



## TERMS OF REFERENCE

### A CALL FOR PROPOSALS TO EVALUATE THE CRIMINAL ASSET RECOVERY ACCOUNT (CARA) FUND TO GENDER-BASED VIOLENCE AND FEMICIDE (GBV & F) IMPLEMENTED BY THE NATIONAL DEVELOPMENT AGENCY (NDA) THROUGH CIVIL SOCIETY ORGANIZATIONS (CSO's) OVER A PERIOD OF 06 MONTHS

#### BID REF: NDA14/DMR04/22

<b>BRIEFING SESSION</b>	A COMPULSORY BRIEFING SESSION WILL BE HELD ON THE ON THE 01 <sup>st</sup> MARCH 2022 @ 10H00
<b>VENUE</b>	<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> by 09h00 on the 01 <sup>st</sup> March 2022 so that a link can be sent to them for joining the Microsoft Teams meeting.
<b>CLOSING DATE</b>	09 <sup>th</sup> March 2022
<b>CLOSING TIME</b>	12H00
<b>SUBMISSION OF DOCUMENTS</b>	All proposals must be delivered at the NDA Head Office on or before the closing date and time. The Head Office address is 26 Wellington Road, Parktown, Johannesburg, 2193. Submissions must be strictly submitted inside the tender box, which is at the main entrance and accessible 24/7. <b><i>Service providers outside of Gauteng are advised to send their documents by courier.</i></b>

TOR – A CALL FOR PROPOSALS TO EVALUATE THE CARA FUND TOWARDS GBV & F IMPLEMENTED BY THE NDA THROUGH CSO's OVER A PERIOD OF 06 - MONTHS

	<i>NDA will not take responsibility for documents sent via postal services.</i>
<b>SUPPLIER ENVELOPES</b>	<p>The supplier's envelope/s MUST clearly have the description: " <b>A CALL FOR PROPOSALS TO EVALUATE THE CARA FUND TO GBV &amp; F IMPLEMENTED BY THE NDA THROUGH CSO's OVER A PERIOD OF 06 – MONTHS</b>".</p> <p>A TWO-ENVELOPE system will be used for the submission of bids:</p> <p><b>Commercial Envelope</b> This envelope must contain price quotations plus all the mandatory documents as listed in section 13 of this document.</p> <p><b>Technical Envelope</b> This envelope must contain all info listed in section 8 of this document.</p>
<b>LATE BIDS</b>	Bids received after the closing date and time will not be accepted for consideration and where practicable, will be returned unopened to the Bidder(s).
<p>Contact person for Commercial Queries is Ms Zibuyile Zulu or Muzi Matsenjwa on 011 018-5546/5562 between 08h30 to 17h00 on weekdays. Queries can also be sent in writing to <a href="mailto:ZibuyileZ@nda.org.za">ZibuyileZ@nda.org.za</a>/<a href="mailto:MuziM@nda.org.za">MuziM@nda.org.za</a>. Contact person for Technical Queries is Mr Simon Baloyi on +27 79 497 2121 or <a href="mailto:simonb@nda.org.za">simonb@nda.org.za</a></p>	

TOR – A CALL FOR PROPOSALS TO EVALUATE THE CARA FUND TOWARDS GBV & F IMPLEMENTED BY THE NDA  
THROUGH CSO's OVER A PERIOD OF 06 - MONTHS

**TABLE OF CONTENTS**

- 1. BACKGROUND..... 6
- 2. AIMS AND OBJECTIVES OF THE EVALUATION..... 7
- 3. SCOPE OF WORK..... 9
- 4. DELIVERABLES..... 11
- 5. TECHNICAL EVALUATION ..... 12
- 6. COMMERCIAL EVALUATION ..... 12
- 7. PRICING ..... 14
- 8. TENDER VALIDITY..... 15
- 9. NDA PAYMENT TERMS ..... 15
- 10. MANDATORY DOCUMENTS..... 15
- 11. CENTRAL SUPPLIER DATABASE ..... 15
- 12. CONTRACT AWARD ..... 16
- 13. DISCLAIMER..... 16
- 14. ADDITIONS AND AMENDMENTS TO THE BID..... 16
- 15. PRICE NEGOTIATION ..... 17
- 16. SPECIAL CONDITIONS OF THE BID ..... 17
- 17. TAX COMPLIANCE ..... 17
- 18. TENDER DEFAULTERS AND RESTRICTED SUPPLIERS..... 17

TOR – A CALL FOR PROPOSALS TO EVALUATE THE CARA FUND TOWARDS GBV & F IMPLEMENTED BY THE NDA  
THROUGH CSO's OVER A PERIOD OF 06 - MONTHS

### List of Abbreviations

CARA	Criminal Asset Recovery Account
COVID	Corona Virus Disease
CSOs	Civil Society Organizations
DSD	Department of Social Development
ERAP	Emergency Response Action Plan
GBV&F	Gender Based Violence and Femicide
IJS DevCom	Integrated Justice System Development Committee
JCPS	Justice Crime Prevention and Security Cluster
NDA	National Development Agency
STATSSA	Statistics South Africa
ToRs	Terms of References
VEP	Victim Empowerment Programme
ERAP	Emergency Response Action Plan

TOR – A CALL FOR PROPOSALS TO EVALUATE THE CARA FUND TOWARDS GBV & F IMPLEMENTED BY THE NDA  
THROUGH CSO's OVER A PERIOD OF 06 - MONTHS

## 1. Introduction

The NDA derives its mandate from the National Development Act No. 108 of 1998, as amended, to contribute towards eradication of poverty and its causes by granting funds to civil society organisations (CSOs) and strengthening the capabilities of civil society organisations involved in direct service provision to poor communities. The Act also states on its secondary mandate that the objects of the NDA promotes:

- i) *Consultation, dialogue and sharing of development experience between civil society organisation and relevant organs of state,*
- ii) *Debate on development policy and to undertake research and publication aimed at providing the bases for development policy*

The NDA also contributes towards poverty eradication and its causes by granting funds to civil society organizations (CSOs) to implement development projects in poor communities and to strengthen the institutional capacity of CSOs that provide services to poor communities.

The Department of Social Development (DSD) is mandated to deliver welfare services in line with the Governments Strategic priorities as well as legislative frameworks and policies. One of the legislative frameworks is the Policy on Financial award to Service providers. This Policy responds to the financial need of civil society organizations to provide statutory services to society. The Policy aims to finance service providers and civil society organization (CSO) in the social development sector. Since 2007, the DSD, through the Victim Empowerment Directorate has been receiving the Criminal Asset Recovery Account (CARA) Funding in three-year cycles. The objective of the CARA DSD funding is to strengthen CSO's and shelters within the Victim Empowerment Sector. The DSD is further responsible for reporting on VEP and GBV implementation to the Integrated Justice System Development Committee (IJS DevCom), which is the Sub-committee of the Justice, Crime Prevention and Security Cluster (JCPS)

The advent of COVID-19 in South Africa in 2020 has seen the increase in gender violence and femicide in making quotas of South African Communities. The Interim Steering Committee on Gender-Based Violence and Femicide is tasked with the responsibility to coordinate the implementation of the Emergency Response Action Plan (ERAP). The Department of Social Development (DSD) as a lead Department for the Victim Empowerment Programme (VEP) was requested to combine the CARA funds with the funding from the ERAP to increase their strengthening capacity to Civil Society Organisations (CSOs) that provide services to survivors and victims of Gender-Based Violence (GBV).

In 2019, the National DSD (NDSD) appointed the NDA to implement the Criminal Asset Recovery Account (CARA) for the period of 24 months. It is to this end that the NDSD has entered into the Memorandum of Understanding with the NDA to disburse funds to the CSO

TOR – A CALL FOR PROPOSALS TO EVALUATE THE CARA FUND TOWARDS GBV & F IMPLEMENTED BY THE NDA THROUGH CSO's OVER A PERIOD OF 06 - MONTHS

offering services to GBV victims and communities. The NDA and the DSD intend to conduct an implementation evaluation study of the CARA fund to the gender-based violence and femicide programme. This is a formative assessment that seeks to ascertain the extent to which the funding agreement between the DSD and NDA as well as the extent to which the CSOs appointed by the NDA are implementing the CARA funded programmes as defined by the Social Development and the GBV&F Interim Steering Committee.

## 2. Background

The 2019 Memorandum of Agreement entered by the National Department of Social Development required the NDA to be implementing partner and facilitate the funding of CSO that will implement the CARA programme. The programme was meant for the identification and appointment of CSOs that operate in the following areas that are critical in the successful implementation of the VEP and GBV:

- *Lobby Access to justice for victims and survivors* - to date, the criminal justice system has been inadequate in responding to the crisis of rape, domestic violence, femicide, child homicide and related forms of gender-based violence in South Africa.
- *Change norms and behaviour through high-level prevention efforts* - taking immediate steps to influence and change norms and behaviour is critical towards stopping GBV from occurring while sending out a firm message to all in South Africa that violence against women and children cannot be tolerated, as it violates Constitutional rights.
- *Urgently Respond to Victims and Survivors of GBV* - survivors of gender-based violence have continued to face the secondary trauma of not being able to access the necessary support and justice, as an additional violation of their human dignity. A key principle underlying an effective response to gender-based violence is that the rights and needs of survivors are paramount. Access to respectful and supportive services that guarantees confidentiality, safety and survivor agency is also critical.
- *Strengthen accountability and architecture to adequately respond to the scourge of gender-based violence and femicide* - the multi-sectoral model agreed by government and civil society calls for holistic inter-organisational and inter-agency cooperation and collaboration and active participation by people affected by gender-based violence and femicide.

When the Covid-19 broke out in South Africa in 2020 the NDA was already in the process of implementing the first phase of CARA programme. The CSOs had to revise the implementation plans to align with the effects the Covid-19 had caused to the programme. The revision of the implementation plans took place because the CSO's applied for more funding that the amount to be disbursed) I suggest you remove this part.

In doing so the NDA has been required, amongst others; Activities, to:

- Conduct physical verification of recommended CSOs.
- Evaluate and recommend CSOs that qualifies for funding.
- Monitor programme implementation by funded CSOs.

TOR – A CALL FOR PROPOSALS TO EVALUATE THE CARA FUND TOWARDS GBV & F IMPLEMENTED BY THE NDA THROUGH CSO'S OVER A PERIOD OF 06 - MONTHS



The programme was designed to have 330 CSOs, of which 30% should be emerging CSOs from identified communities. The project is designed to run for 24 months, commencing in March 2020 until February 2022.

These provinces have a combined total of 314 CSOs identified and contracted to be involved in the CARA programme.

#	Province	Number of the CSOs
1	Eastern Cape	64
2	Free State	21
3	Gauteng	83
4	KwaZulu Natal	16
5	Limpopo	58
6	Mpumalanga	25
7	Northern Cape	13
8	North West	9
9	Western Cape	25
	<b>Total</b>	<b>314</b>

Table 1. Number of CSO funded per province

By the end of December 2020, the NDA managed to implement the CARA programme whereby the Department of Social Development had transferred R 95 million for funding of 169 CSOs evaluated by the NDA.

Among the key outcomes expected from this CARA programme as implemented by the CSO's would be the improved access to services for GBV survivors including the following:

- A better-informed public about the rights and responsibilities through public education campaigns around survivor's rights (women, children and LGBTQI+ persons) under the law, challenging the use and acceptability of GBV, patriarchy and related forms of discrimination and inequalities;
- Improved access to care, support and prevention services and interventions through strengthened support for those involved in response and prevention, including civil society stakeholders;
- Strengthened accountability and architecture to adequately respond to the scourge of GBV; and
- Increased access to economic opportunities that set out to meaningfully address women's social and economic vulnerability.

### 3. AIMS AND OBJECTIVES OF THE EVALUATION STUDY

The aims of this study is threefold;

1. Evaluate the extent to which the contract between DSD and NDA was implemented in terms of;
  - i. Financial disbursements

TOR – A CALL FOR PROPOSALS TO EVALUATE THE CARA FUND TOWARDS GBV & F IMPLEMENTED BY THE NDA THROUGH CSO's OVER A PERIOD OF 06 - MONTHS

- ii. Submission of reports
  - iii. Establishment of Governance structures and their functioning
  - iv. The appropriateness of the partnership between the NDA and DSD in implementing the CARA programme to CSO's
2. Evaluate and examine the process to which the NDA appointed CSOs
- i. Assess and evaluate the processes used by the NDA in the selection, appointment and management of the organisations to provide the GBVF services for the CARA programme;
  - ii. Assess and evaluate the management, coordination and reporting systems by the NDA in the implementation of the programme
  - iii. Assess and evaluate the capacities of the appointed CSOs on delivering the GBV services in the areas they are servicing;
3. Assess the extent to which the appointed CSO's implemented their CARA funded GBVF projects
- i. Measure and evaluate the quality and quantity of services the CSOs been delivered with the CARA funds on the range of interventions they provided to communities;
  - ii. Assess the extent to which this VEP CARA funded project is contributing to the goal of the National Strategic Plan on Gender-Based Violence of ending gender-based violence and femicide.
4. Recommendations on how the CARA programme can be improved.

#### **4. PROPOSAL METHODOLOGY**

The methodology proposed by prospective evaluators interested in conducting this evaluation must be cognisance of the current COVID-19 regulations and restrictions, especially where primary data would need to be collected from subjects through interviews. Notwithstanding the COVID period, the methodology proposed must be robust and comprehensive to meet the objectives stated above, in the following:

TOR – A CALL FOR PROPOSALS TO EVALUATE THE CARA FUND TOWARDS GBV & F IMPLEMENTED BY THE NDA THROUGH CSO's OVER A PERIOD OF 06 - MONTHS



- Representative sample (sample size) of the organisations(CSO`s) currently implementing the CARA programme across all nine (9) provinces
- A representative sample of respondents for interviews, records, key informants etc, across all NDA and DSD Officials identified to participate in this evaluation
- Robust interview schedules, guides designed and developed for evaluating the programme;
- Robust data collection, data capture and data analysis to be used in the evaluation of this programme, including data triangulation where would be appropriate.

The study must review all available documents produced that are relevant to the programme. These documents include the DSD & NDA contract, TOR for governance structures and the minutes of their meetings, Project documents; concept documents, CSO contracts with NDA; documents used during selection of the CSO to deliver the programme; CARA progress reports submitted by the CSOs to the NDA, CARA progress reports submitted by NDA to DSD, NDA Templates used for reporting (all provinces); Monitoring reports; Average duration of contracts between CSO`s and NDA, Statistical reports on compliance of CSO`s to their contract; Turnaround time between the signing of the contract and payment; National NDA reports to the National Department of Social Development( both Progress and Financial). Provincial monitoring reports. Evaluators must analyse the reports to evaluate the performance of the CSO`s in delivering the programme funded by CARA as well as the performance of NDA to disburse funds to CSO`s. Information to be analysed should include the relevance of the funded programme to contributing to GBVF. The document review will also be used to ascertain how the funded CSOs are being mentored and the levels in which they were assisted in handling the community cases related to GBV.

## **5. SCOPE OF WORK**

The evaluation study covers NDA's involvement in the CARA project managed by the DSD and the CSO involvement in CARA interventions since their appointments by the NDA. The Study must also cover the capacity of NDA as an implementing partner for DSD; the services rendered by both established and emerging CSO as stipulated in their service level agreements.

The evaluation will use the contractual agreement between DSD and NDA, documentation of the governance structures for the project ( e.g Project Steering Committee; ) project funding

TOR – A CALL FOR PROPOSALS TO EVALUATE THE CARA FUND TOWARDS GBV & F IMPLEMENTED BY THE NDA THROUGH CSO's OVER A PERIOD OF 06 - MONTHS

documents and delivery information that was collected by the NDA and the CSOs for the period under review as part of document review and analyses for the study. These will include the funding agreements, proposals and intervention performance reports generated by CSO managers. The study will further collect primary data through interviews from selected projects. The information-gathering of the study will cover information key informants such as NDA Development Officials, DSD Provincial Coordinators in the areas of implementation and relevant DSD and NDA Officials at the national level. The scope of this evaluation study will cover the key areas of the CARA funding; operations, including processes and systems supporting operations of the programme.

- i) A review of the Contract between DSD and NDA; documents from the Governance structure formed specifically for CARA fund, Reports submitted by NDA to DSD,
- ii) Document review and evaluative analysis of the CARA programme implemented by the CSOs, which include concept documents and funding proposals), reports and any other documents that would be relevant for assessment and benchmarking similar interventions as implemented elsewhere in the country and the world.
- iii) Review and analyse data captured during the implementation of the programme, capture and code information collected that is on a paper format for purposes of analysing the data for the evaluation.
- iv) Collect primary data from people that were involved in designing and implementing the CARA programme.
- v) Evaluate and report on the entire processes of the programme design, implementation, monitoring and reporting of the CARA programmes against best practices of similar programmes.
- vi) Conduct cost-benefit analysis of the CARA programme and value in relation to responding to GBV.
- vii) Produce a detailed evaluation report with lessons from the current implementation and recommendations to NDA and DSD on how to improve the CARA programme
- viii) Present report to the NDA and DSD on all phases of the evaluation (design, implementation, draft findings reports on lessons and recommendations of the evaluation).

## 6. DELIVERABLES

- i. **Inception Report detailing the Implementation Plan** - that will guide the implementation of the Evaluation Study to the CARA Evaluation Steering Committee for the attention of the NDA, Monitoring and Evaluation Unit.
- ii. **Literature Review and a Theory of change workshop with Stakeholders:** Submission of literature review and a conduct a workshop to develop a Theory of Change
- iii. **Design Report:** Submission of design report/report structure and evaluation method matrix, analysis plan, detailed methodology, final data collection instruments
- iv. **Fieldwork report:** Submission and presentation of a fieldwork report to the CARA Evaluation Project Steering Committee)
- v. **Draft preliminary evaluation report:** Submission of the draft evaluation report and presentation to the CARA Evaluation Project Steering Committee)
- vi. **Presentation of a revised draft evaluation report in a validation workshop** with stakeholders
- vii. **Final Report:** Submission of approved final evaluation reports both full and short report in 1/5/25 format including all datasets and data collection documentation (including interviews) and PowerPoint or audio-visual presentation of the results (hard copies and electronic versions)
- viii. **Project closure meeting**

## 7. PROJECT TIME FRAME

- i. The project must be completed within 06 months from the date of appointment and signing of the contract.
- ii. A detailed implementation work plan detailing activities and duration should be provided.
- iii. Progress will be monitored based on the work plan and timeframes provided by the service provider.

## 8. TECHNICAL EVALUATION (PHASE 1)

DESCRIPTION	WEIGHT
<b>Technical aspect of Proposal</b>	<b>65 POINTS</b>
<ul style="list-style-type: none"> <li>Display or present knowledge and conceptual understanding of Gender Based Violence and Femicide and or Victim Empowerment Programme.</li> </ul>	10
<ul style="list-style-type: none"> <li>Clearly defined objectives and key questions to be answered by the evaluation based on the aim and objectives defined in section 3 of the ToRs</li> </ul>	10
<ul style="list-style-type: none"> <li>Clearly defined evaluation methodology to be used in conducting the study, including ethical considerations, sampling used, data instruments; Capture and analysis and limitations of the methodology.</li> </ul>	20
<ul style="list-style-type: none"> <li>Clearly defined outputs and outcomes of the evaluation , including outlining the evaluation report structure.</li> </ul>	10
<ul style="list-style-type: none"> <li>Clearly defined work plan with specific activities and time frames</li> </ul>	10
<ul style="list-style-type: none"> <li>Clearly defined process to provide feedback to the client on progress and working arrangement with the client.</li> </ul>	5
<b>CAPACITY TO DELIVER</b>	<b>35 MARKS</b>
<ul style="list-style-type: none"> <li>Senior researcher with at least a Master's degree and Knowledge of working within the GBVF and or VEP space for the Team leader</li> </ul>	10
<ul style="list-style-type: none"> <li>Evaluators with experience in conducting Evaluation and or Research, including skills statistical packages for analysing data to meet the requirements of the scope of work and deliverables</li> </ul>	5
<ul style="list-style-type: none"> <li>Capacity of the service provider to work in all South African provinces</li> </ul>	10
<ul style="list-style-type: none"> <li>At least 2 copies of reports on previous evaluation conducted <i>(3 points per report) N.B. Each report must be printed and bound.</i></li> </ul>	6
<ul style="list-style-type: none"> <li>Submit 2 reference letters relating to the evaluation reports provided above. The reference letters must be on the client's letter head with contacts and signed. The letter should indicate the scope of the evaluation conducted. Unsigned letters will not be considered. <i>(2 points per letter)</i></li> </ul>	4
	<b>100</b>
<b>Minimum qualifying score</b>	<b>70</b>

## 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

TOR – A CALL FOR PROPOSALS TO EVALUATE THE CARA FUND TOWARDS GBV & F IMPLEMENTED BY THE NDA THROUGH CSO's OVER A PERIOD OF 06 - MONTHS

will score 80 points for price and maximum of 20 points will be awarded for attaining the Broad-Based Black Economic Empowerment (B-BBEE) status level of contribution.

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

9.3. Bid proposal must score a minimum of seventy (70) points or more out of hundred (100) points on functionality in order to qualify for advancement to the next phase of evaluation. Second phase, a bid proposal scoring less than 70 out of 100 will not be considered for further evaluation and will be disqualified.

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 price on a pro-rata basis) and 20 points will be awarded for attaining the Broad-Based Economic Empowerment (B-BBEE) status level of contribution in accordance with the table below:

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

9.5. In order to claim the B-BBEE Status Level of Contributor, bidders must submit Sworn Affidavits or original and valid B-BBEE Status Level Verification Certificates or certified copies thereof, issued by accredited Verification Agencies such as SANAS or Registered Auditor approved by the IRBA together with their bids, to substantiate their B-BBEE

TOR – A CALL FOR PROPOSALS TO EVALUATE THE CARA FUND TOWARDS GBV & F IMPLEMENTED BY THE NDA THROUGH CSO's OVER A PERIOD OF 06 - MONTHS

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) in order 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. 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 clearly 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.



## 11. TENDER VALIDITY

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

## 12. NDA PAYMENT TERMS

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

## 13. MANDATORY DOCUMENTS

- i) Valid Tax Clearance Certificate issued by the South African Revenue Services (SARS). Where consortium/joint ventures/sub-contractor are involved each party to the association must submit a separate valid original Tax Clearance Certificate or SARS tax Pin or a CSD report.
- ii) Company registration documents (CIPC).
- iii) A letter/resolution authorising the person signing the bid documents and contracts.
- iv) All participating bidders must complete, sign and return ALL the attached SBD forms (SBD1, SBD2, SBD4, SBD6.1 SBD 3.1 and relevant Annexure, SBD8 and SBD9) declaration forms, together with their proposals
- v) ANNEXURE A (Attached)

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

## 14. CENTRAL SUPPLIER DATABASE

- a. 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

## 15. 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.

TOR – A CALL FOR PROPOSALS TO EVALUATE THE CARA FUND TOWARDS GBV & F IMPLEMENTED BY THE NDA THROUGH CSO's OVER A PERIOD OF 06 - MONTHS

## **16. 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 concerning 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.

## **17. 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. If the NDA exercises its right to change information in terms of clause 16.1 all amendments will be communicated to all bidders.

## **18. PRICE NEGOTIATIONS**

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

TOR – A CALL FOR PROPOSALS TO EVALUATE THE CARA FUND TOWARDS GBV & F IMPLEMENTED BY THE NDA THROUGH CSO's OVER A PERIOD OF 06 - MONTHS

## **19. SPECIAL 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.

## **20. TAX COMPLIANCE**

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

## **21. TENDER DEFAULTERS AND RESTRICTED SUPPLIERS**

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

TOR – A CALL FOR PROPOSALS TO EVALUATE THE CARA FUND TOWARDS GBV & F IMPLEMENTED BY THE NDA  
THROUGH CSO's OVER A PERIOD OF 06 - MONTHS



## ANNEXURE A: CONFIRMATION FORM FOR DELIVERING THE SERVICES

**RESEARCH TOPIC: A CALL FOR PROPOSALS TO EVALUATE THE CRIMINAL ASSET RECOVERY ACCOUNT (CARA) FUND TO GENDER BASED VIOLENCE AND FEMICIDE (GBV & F) IMPLEMENTED BY THE NDA THROUGH CIVIL SOCIETY ORGANIZATIONS (CSO's) OVER A PERIOD OF 06 – MONTHS**

Deliverables		Yes	No
<b>1.</b>	I have the knowledge and conceptual understanding of Gender Based Violence and Femicide, and or Victim Empowerment Programme.		
<b>2.</b>	I have the capacities and capabilities to conduct this research by using a mixed-methods research design through collecting, analyzing and interpreting both quantitative and qualitative data in a single study		
<b>3.</b>	I will use different data analysis tools/approaches for different data (quantitative and qualitative)		
<b>4.</b>	I will collect both secondary and primary data for the purpose of this study		
<b>5.</b>	I will explore both grey and peer-reviewed literature through secondary data collection, Nationally and Internationally		
<b>6.</b>	I will conduct interviews with key stakeholders and key informants (NDA, DSD, Managers of CSO's and beneficiaries)		
<b>7.</b>	I will collect quantitative data from CARA funded Civil Society Organizations in South Africa. Minimum (sample size) of 180 organizations.		
<b>8.</b>	I will provide the raw transcripts of the interviews to the NDA for Audit purposes		
<b>9.</b>	I will provide an approved ethical clearance to conduct the evaluation		
<b>10.</b>	I will conduct workshops with key stakeholders to develop a theory of change		
<b>11.</b>	The study will be completed within 06 Months		

**Service Provider Name :** .....

**Signature :** .....

**Date :** .....

## PART A INVITATION TO BID

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/PUBLIC ENTITY)</b>					
BID NUMBER:	NDA14/DMR04/22	CLOSING DATE:	09 March 2022	CLOSING TIME:	12.00
DESCRIPTION					
<b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>					
26 Wellington Road					
Parktown					
Johannesburg					
2193					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>			<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>		
CONTACT PERSON		CONTACT PERSON			
TELEPHONE NUMBER		TELEPHONE NUMBER			
FACSIMILE NUMBER		FACSIMILE NUMBER			
E-MAIL ADDRESS		E-MAIL ADDRESS			
<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX]		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	
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW ]	
<b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A BRANCH IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.					



**PART B  
TERMS AND CONDITIONS FOR BIDDING**

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

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

SIGNATURE OF BIDDER: .....

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

DATE: .....

## TAX CLEARANCE CERTIFICATE REQUIREMENTS

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

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



**PRICING SCHEDULE**  
(Professional Services)

NAME OF BIDDER: .....	BID NO: NDA14/DMR04/22
CLOSING TIME 12:00	CLOSING DATE: 09 March 2022

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 –

(INSERT NAME AND ADDRESS OF DEPARTMENT/ENTITY)  
26 Wellington Road  
Parktown  
Johannesburg  
2193

Tel:011 018 5500

Or for technical information –  
(Simon Baloyi )  
Tel:011 018 5500



**NDA**

National  
Development  
Agency

SBD 4

**DECLARATION OF INTEREST**

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

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

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

2.1 Full Name of bidder or his or her representative:

.....

2.2 Identity Number:

.....

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

.....

2.4 Company Registration Number:

.....

2.5 Tax Reference Number:

.....

2.6 VAT Registration Number:

.....

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

<sup>1</sup>"State" means –

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

<sup>2</sup>"Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

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

2.7.1 If so, furnish the following particulars:

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

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

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

Any other particulars: .....

.....

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

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

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

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

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

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

2.8.1 If so, furnish particulars:

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

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



2.9.1 If so, furnish particulars.

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

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid? YES/NO

2.10.1 If so, furnish particulars.

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

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract? YES/NO

2.11.1 If so, furnish particulars:

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

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

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

**4 DECLARATION**

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

.....  
 Signature Date

.....  
 Position Name of bidder



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

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

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

**1. GENERAL CONDITIONS**

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

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

1.2

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

1.3 Points for this bid shall be awarded for:

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

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

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

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

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

## 2. DEFINITIONS

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

## 3. POINTS AWARDED FOR PRICE

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

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

$$P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

$P_s$  = Points scored for price of bid under consideration

$P_t$  = Price of bid under consideration

$P_{\min}$  = Price of lowest acceptable bid

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

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

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

**5. BID DECLARATION**

5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

**6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1**

6.1 B-BBEE Status Level of Contributor: . = .....(maximum of 10 or 20 points)  
 (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

**7. SUB-CONTRACTING**

7.1 Will any portion of the contract be sub-contracted?

*(Tick applicable box)*

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

7.1.1 If yes, indicate:

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

*(Tick applicable box)*

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

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

Designated Group: An EME or QSE which is at 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>
--





SBD 8

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

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

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

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

**CERTIFICATION**

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

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

.....  
**Signature**

.....  
**Date**

.....  
**Position**

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

Js365bW



**NDA**

National  
Development  
Agency

**SBD 9**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

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

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

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

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

\_\_\_\_\_  
(Bid Number and Description)

in response to the invitation for the bid made by:

\_\_\_\_\_  
(Name of Institution)

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

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

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

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:

- (a) prices;
- (b) geographical area where product or service will be rendered (market allocation)
- (c) methods, factors or formulas used to calculate prices;
- (d) the intention or decision to submit or not to submit, a bid;
- (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
- (f) bidding with the intention not to win the bid.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.

9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

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

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

Js914w 2