

TENDER No.:	TIA002/2021
DESCRIPTION:	PANEL OF EMPLOYEE RELATIONS CONSULTANTS AND LABOUR LAWYERS SERVICE PROVIDERS FOR TECHNOLOGY INNOVATION AGENCY
MANDATORY BRIEFING SESSION:	Date: 19 March 2021 Time: 11:00am (Applicants to e-mail mandisa.pitso@tia.org.za - please write TIA002/2021 BRIEFING SESSION LINK on the subject line to request for the link). This will be via Microsoft Teams
CLOSING TIME AND DATE	9 April 2021, 11:00am
DELIVERY DETAILS:	Electronic submissions: Tenders@tia.org.za <i>Please note that our servers will block any file greater than 200MB. If your file is greater than 200MB, please divide your submission into parts that are equal or less than 200MB and state on the subject 'Part 1, Part2 or Part 3'. E.G. TIA002/2021 – PART 1</i>
TELEGRAPHIC TENDERS:	Will not be accepted
REQUIRED TENDER VALIDITY:	120 days
CONTACT PERSON:	Mandisa Pitso (mandisa.pitso@tia.org.za) and state <u>TIA002/2021</u> on the subject line
DURATION OF CONTRACT	For a period not exceeding 3 years, based on performance and requirements



1. BACKGROUND

- 1.1 The Technology Innovation Agency (TIA) is a schedule 3A public entity of the Department of Science and Technology, in terms of the Public Finance Management Act, 1999 and established in terms of the Technology Innovation Agency Act, 2008. The Agency is set up as a public entity with the aim of stimulating and intensifying technological innovation in order to improve economic growth and the quality of life of all South Africans by developing and exploiting technological innovations.
- 1.2 TIA's core business objective is to support the development and commercialisation of competitive technology-based services and products. The Agency primarily uses South Africa's science and technology base to develop new industries, create sustainable jobs and help diversify the economy.

2. BACKGROUND

- 2.1 Over the past three years, the number of disciplinary cases in the organisation has increased. It is also evident that these disciplinary cases require seasoned and experienced Consultants and Labour Lawyers with capacity to advise, provide legal opinions and assist the Technology Innovation Agency to commence and close these matters within reasonable time frames. Hence it is deemed necessary to procure the services of a panel of Employee Relations Consultants and Labour Lawyers to assist the Human Resources Business Unit with the Employee Relations cases.
- 2.2 The Human Resources Business Unit seeks to procure the services of a panel of Employee Relations Consultants and Labour Lawyers on an ad-hoc basis as and when required to assist with legal opinions, investigations and advise on addressing Employee Relations cases including grievances lodged by employees, disciplinary matters and CCMA cases; and to chair disciplinary hearings for a period of three years.
- 2.3 The Talent Management strategy stipulates TIA's vision to become an Employer of Choice. The Human Resources Business Unit strives to create a conducive environment for all employees to be engaged and productive, whilst holding them



accountable for misconduct and undesirable behaviour. It is thus imperative to instil a sense of accountability, responsibility and discipline for TIA to become an Employer of Choice. It is in this context that employees are held accountable through implementation of the Disciplinary Policy.

3. PURPOSE

- 3.1 TIA seeks procure services that will support the HR Business Unit in the implementation of Employee Relations policies and procedures as follows:
 - 3.1.1 To procure a panel of Employee Relations Consultants service providers to advise on disciplinary cases, grievances, and other employee relations matters. TIA retains the discretion to rotate service provider.
 - 3.1.2 To procure a panel of Labour Law Practitioners to represent TIA in disciplinary hearings, at the CCMA and at the Labour Court within reasonable timeframes. TIA retains the discretion to rotate service providers.
 - 3.1.3 Service providers will be required to assist with any matter that may arise pertaining to relationship between TIA and its recognised union.

4. SOLUTION DESCRIPTION

- 4.1 The Human Resources Business Unit implemented a business partnering model. There is no dedicated Employee Relations Specialist to attend to employee relations matters. Therefore, TIA needs to appoint a panel of service providers that can assist TIA to address employee relations matters expeditiously. TIA requires the use of experienced service providers that can provide effective employee relations services.
- 4.2 The ER Consultant and Labour Lawyers must be able to provide for the following:
 - i. Provide advice on ER matters.
 - ii. Advise on investigations

- iii. Advise on addressing grievances
- iv. Initiate and lead evidence in disciplinary cases
- v. Chair disciplinary hearings
- vi. Represent TIA at the CCMA
- vii. Represent TIA at the Labour Court
- viii. Advise on matters pertaining to policies, procedures and contracts based on market practice
- ix. Advise TIA on handling bargaining matters with the union

5. BUSINESS PROBLEMS AND ISSUES

- 5.1 Business problems and issues associated with the lack of service providers to assist with the resolution of Employee Relations matters are as follows:
- i. Long cycle timeframes taken to finalise employee relations matters;
 - ii. Limited capacity to present cases at the CCMA
 - iii. Limited capacity to advise on the investigation of employee relations matters
 - iv. Lack of capacity to present cases at the Labour Court;
 - v. Lack of capacity to chair disciplinary hearings

6. OBJECTIVES

- 6.1 The following strategic benefits will be delivered from the procurement of panels for Employee Relations Consultants and Labour Lawyers:
- i. Reduced cycle times in handling employee relations matters
 - ii. Ability to address employee relations matters expeditiously and effectively
 - iii. Capacity to represent TIA at the Labour Court and at the CCMA;
 - iv. Improved employer-employee relations
 - v. Engaged and productive employees

7. SCOPE OF WORK

- 7.1 TIA has already defined the solution functional requirements.



Successful bidders for the panel of **Employee Relations Consultants** are expected to:

- 7.1.1 use the defined functional requirements as basis for solution implementation to cater for the full implementation life cycle which involves attending a briefing meeting with TIA, investigate the matter, provide advice using case law, initiate and lead evidence in disciplinary hearings, represent TIA at the CCMA, advise on handling bargaining matters with the union, .

Successful bidders for the panel of Labour Lawyers (**Attorneys and Advocates**) are expected to:

- 7.1.2 use the defined functional requirements as basis for solution implementation to cater for the full implementation life cycle which involves attending a briefing meeting with TIA, investigate the matter, provide advice using case law, initiate and lead evidence in disciplinary hearings, represent TIA at the CCMA, represent TIA at the Labour Court, preside over disciplinary hearings, advise on handling bargaining matters with the union.

8. FUNCTIONAL REQUIREMENTS

The functional requirements defined below:

8.1 Panel of **Employee Relations Consultants**

- i. Must have initiated and led evidence in disciplinary hearings.
- ii. Must have provided advice on ER matters for over 12 years
- iii. Must have represented organisations at the CCMA for over 10 years
- iv. Must have investigated allegations and advised on formulation of charges for disciplinary hearings
- v. Must have advised on grievance matters
- vi. Must have handled bargaining matters between the employer and the union successfully for over 5 years

- vii. Provide proof of previous projects executed, submitted in the form of reference letters
- viii. Reference letters should be on a letterhead contactable referees, with a phone number and email address details.

8.2 **Admitted Attorneys and Advocates:**

- i. Must have initiated and led evidence disciplinary hearings.
- ii. Must have provided advice on ER matters for over 5 years (post-admission) as a minimum requirement.
- iii. Must have represented organisations at the CCMA and Labour Court for over 5 years (post-admission) as a minimum requirement.
- iv. Must have chaired disciplinary hearings
- v. Must have handled bargaining matters between the employer and the union
- vi. Provide proof of previous projects executed, submitted in the form of reference letters
- vii. Reference letters should be on a letterhead contactable referees, with a phone number and email address details.
- viii. Reference letters should not be older than 4 years
- ix. Provide proof of Admission.
- x. Provide proof of affiliation to a professional body (Law Society of South Africa/ Bar)

9. **GENERAL TERMS AND CONDITIONS**

- 9.1. The Respondent is responsible for all costs incurred in the preparation and submission of the proposal.
- 9.2. A copy/ies of any affiliations, memberships and/or accreditations that support your submission must be included in the proposal.
- 9.3. Kindly note that TIA is entitled to:



- 9.3.1. Amend any RFP conditions, validity period, specifications, or extend the closing date and/or time of RFP's before the closing date. All Respondents, to whom the RFP documents have been issued, will be advised in writing of such amendments in good time;
- 9.3.2. Verify any information contained in a proposal;
- 9.3.3. Not appoint any bidder;
- 9.3.4. Vary, alter, and/or amend the terms of this RFP, at any time prior to the finalisation of its adjudication hereof;
- 9.3.5. Disqualify proposals that contain an omission of disclosure of material information, that is factual inaccurate, and/or contains a misrepresentation of facts. This could also lead to the cancellation of any subsequent contracts;
- 9.3.6. Not accept the lowest proposal or any proposal in part or in whole. TIA normally awards the contract to the Bidder who proves to be fully capable of handling the contract and whose proposal is technically acceptable and/or financially advantageous to TIA. Appointment as a successful contractor shall be subject to the parties agreeing to mutually acceptable contractual terms and conditions. In the event of the parties failing to reach such agreement within 30 (thirty) days from the appointment date, TIA shall be entitled to appoint the contractor who was rated 2nd (second), and so on;
- 9.3.7. Award this RFP as a whole or in part without furnishing reasons;
- 9.3.8. Cancel or withdraw from this RFP as a whole or in part without furnishing reasons and without attracting any liability;
- 9.3.9. The Bidder hereby offers to render all of the services described in the attached documents (if any) to TIA on the terms and conditions and in accordance with the specifications stipulated in this RFP documents (and which shall be taken as part of, and incorporated into, this proposal at the prices inserted therein);
- 9.3.10. This proposal and its acceptance shall be subject to the terms and conditions contained in this RFP document; and
- 9.3.11. The Respondent shall prepare for a possible presentation should TIA require such and the Respondent shall be notified thereof no later than 4 (four) days before the actual presentation date.

10. EVALUATION CRITERIA

10.1. Tenders for the Panel of **Employee Relations Consultants** will be evaluated based on the criteria requirements listed below.

No	Evaluation criteria	Scoring guide	Weighting	Max score
1	<p>Experience:</p> <p>The service provider, as part of the submission must prove that they have previously managed and presented employee relations cases on behalf of the employer internally and at the CCMA</p> <p>CVs of Consultants required</p>	<p>The ER Consultant has more than 10 years or more experience in handling ER matters and presenting cases on behalf of the employer at the CCMA; and handling bargaining matters between the employer and the union = 5</p> <p>The ER Consultant has between 8 years- and 10 years' experience in handling ER matters and presenting cases on behalf of the employer at the CCMA; and handling bargaining matters between the employer and the union = 3</p> <p>The ER Consultant has between 5- and 7 years' experience in handling ER matters and presenting cases on behalf of the employer at the CCMA; and handling bargaining matters between the employer and the union = 1</p>	0.4	5
2	<p>Capability to handle diverse and complex Employee Relations matters.</p> <p>Examples of cases that were successfully</p>	<p>The Employee Relations Consultant provided five (5) contactable reference letters for all these services to demonstrate that they handled disciplinary; grievances; incapacity</p>	0.3	5

	<p>concluded in other organizations without mentioning names. (please attach contactable reference letters from clients, including phone number and email address of referee)</p> <p>Reference letters that are not older than four years.</p>	<p>matters and disputes on behalf of the employer internally and at the CCMA = 5</p> <p>The Employee Relations Consultant provided three (3) reference letters to demonstrate that they handled disciplinary; grievances; incapacity matters and disputes on behalf of the employer internally and at the CCMA = 3</p> <p>The Employee Relations Consultant provided two (2) reference letters to demonstrate that they handled disciplinary; grievances; incapacity matters and disputes on behalf of the employer internally and at the CCMA = 1</p> <p>The Employee Relations Consultant did not provide reference letters to demonstrate that they handled employee relations cases on behalf of the employer at the CCMA = 0</p>		
3	<p>Experience in consulting with other organisations to handle bargaining matters with specific reference to advising on wage negotiations with union</p> <p>Contactable referees – with telephone numbers</p>	<p>The Employee Relations Consultant has rendered services to three or more organisations on bargaining matters between the employer and the union with specific reference to wage negotiations, five or more reference letters submitted = 5</p>	0.2	5

	Reference letters must not be older than 4 years	<p>The Employee Relations Consultant has rendered services to two or more organisations on bargaining matters between the employer and the union, with specific reference to wage negotiations, three to four reference letters submitted = 3</p> <p>The Employee Relations Consultant has rendered services to one to two organisations on bargaining matters between the employer and the union with specific reference to wage negotiations, one to two reference letters submitted = 1</p>		
4	Consultants to submit project plans that will indicate turnaround times to handle employee relations matters	<p>Proposal include:</p> <p>Detailed project plan including timelines for a case (pre, during and post phases of the case). Two Example Reports are included = 5</p> <p>Detailed project plan that addresses phases and timelines of cases without post-implementation review phase. One Example Report is included = 3</p> <p>Generic Project Plan submitted without timelines = 0</p>	0.1	5
	Minimum qualifying score (expressed as percentage)		70%	
B-BBEE status level Contributor			20	



Points for Price	80
Maximum Points	100

10.2. Panel for the Labour Lawyers will be evaluated based on the criteria requirements listed below.

No	Evaluation criteria	Scoring guide	Weighting	Max score
1	<p>Experience:</p> <p>The service provider, as part of the submission must prove that they have previously managed and presented employee relations cases on behalf of the employer internally and at the CCMA and the Labour Court</p>	<p>The service provider has more than 10 years' or more experience in handling ER matters and presenting cases on behalf of the employer at the CCMA and the Labour Court; and handling bargaining matters between the employer and the union = 5</p> <p>The service provider has between 8-years' or more experience in handling ER matters and presenting cases on behalf of the employer at the CCMA and the Labour Court; and handling bargaining matters between the employer and the union = 3</p> <p>The service provider has between 5- to 7years' experience in handling ER matters and presenting cases on behalf of the employer at the CCMA and at the Labour Court; and handling bargaining matters between the employer and the union = 1</p>	0.4	5

2	<p>Capability to handle diverse and complex Employee Relations matters.</p> <p>Contactable referees – with telephone numbers and e-mail address</p> <p>Reference letters must not be older than 4 years</p>	<p>The service provider provided five (5) reference letters to demonstrate that they handled disciplinary; grievances; incapacity matters and disputes on behalf of the employer internally, at the CCMA and at the Labour Court = 5</p> <p>The service provider provided three (3) reference letters to demonstrate that they handled disciplinary; grievances; incapacity matters and disputes on behalf of the employer internally and at the CCMA and the Labour Court = 3</p> <p>The service provider provided two (2) reference letters to demonstrate that they handled disciplinary; grievances; incapacity matters and disputes on behalf of the employer internally and at the CCMA and the Labour Court = 1</p> <p>The service provider did not provide reference letters to demonstrate that they handled employee relations cases on behalf of the employer at the CCMA and the Labour Court = 0</p>	0.3	5
3	<p>Experience in presenting ER cases at the Labour Court as an admitted Attorney (please attach proof of</p>	<p>The service provider has 10 years or more of experience post admission in presenting employee relations cases at the Labour Court as an admitted</p>	0.2	5

	<p>admission as an Attorney or Advocate)</p>	<p>Attorney (proof of admission as an Attorney/Advocate submitted) = 5</p> <p>The service provider t has 8 years or more of experience post admission, in presenting employee relations cases at the Labour Court as an admitted Attorney (proof of admission as an admitted Attorney /Advocate attached) = 3</p> <p>The service provider has 5 to 7 years of experience post admission, in presenting employee relations cases at the Labour Court as an admitted Attorney or Advocate (proof of admission as an admitted Attorney or Advocate attached) = 1</p>		
4	<p>Consultants to submit project plans that will indicate turnaround times to handle employee relations matters</p>	<p>Proposal include:</p> <p>Detailed project plan including timelines for a case (pre, during and post phases of the case). Two Example Reports are included = 5</p> <p>Detailed project plan that addresses phases and timelines of cases without post-implementation review phase. One Example Report is included = 3</p> <p>Generic Project Plan submitted without timelines = 0</p>	0.1	5

	Minimum qualifying score (expressed as percentage)	70%	
B-BBEE status level Contributor		20	
Points for Price		80	
Maximum Points		100	

10.3. **BBBEE status and Price will be considered in each case**

B-BBEE status level Contributor	20
Points for Price	80
Maximum Points	100

11. REPORTING REQUIREMENTS

The Service Provider shall:

- Prepare a project plan for every matter
- Provide reports on every case
- Prepare and submit bundles for disciplinary cases; CCMA cases and Labour Court
- Submit transcript of disciplinary hearings, grievance sessions and any other meeting facilitated by the service provider
- Submit findings when chairing disciplinary hearings or grievances
- Provide reports on investigations undertaken

12. MANDATORY REQUIREMENTS

12.1. Proposals will be disqualified or excluded under the following conditions:

- 12.1.1. Submission after the deadline;
- 12.1.2. Service Providers not registered on Central Supplier Database (www.csd.gov.za)



- 12.1.3. Service Providers whose tax matters are not in order when TIA appoints
- 12.1.4. Compulsory briefing session to be attended by a representative of a company that will be responding to tender.
- 12.1.5. Proof of admission as an Attorney or Advocate (for a panel of Labour Law Practitioners)
- 12.1.6. Proof of affiliation to a professional body which is the Law Society of South Africa or Bar (for a panel of Labour Law Practitioners)

- 12.1.7. Submission of reference letters that are not older than 4 years, with contactable referees.

13. DEADLINE FOR SUBMISSION

- 13.1. Proposals that contains the Request for Proposal reference number must be submitted at Tenders@tia.org.za no later than 9 April 2021 at 11:00.

14. COSTING

Bidder to provide detail cost breakdown for the following:

<u>RESOURCES (Team members)</u>	<u>RATE PER HOUR</u>
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15. PERIOD OF APPOINTMENT

- 15.1. This will be for a period of 36 months (3 years), subject to performance measures. Agreements will be signed on a case to case basis.



STANDARD BIDDING DOCUMENTS

INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)

BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					

THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).

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

SUPPLIER INFORMATION				
NAME OF BIDDER				
POSTAL ADDRESS				
STREET ADDRESS				
TELEPHONE NUMBER	CODE		NUMBER	
CELLPHONE NUMBER				
FACSIMILE NUMBER	CODE		NUMBER	
E-MAIL ADDRESS				
VAT REGISTRATION NUMBER				

	TCS PIN:		OR	CSD No:	
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:			
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ANSWER PART B:3 BELOW]	
SIGNATURE OF BIDDER			DATE		
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)					
TOTAL NUMBER OF ITEMS OFFERED			TOTAL BID PRICE (ALL INCLUSIVE)		
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			TECHNICAL INFORMATION MAY BE DIRECTED TO:		
DEPARTMENT/ PUBLIC ENTITY			CONTACT PERSON		
CONTACT PERSON			TELEPHONE NUMBER		
TELEPHONE NUMBER			FACSIMILE NUMBER		
FACSIMILE NUMBER			E-MAIL ADDRESS		
E-MAIL ADDRESS					

PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED– (NOT TO BE RE-TYPED) OR ONLINE</p> <p>1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY 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 TO BIDDING INSTITUTION.</p> <p>1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.</p> <p>1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.</p>
2. TAX COMPLIANCE REQUIREMENTS
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER’S PROFILE AND TAX STATUS.</p> <p>2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.</p> <p>2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.</p> <p>2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.</p> <p>2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p>
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS
<p>3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO</p>



3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?
 YES NO

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

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SBD 4

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

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

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

2.1 Full Name of bidder or his or her representative:

.....

2.2 Identity Number:

.....



2.3 Position occupied in the Company (director, trustee, shareholder²):
.....

2.4 Company Registration Number:

2.5 Tax Reference Number :

2.6

2.7 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 the appropriate authority to undertake remunerative work outside employment in the public sector?

YES / NO

2.7.2.1 If yes, did you attach 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 /shareholder/ 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 / Personnel Number

4 DECLARATION

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

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

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.



.....
Signature

.....
Date

.....
Position

.....
Name of Bidder



SBD 6.1

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

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

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

1. GENERAL CONDITIONS

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

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

1.2

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

1.3 Points for this bid shall be awarded for:

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

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

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

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor

together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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

2. DEFINITIONS

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

3. POINTS AWARDED FOR PRICE

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

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

80/20

or

90/10

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

P_{\min} = Price of lowest acceptable bid

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

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

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

5. BID DECLARATION

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

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

6.1 B-BBEE Status Level of Contributor: . =(maximum of 10 or 20

points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

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

(Tick applicable box)

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

7.1.1 If yes, indicate:

i) What percentage of the contract will be subcontracted.....%

ii) The name of the sub-contractor.....

iii) The B-BBEE status level of the sub-contractor.....

iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

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

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

Designated Group: An EME or QSE which is at least 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

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

8.2 VAT registration



number:.....

8.3 Company registration
number:.....

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

8.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

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

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

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



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

WITNESSES

1.

2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....

.....

SI

2 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.**



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



SBD 8

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

SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.



3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:

a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.

b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.

4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.

5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

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

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



SBD 9

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.

SBD 9

- 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