



GAUTENG
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REQUEST FOR PROPOSAL

APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT A PROJECT MANAGEMENT ADOPTION, MATURITY ASSESSMENT AND PROPOSE IMPROVEMENT STRATEGY, PLAN, TOOLS FOR THE GAUTENG PROVINCIAL LEGISLATURE WITHIN A PERIOD OF THREE MONTHS

RFQ NO: PR 10058961

CLOSING DATE: 13 MAY 2022

TIME: 11:00 AM

RFQ SUBMISSION: Tdaku@gpl.gov.za



GAUTENG
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WE SHALL OVERCOME

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CORONAVIRUS HOTLINE NUMBER: 0800 02 99 99

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The Gauteng Provincial Legislature (Gauteng Legislature, GPL) is one of the 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

- 1. 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.
- 2. 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.
- 3. 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.
- 4. 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

- 1. 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.

2. 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

APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT A PROJECT MANAGEMENT ADOPTION, MATURITY ASSESSMENT AND PROPOSE IMPROVEMENT STRATEGY, PLAN, TOOLS FOR THE GAUTENG PROVINCIAL LEGISLATURE WITHIN A PERIOD OF THREE MONTHS

1. INTRODUCTION

This Terms of Reference (ToR) aim to enable the Gauteng Provincial Legislature (GPL) to appoint a company to render professional services. The professional services sought are for the purposes of assessing the GPL's project management adoption, maturity, and other consequential work therein as detailed in the scope section. It is the GPL's expectation that the assignment will be concluded within three months.

2. BACKGROUND

The Gauteng Provincial Legislature project management environment has been on a gradual development track since inception, approximately 20 years ago. In that period, a project management methodology, governance, and process frameworks were introduced, including the establishment of a Project Governance Office (PGO). The scope of the PGO is limited to the provision of support to Project Managers. The support is confined to the following: methodology, governance, and process requirements. Project are managed by officials in different business units and are accountable to their functional supervisors in this regard.

The methodology and frameworks were developed against the requirements of the Enterprise Project Information Centre (EPIC). The EPIC tool has since been decommissioned. In its place, the GPL is introducing the Microsoft projects online software, which is a preferred enterprise project management tool. The introduction of the enterprise project management tool seeks to move the GPL from the management of project on an individual basis to portfolio management.

The GPL's current project management methodology is based on both the PRINCE2 and Waterfall methodologies. The successful service provider is required to implement the assignment using best practice standards as per the Project Management Institute, Project Management South Africa, International Project Management Association, and AXELOS. Where it is not possible to employ all or some, the service provider must disclose and provide reasons.

3. OBJECTIVES

The objectives of this exercise are as listed below:

- a. To enable the GPL to appreciate its current project management adoption and maturity levels.
- b. To develop a strategy, framework/s, plan/s, policy positions, and processes & workflows required for the implementation of project portfolio management approach.
- c. To acquire tools to enable the GPL to conduct project adoption, maturity, complexity, and resourcing assessments in the future.

4. SCOPE OF WORK

The GPL is a public sector organisation that has adopted the Management by Projects (MBP) approach to strategy execution. Our targeted project management maturity level is that which is commensurate to having the capacity and capability to execute projects using the portfolio management approach. The successful service provider is required to deliver on the following scope of work:

- 4.1 Assess the GPL's project management adoption and maturity levels and develop a gap analysis report with recommendations.
- 4.2 Develop a project portfolio management approach implementation strategy, phased implementation plan, resourcing plan, and change management framework.
 - 4.2.1 A feasibility study to determine the viability of the proposed strategy and plans must be conducted and reported upon. The feasibility study must be conducted using the GPL's business case templates.
- 4.3 Develop portfolio, programme, and project management methodology, and processes (including, but not limited to the selection and prioritisation framework and tools) which can be built into the Microsoft projects online software for the GPL.
 - 4.3.1 The methodology should outline the portfolio, programme, and projects stages: Initiation, planning, execution, Optimisation, and closeout.
- 4.4 Develop project maturity, complexity, and resourcing frameworks and tools and accord the GPL all the accompanying rights of use.
 - 4.4.1 Project maturity assessment framework, process, and tool to enable the GPL to perform assessments in the future.
 - 4.4.2 Portfolio, programme, and project complexity assessment and resourcing framework, processes, and tools. The tool should enable the GPL to decide how to resource its programmes, and projects based on prerequisite skills and competencies.
 - 4.4.3 Develop portfolio, programme and project selection and Prioritisation framework, process, and tool/s.
 - 4.4.4 The tools should be adaptable to the Microsoft projects online software for the GPL.
- 4.5 To develop a draft project management policy for the GPL. The policy must provide for an end-to-end process including Initiation, planning, execution, Optimisation, and closeout.
- 4.6 All business processes must be developed in line with the GPL's Business Process Management Framework.
- 4.7 Workshop the deliverables with a team selected by the GPL to ensure understanding.

5. ROLES AND RESPONSIBILITIES

5.1 The role of the GPL

- 5.1.1 Provide the service provider with relevant documentation required for the fulfilment of the contract assignment.
- 5.1.2 Enable the service provider to access GPL employees when required for purposes of completing the requirements of the contract assignment.
- 5.1.3 Facilitate the necessary internal processes required for the consideration and approval of deliverables.
- 5.1.4 Perform all contract management obligations as duly assigned.

5.2 The role of the service provider

- 5.2.1 Submit a detailed project implementation plan in fulfilment of the scope of this Terms of Reference and as per the bid documents for consideration by the GPL and obtain approval prior to commencement with work.
- 5.2.2 Ensure that the deliverables produced are in line with and enable the achievement of the objectives as stated in section 3 of this ToR.
- 5.2.3 Conclude a contract with the GPL within the stipulated time and fulfil all contract obligations as per the terms stated therein.
- 5.2.4 Assign an experienced and competent team to perform the assigned work in accordance with the contract. The team must be led by a qualified, competent, and experienced individual in the relevant field and must be a liaison person between the service provider and the GPL.
- 5.2.5 The service provider must ensure that they are available for meetings and present to relevant governance committees when required.
- 5.2.6 To ensure that the deliverables are of an expected quality, the service provider must perform the work in line with practice standards set by reputable project management industry bodies.
- 5.2.7 Prepare and submit editable power point presentations for all or a combination of deliverables to the GPL's Project Governance Officer (to whom they are responsible) in the legislature for use in furtherance of the objectives of the assignment.
- 5.2.8 It is expected of the appointed service provider to treat all documents as confidential and only for the purpose of this exercise.

6. REQUIRED COMPETENCIES

6.1. The service provider must:

- 6.1.1. have a minimum 5 years' experience and proven track record of performing project management adoption and maturity assessments.
- 6.1.2. have a minimum 5 years' experience and proven track record of designing and implementing portfolio management methodologies, governance frameworks and implementation processes.
- 6.1.3. have a minimum of 5 (five) years' experience in consulting in the public and/or private sectors on project management.

6.1.4. have successfully completed a minimum of at least 3 project adoption and maturity assessments, and project portfolio management methodology, governance framework, and processes (& workflows) within either the public or private sectors in the past 10 years.

6.2. The team assigned to the project team must:

6.2.1. Include a team leader with a minimum of 5 years' experience in project management, proven track record of conducting project adoption, maturity assessments and implementation of portfolio management methodologies, tools for client organisations.

6.2.2. Include a team leader who either have a minimum of a degree (NQF Level 7) in project management, or

6.2.3. possess recognised certification/s or designations conferred by recognised industry bodies. The certifications or designations referred to above are:

6.2.3.1. Project Management Professional (PMP),

6.2.3.2. Program Management Professional (PgMP),

6.2.3.3. Portfolio Management Professional (PfMP),

6.2.3.4. PM (Project Manager),

6.2.3.5. Senior Project Manager (Sr.PM),

6.2.3.6. Professional Project Manager (Pr.PM).

7. KEY ASSUMPTIONS

7.1 The GPL will perform all actions required to enable the service provider to fulfil their contract obligations. This may include the provision of relevant documents, and available data as may be required by the service provider for purposes of fulfilling their contract obligations.

7.2 The work is to be completed as per scope, budget, and time, without any delays on the part of the service provider.

7.3 The service provider and assigned individuals have prerequisite qualifications, competencies, and experience to perform the work assigned to them.

7.4 The service provider is well vest and has experience in applying best practice project management practices.

7.5 GPL will not incur any additional costs because of timeline extension/s requested by the service provider.

8. PERIOD OF THE ASSIGNMENT

The service provider should commence and complete the assignment within a period of 3 months from date of award

9. EVALUATION CRITERIA

9.1 The GPL needs to be satisfied, in all respects, that the service provider selected has the necessary resources, qualifications and abilities for this project, and that all submissions are regarded in a fair manner in terms of evaluation criteria and process

9.2 The 80/20 Preference Point system will be applied to evaluate the received proposals, the process of which shall be done in the following phases:

9.2.1 Phase 1: Administrative Compliance (Preliminary Evaluation)

To be conducted by SCM to confirm compliance and completeness of documents, i.e., Tax compliance, completed standard bidding documents as per the tender document and other documentation that might have been required for the tender (e.g., certification of professional bodies, financial statements etc). Only those proposals whose compliance is in order will move to Phase 2 (Evaluation on functionality).

9.2.2 Phase 2: Functionality Evaluation Criteria (100)

This phase measures the capability and capacity of the service provider to deliver on the assignment. The below criterion will be applied to score the proposals from which a service provider must score a minimum of 70 points to be considered for Phase 3 of the evaluation, i.e., Price and BEE Status Level of Contributor

FUNCTIONALITY EVALUATION CRITERIA				
#	CRITERION	DESCRIPTION	SCORE	WEIGHT
1.	Industry Experience The company's industry experience is defined in section 6.1. of the ToR.	The company must meet the requirements stated in subsection 6.1. of the ToR and submit a list of at least 3 completed projects and signed client reference letters.	15	30
		Industry experience exceeding the minimum defined in section 6.1. of the ToR implies the following: <ul style="list-style-type: none"> • 6 or more years' experience on the requirements of subsections 6.1.1 – 6.1.3, and • 5 or more projects in areas stated under subsection 6.1.4. The company must submit project list of 5 or more completed projects and	30	

FUNCTIONALITY EVALUATION CRITERIA

#	CRITERION	DESCRIPTION	SCORE	WEIGHT
		signed client reference letters for each.		
2.	<p>Project Methodology and Project Plan</p> <p>A detailed project implementation plan and schedule developed based on sound project management methodology</p>	<p>A comprehensive project implementation plan detailing comprising of the following:</p> <ul style="list-style-type: none"> • outline of the project management methodology applied, • project scope, • activities/tasks, • project schedule, • resource allocation, • milestones, and • risk management plan. 	30	30
3.	<p>Internal Capacity</p> <p>Internal capacity requirements are defined in subsection 6.2. of the ToR.</p>	<p>The company must meet the minimum requirements as stated below and provide organogram including roles, CV's and qualifications of resources allocated to the project:</p> <ul style="list-style-type: none"> • subsection 6.2.1. • subsection 6.2.2, or subsection 6.2.3 • for subsection 6.2.3. the service provider must either have option (a) 6.2.3.1 and/or 6.2.3.2; or option (b) 6.2.3.4 and/or 6.2.3.5. <p>Subsections 6.2.3.3 and 6.2.3.6 do not form part of the minimum requirements.</p>	20	40

FUNCTIONALITY EVALUATION CRITERIA				
#	CRITERION	DESCRIPTION	SCORE	WEIGHT
		Requirements exceeding the minimum requirements defined in subsection 6.2. imply the following: <ul style="list-style-type: none"> • 10 or more years of experience in the requirements of 6.2.1. • A degree (NQFL 09) in either project management, MBA, or certification/designation stated in subsection 6.2.3.3 or 6.2.3.6. The company must provide an organogram including roles, CV's and qualifications of resources allocated to the project.	40	
TOTAL POINTS				100
THRESHOLD				70

9.2.3 Phase 3: Price and BEE Status Level of Contributor

9.2.3.1 Only bidders that score a combined 70% out of 100 points on Functionality i.e., 70 points and above will be considered on this phase which will determine the bidder (s) to be recommended for approval by the delegated authority. The 80/20 Preference points system will be applied using the below formula to calculate price:

The following formula will be used to calculate the points for price: Criteria	Points
Price Evaluation $Ps\ 80 \left(1 - \frac{Pt - P\ min}{P\ min} \right)$	80
BEE	20
TOTAL	100

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

9.2.3.2 In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points will be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table as set out in the Preference Points Claim Form (SBD 6.1).

B-BBEE Status Level of Contributor	Number of Points
1	20
2	18
3	16
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

9.2.3.3 The GPL reserves the right not to appoint or to appoint one or more service providers for this project

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	Mandatory	
		Yes	No
1.	Technical Proposal	x	
2.	Invitation to bid (SBD1): completed and signed	x	
3.	Pricing Schedule (Firm Pricing) SBD 3.3	x	
4.	Declaration of interest (SBD 4) Original completed and signed.	x	
5.	Preference points claim (SBD 6.1) Original completed and signed	x	
6.	Declaration of Bidder's past SCM Practices (SBD 8) Original completed and signed.	x	
7.	Certificate of independent bid determination (SBD 9) Original completed and signed.	x	
8.	Did you submit copies of full Company Registration documents?	x	
9.	Did you submit copies of South African IDs' for shareholders?	x	
10.	Did you submit your company profile?	x	
11.	Did you submit a detailed CSD report and SARS Issued PIN?	x	
12.	Did you submit one (1) Bid proposal	x	
12.1	and (1) USB.	Basic Compliance	
13.	Joint Venture / Consortium agreement / Trust Deed (if applicable): <ul style="list-style-type: none"> • Did you submit all documents for all parties of the Joint Venture/Consortium/Trust Deed? • Certified copies of shareholders certificates • Certified copy of Company Registration documents 	x	

	<ul style="list-style-type: none"> • Certified copy of ID documents of the Directors or Members ✓ Valid B-BBEE Certificate (from SANAS accredited Verification Agency) or from the Auditors approved by the Independent Regulatory Body of Auditors (IRBA); ✓ A valid Sworn Affidavit, confirming the following: <ul style="list-style-type: none"> • B-BBEE Level of contribution • The percentage of Black Ownership • The percentage of ownership by women • Whether or not Bidder's Annual income exceeded R10,000,000.00 (ten million rand) based on Management Accounts and other information available on the past financial year 		
<p>Service Providers' name:</p> <p>_____</p> <p>Completed by:</p> <p>_____</p> <p>Signature of delegated person:</p> <p>_____</p>	x		



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

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_____

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

PHASE COST PER PHASE NO OF DAYS

_____ R_____

_____ R_____

_____ R_____

_____ R_____

5.1 Travel expenses (specify, for example rate/km and total km, class of air travel, etc.). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.

DESCRIPTION OF EXPENSE RATE QUANTITY AMOUNT
TO BE INCURRED

_____ R_____

R_____

_____ R_____

R_____

_____ 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, e.g. 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 _____			

_____	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: Ms Thuli Daku
Tel: 011 498-5431
E-mail address: TDaku@gpl.gov.za

ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:

Contact Person: Mr Lehlogonolo Mashifane
Tel: 011 498-5563
E-mail address: LMashifane@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 presently employed by the state? **YES / NO**

2.7.1 If so, furnish the following particulars:

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

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

Position occupied in the state institution:

Any other particulars:

.....

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

2.7.2.1 If yes, did you 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 / 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
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			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 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 80/20 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	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
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 last 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

.....

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

SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.

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

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

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

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - a. has been requested to submit a bid in response to this bid invitation;
 - b. could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities, or experience; and
 - c. provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement, or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement, or arrangement with any competitor regarding:
 - a) prices;
 - b) geographical area where product or service will be rendered (market allocation)
 - c) methods, factors or formulas used to calculate prices;
 - d) the intention or decision to submit or not to submit, a bid;
 - e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

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

Signature: Date:

Position:Name of Bidder:
.....



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LEGISLATURE
Your View ~ Our Vision

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