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**INVITATION TO BID**

**APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT FEASIBILITY STUDY ON GAUTENG PROVINCIAL LEGISLATURE'S CAPACITY TO IMPLEMENT THE MONEY BILLS AMENDMENT PROCEDURE AND RELATED MATTERS BILL FOR A PERIOD OF 3 MONTHS**

**BID NO: GPL 004/2023**

**COMPULSORY VIRTUAL BRIEFING SESSION: 06 JULY 2022 @ 10:00AM**

**CLOSING DATE: 18 JULY 2022**

**TIME: 11:00 AM**



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**CORONAVIRUS HOTLINE NUMBER: 0800 02 99 99**

[www.gpl.gov.za](http://www.gpl.gov.za)

These are documents required for this bidding. Should the bidder fail to submit the following documents, the bid will be disqualified automatically:

Item	Description	Mandatory	Submitted	
			Yes	No
1	Technical Proposal	<b>Yes</b>		
2	Invitation to bid (SBD1): completed and signed	<b>Yes</b>		
3	Pricing Schedule (Firm Pricing) SBD 3.3	<b>Yes</b>		
4	Declaration of interest (SBD 4) Original completed and signed.	<b>Yes</b>		
5	Did you submit copies of full Company Registration documents?	<b>Yes</b>		
6	Did you submit copies of South African IDs' for shareholders?	<b>Yes</b>		
7	Did you submit your company profile?	<b>Yes</b>		
8	Did you submit a detailed CSD report and SARS Issued PIN?	<b>Yes</b>		
9	Did you submit one (1) hard copy bid proposal	<b>Yes</b>		
9.1	Did you submit one (1) USB.	<b>Non-mandatory Basic compliance</b>		
10	Joint Venture / Consortium agreement / Trust Deed (if applicable): <ul style="list-style-type: none"> <li>• Did you submit all documents for all parties of the Joint Venture/Consortium/Trust Deed?</li> <li>✓ Certified copies of shareholders certificates</li> <li>✓ Certified copy of Company Registration documents</li> <li>✓ Certified copy of ID documents of the Directors or Members</li> </ul>	<b>Yes</b>		

**Service Provider's Name:**.....

**Completed by:**.....

**Signature:**.....



**INVITATION TO BID  
(SBD1)**

**Section 2**

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

BID NUMBER:	<b>GPL 004/2023</b>	CLOSING DATE:	<b>18 JULY 2022</b>	CLOSING TIME:	<b>11H00 AM</b>
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DESCRIPTION	<b>APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT FEASIBILITY STUDY ON GAUTENG PROVINCIAL LEGISLATURE'S CAPACITY TO IMPLEMENT THE MONEY BILLS AMENDMENT PROCEDURE AND RELATED MATTERS BILL FOR A PERIOD OF 3 MONTHS</b>
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**BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)**

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

**BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO TECHNICAL ENQUIRIES MAY BE DIRECTED TO:**

CONTACT PERSON	Ms AMUKELANI MALULEKE	CONTACT PERSON	Mr RALPH CHILOANE
TELEPHONE NUMBER	(011) 498-5859	TELEPHONE NUMBER	(011) 498-5547
FACSIMILE NUMBER	<b>N/A</b>	FACSIMILE NUMBER	<b>N/A</b>
E-MAIL ADDRESS	<a href="mailto:amaluleke@gpl.gov.za">amaluleke@gpl.gov.za</a>	E-MAIL ADDRESS	<a href="mailto:rchiloane@gpl.gov.za">rchiloane@gpl.gov.za</a>

**PLEASE NOTE THAT ALL ENQUIRIES SHOULD BE IN WRITING. NO TELEPHONIC ENQUIRIES WILL BE ATTENDED TO. E-MAILS SHOULD BE FORWARDED TO BOTH Ms MALULEKE AND Mr CHILOANE FOR WRITTEN RESPONSES**

**SUPPLIER INFORMATION**

NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	

**[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]**

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW ]
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**QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?  YES  NO

DOES THE ENTITY HAVE A BRANCH IN THE RSA?  YES  NO

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?  
 YES  NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?  YES  
 NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?  YES  NO

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

**PART B**

**TERMS AND CONDITIONS FOR BIDDING**

<b>1. BID SUBMISSION:</b>	
1.1.	BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2.	<b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED – (NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.</b>
1.3.	THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4.	<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b>
<b>2. TAX COMPLIANCE REQUIREMENTS</b>	
2.1	BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2	BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3	APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
2.4	BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6	WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7	NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE.”

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

SIGNATURE OF BIDDER: .....

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

DATE: .....

Due to the rapid spread of COVID – 19 and following on from President Cyril Ramaphosa’s announcement declaring the pandemic a national disaster, the GPL is introducing the following precautionary measures in relation to submissions of tender documents.

### **BID SUBMISSIONS**

The potential Bidders must submit one (1) Bid proposal and (1) USB.  
The Bid proposal must be properly bonded.

### **TENDER BOX SUBMISSION**

Bidders must adhere to social distancing rules of 1,5M.  
Bidders must wear facial mask when entering GPL premises.  
Physical documentation that is received will be kept in isolation for a period of 4 days post tender closing.  
Bid submission register will be made available at Reception however Bidders must use their own black pens to complete the register to avoid physical contact.



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

**Section 4**

**BID NUMBER:** GPL004/2023

**BID DESCRIPTION:** APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT A FEASIBILITY STUDY ON THE GAUTENG PROVINCIAL LEGISLATURE'S CAPACITY TO IMPLEMENT THE MONEY BILLS AMENDMENT PROCEDURE AND RELATED MATTERS BILL FOR A PERIOD OF 3 MONTHS

**BID CLOSING DATE:** 18 JULY 2022 **CLOSING TIME:** 11H00am

**BRIEFING SESSION:** YES

**Applicable:** YES

**Compulsory:** YES

**Venue:** Microsoft Teams

**Date:** 06 JULY 2022 **Time:** 10h00am

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

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

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

<p><b>SIGNATURE OF BIDDER OR ASSIGNEE(S)</b></p>    <p>.....</p>	<p><b>DATE:</b> .....</p>
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Position .....

Name Bidder .....

Name of Company.....

SIGNATURE OF GPL OFFICIAL

DATE:

### **3.1 DOCUMENTS**

- 3.1.1. Specify name, position, address and other contact details (e-mail, telephone, and fax) of the person within the service provider organisation responsible for leading the bid process and to whom all correspondence should be directed.
- 3.1.2. The bid shall be signed by a relevant company or close cooperation (CC) representative who has the relevant authority to sign legal and binding contracts on behalf of the company or CC.
- 3.1.3. If any part of this bid is not duly filled in and signed in ink it may invalidate the bid.
- 3.1.4. Where alterations have been made to any part of the bid, the bidder must sign next to (Correction ink/Tippex is not allowed).
- 3.1.5. All bids must be submitted on the official forms (not to be re- typed or altered). The bidder must initial all the pages of this bid to acknowledge acceptance of understanding. The signed bid must be returned with the proposal.
- 3.1.6. The company, its Directorship and personnel assigned will be subject to vetting by GPL's Security Services. A register of will be requested of the successful company.
- 3.1.7. The bidder must certify that the personnel identified in its response to this bid will be the persons assigned to GPL. Any changes in the personnel from those identified in the response to the Bid must be approved by GPL. GPL may, at its discretion, require the removal and replacement of any of the bidder's personnel who do not perform adequately.

### **3.2 SUBMISSION OF BID PROPOSAL**

- 3.2.1 This bid must be submitted in accordance with the format, times and place as prescribed in the bid document.
- 3.2.2 All responses must conform to instructions. Failure to provide relevant information, signatures or any other requirements of this bid will be considered appropriate cause for rejection of the response and will result in instant disqualification.
- 3.2.3 Proposals must be submitted with the sections and/or subsections clearly marked. All pages must be numbered consecutively.
- 3.2.4 No faxed or e-mailed copies will be accepted.

### **3.3 BID RESPONSES**

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

#### **3.3.2.1 Service Provider Contact Details**

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

#### **3.3.2.2 Service Provider Profile**

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

#### **3.3.2.3 Pricing Structure**

- Prices must be quoted in South African currency and must be inclusive of Value Added Tax (VAT).

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

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

3.3.3.1 Every prospective bidder must submit one (1) Bid proposal and (1) USB.

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

Bids must be clearly marked **on the front** as follows: **Bid No: GPL004/2023**

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

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

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

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

### **3.4 ACCESSIBILITY OF THE TENDER/BID BOX**

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

3.4.2 Bidders must ensure that bids are delivered in a timely manner and to the correct address. If the bid is late, it will not be accepted for consideration. Bidders must allow sufficient time to access the tender box in the GPL through the visitor's entrance and other security checkpoints.

### **3.5 TIME FRAMES**

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

### **3.6 OWNERSHIP OF PROPOSALS**

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

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

### **3.7 BID VALIDITY PERIOD**

3.7.1 This bid and all proposals (costs included) shall remain binding and valid for a period of 120 days calculated from the closing date of the Bid. Gauteng Provincial Legislature (GPL) reserves the right to notify bidders in writing to extend the above validity period for another 30 days if deemed necessary and in the interest of Gauteng Provincial Legislature (GPL). Any additional extension after the above days, Gauteng Provincial Legislature (GPL) will request approval from bidders.



### **3.8 JOINT VENTURES OR CONSORTIUM**

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

### **3.9 DISCOUNTS**

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

### **3.10 GENERAL REQUIREMENTS**

- 3.10.1 Prospective bidders may submit their questions to [Amaluleke@gpl.gov.za](mailto:Amaluleke@gpl.gov.za) or contact the person assigned to deal with enquiries on the advertisement for this bid.
- 3.10.2 Any costs incurred by the bidders in preparing and submitting their response to the Request for Bids (RFB) will be the sole responsibility of the bidder.
- 3.10.3 GPL may request bidders to provide additional pricing information to be utilised for comparative purposes during evaluations.
- 3.10.4 GPL reserves the right to invite short-listed bidders to make a presentation to GPL's bids evaluation committee to further clarify or substantiate their submissions.
- 3.10.5 GPL reserves the right not to award this bid in total, or part thereof.
- 3.10.6 GPL reserves the right, for purposes of promoting the values of competitiveness and fairness, not to award the bid to the highest scoring bidder if such bidder has been awarded a bid by GPL or has performed services for GPL during the last 12 months prior to the closing date of the bid.
- 3.10.7 GPL reserves the right to re-appoint or extend the service of the service provider where there is a natural continuation of assignments.
- 3.10.8 The successful bidder/s will enter into a stipulated contract with GPL for the provision of the required service.
- 3.10.9 The successful bidders, their employees and their sub-contractors must comply with GPL security clearance.
- 3.10.10 The successful bidders must be willing to sign confidentiality or non-disclosure agreement.
- 3.10.11 All items supplied by the successful bidder/s must meet the minimum approved requirements of the South African National Standards.
- 3.10.12 All items supplied by the successful bidder/s must be manufacturer guaranteed.
- 3.10.13 All relevant clearances and/or memberships must be submitted to GPL upon the renewal throughout the duration of the contract.
- 3.10.14 In the event where the order was wrongly printed, the service provider must be able to exchange goods or cancel the order as per the GPL's request.

### **3.11 CENTRAL SUPPLIER DATABASE REQUIREMENTS**

- 3.11.1 Bidders should register on the Central Supplier Database (CSD) to upload information namely, (Business Registration/Directorship/Membership/Identity Numbers/Tax Compliance Status and Banking Information for verification purposes) B-BBEE Certificate or sworn affidavit for B-BBEE.
- 3.11.2 Where a bidder is not registered on the CSD, information, namely (Business Registration/Directorship/Membership/Identity Numbers/Tax Compliance Status and Banking Information for verification purposes) B-BBEE Certificate or sworn affidavit for B-BBEE must be submitted.
- 3.11.3 This bid is subject to the preferential procurement policy framework act and the preferential procurement regulations, 2017, financial management of parliament and provincial legislature act and the financial management of parliament and provincial legislature regulations, 2015, the general conditions of contract (GCC) and, if applicable, any other special conditions of contract (SCC)
- 3.11.4 GPL cannot award contracts to provide goods and/or services to a Member of GPL or Cabinet, a Member of a Provincial Legislature or Member of a Provincial Executive Council, a municipal councillor, a person in the employ of the state/government whose participation in bidding for the contract may result in a conflict of interest, or any entity in which any of the mentioned persons is a Director or has controlling or other substantial interest.

### **3.12 VISITS / MEETINGS / INSPECTION**

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

### **3.13 AWARD OF BID**

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

### **3.14 SUBCONTRACTING**

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

### **3.15 SUBCONTRACTING AFTER AWARD OF TENDER**

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

### **3.16 FRONTING**

- 3.16.1 The GPL supports the spirit of broad based black economic empowerment and recognizes that real empowerment can only be achieved through individuals and businesses conducting themselves in accordance with the Constitution and in an honest, fair, equitable, transparent and legally compliant manner. Against this background the GPL condemns any form of fronting.
- 3.16.2 The GPL, in ensuring that bidders conduct themselves in an honest manner will, as part of the bid evaluation processes, conduct or initiate the necessary enquiries/investigations to determine the accuracy of the representation made in bid documents. Should any of the fronting indicators as contained in the Guidelines on Complex Structures and Transactions and Fronting, issued by the Department of Trade and Industry, be established during such enquiry / investigation, the onus will be on the bidder / contractor to prove that fronting does not exist. Failure to do so within a period of 14 days from date of notification may invalidate the bid / contract and may also result in the restriction of the bidder /contractor to conduct business with the public sector for a period not exceeding ten years, in addition to any other remedies the GPL may have against the bidder / contractor concerned.

### **3.17 SECURITY AND OCCUPANCY**

- 3.17.1 Where applicable, All the areas covered by this contract fall within areas defined in the relevant Security and Access Acts as "Restricted Areas" and all of the provisions of these Acts will apply to this contract.
- 3.17.2 Where applicable, all buildings involved in this contract are subject to stringent access control for all personnel and for materials delivered to and removed from the site. In addition, all workmen and staff on site or in any way involved in this contract are subject to prior security clearance. Bidders will be required to submit a list of the minimum sufficient persons required affecting the work on site plus those directly involved on site with this contract. If any person is rejected for security reasons Bidders will be required to replace them on their list. If the Bidder is ultimately unable to offer personnel with satisfactory security clearance his Bid may be rejected on such grounds.
- 3.17.3 Any person rejected by the SAPS for failing to meet the security requirements, inclusive of security clearance, wandering away from an escort or from the immediate contract area, or any misconduct on the site will immediately, without any recourse by the Contractor, be removed from site and refused re-entry to site. This refusal to site shall be in addition to any legal action the SAPS may institute.
- 3.17.4 Successful Bidder will be required to hand in to the GPL Security Unit within Forty- Eight (48) hours after being requested, following formal acceptance of the Bid, the following information:
- Full names of each of the persons intended to be utilized on site, including supervisory staff.
  - Position in firm plus service to be performed.
  - Intended areas they will be working in.
  - A copy of Identification Document, certified as a true copy of the original by the SAPS. Such document shall be the original certified copy.
  - Home address.
- 3.17.5 Bidders are recommended to have such documentation, both for their own staff and for their Sub-contractors, if applicable, available prior to the closing date of Bids so as to minimise delays in security clearance of personnel once the Bid is awarded.
- 3.17.6 Any time lost due to delays in submitting the called for list of personnel required entering site, the rejection of personnel on the list, or the subsequent removal and banning from site of personnel will not be accepted as motivation for extension of the contract period.
- 3.17.7 Such clearance shall remain valid for a period not exceeding 12 months and shall only apply for one project at a time.

### **3.18 SAFEGUARDING OF DOCUMENTS**

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

### **3.19 BID CANCELLATION**

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

### **3.20 DELIVERY ADHERENCE**

- 3.20.1 Delivery of goods must be made in accordance with the instructions appearing on the official Purchase Order issued by GPL.

- 3.20.2 All deliveries or dispatches must be accompanied by a delivery note stating the official order number against which the delivery/milestone has been affected.
- 3.20.3 Deliveries not complying with the order forms will be returned to the supplier or service provider's expense

**1) IF THE BIDDER IS IN PARTNERSHIP / JOINT VENTURE / CONSORTIUM.**

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

.....  
.....

hereby authorize .....

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

FULL NAMES:..... CAPACITY .....

SIGNATURE .....

**2) IF THE BIDDER IS A ONE PERSON BUSINESS / SOLE TRADER.**

I, the undersigned .....,

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

.....

**3) IF THE BIDDER IS SUB-CONTRACTING.**

I, the undersigned .....,

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

.....  
.....

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

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

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

- 1) The information furnished is true and correct.
- 2) In the event of a contract being awarded as a result of points claimed, the contractor may be required to furnish documentary proof to the satisfaction of GPL that the claims are correct.
- 3) If the claims are found to be incorrect, GPL may, in addition to any other remedy it may have –:
  - a) recover all costs, losses or damages it has incurred or suffered as a result of that person's conduct;
  - b) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- 4) Impose a financial penalty more severe than the theoretical financial preference associated with the claim which was made in the Bid.
- 5) I hereby undertake to render services described in the attached Bidding documents to GPL in

- 6) accordance with the requirements and task directives / proposals specifications stipulated in this Bid proposal at the price/s quoted. My offer/s remains binding upon me and open for acceptance by GPL during the validity period indicated and calculated from the closing date of the Bid.
- 7) I confirm that I have satisfied myself as to the correctness and validity of my Bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
- 8) I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfilment of this contract.
- 9) Declare that I have no participation in any collusive practices with any Bidder or any other person regarding this or any other Bid.
- 10) I confirm that I am duly authorised to sign this contract.

**DECLARATION**

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

- recover any losses or damages sustained by GPL under such agreement
- restrict the supplier from further business with GPL depending on the materiality of the misrepresentation and the degree of prejudice suffered.

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

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

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

**COMMISSIONER OF OATHS**

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

\_\_\_\_\_ (Sign – SERVICE PROVIDER)

\_\_\_\_\_ (Name – SERVICE PROVIDER)

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

**The Gauteng Provincial Legislature (Gauteng Legislature, GPL) is one of nine provincial legislatures in South Africa**, which are a product of extensive negotiations that gave shape to the 1996 Constitution. The Constitution empowers the Legislature to make laws for Gauteng, oversee that the Gauteng government works efficiently and honestly, and ensure that the people of Gauteng participate in the running of their province.

**The Legislature moved from Pretoria to Johannesburg in 1994** after the first democratic elections in 1994 and following a decision to move the Government of the Gauteng Province. The Johannesburg City Hall opened as the Gauteng Legislature's new home on 21 October of 1995.

### HOW THE GAUTENG LEGISLATURE IS COMPOSED

**The Legislature is a House comprising the speaker (who heads up the organisation) and Members of the Provincial Legislature (MPLs) from various political parties**, allocated per the vote of the Gauteng Province. Political parties get seats in the Legislature through a system of proportional representation – meaning, the party with most votes gets the majority of MPLs in the House.

**The Constitution empowers each of the nine provincial legislatures to make laws that apply uniquely to each of their provinces.** MPLs divided into portfolio committees conduct the business of the House. Each committee is attached to a provincial government department (or cluster of departments) in the Provincial Government and enhances the department's ability to deliver services through advisory, monitoring and oversight.

**Standing committees deal with diverse issues** (other than government departments). These committees consider Bills and other matters referred to them either by the Speaker or the House.

**Ad hoc committees work with various experts to matters that need specialised expertise. The Legislature's administration staff complement gives operational support to the committees.** The administrative wing of the Legislature is headed by the provincial secretary (or secretary to the legislature).

### LEGISLATURE OVERSIGHT'S ROLE

MPLs consider Bills placed before them by the provincial executive, comprised of the Premier of Gauteng and the Members of the Executive Council (MECs). MPLs debate Bills, budgets, statements and speeches by MECs in committee meetings or in plenary sessions of the Legislature. Committees have the power to summon MECs and Department officials to answer questions relating to service delivery in the Province. The MECs must be prepared to answer hard questions on how they are delivering a better life to the people of Gauteng. Committees can also undertake investigations into activities by government departments and such investigations are often open to public scrutiny.

The Legislature allows the people of Gauteng to participate in law-making and oversight processes. **It is a Constitutional requirement that the Provincial Legislature affords Citizens an opportunity to partake in legislative processes – and this is an obligation that the Gauteng Provincial Legislature has vigorously embraced.**

### LAW MAKING

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

**SPECIFICATIONS & TERMS OF REFERENCE**

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**APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT FEASIBILITY STUDY ON GAUTENG PROVINCIAL LEGISLATURE'S CAPACITY TO IMPLEMENT THE MONEY BILLS AMENDMENT PROCEDURE AND RELATED MATTERS BILL FOR A PERIOD OF 3 MONTHS**

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## **1. INTRODUCTION**

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

## **2. BACKGROUND**

The Money Bills Project was initiated by the GPL at the beginning of the 4th Term with the object of giving effect to the provisions of Section 120(3) of the Constitution. The project team has since undertaken some of the key milestones in the project including the draft Bill, which has since been adopted into an Act. Furthermore, there have been benchmarking exercises and consultations with relevant stakeholders undertaken to enrich the legislature's body of knowledge in respect of the project and budgetary oversight. This subsequently, led to passing of the Money Bills Amendment Procedure and Related Matters Bill by the Gauteng Legislature at the end of the 5<sup>th</sup> Term. The key outstanding milestone however is the feasibility study to assess the state of readiness of the GPL and advise on the requisite capacity to ensure effective implementation, and thereafter approval for the implementation of the Act.

## **3. OBJECTIVES**

To appoint a service provider that will conduct a feasibility study which will enable the Gauteng Provincial Legislature to fully implement the Money Bills Amendment Procedure and related matters Act.

## **4. SCOPE OF WORK**

### 4.1 Structure of the study

#### **Phase 1**

- 4.1.1 Submission of proposal and service provider presentation, in line with the terms of reference requirements. Service providers must take note that this is a non-payment activity.

#### **Phase 2**

- 4.1.2 Conduct literature review and establish in-depth understanding of the Act and what it seeks to achieve.

- 4.1.3 The following literature should be reviewed as well as activities to be conducted under herein:

- The Act - the purpose is not to amend the Act but to focus on whether the institution will have the resources required to implement the adopted Act.
- Interviews with relevant stakeholders and project team.
- Process map with regards to the implementation of the Act; and
- Other relevant documents to enhance the study.

- 4.1.4 The key deliverable of this phase is the report on the Literature review.

### **Phase 3**

4.1.5 The purpose of this phase is to produce assessment findings and recommendations emanating from the Literature review, Structural review and Process map/s in respect of the implementation of the Act.

4.1.6 The key deliverable of this phase is the report on the key findings and recommendations.

### **Phase 4**

4.1.7 The purpose of this phase is to produce a final comprehensive report of the feasibility study.

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

## **5. ROLES AND RESPONSIBILITIES**

### **5.1 The role of the GPL**

5.1.1 The overall management of this assignment; including performance monitoring and evaluation, rests within the GPL.

5.1.2 GPL Project team will be assigned to steer the implementation of the project.

5.1.3 Each milestone-achieved in this assignment will be approved by the GPL accordingly.

5.1.4 The GPL reserves the right to evaluate the progress and outputs of this project at any given time as well as the quality of the services rendered by the service provider and approve and/or disapprove satisfactory and/or unsatisfactory performance and/or outputs.

5.1.5 In the event of non-compliance to the agreed upon deliverables or any conditions of poor performance by the service provider, the GPL reserves the right to take reasonable remedial action it may deem necessary to rectify the situation.

5.1.6 Provide necessary support to the service provider with information and other resources required to support the study. Monitor the implementation of the project.

5.1.7 Call feedback meetings with the Service Provider (planned or unplanned).

5.1.8 Approve the implementation of various stages of the study.

### **5.2 The role of the service provider**

5.2.1 The successful service provider is expected to deliver on the following:

5.2.2 Submit a comprehensive proposal on how they will conduct the afore-said study including but not limited to the methodology they will use and possible stakeholders that will be engaged.

5.2.3 Conduct the feasibility study on the objectives stated above.

5.2.4 The service provider will be required to provide:

- A guide on the infrastructure (Technical & Human Resources) required for the implementation of the Act.
- Furthermore, the study should provide for any institutional arrangements that need to be in place for full implementation of this Act, as well as implications to the current arrangements.
- Make recommendations of the kind of partnerships that the Gauteng Provincial Legislature should have to support the implementation of the Money Bills Amendment Procedure and related matters Act.

5.2.5 Produce Progress Reports and a comprehensive Final Report with findings and recommendations at the end of the study to the Legislature.

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

## **6 REQUIRED COMPETENCIES**

- 6.1 Good understanding of the legislative sector.
- 6.2 Proven track record in conducting feasibility study for sizable institutions preferably for public institutions on matters relating to public finance and law.
- 6.3 Expert knowledge in economics, public finance, governance, law relating to the legislative sector or public sector.
- 6.4 Understanding of parliamentary budget oversight and related legislative framework.
- 6.5 Proven project management skills with demonstrated ability to meet tight deadlines.
- 6.6 Proven expertise in organisational development
- 6.7 Excellent and concise writing and editing skills
- 6.8 Good communication skills.

## **7 KEY ASSUMPTIONS**

- 7.1 The service provider will dedicate time and resources to the achievement of the above-stated deliverables
- 7.2 The intended success of this project is founded on the assumption that certain conditions will exist, including that:
  - 7.2.1 The service provider contracted for this assignment has the requisite knowledge, skills and competencies as outlined above.
  - 7.2.2 The GPL will provide the required support to the Service Provider.
  - 7.2.3 The Service Provider will be able to interview relevant stakeholders in a manner that will support overall project implementation and the Gauteng Provincial Legislature will assist to secure appointments with relevant internal stakeholders within GPL;

- 7.2.4 Regular feedback and briefing meetings will take place to create opportunities for input and assessment by the task-team and guidance to the service provider;
- 7.2.5 The service provider will be committed to the study and will adhere to timelines.
- 7.3 The service provider will be expected to be fully available to the GPL for this assignment and respond accordingly to urgent requirements of the project.
- 7.4 The service provider will be expected to offer a full project management approach to the assignment and be able to attend meetings as agreed upon with the GPL.
- 7.5 This is milestone-based project, which must be completed within the duration provided by the GPL and service provider's proposal in terms of costs.

## **8 PERIOD OF THE ASSIGNMENT**

- 8.1 The duration of the assignment is 3 (three) months.
- 8.2 This project must be implemented from date of appointment of the service provider.
- 8.3 There will be an agreed schedule of project deliverables between the two parties.

## **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)**

- 9.2.1.1 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., ID copies, samples 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)**

- 9.2.2.1 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	<p><b>Service Provider Experience in similar projects</b></p> <p>Provide a Project List and supporting cumulative reference letter(s) from previous clients demonstrating years of experience in executing projects of a similar nature.</p> <p><b>The Project List must be in the below table format</b></p> <table border="1" data-bbox="282 692 853 783"> <tr> <td data-bbox="282 692 490 783">Project Description</td> <td data-bbox="490 692 604 783">Value</td> <td data-bbox="604 692 734 783">Period</td> <td data-bbox="734 692 853 783">Client Name</td> </tr> </table> <p>The <b>reference letters</b> must be signed by the referee, contain implementation details for the project, and the duration of the contract.</p>	Project Description	Value	Period	Client Name	<p>A minimum of 2 years' experience in implementing similar projects with a project list and supporting cumulative reference letter (s)</p> <p>2 years' experience</p> <p>3 – 5 years' experience</p> <p>6 or more years' experience</p>	<p></p> <p>10</p> <p>15</p> <p>20</p>	<p>20</p>
Project Description	Value	Period	Client Name					
2.	<p><b>Project Management Team</b></p>	<p>Organogram with roles, CVs and qualifications of the project team</p> <p>Detailed organogram with roles</p> <p>CV 's and qualifications of the project team</p>	<p></p> <p>10</p> <p>10</p>	<p>20</p>				
3	<p><b>Research design and methodology</b></p>	<p>Explicit design and methodology sampling techniques, data collection, data processing, data analysis for both quantitative and qualitative research design and methodology.</p> <p>Mentions both qualitative and quantitative research design and methodology only</p>	<p></p> <p>15</p>	<p>40</p>				

**FUNCTIONALITY EVALUATION CRITERIA**

#	CRITERION	DESCRIPTION	SCORE	WEIGHT
		Details of data collection and some sampling techniques only	15	
		Explicit design and methodology sampling techniques, data collection, data processing, data analysis for both quantitative and qualitative research design and methodology.	40	
4	<b>Project Methodology and Project Plan</b>	A detailed project methodology accompanied by a comprehensive project plan		20
		Standard project methodology and plan	10	
		A detailed project methodology and project plan which includes activities and timelines	15	
		comprehensive project methodology detailing all activities, timelines, resources, project milestones, risk mitigation factors	20	
			<b>TOTAL POINTS</b>	<b>100</b>
			<b>CUT OFF POINTS</b>	<b>70</b>

**9.2.3 Phase 3: Price and BEE Status Level of Contributor**

9.2.3.1 Only bidders that score a minimum score of **70 points and above out of 100 points on Functionality** will qualify for 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: <b>Criteria</b>	<b>Points</b>
Price Evaluation $Ps \ 80 \left( 1 - \frac{Pt - P \min}{P \min} \right)$	80
<b>BEE Status Level of Contributor</b>	20
<b>TOTAL</b>	<b>100</b>

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



**PRICING**

**SCHEDULE**

**(Professional Services)**

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

OFFER TO BE VALID FOR 120 DAYS FROM THE CLOSING DATE OF BID.

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)	
1.	The accompanying information must be used for the formulation of proposals.		
2.	Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project. R.....		
3.	PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)		
4.	PERSON AND POSITION	HOURLY RATE	DAILY RATE
----	-----		R-----
----	-----		R-----
----	-----		R-----
----	-----		R-----
----	-----		R-----
----	-----		R-----
5.	PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT		



-----		R-----
----- days		
-----		R-----
----- days		
-----		R-----
----- days		
-----		R-----
----- days		

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

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

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

5.2 Other expenses, for example accommodation (specify, 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.....			

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:** Supply Chain Management  
**Contact Person:** Amukelani Maluleke  
**Tel:** 011 498-5859 and **E-mail address:** [AMaluleke@gpl.gov.za](mailto:AMaluleke@gpl.gov.za)

**ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:**

**Contact Person:** Ralph Chiloane  
**Tel:** 011 498-5547 and **E-mail address:** [RChiloane@gpl.gov.za](mailto:RChiloane@gpl.gov.za)

## BIDDER'S DISCLOSURE

### 1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

### 2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> in the enterprise, employed by the state? **YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

---

<sup>1</sup> the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

2.2.1 If so, furnish particulars:

.....  
.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

2.3.1 If so, furnish particulars:

.....  
.....

**3 DECLARATION**

I, \_\_\_\_\_ the \_\_\_\_\_ undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 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 consortium<sup>2</sup> will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements, or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 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.
- 3.5 There have been no consultations, communications, agreements, or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 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

<sup>2</sup> 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.

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.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....	.....
Signature	Date
.....	.....
Position	Name of bidder

**THE END**