



# GAUTENG

LEGISLATURE

YOU ARE HEREBY INVITED TO SUBMIT BIDS FOR THE REQUIREMENTS OF GAUTENG PROVINCIAL LEGISLATURE

<b>BID NUMBER:</b>	GPL026/2018	
<b>BID DESCRIPTION:</b>	The main aim of the tender is to appoint a qualified service provider to conduct a feasibility study on the Money Bill for the GPL.	
<b>BRIEFING SESSION (COMPULSORY)</b>	<b>DATE</b>	28 August 2018
	<b>TIME</b>	11:00am
	<b>VENUE</b>	No.10 Fraser Street, SAGE Building (corner Helen Joseph and Fraser Street) 1 <sup>st</sup> Floor.
	Note: Failure to attend the briefing session will result in disqualification of your bid response.	
<b>BID CLOSING:</b>	<b>CLOSING DATE</b>	12 September 2018
	<b>CLOSING TIME</b>	11:00am
<b>BID VALIDITY PERIOD:</b>	90 days, commencing from the closing date	
<b>BID SUBMISSION</b>	<b>DEPOSIT IN</b> Tender Box at 1 <sup>st</sup> Floor Sage Building, No.10 FRASER STREET, JOHANNESBURG (available 24hours)	
<b>LATE SUBMISSION</b>	Tenders/Bids submitted after the closing date and time will not be considered	
<b>CONTACT INFORMATION</b>	<b>TECHNICAL</b>	Tinyiko Makondo / Palesa Bodibe Tel: 011 498 5958 / 5965 Email: <a href="mailto:TMakondo@gpl.gov.za">TMakondo@gpl.gov.za</a>
	<b>GENERAL</b>	Paul Wilson Tel: 011 498 5430 Email: <a href="mailto:pwilson@gpl.gov.za">pwilson@gpl.gov.za</a>

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# **1. BACKGROUND TO GAUTENG PROVINCIAL LEGISLATURE**

The Gauteng Provincial Legislature (Gauteng Legislature, GPL) is one of nine provincial legislatures in South Africa, which are a product of extensive negotiations that gave shape to the 1996 Constitution. The Constitution empowers the Legislature to make laws for Gauteng, watch that the Gauteng government works efficiently and honestly, and ensure that the people of Gauteng participate in the running of their province. The Legislature moved from Pretoria to Johannesburg in 1994 after the first democratic elections in 1994 and following a decision to move the Government of the Gauteng Province. The Johannesburg City Hall opened as the Gauteng Legislature's new home on 21 October of 1995.

## **1.1 How The Gauteng Legislature Is Composed**

The Legislature is a House comprising the speaker (who heads up the organisation) and Members of the Provincial Legislature (MPLs) from various political parties, allocated per the vote of the Gauteng Province. Political parties get seats in the Legislature through a system of proportional representation – meaning, the party with the majority of votes gets the majority of MPLs in the House. The Constitution empowers each of the nine provincial legislatures to make laws that apply uniquely to each of their provinces. MPLs divided into portfolio committees conduct the business of the House. Each committee is attached to a provincial government department (or cluster of departments) in the Provincial Government, and enhances the department's ability to deliver services through advisory, monitoring and oversight.

Standing committees deal with diverse issues (other than government departments). These committees consider Bills and other matters referred to them either by the Speaker or the House. Ad hoc committees work with various experts to matters that need specialised expertise. The Legislature's administration staff complement gives operational support to the committees. The administrative wing of the Legislature is headed by the provincial secretary (or secretary to the legislature).

## **1.2 Legislature Oversight's Role**

MPLs consider Bills placed before them by the provincial executive, comprised of the Premier of Gauteng and the Members of the Executive Council (MECs). MPLs debate Bills, budgets, statements and speeches by MECs in committee meetings or in plenary sessions of the Legislature. Committees have the power to summon MECs and Department officials to answer questions relating to service delivery in the Province. The MECs must be prepared to answer hard questions on how they are delivering a better life to the people of Gauteng. Committees can also undertake investigations into activities by government departments and such investigations are often open to public scrutiny. The Legislature allows the people of Gauteng to participate in law-making and oversight processes. It is a Constitutional requirement that the Provincial Legislature affords Citizens an opportunity to partake in legislative processes – and this is an obligation that the Gauteng Provincial Legislature has vigorously embraced.

## **1.3 Law Making**

New legislation starts out as a Bill, which is carefully discussed to ensure that it is relevant to the needs of the Province, clear, practical and in line with the Constitution. MPLs also receive submissions from the people of Gauteng on matters of concern to the Province, which may require specific legislation to be instituted. MPLs can also initiate legislation individually, as can any of the Legislature's standing committees.

## **2. BIDDING INSTRUCTIONS**

### **2.1 Bid Validity Period**

- 2.1.1 This Bid and all proposals (costs included) shall remain binding and valid for a period of ninety (90) days calculated from the closing date of the Bid.
- 2.1.2 Gauteng Provincial Legislature (GPL) reserves the right to notify bidders in writing to extend the above validity period for another sixty (60) days if deemed in the interest of Gauteng Provincial Legislature (GPL).
- 2.1.3 Any additional extension after the above days, Gauteng Provincial Legislature (GPL) will request approval from bidders received.

### **2.2 Documents**

- 2.2.1 Specify name, position, address and other contact details (e-mail, telephone and fax) of the person within the service provider organisation responsible for leading the bid process and to whom all correspondence should be directed.
- 2.2.2 The Bid shall be signed by a relevant company or close cooperation (CC) representative who has the relevant authority to sign legal and binding contracts on behalf of the company or CC.
- 2.2.3 If any part of this Bid is not duly filled in and signed in ink it may invalidate the Bid.
- 2.2.4 Where alterations have been made to any part of the Bid, the Bidder must sign next to such alteration.
- 2.2.5 All Bids must be submitted on the official forms (not to be re-typed). The Bidder must initial all the pages of this bid to acknowledge acceptance of understanding. The signed bid must be returned with the proposal.
- 2.2.6 The company, its Directorship and personnel assigned will be subject to vetting by GPL's Security Services. A register of particulars will be requested of the successful company.

### **2.3 Joint Venture Or Consortium**

- 2.3.1 Ensure one responsible lead bidder in the case of a consortium.
- 2.3.2 Where Joint Ventures or Consortia are formed, the Supplier Accreditation Form (SAF) shall be filled in, in respect of every entity or company participating in the Joint Venture or Consortium.
- 2.3.3 A Copy of the Joint Venture Consortium agreement, duly signed must be attached.
- 2.3.4 A trust, consortium or joint venture must submit a consolidated B-BBEE Status Level Verification Certificate for every separate bid.

### **2.4 Format for Submission of Bid Proposal**

- 2.4.1 This Bid must be submitted in accordance with the format, times and place as prescribed in the Bid document.
- 2.4.2 All responses must conform to instructions. Failure to provide relevant information, signatures or any other requirements of this Bid will be considered appropriate cause for rejection of the response and will result in instant disqualification.
- 2.4.3 Proposals must be submitted with the sections and/or subsections clearly marked. All pages must be numbered consecutively.

## **2.5 Quantity of Bids to be Submitted**

- 2.5.1 All bidders **must** submit one **(1) original** bid proposal with all requisite documents and **four (4)** copies with all requisite documents attached. Failure to adhere to this administrative requirement will render your submission automatically disqualified.

## **2.6 Submission of Bids**

- 2.6.1 No faxed or e-mailed copies will be accepted.
- 2.6.2 This Bid document, proposal and all other relevant documentation requested must be submitted in one sealed envelope or sealed box.
- 2.6.3 Bids must be clearly marked **on the front** as “**Bid No: GPL026/2018**”
- 2.6.4 Bids must be clearly marked **on the back** as follows:  
**Bid No: GPL026 /2018**  
**Bidders Name**  
**Bidders Address**  
**Bidders Contact Number**
- 2.6.5 Bid documents may couriered / Deposited in the tender box situated at:  
**No. 10 Fraser Street**  
**SAGE BUILDING**  
**First (1<sup>st</sup>) Floor**  
**JOHANNESBURG**

## **2.7 Accessibility Of The Tender Box**

- 2.7.1 The Bid box can be accessed for twenty-four (24 hours). Monday to Friday (including Week-ends and Public Holidays), at No.10 Fraser, 1st Floor, SAGE Building, Johannesburg.
- 2.7.2 Bidders must ensure that bids are delivered in a timely manner and to the correct address. If the bid is late, it will not be accepted for consideration. Bidders must allow sufficient time to access the tender box in the GPL through the visitor’s entrance and other security checkpoints.

## **2.8 Time Frames**

- 2.8.1 Bidders are advised that GPL reserves the right to change any of the dates indicated.

## **2.9 Ownership Of Proposals**

- 2.9.1 All proposals in response to this bid, whether successful or unsuccessful, will become the property of GPL.
- 2.9.2 Any costs incurred by the service providers in preparing and submitting their response will be the sole responsibility of the service provider.

## **2.10 Preferential Point System**

2.10.1 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).

2.10.2 **Preference points for this bid shall be awarded as follows:**

- Price 80
- B-BBEE Status Level of Contribution 20

### **Calculation of points for B-BBEE status level of contributor**

Points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

<b>B-BBEE Status Level of Contributor</b>	<b>Number of points (90/10 system)</b>	<b>Number of points (80/20 system)</b>
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

## **2.11 Discounts**

- 2.11.1 When calculating comparative prices, GPL will take into account any discounts which have been offered unconditionally.
- 2.11.2 A discount which has been offered conditionally will be implemented when payment is effected despite not being taken into account for evaluation purposes.

## **2.12 Bid Declaration**

- 2.12.1 Only a bidder who has completed and signed the declaration part of the tender documentation will be considered for preference points.

## **2.13 Visits / Meetings / Inspection**

- 2.13.1 As part of the adjudication process GPL may request certain providers to organize a visit to an existing facility under the management of the service provider to gain an understanding of the provider's service standards.
- 2.13.2 GPL may require presentations or meetings with bidders, at the cost of bidders, as part of the evaluation process to provide further information, submission of substantiating documentation or clarification to GPL as deemed necessary.

## **2.14 Award of Bid**

- 2.14.1 The award of this Bid by the Secretary to GPL shall constitute a binding contract, and such acceptance by a letter, email or facsimile message.
- 2.14.2 The Secretary to GPL may award this Bid to more than one successful Bidder, either in full or in part.
- 2.14.3 GPL reserves the right not to award this contract.
- 2.14.4 Service Level Agreements will be concluded with the successful service provider.

## **2.15 Subcontracting**

- 2.15.1 A bidder shall not be awarded the points claimed for B-BBEE status level of contribution if it is indicated in the bid documents that such a bidder intends subcontracting more than 25% of the contract value to any other enterprise that does not qualify for at least the same number of points that the bidder qualifies for, unless the intended sub-service provider is an EME that has the capability and ability to execute the sub-contract.
- 2.15.2 A service provider is not allowed to sub-contract more than 25% of the contract value to another enterprise that does not have equal or higher B-BBEE status level, unless the intended sub-service provider is an EME that has the capability and ability to execute the sub-contract.
- 2.15.3 In relation to a designated sector, a service provider must not be allowed to subcontract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 2.15.4 All relevant documentation, relating to the subcontractor must be submitted as proof at the time of submission.

## **2.16 Fronting**

- 2.16.1 The GPL supports the spirit of broad based black economic empowerment and recognizes that real empowerment can only be achieved through individuals and businesses conducting themselves in accordance with the Constitution and in an honest, fair, equitable, transparent and legally compliant manner. Against this background the GPL condemns any form of fronting.
- 2.16.2 The GPL, in ensuring that bidders conduct themselves in an honest manner will, as part of the bid evaluation processes, conduct or initiate the necessary enquiries/investigations to determine the accuracy of the representation made in bid documents. Should any of the fronting indicators as contained in the Guidelines on Complex Structures and Transactions and Fronting, issued by the Department of Trade and Industry, be established during such enquiry / investigation, the onus will be on the bidder / service provider to prove that fronting does not exist. Failure to do so within a period

of 14 days from date of notification may invalidate the bid / contract and may also result in the restriction of the bidder /service provider to conduct business with the public sector for a period not exceeding ten years, in addition to any other remedies the GPL may have against the bidder / service provider concerned.

## **2.17 Security and Occupancy**

### **2.17.1 Security**

All the areas covered by this contract fall within areas defined in the relevant Security and Access Acts as "Restricted Areas" and all of the provisions of these Acts will apply to this contract. All buildings involved in this contract are subject to stringent access control for all personnel and for materials delivered to and removed from the site. In addition all workmen and staff on site or in any way involved in this contract are subject to **prior** security clearance. Bidders will be required to submit a list of the minimum sufficient persons required affecting the work on site plus those directly involved on site with this contract. If any person is rejected for security reasons Bidder will be required to replace them on their list. If the Bidder is ultimately unable to offer personnel with satisfactory security clearance his Bid may be rejected on such grounds.

Any person rejected by the SAPS for failing to meet the security requirements, inclusive of security clearance, wandering away from an escort or from the immediate contract area, or any misconduct on the site will immediately, without any recourse by the Service provider, be removed from site and refused re-entry to site. This refusal to site shall be in addition to any legal action the SAPS may institute.

Successful Bidder will be required to hand in to the GPL Security Unit within Seventy two (72) hours after being requested, following formal acceptance of the Bid, the following information:

- Full names of each of the persons intended to be utilized on site, including supervisory staff.
- Position in firm plus service to be performed.
- Intended areas they will be working in.
- A copy of Identification Document, certified as a true copy of the original by the SAPS. Such document shall be the original certified copy.
- Home address.

Bidders are recommended to have such documentation, both for their own staff and for their Sub-service providers, if applicable, available prior to the closing date of Bids so as to minimise delays in security clearance of personnel once the Bid is awarded.

Any time lost due to delays in submitting the called for list of personnel required entering site, the rejection of personnel on the list, or the subsequent removal and banning from site of personnel will not be accepted as motivation for extension of the contract period.

Such clearance for this project shall remain valid for a period not exceeding 12 months and shall only apply for this project.

### **2.17.2 Safeguarding of Documents**

All documents will be individually numbered on issue and records kept as to what documents have been issued to whom.

All documents issued to sub-service providers or suppliers must be signed for, and such sub-service providers and suppliers must also accept responsibility for the safeguarding of such documents while they are in their possession.

All documentation shall be strictly handled as set out in the State Security Agency Minimum Information Security Standards (MISS), a copy of which shall be provided to the successful service provider at the time of site hand over.

It will be the main service provider's responsibility to familiarise themselves with the MISS document and make sure his personnel and sub-service providers are advised accordingly.

## **2.18 Other**

2.18.1 GPL may amend or cancel this Bid before the award should it deem it necessary.



## **2.19 Tax Clearance Requirements**

- 2.19.1 It is a condition of bidding that -: The tax matters of the successful Bidder **must** be in order.
- 2.19.2 No contract shall be concluded with any bidder whose tax matters are not in order.
- 2.19.3 Failure to submit a valid, **original or** Electronic Tax Compliance Certificate with a Personal Identification Pin number from SARS **will** invalidate the bid.
- 2.19.4 In bids where Consortia/Joint Ventures/Sub-service providers are involved, each party must submit a separate Tax Clearance Certificate.

## **2.20 Delivery Adherence**

- 2.20.1 Delivery of goods must be made in accordance with the instructions appearing on the official order forms issued by purchasing unit.
- 2.20.2 All deliveries or dispatches must be accompanied by a delivery note stating the official order number against which the delivery has been effected.
- 2.20.3 Deliveries not complying with the order forms will be returned to the service provider at the service provider's expense.

## **2.21 Risk**

- 2.21.1 During the period the equipment is in transit or in the possession of the service provider, up to and including the date of acceptance by the end-user, the service provider shall be responsible for all risks of loss or damage to the equipment.

## **2.22 Guarantees**

- 2.22.1 The service provider shall fully guarantee and maintain all items against manufacturing defects for the entire warranty period.

# **3. CONTRACTUAL OBLIGATIONS**

## 3.1 Conditions and Procedures to be compiled with as part of the Contract with GPL

### **3.1.1 Statutory Requirements**

All persons employed by the contractor working within the premises of GPL shall comply with the regulations of the Occupational and Safety Act no. 85 of 1993 as amended.

The contractor shall designate, in writing, one of his full time employees in terms of the provisions of General Safety Regulations or Section 8 of the Occupational Health and Safety Act who shall be in charge of work on site.

The above designation shall be made before work commences on site. The appointed person, for inspection purposes, shall hold one copy on site and a duplicate copy shall be handed to NDPW / WSP employee in charge of the project

## 4. SPECIFIC CONDITIONS

- 4.1 GPL cannot award contracts to provide goods or services to a Member of GPL or Cabinet, a Member of a Provincial Legislature or Member of a Provincial Executive Council, a municipal councillor, a person in the employ of the state whose participation in bidding for the contract may result in a conflict of interest, or any entity in which any of the mentioned persons is a Director or has controlling or other substantial interest.
- 4.2 The service provider must certify that the personnel identified in its response to this bid will be the persons actually assigned to GPL. Any changes in the personnel from those identified in the response to the bid must be approved by GPL. GPL may, at its discretion, require the removal and replacement of any of the service provider's personnel who do not perform adequately.
- 4.3 The successful service provider must enter into a formal service level agreement with GPL upon appointment and must go through a security clearance process.
- 4.4 The award of the contract will be subject to the successful conclusion of a Service Level Agreement.
- 4.5 Bidder must be willing to sign confidentiality or non-disclosure agreement.
- 4.6 Prospective bidders may submit their technical questions to [TMakondo@gpl.gov.za](mailto:TMakondo@gpl.gov.za) and copy [pwilson@gpl.gov.za](mailto:pwilson@gpl.gov.za)
- 4.7 GPL may request bidders to provide additional pricing information to be utilised for comparative purposes during evaluations.
- 4.8 GPL reserves the right to re-appoint or extend the service of the service provider where there is a natural continuation of assignments.
- 4.9 GPL reserves the right to invite shortlisted bidders to make presentations to its evaluation team.
- 4.10 GPL reserves the right not to award this bid in total or part thereof.
- 4.11 GPL reserves the right to award this bid to one or more bidders.
- 4.12 GPL reserves the right, for purposes of promoting the values of competitiveness and fairness, not to award the bid to the highest scoring bidder, if such bidder has been awarded a bid by GPL or has performed services for GPL during the last 12 months prior to the closing date of the bid.
- 4.13 Where a joint venture / partnership submits an offer for this bid, a joint venture / partnership agreement must be attached, which specifies the names of the companies that have formed the joint venture / partnership, the name of the joint venture / partnership. Companies that are members of the joint venture / partnership will be individually required to comply with tax compliance requirements by SARS.
- 4.14 Only statutory price increases will be considered. The successful bidder must submit proof thereof.
- 4.15 All relevant clearances and/or memberships must be submitted to GPL upon the renewal throughout the duration of the contract.
- 4.16 Bidders must ensure that the reference questionnaire is signed by the referee, and the contact details are fully completed with a company stamp or logo thereon. The contact details must include the contact number and/or the e-mail address of the referee as this information will be used by GPL to verify all references submitted. If the referee does not confirm the information provided, the reference will not be considered.
- 4.17 The scores allocation will be aggregated and applied on a conversion formula:  
Where:  
  
Ps = points scored.  
So = total score of bidder under consideration.  
Ms = maximum possible score.  
Ap = percentage weight allocated for references.

## 5. MANDATORY AND COMPULSORY DOCUMENTS

6.1 These are compulsory documents required for this bidding.

6.2 Should the bidder fail to submit the following **MANDATORY/COMPULSORY** documents your bid will be disqualified automatically:

Item	Description	Yes	No
1	Technical Proposal		
1	Invitation to bid (SBD1): completed and signed		
2	Terms of Reference		
3	Pricing Schedule (Firm Pricing) SBD 3.1		
4	Did you submit the Price Breakdown (Excel Sheet provided by you)		
5	Did you submit a total bid price including vat, For the duration of the contract?		
6	Did you submit any proof of registration to relevant professional bodies, if applicable?		
7	Declaration of interest ( SBD 4) Original completed and signed.		
8	Preference points claim (SBD 6.1) Original completed and signed		
9	Declaration of Bidder's past SCM Practices (SBD 8) Original completed and signed.		
10	Did you submit proof of shareholding for HDI points (CK documents)?		
11	Did you submit copies of South African IDs' for shareholders? <b>Compulsory</b>		
12	Did you submit a consortium/joint venture agreement, if applicable?		
13	Original and valid tax clearance certificate. Or SARS Issued PIN?		
14	Did you submit <b>one (1)</b> original and four <b>(4)</b> copies of the bid documents?		
16	Did you take note of and understand the Special Conditions?		
17	Did you submit your management and contact details?		
18	Did you submit contact details for minimum two references?		
19	Did you submit your company profile, brief financial information, concerning turnover and asset value, and details of any BEE Shareholding?		
20	Did you submit your companies Financial Statements? Compulsory and must be latest		
	Joint Venture / Consortium agreement / Trust Deed (if applicable)		
	<ul style="list-style-type: none"> <li>▪ Certified copies of shareholders certificates</li> <li>▪ Certified copy of Company Registration documents that reflect Company name, Registration number, date of registration and active Directors or Members</li> </ul> Certified copy of ID documents of the Directors or Members		
	<ul style="list-style-type: none"> <li>▪ Original or Certified copy of Valid B-BBEE Certificate (from SANAS accredited Verification Agency) or from the Auditors approved by the Independent Regulatory Body of Auditors (IRBA);</li> <li>▪ Any EME ( Exempt Micro Enterprise) or QSE(Qualifying Small Enterprise) is only required to obtain a sworn affidavit on an annual basis, confirming the following:               <ul style="list-style-type: none"> <li>• B-BBBEE Level of contribution</li> <li>• The percentage of Black Ownership</li> <li>• The percentage of ownership by women</li> <li>• Whether or not Bidder's Annual income exceeded R10,000,000 (ten million rand) based on Management Accounts and other information available on the past financial year.</li> </ul> </li> </ul>		
<b>Service Provider's name:</b> .....			
<b>Completed by:</b> .....			
<b>Signature:</b> .....			

**8.1 BID DECLARATION (JOINT VENTURE)**

IF THE BIDDER IS IN PARTNERSHIP / JOINT VENTURE / CONSORTIUM.

We the undersigned partners / joint ventures / consortium, tendering/bidding as

..... hereby authorize ..... to sign this Bid as well as any contract resulting from this Bid and any other documents correspondence in connection with this Bid and/or contract on our behalf.

FULL NAMES	CAPACITY	SIGNATURE
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----

1. IF THE BIDDER IS A ONE PERSON BUSINESS / SOLE TRADER.

I, the undersigned ....., hereby confirm that I am the sole owner of the business trading as .....

.....

**8.2 IF THE BIDDER IS SUB-CONTRACTING.**

I, the undersigned .....,

hereby confirm that I will be sub-contracting work to the following company/companies

.....

If more than 25% of the contract/work you enter into GPL is to be subcontracted, indicate the following details:

Sub-service provider's name	Value of work to be sub-contracted	% of work to be sub-contracted	B-BBEE Level of the sub-service provider

**8.3 IF THE BIDDER IS AN ENTITY / COMPANY / CC / TRUST.**

NAME OF FIRM / BIDDER: .....

POSTAL ADDRESS: .....

STREET ADDRESS: .....

.....

TELEPHONE NUMBER: CODE: ..... NUMBER: .....

CELL PHONE NUMBER: .....

FACSIMILE NUMBER: CODE: .... NUMBER: .....

VAT REGISTRATION NUMBER: .....

E MAIL: .....

THE BIDDER ELECTS DOMICILLIUM CITANDI ET EXECUTANDI IN THE REPUBLIC

AT:.....

.....

HAS A VALID TAX CLEARANCE CERTIFICATE BEEN SUBMITTED? **YES / NO**

ARE YOU THE ACCREDITED REPRESENTATIVE IN  
SOUTH AFRICA FOR THE GOODS/SERVICES OFFERED? **YES / NO**  
(IF YES, ENCLOSE PROOF)

CAPACITY UNDER WHICH THIS BID IS SIGNED:.....

TOTAL BID PRICE:..... (Ceiling Price Inc. VAT)

TOTAL NUMBER OF ITEMS OFFERED: .....

**8.4 I/WE, THE UNDERSIGNED, WHO WARRANTS THAT HE/SHE IS DULY AUTHORISED TO DO SO ON BEHALF OF THE FIRM ACKNOWLEDGE THAT:**

- 8.4.1 The information furnished is true and correct.
- 8.4.2 In the event of a contract being awarded as a result of points claimed, the service provider may be required to furnish documentary proof to the satisfaction of GPL that the claims are correct.
- 8.4.3 If the claims are found to be incorrect, GPL may, in addition to any other remedy it may have to –
  - recover all costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
  - 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;
- 8.4.4 impose a financial penalty more severe than the theoretical financial preference associated with the claim which was made in the Bid.
- 8.4.5 I hereby undertake to render services described in the attached Bidding documents to GPL in accordance with the requirements and task directives / proposals specifications stipulated in this Bid proposal at the price/s quoted. My offer/s remains binding upon me and open for acceptance by GPL during the validity period indicated and calculated from the closing date of the Bid.
- 8.4.6 All the above documents shall be deemed to form and be read and construed as part of this agreement.
- 8.4.7 I confirm that I have satisfied myself as to the correctness and validity of my Bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
- 8.4.8 I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfilment of this contract.
- 8.4.9 I declare that I have no participation in any collusive practices with any Bidder or any other person regarding this or any other Bid.
- 8.4.10 I confirm that I am duly authorised to sign this contract.

**8.5 DECLARATION**

- 8.5.1 I hereby agree that, in the event of false, incorrect or misleading information being provided in this declaration, the Secretary to GPL of the Republic of South Africa shall have the right to:
  - recover any losses or damages sustained by GPL under such agreement
  - restrict the supplier from further business with GPL depending on the materiality of the misrepresentation and the degree of prejudice suffered.

**Name of Representative:** \_\_\_\_\_

**Identity number:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

I..... (Name)..... (Signature) duly authorised by the bidding company, hereby confirm that I have read and complied with the above requirements of this bid.



**GAUTENG**  
LEGISLATURE

**GAUTENG PROVINCIAL LEGISLATURE**

Date:  
28/08/2018

**Compulsory Briefing Session –  
Declaration Of Attendance**

COMPULSORY BRIEFING - DECLARATION OF ATTENDANCE

**BID NUMBER:** GPL026/2018  
**BID DESCRIPTION:** Service provider for feasibility on Money Bills  
**BID CLOSING DATE:** 12 September 2018      **CLOSING TIME:** 11: 00am

**BRIEFING SESSION:**

**Applicable:** Yes  
**Compulsory:** Yes

**Venue:** 1<sup>st</sup> Floor, Sage Building , Fraser Street.  
**Date:** 25 July 2018  
**Time:** 11H00

1. I/We hereby declare that I/we attended the compulsory briefing session to understand the requirements of the GPL to supply all or any of the supplies and/or to render all or any of the services described in the attached bid documents, on the terms and conditions and in accordance with the specifications stipulated in the bid documents.

I, THE UNDERSIGNED (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED AT THE SITE INSPECTION WAS UNDERSTOOD.

SIGNATURE OF BIDDER OR ASSIGNEE(S)

.....

DATE:.....

Position .....

Name of bidder.....

Name of company .....

SIGNATURE OF GPL OFFICIAL.....

DATE:.....



GAUTENG L E G I S L A T U R E  
Your View ..... Our Vision

**TERMS OF REFERENCE**

REQUEST FOR PROPOSAL TO

CONDUCT FEASIBILITY STUDY ON THE LEGISLATURE'S CAPACITY TO  
IMPLEMENT THE MONEY BILLS AMENDMENT PROCEDURE AND RELATED  
MATTERS BILL

FROM SEPTEMBER 2018 TO NOVEMBER 2018

Date: AUGUST 2018



## INTRODUCTION

The Constitution of the Republic of South Africa requires Provincial Legislatures to enact a legislation that will provide for a procedure in terms of which Money Bills may be amended pursuant to Section 120 (3). This seeks to ensure the Legislature's active role during the budget process, enhance budgetary oversight during law making with regards to Money Bills. Furthermore it will ensure checks and balances that are crucial for transparent and accountable government.

The Money Bills Project was instituted by the GPL at the beginning of the 4th Term with the object of giving effect to the provisions of Section 120(3) of the Constitution. The project team has since undertaken some of the key milestones in the project including the draft Bill thereon. There have furthermore been benchmarking exercises and consultations with relevant stakeholders undertaken to enrich the legislature's body of knowledge in respect of the project and budgetary oversight. The key outstanding milestone however is the feasibility study to assess the state of readiness of the GPL and advise on the requisite capacity to ensure effective implementation, and thereafter approval for the introduction and enactment of the draft Bill.

## OBJECTIVES

- 1.1. The main objectives of the study includes, amongst others
  - i. How the GPL can implement the proposed Gauteng Provincial Legislatures Money Bills Amendment Procedure and Related Matters Bill?
  - ii. What technical and human resource capacity is required?
  - iii. What institutional arrangements may need to be put in place for the effective implementation of the legislation; and
  - iv. What are the potential partnerships and opportunities if any should the legislature pursue to ensure optimal implementation of the legislation.

## THE ROLE OF SERVICE PROVIDER

- 1.2. The service provider's role is to:
  - i. Submit a comprehensive proposal on how they will conduct the afore-said study including but not limited to the methodology they will use and possible stakeholders that will be engaged;
  - ii. Conduct the feasibility study on the objectives stated above;
  - iii. Produce progress reports and a comprehensive report at the end of the study to the Legislature.
  - iv. Produce Final Report with findings and recommendations.

## Scope of work

- 1.3. The scope of work of this project will be conducted in four phases:
  - 1.3.1. **Phase 1:** Submission of proposal in line with the terms of reference requirements. This activity is a non-payment activity. The key deliverables of this phase is the proposal which must be submitted on **12 September 2018**.
  - 1.3.2. **Phase 2:** The purpose of this Phase is for the service provider to conduct a literature review and to establish an in-depth understanding of the draft Bill and what it seeks to achieve. The following literature should be reviewed as well as activities to be conducted under herein:
    - i. Draft Bill - the purpose is not to amend the draft Bill but to focus on whether institution will have the resources required to implement the Bill;
    - ii. Interviews with relevant stakeholders and project team;

- iii. Process map with regards to the implementation of the Bill; and
- iv. Other relevant documents to enhance the study.

The **key deliverables** of this Phase is the report on the Literature review of the legal opinion, Draft Bill, Structural review, process map in respect of the implementation of the Bill which must be submitted on or before **3 October 2018**.

1.3.3. **Phase 3:** The purpose of this Phase is to produce assessment findings and recommendations emanating from the Literature review, Structural review and Process map in respect of the implementation of the Bill. The **key deliverables** of this phase is the report on the key findings and recommendations which must be submitted on or before **30 October 2018**.

1.3.4. **Phase 4:** The purpose of this Phase is to produce a final comprehensive report of the feasibility study.

The **key deliverables** of this Phase is a comprehensive report which must be submitted on or before **15th November 2018**.

#### 1.4. Key Stakeholders for the Study

The Service Provider will be required to consult relevant key stakeholders as part of the assessment of the state of readiness of the GPL to optimally implement the project.

#### 1.5. Work and management arrangements are as follows:

- i. The overall management of this assignment; including performance monitoring and evaluation, rests within the GPL, through the Director:
- ii. Parliamentary Business and the Money Bills GPL Project team;
- iii. Each milestone achieved in this assignment will be approved by the Director: Parliamentary Business and the Money Bills GPL Project team;
- iv. The GPL reserves the right to evaluate the progress and outputs of this project as well as the quality of the services rendered by the Service Provider;
- v. In the event of non-compliance to the agreed upon deliverables or any conditions of poor performance by the Service Provider, The GPL reserves the right to take whatever reasonable remedial action it may deem necessary to rectify the situation.
- vii. The GPL reserves the right to enter into strategic partnerships with more than one service provider in the event that this is deemed necessary for a good quality product.

### REQUIRED COMPETENCIES

1.6. The Service Provider is required to possess amongst others, the following competencies:

- i. Good understanding of the legislative sector.
- ii. Proven track record in conducting feasibility study for sizable institutions preferably for public institutions.
- iii. Expert in economics, public finance/governance relating to the legislative sector or public sector.
- iv. Understanding on Parliamentary budget oversight. Proven project management skills;
- v. Proven expertise in organisational development; Excellent and concise writing and editing skills; Good communication skills;
- vi. Demonstrated ability to meet tight deadlines.

- 1.7. The Service Provider will also be expected to be fully available to the GPL for this assignment and respond accordingly to urgent requirements of the project. She/he will also be expected to offer a full project management approach to the assignment and be able to attend meetings as agreed upon with the GPL.

## **KEY ASSUMPTIONS**

- 1.8. The Service Provider will be required to dedicate time and resources to the achievement of the above stated outcomes and deliverables

- 1.9. On the other hand, the GPL will:

- i. Ensure that the GPL Money Bills Project Team will provide support to the service provider.
- ii. Provide information and other GPL resources required to support the study.
- iii. Call feedback meetings with the Service Provider (planned or unplanned).
- iv. Approve the implementation of various stages of the study as required by GPL practices.

- 1.10. The intended success of this project is founded on the assumption that certain conditions will exist, including that:

- i. The Service Provider contracted for this assignment has the requisite knowledge, skills and competencies as outlined above;
- ii. The GPL will provide the required support to the study;
- iii. The Service Provider will be able to interview relevant stakeholders referred in clause 4.2 above in a manner that will support overall project implementation, the GPL will assist to secure appointments with such relevant stakeholders;
- iv. Regular feedback and briefing meetings will take place to create opportunities for input by the task-team and guidance to the Service Provider;
- v. The service provider will be committed to the study and will adhere to timelines.

## **PERIOD OF THE ASSIGNMENT**

This project must be implemented from date of appointment of the service provider to 15 November 2018 being the date of the submission of the comprehensive final report of the feasibility study.

## **REPORTING**

The Service Provider will be required to provide progress reports to the Project Team as will be setup by the GPL on a weekly basis and a comprehensive report at the end of the study.

## **MONITORING AND EVALUATION**

The overall indicators of efficient performance in this assignment will be monitored and evaluated against the objectives, scope of work and expected deliverables outlined in these terms of reference. Reference to these performance measures will be expected in the progress reports.

## EVALUATION CRITERIA

All proposals submitted will be evaluated on:

- i. Functionality Threshold 70%
- ii. Price 80%
- iii. Compliance with the BBB-EE goals 20%

For functionality, the following criteria will be applicable and the maximum value of each criterion is indicated as below:

FUNCTIONALITY EVALUATION CRITERIA	DESCRIPTION	SCORE	WEIGHT
<b>Experience</b> Experience, Skills and Professional ability of the Service Provider in conducting feasibility studies in the public sector, Monitoring and Evaluation of public sector programmes and a good understanding of the business of the legislature.	2-3 years' experience	10	20
	4-5 years' experience	15	
	6-10 years' experience	20	
<b>Internal Capacity</b> Number of Technical , Admin, Project Management Staff, their Seniority, Qualifications and Competencies allocated to this project	Details of staff, role on the project and organogram.	2	10
	CV 's and certificates submitted	3	
	Proof of competency i.e. training/qualification certificates.	5	
<b>Research Design and Methodology</b> Technical approach and execution plan	Mentions both qualitative and quantitative research design and methodology	10	25
	Includes details of data collection and some sampling techniques	15	
	Explicit design and methodology sampling techniques, data collection, data processing, data analysis for both quantitative and qualitative research design and methodology.	25	

<b>Project Management Plan</b> Develop high level project management plan for this particular project	Project plan with, schedule, time-frames , key tasks, sub tasks, distribution of resources, cost projection	20	20
	Project plan with key tasks, <b>sub tasks</b> and time frames	15	
	Project plan with key tasks and time frames	10	
<b>Quality of Performance</b> Experience of service provider in successfully executing projects of a similar nature	1-2 successfully completed projects	5	15
	3-4 successfully completed projects	7	
	Above 5 successfully completed projects	15	
<b>Project References</b> Testimonials from previous clients on similar projects completed in the past 5 years. GPL reserves the right to verify the testimonials	1-2 reference letters	5	10
	3-4 reference letters	7	
	Above 5 reference letters	10	
Total Points			100
Threshold			70
<b>EVALUATION CRITERIA</b>	<b>SUB-CRITERIA</b>	<b>WEIGHTING/ POINTS</b>	
Price	Detailed budget breakdown	80	
B-BBEE (Status Level Verification Certificate)	B-BBEE Contribution Level	20	
	TOTAL	100	