

PART A INVITATION TO BID

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

BID NUMBER:	NT009-2019:	CLOSING DATE:	26-07-2019	CLOSING TIME:	11:00 AM
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DESCRIPTION: NT009-2019: APPOINTMENT OF A SERVICE PROVIDER (S) FOR THE ROLLOUT OF TRAINING ON THE MFMA STANDARD OPERATING PROCEDURES FOR THE FREE STATE AND NORTH WEST PROVINCES' MUNICIPALITIES FOR A PERIOD OF 90 WORKING DAYS.

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

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE FOLLOWING ADDRESS:

TENDER INFORMATION CENTRE (TIC)

DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)

240 Madiba Street between

ABSA and Urban Eatery Restaurant

SUPPLIER INFORMATION

NAME OF BIDDER

POSTAL ADDRESS

STREET ADDRESS

TELEPHONE

NUMBER

CODE

NUMBER

CELLPHONE

NUMBER

FACSIMILE

NUMBER

CODE

NUMBER

E-MAIL ADDRESS

VAT

REGISTRATION

NUMBER

TCS PIN:

OR

CSD No:

B-BBEE STATUS

LEVEL

VERIFICATION

CERTIFICATE

[TICK APPLICABLE

BOX]

Yes

No

B-BBEE

STATUS

LEVEL

SWORN

AFFIDAVIT

Yes

No

IF YES, WHO WAS

THE CERTIFICATE

ISSUED BY?

AN ACCOUNTING

OFFICER AS

CONTEMPLATED IN

THE CLOSE

CORPORATION ACT

(CCA) AND NAME THE

APPLICABLE IN THE

TICK BOX

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)

A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)

A REGISTERED AUDITOR

NAME:

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

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ANSWER PART B:3 BELOW]
SIGNATURE OF BIDDER	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE (ALL INCLUSIVE)	
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT/ PUBLIC ENTITY	National Treasury	CONTACT PERSON	Jeffrey Hlongwane
CONTACT PERSON	Thivhileli Matshinyatsimbi / Sithembile Skosana	TELEPHONE NUMBER	
TELEPHONE NUMBER		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	Jeffrey.Hlongwane@treasury.gov.za
E-MAIL ADDRESS	<u>thivhileli.matshinyatsimbi@treasury.gov.za / sithembile.skosana@treasury.gov.za</u>		

PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR ONLINE
- 1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
- 1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
- 1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.

2. TAX COMPLIANCE REQUIREMENTS

- 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 VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- 3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? YES NO
- 3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA? YES NO
- 3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? YES NO
- 3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? YES NO

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

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



TERMS OF REFERENCE

NT009-2019: APPOINTMENT OF A SERVICE PROVIDER (S) FOR THE ROLLOUT OF TRAINING ON THE MFMA STANDARD OPERATING PROCEDURES FOR THE FREE STATE AND NORTH WEST PROVINCES' MUNICIPALITIES FOR A PERIOD OF 90 WORKING DAYS.

1. PURPOSE:

This document presents the Terms of Reference (ToR) for the appointment of a service provider to support National Treasury to undertake an assignment to pilot the MFMA Municipal Budget and Treasury Office (BTO) functional structures and related job descriptions and to customise and align the standard operating procedures manual within the BTO's unit, ensuring that the officials are trained in the standard operating procedure manuals. The BTO structure and related standard operating procedures manual will be piloted in two (2) municipalities.

2. BACKGROUND:

The National Treasury (NT) of South Africa has a constitutional and national legislative mandate to manage public sector financial matters in South Africa, including the capacity development of public finance practitioners. Section 195 (1) of the Constitution of South Africa sets out the basic values and principles governing public administration. The National Treasury fulfils a pivotal role in the implementation and management of the Public Finance Management Act (PFMA) No 1 of 1999 as well as the Municipal Finance Management Act (MFMA) No 56 of 2003. The essence of both these Acts is to regulate financial management in the public sector at national, provincial and municipal level respectively.

Sound financial management practices are essential to the long-term sustainability of municipalities. They underpin the process of democratic accountability. Weak or opaque financial management results in the misdirection of resources and increases the risk of corruption. The key objective of the Municipal Finance Management Act (2003) (MFMA) is to modernise municipal financial management in South Africa so as to lay a sound financial base for the sustainable delivery of services. Municipal financial management involves nine (9) key accounting cycles:

- a) Revenue Management;
- b) Asset Management;
- c) Expenditure Management;
- d) Liabilities;
- e) Funding;
- f) Budgeting, Planning and Reporting;
- g) Supply Chain Management;
- h) Corporate Governance; and
- i) Costing and Reporting.

Each component contributes to ensuring that expenditure is developmental, effective and efficient and that municipalities can be held accountable. The reforms introduced by the MFMA are the cornerstone of the broader reform package for local government outlined in the 1998 White Paper on Local Government. The MFMA, together with the Municipal Structures Act (1998), the Municipal Systems Act (2000), the Municipal Property Rates Act (2004) and the Municipal Fiscal Powers and Functions Act (2007), sets out frameworks and key requirements for municipal operations, planning, budgeting, governance and accountability.

There are a number of initiatives taken by the National Treasury to strengthen comprehensive capacity building requirements of municipalities through the donor community. For example, the review and development of the municipalities Budget and Treasury Office (BTO) structures to inform best models to ensure that municipalities are able to implement the MFMA reforms such as budgeting, revenue management and supply chain management. In principle, the project aimed at finding the best fit for the respective 257 municipalities classified as metropolitan, big cities, district municipalities and the local municipalities.

The Budget Treasury Office project had sought to provide the best job structures to cover all the 15 chapters of the MFMA in totality. The other key deliverables from this project were the design of the job descriptions, job advertisements and performance agreement templates.

To strengthen internal controls in municipalities, one of the significant reforms is the development of a generic set of standard operating procedures (SOPs) for key accounting cycles. The purpose of these SOPs is to provide instructions for performing recurring activities through uniform execution of a task. National Treasury has therefore developed a set of generic standard operating procedure manuals for the BTO offices.

To give traction to the pilot implementation of the BTO functional structure and the supporting standard operating procedure manuals project, two (2) municipalities have been nominated in the North West and Free State Provinces, respectively.

3. PURPOSE:

The main objective of the project is to:

- (a) Ensure that the BTO functional structures and related job descriptions of the municipalities are fully aligned and conform to the minimum MFMA functions that must be performed.
- (b) Ensure that the SOPs manuals are customised and aligned within the BTO's unit to intensify internal control processes.
- (c) Ensure that the relevant officials have the necessary skills sets to discharge their related responsibilities in line with the recommended organisational restructuring through the BTO study project and to ensure that the officials are trained in the standard operating procedure manuals.

4. SCOPE OF WORK:

The service provider is expected to provide technical expertise in the delivery of the BTO structure and the standard operating procedure manuals. The service provider will work with a team constituted by the National Treasury that will provide technical direction and oversight of the project. The scope of work is divided into three parts:

Phase 1: Implementation of the BTO Functional Structure and the related Job Descriptions

- Inception report and project plan.
- Diagnostic analysis report.
- Facilitate the BTO Functional Reviews in the two (2) selected municipalities.

- Alignment of the BTO functional structure.
- Review and update the Job Descriptions within the BTOs units.
- Obtain approval of the BTO functional structure and the supporting job descriptions.

4.2. Phase 2: Implementation of the standard operating procedure manuals (SOPS)

- Conduct workshop training sessions to the municipal officials in the two provinces.
- Facilitate the institutionalisation of the SOPs in the two selected municipalities
- Co-ordinate and facilitate the work group sessions per cycle (SOPs) to review, customise and align the SOPs manuals.
- Obtain and review the existing municipal policies and procedures (if any) to ensure proper alignment and customisation.

4.3. Phase 3: Project Closure

- Design and development of the implementation support model for replication and roll-out in all the municipalities.
- Present the draft Close out report to the National Treasury Task Team
- Presentation (Feedback) to the key stakeholders of the municipalities and Provincial Treasuries.
- Close out report (with recommendations) and lessons learnt to the National Treasury Task Team.

5. REQUIRED OUTPUTS:

The outputs (deliverables) of this assignment will comprise:

- 1) Detailed report showing the methodology, design and development of the implementation support model for replication and roll-out in all the municipalities.

6. REQUIREMENTS OF THE SERVICE PROVIDER:

The service provider is expected to provide a core team of financial management expert's competent in public finance management and an organisational design (OD)/HR expert with collective experience in the local government context.

6.1. Expert Qualifications

6.2.1 Public Finance Short Term Experts x 2

The public finance short term experts should comprise of a suitable resourced team, led by a team leader with:

- A recognised post-graduate qualification in Financial Management or Accounting or an equivalent qualification in Public Financial Management is preferred. In the absence of a Master's or post-graduate degree, a recognised Bachelor's Degree in Accounting or an equivalent qualification in Public Financial Management will be accepted.
- 10 Years general work experience in the Public Financial Management (PFM) environment is preferred. Working experience in the South African PFM environment will be advantageous.
- Extensive experience in the South African local government sphere.
- Experience in the design and development of Standard Operating Procedures, policies and regulations.

- Proficiency in report writing and an excellent command of the English language, including the ability to write in English in an uncomplicated and easily understandable way.
- Knowledge and experience of the public financial management in South Africa and be abreast of latest trends and developments.
- Registration with a relevant professional body will be an advantage.

6.2.2 Organisational Design Expert x 1

The main purpose of the organisational design (OD) short term expert is to play a key role in assisting to implement the BTO structure. The key focus includes changes to business processes, systems and technology, job roles and organization structures. The expert must be results-driven and an energetic person that will be able to negotiate the multiple demands and pressures of the project. Moreover, he/she should be fluent in written and oral English and must be computer literate and have excellent technical writing skills.

The OD/HR expert should have the following recognised Qualifications and Experiences:

- A Degree or equivalent qualification in Human Resource Management and Practices or related field;
- 10 Years experience in HR environment, design and development of organisational structures and job profiles.
- 5 years practical experience in the implementation of the organisational structures
- A knowledge of the public sector financial management would be an advantage.
- A thorough understanding of public financial management legislation, procedures and regulations. An understanding of the South African Local Government MFMA, Municipal Systems Act and Treasury Regulations will be an advantage.
- Extensive experience of the Local Government environment and capacity development;
- Well-developed information and knowledge management skills, proven research analytical skills.
- Change management skills.
- Sound project management skills and excellent system description development.
- Excellent facilitation and presentation skills.

7. DURATION AND LOCATION:

The project will be undertaken over a period of 90 working days. The activities for the project will be on site at the selected municipalities. Office accommodation will not be provided by National Treasury. The expert team will be required to attend required meetings at the National Treasury offices in Pretoria and supply own resources in carrying out the scope of the project.

8. PROJECT MANAGEMENT ARRANGEMENTS:

The appointed service provider will propose a project plan inclusive of all associated deliverables to be agreed by the National Treasury.

The service provider will report directly to the Acting Chief Director: Capacity Building Unit or his representative.

9. REPORTING:

All outputs as indicated in Section 4 of this Terms of Reference must be presented in a format agreed with the Chief Director: Capacity Building. The draft outputs will be consulted among stakeholders as required. Comments on the draft reports will generally be provided within 10

working days. The submission and the approval of the final reports will define the end date of the assignment and it should be within the 90 working days duration of the project.

10. PROPOSAL:

Minimum requirements of the proposal should include the following:

- A brief profile of the service provider (ownership, composition and industry expertise);
- Approach and intended methodology to undertake the scope of work;
- Resource plan (proposed team, qualifications and relevant experience, hourly rates, proposed hours dedicated to the project); and
- A detailed pricing proposal.

11. EVALUATION CRITERIA:

The service provider commissioned for this work will be assessed using the following criteria:

No.	Functionality Evaluation Criteria	Scoring	Weighting %
1	Recognised qualifications and expertise of the resource team lead Qualifications: i. PFM Expert 1: A recognised graduate qualification in Financial Management or Accounting or an equivalent qualification in Public Financial Management.	5 = Greater than NQF 8 4 = Post Graduate/NQF8 3 = Bachelor Degree/NQF7 2 = National Diploma/NQF6 1 = Higher Certificate/NQF5 or less	10
	ii. PFM Expert 2: A recognised graduate qualification in Financial Management or Accounting or an equivalent qualification in Public Financial Management.	5 = Greater than NQF 8 4 = Post Graduate/NQF8 3 = Bachelor Degree/NQF7 2 = National Diploma/NQF6 1 = Higher Certificate/NQF5 or less	10
	iii. OD/HR Expert A Degree or equivalent qualification in Human Resource Management and Practices or related field;	5 = Greater than NQF 8 4 = Post Graduate/NQF8 3 = Bachelor Degree/NQF7 2 = National Diploma/NQF6 1 = Higher Certificate/NQF5 or less	10
2	Experience: PFM Expert 1: <ul style="list-style-type: none"> • Experience gained in South African local government financial management with specific experience in the design and development of the SOPs, policies and guidelines 	5 = Greater than 10 years 4 = (7 to 10) years 3 = (4 to 6) years 2 = (1 to 3) years 1 = (less than 1 year)	10

	<p>PFM Expert 2:</p> <ul style="list-style-type: none"> Experience gained in South African local government financial management with specific experience in the design and development of the SOPs, policies and guidelines 	<p>5 = Greater than 10 years 4 = (7 to 10) years 3 = (4 to 6) years 2 = (1 to 3) years 1 = (less than 1 year)</p>	10
	<p>OD/HR Expert:</p> <ul style="list-style-type: none"> 10 years working experience in the HR environment, design and development of the organisational structures and job profiles in the public sector. 5 years practical experience in the implementation of the organisational structures. 	<p>5 = Greater than 10 years 4 = (7 to 10) years 3 = (4 to 6) years 2 = (1 to 3) years 1 = (less than 1 year)</p>	10
3	<p>Resource allocation and organisational capacity (back stopping office) to undertake the required deliverables (average years of experience among resource team all of whom must have a minimum NQF6 qualification)</p>	<p>5 = 15 or more years 4 = (10-14) years 3 = (5 to 9) years 2 = (2 to 4) years 1 = (1 year or less)</p>	10
4	<p>Demonstrate an understanding of the scope of work per the TOR as reflected in the project approach, methodology and outputs to be delivered.</p> <p>Approach and Methodology:</p> <ul style="list-style-type: none"> Rationale – Any comments regarding the objectives and expected results, thus demonstrating the degree of understanding of the contract. An explanation of the risks and assumptions affecting the execution of the contract. Strategy – An outline of the key activities for project implementation. Inputs and outputs. The identification and timing of major milestones in executing the contract. Support Staff & Backstopping – A description of the support staff and facilities that the contractor will provide to the team of experts during execution of the contract. Proposed Work Schedule – The timing, sequence and duration of the proposed tasks. The expected number of working days required from each category of expert each month during the period of execution of the contract. 	<p>5 = Excellent 4 = Very good 3 = Good 2 = Average 1 = Poor</p>	30
Total:			100
Threshold			60%



Special Conditions of Contract

NT009-2019:

APPOINTMENT OF A SERVICE PROVIDER (S) FOR THE ROLLOUT OF TRAINING ON THE MFMA STANDARD OPERATING PROCEDURES FOR THE FREE STATE AND NORTH WEST PROVINCES' MUNICIPALITIES FOR A PERIOD OF 90 WORKING DAYS.

CLOSING DATE: 26 July 2019 AT 11:00AM

VALIDITY PERIOD: 90 DAYS

S U P P L Y C H A I N M A N A G E M E N T

A LEGISLATIVE AND REGULATORY FRAMEWORK

This bid and all contracts emanating there from will be subject to the General Conditions of Contract issued in accordance with of the Treasury Regulations 16A published in terms of the Public Finance Management Act, 1999 (Act 1 of 1999). The Special Conditions of Contract are supplementary to that of the General Conditions of Contract. Where, however, the Special Conditions of Contract are in conflict with the General Conditions of Contract, the Special Conditions of Contract takes precedence.

1. EVALUATION PROCESS AND CRITERIA

1.1. All bids will be evaluated in terms of functionality and preference point system which comprises of the following:

1.1.1 Phase I: Initial screening process

In terms of National Treasury Instruction No. 4A of 2016/2017 regarding the National Central Supplier Database (CSD), all bidders must register on the CSD to provide the following information to be verified through the CSD:

- a) Business registration, including details of directorship and membership;
- b) Bank Account holder information;
- c) In the service of the State status;
- d) Tax compliance status;
- e) Identity number;
- f) Tender default and restriction status; and
- g) Any additional and supplementary verification information communicated by National Treasury.

1.1.2 Phase II: Functionality evaluation as per attached Terms of Reference

- a) Bids will be evaluated strictly according to the bid evaluation criteria stipulated in the terms of reference.
- b) Bidders must, as part of their bid documents, submit supportive documentation for all technical requirements as indicated hereunder. The panel responsible for scoring the respective bids will evaluate and score all bids based on their submissions and the information provided.
- c) Bidders will not rate themselves, but need to ensure that all information is supplied as required. The Bid Evaluation Committee (BEC) will evaluate and score all responsive bids and will verify all documents submitted by the bidders.
- d) The panel members will individually evaluate the responses received against the following criteria as set out below:

No.	Functionality Evaluation Criteria	Scoring	Weighting %
1	<p>Recognised qualifications and expertise of the resource team lead</p> <p>Qualifications:</p> <p>i. PFM Expert 1: A recognised graduate qualification in Financial Management or Accounting or an equivalent qualification in Public Financial Management.</p> <p>ii. PFM Expert 2: A recognised graduate qualification in Financial Management or Accounting or an equivalent qualification in Public Financial Management.</p> <p>iii. OD/HR Expert A Degree or equivalent qualification in Human Resource Management and Practices or related field;</p>	<p>5 = Greater than NQF 8 4 = Post Graduate/NQF8 3 = Bachelor Degree/NQF7 2 = National Diploma/NQF6 1 = Higher Certificate/NQF5 or less</p> <p>5 = Greater than NQF 8 4 = Post Graduate/NQF8 3 = Bachelor Degree/NQF7 2 = National Diploma/NQF6 1 = Higher Certificate/NQF5 or less</p> <p>5 = Greater than NQF 8 4 = Post Graduate/NQF8 3 = Bachelor Degree/NQF7 2 = National Diploma/NQF6 1 = Higher Certificate/NQF5 or less</p>	<p>10</p> <p>10</p> <p>10</p>
2	<p>Experience:</p> <p>PFM Expert 1:</p> <ul style="list-style-type: none"> • Experience gained in South African local government financial management with specific experience in the design and development of the SOPs, policies and guidelines <p>PFM Expert 2:</p> <ul style="list-style-type: none"> • Experience gained in South African local government financial management with specific experience in the design and development of the SOPs, policies and guidelines <p>OD/HR Expert:</p> <ul style="list-style-type: none"> • 10 years working experience in the HR environment, design and development of the organisational structures and job profiles in the public sector. • 5 years practical experience in the implementation of the organisational structures. 	<p>5 = Greater than 10 years 4 = (7 to 10) years 3 = (4 to 6) years 2 = (1 to 3) years 1 = (less than 1 year)</p> <p>5 = Greater than 10 years 4 = (7 to 10) years 3 = (4 to 6) years 2 = (1 to 3) years 1 = (less than 1 year)</p> <p>5 = Greater than 10 years 4 = (7 to 10) years 3 = (4 to 6) years 2 = (1 to 3) years 1 = (less than 1 year)</p>	<p>10</p> <p>10</p> <p>10</p>
3	<p>Resource allocation and organisational capacity (back stopping office) to undertake the required deliverables (average years of experience among resource team all of whom must have a minimum NQF6 qualification)</p>	<p>5 = 15 or more years 4 = (10-14) years 3 = (5 to 9) years 2 = (2 to 4) years 1 = (1 year or less)</p>	<p>10</p>

4	<p>Demonstrate an understanding of the scope of work per the TOR as reflected in the project approach, methodology and outputs to be delivered.</p> <p>Approach and Methodology:</p> <ul style="list-style-type: none"> • Rationale – Any comments regarding the objectives and expected results, thus demonstrating the degree of understanding of the contract. An explanation of the risks and assumptions affecting the execution of the contract. • Strategy – An outline of the key activities for project implementation. Inputs and outputs. The identification and timing of major milestones in executing the contract. • Support Staff & Backstopping – A description of the support staff and facilities that the contractor will provide to the team of experts during execution of the contract. • Proposed Work Schedule – The timing, sequence and duration of the proposed tasks. The expected number of working days required from each category of expert each month during the period of execution of the contract. 	<p>5 = Excellent 4 = Very good 3 = Good 2 = Average 1 = Poor</p>	30
Total:			100
Threshold			60

Individual value scores will be multiplied with the specified weighting for the criterion to obtain the marks scored for all elements. These marks will be added and expressed as a fraction of the best possible score for all criteria.

Each panel member will rate each individual criterion on the score sheet using the following value scale:

Value	Description
5 – Excellent / Exceptional	Meets and exceeds the functionality requirements
4 - Very good	Above average compliance to the requirements
3 - Good/ Average	Satisfactory should be adequate for stated elements
2 - Below Average	Compliance to the requirements
1 - Poor	Unacceptable, does not meet set criteria

- e) Any proposal not meeting a minimum score of 60% functionality proposal will be disqualified and the financial proposal will remain unopened.

- f) The value scored for each criterion will be multiplied with the specified weighting for the relevant criterion to obtain the marks scored for each criterion. These marks will be added and expressed as a fraction of the best possible score for all criteria.
- g) This score will be converted to a percentage and only bidders that have met or exceeded the minimum threshold of 60% for functionality will be evaluated and scored in terms of pricing and socio economic goals as indicated hereunder.

1.1.3 Phase III: Price/Financial stage and B-BBEE

Price/ Financial proposals must be submitted in South African Rand.
NT reserves the right to negotiate rates submitted by bidders.

2. EVALUATION CRITERIA

- a. In terms of regulation 5 of the Preferential Procurement Regulations pertaining to the Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000), responsive bids will be adjudicated by the State on the 80/20-preference point for Broad-Based Black economic empowerment in terms of which points are awarded to bidders on the basis of:
 - The bid price (maximum 80 points)
 - Broad-based black Economic Empowerment as well as specific goals (maximum 20 points)
- b. The following formula will be used to calculate the points for price in respect of bidders with a Rand value up to R50 000 000 :

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

Where

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

P_{\min} = Comparative price of lowest acceptable bid

A maximum of 20 points may be awarded to a bidder for being a Broad-Based Black Economic Empowerment and/or subcontracting with a Broad-Based Black Economic Empowerment stipulated in the Preferential Procurement regulations. For this bid, the maximum number of Broad-based black Economic Empowerment status that could be allocated to a bidder is indicated in paragraph 3.1.

- c. The State reserves the right to arrange contracts with more than one contractor.

2.1 POINTS

The Preferential Procurement Regulations 2017 were gazetted on 20 January 2017 (No. 40553) with effect from 1 April 2017. These regulations require bidders provide relevant proof of their B-BBEE Status Level, the 80/20 preference points systems will be applied in accordance with the formula and applicable points provided for in the respective status level contributor tables in the Regulations.

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

Failure to capture the required status level and to submit the required B-BBEE status level certificates will lead to a zero (0) status level for non-compliant service providers.

- d. The points scored by a bidder in respect of points indicated above will be added to the points scored for price.
- e. Bidders are requested to complete the various preference claim forms in order to claim preference points.
- f. Only a bidder who has completed and signed the declaration part of the preference claim form will be considered for B-BBEE status.
- g. National Treasury may, before a bid is adjudicated or at any time, require a bidder to substantiate claims made with regard to their B-BBEE status.
- h. Points scored will be rounded off to the nearest 2 decimals.
- i. In the event that two or more bids have scored equal total points, the contract will be awarded to the bidder scoring the highest number of points for B-BBEE status. Should two or more bids be equal in all respects, the award shall be decided by drawing of lots.
- j. A contract may, on reasonable and justifiable grounds, be awarded to a bid that did not score the highest number of points.

k. Joint Ventures, Consortiums and Trusts

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

A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, if the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.

Bidders must submit concrete proof of the existence of joint ventures and/or consortium arrangements. National Treasury will accept signed agreements as acceptable proof of the existence of a joint venture and/or consortium arrangement.

The joint venture and/or consortium agreements must clearly set out the roles and responsibilities of the Lead Partner and the joint venture and/or consortium party. The agreement must also clearly identify the Lead Partner, with the power of attorney to bind the other party/parties in respect of matters pertaining to the joint venture and/or consortium arrangement.

I. Sub-contracting pre and post award

Bidders/ tenderers who want to claim Preference points will have to fully comply with regulation 5 and 12 (3) of the Preferential Procurement Regulations 2017 with regard to sub-contracting which states that:

“(5) A tenderer may not be awarded points for B-BBEE status level of contributor if the tender documents indicate that the tenderer intends subcontracting more than 25% of the value of the contract to any other person not qualifying for at least the points that the tenderer qualifies for, unless the intended subcontractor is an EME that has capability to execute the subcontract.

12 (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. MANDATORY REQUIREMENTS

3.1 Proof of Registration summary report from Central Supplier Database.

FAILURE TO ADHERE TO THE CONDITION MAY LEAD TO THE BID BEING INVALIDATED.

4. TAX COMPLIANCE STATUS

Bids received with a non-compliant tax status will be disqualified with failure to update the Tax Status within 7 days.

5. VALUE ADDED TAX

All bid prices must be inclusive of 15% Value-Added Tax where applicable.

5. CLIENT BASE

5.1 National Treasury reserves the right to contact references during the evaluation and adjudication process to obtain information.

65. LEGAL IMPLICATIONS

Successful service providers will enter into a service level agreement with National Treasury

7. COMMUNICATION

National Treasury may communicate with bidders for, among others, where bid clarity is sought, to obtain information or to extend the validity period. Any communication either by facsimile, letter or electronic mail or any other form of correspondence to any government official, department or representative of a testing institution or a person acting in an advisory

capacity for the National Treasury in respect of this bid between the closing date and the award of the bid by the bidder is prohibited.

8. LATE BIDS

Bids received at the address indicated in the bid documents, after the closing date and time will not be accepted for consideration and where applicable, be returned unopened to the bidder.

9. COUNTER CONDITIONS

Bidders' attention is drawn to the fact that amendments to any of the Special Conditions by bidders will result in such bids being disqualified.

10. PROHIBITION OF RESTRICTIVE PRACTICES

a. In terms of section 4(1) of the Competition Act No. 89 of 1998, as amended, an agreement between, or concerted practice by, firms, or a decision by an association of firms, is prohibited if it is between parties in a horizontal relationship and if a bidder(s) is/ are or a contractor(s) was/were involved in:

- directly or indirectly fixing a purchase or selling price or any other trading condition;
- dividing markets by allocating customers, suppliers, territories or specific types of goods or services; or
- collusive bidding.

b. If a bidder(s) or contractor(s), in the judgment of the purchaser, has/have engaged in any of the restrictive practices referred to above, the purchaser may, without prejudice to any other remedy provided for, invalidate the bid(s) for such item(s) offered or terminate the contract in whole or in part and refer the matter to the Competition Commission for investigation and possible imposition of administrative penalties as contemplated in the Competition Act No. 89 of 1998.

11. FRONTING

a. The National Treasury 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 National Treasury condemns any form of fronting.

b. The National Treasury, 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, 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 National Treasury may have against the bidder/contractor concerned.

12. PRESENTATION

National Treasury may require presentations/interviews from short-listed bidders as part of the bid process.

13. TIMEFRAMES AND FORMAL CONTRACT

Successful bidder (s) will enter into formal contract with the National Treasury.

14. PACKAGING OF BID

The bidder shall place both the sealed Technical Proposal and Price/ Financial Proposal envelopes into an outer sealed envelope or package, and must be clearly marked as follows:

14.1 FUNCTIONALITY/TECHNICAL PROPOSAL

Bid No: NT009-2019

Description: NT009-2019: APPOINTMENT OF A SERVICE PROVIDER (S) FOR THE ROLLOUT OF TRAINING ON THE MFMA STANDARD OPERATING PROCEDURES FOR THE FREE STATE AND NORTH WEST PROVINCES' MUNICIPALITIES FOR A PERIOD OF 90 WORKING DAYS.

Bid closing date and time: 26 July 2019 AT 11H00am

Name and address of the bidder:

In this envelope, the bidder shall only address the technical aspects of the bid.

14.2 PRICE/ FINANCIAL PROPOSAL

Bid No: NT009-2019

Description: APPOINTMENT OF A SERVICE PROVIDER (S) FOR THE ROLLOUT OF TRAINING ON THE MFMA STANDARD OPERATING PROCEDURES FOR THE FREE STATE AND NORTH WEST PROVINCES' MUNICIPALITIES FOR A PERIOD OF 90 WORKING DAYS

Bid closing date and time: 26 July 2019 AT 11H00am

Name and address of the bidder:

In this envelope, the bidder shall provide the price/ financial proposal.

The Technical Proposal envelope must contain one original hard copy document, clearly marked "Original", and four (4) hardcopies, clearly marked "Copy".

15 CONTACT DETAILS

Supply Chain Management, 4th floor at National Treasury,

Private Bag x 115, Pretoria, 0001

Physical address: 240 Madiba Street (Vermeulen), Pretoria

For General enquiries: Thivhileli Matshinyatsimbi / Sithembile Skosana

E-mail : sithembile.skosana@treasury.gov.za / thivhileli.matshinyatsimbi@treasury.gov.za

For Technical enquiries:

Contact: Jeffrey Hlongwane

Email: Jeffrey.Hlongwane@treasury.gov.za

SBD 4

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes an advertised competitive bid, a limited bid, a proposal or written price quotation). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-
 - the bidder is employed by the state; and/or
 - the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.
2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**
 - 2.1 Full Name of bidder or his or her representative:
 - 2.2 Identity Number:.....
 - 2.3 Position occupied in the Company (director, trustee, shareholder², member):
.....
 - 2.4 Registration number of company, enterprise, close corporation, partnership agreement or trust:
.....
 - 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.

.....

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 SHOULD THIS
DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

November 2011

**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).

1.2 The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable.

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 PREFERENCE POINT SYSTEMS

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

80/20

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

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) 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 (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6

7	4
8	2
Non-compliant contributor	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 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.

<p>WITNESSES</p> <p>1.</p> <p>2.</p>

<p>..... SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE:</p> <p>ADDRESS</p> <p>.....</p> <p>.....</p>

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	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	<p>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?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		

4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

SBD 8

CERTIFICATION

**I, THE UNDERSIGNED (FULL NAME).....
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION
FORM IS TRUE AND CORRECT.**

**I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT,
ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION
PROVE TO BE FALSE.**

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Js365bW

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 *per 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

Js914w 2

DEPARTMENT OF NATIONAL TREASURY



PLEASE COMPLETE QUESTIONNAIRE A OR B

**Contractors'/Suppliers' Questionnaire – Individuals:
Questionnaire A**

Please answer the questions by marking the appropriate column with an "X".
Please do not leave out any question relating to your specific circumstances.

Contractor/Supplier Name:	
Natural Persons:	
Surname:	
Initials:	
First two names:	
Title:	
ID number or passport number:	
Nationality:	
Income Tax reference number:	
Date of birth:	
If not a citizen of the RSA, furnish a certified copy of a work permit:	
Postal address and code:	
Residential address and code:	
Telephone numbers:	
Facsimile numbers:	
E-mail address:	
If in possession of a tax clearance certificate or exemption certificate (IRP30), furnish a certified copy thereof:	
Jurisdiction in which contractor is "ordinarily resident" i.e. place of permanent residence:	

DEPARTMENT OF NATIONAL TREASURY

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	Question	Yes	No
1.	Do you supply services on behalf of a Labour Broker?		
2.	Are you subject to the control or supervision of the National Treasury (NT)? Including, but not limited to, the following: <ul style="list-style-type: none"> • The manner of duties performed; • The hours of work; • The quality of work. 		
3.	Are you paid at regular intervals i.e. daily, weekly, monthly etc? (If the payments are made at regular intervals or by a rate per time period)		
4.	Will payment to you include any benefits? Including, but not limited to, the following: <ul style="list-style-type: none"> • Leave pay; • Medical aid; • Training; • Sick Leave. 		
5.	Will, or have you be/been in the full time employment of the NT?		
6.	Will you require of the NT to provide any equipment, tools, materials or office space, in order to fulfil the contract?		
7.	Do you supply these, or similar, services only to the NT and not to any other client or the general public?		
8.	Will you be required to work more than 22 hours per week?		
8.1	If "yes", will payment be made on an hourly, daily weekly or monthly basis?		
8.2.1	Will you work solely for the NT?		
8.2.2	Will you provide a written statement to this effect?		
Non-Residents of the RSA			
9.	Will you return to your jurisdiction of residence upon the termination of the contract?		
10.	Is the contract to exceed a period of three years?		
11.	Will you be returning to the jurisdiction of residence during the course of the contract? If so, for what periods of time?		
12.	Is your employer resident in the Republic of South		

DEPARTMENT OF NATIONAL TREASURY

Question	Yes	No
13. If a permanent establishment or branch represents the employer in the Republic, will your salary be paid from such permanent establishment or branch?		
14. Will you be required to perform any work outside of the Republic?		
15. Do you agree to submit copies of your passport should the NT, so require?		

PARTICULARS OF PERSON ACTING AS REPRESENTATIVE OF THE ENTERPRISE

I, the undersigned, confirm that the information provided above is accurate, and that while in receipt of payment from NT, will inform NT of any changes that take place pertaining the information provided above.

Representative's Full Names:	Capacity:	Contact number:
Signature:		Date:

DEPARTMENT OF NATIONAL TREASURY



PLEASE COMPLETE QUESTIONNAIRE A OR B

**Contractors'/Suppliers' Questionnaire – All Service Providers
(excluding Individuals): Questionnaire B:**

Please answer the questions by marking the appropriate column with an "X".
Please do not leave out any question relating to your specific circumstances.

Contractor/Supplier Name:	
Corporate Contractors (including companies, close corporations and trusts):	
Registered name and furnish a certified copy of registration:	
Nature of legal entity:	
Trade name:	
Registration number:	
Date of incorporation:	
Jurisdiction of incorporation:	
Jurisdiction where effective management is performed:	
Income tax reference number:	
Employees' Tax reference number:	
Value Added Tax number and furnish a certified copy of VAT 103 Certificate:	
Postal address and code:	
Physical address and code:	
Telephone numbers:	
Facsimile numbers:	
E-mail address:	

DEPARTMENT OF NATIONAL TREASURY

Question		Yes	No
1.	Are you a "Labour Broker" i.e. do you provide payment for supplying the National Treasury (NT) with a person/s? If so, furnish a certified copy of an IRP30, which is valid for the period of the contract.		
2.	Is the service to be rendered personally by any person, who is a connected person, in relation to the entity? (For example a shareholder, member or their direct family)		
3.	Do you employ four or more employees on a full time basis throughout the year, excluding connected parties? If so, are these employees engaged in rendering the service to the NT? (For example secretarial employees would NOT be so engaged)		
4.	Would you be regarded as an employee of the NT if the service was rendered by the person directly to the NT, other than on behalf of the contractor?		
5.	Do you, the Company, Close Corporation or Trust receive any form of training supplied or paid for by NT? If "yes", please specify the nature and extent of the training:		
6.	Are you, the Company Close Corporation or Trust free to choose which tools or equipment, or staff, or raw materials, or routines, patents and technology to use in performing your main duties?		
7.	In order to perform your main duties, do you, or does such a person, Company, Close Corporation or Trust, use any tools or equipment supplied or paid for by NT? If "yes", please state the nature thereof:		
8.	Are you subject to the control or supervision of the NT, as to the manner in which, or hours during which, the duties are performed or are to be performed in rendering the service?		
9.	Will the amounts paid or payable in respect of the service consist of, or include, earnings of any description, which are payable at regular daily, weekly, monthly, or other intervals?		
10.	Will more than 80% of your income, during the year		

DEPARTMENT OF NATIONAL TREASURY

Question	Yes	No
of assessment, from services rendered, consist of or be likely to consist of amounts received directly or indirectly from any one client , or any associated institution, in relation to the client?		
11. Does your contract contain any elements of an employment contract? [i.e. Job titles, reporting structure in organisation, fixed working hours, employment benefits, performance bonuses (excluding bonus and penalties for early or late delivery)]		
12. Does your contract contain any clause that will enable you to receive payment, even if no work was done?		
13. Have you ever been classified as a Labour Broker or personal services company (including Close Corporation and Trust) by SARS or any other client?		
14. If the answer to question 13 was "yes", did anything change that no longer classifies you as a labour broker or personal services company? If "yes", elaborate:		

PARTICULARS OF PERSON ACTING AS REPRESENTATIVE OF THE ENTERPRISE

I, the undersigned, confirm that the information provided above is accurate, and that while in receipt of payment from NT, will inform NT of any changes that take place pertaining the information provided above.

Representative's Full Names:	Capacity:	Contact number:
Signature:		Date:

