governance, policy, and data ownership** to provide the required control that will allow the NDA to demonstrate its consistent approach to cybersecurity and threats.

#### 5. DELIVERABLES

The NDA is expecting to receive the following deliverable:

- 5.1 ICT / Cybersecurity Assessment Report (Inclusive of the ICT Vulnerability Test Results, Systems and Pen testing assessment).
- 5.2 Security Gap analysis report (Findings per area).
- 5.3 Revised ICT Security policy and procedures.
- 5.4 Cybersecurity response maturity results.
- 5.5 Revised and approved ICT Security Strategy with implementation plan.



## **6. AD HOC SERVICES (NON SCORABLE REQUIREMENTS)**

6.1 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.

## **7. Proposed Duration**

7.1 The project to perform a cybersecurity risk assessment, identify gaps, develop an ICT Security Strategy and an implementation plan should be completed within three (3) months post signing of an agreement.

7.2 Service provider(s) that are currently executing contractual assignments for the NDA on forensic audits and/or any related work, or have executed such work within the previous 6 months of the date of advertisement of this TOR will not be considered for this assignment.

## 8. TECHNICAL EVALUATION CRITERIA

ITEM	EVALUATION CRITERIA	DESCRIPTION	POINTS ALLOCATION		WEIGHT
			DETAILED DESCRIPTION	RATING	
1.	Scope of work	Bidder must provide a detail framework/s to be used to perform the assessment as stipulated in section 4 and 5.	No framework provided.	0	40
			Framework provided; scope is partially covered, and the NDA will assess the quality of the solution provided.	05-15	
			Framework provided; scope is fully covered, and the NDA will assess the quality of the solution provided.	16-40	
2.	Experience	Profile of the bidder, including experience of the bidder in providing similar services to both private and public clients with a minimum of 3 years' experience in ICT / Cybersecurity	No profile provided.	0	10
			Profile provided, providing details required with 3 years' experience.	05	
			Profile provided, providing details required with 5 years' experience.	10	
3.	References	The bidder should provide reference letters on a client letterhead. The letters should be signed, indicate the scope of work not more than five years and must have contactable references.	No reference letters attached.	0	10
			Three Letters = 6 points	10	
			Four Letters = 8 points Five letters or more = 10 points (2 points per letter).		

ITEM	EVALUATION CRITERIA	DESCRIPTION	POINTS ALLOCATION		WEIGHT
			DETAILED DESCRIPTION	RATING	
4.	Work plan	Detailed plan provided. The plan details how the proposed solution will be implemented and covers all proposals and provides timelines. The NDA will assess the quality of the plan provided.	No plan provided.	0	10
			The plan partially addresses the scope on how to deliver section 4 and 5 of the TOR and will be implemented within <b>3 months</b> . The NDA will assess the quality of the plan provided.	01- 05	
			The plan fully details how the proposed solution within <b>3 months</b> and covers the scope on how to deliver section 4 and 5 of the TOR. The NDA will assess the quality of the plan provided.	06 -10	
5.	Certifications	Provide certifications of resources who will be responsible for the proposed solution e.g., Certified Information Security Manager (CISM) certification, Certified Information Systems Auditor (CISA) certification, Certified in Risk and Information Systems Control (CRISC) certification, CompTIA Security+ Certification, CompTIA Advanced Security Practitioner (CASP+); Certified Information Systems Security Professional (CISSP), Systems Security Certified Practitioner (SSCP); Global Information Assurance Certification (GIAC) Security Essentials Certification (GSEC) ; GIAC Certified Incident Handler (GCIH); Offensive Security Certified Professional (OSCP); and Certified Ethical Hacker (CEH); and any other Cybersecurity certification not listed.	No proof submitted.	0	30
			Certified Certifications provided, meeting the proposed solution with at least four certifications related to Cybersecurity. (5 points per certificate)  Certified Ethical Hacker (CEH)	20	

ITEM	EVALUATION CRITERIA	DESCRIPTION	POINTS ALLOCATION		WEIGHT
			DETAILED DESCRIPTION	RATING	
		All the certifications should be certified as a duplicate of the primary certification to guarantee its authenticity. Failure to submit certified certificates will lead to a score of zero.			
<b>TOTAL SCORE</b>					<b>100</b>
<b>MINIMUM QUALIFYING SCORE</b>					<b>80</b>

**Note:** Bidders who score less than 80 on functionality evaluation will not be evaluated further to phase 2 (commercial evaluation)

## 9. COMMERCIAL EVALUATION (PHASE 2)

9.1. 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 a maximum of 20 points will be awarded for attaining the Broad-Based Black Economic Empowerment (B-BBEE) status level of contribution.

9.2. The bid proposals received will be evaluated in two (2) phases. On the first phase, bids will be evaluated on functionality on the second phase following the 80/20 preference points system respectively.

9.3. Bid proposal must score a minimum of eighty (80) points or more out of a hundred (100) points on functionality to qualify for advancement to the next phase of evaluation. In the second phase, a bid proposal scoring less than 80 out of 100 will not be considered for further evaluation and will be disqualified.

9.4. 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 the 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 under the table below:

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	14
4	12

5	8
6	6
7	4
8	2
<b>Non-compliant contributor</b>	0

9.5. 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.

9.6. 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.

9.7. Bidders are requested to complete the preference claim form (SBD 6.1) to claim preference points.

9.8. 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.

## **10. 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.

#### **11. SUB-CONTRACTING**

Bidders/ tenderers who want to claim Preference points will have to fully comply with regulation 5 and 12(3) of the Preferential Procurement Regulations 2017 about sub-contracting which states that:

"(5) A tenderer may not be awarded points for B-BBEE status level of contributor if the tender documents indicate that the tenderer intends subcontracting more than 25% of the value of the contract to any other person not qualifying for at least the points that the tenderer qualifies for unless the intended subcontractor is an EME that has capability to execute the subcontract.

12 (3) A person awarded a contract may not subcontract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level of contributor than the person concerned unless the contract is subcontracted to an EME that has the capability and ability to execute the subcontract.

#### **12. CLIENT BASE**

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

#### **13. 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:

### **13.1. Functionality/Technical Envelope**

**Bid Ref:** NDA03/CS/22

**Description:** THE APPOINTMENT OF A SERVICE PROVIDER TO PERFORM A CYBERSECURITY RISK ASSESSMENT AND TO DEVELOP AN IT SECURITY STRATEGY FOR THE NATIONAL DEVELOPMENT AGENCY (NDA) WITHIN A PERIOD OF THREE (03) MONTHS

Bid closing date and time: 31<sup>st</sup> October 2022 at 12h00

Name and address of the bidder:

**NB: In this envelope, the bidder shall only address the technical aspects of the bid as per Section 8.**

### **13.2. Pricing/Commercial Envelope**

**Bid Ref:** NDA03/CS01/22

**Description:** THE APPOINTMENT OF A SERVICE PROVIDER TO PERFORM A CYBERSECURITY RISK ASSESSMENT AND TO DEVELOP AN IT SECURITY STRATEGY FOR THE NATIONAL DEVELOPMENT AGENCY (NDA) WITHIN A PERIOD OF THREE (03) MONTHS

**Bid closing date and time:** 31<sup>st</sup> October 2022 at 12h00

**Name and address of the bidder:**

**NB: In this envelope, the bidder shall only provide the price/commercial proposal and the Mandatory documents outlined in section 17 of the Terms of Reference.**

## **14. PRICING**

14.1. 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.

14.2. 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 indicated.



14.3. 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.

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

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

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

## **15. TENDER VALIDITY**

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

## **16. NDA PAYMENT TERMS**

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

## **17. MANDATORY DOCUMENTS**

17.1 Tax Clearance Certificate issued by the South African Revenue Services (SARS) or SARS Pin or CSD Report. 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. Alternatively, service providers must fully complete Standard Bid Document 1 (SBD 1) to give effect to the tax compliance status system.

17.2 Signed agreements for joint ventures and/or consortium arrangements.

17.3. Company registration documents with the relevant authority (CIPC).

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

17.5. All participating bidders must complete, sign and return (SBD1, 3.3,4 and 6.1) attached together with their proposals.

17.6 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.

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

## **18. CENTRAL SUPPLIER DATABASE**

18.1. 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.

## **19. 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.

## **20. DISCLAIMER**

20.1. 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 for any information communicated which is not accurate, current or complete.

20.2. 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 to allow the NDA to consider what corrective action is necessary (if any).

20.3. 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.

20.4. 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.

## **21. ADDITIONS AND AMENDMENTS TO THE BID**

21.1. 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.

21.2. Should the NDA exercise its right to change the information in terms of clause 24.1 all amendments will be communicated to all bidders.

## **22. 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 8** (technical evaluation criteria) of this Terms of reference. Any additional information that the supplier would like to provide should be referenced as well on the content page.

## **23. PRICE NEGOTIATION**

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.

## **24. SPECIAL CONDITIONS OF THIS BID**

NDA reserves the right to;

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

24.2 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.

24.3 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.

24.3 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.

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

**25. SERVICE PROVIDERS WITH CURRENT ENGAGEMENTS WITH THE NDA**

Service provider(s) that are currently executing contractual assignments for the NDA on IT systems and/or any related work, or have executed such work within the previous 6 months of the date of advertisement of this Terms of Reference will not be considered for this tender.

## PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	NDA03/CSO1/22	CLOSING DATE:	31 October 2022	CLOSING TIME:	12:00
DESCRIPTION	The Appointment of a service provider to perform a cybersecurity risk assessment and to develop an IT security strategy for the National Development Agency (NDA) within a period of three (03) months				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
26 Wellington Road					
Parktown					
Johannesburg					
2193					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Muzi Matsenjwa/Lunga Mbatha		CONTACT PERSON	Lerato Dlamini/Thabang Moloji	
TELEPHONE NUMBER	011 018-5562/5623		TELEPHONE NUMBER	011 018 5652/011 018 5505	
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	<a href="mailto:MuziM@nda.org.za">MuziM@nda.org.za</a> / <a href="mailto:LungaMb@nda.org.za">LungaMb@nda.org.za</a>		E-MAIL ADDRESS	<a href="mailto:LeratoDH@nda.org.za">LeratoDH@nda.org.za</a> / <a href="mailto:Thabangm1@nda.org.za">Thabangm1@nda.org.za</a>	
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX]		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX]	
	<input type="checkbox"/> Yes <input type="checkbox"/> No			<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.: .....
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.....

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 –

National Development Agency  
26 Wellington Road  
Parktown

Tel: 011 018 5500

Or for technical information –

Lerato Dhlamini/Thabang Molo

Tel: 011 018 5652/011 018 5505



Name of Bidder: .....

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**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 interest<sup>1</sup> 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.

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<sup>1</sup> 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.



**NDA**

National  
Development  
Agency

**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



**SBD4**

statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>2</sup> 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

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<sup>2</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.



**SBD4**

criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

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

..... Signature	..... Date
..... Position	..... Name of bidder



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

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

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

**1. GENERAL CONDITIONS**

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

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

1.2

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

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

1.4 The maximum points for this bid are allocated as follows:

	POINTS
<b>PRICE</b>	
<b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>	
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

## 2. DEFINITIONS

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

## 3. POINTS AWARDED FOR PRICE

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

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

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

Where

- $P_s$  = 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:

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

(Tick applicable box)

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

- 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 least 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		



Black people who are military veterans		
<b>OR</b>		
Any EME		
Any QSE		

**8. DECLARATION WITH REGARD TO COMPANY/FIRM**

8.1 Name of  
 company/firm:.....

8.2 VAT registration  
 number:.....

8.3 Company registration  
 number:.....

**8.4 TYPE OF COMPANY/ FIRM**

- Partnership/Joint Venture / Consortium
- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

[TICK APPLICABLE BOX]

**8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

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

**8.6 COMPANY CLASSIFICATION**

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

8.7 Total number of years the company/firm has been in business:.....

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a

fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

- (a) disqualify the person from the bidding process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution.

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

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