INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE MARINE LIVING RESOURCES FUND

BID NUMBER: MLRF 130 CLOSING DATE: 11.09.2015 CLOSING TIME: 11:00

DESCRIPTION
Appointment of a service provider to provide with vessels to partake in West Coast rock lobster surveys.

The successful bidder will be required to fill in and sign a written Contract Form (SBD 7).

Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.

ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS

THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT

THE FOLLOWING PARTICULARS MUST BE FURNISHED (FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)

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

HAS AN ORIGINAL AND VALID TAX CLEARANCE CERTIFICATE BEEN SUBMITTED? (SBD 2) YES or NO

HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE BEEN SUBMITTED? (SBD 6.1) YES or NO

IF YES, WHO WAS THE CERTIFICATE ISSUED BY?

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)
A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS); OR
A REGISTERED AUDITOR

(TICK APPLICABLE BOX)

(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE 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? YES or NO

[IF YES ENCLOSE PROOF]
SIGNATURE OF BIDDER

DATE

CAPACITY UNDER WHICH THIS BID IS SIGNED

TOTAL BID PRICE.................................(incl vat) TOTAL NUMBER OF ITEMS OFFERED

____________________________________

ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:

Department: Department of Agriculture, Forestry and Fisheries (MLRF)
Contact Person: Ms Ncumisa Matiwane
Tel: 021-402 3260
E-mail address: ncumisam@daff.gov.za

ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:

Contact Person: Mr Daniel Van Zyl
Tel: 082 923 7011
E-mail address: danielvz@daff.gov.za
TAX CLEARANCE CERTIFICATE REQUIREMENTS

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

1 In order to meet this requirement bidders are required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.

2 SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.

3 The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.

4 In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.

5 Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website www.sars.gov.za.

6 Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za.
NAME OF BIDDER: ....................................................... BID NO.: MLRF 130
CLOSING TIME 11:00
CLOSING DATE: 11.09.2015

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

<table>
<thead>
<tr>
<th>ITEM NO</th>
<th>DESCRIPTION</th>
<th>BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)</th>
</tr>
</thead>
</table>

DESCRIPTION
Appointment of a service provider to provide with vessels to partake in West Coast rock lobster surveys.

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.

3. PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)

4. PERSON AND POSITION

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

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

TOTAL: R...

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

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.

<table>
<thead>
<tr>
<th>DESCRIPTION OF EXPENSE TO BE INCURRED</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>MANAGEMENT FEE</td>
<td>R............</td>
</tr>
<tr>
<td><strong>TOTAL:</strong> R..........................</td>
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</tbody>
</table>

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

7. Estimated man-days for completion of project

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

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

*DELETE IF NOT APPLICABLE*

ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:

Department: Department of Agriculture, Forestry and Fisheries (MLRF)
Contact Person: Ms Ncumisa Matiwane
Tel: 021-402 3260
E-mail address: ncumisam@daff.gov.za

ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:

Contact Person: Mr Daniel Van Zyl
Tel: 082 923 7011
E-mail address: danielvz@daff.gov.za
DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state, 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. *please tick with an x*

2.1 Full Name of bidder or his or her representative:

2.2 Identity Number:

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

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.

"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.

"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
2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid?

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?

2.11.1 If so, furnish particulars:

3 Full details of directors / trustees / members / shareholders.

<table>
<thead>
<tr>
<th>Full Name</th>
<th>Identity Number</th>
<th>Personal Tax Reference Number</th>
<th>State Employee Number / Persal Number</th>
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</table>
4 DECLARATION

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

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

................................................................. Signature ................................................................. Date

................................................................. Position ................................................................. Name of bidder
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, 2011.

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 R1 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R1 000 000 (all applicable taxes included).

1.2 The value of this bid is estimated to exceed/not exceed R1 000 000 (all applicable taxes included) and therefore the......................system shall be applicable.

1.3 Preference points for this bid shall be awarded for:
(a) Price; and
(b) B-BBEE Status Level of Contribution.

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

<table>
<thead>
<tr>
<th>POINTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.3.1.1 PRICE</td>
</tr>
<tr>
<td>1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION</td>
</tr>
</tbody>
</table>

Total points for Price and B-BBEE must not exceed 100

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.5 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

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

2.2 "B-BBEE" means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

2.3 "B-BBEE status level of contributor" means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

2.4 "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 services, works or goods, through price quotations, advertised competitive bidding processes or proposals;

2.5 "Broad-Based Black Economic Empowerment Act" means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

2.6 "comparative price" means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;

2.7 "consortium or joint venture" 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;

2.8 "contract" means the agreement that results from the acceptance of a bid by an organ of state;

2.9 "EME" means any enterprise with an annual total revenue of R5 million or less.

2.10 "Firm price" means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;

2.11 "functionality" means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;

2.12 "non-firm prices" means all prices other than "firm" prices;

2.13 "person" includes a juristic person;

2.14 "rand value" means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;

2.15 "sub-contract" means the primary contractor's assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;

2.16 "total revenue" bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the Government Gazette on 9 February 2007;
2.17 "trust" means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and

2.18 "trustee" means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. **ADJUDICATION USING A POINT SYSTEM**

3.1 The bidder obtaining the highest number of total points will be awarded the contract.

3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts.

3.3 Points scored must be rounded off to the nearest 2 decimal places.

3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.

3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.

3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. **POINTS AWARDED FOR PRICE**

4.1 **THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS**

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

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

Where

- \(P_s\) = Points scored for comparative price of bid under consideration
- \(P_t\) = Comparative price of bid under consideration
- \(P_{min}\) = Comparative price of lowest acceptable bid

5. **Points awarded for B-BBEE Status Level of Contribution**

5.1 In terms of Regulation 5 (2) and 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:
<table>
<thead>
<tr>
<th>B-BBEE Status Level of Contributor</th>
<th>Number of points (90/10 system)</th>
<th>Number of points (80/20 system)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>2</td>
<td>9</td>
<td>18</td>
</tr>
<tr>
<td>3</td>
<td>8</td>
<td>16</td>
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<tr>
<td>4</td>
<td>5</td>
<td>12</td>
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<td>7</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>8</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Non-compliant contributor</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA’s approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.

5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.

5.4 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.

5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that 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.

5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.

5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.

5.8 A person awarded a contract may not sub-contract 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 than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.
6. **BID DECLARATION**

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

7. **B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1**

7.1 B-BBEE Status Level of Contribution: = (maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

8. **SUB-CONTRACTING**

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 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? YES / NO (delete which is not applicable)

9. **DECLARATION WITH REGARD TO COMPANY/FIRM**

9.1 Name of company/firm

9.2 VAT registration number

9.3 Company registration number

9.4 **TYPE OF COMPANY/FIRM**

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

[TICK APPLICABLE BOX]

9.5 **DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

9.6 **COMPANY CLASSIFICATION**

Manufacturer
Supplier
Professional service provider
Other service providers, e.g. transporter, etc.
[TICK APPLICABLE BOX]

9.7 Total number of years the company/firm has been in business?

9.8 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-BBEE status level of contribution indicated in paragraph 7 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 paragraph 7, 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 contribution 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) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, 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 BIDDER(S)

DATE:..........................................
ADDRESS:.....................................

..............................................
CONTRACT FORM - RENDERING OF SERVICES

THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SERVICE PROVIDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SERVICE PROVIDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.

PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)

1. I hereby undertake to render services described in the attached bidding documents to (name of the institution)......................... in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number....................... at the price(s) quoted. My offer(s) remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid.

2. The following documents shall be deemed to form and be read and construed as part of this agreement:
   (i) Bidding documents, viz
       - Invitation to bid;
       - Tax clearance certificate;
       - Pricing schedule(s);
       - Filled in task directive/proposal;
       - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
       - Declaration of interest;
       - Declaration of bidder’s past SCM practices;
       - Certificate of Independent Bid Determination;
       - Special Conditions of Contract;
   (ii) General Conditions of Contract; and
   (iii) Other (specify)

3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.

4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.

5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.

6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT) ........................................
CAPACITY ........................................
SIGNATURE ........................................
NAME OF FIRM ....................................
DATE ........................................

WITNESSES
1 ........................................
2 ........................................
DATE: .................................

NAME OF FIRM ....................................
DATE: .................................
CONTRACT FORM - RENDERING OF SERVICES

PART 2 (TO BE FILLED IN BY THE PURCHASER)

1. I................................. in my capacity as................................. accept your bid under reference number .......... dated............. for the rendering of services indicated hereunder and/or further specified in the annexure(s).

2. An official order indicating service delivery instructions is forthcoming.

3. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice.

<table>
<thead>
<tr>
<th>DESCRIPTION OF SERVICE</th>
<th>PRICE (ALL APPLICABLE TAXES INCLUDED)</th>
<th>COMPLETION DATE</th>
<th>B-BBEE STATUS LEVEL OF CONTRIBUTION</th>
<th>MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appointment of a service provider to provide the Department of Agriculture, Forestry &amp; Fisheries (DAFF) Marine Living Resource Fund (MLRF) with vessels to partake in West Coast rock lobster surveys.</td>
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4. I confirm that I am duly authorised to sign this contract.

SIGNATURE

NAME (PRINT) ...........................................................

NAME (PRINT) ...........................................................

OFFICIAL STAMP

WITNESSES

1 ...................................................

2 ...................................................

DATE: ...........................................
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.

<table>
<thead>
<tr>
<th>Item</th>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1</td>
<td>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 <em>audi alteram partem</em> rule was applied).</td>
<td>Yes</td>
<td>No</td>
</tr>
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<td></td>
<td>The Database of Restricted Suppliers now resides on the National Treasury’s website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</td>
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<td>4.1.1</td>
<td>If so, furnish particulars:</td>
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<td>4.2</td>
<td>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 (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>4.2.1</td>
<td>If so, furnish particulars:</td>
<td></td>
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<tr>
<td>4.3</td>
<td>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?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>4.3.1</td>
<td>If so, furnish particulars:</td>
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<tr>
<td>4.4</td>
<td>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?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>4.4.1</td>
<td>If so, furnish particulars:</td>
<td></td>
<td></td>
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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
CERTIFICATE OF INDEPENDENT BID DETERMINATION

1. This Standard Bidding Document (SBD) must form part of all bids' 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). 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)company name

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 consortium\(^\text{3}\) 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 (company name)

SPECIFICATIONS/TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE THE DEPARTMENT OF AGRICULTURE FORESTRY AND FISHERIES (DAFF)/ MARINE LIVING RESOURCES FUND (MLRF) WITH VESSELS TO PARTAKE IN WEST COAST ROCK LOBSTER SURVEYS.

1. INTRODUCTION
The Department of Agriculture, Forestry and Fisheries (DAFF)/ Marine Living Resources Fund (MLRF), herein referred to as “the Department” requires the services of a suitable service provider to provide rock lobster vessels to partake in West Coast rock lobster surveys.

2. REQUEST FOR BID PROPOSAL
The objective of this specification is to appoint a suitable independent service provider that meets the general requirements to provide vessels to partake in West Coast rock lobster surveys.

3. BACKGROUND INFORMATION
To maintain a time series of West Coast rock lobster catch rates for the most important fishing grounds that is independent of the commercial fishery.

Changes in the minimum size limit of the West Coast rock lobster resulted in the introduction of a Fisheries Independent Monitoring Survey (FIMS). The objectives of the survey are to monitor possible changes in rock lobster size compositions and sex ratios and to obtain an annual relative abundance index which is independent of the commercial fishery catch statistics and which is used in the management of the resource. The surveys are conducted in the major fishing areas over a period of two fortnight tours in each area.
A Department official will be on board the vessel at all times while the fishing is being conducted. Commercial rock lobster vessels fish with 60mm mesh traps (60mm mesh traps supplied by the Department). A minimum of 160 sites is covered in each area. Positions are generated randomly to cover the whole area. A total of 5 traps are set at each site.

The information collected at each site consists of a station number, date, visible current, sea conditions, position, soaking time, depth, presence of sea lice in each trap, bottom type and by-catch. The number of lobsters within each individual trap is recorded and a sub-sample of 200 lobsters is measured.

4. **SCOPE AND EXTENT OF WORK**
The Department wishes to charter two (2) vessels to partake in the FIMS survey from 2016 until 2020. The vessels will be required during January to May each year up until 2020. The final dates per year will be set at a later stage.

The vessels will be surveying Lamberts Bay (Zone B), Saldanha (Zone C), Dassen Island (Area 7) and Cape Point (Area 8) areas. In each area the survey will be carried out in 2 legs. The first leg consists of a two week period, followed by a two week break, followed by the second leg also of a two week duration (approximately 120 sea-days per year for the whole survey including days for bad weather conditions). The surveys in Saldanha Bay and Lamberts Bay will be required to run concurrently (i.e. 2 vessels will be required during this period). See requirements in the table below.

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<th>Area</th>
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<td>Zone B – Lamberts Bay</td>
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Due to the distances offshore (some of the stations up to 40 miles from port) it will be expected from the skipper to leave port at 2am at times. The survey will be undertaken inclusive of weekends/public holidays.

The following specifications / conditions will apply:

a) The vessels must be available throughout the charter period.
b) The vessels must be manned by competent skippers and crew (proof of skippers' competency to be included).
c) The Department shall have the right to inspect the vessels during the bid evaluation process and to reject vessels that do not comply with the requirements.
d) The service provider shall maintain the vessels in a seaworthy condition for the duration of the charter period (include copy of SAMSA certificate).
e) The skippers must be familiar with the fishing grounds and harbours that are to be used.
f) The skippers must have good communication skills.
g) The vessels must be big enough to carry 60 rock lobster traps and still have working space on deck.
h) The length of the vessels must be in excess of 16 m.
i) The vessels must be able to fish to depths of up to 200m.
j) The vessels must be fitted with a line hauler.
k) The vessels must be fitted with clean functional toilet facilities.

l) The vessels must be able to accommodate two (2) scientists in addition to the crew. At least one staff member from the Department will be on board the vessels at all times while the vessels are at sea.

m) The vessels must be fitted with a GPS plotter navigator.

n) The vessels must be able to maintain a speed of at least 9 knots.

o) The service provider is responsible for the supply of traps (110 small mesh, 60mm mesh), buoys, ropes and bait. Enough traps (60 per vessel) must be available throughout the period.

p) The Department shall appoint one of its officers as Scientist-in-Charge for each leg, who shall act on behalf of the Department regarding the deployment of the vessels and traps. The officer will be on board the vessels at all times while the fishing is being conducted.

q) The service provider shall be liable for all costs in respect of the maintenance of the vessels, including fuel.

r) The service provider shall be liable for the payment of the crew's wages, food and other vessel personnel expenses required for the survey. Scientists will provide their own food.

s) The service provider and the skippers of the vessels shall be kept informed by the relevant Scientist-in-Charge by means of navigational instructions or verbally with regard to the general location of the area of operations and all movement of the vessels and activities with respect to the survey.

t) The skipper and the Scientist-in-Charge shall jointly decide when and where fishing is to take place or to cease due to bad weather conditions.

u) The service provider will be responsible for all aspects of navigation and safety of the vessels, and the Department may not be held liable for any damages or claims.

v) All rock lobsters and by-catch caught during the survey will be deemed to be scientific samples and the service providers, skippers and crew shall have no claim to these catches.
w) The service provider shall carry the cost of all fishing gear (excluding traps) lost and any replacement of equipment during the expedition.

x) Joint Ventures with HDI's are encouraged.

5 COSTS

5.1 The service provider is required to submit a detailed project plan and a plan of action of all deliverables detailing the cost of the services. **Prices quoted must be VAT inclusive.**

5.2 A price for each of the years (2016, 2017, 2018, 2019 and 2020) must be indicated.

5.3 The price quoted will remain fixed at the time of the bid being awarded.

6. SERVICE LEVEL AGREEMENT

6.1 The successful bidder will be required to sign an appropriate service level agreement (SLA) with the Department. A template of a standard SLA is attached as Appendix A. The Department reserves the right to amend and supplement the agreement to the extent it may be relevant to this particular bid. The successful bidder will be expected to comply with the relevant provisions of the Public Finance Management Act and other financial reporting which the Department may require, details of which will be contained in the SLA. All intellectual property developed by the service provider as a result of this bid belongs to the Department.

6.2 If the service provider and the Department are not able to reach agreement on the terms of the SLA, the Department may withdraw the award of the bid and/or appoint another service provider.

6.3 Payment will be made in accordance with the requirements of the Public Finance Management Act, Act 1 of 1999 (as amended by Act No. 29 of 1999).

6.4 Both parties will be required to appoint a project manager.

7. TIMING OF ASSIGNMENT
All work is to be carried out in accordance with the time schedule as set out in Section 4 of this document, and as agreed with the Department.

8. PERFORMANCE MEASURES
The compliance of the service provider with reference to Section 4 of this document will be closely monitored for the duration of the contract period by the Department.

9. REPORTING
The service provider will submit a monthly report to the Project Manager on the number of sea days utilized.

10. MONITORING PROGRESS ON ASSIGNMENTS
The Project Manager shall do the ongoing management of the Service Level Agreement.

11. CONTINUITY AND PROFILE OF SENIOR STAFF ON THE PROJECT
The service provider must guarantee the presence of shore skippers to provide onshore logistics to the project throughout the duration of the survey. If the shore skippers have to leave the project, a period of at least a week is required in which the new shore skipper must work parallel with the outgoing shore skipper (shore skipper with similar expertise and equal years of experience) in order to transfer skills and knowledge.

12. CONDITIONS OF BID
12.1 Bids will be subject to Supply Chain Management conditions as follows:
12.2 The Preferential Procurement Policy Framework Act, Act No. 05 of 2000 and the Broad Based Black Economic Empowerment Act, Act 53 of 2003 and its codes of good practice as promulgated on 9 February 2007 will apply to this bid.
12.3 In accordance with these Acts, submission will be adjudicated on the 90/10 points system. Price will make up the total of 90 points. The remaining 10 points will be in accordance with the BBB EE status level.
12.4 The proposal should include, *inter alia*, the following: a detailed work plan, including a time frame and all activities, and assurance of the ability to ensure continuity of staff on the project.

13. **CLOSING TIME OF BID**

13.1 The closing time for the receipt of service providers' bids in response to this invitation is 11h00 on [INSERT DATE], month 2015.

13.2 Three (3) hard copies of the bid must be submitted, together with a CD or memory stick containing all documents and information, in sealed envelopes bearing the bid number, description of bid and closing date.

13.3 All documentation must be received before the closing time stipulated above.

13.4 The bids must be placed in the tender box on the ground floor, Foretrust Building, Martin Hammerschlag Way, Foretrust, Cape Town.

13.5 Potential Service Provider/s or their proxies, formally appointed by letter, must attend a mandatory briefing session at 11h00 on (INSERT DATE). Additional information will be provided in hard copy at the briefing session.

14. **SPECIAL CONDITIONS**

14.1 Bidders must submit the updated Curriculum Vitae (CV) of the skippers who will be involved in the undertaking of the work; NOTE: failure to submit the CV's will invalidate the bid proposal.

14.2 The bid proposals should utilize a two envelope system, one clearly marked envelope containing technical information and one clearly marked envelope containing price and BBBEE certificate. Only bidders who score at least 60% for the technical (functionality) information will be considered for the second stage of evaluation, i.e. price and BBBEE status.

14.3 The BBBEE score card from accredited verifier will be considered during the evaluation for BBBEE rating level.

14.4 A Service Level Agreement shall be signed with the successful bidder.

14.5 The Department reserves the right to invite short-listed bidders to present their bid proposals for final decision.
14.6 Bidders must be prepared to work at rates not exceeding those prescribed by the office of the Auditor-General or the Department of Public Service and Administration (DPSA).

14.7 Bidders are required to provide the BBBEE certificate.

15. **ADDITIONAL INFORMATION ON BID PROPOSAL**

The following information should also accompany all bids:

15.1 Details of staff training, highlighting training and development policies and procedures, with specific reference to affirmative policies and initiatives.

15.2 Details of corporate social responsibility and community outreach programs.

15.3 A breakdown of the daily tariff inclusive of value-added tax for services rendered. Expenditure incurred without the prior approval of the Department’s Project Manager will not be reimbursed.

15.4 How a joint venture (if the bidder is a joint venture between a BEE service provider and a non-BEE service provider) will split the work between the parties to the joint venture. The detail must be such that the Department can audit the actual work allocation during the delivery to enforce the transfer of skills between the two service providers. The percentage involvement of each company in the joint venture should also be indicated. Please note that all members of the joint venture should sign the SLA and are jointly and severally liable for the entire assignment.

15.5 The Department will not be held responsible for any costs incurred by bidders in the preparation and submission of the bids.

15.6 The Department is not bound to select any of the bidders submitting proposals. The Department reserves the right not to award the bid and not to award the bid to the lowest bidding price.

15.7 Traveling costs and time spent or incurred between home and office of service providers and the Department’s head office will not be for the account of the Department.

15.8 Number of registered West Coast rock lobster trap fishing vessels.
15.9 The years of experience of the Service Provider in the West Coast rock lobster trap fishery.
15.10 The number and location of bidders’ offices and shore logistics units.
15.11 The skippers’ qualifications.
15.12 The skippers’ experience specifically in West Coast rock lobster fishing (years).
15.13 The crew’s experience specifically in West Coast rock lobster trap fishing (years).
15.14 The project manager’s experience specifically in West Coast rock lobster fishing (years).
15.15 Service Provider/s shall describe their corporate policies in terms of human resources, benefits, insurance, leave, continuing education and enforcement of the standards of conduct.
15.16 Promotion of representivity and compliance with the principles enshrined in the Employment Equity Act will be taken into account in the evaluation of bids. If deemed necessary Service Providers may be called upon to present their profiles to the Department.

16 FURTHER INFORMATION
Should you require any further information in this regard, contact Ms Ncumisa Matiwane
Supply Chain Enquiries
Tel: 021-4023260
Mobile: 072 261 4780
Email: NcumisaM@daff.gov.za

OR

Mr Danie Van Zyl
Technical enquiries
Mobile: 082 923 7011 or
Email: DanieVZ@daff.gov.za

17 INFORMATION REQUIRED
Bid Evaluation can only be done on the basis of information provided in the bid proposal. The comprehensiveness of the bid can therefore be decisive in the awarding thereof.
18 PAYMENT TERMS
The Department undertakes to pay in full within thirty (30) days all valid claims for work done to its satisfaction upon presentation of a substantiated claim and original invoice. No payment will be made where there is outstanding work not completed by the service provider. Two (2) payments will be made: annually - one after the end of March and the other after the work for the year has been completed at the end of June. All invoices must be accompanied by a statement.

19 IN EVALUATING THE TECHNICAL INFORMATION CONTAINED IN THE BID, THE EVALUATION COMMITTEE WILL BE GUIDED BY THE FOLLOWING:

19.1 Bidder's understanding of the brief – The bid provides a clear indication that the bidder fully understands the purpose and scope of the work and the bidders' own roles and functions in this regard.

19.2. Capability – The bid provides a clear indication that the bidder's team comprises people with the necessary experience, skills, qualifications, knowledge and skills required to ensure the efficient and effective generation of the required deliverables to the highest standards of quality.

19.3. Track Record – The bid provides clear information on previous, relevant projects that confirm that the bidder has the required experience and success track record in the area of general project management and management related projects.

19.4. Quality of the Bid – The bid is structured, laid out, formatted and organised in such a way that the evaluation committee is easily able to understand the bid in accordance with the evaluation criteria and is provided with an insight into the quality of deliverables that may be expected from the bidder if successful.

19.5. Affirmative action – The bid clearly describes the bidder's contribution to ensuring affirmative action programs and provides insight into the success, or otherwise, of these programs.
19.6. **Skills transfer** – The bid clearly describes the bidder's contribution to ensuring the transformation of this work e.g fishing services sector through, among others, mentorship, bursary, on-the job-training and/or other initiatives that successfully transfer skills to historically disadvantaged individuals.

20. **EVALUATION METHODOLOGY**

20.1 Bids will be subjected to a two-phase evaluation process. The first will be a Functional evaluation of the technical information submitted. In this phase bidders must score at least 60% of the Total Points for functionality in order to proceed to the next stage of the bid process. Any bidder who scores less than 60% for functionality will not be considered in the second phase of the evaluation process. The onus is on the bidder to submit sufficiently detailed information including supporting documentation for the Evaluation Committee to carry out its task. This phase will exclude price and BBBEE as criteria.

20.2 In the second phase, price and BBBEE status of each bid will be evaluated.

20.3 The successful bidder will be awarded preferred supplier status and, consequently, no Letter of Acceptance will be issued until successful negotiation of the formal Service Level Agreement between the Parties.

20.4 Bidders are advised that the lowest bid price may not necessarily be the preferred bid. The Department reserves the right to conduct a 'due diligence' on the appointed Project Manager before preferred supplier status is awarded and reserves the right to cancel the preferred supplier status.

21. **EVALUATION CRITERIA**

Phase 1

**EVALUATION FOR FUNCTIONALITY**
Values: 1= Poor; 2= Average; 3= Good; 4= Very Good; 5= Excellent

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<tr>
<th>B</th>
<th>CRITERIA</th>
<th>WEIGHTS</th>
<th>VALUE</th>
<th>SCORE</th>
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<tbody>
<tr>
<td>1</td>
<td>Compliance with the requirements as set out in the scope of work (Part 4)</td>
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<td>2</td>
<td>The experience of the service provider in west coast rock lobster fishing.</td>
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<td>3</td>
<td>Level of experience and qualifications of personnel-CV's to be submitted.</td>
<td></td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Skills transfer (specified).</td>
<td></td>
<td>4</td>
<td></td>
</tr>
</tbody>
</table>

Phase 2

| PRICE | 90 |
| BBBEE STATUS LEVEL OF CONTRIBUTOR | 10 |

Calculate the points scored for functionality according to the following formula:

\[ \text{So} \]

\[ \text{Ps} = \text{So} \times 100 \]

\[ \text{Ms} \]

Where
Ps = percentage scored for functionality by bid under consideration
So = total score of proposal under consideration
Ms = maximum possible score, i.e. 4 x (a) = 300

Total points scored by applicant on functionality:  Ps = -------- X 100 = 300