



GAUTENG
LEGISLATURE
Your View ~ Our Vision

INVITATION TO BID

APPOINTMENT OF THE SERVICE PROVIDER FOR THE REVIEW OF LAW-MAKING PROCESS FOR GAUTENG PROVINCIAL LEGISLATURE FOR THE PERIOD OF 6 (SIX) MONTHS.

BID NO: GPL 008/2019

CLOSING DATE: 25 SEPTEMBER 2019

TIME: 11:00 AM

COMPULSORY BRIEFING SESSION

DATE: 11 SEPTEMBER 2019

TIME: 10:00 AM

**VENUE: No. 10 Fraser Street, SAGE Building
(Corner Helen Joseph & Fraser Street)
1st floor SAGE CENTRE
JOHANNESBURG**



INVITATION TO BID (SBD1)

Section 1
(p.g. 2-3)

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE GAUTENG PROVINCIAL LEGISLATURE (GPL)

BID NUMBER:	GPL 008/2019	CLOSING DATE:	25 SEPTEMBER 2019	CLOSING TIME:	11H00 AM
DESCRIPTION	APPOINTMENT OF THE SERVICE PROVIDER FOR THE REVIEW OF LAW-MAKING PROCESS FOR GAUTENG PROVINCIAL LEGISLATURE FOR THE PERIOD OF 6 (SIX) MONTHS.				

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)

**NO. 10 FRASER STREET, SAGE BUILDING (CORNER HELEN JOSEPH & FRASER STREET)
1ST FLOOR, SAGE CENTRE, JOHANNESBURG**

SUPPLIER INFORMATION

NAME OF BIDDER			
POSTAL ADDRESS			
STREET ADDRESS			
TELEPHONE NUMBER	CODE		NUMBER
CELLPHONE NUMBER			
E-MAIL ADDRESS			
VAT REGISTRATION NUMBER			
	TCC (TAX COMPLIANT STATUS PIN)	CSD No: CENTRAL SUPPLIER DATABASE NUMBER	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No	B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes <input type="checkbox"/> No
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?			
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)	
	<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)	
	<input type="checkbox"/>	A REGISTERED AUDITOR	

		NAME AND CONTACT DETAILS:

[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"/> No <input type="checkbox"/> Yes [IF YES ANSWER PART B:3 BELOW]
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SIGNATURE OF BIDDER	DATE	
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CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
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TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE (ALL APPLICABLE TAXES INCLUDED)	
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BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
NAME	Ms AMUKELANI MALULEKE	NAME	Ms EUGENIA MPOFU AND Mr LUCKY RAMUHASHI
TELEPHONE	(011) 498-5859	TELEPHONE	(011) 498-5913/6314
E- MAIL ADDRESS	amaluleke@gpl.gov.za	E- MAIL ADDRESS	empofu@gpl.gov.za lramuhashi@gpl.gov.za

PLEASE NOTE THAT ALL ENQUIRIES SHOULD BE IN WRITING. NO TELEPHONIC ENQUIRIES WILL BE ATTENDED TO. E-MAILS SHOULD BE FORWARDED TO BOTH Ms MALULEKE AND Ms EUGENIA MPOFU /Mr LUCKY RAMUHASHI FOR WRITTEN RESPONSES



**Compulsory Briefing Session
(Declaration of Attendance)**

Section 2
(p.g. 4)

BID NUMBER: GPL008/2019

BID DESCRIPTION: APPOINTMENT OF THE SERVICE PROVIDER FOR THE REVIEW OF LAW-MAKING PROCESS FOR GAUTENG PROVINCIAL LEGISLATURE FOR THE PERIOD OF 6 (SIX) MONTHS) MONTHS.

BID CLOSING DATE: 25 SEPTEMBER 2019 **CLOSING TIME:** 11H00am

BRIEFING SESSION:

Applicable: Yes

Compulsory: Yes

Venue: No. 10 Fraser Street, (Corner Helen Joseph & Fraser Street)
1st floor SAGE Building, JOHANNESBURG

Date: 11 SEPTEMBER 2019

Time: 10h00am

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 Bidder

Name of Company.....

SIGNATURE OF GPL OFFICIAL.....

DATE:.....



Notice & Instructions to Bidders

Section 3
(p.g. 5-9)

3.1. DOCUMENTS

- 3.1.1. 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.
- 3.1.2. 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.
- 3.1.3. If any part of this bid is not duly filled in and signed in ink it may invalidate the bid.
- 3.1.4. Where alterations have been made to any part of the bid, the bidder must sign next to (Correction ink/Tippex is not allowed).
- 3.1.5. All bids must be submitted on the official forms (not to be re- typed or altered). The bidder must initial all the pages of this bid to acknowledge acceptance of understanding. The signed bid must be returned with the proposal.
- 3.1.6. The company, its Directorship and personnel assigned will be subject to vetting by GPL's Security Services. A register of will be requested of the successful company.
- 3.1.7. The bidder must certify that the personnel identified in its response to this bid will be the persons 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 bidder's personnel who do not perform adequately.

3.2 SUBMISSION OF BID PROPOSAL

- 3.2.1 This bid must be submitted in accordance with the format, times and place as prescribed in the bid document.
- 3.2.2 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.
- 3.2.3 Proposals must be submitted with the sections and/or subsections clearly marked. All pages must be numbered consecutively.
- 3.2.4 No faxed or e-mailed copies will be accepted.

3.3 BID RESPONSES

- 3.3.1 Bidders' responses must be laid out in the format prescribed in this section.
- 3.3.2 Sections must be clearly labelled as follows:

3.3.3 Service Provider Contact Details

- Specify name, position, address and other contact details (e-mail, telephone, and fax) of the person within the bidding organisation responsible for leading the bid process and to whom all correspondence should be directed.
- Who, within the service provider's organisation, will be authorised to conduct the contract negotiations and sign the eventual contract?

3.3.4 Service Provider Profile

- Bidder's name and address
- Company / organisation structure
- Commencement date of business
- Certificate of Incorporation

3.3.5 Pricing Structure

- Prices must be quoted in South African currency and must be inclusive of Value Added Tax (VAT).
- Bidders are further requested to indicate their price in all elements listed on the pricing schedule below.
- Pricing on the pricing schedule is for comparative purposes.
- Prices must remain fixed for the duration of the contract. The pricing schedule must be completed. (SBD 3.3 pricing schedule to be downloaded with the bid documents)
- The total costs must be inclusive of all costs such as delivery, labour rates,
- Transfer of skills etc.

3.3.6 Quantity of Bids to be Submitted

3.3.6.1 Every prospective bidder must submit one (01) Original proposal with all requisite documents and three (03) copies with all requisite documents.

3.3.6.2 This Bid document, proposal and all other relevant documentation requested must be submitted in one sealed envelope or sealed box. (except for Financial proposal and all references where bidders' costs are displayed in this document, please put this in a separate envelope)

Bids must be clearly marked **on the front** as follows: **Bid No: GPL008/2019**

Bids must be clearly marked **on the back** as follows:

- **Bidders Name & Bidders Address**
- **Bidders Contact Numbers**

Bid documents may be couriered by registered mail or deposited in the tender box situated at:

**No 10 FRASER STREET, SAGE BUILDING
(CORNER HELEN JOSEPH & FRASER STREET)
1ST FLOOR, JOHANNESBURG**

NB. Bidders that hand deliver their Bid Proposal must ensure that they sign the register at the Reception.

3.4 ACCESSIBILITY OF THE TENDER/BID BOX

3.4.1 The Bid box can be accessed for twenty-four (24 hours). Monday to Friday (including Week-ends and Public Holidays), at, **No 10 FRASER STREET, SAGE BUILDING (CORNER HELEN JOSEPH & FRASER STREET) 1ST FLOOR, JOHANNESBURG**

3.4.2 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.

3.5 TIME FRAMES

3.5.1 Bidders are advised that GPL reserves the right to change any of the dates indicated in the bid document.

3.6 OWNERSHIP OF PROPOSALS

3.6.1 All proposals in response to this bid, whether successful or unsuccessful, will become the property of GPL.

3.6.2 Any costs incurred by the service providers in preparing and submitting their response will be the sole responsibility of the service provider.

3.7 BID VALIDITY PERIOD

3.7.1 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. 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). Any additional extension after the above days, Gauteng Provincial Legislature (GPL) will request approval from bidders.

3.8 JOINT VENTURES OR CONSORTIUM

- 3.8.1 A Copy of the Trust, Consortium or Joint Venture agreement, duly signed must be attached.
- 3.8.2 Ensure one responsible lead Bidder in the case of a consortium or joint venture.
- 3.8.3 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their consolidated B-BBEE status level certificate.

3.9 DISCOUNTS

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

3.10 GENERAL REQUIREMENTS

- 3.10.1 Prospective bidders may submit their questions to tenders@gpl.gov.za or contact the person assigned to deal with enquiries on the advertisement for this bid.
- 3.10.2 Any costs incurred by the bidders in preparing and submitting their response to the Request for Bids (RFB) will be the sole responsibility of the bidder.
- 3.10.3 GPL may request bidders to provide additional pricing information to be utilised for comparative purposes during evaluations.
- 3.10.4 GPL reserves the right to invite short-listed bidders to make a presentation to GPL's bids evaluation committee to further clarify or substantiate their submissions.
- 3.10.5 GPL reserves the right not to award this bid in total, or part thereof.
- 3.10.6 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.
- 3.10.7 GPL reserves the right to re-appoint or extend the service of the service provider where there is a natural continuation of assignments.
- 3.10.8 The successful bidder/s will enter into a stipulated contract with GPL for the provision of the required service.
- 3.10.9 The successful bidders, their employees and their sub-contractors must comply with GPL security clearance.
- 3.10.10 The successful bidders must be willing to sign confidentiality or non-disclosure agreement.
- 3.10.11 All items supplied by the successful bidder/s must meet the minimum approved requirements of the South African National Standards.
- 3.10.12 All items supplied by the successful bidder/s must be manufacturer guaranteed.
- 3.10.13 All relevant clearances and/or memberships must be submitted to GPL upon the renewal throughout the duration of the contract.
- 3.10.14 In the event where the order was wrongly printed, the service provider must be able to exchange goods or cancel the order as per the GPL's request.

3.11 CENTRAL SUPPLIER DATABASE REQUIREMENTS

- 3.11.1 Bidders should register on the Central Supplier Database(CSD) to upload information namely, (Business Registration/Directorship/Membership/Identity Numbers/Tax Compliance Status and Banking Information for verification purposes) B-BBEE Certificate or sworn affidavit for B-BBEE.
- 3.11.2 Where a bidder is not registered on the CSD, information, namely (Business Registration/Directorship/Membership/Identity Numbers/Tax Compliance Status and Banking Information for verification purposes) B-BBEE Certificate or sworn affidavit for B-BBEE must be submitted.
- 3.11.3 This bid is subject to the preferential procurement policy framework act and the preferential procurement regulations, 2017, financial management of parliament and provincial legislature act and the financial management of parliament and provincial legislature regulations, 2015,the general conditions of contract (GCC) and, if applicable, any other special conditions of contract (SCC)
- 3.11.4 GPL cannot award contracts to provide goods and/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/government 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.

3.12 VISITS / MEETINGS / INSPECTION

- 3.12.1 A 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.
- 3.12.2 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.

3.13 AWARD OF BID

- 3.13.1 The award of this Bid by the Secretary to GPL shall constitute a binding contract, and such acceptance by a letter or e-mail message.
- 3.13.2 The Secretary to GPL may award this Bid to more than one successful Bidder, either in full or in part.
- 3.13.3 GPL reserves the right not to award this contract.
- 3.13.4 Service Level Agreements will be concluded with the successful service provider.

3.14 SUBCONTRACTING

- 3.14.1 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-contractor is an EME that has the capability and ability to execute the sub-contract.
- 3.14.2 A contractor 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-contractor is an EME that has the capability and ability to execute the sub-contract.
- 3.14.3 In relation to a designated sector, a contractor 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.

3.15 SUBCONTRACTING AFTER AWARD OF TENDER

- 3.15.1 A person awarded a contract may only enter into a subcontracting arrangement with the approval of the organ of state.
- 3.15.2 A person awarded a contract in relation to a designated sector, may not 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.
- 3.15.3 A person awarded a contract may not subcontract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level of contributor than the person concerned, unless the contract is subcontracted to an EME that has the capability and ability to execute the subcontract.

3.16 FRONTING

- 3.16.1 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.
- 3.16.2 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 / contractor 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 /contractor 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 / contractor concerned.

3.17 SECURITY AND OCCUPANCY

- 3.17.1 Where applicable, 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.
- 3.17.2 Where applicable, 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 Bidders 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.
- 3.17.3 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 Contractor, 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.
- 3.17.4 Successful Bidder will be required to hand in to the GPL Security Unit within Forty- Eight (48) 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.
- 3.17.5 Bidders are recommended to have such documentation, both for their own staff and for their sub-contractors, 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.
- 3.17.6 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.
- 3.17.7 Such clearance shall remain valid for a period not exceeding 12 months and shall only apply for one project at a time.

3.18 SAFEGUARDING OF DOCUMENTS

- 3.18.1 All documents will be individually numbered on issue and records kept as to what documents have been issued to whom.
- 3.18.2 All documents issued to sub-contractors or suppliers must be signed for, and such sub-contractors and suppliers must also accept responsibility for the safeguarding of such documents while they are in their possession.
- 3.18.3 All documentation shall be strictly handled as set out in the SSA Minimum Information Security Standards (MISS), a copy of which shall be provided to the successful contractor at the time of site hand over.
- 3.18.4 It will be the main contractor's responsibility to familiarise themselves with the MISS document and make sure his personnel and sub-contractors are advised accordingly.

3.19 BID CANCELLATION

- 3.19.1 GPL may amend or cancel this Bid before the award should it deem it necessary.
- 3.19.2 GPL may before the award of a bid, cancel a bid if – but not limited to:
- due to changed circumstances there is no longer need for the goods and services specified in the invitation.
 - funds are no longer available to cover the total envisaged expenditure
 - no acceptable bid is received; or
 - there is a material irregularity in the bidding process

3.20 DELIVERY ADHERENCE

- 3.20.1 Delivery of goods must be made in accordance with the instructions appearing on the official Purchase Order issued by GPL.
- 3.20.2 All deliveries or dispatches must be accompanied by a delivery note stating the official order number against which the delivery/milestone has been affected.
- 3.20.3 Deliveries not complying with the order forms will be returned to the supplier or service provider's expense

 <p>GAUTENG LEGISLATURE <small>Your View — Our Vision</small></p>	<h2 style="margin: 0;">Bid Declaration</h2>	<p>Section 4 <i>(p.g. 10-11)</i></p>
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1) IF THE BIDDER IS IN PARTNERSHIP / JOINT VENTURE / CONSORTIUM.

We the undersigned partners / joint ventures / consortium, tendering 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

2) 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

.....

3) 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-contractor's name	Value of work to be sub-contracted	% of work to be sub-contracted	BBBEE Level of the sub-contractor

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

- 1) The information furnished is true and correct.
- 2) In the event of a contract being awarded as a result of points claimed, the contractor may be required to furnish documentary proof to the satisfaction of GPL that the claims are correct.
- 3) If the claims are found to be incorrect, GPL may, in addition to any other remedy it may have -:
 - a) recover all costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - b) 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;

- 4) Impose a financial penalty more severe than the theoretical financial preference associated with the claim which was made in the Bid.
- 5) I hereby undertake to render services described in the attached Bidding documents to GPL in
- 6) 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.
- 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) 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.
- 9) Declare that I have no participation in any collusive practices with any Bidder or any other person regarding this or any other Bid.
- 10) I confirm that I am duly authorised to sign this contract.

DECLARATION

I hereby agree that, in the event of false, incorrect or misleading information being provided in this declaration, the Secretary to GPL 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: _____

COMMISSIONER OF OATHS

I certify that the above has acknowledged that he/she knows and understands the contents of this document, that he/she does not have any objection to taking the oath, and that he/she considers it to be binding on his/her conscience, and which was sworn to and signed before me at _____ on this the _____ day of _____ 20____, and that the administering oath complied with the regulations contained in Government Gazette No. R 1258 of 21 July 1972, as amended.

_____ (Sign – SERVICE PROVIDER)

_____ (Name – SERVICE PROVIDER)

COMMISSIONER OF OATHS STAMP AND DETAILS OF PERSON
STAMP
NAME & SURNAME:
DESIGNATION/RANK:
PERSAL/EMPLOYEE NO/SERVICE NUMMBER:
PLACE/DATE:



Background to the Legislature

Section 5
(p.g. 12)

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, oversee 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.

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 most 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).

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.**

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.



Specifications & Terms of Reference

Section 6
(p.g. 13-18)

TERMS OF REFERENCE

**APPOINTMENT OF THE SERVICE PROVIDER FOR THE
REVIEW OF LAW-MAKING PROCESS FOR
GAUTENG PROVINCIAL LEGISLATURE
FOR THE PERIOD OF 6 (SIX) MONTHS**

1. BACKGROUND

- 1.1. The Gauteng Provincial Legislature was established in 1994 in terms of the 1993 interim constitution of the Republic of South Africa. It now exists in terms of Section 108 of the 1996 Constitution. It is constitutionally responsible for the following mandates:
 - Oversight and Scrutiny: The Gauteng Legislature oversees the work of the Executive (government departments) and holds it to account.
 - Law-Making: The Gauteng Legislature is responsible for passing provincial laws that are responsive to the needs of the people of Gauteng.
 - Public Participation: The responsibility is to provide platforms for the people of Gauteng to participate in the business of the Legislature.
 - Co-operative Governance: The Gauteng Legislature has a responsibility to co-operate and work harmoniously with the other organs of the state as per Chapter 3 of the Constitution.
- 1.2. During the beginning of the 5th Legislature, the Presiding Officers came up with a number of priorities which include conducting evaluations/ research to assess the work of the GPL with regards to the above mandates. In the 2016/17 and the 2017/18 financial years, studies to assess the effectiveness of the public participation tools and the effectiveness of oversight tools were conducted respectively. In the 2018/19 financial year, the GPL conducted a perception survey i.e. a study on how the people of Gauteng province perceive the institution that seeks to represent them. The 5th legislature strategic plan highlights that a study on the law-making process of the GPL has to be conducted in the 2019/20 financial year.

2. INTRODUCTION

- 2.1. The GPL conducted several studies in the past that revealed some gaps in the area of the law-making mandate.
- 2.2. It is against this background that this study seeks to review the law-making process/cycle of the GPL with a view to identifying areas that need to be enhanced and proposing remedial actions to improve the effectiveness of the institution's law-making mandate.

3. OBJECTIVES

- 3.1. To document the current law-making process of the GPL.
- 3.2. To benchmark the law-making process of the GPL against best practices.
- 3.3. To explore ways of improving the GPL law making process such that it responds to the need of the people of Gauteng.
- 3.4. To discover how the GPL currently monitors and evaluates the Executive's implementation of laws passed by the Legislature.
- 3.5. To benchmark against best practices in terms of how other parliaments monitor and evaluate the Executive's implementation of laws passed by Legislatures.
- 3.6. To discover how the GPL could effectively monitor and evaluate the Executive's implementation of laws passed by the Legislature.

4. THE ROLE OF THE SERVICE PROVIDER

- 4.1. Conduct a literature review and content analysis of Gauteng Legislature documents for the study in question.
- 4.2. Develop data gathering tools.
- 4.3. Gather data – submit all raw data e.g. recordings, transcripts to the Gauteng Legislature
- 4.4. Capture and interpret/analyse data
- 4.5. Write the report
- 4.6. Submit a professionally edited report to the Gauteng Legislature as per different stages of indicated deliverables.

5. ROLE OF THE GPL

- 5.1. Convene meetings / workshops
- 5.2. Provide the required documentation and support where needed
- 5.3. Review raw data
- 5.4. Review reports and make payments when satisfied with the work

6. SCOPE OF WORK

6.1. The study is delineated as follows:

- 6.1.1. Will cover all five regions of the Gauteng Province.
- 6.1.2. The study should target both the citizenry of Gauteng in general and those that previously participated in the business/ activities of the GPL.
- 6.1.3. National and international Benchmarking (through literature review).

6.2. Methodology Requirements

- 6.2.1. The proposed detailed methodology should be able to respond to the study objectives mentioned above.
- 6.2.2. The report should be written by a person (s) with a deeper understanding of the legislative sector.
Areas to be covered in the report include:
 - 5 pager executive summary covering the findings, conclusions and recommendations
 - Introduction
 - Background information
 - Literature review
 - Findings, conclusions and recommendations responding to each of the objectives of the study as outlined above.

7. KEY ASSUMPTIONS

- 7.1. The service provider / project team has the required skills and competencies to undertake this project.
- 7.2. The service provider will prioritize this project and submit all deliverables on or before the due dates.
- 7.3. The service provider will be available to participate in GPL meetings and workshops related to this project.

8. PERIOD OF THE ASSIGNMENT

- 8.1. The assignment is for a period of six (6) months from the date of the appointment of the service provider.

9. REQUIRED COMPETENCIES

9.1. The service provider should consist of a team that possess qualifications and expert knowledge in the following disciplines namely:

- 9.1.1. Legislative studies
- 9.1.2. Transversal issues;
- 9.1.3. Monitoring and evaluation
- 9.1.4. Public management and Governance
- 9.1.5. Information and knowledge management;
- 9.1.6. Social sciences; and
- 9.1.7. Political sciences.

In short, the service provider should demonstrate expert knowledge and a deeper understanding of parliamentary work and transversal issues.

9.2. The service provider must have experience conducting evaluation or research studies and a clear understanding of the legislature processes and procedures.

10. MINIMUM REQUIREMENTS

- 10.1. The Project Leader must have at least a Master's Degree in Law, Developmental Studies, Public Management and Governance/Administration, Social Science, Political Science, or equivalent, including a minimum of.
- 10.2. The service provider must have at least 10 (ten) years' experience of research in general.
- 10.3. The service provider must have at least three (3) years' experience in legislation monitoring and evaluation.
- 10.4. Proven company track record of successful completion of such projects in general and least two (2) projects of a similar nature as a minimum.
- 10.5. Bidders who fail to meet the minimum requirements will not be considered for evaluation purposes.

11. EVALUATION CRITERIA

All proposals submitted shall be evaluated based on the following criteria:

- Evaluation Stage One: Administrative Compliance
- Evaluation Stage Two: Pre-Qualification Functionality Criteria
- 80/20 Preference Score System

11.1. Evaluation Stage One: Administrative Compliance

This is the evaluation criteria that measures compliance of service providers with the administrative requirements of this request and mandatory functional requirements as listed in the terms of reference and bidding documentation. Service providers who fail to meet all requirements at this stage of evaluation, will be disqualified from further evaluation.

11.2. Evaluation Stage Two: Pre-Qualification Functionality Criteria

The evaluation criteria for measuring functionality, and the weighting attached to each criterion is listed in the table below. service providers who score 70 (average) points and above will be considered for stage 3 (three) of the evaluation. Failure to meet the minimum threshold of 70 points will result in automatic disqualification.

GAUTENG PROVINCIAL LEGISLATURE

FUNCTIONALITY EVALUATION CRITERIA	DESCRIPTION	SCORE	WEIGHT
Experience Experience, Skills and Professional ability of the Service Provider with specific relevance to the services of a similar nature	3+ years' experience in monitoring and evaluation of legislation <i>[Provide proof of experience]</i>	10	20
	10+ years' experience in general research <i>[Provide proof of experience]</i>	10	
Internal Capacity Number of Technical, Admin, Project Management Staff, their Seniority, Qualifications and Competencies allocated to this project	<u>Details of the Project Leader:</u> At least a Master's Degree in Law, Developmental Studies, Public Management and Governance/Administration, Social Science, Political Science or equivalent and minimum of 3 years' experience in Legislative research <i>[Submit CV's and qualification certificates as proof]</i>	10	20
	<u>Details of Project Team:</u> Provide number of staff allocated to this project, their roles in the project, their qualifications and competencies <i>[Provide project team organogram including CV's and qualification certificates as proof]</i>	10	
Project Management Plan Develop detailed project management plan with technical approach (methodology) and execution plan	Detailed project plan with schedule, sound time-frames, key tasks, sub tasks, distribution of resources, cost projections	10	30
	Detailed project methodology in line with the requirements of the project	20	
Quality of Performance Experience of the service provider in successfully executing projects of a similar nature (provide details) including reference letters or testimonials from previous clients on similar projects completed. GPL reserves the right to verify the testimonials	2 (two) successfully completed projects [provide a minimum of 2 (two) reference letters or testimonials from previous clients on similar projects completed. References/Testimonials must correspond with completed projects]	5	10
	3 (three)+ successfully completed projects [provide a minimum of 3 (three) reference letters or testimonials from previous clients on similar projects completed. References/Testimonials must correspond with completed projects]	10	
Total Points			80
Threshold			60
A minimum score of 60 points is required to qualify to the presentation stage. Failure to meet the minimum threshold of 60 points will result in automatic disqualification.			
Presentation Provide presentation informed by the requirements contained in the terms of reference. GPL will ask question and engage the bidder for clarity and more understanding. Bidders will be evaluated out of 20 points for presentation and are required to score a minimum threshold of 10 points out of 20 points.			
Total Points			20
Threshold			10
OVERALL COMBINED POINTS			100
OVERALL COMBINED THRESHOLD			70
The overall combined score must be equal or above 70 points to proceed to stage 3 (three) of the evaluation.			

11.3. 80/20 Preference Score System

EVALUATION CRITERIA	SUB-CRITERIA	WEIGHTING/ POINTS
Price	Detailed budget breakdown	80
B-BBEE (Status Level Verification Certificate)	B-BBEE Level Contributor	20
TOTAL		100



Mandatory and Compulsory Requirements

Section 7
(p.g. 19)

MANDATORY AND COMPULSORY REQUIREMENTS: These are compulsory documents required for this bidding. Should the bidder fail to submit the following **MANDATORY/COMPULSORY** documents your bid will be disqualified automatically:

Item	Description	Yes	No
1	Technical Proposal		
2	Invitation to bid (SBD1): completed and signed		
3	Terms of Reference		
4	Pricing Schedule (Firm Pricing) SBD 3.3		
5	Did you submit the Price Breakdown (Excel Sheet provided by you)		
6	Did you submit a total bid price including vat, For the duration of the contract?		
7	Did you submit any proof of registration to relevant professional bodies, if applicable?		
8	Declaration of interest (SBD 4), Original completed and signed.		
9	Preference points claim (SBD 6.1), Original completed and signed		
10	Declaration of Bidder's past SCM Practices (SBD 8), Original completed and signed.		
11	Certificate of independent bid determination (SBD 9), Original completed and signed.		
12	Did you submit proof of shareholding for HDI points (CK documents)?		
13	Did you submit copies of South African IDs' for shareholders?		
14	Did you submit a consortium/joint venture agreement, if applicable?		
15	Original and valid tax clearance certificate. Or SARS Issued PIN?		
16	Did you submit one (1) original and three (3) copies of the bid documents?		
17	Did you take note of and understand the Bidder's Instructions/Special Conditions?		
18	Did you submit your management and contact details?		
19	Did you submit contact details for references?		
20	Did you submit your company profile, brief financial information, concerning turnover and asset value, and details of any BEE Shareholding?		
21	Did you submit your companies Financial Statements? Compulsory and must be latest Joint Venture / Consortium agreement / Trust Deed (if applicable)		
22	<ul style="list-style-type: none"> ▪ Certified copies of shareholders certificates ▪ Certified copy of Company Registration documents that reflect Company name, ▪ Registration number, date of registration and active Directors or Members ▪ Certified copy of ID documents of the Directors or Members 		
23	<ul style="list-style-type: none"> ▪ 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); ▪ 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"> • B-BBBEE Level of contribution • The percentage of Black Ownership • The percentage of ownership by women • 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. 		

Service Provider's name:.....

Completed by:.....

Signature:.....



GAUTENG
LEGISLATURE
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PRICING SCHEDULE
(Professional Services)

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

OFFER TO BE VALID FOR 90 DAYS FROM THE CLOSING DATE OF BID.

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)
---------	-------------	--

1. The accompanying information must be used for the formulation of proposals.
2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project. R.....

3. PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)

4. PERSON AND POSITION	HOURLY RATE	DAILY RATE
.....	R.....	.....
.....	R.....	.....
.....	R.....	.....
.....	R.....	.....
.....	R.....	.....

5. PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT	R.....	..... days
.....	R.....	..... days
.....	R.....	..... days
.....	R.....	..... days
.....	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.....
.....	R.....

TOTAL: R.....

"all applicable taxes" includes value- added tax, pay as you earn, income tax, unemployment insurance fund 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 –

ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:

Department: Gauteng Provincial Legislature
Contact Person: Amukelani Maluleke
Tel: 011 498-5859
E-mail address: Amaluleke@gpl.gov.za

ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:

Contact Person: Eugenia Mpofu and Lucky Ramuhashi
Tel: 011 498-5913/6314
E-mail address: empofu@gpl.gov.za
lramuhashi@gpl.gov.za

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.**

2.1.1 Full Name of Company:

2.1.2 Name of 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 **YES / NO**
presently employed by the state?

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 **YES / NO**
the appropriate authority to undertake remunerative
work outside employment in the public sector?

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 Tax Reference Number	State Employee Number / Persal 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 Company

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011

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, 2011.

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 The value of this bid is estimated to exceed/not exceed R1 000 000 (all applicable taxes included) and therefore the.....system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

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

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

	POINTS
1.3.1.1 PRICE	.....
1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION	.....
Total points for Price and B-BBEE must not exceed	100

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.5 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

2.1 **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;

2.2 **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

2.3 **“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

2.4 **“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 services, works or goods, through price quotations, advertised

competitive bidding processes or proposals;

- 2.5 **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 **“comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 **“consortium or joint venture”** 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;
- 2.8 **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 **“EME”** means any enterprise with an annual total revenue of R5 million or less .
- 2.10 **“Firm price”** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 **“functionality”** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 **“non-firm prices”** means all prices other than “firm” prices;
- 2.13 **“person”** includes a juristic person;
- 2.14 **“rand value”** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.16 **“total revenue”** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- 2.17 **“trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.18 **“trustee”** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ADJUDICATION USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

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

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

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

Where

Ps = Points scored for comparative price of bid under consideration

Pt = Comparative price of bid under consideration

Pmin = Comparative price of lowest acceptable bid

5. Points awarded for B-BBEE Status Level of Contribution

5.1 In terms of Regulation 5 (2) and 6 (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	8	16
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA’s approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.

5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.

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

5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group

structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.

- 5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

6. BID DECLARATION

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

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

7.1 B-BBEE Status Level of Contribution: =(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

8 SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 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? YES / NO (delete which is not applicable)

9 DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of company/firm :

9.2 VAT registration number :

9.3 Company registration number

:

9.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

9.6 COMPANY CLASSIFICATION

- Manufacturer
 - Supplier
 - Professional service provider
 - Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]

9.7 Total number of years the company/firm has been in business?

9.8 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 contribution indicated in paragraph 7 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 paragraph 7, 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 contribution 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) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, 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

WITNESSES:

1.

.....
SIGNATURE(S) OF BIDDER(S)

2.

DATE:.....
ADDRESS:.....
.....
.....

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	Is the bidder or any of its directors listed on the National Treasury's database as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).	Yes <input type="checkbox"/>	No <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)? To access this Register enter the National Treasury's website, www.treasury.gov.za, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445.	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

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

SBD 9

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

.....
Date

.....
Position

.....
Name of Bidder



GAUTENG

LEGISLATURE
Your View ~ Our Vision

THE END