INVITATION TO BID

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

BID NUMBER: MLRF 133  CLOSING DATE: 15.01.2016  CLOSING TIME: 11:00

DESCRIPTION

Appointment of a service provider to undertake and facilitate an environmental impact assessment process for a proposed Sea – Based Aquaculture development zone in Saldanha Bay, Western Cape, South Africa for a contract period of (10) ten months.

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. NB: No late bids will be accepted after closing time.

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
Fax: ..............................................................
E-mail address: ncumisam@daaff.gov.za

ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:

Contact Person: Mrs Michelle Pretorius
Tel: 021-430 7034
E-mail address: MichellePR@daaff.gov.za

2
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.


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.
PRICING SCHEDULE
(Professional Services)

NAME OF BIDDER: ....................................................................................... BID NO.: MLRF 133
CLOSING TIME 11:00 .................................................................................. CLOSING DATE: 15.01.2016

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 undertake and facilitate an environmental impact assessment process for a proposed Sea-Based Aquaculture development zone in Saldanha Bay, Western Cape, South Africa for a contract period of (10) ten months.

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

<table>
<thead>
<tr>
<th>HOURLY RATE</th>
<th>DAILY RATE</th>
</tr>
</thead>
</table>

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.

<table>
<thead>
<tr>
<th>DESCRIPTION OF EXPENSE TO BE INCURRED</th>
<th>RATE</th>
<th>QUANTITY</th>
<th>AMOUNT</th>
</tr>
</thead>
</table>

**"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>
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<td>R.................</td>
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</tbody>
</table>

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?

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.

*YES/NO

*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: Mrs Michelle Pretorius
Tel: 021-430 7034
E-mail address: MichellePR@daff.gov.za
DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state\(^1\), 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\(^2\)): .................................

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?  

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?  

2.7.2.1 If yes, did you attached proof of such authority to the bid document?  

(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?  

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.

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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.

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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:

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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 / Personal Number</th>
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</table>
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
THE NATIONAL INDUSTRIAL PARTICIPATION PROGRAMME

INTRODUCTION

The National Industrial Participation (NIP) Programme, which is applicable to all government procurement contracts that have an imported content, became effective on the 1 September 1996. The NIP policy and guidelines were fully endorsed by Cabinet on 30 April 1997. In terms of the Cabinet decision, all state and parastatal purchases/lease contracts (for goods, works and services) entered into after this date, are subject to the NIP requirements. NIP is obligatory and therefore must be complied with. The Industrial Participation Secretariat (IPS) of the Department of Trade and Industry (DTI) is charged with the responsibility of administering the programme.

1 PILLARS OF THE PROGRAMME

1.1 The NIP obligation is benchmarked on the imported content of the contract. Any contract having an imported content equal to or exceeding US$ 10 million or other currency equivalent to US$ 10 million will have a NIP obligation. This threshold of US$ 10 million can be reached as follows:

(a) Any single contract with imported content exceeding US$10 million.
   or
(b) Multiple contracts for the same goods, works or services each with imported content exceeding US$3 million awarded to one seller over a 2 year period which in total exceeds US$10 million.
   or
(c) A contract with a renewable option clause, where should the option be exercised the total value of the imported content will exceed US$10 million.
   or
(d) Multiple suppliers of the same goods, works or services under the same contract, where the value of the imported content of each allocation is equal to or exceeds US$ 3 million worth of goods, works or services to the same government institution, which in total over a two (2) year period exceeds US$10 million.

1.2 The NIP obligation applicable to suppliers in respect of sub-paragraphs 1.1 (a) to 1.1 (c) above will amount to 30 % of the imported content whilst suppliers in respect of paragraph 1.1 (d) shall incur 30% of the total NIP obligation on a pro-rata basis.

1.3 To satisfy the NIP obligation, the DTI would negotiate and conclude agreements such as investments, joint ventures, sub-contracting, licensee production, export promotion, sourcing arrangements and research and development (R&D) with partners or suppliers.
1.4 A period of seven years has been identified as the time frame within which to discharge the obligation.

2 REQUIREMENTS OF THE DEPARTMENT OF TRADE AND INDUSTRY

2.1 In order to ensure effective implementation of the programme, successful bidders (contractors) are required to, immediately after the award of a contract that is in excess of **R10 million** (ten million Rands), submit details of such a contract to the DTI for reporting purposes.

2.2 The purpose for reporting details of contracts in excess of the amount of R10 million (ten million Rands) is to cater for multiple contracts for the same goods, works or services; renewable contracts and multiple suppliers for the same goods, works or services under the same contract as provided for in paragraphs 1.1(b) to 1.1(d) above.

3 BID SUBMISSION AND CONTRACT REPORTING REQUIREMENTS OF BIDDERS AND SUCCESSFUL BIDDERS (CONTRACTORS)

3.1 Bidders are required to sign and submit this Standard Bidding Document (SBD 5) together with the bid on the closing date and time.

3.2 In order to accommodate multiple contracts for the same goods, works or services; renewable contracts and multiple suppliers for the same goods, works or services under the same contract as indicated in sub-paragraphs 1.1(b) to 1.1(d) above and to enable the DTI in determining the NIP obligation, successful bidders (contractors) are required, immediately after being officially notified about any successful bid with a value in excess of R10 million (ten million Rands), to contact and furnish the DTI with the following information:

- Bid / contract number.
- Description of the goods, works or services.
- Date on which the contract was accepted.
- Name, address and contact details of the government institution.
- Value of the contract.
- Imported content of the contract, if possible.

3.3 The information required in paragraph 3.2 above must be sent to the Department of Trade and Industry, Private Bag X 84, Pretoria, 0001 for the attention of Mr Elias Malapane within five (5) working days after award of the contract. Mr Malapane may be contacted on telephone (012) 394 1401, facsimile (012) 394 2401 or e-mail at Elias@thedti.gov.za for further details about the programme.

4 PROCESS TO SATISFY THE NIP OBLIGATION

4.1 Once the successful bidder (contractor) has made contact with and furnished the DTI with the information required, the following steps will be followed:

a. the contractor and the DTI will determine the NIP obligation;

b. the contractor and the DTI will sign the NIP obligation agreement;
c. the contractor will submit a performance guarantee to the DTI;
d. the contractor will submit a business concept for consideration and approval by the DTI;
e. upon approval of the business concept by the DTI, the contractor will submit detailed business plans outlining the business concepts;
f. the contractor will implement the business plans; and
g. the contractor will submit bi-annual progress reports on approved plans to the DTI.

4.2 The NIP obligation agreement is between the DTI and the successful bidder (contractor) and, therefore, does not involve the purchasing institution.
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>
</table>

1.3.1.1 PRICE

1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION

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:

\[
P_{s} = \begin{cases} 
80 \left(1 - \frac{P_{t} - P_{\text{min}}}{P_{\text{min}}} \right) & \text{for} \quad 80/20 \\
90 \left(1 - \frac{P_{t} - P_{\text{min}}}{P_{\text{min}}} \right) & \text{for} \quad 90/10 
\end{cases}
\]

Where

- \(P_{s}\) = Points scored for comparative price of bid under consideration
- \(P_{t}\) = Comparative price of bid under consideration
- \(P_{\text{min}}\) = 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>
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<tr>
<td>3</td>
<td>8</td>
<td>16</td>
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<td>7</td>
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<td>4</td>
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<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-BBE 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: ....................................
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 audi alteram partem rule was applied).</td>
<td></td>
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<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>
<td></td>
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<tr>
<td>4.1.1</td>
<td>If so, furnish particulars:</td>
<td></td>
<td></td>
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<tr>
<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>
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<tr>
<td>4.2.1</td>
<td>If so, furnish particulars:</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></td>
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<tr>
<td>4.3.1</td>
<td>If so, furnish particulars:</td>
<td></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></td>
<td></td>
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<tr>
<td>4.4.1</td>
<td>If so, furnish particulars:</td>
<td></td>
<td></td>
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</tbody>
</table>
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.

<table>
<thead>
<tr>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Position</td>
<td>Name of Bidder</td>
</tr>
</tbody>
</table>
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).\(^2\) Collusive bidding is a per se prohibition meaning that it cannot be justified under any grounds.

3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:

   a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.

   b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.

4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.

5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

\(^1\) Includes price quotations, advertised competitive bids, limited bids and proposals.

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

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

I certify, on behalf of: _______________________________ that:

(Name of Bidder) 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 consortium⁹ 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.

⁹ 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)
PART ONE

1. INTRODUCTION

1.1 The Department of Agriculture, Forestry and Fisheries (DAFF), herein referred to as “the Department” require the service of a suitably qualified independent Environmental Assessment Practitioner (EAP) to undertake the environmental impact assessment process for a sea-based aquaculture development zone (ADZ) in Saldanha Bay, Western Cape, South Africa for a period of 10 months (or 300 days).

1.2 The new National Environmental Management Act (NEMA) (107 of 1998) Environmental Impact Assessment (EIA) Regulations of 2014, as amended, and the listing notices thereto were gazetted on the 4th December 2014 and came into effect on the 8th December 2014, thus replacing the EIA Regulations promulgated in 2010. These Regulations list activities that require environmental authorization before one can proceed with a development and aquaculture is an activity listed that triggers the need for a Basic Assessment based on production thresholds but notwithstanding the potential of the proposed development to trigger other listed activities which requires full Scoping and Environmental Impact Reporting.

2. REQUEST FOR BID PROPOSAL

2.1 The objective of these specifications is to outline the criteria to appoint a suitable independent service provider that meets the general requirements undertake the environmental impact assessment process for a sea-based ADZ in Saldanha Bay.
3. BACKGROUND INFORMATION

3.1 An Aquaculture Development Zone (ADZ) is an area that has been earmarked specifically for aquaculture activities with the purpose of encouraging investor and consumer confidence, creating incentives for industry development, to provide marine aquaculture services, manage the risks associated with aquaculture, as well as to provide skills development and employment for coastal communities.

3.2 The development of ADZs supports the Policy for the Development of a Sustainable Marine Aquaculture sector in South Africa (2007) objective aimed at creating an enabling environment that will promote growth and sustainability of the marine aquaculture sector in South Africa, as well as to enhance the industry's contribution to economic growth.

3.3 Saldanha Bay is the primary area for bivalve production in South Africa, with the majority of oyster and mussel production to date originating here. As a result of improved opportunities for local mussel import substitution, the opening up of export markets for oysters, and improved access to water and land space through Operation Phakisa, there is a renewed interest in expanding and fully utilizing the bay for further oyster and mussel production, as well as exploring potential finfish production in the outer more exposed parts of the bay.

3.4 Saldanha Bay is ideal for bivalve production as it is largely sheltered and as part of the Benguela Large Marine Ecosystem, a highly productive environment for phytoplankton. Carrying capacity studies done in 1994/95 indicate that the primary production for an area of approximately 345 ha in the bay can support bivalve production of 12-33,253 tons per annum (Olivier et al 2013). More recent studies indicate that for a 1000 ha area 40 000 – 53 000 tons (wet weight) mussels and 4 600 – 6 000 tons for oysters annually can be projected (personal communication T. Probyn). The total bivalve production in the bay in 2013 was considerably less than these estimates at 1,500 tons per annum. However, there is a market opportunity for bivalve sector expansion (Refer to the concept document for further information).
4. SCOPE AND EXTENT OF WORK

4.1 RESPONSIBILITIES OF THE EAP

4.1.1 To determine the environmental process applicable to the proposed ADZ.

4.1.2 To investigate the scope of the proposed activity (ADZ) and identify all listed activities that may be triggered by the proposed development, as well as to evaluate existing information.

4.1.3 To undertake the environmental assessment process as legislated in accordance with the NEMA EIA Regulations of 2014 in order to obtain environmental authorization for the proposed development and expansion of sea based aquaculture (bivalves, finfish, seaweed) and their associated land-based activities in Saldanha Bay from the relevant Competent Authority (CA).

4.1.4 To compile a plan of study detailing the approach to the environmental assessment including motivation for relevant and required specialist studies.

4.1.5 To take into consideration all relevant environmental legislation such as (but not limited to) National Environmental Management: Biodiversity Act of 2004; National Environmental Management: Protected Areas Act of 2003; National Environmental Management: Integrated Coastal Management Act of 2014; National Environmental Management: Waste Amendment Act of 2014 etc., and associated regulations, and submit applications for any permits/licenses associated with the proposed development to the relevant CA in this regard.

4.1.6 In the event that a positive Environmental Authorization is granted for the proposed development and the decision is appealed, the appointed EAP will need to assist the Department with responding to the appeals.
4.2 CONTENT OF ENVIRONMENTAL IMPACT REPORT

The environmental assessment report should be clearly structured and should include, but is not limited to, the following:

4.2.1 To provide, in terms of NEMA and the EIA Regulations 2014, as amended, information regarding the credibility of the EAP's conducting the process.

4.2.2 Details of the Environmental Assessment Practitioner (EAP) conducting the assessment.

4.2.3 An introduction which provides a background and description of the proposed activity.

4.2.4 A summary of the legislation and regulations, spatial development frameworks and plans applicable to the proposed activity and the area.

4.2.5 A detailed description of the environment associated with the proposed activity i.e. biophysical, socio-economic and cultural environment (taking existing information into consideration); including existing and planned activities that may impact on aquaculture within the bay.

4.2.6 The appropriate culture mechanisms and species to be cultured according to specific zones within the bay (E.g. inner, outer, north bay) based on the prevailing environmental conditions.

4.2.7 Additional areas for aquaculture production beyond the zones allocated to aquaculture by the Transnet National Ports Authority.

4.2.8 Identified related aquaculture land based support activities, e.g. processing and holding facilities, hatcheries and laboratories.

4.2.9 Alternative technologies (including greener technologies) that are feasible and reasonable.

4.2.10 A detailed layout/map of the existing, proposed and expansion of sea-based and associated land-based activities of the ADZ (incorporate infrastructure, development footprints etc.). The GPS co-ordinates on the map need to be verified on the ground and discussed with those of the Port Captains and other role players.
4.2.11 An assessment of alternative models based on the potential production output of the proposed ADZ based on information determined as per 4.2.10 above.

4.2.12 Alternative models for management /custodianship of the proposed ADZ.

4.2.13 Details of parallel public participation processes undertaken for the EIA as well as for any of the licenses/permits as required by law e.g. Coastal Waters Discharge permit, Alien Species permits etc. Public participation should include discussion with the industry association in the bay about future plans and management measures/standards.

4.2.14 Existing research undertaken and relevant detailed specialist studies where required (the EAP is to thoroughly assess the need for all applicable and necessary specialist studies).

4.2.15 A comprehensive environmental impact assessment report to the CA for consideration and approval.

4.2.16 Any additional information as required by the CA.

4.2.17 A detailed description of potential positive and negative impacts of the proposed activity on the environment, which must include, but is not limited to, the following:

4.2.17.1 Identification of the main environmental impacts associated with multi-species aquaculture production systems in the proposed area;

4.2.17.2 Categorization of environmental impacts;

4.2.17.3 Identification of management actions and plans including norms and standards, aimed at reducing adverse impacts on the environment, as well as promoting benefits thereto.

4.2.17.4 Identify risk management strategies for future dredging and other activities in the bay that may impact aquaculture.

4.2.17.5 A generic Environmental Management Programme and/or Environmental Monitoring Plan for both the construction and operational phases that may comprise of various programmes for monitoring e.g. Water Quality Monitoring Programme; Waste Management Protocols, etc.
4.2.17.6 Conclusions and recommendations to the studies that will be submitted to the CA.

5. CONTENT OF PROPOSAL
The proposal must address at least the following:-

5.1 Strengths of the persons/firm tendering for the service. This must set out in-house skills, provision of information that will assist in assessing capabilities of the personnel to be utilized, and the overall capacity of the firm to deliver.

5.2 Similar previous experience and a list of 3 contactable references.

5.3 The EAP/s should provide details of staff training, highlighting training and development policies and procedures, with specific reference to affirmative action policies and initiatives.

5.4 A proposed plan of action to achieve the objectives of the project over a contract period of ten (10) months.

5.5 An organizational structure or list of partners, managers and specialists, together with the curriculum vitae of the staff who will be available for the duration of the project.

5.6 A simple organizational structure of positions to be involved in each activity to be performed.

5.7 A breakdown of the hourly tariff (including VAT) for services to be rendered. Expenditure incurred without the prior approval of the Project manager will not be reimbursed.

5.8 A comprehensive budget, showing the service activities proposed, with charge-out rates and budgeted hours per activity, detailing all assumptions made in arriving at the proposed budget.

5.9 How the appointee proposes to provide and ensure good corporate governance to the Department.
5.10 How a joint venture (if the bidders are a joint venture between a BEE firm and a non BEE firm) will split the work between the firms. 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 firms. (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 contract and are jointly and severally liable for the entire assignment.

5.11 The Department will not be held responsible for any costs incurred by the applicant in the preparation and submission of the proposals.

5.12 Please take note that the Department is not bound to select any of the firms submitting proposals. The Department reserves the right not to award the contract to any of the applicants and not to award the contract to the lowest price as well as to renegotiate the price of the preferred applicant.

5.13 Travelling costs and time spent or incurred between home and office of consultants and the Department head office will not be for the account of the Department.

6. AUTHORISATION OF WORK
6.1 The Deputy Director-General (DDG): Fisheries Management or delegated official must authorize each assignment. All assignments must be properly documented for audit purposes.

6.2 Regular progress and strategy meetings will be scheduled with the delegated officials of the Department. Detailed minutes of all meetings must be recorded and kept by the service provider.

7. CONFIDENTIALITY AND SECURITY
7.1 The appointee must be willing to be subjected to a security vetting process and if so, must be recommended for service by the security agencies involved.

7.2 All information pertaining to the operations of the Department gathered by the appointee or furnished to the appointee must be treated as strictly confidential and may not be provided to any other person or used for any other purpose other than for the purposes of
this assignment without the prior written consent of a duly authorized representative of the Department.

7.3 The appointee shall ensure that proper security procedures are implemented and maintained to restrict access to confidential information to the personnel involved in the assignment.

7.4 All documents, reports, submissions, etc. are to be treated as strictly confidential and remain the property of the Department. The successful bidder will, at all times, act in the best interests of the Department.

8. COSTS
8.1 Interested Bidders are required to submit a detailed project plan of action with all deliverables, detailing the hourly charge-out rate for each service and the timeframes within which these will be achieved. Prices quoted must be VAT inclusive.

8.2 The price must remain firm for the duration of the contract.

8.3 The hourly charge-out rate must be firm for the duration of the contract.

8.4 The successful bidder must submit a schedule of payment and will be paid upon receipt of acceptable progress reports and achieved deliverables as stated in Clause 4.

9. SERVICE LEVEL AGREEMENT
9.1 The successful bidder will be required to sign a Service Level Agreement (SLA) with the Department. The Department reserves the right to amend and supplement the agreement to the extent it may be relevant to this particular bid. All intellectual property developed by the appointed Service Provider as a result of this bid belongs to the Department.

9.2 If the nominated bidder and the Department are not able to reach agreement on the terms of the contract, the Department reserves the right to withdraw the award of the bid and/or appoint another service provider.

9.3 Payment will be made in accordance with the requirements of the Public Finance Management Act, 1999 (Act No. 29 of 1999).
10. TIMING OF ASSIGNMENT
10.1. All work is to be carried out in accordance with the deliverable time schedule as agreed with the Department.

10.2. The duration of the project shall be for ten (10) months from the date of the signing of the service level agreement.

10.3. The project planning shall take into consideration the period between the 15 December to the 5 January which is not included in the timeframes for the EIA process and no public participation will commence during this time.

11. PERFORMANCE MEASURES
11.1. The performance measures for the achievement of the deliverables in paragraph 4.2 above will be closely monitored by the Department's Project Manager as appointed by the Deputy Director-General: Fisheries Management.

12. CONSIDERATIONS
12.1. Following evaluation of the application by the CA, the EAP may be required to undertake further studies as deemed necessary by the Competent authority for an informed and fair decision regarding the application.

13. REPORTING
13.1. The Service Provider will submit monthly reports to the Department's Project Manager, within four (4) working days after the end of each month for the duration of the project.

13.2. The Service Provider will meet every second month with the Project Manager, or as required by the delegated official, to report on the progress of the project, costs of attendance to these meetings should be included in the budget. However teleconferences can be arranged for selective meetings.

14. MONITORING PROGRESS ON ASSIGNMENTS
14.1. The Project Manager will be responsible for the ongoing management of the Service Level Agreement.
15. CONTINUITY AND PROFILE OF SENIOR STAFF ON THE PROJECT

15.1. The successful bidder must guarantee the presence of the senior staff in charge of the project throughout the duration of the contract. If the senior staff have to leave the project, a period of at least a month is required in which the senior staff must work parallel with the next person (senior consultant with similar expertise and equal years of experience) appointed by the service provider to be able to transfer skills and knowledge.

16. CONDITIONS OF BID

Bids will be subject to the following Supply Chain Management conditions:

15.1 Bidders are required to submit original and valid B-BBEE Status Level Verification Certificates or certified copies thereof together with their bid, to substantiate their B-BBEE rating claims.

15.2 Bidders who do not submit B-BBEE Status Level Verification Certificates or are non-compliant contributors to B-BBEE do not qualify for preference points for B-BBEE and will score points out of 90 for price and only zero (0) points out of 10 for B-BBEE.

15.3 A trust, consortium or joint venture must submit a consolidated B-BBEE Status Level Verification Certificate for every separate bid.

15.4 Public entities and tertiary institutions must also submit B-BBEE Status Level Verification Certificates together with their bids.

15.5 During the evaluation process the bid unconditional discounts will be taken into account while conditional discounts will not be taken into account.

15.6 A bidder will not be awarded the points claimed for B-BBEE Status Level of contribution if it is indicated in the bid documents that such bidder intends subcontracting more than 25% of the contract value to any other enterprise that does not qualify for at least the same number of points that the bidder qualifies for, unless the intended sub-contractor is an Exempted Micro Enterprise (EME) that has the capability and ability to execute the sub-contract.

15.7 A contractor is not allowed to sub-contract more than 25% of the contract value to another enterprise that does not have equal or higher B-BBEE status level, unless the intended
sub-contract is an Exempted Micro Enterprise (EME) that has the capability and ability to execute the sub-contract.

15.8 Bidders must submit one (1) original set and three (3) hard copies of the bid in a sealed envelope, bearing in mind the bidder number, description of bid and the closing date. Failure to submit the four (4) hard copies, will result in the disqualification of the bid.

15.9 The proposal should also include the following:
   15.9.1 A detailed work plan of the proposed project, including a time frame, and indicating all the activities;
   15.9.2 A list of references;
   15.9.3 Ability to ensure continuity of staff on the project;
   15.9.4 Company registration document (certified); and
   15.9.5 Certified identity document for management of the service provider. Failure to submit certified ID documents will result in disqualification of the proposal.

17. CLOSING TIME OF BID
17.1. The closing time for the receipt of the bid in response to this invitation is the 15th January 2016 at 11h00.

17.2. There shall be a compulsory briefing session will be held on the 18th December 2015 at 11:00 -12:00 at Foretrust Building in Martin Hammerschlag Way in the Foreshore in Cape Town on the 6th Floor in the Human Resources Training room.

17.3. All documentation must be received before the closing time stipulate above.

18. SPECIAL CONDITIONS
18.1. Bidders must submit their updated Curriculum Vitae (CV) of officials who will be available for the duration of work; NOTE: failure to submit the CV's will invalidate the bid proposal.

18.2. The bid proposals should be submitted with all required information containing technical information as well as price information, (NB: The Department Entity Maintenance form included in the bid documents must be completed and returned with the bid proposals).

18.3. Only bidders who scored at least 70% for the technical information will be considered.
18.4. 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). Copy of the rates attached.

18.5. The Department reserves the right to invite short listed applicants to present their proposals for final decision.

19. ADDITIONAL INFORMATION ON BID PROPOSAL

19.1. A breakdown of the hourly charge-out rate inclusive of value-added tax for services rendered. Expenditure incurred without the prior approval of the Programme manager will not be reimbursed.

19.2. The bidder should provide details of staff training, highlighting training and development policies and procedures, with specific reference to affirmative action policies and initiatives.

19.3. In so far as possible, a comprehensive budget, showing the charge out rates of all the staff to be involved in the project and also including all other costs factors such as traveling.

19.4. How a joint venture (if the bidders are a joint venture between a B-BBEE compliant firm and a non B-BBEE compliant firm) will split the work between the firms. The detail must be such that the Department can audit the actual work allocation during the project. (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 contract and are jointly and severally liable for the entire assignment.

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

19.6. Please take note that the Department is not bound to select any of the firms submitting proposals. The Department reserves the right not to award any of the bids and not to award the contract to the lowest bidding price as well as to renegotiate the bid of the preferred applicant.
20. FURTHER INFORMATION

20.1. Should you require any Technical information contact Mrs. Michelle Pretorius, Tel No. 021- 430 7034, MichellePR@daff.gov.za

20.2. For Bidding processes contact Ms Ncumisa Matiwane, Tel No. 021- 402 3260, NcumisaM@daff.gov.za

21. INFORMATION REQUIRED

21.1. Bid Evaluation can only be done on the basis of information provided by the bidder in terms of the provisions of this Terms of Reference.

22. PAYMENT TERMS

22.1. The Department undertakes to render payment of all valid claims received in full within thirty (30) days all valid claims for work done to its satisfaction upon presentation of a substantiated claim. No payment will be made where there is outstanding information/work not submitted by the Service Provider until that outstanding information is submitted.

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

23.1. Bidder's understanding of the specifications/Terms of Reference – 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.

23.2. 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.

23.3. 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.

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

23.5. **Affirmative action** – The bid clearly describes the bidder’s contribution to ensuring the transformation of the project management services sector through affirmative action programmes and provides insight into the success, or otherwise, of these programmes.

23.6. **Skills transfer** – The bid clearly describes the bidder’s contribution to ensuring the transformation of this work e.g. environmental management services sector through, among others, mentorship, bursary, on-the-job-training and/or other initiatives that successfully transfer skills to historically disadvantaged individuals.

24. **EVALUATION CRITERIA**

24.1. This will be a two envelope Bid, one containing details of Price and B-BBEE Status Level and the second containing the technical information submitted in response to scope of work and annexures of this document. Therefore bidders must submit information about Price and B-BBEE status level separately from the information about functionality or technical aspects of the bid and information must also be clearly marked “FUNCTIONALITY” and “PRICE AND B-BBEE STATUS LEVEL”.

24.2. Bids will be subjected to a two-phase evaluation process. The first will be a Functional evaluation of the technical information submitted (Company profile, ID’s, CV’s, BBBEE, TAX SBD forms, and SBD 3.3). In this phase bidders must score at least 70% of the Total Points for functionality in order to proceed to the next stage of the bid process. Any bidder who scores less than 70% 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 Team to carry out its task. This phase will exclude Price and B-BBEE status level.

24.3. In the second phase, Price (SBD3.3) and B-BBEE status will be evaluated and points will be calculated in terms of the 90/10 preference point system as detailed in the Preferential Procurement Regulations of 2011.
24.4. The successful Bidder will be awarded Preferred Supplier status and, consequently, no Letter of Acceptance will be issued until successful negotiation of the formal Agreement between the Parties.

24.5. The Department further reserves the right not to award the Bid to any of the Bidders should it be found not to be in the interests of the State to do so for whatever reason it deems.

Phase 1

**EVALUATION FOR FUNCTIONALITY**

Values: 1= Poor; 2=Average; 3=Good; 4=Very Good; 5=Excellent

<table>
<thead>
<tr>
<th>CRITERIA</th>
<th>WEIGHTS</th>
<th>VALUE</th>
<th>SCORE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Compliance with the requirements as set out in the scope of work (Term of reference) Bidder understands of the brief and the methodology to be employed</td>
<td>20</td>
<td></td>
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</tr>
<tr>
<td>2 Experience in similar fields and record of achievements The experience in the fields of (be specific) includes both the public sector and the private sector</td>
<td>20</td>
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</tr>
<tr>
<td>3 Academic qualifications of personnel-CV's to be submitted. Educational background of the personnel proposed to provide the service. Assessment of the condensed Curricula Vitae of personnel involved on the projects (number of project team members to handle the project/submit names and the CV).</td>
<td>20</td>
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<tr>
<td>4 Accreditation/registration with any institutions</td>
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</table>

70(a)  (So)

Phase 2

<table>
<thead>
<tr>
<th>PRICE</th>
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<tbody>
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<td>BBB-EE Status</td>
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# Hourly Fee Rates For Consultants - With effect from 1 April 2015

<table>
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<tr>
<th>Salary Band</th>
<th>Average Total Package</th>
<th>Model A Short Term</th>
<th>Model B Long Term</th>
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<tr>
<td></td>
<td></td>
<td>Option A 1</td>
<td>Option B 1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>All Overheads</td>
<td>Partial Overheads</td>
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<tr>
<td></td>
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<td>A 1.2 No Mark-up</td>
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<tr>
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<td>3 519</td>
<td>2 710</td>
</tr>
<tr>
<td>15 / 16</td>
<td>1 553 094</td>
<td>3 106</td>
<td>2 392</td>
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<tr>
<td>15</td>
<td>1 346 607</td>
<td>2 693</td>
<td>2 074</td>
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<tr>
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<td>1 225 525</td>
<td>2 451</td>
<td>1 887</td>
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<tr>
<td>14</td>
<td>1 141 700</td>
<td>2 283</td>
<td>1 758</td>
</tr>
<tr>
<td>13 / 14</td>
<td>1 044 486</td>
<td>2 089</td>
<td>1 609</td>
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<tr>
<td>13</td>
<td>939 171</td>
<td>1 878</td>
<td>1 446</td>
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<tr>
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<td>836 358</td>
<td>1 380</td>
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<td>12</td>
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<td>533 821</td>
<td>790</td>
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<td>720</td>
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<td>320 230</td>
<td>474</td>
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</tbody>
</table>

## How to determine the appropriate fee rate

1. Determine the consultancy option/model by applying the following criteria:
   - "Short Term" means less than 60 consulting days
   - "Long Term" means more than 60 consulting days
   - "All Overheads" means consultant provides all overheads e.g., office, parking, telephone
   - "Partial Overheads" means department provides some overheads e.g. office, parking, telephone
   - "Mark-up" provides for company profit margin - service normally provided by consulting company
   - "No Mark-up" service normally provided by individuals or NGOs

2. Determine the appropriate salary band based on the level of work that is required e.g., use job evaluation to determine the level of work - Salary band 13 represents the level of a Director in the public service, 14 a Chief Director, 15 a DDG and 16 a DG.

3. The hourly fee rate should be read where the consultancy option/model intersects with the salary band.

4. Fee rates exclude operational/project expenditure e.g., travelling, hotel accommodation, parking, and travel and subsistence allowance.

Note - The Guide on Hourly Fee Rates for Consultants and the latest Fee Rates are available at [http://www.dpsa.gov.za](http://www.dpsa.gov.za) and can be found under Document Archive, All Documents.