

**TERMS OF REFERENCE
FOR
THE APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE TECHNICAL
SUPPORT AND PROFESSIONAL ADVISORY SERVICES FOR THE ICT
SYSTEMS DEVELOPMENT AND IMPLEMENTATION OF DIGITAL
TRANSFORMATION FOR THE NATIONAL DEVELOPMENT AGENCY (NDA)
OVER A PERIOD OF 24 – MONTHS**

BID REF: NDA17/CS04/22

BRIEFING SESSION	A COMPULSORY BRIEFING SESSION WILL BE HELD ON THE ON THE 24th MARCH 2022
VENUE	MICROSOFT TEAMS: Bidders who are interested in joining the compulsory briefing session MUST send their e-mail addresses to: MuziM@nda.org.za by 09H00 on the 24th March 2022 so that a link can be sent to them for joining the Microsoft Teams meeting.
CLOSING DATE	<u>30th MARCH 2022</u>
CLOSING TIME	12H00
SUBMISSION OF DOCUMENTS	All proposals must be delivered at the NDA Head Office on or before the closing date and time. The Head Office address is 26 Wellington Road, Parktown, Johannesburg, 2193. Submissions must be strictly submitted inside the tender box, which is at the main entrance and accessible 24/7. <i>Bidders outside of Gauteng are advised to send their documents by courier. NDA will not take responsibility for documents sent via postal services.</i>
SUPPLIER	The supplier's envelope/s MUST clearly have the description: "THE APPOINTMENT OF A SERVICE

ENVELOPES	<p>PROVIDER TO PROVIDE TECHNICAL SUPPORT AND PROFESSIONAL ADVISORY SERVICES FOR THE ICT SYSTEMS DEVELOPMENT AND IMPLEMENTATION OF DIGITAL TRANSFORMATION FOR THE NATIONAL DEVELOPMENT AGENCY (NDA) OVER A PERIOD OF 24 – MONTHS”.</p> <p>A TWO-ENVELOPE system will be used for the submission of bids:</p> <p>Commercial Envelope This envelope must contain price quotations plus all the mandatory documents as listed in Section 15 of this document.</p> <p>Technical Envelope This envelope must contain all info listed in Section 18 of this document.</p>
LATE BIDS	Bids received after the closing date and time will not be accepted for consideration and where practicable, will be returned unopened to the Bidder(s).
<p>Contact person for Commercial Queries is Ms Elizabeth Mnqabashe or Muzi Matsenjwa on 011 018-5546/5562 between 08h30 to 17h00 on weekdays. Queries can also be sent in writing to ElizabethM@nda.org.za/MuziM@nda.org.za.</p> <p>Contact person for Technical Queries is Mr Thamsanqa Langa on +27 82 657 5265 or ThamsanqaL@nda.org.za</p>	

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1. OVERVIEW OF NDA

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.

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.

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.

2. NDA MANDATED RESPONSIBILITIES

The responsibilities of the NDA require it to: -

- 2.1. Act as a key conduit for funding from the Government of the Republic, foreign governments and other national and international donors for development work to be carried out by CSOs;
- 2.2. Contribute towards building the capacity of CSOs to enable them to carry out development work effectively;
- 2.3. Create and maintain a database on CSOs, including, but not limited to, the scope and subject matter of their work and their geographical distribution, and share the information in that database with relevant organs of State and other stakeholders;
- 2.4. Develop, conduct and coordinate policy relevant to its primary and secondary mandates;
- 2.5. Grant money from its funds in accordance with such criteria and procedures as the NDA determines, with due regard to the NDA's primary object referred to in the NDA

Act to any CSO for any project or programme that an organisation intends to undertake or is undertaking;

- 2.6. Make recommendations about legislation and policies directly or indirectly constraining effective development in the Republic;
- 2.7. Ensure good governance and accountability processes and systems for the effective functioning of the NDA.

3. BACKGROUND

The NDA is finalising its turnaround strategy which has reviewed its business model and developed a fit for purpose business Strategic Plan to align with the turnaround strategy. The process requires the NDA to initiate an enterprise-wide and holistic approach and alignment of its Information and Communication Technology (ICT) with the business strategy and business operation model. The current ICT strategy and architecture would require a review, alignment and integration into a single view system that would enable efficiencies in the operations of the NDA new business model. The turnaround strategy project is expected to be completed and approved by the end of March 2022. The ICT requirements are strategic and key for efficiencies and enabling environment for the NDA business operations, thus it is a key component of the turnaround strategy.

The current ICT Master Systems Plan was approved in 2017, therefore it is outdated and not taking into consideration the environmental changes and new business requirements, especially as the NDA like many organisation is finding itself in a forever changing ICT world accelerated by the pandemic and cloud computing. The COVID-19 epidemic has changed the operation environment of the NDA, and business models for all organisations in general. Business operating models world-wide have adopted operation models that are underpinned by ICT systems making them to remain operational, functional and efficient, NDA has also taken advantage of these environmental changes.

The need for digitalisation in order to harness the ability of digital technology to collect, process data, enable real-time reporting so as to make better business decisions and enable new business processes to provide optimal outputs has contributed in keeping institutions and business functional. The NDA is taking advantage of this time to review and explore integration all its ICT technologies and unify its legacy systems into a single view ICT system that link support and core programmes of the NDA.

Whilst the NDA has ICT systems for support programmes, such as, financial management, supply chain, human resources – they need process and workflow mapping to be integrated for efficiency and accuracy purposes. On the core business operational side, the NDA is

currently completing a programme management ICT module that would need to be integrated and digitalised to communicate and report with the support systems. The NDA currently does not have a complete functional system to manage its mandate. The strategic and operational planning process does not have systems to manage this important function of the NDA. This functional area is responsible for planning, reporting and overall governance requirements of the NDA. The NDA core work and services are rendered through Civil Society Organisations (CSOs), this function has been based on physical contact with CSOs and communities. Therefore, the NDA, has realised during the COVID-19 period that the use of ICT systems can be more efficient and effective in increasing coverage of NDA services and products to deliver through digitalised and automated systems.

It is for these reasons that the NDA is looking at sourcing an ICT expert to provide advisory services in the planning and scoping of the ICT strategy, integration requirements and digitalisation of an ICT system that is aligned to the Revised Business Model / Business Strategy that is fit for purpose for the NDA. The appointed service provider will advise the NDA throughout the value chain of the ICT system solutions implementation and provide expert opinion on the proposals submitted to the NDA on specific requirements that would be procured to develop the systems proposed. Moreover, the ICT expert should identify Revised Business Strategy & ICT misalignment in terms of human factors, operational / business model, IT execution model, IT design factors in terms of the current solutions architecture, and propose solutions for full alignment to the revised business model.

4. PROBLEM STATEMENT

The implementation of ICT strategy at the NDA has followed the traditional life cycle of strategy formulation, implementation of the strategy through silo identification of projects and migration of the changes into the operational environment. Therefore, the process has never enabled the environment for digital transformation in order to change the way the NDA operates.

The enterprise planning and implementation is not currently undertaken in an optimised fashion, nor does the NDA have a structured method for optimisation and continuous improvement resulting in overall efficiencies and effectiveness. This kind of planning and execution has resulted in some of the business challenges: -

- 4.1. No single source of information and data, caused by multiple information tools that result in poor decision-making.
- 4.2. Lack of enterprise maturity growth on ICT related products and the implementation of the digitalisation.

- 4.3. Low user adoption, caused by discomfort on the use of technology.
- 4.4. Inadequate ICT staff capacity, resulting in poor service support.
- 4.5. Unintegrated applications /systems that are expensive to maintain and support.
- 4.6. Inadequate ICT infrastructure to support the new business model.
- 4.7. Weak oversight, ICT governance and internal control
- 4.8. Inability to comply with the technology and information related regulations.

5. NDA CURRENT SYSTEMS (APPLICATIONS) AND SERVICE

#	Name	Description
1	Microsoft Power Platform	Power App, Power Automate and Power BI
2	Microsoft 365 (E3 and E5)	Teams, SharePoint, Office Online, etc.
3	Microsoft Dynamics Great Plains 2018	Financial and SCM. Soon to be upgraded to Dynamic 365
4	Sage 300 People 21.2.3.10	Payroll, Human Resource (HR), Employee Self Service (ESS)
5	Ndzalama (Core programme IMS) still in development	CSO Development Information Management System which is custom built to automate some of the CSO development processes for programme management and reporting
6	Business Portal	Travel Requisition Management System. To be replaced by a new system within the Power Platform.
7	Intranet and Website	Internal and external communications (communications and marketing of NDA products and services)
8	Heat (ITSM)	IT Help desk self-service (internal staff IT support system)
9	e-Submission (In-house development)	Digitalisation and automation of submissions and approvals of documents (internal support service)

6. PURPOSE

The purpose of this tender is to appoint a service provider to render technical and professional advisory services in the planning and scoping of the ICT strategy, on integration requirements and digitalisation of an ICT system that is aligned to the Revised Business Model/ Business Strategy, advise and participate in supply chain processes (bid specification and evaluation) related to integration and digitilisation requirements, and advise and oversee the implementation of digital transformation of the NDA ICT systems over a period of 24 – months. The service provider is also expected to provide advisory services to the ICT Unit in the development of a digitalisation strategy in alignment to the NDA Turnaround Strategy, revised business strategy and business model. Subsequent to the

development of the digitalisation strategy, the service provider should develop a detailed digital transformation architecture and approach suited for the NDA to achieve its mandate.

7. DIGITALISATION OBJECTIVES

The process is aimed at an integrated digitalised operations and processes to achieve digital transformation within the NDA, for efficiency and productivity, sharing of creditable and accurate information, enhance visibility and make informed decision. Subsequent to the implementation of the digitalisation strategy, the NDA is anticipating to achieve the following business objectives: -

- 7.1. Have an integrated architecture that promotes digital operations and a single view of the organisation's information;
- 7.2. Mapped processes and workflows for support and core programme to guide development of ICT systems enhancement, development and integration
- 7.3. Cost reduction in ICT operations by fully optimizing on the technology investments;
- 7.4. Enabling automation to support business process;
- 7.5. Predictable and intended impact of change and effective risk management;
- 7.6. Have evidence based transformation effects on each level of the NDA and to bring together data and information across areas to work collaboratively to achieve efficiency;
- 7.7. Compliance with the technology and information related regulations;
- 7.8. Improve enterprise maturity growth on ICT related products and services to support the business operation
- 7.9. Improve oversight, ICT governance and project implementation
- 7.10. Improve interaction and relationship with the NDA Stakeholders and ultimately better service delivery e.g., CSOs and other organisations

8. GUIDING PRINCIPLES

The guiding principles to be applied when digitalizing the NDA operations and processes are as follows: -

- 8.1. **Fit for Purpose** – Solution implementation that delivers on its intended purpose and meets the goals and objectives of the NDA.
- 8.2. **Keep things simple** – Avoid complexity and seek to implement processes, technology and solutions that are easy to maintain, skills are readily available, not over specked with unnecessary functionality.
- 8.3. **Automate** – Working smart and automate processes and business functions wherever possible.

- 8.4. **Leverage on existing technology** – As cost considerations are a priority, existing technologies within the NDA should first be considered.
- 8.5. **Encourage digital culture** – Solutions that improved collaboration and information sharing.

9. SCOPE OF WORK

- 9.1. Review of the current ICT Strategy, systems architecture, and identify misalignment with Revised Business Strategy / Business Model developed by Turnaround Strategy. Misalignment should cover human factors (skills, perception, coordination, interaction, training), Operational factors (business model, innovation, project management, IT outsourcing), and IT design factors (solutions architecture), and propose solutions for alignment to new Business Strategy/ model
- 9.2. Provide technical support and professional advisory services for the ICT systems development and implementation of digital transformation at the National Development Agency over a period of 24 – months, by performing the following: -
 - 9.2.1. Drafting of the digitisation specifications, terms of reference, bid evaluations for enhancement, development and integration of systems digitalisation, technical support and advice in the enhancement, development and integration of systems digitalisation within the NDA to align people, data and technology & security.
 - 9.2.2. Develop a Business Case for the digital transformation and integration of the ICT systems within the NDA;
 - 9.2.3. Develop a digitalisation strategy in alignment to the NDA Turnaround Strategy; develop an effective digital transformation architecture and approach to incorporate digital technologies into business processes and collaborations
 - 9.2.4. Map end to end processes and workflow in consultation with business units to inform the enhancement, development and integration of the digitalisation of systems

10. DELIVERABLES AND OUTPUTS

The successful service provider will be expected to: -

- 10.1. Develop the detailed Project Scope and Timelines within the stipulated NDA timeframes of (24 months);
- 10.2. Propose a comprehensive methodology or framework for the advisory function on the digitalisation strategy formulation and implementation process;

- 10.3. Develop the digitalisation strategic risks, mitigation, exclusions, assumptions and critical success factors for the successful implementation of the digital transformation;
- 10.4. Propose a change management programme on implementing the digitalisation strategy, inclusive of a detailed transition implementation methodology.
- 10.5. Provide a detailed Communication plan on all phases of a project cycle (i.e. also to include presentation Sessions for EXCO, SMT, programme 2 (COO) and Board inputs on the digitalisation strategy)
- 10.6. Business case for the digital transformation within the NDA.
- 10.7. Digitalisation strategy in alignment to the NDA Turnaround Strategy (An effective digital transformation approach to incorporate digital technologies into business processes and collaborations)
- 10.8. Identify all applicable laws and regulations relating to digitalisation and digital transformation for compliance and to improve maturity;
- 10.9. Alignment with New Business Strategy and Business Model is key. A gap analysis is required between the NDA's current state architecture (as is) and the proposed future state architecture (to be) on the digitalisation;
- 10.10. Mapping of end to end processes & workflows, enhancement, development – which results in digitalisation;
- 10.11. A three-year digital transformation roadmap for the NDA
- 10.12. Provide technical advisory expertise during the procurement process (e.g. development of terms of reference/Bid Specification and evaluation) to be used for appoint service providers to enhance, integrate and digitise the NDA systems.

11. AD HOC SERVICES (NO SCORE REQUIREMENTS)

- 11.1. 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;
- 11.2. All service requests requirements (outside the scope of work) will be classified as Ad Hoc Services, except for the Change Requests that result from Incident Management, Problem Management and Maintenance processes, which will be part of the baseline services.
- 11.3. The Successful bidder will invoice only on approved and completed Ad Hoc Services on a one-month arrears basis. Bidder to indicate acceptance of this arrangement.
- 11.4. Ad hoc services to be agreed in advance with the successful bidder and price list to be documented in advance.

No.	Evaluation Criteria	Description	Weight
		<p>CV not more than three pages indicating such experience should be submitted. NB: 5 points per support member</p> <p><i>Failure to meet the minimum requirements and attaching detailed CVs for each member will result in a score of zero.</i></p>	
		<p>Professional Certifications: Collectively the team should have, but not limited to some of the following certifications:</p> <ul style="list-style-type: none"> - Certificate in Digital Transformation - Enterprise Architect - Certified Business Analysis - Agile Project management, PMBOK or equivalent Project Management related certification with accredited institutions - Solutions Architect certifications (Equivalent to Microsoft) - Cyber Security certification 	10
3.	Company Experience	<p>Experience of the Company: The bidder should submit a company profile indicating the company experience relating to digital transformation. A minimum of 5 years' experience in development and implementation of the digitalisation strategy in order to archive digital transformation.</p> <p><i>A score of zero will be allocated to bidder experience below 5 years.</i></p> <p>Reference Letters: The bidder should provide a minimum of three reference letters of previous work done by the bidder on the development and implement of the digitalisation strategy in order to achieve digital transformation.</p>	05 15

No.	Evaluation Criteria	Description	Weight
		The reference letters should be on a client letterhead, signed, and indicate the scope of work of not more than five years and must have contactable references.	
4.	Methodology	Digital transformation methodology / framework covering the scope of work (clearly stipulate a proposed response to challenges in section 4 and to achieve the objectives in section 7 of this ToR's.	14
5.	Change Management	Bidders are required to submit a Change Management plan/ approach that covers but not limited to the following points: <ul style="list-style-type: none"> • Effective Communication at all levels • Risk Assessment • Training/ knowledge transfer plan 	14
6.	Transition plan	Bidders should provide a transition plan that will outline the activities that will digitally transform the NDA.	10
TOTAL SCORE			100
THRESHOLD			80

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

13. TECHNICAL EVALUATION SCORE CLARIFICATION

Evaluation Criteria	Weight
1. Digitalisation	12
The bidder will receive one point for confirmation of each request listed on the Table provided (Annexure A) and signed.	
A score of zero will be allocated to bidder who fail to submit a completed and signed Table (Annexure A)	

Evaluation Criteria			Weight
2. Methodology			
Clear	Partially Clear	Not Clear	14
10-14	06-09	0-05	
3. Change Management			
Clear	Partially Clear	Not Clear	14
10-14	06-09	0-05	
4. Transition plan			
Clear	Partially Clear	Not Clear	10
08-10	05-07	0-04	

14. COMMERCIAL EVALUATION (PHASE 2)

- 14.1. Bids will be evaluated in accordance with the Preferential Procurement Regulations,
- 14.2. 2017, using the 80/20 preference points system as prescribed in the Preferential Procurement Policy Framework Act (PPPFA, Act 5 of 2000). The lowest acceptable bid will score 80 points for price and maximum of 20 points will be awarded for attaining the Broad-Based Black Economic Empowerment (B-BBEE) status level of contribution.
- 14.3. 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.
- 14.4. Bid proposal must score a minimum of seventy (80) points or more out of a hundred
- 14.5. (100) points on functionality in order to qualify for advancement to the next phase of evaluation. The second phase, a bid proposal scoring less than 80 out of 100 will not be considered for further evaluation and will be disqualified.
- 14.6. 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-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
Non-compliant contributor	0

- 14.7. In order to claim the B-BBEE Status Level of Contributor, bidders must submit Sworn Affidavits or original and valid B-BBEE Status Level Verification Certificates or certified copies thereof, issued by accredited Verification Agencies such as SANAS or Registered Auditor approved by the IRBA together with their bids, to substantiate their B-BBEE claims. Exempted Micro Enterprises must submit a letter from the Accounting Officer who is appointed in terms of the Close Corporation Act.
- 14.8. 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.
- 14.9. Bidders are requested to complete the preference claim form (SBD 6.1) in order to claim preference points
- 14.10. 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.

15. PRICING

- 15.1. 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
- 15.2. Bidders must indicate if their prices will be fixed and firm for the duration of the proposed contract period, if not, the proposed escalations should be clearly indicated.
- 15.3. 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.
- 15.4. 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.
- 15.5. All prices submitted should be typed in black ink or written in pen, proposals written in pencil will not be accepted and evaluated.
- 15.6. A two-envelope system will be used for the submission of proposals.

16. TENDER VALIDITY

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

17. NDA PAYMENT TERMS

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

18. MANDATORY DOCUMENTS

- 18.1. Valid Tax Clearance Certificate issued by the South African Revenue Services
- 18.2. (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.
- 18.3. Company registration documents (CIPC).
- 18.4. A letter/resolution authorising the person signing the bid documents and contracts.
- 18.5. 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.

Failure to complete and submit any of the documents mentioned above (Section 18) will result in immediate disqualification.

19. CENTRAL SUPPLIER DATABASE

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

20. CONTRACT AWARD

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

21. DISCLAIMER

- 21.1. Whilst all due care has been taken in connection with the preparation of this bid, the NDA makes no representations or warranties that the content in this bid or any information communicated to or provided to bidders during the bidding process is, or will be, accurate, current or complete. The NDA, and its officers and employees will not be liable with respect to any information communicated which is not accurate, current or complete.
- 21.2. If a bidder finds or reasonably believes it has found any discrepancy, ambiguity, error or inconsistency in the bid or any other information provided by the NDA (other than minor clerical matters); the bidder must promptly notify NDA in writing of such discrepancy, ambiguity, error or inconsistency in order to afford the NDA an opportunity to consider what corrective action is necessary (if any).
- 21.3. 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.
- 21.4. No representations made by or on behalf of NDA in relation to this bid will be binding on the NDA unless that representation is expressly incorporated into the contract ultimately entered into between NDA and the successful bidder.

22. ADDITIONS AND AMENDMENTS TO THE BID

- 22.1. 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.
- 22.2. If the NDA exercises its right to change information in terms of clause 22.1 all amendments will be communicated to all bidders.

23. CONTENT PAGE

Participating bidders are required to submit a detailed content page that clearly states (**cross-reference**) where each technical requirement as per **section 12** of this document is placed in their bid documents. Any additional information that might have been missed must be clearly referenced on the content page.

24. 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.

25. SPECIAL CONDITIONS OF THIS BID

NDA reserves the right to;

- 25.1. accept part of a tender rather than the whole tender.
- 25.2. 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.
- 25.3. 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.
- 25.4. 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.

26. 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.

27. 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.

28. ANNEXURE A: TECHNICAL EVALUATION TABLE TO RESPOND TO DELIVERABLES LISTED ON SECTION 10 OF THE TORs

Deliverable / Output To Be Confirmed	Yes / No	Comments
Develop the detailed Project Scope and Timelines within the stipulated NDA timeframes of (24 months);		
Propose a comprehensive methodology or framework for the advisory function on the digitalisation strategy formulation and implementation process;		
Develop the digitalisation strategic risks, mitigation, exclusions, assumptions and critical success factors for the successful implementation of the digital transformation;		
Propose a change management programme on implementing the digitalisation strategy, inclusive of a detailed transition implementation methodology		
Communication plan on all phases of a project cycle;(Conduct Pre-Planning Session for EXCO, SMT, programme 2 (COO) and Board inputs on the digitalisation strategy)		
Business case for the digital transformation within the NDA		
Digitalisation strategy in alignment to the NDA Turnaround Strategy (An effective digital transformation approach to incorporate digital technologies into business processes and collaborations)		
Identify all applicable laws and regulations relating to digitalisation and digital transformation for compliance and to improve maturity;		
A gap analysis between the NDA's current state architecture (as is) and the proposed future state architecture (to be) on the digitalisation		

Deliverable / Output To Be Confirmed	Yes / No	Comments
Mapping of end to end processes & workflows, enhancement, development – which results in digitalisation;		
A three-year digital transformation roadmap for the NDA		
Provide technical advisory expertise during the procurement process (e.g. development of terms of reference/Bid Specification and evaluation) to be used for appoint service providers to enhance, integrate and digitise the NDA systems.		

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	NDA17/CS04/22	CLOSING DATE: 30 th March 2022		CLOSING TIME:	12H00 PM
DESCRIPTION	THE APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE TECHNICAL SUPPORT AND PROFESSIONAL ADVISORY SERVICES FOR THE ICT SYSTEMS DEVELOPMENT AND IMPLEMENTATION OF DIGITAL TRANSFORMATION FOR THE NATIONAL DEVELOPMENT AGENCY (NDA) OVER A PERIOD OF 24 MONTHS				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
26 WELLINGTON ROAD					
PARKTOWN					
2193					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Muzi Matsenjwa or Elizabeth Mngqabashe		CONTACT PERSON	Thamsanqa Langa	
TELEPHONE NUMBER	011 018 5562/5546		TELEPHONE NUMBER	082 657 5265	
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	muzim@nda.org.za elizabethm@nda.org.za		E-MAIL ADDRESS	Thamsanqa@nda.org.za	
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] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	
[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?

YES NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?

YES NO

IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.

**PART B
TERMS AND CONDITIONS FOR BIDDING**

1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
- 1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).

2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
- 2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

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

SIGNATURE OF BIDDER:

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

DATE:

TAX CLEARANCE CERTIFICATE REQUIREMENTS

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

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



Application for a Tax Clearance Certificate

Purpose

Select the applicable optionTenders Good standing

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

Empty text box for stating the purpose of the application.

Particulars of applicant

Name/Legal name (Initials & Surname or registered name)

Trading name (if applicable)

ID/Passport no Company/Close Corp. registered no

Income Tax ref no PAYE ref no 7

VAT registration no 4 SDL ref no L

Customs code UIF ref no U

Telephone no Fax no

E-mail address

Physical address

Postal address

Particulars of representative (Public Officer/Trustee/Partner)

Surname

First names

ID/Passport no Income Tax ref no

Telephone no Fax no

E-mail address

Physical address

Particulars of tender (If applicable)

Tender number []
Estimated Tender amount R []
Expected duration of the tender [] year(s)

Particulars of the 3 largest contracts previously awarded

Date started Date finalised Principal Contact person Telephone number Amount

Audit

Are you currently aware of any Audit investigation against you/the company?..... YES NO
If "YES" provide details

Appointment of representative/agent (Power of Attorney)

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

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

Signature of representative/agent [] Date []
Name of representative/agent []

Declaration

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

Signature of applicant/Public Officer [] Date []
Name of applicant/Public Officer []

Notes:

- 1. It is a serious offence to make a false declaration.
- 2. Section 75 of the Income Tax Act, 1962, states: Any person who
 - (a) fails or neglects to furnish, file or submit any return or document as and when required by or under this Act; or
 - (b) without just cause shown by him, refuses or neglects to-
 - (i) furnish, produce or make available any information, documents or things;
 - (ii) reply to or answer truly and fully, any questions put to him ...As and when required in terms of this Act ... shall be guilty of an offence ...
- 3. **SARS will, under no circumstances, issue a Tax Clearance Certificate unless this form is completed in full.**
- 4. Your Tax Clearance Certificate will only be issued on presentation of your South African Identity Document or Passport (Foreigners only) as applicable.



PRICING SCHEDULE
(Professional Services)

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

OFFER TO BE VALID FORDAYS FROM THE CLOSING DATE OF BID.

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)	
1.	The accompanying information must be used for the formulation of proposals.		
2.	Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project.	R.....	
3.	PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)		
4.	PERSON AND POSITION	HOURLY RATE	DAILY RATE
	.....	R.....	.....
	.....	R.....	.....
	.....	R.....	.....
	.....	R.....	.....
	.....	R.....	.....
5.	PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT		
	.....	R.....	..... days
	.....	R.....	..... days
	.....	R.....	..... days
	.....	R.....	..... days
5.1	Travel expenses (specify, for example rate/km and total km, class of airtravel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.		
	DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY AMOUNT
	.....	.....	..... R.....
	.....	.....	..... R.....
	.....	.....	..... R.....

Name of Bidder:

..... R.....
TOTAL: R.....

** "all applicable taxes" includes value- added tax, pay as you earn, income tax, unemployment insurance contributions and skills development levies.

5.2 Other expenses, for example accommodation (specify, eg. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
.....	R.....
.....	R.....
.....	R.....
.....	R.....
TOTAL: R.....			

- 6. Period required for commencement with project after acceptance of bid
- 7. Estimated man-days for completion of project
- 8. Are the rates quoted firm for the full period of contract? *YES/NO
- 9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index.
.....
.....
.....

***[DELETE IF NOT APPLICABLE]**

Any enquiries regarding bidding procedures may be directed to the –

Muzi Matsenjwa or Elizabeth Mngqabashe
Tel:011 018 5562/5546
muzim@nda.org.za/elizabethm@nda.org.za

Or for technical information –

Thamsanqa Langa
Tel:011 018 5500/082 657 5265
thamsanqal@nda.org.za



NDA

National
Development
Agency

SBD 4

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, 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, shareholder²):

.....

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.

¹"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.

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

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

2.7.1 If so, furnish the following particulars:

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

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

Position occupied in the state institution:

Any other particulars:

.....

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

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

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

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

.....

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

2.8.1 If so, furnish particulars:

.....

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

2.9.1 If so, furnish particulars.

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

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

YES/NO

2.10.1 If so, furnish particulars.

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

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

YES/NO

2.11.1 If so, furnish particulars:

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

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

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

4 DECLARATION

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

.....
Signature

.....
Date

.....
Position

.....
Name of bidder



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

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

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

1. GENERAL CONDITIONS

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

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

1.2

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

1.3 Points for this bid shall be awarded for:

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

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

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

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:

80/20

or

90/10

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

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	<input type="checkbox"/>	<input type="checkbox"/>
Black people who are youth	<input type="checkbox"/>	<input type="checkbox"/>
Black people who are women	<input type="checkbox"/>	<input type="checkbox"/>
Black people with disabilities	<input type="checkbox"/>	<input type="checkbox"/>
Black people living in rural or underdeveloped areas or townships	<input type="checkbox"/>	<input type="checkbox"/>
Cooperative owned by black people	<input type="checkbox"/>	<input type="checkbox"/>

Black people who are military veterans		
OR		
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>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</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)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	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 bids¹ 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).² 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:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² 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 consortium³ 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.

³ 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

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Date

.....
Position

.....
Name of Bidder

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