

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE DEPARTMENT OF HOME AFFAIRS

BID NUMBER:	DHA04-2022	CLOSING DATE:	25 FEBRUARY 2022	CLOSING TIME:	11:00
DESCRIPTION	APPOINTMENT OF TRANSACTION ADVISORY SERVICES TO CONDUCT A FEASIBILITY STUDY AND PPP PROCUREMENT FOR VISA AND PERMIT APPLICATION CENTRE SERVICES THROUGH A PUBLIC PRIVATE PARTNERSHIP (PPP) FOR A PERIOD OF THREE YEARS				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
Department of Home Affairs,					
230 Johannes Ramokhoase Street,					
Cnr. Thabo Sehume and Johannes Ramokhoase Streets					
Hallmark Building, Pretoria					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Nico Masango/ Lunga Njwabule		CONTACT PERSON	Phindiwe Mbhele	
TELEPHONE NUMBER	(012) 406 2789 / 012 406 4027		TELEPHONE NUMBER	012 406 7068	
E-MAIL ADDRESS	Nico.masango@dha.gov.za / lunga.njwabule@dha.gov.za		E-MAIL ADDRESS	Phindiwe.mbhele@dha.gov.za	
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**

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 IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.
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. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).
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 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:

I INSTRUCTIONS TO BIDDERS

A THE TENDER DOCUMENTS

Rules for Bidding

- 1.1. The Department is not bound to accept any of the proposals submitted and reserves the right to call for presentations from short-listed bidders before final selection.
- 1.2. The Department reserves the right to terminate this appointment or temporarily defer the work, or any part thereof, at any stage of completion should the Department decide not to proceed with the tender.
- 1.3. The Department also reserves the right to appoint any other person to undertake any part of the tasks.
- 1.4. The service provider must be a single legal entity with all other necessary expertise secured via sub-contract, or under a joint venture arrangement. The Department will enter into a single contract with a single entity for the delivery of the work set out in these tender documents.
- 1.5. The bidding entity shall be the same entity that will execute the bid. Any bid found to be fronting for another entity or entities shall be disqualified immediately.
- 1.6. All South African firms submitting bids as part of a consortium or joint venture must submit a valid original tax clearance certificates.
- 1.7. Foreign firms providing proposals must become familiar with local conditions and laws and take them into account in preparing their proposals.
- 1.8. The service provider and its affiliates are disqualified from providing goods, works and services to any private party to this Agreement, or any eventual project that may result, directly or indirectly from these services.
- 1.9. Firms may ask for clarification on these tender documents or any part thereof up to close of business 1 week before the deadline for the submission of the bids.
- 1.10. The Department reserves the right to return late bid submission unopened.
- 1.11. Firms may not contact the Department on any matter pertaining to their bid from the time when the bids are submitted to the time the contract is awarded. Any effort by a bidder to influence bid evaluation, bid comparisons or bid award decisions in any manner, may result in rejection of the bid concerned.
- 1.12. Should the contract between the Department and the service provider be terminated by either party due to reasons not attributable to the service provider, the service provider will be remunerated for the appropriate portion of work completed up to a maximum amount of not more than the total fee bid by the service provider for the appropriate phase of the project during which the appointment was terminated.

Conditions of the Tender

- 1.13. The General Conditions of contract, as attached will apply.
- 1.14. The Department will become the owner of all information, documents, programmes, advice and reports collected and compiled by the service provider in the execution of this tender.
- 1.15. The copyright of all documents, programmes, and reports compiled by the service provider will vest in the Department and may not be reproduced or distributed or made available in any other way without the written consent of the Department.
- 1.16. All information, documents, programmes and reports must be regarded as confidential and may not be made available to any unauthorised person or institution without the written consent of the Department.
- 1.17. Bidders shall undertake to limit the number of copies of this document and destroy them in the event of their failure to secure the contract.
- 1.18. The service provider is entitled to general knowledge acquired in the execution of this agreement and may use it, provided that it shall not be to the detriment of the Department.

Cost of Bidding

- 1.19. The Bidder shall bear all costs associated with the preparation and submission of its bid and the Department, will in no case be held responsible or liable for these costs, regardless of the conduct or outcome of the tender process.

Content of Tender Documents

- 1.20. The services required, tender procedures and contract terms are prescribed in the tender documents, which include:
 - i. Instruction to Bidders;
 - ii. Technical Bid;
 - iii. Terms of Reference;
 - iv. Evaluation Criterion;
 - v. Financial Bid;
- 1.21. The Bidder is expected to examine all instructions, forms, terms and specifications in the tender documents. Failure to furnish all information required by the tender documents or submission of a bid not responsive to the tender documents in every respect will be at the Bidder's risk and may result in rejection of the bid.

Clarification of Tender Documents

- 1.22. The Department will respond in email to any request for clarification of the tender documents which it receives no later than 1 week prior to the deadline for submission of bids prescribed by the Department.
- 1.23. **Bidders are invited to a non-compulsory virtual (Microsoft Teams) briefing session that will be held as follows:**

DHA04-2022

- **Date and time:** Friday, 11 February at 10h00.

Bidders must submit an email requesting the link to the virtual meeting on or before Wednesday, 09 February 2022.

Amendment of Tender Documents

- 1.24. At any time prior to the deadline for submission of bids, the Department may, for any reason, whether at its own initiative or in response to a clarification requested by a prospective bidder, modify the tender document by amendment.
- 1.25. All prospective bidders who have received the tender document will be notified of the amendment in writing or by fax, and same will be binding on them.
- 1.26. In order to allow prospective bidders reasonable time in which to take the amendment into account in preparing their bids, the Department, at their discretion, may extend the deadline for the submission of bids.

B. PREPARATION OF BIDS

Language of Bid

- 1.1. The bid prepared by the Bidder, as well as all correspondence and documents relating to the bid exchanged by the Bidder and the Department shall be written in English.

Documents Constituting the Bid

- 1.2. The bid prepared by the Bidder shall comprise the following components:
 1. **Technical Bid, including:**
 - i. Invitation to Bid (SBD 1)
 - ii. Original Tax Clearance Certificate
 - iii. Declaration of Interests(SBD4)
 - iv. Preferential Points Claim Forms (SBD 6.1)
 - v. Declaration of past Supply Chain Management practices (SBD8)
 - vi. Certificate of independent bid determination (SBD9)
 - vii. General Conditions of contract
 - viii. Completed Technical Specification Document
 2. **Financial Bid, comprising:**
 - i. Price Schedule – Professional services (SBD 3.3)

Bid Prices

- 1.3. Prices indicated on the Price Schedule shall be the total price of services including, where applicable:
 1. All duties and other taxes;
 2. The price of transportation, insurance and other costs incidental to delivery of the services to their final destination;
 3. The price of any other incidental services required in terms of the tender deliverables;
- 1.4. Prices quoted by the Bidder shall be fixed during the Bidder's performance of the Contract and not subject to variation on any account.
- 1.5. A bid submitted with a variable price quotation will be treated as non-responsive and rejected.
- 1.6. Prices shall be quoted in South African Rands.
- 1.7. The Department has limited resources and bids must be competitive, with market related pricing, as this will be one of the deciding factors in the final award of the contract.

Period of Validity of Bids

- 1.8. Bids shall remain valid for 90 days after the closing date of bid prescribed by the Department. A bid valid for a shorter period shall be rejected by the Department as non-responsive.
- 1.9. In exceptional circumstances, the Department may solicit the Bidder's consent to an extension of the period of validity. The request and the response thereto shall be made in writing. A Bidder may refuse the request. A Bidder granting the request will not be required nor permitted to modify its bid.

Format and Signing of Bid

- 1.10. The Bidder shall prepare one copy of the Technical Bid and Financial Bid separately, clearly marking each "Original Technical Bid" and "Original Financial Bid", as appropriate. **Apart from hard copies, a copy should also be provided on CD. In the event of any discrepancy between the two, the original shall govern.**
- 1.11. The original and all copies of the bid shall be typed or written in indelible ink and shall be signed by the Bidder or a person or persons duly authorized to bind the Bidder to the Contract. All pages of the bid, except for un-amended printed literature, shall be initialled by the person or persons signing the bid.
- 1.12. Any interlineations, erasures or overwriting shall be valid only if they are initialled by the person or persons signing the bid.

Sealing and Marking of Bids

- 1.13. The original and copy of the Technical Bid shall be placed in a sealed envelope clearly marked Technical Bid and original and copy of the Financial Bid shall be placed in a sealed envelope clearly marked Financial Bid and warning "Do not open with Technical Bid". All the inner envelopes shall then be placed into an outer envelope. The inner and outer envelopes shall be addressed to the following address:

Department of Home Affairs
Private Bag X114
PRETORIA
0001

- 1.14. The inner envelopes shall also indicate the name and address of the Bidder to enable the bid to be returned unopened in case it is declared late.
- 1.15. If the outer envelope is not sealed and marked as required by the clause, the Department will assume no responsibility for the bid's misplacement or premature opening.
- 1.16. Faxed bids will not be accepted.

Closing Date of Bids

- 1.17. Bids (Technical and Financial) must be received by the Department at the address specified under clause 1.13 above. In the event of the specified date for the submission of Bids being declared a holiday for the Department, the Bids will be received up to the appointed time on the next working day.
- 1.18. The Department may, at its discretion, extend this deadline for submission of bids by amending the bid documents in which case all rights and obligations of the Department and Bidders previously subject to the deadline will thereafter be subject to the deadline as extended.

Late Bids

- 1.19. Any bid received by the Department after the deadline for submission of bids prescribed by the Department, will be rejected and/or returned unopened to the Bidder.

Modification and Withdrawal of Bids

- 1.20. The Bidder may modify or withdraw its bid after the bid's submission, provided that written notice of the modification or withdrawal is received by the Department prior to the deadline prescribed for submission of bids.
- 1.21. The Bidder's modification or withdrawal notice shall be prepared, sealed, marked and dispatched in accordance with the provisions of clause 6. A withdrawal notice may also be sent by fax, followed by a signed confirmation copy, post marked not later than the deadline for submission of bids.
- 1.22. No bid may be modified subsequent to the deadline for submission of bids.
- 1.23. No bid may be withdrawn in the interval between the deadline for submission of bids and the expiration of period of bid validity specified by the Bidder on the Invitation to Bid form.

C. EVALUATION OF BIDS

Clarification of Bids

- 1.1. During evaluation of bids, the Department may, at its discretion, ask the Bidder for a clarification of its bid. The request for clarification and the response shall be in writing.

Preliminary Examination

- 1.2. The Department will examine the bids to determine whether they are complete, whether they meet all the conditions of the Contract and Technical Specifications and whether any computational errors have been made, whether the documents have been properly signed, and whether the bids are generally in order.
- 1.3. Arithmetical errors will be rectified on the following basis. If there is a discrepancy between the unit price and the total price that is obtained by multiplying the unit price and quantity, the unit price shall prevail and the total price shall be corrected. If there is a discrepancy between words and figures, the amount in words shall prevail. If the supplier does not accept the correction of errors, its bid may be rejected.
- 1.4. If a bid is not responsive and not fulfilling all the conditions of the Contract and not meeting Technical Specifications, it will be rejected by the Department and may not subsequently be made responsive by the Bidder by correction of the non-conformity.

Evaluation and Comparison of Bids

- 1.5. The Department will evaluate and compare the financial bids only of those Bidders whose Technical Bid has been accepted by the Department.
- 1.6. The Department's evaluation of a financial bid will take into account information to be provided on the SBD 3.3.

Contacting the Department

- 1.7. Subject to clause 1.1 above, no Bidder shall contact the Department on any matter relating to its bid, from the time of the bid opening to the time the Contract is awarded. If the bidder wishes to bring additional information to the notice of the Department, it should do so in writing.
- 1.8. Any effort by a Bidder to influence the Department in its decisions on bid evaluation, bid comparison or contract award may result in rejection of the Bidder's bid.

D. AWARD OF CONTRACT

Post qualification

- 1.1. The Department will determine to its satisfaction whether the Bidder that is selected as having submitted the highest evaluated responsive bid meets the criteria specified in these documents, and is qualified to perform the contract satisfactorily.

- 1.2. The determination will take into account the Bidder's financial, technical and production capabilities. It will be based upon an examination of the documentary evidence of the Bidder's qualifications submitted by the bidder, as well as such other information as the Department deems necessary and appropriate.
- 1.3. An affirmative determination will be a prerequisite for award of the Contract to the Bidder. A negative determination will result in rejection of the Bidder's bid, in which event the Department will proceed to the next highest evaluated bid to make a similar determination of that Bidder's capabilities to perform the contract satisfactorily.

Department's right to vary Quantities at Time of Award

- 1.4. The Department reserves the right at the time of Contract award to increase or decrease the quantity of the services originally specified in the Terms of Reference without any change in unit price or other terms and conditions.

Department's right to accept or reject any or all Bids

- 1.5. The Department reserves the right to:
 1. Accept or reject all or individual items of this bid;
 2. Accept one or more bids submissions reject individual items;
 3. Request clarification or further information regarding any item in the Proposal;
 4. Request further information from any bidder after the closing date;
 5. Accept a bid that may not reflect the lowest pricing;
 6. Consider any bid that may not conform to any aspect of this bid;
 7. Annul the tender process and reject all bids at any time prior to contract award;
 8. Consider such alternate services, terms or conditions that may be offered, whether such offer is contained in a Proposal or otherwise;
 9. Award the contract or any part thereof to one or more bidders; without thereby incurring any liability to the affected Bidder or bidders.

Notification of Award

- 1.6. Prior to the expiration of the period of bid validity, the Department will notify the successful bidder in writing by registered letter or by fax, to be confirmed in writing by registered letter, that its bid has been accepted.
- 1.7. The notification of award will constitute the formation of the Contract.

Signing of Contract

- 1.8. At the same time as the Department notifies the successful bidder that its bid has been accepted, the Department will send the bidder the Contract Form provided in the tender documents, incorporating all agreements between the parties.
- 1.9. Within 2 days of receipt of the Contract Form, the successful bidder shall sign and date the Contract Form and return it to the Department.

Termination of Service

- 1.10. In case of any failure to comply with any of the conditions of the contract or unsatisfactory rendering of service, the stipulation of the General Conditions of Contract and the Special Conditions of Contract, shall be applicable.
- 1.11. Should the Department, after a reasonable period of notice, of not less than seven days, in writing, depending upon the circumstances, call upon the service provider to comply with any of the conditions and should he/she fail to do so, the Department shall, without prejudice to any of its rights be entitled to cancel the contract, and to claim from the service provider any damage or loss that might have been suffered, including any additional expense incurred by it having either to invite fresh bids or to accept any less favourable bid.

Unsatisfactory Performance

- 1.12. Failure to comply with the conditions of the contract, the Department shall be entitled, without prejudice to its other rights, to cancel the contract in terms of the General Conditions of Contract. Delays beyond time limits and timeframes agreed upon between the parties. Failure to meet the performance standards indicated in the contract

Assignment

- 1.13. The contractor shall not, without prior written authority of the Department, cede, assign or transfer its rights or obligations in respect of this contract or any part thereof or any share of interests herein, directly or indirectly, to any person, firm or organization whatsoever.



home affairs

Department:
Home Affairs
REPUBLIC OF SOUTH AFRICA

TERMS OF REFERENCE

DHA04-2022

**APPOINTMENT OF TRANSCTION ADVISORY SERVICES TO CONDUCT A FEASIBILITY STUDY AND PPP
PROCUREMENT FOR VISA AND PERMIT APPLICATION CENTRE SERVICES THROUGH A PUBLIC PRIVATE
PARTNERSHIP (PPP) FOR A PERIOD OF THREE YEARS**

CLOSING DATE AND TIME OF BID:

25 February 2022 at 11h00

Bidders are invited to a non-compulsory virtual (Microsoft Teams) briefing session that will be held as follows:

DHA04-2022

Date and time: Friday, 11 February 2022 at 10h00.

Bidders must submit an email requesting the link to the virtual meeting on or before Wednesday, 09 February 2022.

BID VALIDITY PERIOD: 90 DAYS

**Department of Home Affairs
Supply Chain Management**

TERMS OF REFERENCE

OBJECTIVE

1. The purpose of these Terms of Reference is to appoint a Transaction Advisor (TA) comprising of a team of suitably qualified and experienced financial, technical and legal professionals for a period of three years (with an option to extend for two years) to do the following:
 - to undertake a comprehensive Feasibility Study for the procurement of the Visa & Permit Application Centre Services and the operation of Visa Application Centres in compliance with **National Treasury Regulation 16** issued in terms of the PFMA;
 - to develop a business case detailing the possible technical and financial options on how to best procure the visa application services, identify the associated risks, financial affordability requirements and legislative compliance that will enable DHA Management to make an informed decision on the recommended option(s); and
 - After the Feasibility Study has been concluded, and DHA decides to go ahead with the PPP model, the Transaction Advisor will be required to provide advisory services for the appropriate Procurement Strategy for the Project.

BACKGROUND

2. Global migration has always been a centrepiece of DHA service model, but progressive uptake since 2010 placed South Africa under increased pressure to render the level and nature of services under demand. The attraction of South as a global destination for business, investment or holiday (tourism) has placed un-precedented demand on the requirements for visas and permits.
3. Prior to 2010, travellers outside the Republic had to rely solely on the services of Missions abroad with DHA representation for services, and where such capacity by DHA did not exist, the Department of International Relations and Cooperation (DIRCO) would have to assist. Mostly, the service levels were inefficient, and in the absence of adequate representation and also a lack of controls for the monitoring and tracking of applications, it meant that the time taken to conclude on these applications could not be managed within acceptable timeframes.
4. Furthermore, applications were frequently lost or significantly delayed between the applicant and the Missions. DIRCO's own internal processes were not aligned to that of DHA, so the priority to manage these applications within specific timeframes was not always prioritised.
5. These limitations, and many others, that informed DHA of its strategic response, leading to benchmarking with other governments which established that a number of service providers exist in this sector, and that this type of business partnering model potentially holds significant benefit for the service delivery mandate of their departments and the clients.
6. Based on this conclusion, DHA proceeded to issue a tender that was advertised for business partnering to manage off-shore applications for permits and visas to South Africa. The tender was subsequently awarded to VFS Global on 8th April 2010 bringing the international operations between DHA and VFS into effect.

7. VFS established frontline operations abroad by providing service centres to foreign nationals for purposes of visa and permit applications. The extent of such frontline operations was initially small and commenced in India, China and Nigeria (2010), expanding to Angola and the Democratic Republic of Congo (DRC) in 2012 and Kenya and Ghana in 2013. From the outset in 2010, VFS has only been commissioned to facilitate frontline services accepting applications from the client and then transferring these for adjudication by a departmental official at a Mission.
8. Based on DHA's requirement for scalability by the service provider in responding to demands from strategic international travel nodes based in China, India and Nigeria, (inter alia), VFS has progressively increased its operational footprint.
9. Commencing from a relatively small globally representation in 2010, VFS off-shore operational footprint increased to 18 regions with a presence of 45 VAC's. These VAC's have facilitated 347,209 applications in 2018 and 310,740 applications in 2019.

SCOPE AND EXTENT OF THE TENDER

10. The successful bidder will be expected to execute and conduct the following tasks for/ provide the following services / items to the Department:
11. These Terms of Reference invite proposals from the suitably experienced Transaction Advisor(s); comprising teams of suitably qualified and experienced financial, technical and legal advisors to do the following:
 - Phase 1: Undertake a comprehensive Feasibility Study that complies with National Treasury Regulation 16.
 - Phase 2: If required and approved afterwards, provide advisory services for the appropriate procurement strategy for the project.
12. The scope of work is divided into these two parts. The Transaction Advisor needs to submit a single bid, in the formats prescribed in these terms of reference.

Phase 1: Feasibility Study

13. The Transaction Advisor will be required to produce a comprehensive feasibility study for the Visa & Permit Application Centre Services and related visa application centres using Public Sector Comparator and PPP reference models.
 - This must enable the DHA to determine:
 - Full project life cycle costs;
 - Affordability limits;
 - Risks, their associated costs and mitigation strategies; and
 - Optimal value-for-money methods of delivery.

Phase 2: PPP Procurement

14. If, on the basis of the feasibility study, a PPP solution is preferred, the Transaction Advisor will be required to provide the necessary technical, legal and financial advisory support for the procurement of a private partner. This must be in compliance with all elements of Treasury Regulation 16 to the Public Finance Management Act (PFMA).

PHASE I: FEASIBILITY STUDY DELIVERABLES

15. The TA is required to produce, in close liaison with the DHA, a comprehensive Feasibility Study which clearly demonstrates affordability, appropriate risk transfer and value-for-money.
16. The feasibility study is to be conducted in compliance with National Treasury's PPP Manual, available on www.treasury.gov.za or on www.gtac.gov.za.

Components of the feasibility study

17. In line with National Treasury's PPP Manual, Module 4: PPP Feasibility Study, the feasibility study must include the following:

Contents of the report

18. **Introduction**
 - Covering letter from the Accounting Officer/Authority requesting TA
 - Executive summary
 - Introduction
 - Project background
 - Approach and methodology to the feasibility study
19. **Section 1: Needs Analysis**
 - Institution's strategic objectives
 - Budget
 - Institutional analysis
 - Output specifications
 - Scope of the project
20. **Section 2: Solution Options Analysis**
 - Options considered
 - Evaluation and assessment of each option
 - Summary of evaluation and assessment of all options considered
 - Recommendation of a preferred option
21. **Section 3: Project Due Diligence**
 - Legal aspects
 - Use rights
 - Regulatory matters
 - Site enablement issued, if any
 - Socio-economic and BEE
22. **Section 4: Value Assessment**
 - **PSC model**
 - Technical definition of project.
 - Discussion on costs (direct and indirect) and assumptions made on cost estimates.

- Discussion on revenue (if relevant) and assumptions made on revenue estimates.
- BEE targets
- Discussion on all model assumptions made in the construction of the model, including inflation rate, discount rate, depreciation, budgets and MTEF.
- Summary of results from the base PSC model: NPV.

PPP Reference

- Technical definition of project
- Discussion on costs (direct and indirect) and assumptions made on cost estimates
- Discussion on revenue (if relevant) and assumptions made on revenue estimates
- Discussion on proposed PPP type
- BEE targets
- Proposed PPP project structure and sources of funding
- Payment mechanism,
- Discussion on all model assumptions made in the construction of the model including inflation rate, discount rate, depreciation, tax and VAT.
- Summary of results from the PPP reference model: NPV.

Risk Assessment

- Comprehensive risk matrix for all project risks
- Summary of the institution's retained and transferable risks
- The NPV of all risks (retained and transferable) to be added onto the base PSC model
- The NPV of all retained risks to be added onto the PPP reference model

Risk-Adjusted PSC Model

Summary of Results: NPV

- Risk-adjusted PPP-reference
- Summary of results: NPV, key indicators
- Sensitivity analyses
- Statement of affordability
- Statement of value for money
- Recommended procurement choice
- Information verification
- Summary of documents attached in Annexure 1 to verify information found in the feasibility study report.

Presentation of the Feasibility Study

23. The feasibility study, comprising all the above deliverables, must be compiled in a single report in Word format (with relevant annexures), and delivered as both electronic and hard copy documents. All financial models must be in Excel format, and clearly set out all assumptions made, sensitivity analyses carried out, and model outputs. The financial models must be sufficiently adaptable for use by others at later stages. The feasibility study must be presented with a thorough executive

summary and must be accompanied by a Power-Point presentation that encapsulates all the key features of the study. The executive summary and PowerPoint presentation must be compiled in such a manner that they can be used by the DHA management for decision-making purposes.

Submission requirements for the feasibility study report and request for Treasury Approval I

24. If the DHA decides to procure Visa & Permit Application Centre Services through a PPP solution, the feasibility study must be of a standard that will be accepted by National Treasury for the purposes of the DHA obtaining Treasury Approval: I (TA: I) in terms of Treasury Regulation 16 to the PFMA. The Transaction Advisor is therefore advised to be fully familiar with the requirements of the PPP Unit as set out in Module 4: PPP Feasibility Study of National Treasury's PPP Manual.

PHASE II: PPP PROCUREMENT DELIVERABLES (IF APPLICABLE)

25. If the DHA decides on a PPP procurement solution, the Transaction Advisor is required to work with the DHA to manage the procurement process for securing a PPP contract with a private party. All this needs to be in accordance with the systems and standards set out for PPPs in Treasury Regulation 16 and using National Treasury's PPP Manual and Standardized PPP Provisions.

The Transaction Advisor will then have to deliver the following:

Treasury Approval: IIA and administration of the bidding process

26. The Transaction Advisor must prepare a complete set of procurement documents, complying with public sector procurement law, policies and guidelines, and in accordance with the tendering systems of the DHA. The documentation must be consistent with the results of the feasibility study and enable the GNT to obtain Treasury Approval: IIA (TA: IIA) in terms of Treasury Regulation 16.
27. The Transaction Advisor must also give the DHA all the necessary drafting, bidder communication and administrative support necessary for the entire procurement process to be conducted in accordance with law and policy, and to the highest standards of efficiency, quality and integrity.

Pre-qualification

28. The Transaction Advisor must design and administer a pre-qualification (re-quest for qualification (RFQ)) process with the intention of:
- ensuring that the DHA exact interest is communicated clearly to the market.
 - determining the extent and nature of interest in the private sector.
 - pre-qualifying a competitive number of competent consortia in an equitable and transparent way.
29. The desired result is that every pre-qualified bidder is capable of providing the facilities and services required by the DHA.
30. The Transaction Advisor must: prepare all the necessary RFQ documentation, including advertising material; set up and administer the process by which the DHA can pre-qualify the parties; and assist the DHA evaluate and pre-qualify bidders.

Payment mechanism

31. The Transaction Advisor must develop a rigorous payment or revenue generating mechanism that captures the elements of the risk transfer established in the feasibility study.

Bid evaluation criteria, bid process design and BBBEE requirements

32. The Transaction Advisor must: set up a bid evaluation system and criteria; de-sign a suitable bid process that will ensure comparable bids; devise effective systems for communicating with bidders; inspire market confidence; and incorporate all BBBEE requirements for the project. If appropriate, a system that allows for variant bids may be designed.

Request for proposals (RFP)

33. The Transaction Advisor must prepare an RFP document in accordance with best industry practice and National Treasury's PPP Manual, consistent with the results of the feasibility study.

The RFP must concisely set out:

- The output specifications of the DHA
- Requirements for compliant bids
- A risk profile as established in the feasibility study
- The payment mechanism
- The bid process
- Evaluation criteria
- Bidder communication systems.

A draft PPP Agreement

34. The Transaction Advisor must prepare a draft PPP Agreement, based on National Treasury's Standardized PPP Provisions. Close liaison with the DHA management and the PPP unit of the relevant treasury is required during drafting.

Treasury Approval: IIA

35. The Transaction Advisor must compile all the documentation necessary for the DHA to obtain Treasury Approval: IIA (TA: IIA) in terms of Treasury Regulation 16 to the PFMA to enable the procurement process to begin.

Administration of the bidding process

36. The Transaction Advisor is to provide all necessary administrative support to the DHA for the efficient and professional management of the bidding process. This includes where necessary, managing a data room, facilitating structured engagement between the DHA and bidders, assisting the DHA communicate effectively with bidders, and receiving bids.

Evaluation of bids, demonstrating value for money and Treasury Approval: IIB

Evaluation of bids

37. The authorized staff of the DHA, and GTAC if so required, assisted by the Transaction Advisor, must evaluate bids following guidance given in Module 5: PPP Procurement of National Treasury's PPP Manual.
38. A best and final offer (BAFO) process may be required. When costing this phase of work, the Transaction Advisor must allow for the possibility of administering BAFO processes. If there is no BAFO process, the Transaction Advisor's remuneration will be adjusted accordingly.

The Value-for-Money Report and Treasury Approval: IIB

39. Value for money must be demonstrated by comparing the net present value (NPV) of the bids received with the NPV of the PSC.
40. The results of the bidding and evaluation of bids must be presented in a single Value-for-Money report (with relevant annexures) that demonstrates clearly how value for money will be achieved with the preferred bidder. The report must clearly indicate the preferred and second-ranked bidders and provide motivations.
41. The value-for-money report must be in a suitable format and of a suitable standard for the DHA to get Treasury Approval: IIB (TA: IIB) in terms of Treasury Regulation 16 to the PFMA. The guidance given in Module 5: PPP Procurement of National Treasury's PPP Manual should be followed.

PPP agreement negotiations, PPP agreement management plan and Treasury Approval III

42. The Transaction Advisor must assist the DHA in final negotiations with the preferred bidder. This will involve preparing suitable negotiations teams, categorizing issues appropriately, developing timelines for completion, and planning negotiation tactics and processes for reaching agreement. The Transaction Advisor must ensure that all agreements reached are incorporated into all the financial, commercial and legal documentation, and must assist with drafting the necessary and related correspondence.
43. The final terms of the agreements, each as negotiated with the preferred bidder, must be submitted by the DHA, along with the PPP agreement management plan, for Treasury Approval: III (TA: III) in terms of Treasury Regulation 16. The Transaction Advisor is responsible for compiling the necessary submissions for the DHA to obtain this approval. (See Treasury Regulation 16.6.1(a).)
44. The Transaction Advisor must, in close liaison with the DHA, draft a comprehensive PPP agreement management plan for the DHA. (See Treasury Regulation 16.6.1(b).) This will be in accordance with the provisions of the PPP agreement and following the guidance given in Module 6: Managing the PPP Agreement of National Treasury's PPP Manual.
45. The Transaction Advisor must also ensure that a comprehensive legal due diligence of the accounting officer/authority has been completed. This will relate to legal compliance, competence and capacity to enter into the PPP agreement. (See Treasury Regulation 16.6.1(c).)

PPP agreement signature, close-out report and case study, and financial closure

46. The Transaction Advisor must help the DHA with all functions related to signing the final agreement. The Transaction Advisor must also compile a comprehensive close-out report and case study. These must follow the formats pre-scribed in Module 5: PPP Procurement of National Treasury's PPP Manual, and must incorporate any additional factors that may be required by the DHA.
47. The close-out report will be a confidential document of the DHA, and will also be lodged with National Treasury. The case study will become a public document, made available on various government websites. Financial closure signifies that all the procurement deliverables have been successfully completed, and that the Transaction Advisor's work is finished, if applicable.

Special Conditions of Contract

48. To achieve the above the successful bidder will be required to meet the following requirements:

Transaction Advisor Skills and Experience

49. The Transaction Advisor will comprise a team, managed by a single Lead Advisor. The members of the team will have both the skill and experience necessary to undertake the range of tasks set out in this terms of reference. Each individual on the team must be personally available to do the work as and when required. The Lead Advisor will be held accountable, in terms of the Transaction Advisor contract, for ensuring project deliverables and for the professional conduct and integrity of the team.

The skills and experience required in the Transaction Advisor are as follows:

- Financial analysis, with relevant PPP and project finance experience or other demonstrable relevant experience;
- PPP procurement and structuring or other demonstrable experience;
- Legal, with relevant South African experience in the drafting and negotiating of PPP agreements and relevant limited recourse Project Finance experience;
- Black Economic Empowerment expertise with relevant PPP experience;
- Negotiations;
- Contract management;
- Project management;
- Understanding of the National Treasury's PPP Manual

50. Remuneration schedule and disbursement arrangements (Applicable in Stage 2)

51. Remuneration of the Transaction Advisor will be payable in South African Rand, on a fixed price for each phase above (corresponding to Phase 1: PPP feasibility study and Phase 2: Procurement of the project cycle). The procurement portion of the work may or may not transpire at the end of the feasibility study, and should be costed accordingly. The TA maybe requested to assist DHA for the procurement of the project based on the recommended delivery option.

52. DHA will appoint a Project Officer who will, assisted by the Senior Project Advisor from GTAC, manage the TAs to deliver on the contracted deliverables. The Project Officer will formally constitute a Project Steering Committee (PSC) which meet monthly and will be responsible for overall management of the project. The PSC will comprise of key stakeholders identified by the DHA.

53. The PSC will engage regularly with the Transaction Advisor for efficiently completing the various delivery items. The Transaction Advisor will report project progress to the PSC monthly meetings or as instructed by the Project Officer.

DELIVERABLES

54. The primary deliverables to be achieved.

Transaction advisory services to conduct a feasibility study and PPP procurement for visa & permit application centre services through a public private partnership (ppp) for a period of two years.

Logistics and Timing

Project location(s):

230 Johannes Ramokhoase Street Pretoria

Expected commencement date:

On award on the tender

Project period:

Thirty-six (36) Months (with an option to extend for 24 months)

Bid proposal

Bidders must submit a properly labelled bid proposal in response to the evaluation criteria and a separate price offer.

Fee structure

The following remuneration schedule is set for each part of the contract. Bidders should adhere to these in their proposals, within the total budget given:

Feasibility study

Deliverable	Percentage	Amount
Mobilisation fee – as a percentage (%) of phase 1	10	
Completion of sections 1-2 (Needs and Options Analysis)	15	
Completion of section 3 (Due Diligence)	20	
Completion of section 4 (Value Assessment)	20	
Completion of sections 5-6 (Economic Valuation and Procurement Plan)	15	
Completion of feasibility study report to the satisfaction of the GNT	10	
A decision by National Treasury in respect of TA: I	10	
TOTAL	100	

PPP procurement

Deliverable	Percentage	Amount
Mobilisation fee – as a percentage (%) of phase 2	10	
Completion of RFQ/RFP documentation to the satisfaction of the DHA	20	
A decision by National Treasury in respect of TA:IIA	10	
Completion of the value for money report to the satisfaction of the DHA	15*	
A decision by National Treasury in respect of TA:IIB	10*	
Completion of the TA:III and Financial Liability Committee report	20	
A decision by National Treasury in respect of TA:III	15	
TOTAL	100	
BAFO allowance (if applicable) will be 15% of * (For DHA budgeting purposes only)		
TOTAL including BAFO allowance		

- Deliverables completed per the remuneration schedule will be recommended by the Project Officer and approved by DHA, after which invoices may be submitted for payment as per the remuneration schedule.

Disbursement arrangements

- Out-of-pocket expenses will be paid at cost within an agreed ceiling. All claims for travel and other legitimate disbursement expenditure must be pre-approved by the Project Officer or nominee, in advance of being incurred. Where applicable pre-approved project expenditure costs, expenditure in respect of document reproduction or any other legitimate project disbursement expenditure will be reimbursed at cost within 30 days of receipt of approved and substantiated invoices, and does not form part of the remuneration schedule.

Briefing (pre-bid) session

Non-compulsory virtual briefing session

National Treasury SCM Instruction Note no 4A of 2016-2017 Central Supplier Database.

All prospective suppliers interested in pursuing opportunities within South African Government are encouraged to self-register on the Central Supplier Database. (www.csd.gov.za).

The CSD report must be attached to the bid document.

EVALUATION STAGES

55. The bid evaluation process consists of several stages that are applicable as defined in the table below:

Stage	Description	Applicable for this bid
Stage 1A	Initial screening process / compliance with bid requirements	Yes
Stage 1B	Non-compulsory virtual briefing session	Yes
Stage 1C	Pre-qualification criteria	Yes
Stage 2	Mandatory requirement evaluation	Yes
Stage 3	Functionality requirement evaluation	Yes
Stage 4	Site Visits	No
Stage 5	Price / B-BBEE evaluation	Yes

Stage 1A:

- Verification of service provider(s) compliance with bid requirements / initial screening process.

Stage 1B:

- A non-compulsory virtual briefing session will be held.

Stage 1C:

- Service provider(s) must indicate their compliance with the following pre-qualification requirements in terms of Regulation 4 of the Preferential Procurement Regulations 2017 and provide proof.
- Proof includes a valid SANAS B-BBEE Status Level Verification certificate or a B-BBEE certificate issued by the Companies and Intellectual Property Commission, with the exception of EME's and QSE's who are required to submit sworn affidavit in terms of Code of Good Practice. The sworn affidavit must be signed by the EME representative and attested by a Commissioner of oath.
- If a service provider is bidding as a consortium or joint venture (including unincorporated consortia and joint ventures) they must submit a consolidated B-BBEE Status Level Verification Certificate.
- Bidders who fail to meet the pre-qualification requirement will be disqualified.
- Only the following tenderers may respond to this request:

Pre-qualification criteria	Comply	Do not comply
Bidders must have a minimum of B-BBEE level 2 or better, that is, level 1 to 2 status level contributor		
EVIDENCE: Bidders must submit a copy of valid SANAS B-BBEE certificate or a valid B-BBEE certificate issued by the Companies and Intellectual Property Commission or a valid Sworn affidavit signed by the representative and attested by a Commissioner of Oath.		

Stage 2: Mandatory requirement evaluation

- Compliance with the mandatory requirements. Bidders who fail to meet the mandatory requirements will be disqualified.

Mandatory requirement	Comply	Do not comply
Experience in transaction advisory services		
EVIDENCE: Bidders must submit signed and dated client reference letter (s) indicating the acceptable level of performance in completing a transaction advisory services.		

Stage 3: Functionality requirement evaluation

- The technical proposal will be evaluated as per the criteria in Table 1 below. Bidders must ensure that all required information is included in their bid as per Bid Submission Requirements. DHA may require clarification meetings as part of the evaluation of the submitted bids.
- A score of 0 (zero) will be assigned where the submitted CV is not accompanied by certified copies of the required qualifications (i.e. non-compliant CVs); proof that the indicated qualifications exist.
- A score of 0 (zero) will be assigned where qualifications obtained from foreign institutions are not accompanied by proof of a certified SAQA accreditation certificate (non-compliance with the requirements).
- Each bidder must ensure that the proposed team members are compliant with all South African laws; including the Immigration Act 13 of 2002 (as amended) and Employment Services Act.
- Prior to appointment, the recommended bidder may be required to submit additional supporting documentation for individuals forming part of the project team for verification and screening purposes.
- Failure to adhere to the above requirements i.e. misrepresentation and/or non-submission of the required documentation may lead to a disqualification or termination of the contract with the appointed service provider at any stage of the implementation.

TABLE 1 - TECHNICAL EVALUATION CRITERIA

	CRITERIA	SCORING	WEIGHT	TOTAL SCORE
1.	PROJECT DIRECTOR		8	
	a) Qualifications		2	
	A relevant qualification in Engineering, Finance, Legal, Project Management or any other relevant field accompanied by relevant experience in leading projects of similar nature and complexity.	5 = Masters (NQ9) and above 4 = Honours Degree/Relevant registration (NQ8) 3 = Degree (NQ7) 2 = National Diploma (NQ6) 1 = Recognised formal certificate (NQ5) 0 = None provided or less than NQ5		
	b) Skills and Experience		6	
	<ul style="list-style-type: none"> - Demonstrable experience in coordinating work of the entire transaction advisory - Experience in project management and leading a multidisciplinary team - Track record in leading complex projects - Provide a list of projects where the resource played a leading role in projects - List of projects and role played must be included in the CV. Highlight projects undertaken in the past 6 years 	5 = 15 years and above 4 = 10-15 years 3 = 9-16 years 2 = 6-8 years 1 = less than 5 years		

	CRITERIA	SCORING	WEIGHT	TOTAL SCORE
2.	FINANCIAL ADVISOR		24	
2.1	Finance Lead			
	a) Qualifications		3	
	A Degree in Finance, Accounting or equivalent	5 = Masters and above 4 = Honours Degree/Applicable Registration (CA, CFA, etc) 3 = Degree 2 = Diploma 1 = Certificate (NQF 5) 0 = None provided or less than NQ5		
	b) Skills and experience		7	
	Lead, manage the team and be accountable for the outputs of the stream. The Lead must demonstrate the following skills and experience: - Experience in leading a financial team in similar projects - Extensive project/corporate finance expertise - Extensive financial modelling experience, with the capacity to interrogate the financial models - Leads negotiations on commercial/financial matters List of projects and role played must be included in the CV. Highlight projects undertaken in the past 6 years	5 = more than 15 years 4 = 10 to 15 years 3 = 7 to 9 years 2 = 4 to 6 years 1 = less than 4 years		

	CRITERIA	SCORING	WEIGHT	TOTAL SCORE
2.2	Key support project team members			
	a) Qualifications		3	
	A Degree in Finance, Accounting or equivalent	5 = Masters and above 4 = Honours Degree/Applicable Registration (CA, CFA, etc) 3 = Degree 2 = Diploma 1 = Certificate (NQF 5) 0 = None provided or less than NQ5		
	b) Skills and experience		7	
	The identified resources must have the following skills and experience: <ul style="list-style-type: none"> - Project Finance modelling - Structuring of project finance transactions, including PPPs and other limited or non-recourse financing. - Packaging funding requirements for projects - Project appraisals and financial analysis, including risk identification and mitigation - A verifiable track record in procurement of complex projects. Public private partnership experience preferred but not essential. List of projects and role played must be included in the CV. Highlight projects undertaken in the past 6 years.	5 = more than 15 years 4 = 10 to 15 years 3 = 7 to 9 years 2 = 4 to 6 years 1 = less than 4 years		

	CRITERIA	SCORING	WEIGHT	TOTAL SCORE
2.3	FINANCIAL ADVISORY FIRM		4	
	<p>Track record of the financial advisory firm demonstrating in project structuring, project finance, investment analysis and procurement of PPP/DBFO or similar projects</p> <p>Provide a list of completed/executed projects (portfolio of projects) demonstrating the required experience.</p> <p>This must include:</p> <ul style="list-style-type: none"> - Specific role of the firm - Project value - Stage/s in the project cycle - Indicate projects undertaken by the firm in the past 7 years <p>PPP – Public Private Partnerships DBFO – Design, Build, Finance, Operate</p>	<p>5 = more than 15 years' experience plus advisory in 5 or more PPP/DBFO projects</p> <p>4 = 9-15 years' experience plus advisory in 3-4 PPP/DBFO projects</p> <p>3 = 6-8 years' experience plus advisory in 1-2 PPP/DBFO projects</p> <p>2 = 3-5 years' experience and no demonstrable record of advisory in PPP/DBFO projects</p> <p>1 = 1-2 years' experience and no demonstrable</p>		
3	LEGAL		24	
3.1	Legal Lead			
	a) Qualifications		3	
	A Legal Degree or any relevant legal qualification	<p>5 = Masters</p> <p>4 = Postgraduate LLB plus admission</p> <p>3 = Legal Degree plus Admission</p> <p>2 = Legal Degree</p> <p>1 = Relevant Legal Diploma</p> <p>0 = None provided or less than the Legal Diploma</p>		
	b) Skills and experience		7	
	<ul style="list-style-type: none"> - Lead, manage the team and be accountable for the outputs of the legal stream. - Performs legal Quality Assurance/Quality Control on all bid documents and reports 	<p>5 = above 15 years</p> <p>4 = 10 -15 years</p> <p>3 = 7-9 years</p>		

	<ul style="list-style-type: none"> - Manage the development of the draft PPP Agreement and associated Agreements - Leads negotiations on the legal aspects of the transaction <p>List of projects and role played must be included in the CV. Highlight projects undertaken in the past 6 years.</p>	<p>2 = 4-6 years</p> <p>1 = 1-3 years</p>		
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	CRITERIA	SCORING	WEIGHT	TOTAL SCORE
3.2	Key support project team members			
	a) Qualifications		3	
	A Legal Degree or any relevant legal qualification	5 = Masters 4 = Postgraduate LLB plus admission 3 = Legal Degree plus Admission 2 = Legal Degree 1 = Relevant Legal Diploma 0 = None provided or less than Legal Diploma		
	b) Skills and experience		7	
	<ul style="list-style-type: none"> - Experience in providing legal advisory services in the planning and execution of projects funded through project finance or similar - Project due diligence, legal drafting particularly in large public sector or commercial transactions and contract negotiations. Tax and insurance law experience will be an advantage. - Extensive post admission experience in commercial law/legal drafting, legal due diligence and negotiating large deals. A list of projects and references must be included - A track record in negotiations of commercial/PPP/ Design, Finance, Build, Operate (DBFO) contracts or similar <p>List of projects and role played must be included in the CV. Highlight projects undertaken in the past 6 years.</p>	5 = above 15 years 4 = 10 -15 years 3 = 7-9 years 2 = 4-6 years 1 = 1-3 years		

	CRITERIA	SCORING	WEIGHT	TOTAL SCORE
3.3	LEGAL ADVISORY FIRM		4	
	<p>A track record of providing advisory services in drafting and negotiating commercial agreements between government and the private sector or a mix of Design, Build, Finance, Operate (DBFO) projects.</p> <p>Provide a list of completed/executed projects (portfolio of projects) demonstrating the required experience. This must include:</p> <ul style="list-style-type: none"> - Specific role of the firm - Project value - Stage/s in the project cycle - Indicate projects undertaken by the firm in the past 7 years. 	<p>5 = more than 10 years' experience plus advisory in 7 or more PPP/DBFO projects</p> <p>4 = 9-12 years' experience plus advisory in 5-7 PPP/DBFO projects</p> <p>3 = 6-8 years' experience plus advisory in 3-4 PPP/DBFO projects</p> <p>2 = 4-6 years' experience plus advisory in 1-2 PPP/DBFO projects</p> <p>1 = 1-3 years' experience and no demonstrable record of advisory in PPP/DBFO projects</p>		

	CRITERIA	SCORING	WEIGHT	TOTAL SCORE
4.	BBBEE SPECIALIST		6	
	a) Qualifications		2	
	A relevant qualification in areas such as Public Administration, Law, Political Science, Economics, Business Management or similar accompanied by relevant experience	5 = Masters and above 4 = Honours Degree 3 = Degree 2 = Diploma 1 = Certificate (NQF 5) 0 = None provided or less than NQ5		
	b) Skills and experience		4	
	Demonstrable experience and understanding of the following in the implementation of PPPs and large infrastructure projects: <ul style="list-style-type: none"> - Assessment of BBBEE potential /alternative service delivery mechanism during the feasibility study - Setting procurement strategies to meet BBBEE objectives during the procurement of infrastructure or similar projects - Provision of appropriate BBBEE requirements in bid documents, and ensuring bidder compliance with BBBEE requirements - Technical and practical understanding of BBBEE codes of good practice and related BBBEE legislation - Financial and BEE modelling, scorecard optimisation, risk management, valuation, and optimal transaction structuring List of projects and role played must be included in the CV. Highlight projects undertaken in the past 6 years.	5 = more than 12 years 4 = 10-12 years 3 = 7-9 years 2 = 4-6 years 1 = less than 3 years		

	CRITERIA	SCORING	WEIGHT	TOTAL SCORE
5	TECHNICAL ADVISORY TEAM		24	
5.1	Technical Lead			
	a) Qualifications		3	
	A relevant qualification in the Information Technology environment.	5 = Masters (NQF9) & above 4 = Honours (NQF8) 3 = Degree (NQF7) 2 = Diploma (NQF6) 1 = Certificate (NQF 5) 0 = None provided or less than NQ5		
	b) Skills and experience		7	
	<ul style="list-style-type: none"> - Demonstrable experience in leading an IT team in the execution of PPP projects - Developing the output specifications to be included in the feasibility study. - Lead the negotiations on specific technical matters during contract negotiations - Understanding of PPP or similar projects <p>List of projects and role played must be included in the CV. Highlight projects undertaken in the past 6 years</p>	5 = above 15 years 4 = 10 -15 years 3 = 7-9 years 2 = 4-6 years 1 = 1-3 years		
5.2	Technical support project team member(s)			
	a) Qualifications		3	
	A relevant qualification in the Information Technology environment	5 = Masters (NQF9) & above 4 = Honours (NQF8) 3 = Degree (NQF7) 2 = Diploma (NQF6) 1 = Certificate (NQF 5) 0 = None provided or less than NQ5		
	c) Skills and experience		7	
	<ul style="list-style-type: none"> - Demonstrable experience in leading an IT team in the execution of PPP projects - Developing the output specifications to be included in the feasibility study. - Lead the negotiations on specific 	5 = above 15 years 4 = 10 -15 years 3 = 7-9 years 2 = 4-6 years 1 = 1-3 years		

	<p>technical matters during contract negotiations</p> <ul style="list-style-type: none"> - Understanding of PPP or similar projects <p>List of projects and role played must be included in the CV. Highlight projects undertaken in the past 6 years</p>			
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	CRITERIA	SCORING	WEIGHT	TOTAL SCORE
5.3	TECHNICAL ADVISORY LEAD FIRM		5	
	<p>Experience and track record of the leading and coordinating IT stream disciplines in PPP projects or similar type of projects</p> <p>Experience in being part of the technical advisory firm forming part of the transaction advisory team on large transport projects</p> <p>IT Experience in providing IT related professional services</p> <p>Provide a list of completed/executed projects (portfolio of projects) demonstrating experience and involvement in PPP or similar projects. This must include:</p> <ul style="list-style-type: none"> - Specific role of the firm - Project value - Stage/s in the project cycle - Indicate projects undertaken by the firm in the past 7 years. 	<p>5 = 15 years' experience and above</p> <p>4 = 9-15 years' experience</p> <p>3 = 6-8 years' experience</p> <p>2 = 3-5 years' experience</p> <p>1 = 1-2 years' experience</p>		

	CRITERIA	SCORING	WEIGHT	TOTAL SCORE
6.	PROJECT TEAM STRUCTURE		7	
	<p>The proposal must cover the following elements:</p> <ul style="list-style-type: none"> - A proposed team structure/organogram indicating respective roles of each team member to the deliverables - Qualifications, skills and experience of the proposed project team should be clearly stated in the CVs and match the respective roles of each team to the deliverables - The suitability of each person in the team for the proposed roles in terms of their relevant skills and experience cross referenced to the deliverables - Each stream must have specific experience and submit at least three recent and contactable references (in a form of written proof (s) on their company's letterhead including relevant person (s), telephone, fax numbers and e-mails) of similar work undertaken in the last six (6) years. 	<p>5 - All elements well covered (Project team organogram and CVs provided, skills of each team member match the proposed role in the project and relevant skills and experience cross referenced to the deliverables)</p> <p>4 - Elements more than adequately provided (Project team organogram provided, all CVs provided but do not highlight relevant experience, skills of team members match proposed role or information in some of the elements provided some information)</p> <p>3 - Elements adequately provided (Project team organogram provided but role of each project team member not clear, some CVs of team members not provided, mismatch of skills with proposed role of team member demonstrate poor understanding of project requirements)</p> <p>2 - Elements poorly covered (Project team organogram incomplete, CVs provided but do not provide required information, skills of each team member do not match the proposed role in the project)</p> <p>1 - Elements not covered (Project team organogram not provided, CVs not provided or incomplete, skills mismatch and no cross reference to of team roles to deliverables)</p>		

	CRITERIA	SCORING	WEIGHT	TOTAL SCORE
7.	QUALITY OF PROJECT COMPREHENSION DEMONSTRATED IN PROPOSALS		7	
	<p>The proposal must demonstrate the following:</p> <ul style="list-style-type: none"> - Understanding of the terms of reference in relation to DHA Visa & Permit Application Centre Services and VAC management project requirements. - Proposed work plan, project management approach and timetable for the project must demonstrate understanding of project deliverables. - A project management approach accompanied by a clear work plan with timelines - Order of documents as prescribed in the bid document - Adherence to the provided CV template for project team members - Adherence to the provided company profile template for firms - 	<p>5 - A comprehensive project management approach accompanied by a clear work plan with timelines</p> <p>4 - A project management approach, accompanied by a work plan with timelines</p> <p>3 - Limited project management approach. No clear work plan and timelines</p> <p>2 - Limited project or no management approach. No work plan but timelines</p> <p>1 - Limited or no project management approach. No work plan and no timelines</p>		
TOTAL TECHNICAL POINTS				100
MINIMUM THRESHOLD				70%

Stage 4 – Site Visits

- Not applicable to this bid

Stage 5: Price / B-BBEE evaluation

- Bids will then be evaluated in accordance with the prescripts of the Preferential Procurement Policy Framework Act (PPPFA) and the associated Preferential Procurement Regulations of 2017, which stipulate a 80/20 preference point system is applicable and will be calculated with a rand value up to R50 million (all applicable taxes included).
- Where B-BBEE points are claimed, a valid SANAS B-BBEE Status Level Verification certificate or a B-BBEE certificate issued by the Companies and Intellectual Property Commission, with the exception of EME's and QSE's who are required to submit sworn affidavit in terms of Code of Good Practice. The sworn affidavit must be signed by the EME representative and attested by a Commissioner of Oath.
- As bids are only invited for requirements with a rand up to R50 000 000.00, the 80/20 system shall be applicable and will be calculated as follows:

No	COMPONENTS	POINTS
1.	Price:	80
2.	Preferential points: BBBEE	20
TOTAL		100

PRICING SCHEDULE
(Professional Services)

NAME OF BIDDER:	BID NO: DHA04-2022
CLOSING TIME 11:00	CLOSING DATE: 25 February 2022

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

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

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

5.2 Other expenses, for example accommodation (specify, eg. Three-star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

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

TOTAL: R.....

6. Period required for commencement with project after acceptance of bid

7. Estimated man-days for completion of project

8. Are the rates quoted firm for the full period of contract? *YES/NO

9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index.

***[DELETE IF NOT APPLICABLE]**

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-
- the bidder is employed by the state; and/or
 - the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

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

2.1 Full Name of bidder or his or her representative:

2.2 Identity Number:

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

2.4 Company Registration Number:

2.5 Tax Reference Number:.....

2.6 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 attached proof of such authority to the bid document? **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:
.....
.....
.....

- 2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:
.....
.....
.....

- 2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

2.9.1 If so, furnish particulars.
.....
.....
.....

- 2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state **YES/NO**

who may be involved with the evaluation and or adjudication of this bid?

2.10.1 If so, furnish particulars.

.....

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract?

YES/NO

2.11.1 If so, furnish particulars:

.....

2. Full details of Directors / Trustees / Members / Shareholders.

Full Name	Identity Number	Personal Tax Reference Number	State Employee Number / Peral Number

3. DECLARATION

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

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT. I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
 Signature

.....
 Date

.....
 Position

.....
 Name of bidder

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

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

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

1. GENERAL CONDITIONS

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

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

1.2

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

1.3 Points for this bid shall be awarded for:

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

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

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

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black

Economic Empowerment Act;

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

3. POINTS AWARDED FOR PRICE

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

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \\
 P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) & \mathbf{or} & P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)
 \end{array}$$

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

P_{\min} = Price of lowest acceptable bid

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

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

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

5. BID DECLARATION

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

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

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

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

7. SUB-CONTRACTING

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

(Tick applicable box)

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

7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

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

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

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

8. DECLARATION WITH REGARD TO COMPANY/FIRM

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

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

8.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

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

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

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

WITNESSES
1.
2.

.....
SIGNATURE(S) OF BIDDERS(S)
DATE:
ADDRESS
.....
.....

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-
- abused the institution's supply chain management system;
 - committed fraud or any other improper conduct in relation to such system; or
 - 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	Item	Item	Item
4.1	Is the bidder or any of its directors listed on the National Treasury's database as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? To access this Register enter the National Treasury's website, www.treasury.gov.za, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
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