



SCM /Tender Ref #:	DPME 03-2019/20
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<b>Request for proposals for:</b>	<p>Implementation evaluation of the Operation Phakisa There are seven (7) Operation Phakisa Labs/projects, namely:</p> <ol style="list-style-type: none"> <li>1. Unlocking the Economic Potential of South Africa's Oceans</li> <li>2. Scaling Up the Ideal Clinic Realisation and Maintenance Programme</li> <li>3. Leveraging ICT In Education</li> <li>4. Galvanising Growth, Investment and Employment Creation along the Mining Value Chain and Mining Related Communities</li> <li>5. Biodiversity</li> <li>6. Operation Phakisa: Agriculture, Land Reform and Rural Development</li> <li>7. Operation Phakisa: Chemicals and Waste Economy</li> </ol>
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**Bid closing date and time as well as the date and time of briefing session (if any) are indicated on the attached SBD1. Quotations / proposals received after the closing date and time indicated on SBD 1 will not be accepted.**

**Bidders must provide one original and 5 (five) copies, as well as one electronic copy of proposal should be submitted.**

**Only 1 (one) original price proposal and SBDs are required.**

Estimated project start date:	Expected project duration (Months)
1 June 2019	10

### 1. BID INFORMATION

Information and guidelines on the format and delivery of bids are contained in the attached bid documents. Please take note of the closing date and date of compulsory briefing session (if any).

### 2. PROPOSAL FORMAT


A detailed proposal in response to this ToR must be submitted. The proposal should contain all the information required to evaluate the bid against the requirements stipulated in this terms of reference. The following must be attached to the proposal as annexures:

- Annexure B1: Proposed team (Must use attached Excel template)
- Annexure B2: Summary of past experience of team members (Must use attached Excel template)
- Annexure B3: Deliverables and allocation of time to team members (Must use attached Excel template).
- Annexure B4: Pricing information. Price proposals must include VAT and should be fully inclusive to deliver the all outputs indicated in the terms of reference (Must use attached Excel template).
- The published terms of reference (this document, including Annexure A to this document).
- All other forms / certificates required (see bid documents).

### 3. CONDITIONS OF BID

Detailed conditions applicable to all bids are contained in the bid documents accompanying this Terms of Reference. Only suppliers that meet all the requirements stipulated in the terms of reference and bid documents will be considered.

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No late bids will be accepted. Only bids from service providers that attended the compulsory briefing session (if specified above) will be considered. Bids must be valid for a minimum period of 120 days after the closing date.

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**1. BACKGROUND**

Annexure A contains a detailed description of the requirements for this project, including:

- Background / context
- Problem statement / purpose
- Objectives and scope of project
- Proposed methodology / approach
- Deliverables and time frames

**2. EXPERIENCE / SKILLS / TEAM COMPOSITION / PAST PERFORMANCE**

The attached spread sheet must be used to summarise qualifications, skills and past experience and to cost the proposal.

**2.1. Team composition**

**2.1.1. Empowerment requirements**

The proposed team must meet the following empowerment requirements:

- **Black PDI%:** At least 50% of the person-days required to complete this project must be allocated to Previously Disadvantaged Individuals (PDIs)<sup>1</sup>; and
- **Gender%:** At least 40% of the person-days required to complete this project must be allocated to women; and
- **Youth%:** At least 30% of the person-days required to complete this project must be allocated to youth (persons aged 35 or younger); and
- **Empowerment spend:** At least 50% of the fully inclusive resource cost for all deliverables must be allocated to Black PDIs.

Annexure B1 must be completed and the required details of each team member must be provided. Team members indicated in the proposal must be available for the duration of the project and must play a meaningful role in the project. Replacement of team members may only be done in consultation with DPME and replacement team members must have the same PDI profile as well as qualifications / experience as those they are replacing.

**2.1.2. Qualifications and Experience required**

Bidders will demonstrate adequate experience through the number, types and geographical spread of projects/assignments undertaken. The attached template must be used to summarise experience and the proposal must contain details about projects worked on including roles, cost and duration as well as names and contact persons at contracting party.

Roles*	Qualifications	Experience
Evaluations specialist	Minimum: Honours degree Advantage: Masters degree	Minimum: Has worked on at least 2 evaluations of any value and played a lead evaluator role in at least one of them.
Sector expert(s)**: Economy, Tourism, Agriculture, Health, Education, etc.	Minimum: Honours degree Advantage: Masters degree	Minimum: At least 10 years' total work experience and at least 5 years in the sectors involving Operation Phakisa projects.
Project manager	Minimum: Any tertiary qualification Advantage: Tertiary qualification in project management	Minimum: Successfully managed and completed at least 3 projects of R500,000 or more.

<sup>1</sup> By Black PDIs we mean South African citizens who are Black, Indian, or Coloured.

Other expert(s)**:	Minimum: Honours degree Advantage: Masters degree	Minimum: At least 6 years work experience in the Sectors involved with Operation Phakisa projects in South Africa. This must include policy related projects.
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\* One team member can have more than one of the roles indicated.

\*\* Score will be combined for all experts – All experts must meet minimum criteria stipulated above to receive a score of 3.

## 2.2. Confirmation of experience, qualification and availability

The following must be submitted for each of the proposed team members:

- Written confirmation of availability (signed by the proposed team member) for the expected duration of the project of to produce the deliverable(s) as Indicated in Annexure B.
- Detailed CV indicating qualifications, previous experience as well as letters of reference (references must be contactable).
- Copies of qualifications.

DPME reserves the right to verify all qualifications through the South African Qualifications Authority and to verify experience indicated on CVs with third parties.

## 2.3. Past performance

The past performance of bidders in executing similar projects will be evaluated using the references supplied by bidders as well as any other information available to the panel. Below satisfactory performance on a particular project may only be considered if such performance was communicated to the bidder by the contracting party and the bidder was given a reasonable opportunity to correct any deficiencies highlighted by the contracting party. The Department reserves the right to reject a bid if the service provider failed to perform satisfactorily on similar projects.

## 2.4. Project management

The bid proposal submitted by the bidder must include a detailed project plan. As summary of deliverable dates must be included in Annexure B3. The start of the project will depend on the DPME procurement process. The total duration of the project as indicated in the bidder's proposal is binding (except for delays due to circumstance beyond the bidder's control).

## 3. COSTING METHODOLOGY

Prices must be inclusive of VAT (if VAT registered) and must include all costs to fully execute all deliverables indicated in this ToR. No variation in contract price will be permitted. Annexure B4 must be used to summarise costing.

## 4. EVALUATION OF BIDS

### 4.1. Administrative requirements

Annexures B1 to B4 must be completed using Microsoft Excel or compatible software. Annexures completed by hand (in writing) will not be accepted and such bids will be regarded as administratively non-compliant.

Only bids / quotes that comply with all administrative requirements and that submitted all required bid documents (acceptable bids) will be considered during the functional evaluation phase. Only acceptable bids / quotes will be scored by the Bid Evaluation Committee against the functional criteria indicated in this Terms of Reference.

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#### 4.2. Scoring of bids (functional criteria)

The following weighting and scoring system will be applied to the evaluation of all functional criteria:

Weight allocation	Scoring system
1 – Value adding requirement (minimum score of 2)	1 – Does not comply with the requirements
3 – Important requirement (minimum score of 6 or 9)	2 – Partial compliance with requirements
5 – Essential requirement / Integral part of project (minimum score of 15)	3 – Full compliance with requirements
	4 – Exceeds requirements

**Score per criteria:** The final score obtained by a bidder for each criteria will be calculated by multiplying the weight and the score indicated by each Bid Evaluation Panel member and then by averaging the scores of all panel members. The average score per criteria is expressed as a number.

The overall score obtained by a bidder (expressed as a percentage) will be calculated as follows:

$$\text{Overall Score (\%)} = \frac{\text{Sum of average scores for all criteria}}{\text{Sum of weights} \times 4} \times 100$$

#### 4.3. Functional evaluation Part 1 – Quantitative criteria

**Part 1: Minimum functional requirements:** Only bids that scored at least the minimum score for each criteria will proceed to functional evaluation part 2. In cases where bidders submitted insufficient evidence or where evidence is ambiguous, bidders may be requested to provide additional evidence and may be re-scored based on this information. Additional information submitted may only be used as evidence to substantiate what is already contained in the proposal. The costing and content of proposals may not be amended.

Functional Evaluation Criteria		Weight	Min. Score
1.1	<b>Team composition (par 2.1.1 of ToR and Annexures B and B1):</b> 1= Proposed team does not meet the empowerment criteria. 3= Proposed team meets the empowerment criteria. 4= Proposed team meets the empowerment criteria and achieved 50% or more in at least 2 criteria.	3	9
1.2	<b>Project manager (par 2.1.2 of ToR):</b> 1= The team leader does not meet the minimum requirements for either experience or qualifications, or did not submit verifiable references, or did not submit written confirmation of availability for project. 3= The team leader meets all of the minimum experience and qualifications requirements. 4= The team leader exceeds the minimum experience or qualifications requirements.	3	9
1.3	<b>Evaluation specialist (par 2.1.2 of ToR):</b> 1= The evaluation specialist(s) does/do not meet the minimum requirements for either experience or qualifications, or did not submit verifiable references, or did not submit written confirmation of availability for project. 3= The evaluation specialist(s) meet(s) all the minimum experience and qualifications requirements. 4= The evaluation specialist(s) exceed(s) the minimum experience or qualifications requirements.	3	9
1.4	<b>Sector expert(s) ** (par 2.1.2 of ToR):</b> 1= The sector expert(s) do/does not meet the minimum requirements for either experience or qualifications, or did not submit verifiable references, or did not submit written confirmation of availability for project. 3= The sector expert(s) meet(s) all the minimum experience and qualifications requirements. 4= The sector expert(s) exceed(s) the minimum experience or qualifications requirements.	3	9

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Functional Evaluation Criteria		Weight	Min. Score
1.5	<p><b>Other expert(s) ** (par 2.1.2 of ToR):</b></p> <p>1= The expert(s) do/does not meet the minimum requirements for either experience or qualifications, or did not submit verifiable references, or did not submit written confirmation of availability for project.</p> <p>3= The expert(s) meet(s) all the minimum experience and qualifications requirements.</p> <p>4= The expert(s) exceed(s) the minimum experience or qualifications requirements.</p>	3	9

**\*\* Combines score for all experts – All experts must meet minimum criteria stipulated above to receive a score of 3.**

#### 4.4. Functional evaluation Part 2 – Qualitative criteria

The functional evaluation criteria indicated below will be applied during Part 2 of functional evaluation to all bids that met the minimum requirements stipulated under Functional Evaluation Part 1. During part 2 the Bid Evaluation Committee may:

- Evaluate and score bids based on the bid documents and proposals submitted; or
- Provisionally evaluate and score bidders based on proposals submitted and then invite bidders that met all requirements under Part 1 and a provisional overall score of at least 60% for both functional evaluation parts 1 and 2, to present their bids.

The final evaluation and scoring of bids will be based on the proposals submitted, as well as on information provided by bidders during bid presentations (if applicable). Presentations can be used to summarise and clarify bids and may not substantially depart from the proposals submitted.

If a bidder is unable to attend a bid presentation on the date requested by the Bid Evaluation Committee, then the bidder must be afforded another opportunity within 5 workings. If a bidder is for a second time unable to attend a bid presentation, then the bid must be evaluated based on the bid documents and proposals submitted only.

**Part 2: Minimum functional requirements:** Only bids that obtained the minimum score for each criteria as well as an overall score of at least 75% for both functional evaluation parts 1 and 2, will proceed to Price/PPFA evaluation.

Functional Evaluation Criteria		Weight	Min. Score
2.1	<p><b>Understanding the brief. The proposal and / or presentation by the service provider:</b></p> <p>1= Did not address the purpose and objectives of the project.</p> <p>2= Proposal shows minimal understanding of the sector and partially addresses the purpose and objectives of the project.</p> <p>3= Proposal shows good understanding of the sector and fully addresses the purpose and objectives of the project.</p> <p>4= Proposal shows exceptional understanding of the sector and policy issues, the purpose and objectives of the project responded innovatively and proposal offered added value to the project.</p>	5	15
2.2	<p><b>Proposed approach</b></p> <p>1= Proposed methodology is not aligned to the purpose and key questions.</p> <p>2= Proposed methodology is partially aligned to the purpose and key questions.</p> <p>3= Project design, sample, data collection tools and analytical framework proposed is fully aligned to the purpose and key evaluation questions.</p> <p>4= In addition to 3, the methodology is innovative and will add value beyond the originally intended purpose and objectives of the project.</p>	5	15

Functional Evaluation Criteria		Weight	Min. Score
2.3	<p><b>Knowledge of and exposure to international good practice, particularly in middle-income and African countries.</b></p> <p>1= No international experience available</p> <p>2= Proposal makes mention of international experience but not convincing in how this will benefit the project</p> <p>3= Organisation has undertaken relevant international work and shows in the proposal how it will draw in international experience and insight</p> <p>4= Recognised relevant international expertise included in the team (either sector or evaluation)</p>	3	6
2.4	<p><b>Extent to which the costing methodology is realistic given the scope and time frames of the project</b></p> <p>1= Costing of the project is not aligned to the scope and time frames of the project.</p> <p>2= Costing of the project not entirely aligned to scope and time frames and may negatively impact delivery.</p> <p>3= The costing methodology is realistic given the scope and time frames of the project.</p> <p>4= The costing methodology provides innovative solutions to reduce costs associated with the project.</p>	3	6
2.5	<p><b>Project plan (par 2.4 of ToR and Annexure B3):</b></p> <p>1= No project plan included in bid.</p> <p>2= Project plan does not fully address all deliverables or does not indicate completion within the required time frames.</p> <p>3= Project plan addresses all deliverables and indicates completion of the project within the required time frames.</p> <p>4= Project plan addresses all deliverables and indicates completion of the project in significantly less than the envisaged time frames.</p>	3	6

#### 4.5. Price / BBBEE / PPPFA

Only bids that meet the minimum administrative and functional requirements / specifications indicated in the ToR (qualifying bids) will be evaluated in terms of the Preferential Procurement Framework Act and related regulations – see attached bid documents. The evaluation method (80/20 or 90/10) and preference points allocation applicable to this bid are indicated in the attached SBD 6.1.

#### 5. CONTRACT MANAGEMENT

The successful bidder will be required to enter into a service level agreement (SLA) with the Department of Planning, Monitoring and Evaluation. The National Treasury General Conditions of Contract (GCC) will form part of the SLA to be concluded between DPME and the successful bidder. A copy of the standard DPME SLA is available on the DPME tender's website. Bidders should familiarise themselves with the content of the standard template.

Bidders should note that:

- All information related to this bid, or information provided to the service provider subsequent to the award of this bid, must be treated as confidential and may not be disclosed in any way to third parties without the explicit written consent of DPME.
- All right, title and ownership of any Intellectual Property developed by or for the Service Provider or DPME independently and outside of execution/production of the Deliverables related to this bid, and provided during the course of this project ("Background IP") shall remain the sole property of the party providing the Background IP.
- To the extent that the Service Provider utilises any of its Background IP in connection with the Deliverables, such Background IP shall remain the property of the Service Provider and DPME shall acquire no right or interest therein, save that, upon payment of the applicable consideration, the Service Provider shall grant DPME a non-exclusive, royalty-free, non-transferable licence to use such Background IP strictly for purposes of making beneficial use of the Deliverables into which such Background IP has been incorporated.

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- All Intellectual Property rights in Bespoke Deliverables are or will be vested in and owned by DPME unless specifically agreed otherwise in writing. The Service Provider agrees that it shall not, under any circumstances, question or dispute the rights and ownership of DPME in and to the Bespoke Deliverables. DPME shall grant the Service Provider a non-exclusive, royalty free, non-transferable licence to use the Bespoke Deliverables for the purpose of performing its obligations under this project.
- The Service Provider may not publish or sell, in whole or in part, any Bespoke Deliverables emanating from this project without the explicit written consent of DPME.
- The Copyright of any Bespoke Deliverables shall vest in DPME.

**6. SPECIAL CONDITIONS APPLICABLE TO THIS BID**

None.

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TERMS OF REFERENCE: ANNEXURE A

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Request for proposals for:	Implementation evaluation of the Operation Phakisa
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**1. BACKGROUND / CONTEXT**

Operation Phakisa is a South African government's planning and implementation methodology whose key feature includes acceleration of service delivery by bringing key stakeholders together for intensive and detailed practical planning and solution finding and is aimed at fast tracking delivery of collaborative projects. While modelled around Malaysia's "Big Fast Results", this delivery mechanism is the South African government's commitment to deliver priorities in the National Development Plan of 2030 (NDP) faster, better and effectively. This result-oriented mechanism seeks to elevate planning to result in implementation plans based on agreed solutions that have clear timelines and targets. The model can be summarised into the following key principles:

- a. The Operation Phakisa methodology is a delivery transmission mechanism that is aimed at accelerating the delivery of key priorities as contained in the National Development Plan (NDP) 2030, the country's socio-economic development blueprint.
- b. The South African government chose this mechanism based on its potential ability to accelerate the resolution of the national question of the 21<sup>st</sup> century, which talks to how best to accelerate a significant reduction of unemployment, poverty and inequality.
- c. This methodology is not an event, rather, a continuous and deliberate government attempt at changing the delivery attitudes of civil servants to that of a nation in emergency, whose relevance should never cease till every South African has been liberated from the triple challenges of poverty, unemployment and inequality.
- d. The aim is a complete paradigm shift from business as usual to business unusual, until accelerated delivery is well-entrenched in the public service that it becomes the new normal.

With the convening of the first Operation Phakisa delivery Lab in July 2014, the Oceans Economy; six more Labs were convened in rapid succession. While the Oceans Economy is starting to show some positive results, it is not known if the subsequent six have the potential to replicate the results achieved during the first Operation Phakisa. It is therefore important to evaluate the extent to which the Operation Phakisa Labs were appropriately designed for the achievement of their respective objectives. The core of this question lies in the evaluation of the extent to which these Labs were aligned to the national outcomes as contained in the National Development Plan (NDP) 2030.

The seven (7) Operation Phakisa Labs were undertaken with one overarching objective of assisting the country address the triple challenge of poverty, unemployment and inequality. All the Labs have individual respective Lab aspirations, which are collectively aimed at contributing to the targets set in the NDP, in terms of contribution to the Gross Domestic Product (GDP), job creation and transformation (inequality). The seven Labs are at different stages of implementation. Nonetheless, all of them were convened under severe economic conditions, with some already showing the effects of the depressed global and local economic conditions. Below is an outline of all the seven (7) Operations Phakisa Labs convened by government to date:

**1.1. Operation Phakisa: Oceans Economy**

The delivery laboratory (Lab) focusing on the Oceans Economy was convened from 06 July to 14 August 2014, led by the Departments of Environmental Affairs, Transport, Mineral Resources, Public Works, Tourism, Agriculture, Forestry and Fisheries and supported by the Department of Planning, Monitoring and Evaluation (DPME). The objective of the Oceans Economy Lab was to examine and assess the economic opportunities of the oceans for South Africa as well as contribute up to R177 billion to the Gross Domestic Product and create more than one million jobs by 2033.

**1.2. Scaling up the Ideal Clinic Realisation and Maintenance Programme**

The Lab on Ideal Clinic Realisation and Maintenance Programme was convened from 12 October to 21 November 2014, led by the National Department of Health and supported by the DPME. The main objective of the lab was to find solutions that will address the following challenges in clinics:

- Service Delivery
- Waiting Times



## TERMS OF REFERENCE: ANNEXURE A

- Infrastructure
- Human Resources for Health
- Financial Management
- Supply Chain Management
- Institutional Arrangements
- Scale-up and Sustainability

### 1.3. Leveraging on ICT in Basic Education

This delivery Lab was convened from 22 August to 02 October 2015, led by the Department of Basic Education (DBE) and supported by the DPME. The Objective of the Lab was to provide solutions on how Information Communication Technology (ICT) can be integrated into all public schools to enhance teaching and learning.

### 1.4. Galvanising Growth, Investment and Employment Creation along the Mining Value Chain and Mining Related Communities

The Mining Lab was convened from 25 October to 27 November 2015 and led by the DPME supported by the Department of Trade and Industry (the dti) and the Department of Mineral Resources (DMR), with a broad objective of galvanising growth, transformation, investment and employment creation along the entire mining value chain, in relevant input sectors and in mining related communities.

### 1.5. Agriculture, Land Reform, and Rural Development

This Lab was convened from 25 September to 28 October 2016 led by the Department of Agriculture, Forestry and Fisheries (DAFF). The objectives of the Lab were to:

- Ensure equitable access to land for economic development and agrarian transformation;
- Devise economic growth interventions for priority industries and commodities;
- Identify profitable markets and improve market access for commercial and small scale producers;
- Address fragmented and low-impact support for producers;
- Improve sustainable productivity by balancing mechanization and job creation; and
- Reduce negative environmental impact of agricultural production through interventions to improve soil fertility, water management and pest control.

### 1.6. Biodiversity Economy

The delivery Lab on Biodiversity Economy was convened together with the Mini-Lab on Coastal and Marine Tourism from 10 April to 13 May 2016, led by the Department of Environmental Affairs and the National Department of Tourism. The Lab was convened under two main objectives in Bioprospecting and Wildlife, namely;

- To develop and improve the bioprospecting industry to create a sustainable, inclusive and commercially viable sector adding new jobs and contributing to GDP and;
- To have an inclusive, sustainable and responsive wildlife economy that is growing, while providing a foundation for social well-being and maintaining the ecological resource base.

### 1.7. Chemicals and Waste Economy

The delivery Lab on Chemicals and Waste Economy was convened from 23 July to 25 August 2017, led by the Department of Environmental Affairs and supported by the DPME. The Lab was convened with the following objectives:

- Grow the secondary resources economy by increasing local utilisation and beneficiation of waste resources by 50%-75% through creation of an enabling regulatory environment;
- Generation of opportunities from chemical and waste resources for the creation of jobs/ opportunities in new / existing markets specifically through enabling Small, Medium and Micro- Enterprises (SMMEs);
- Invest in R&D Innovation (Including Intellectual Property (IP)) and infrastructure to enhance the utilisation of local waste resources for new products, substances and services that will create jobs, and enhance the production of environmentally friendly chemicals; and
- Reduce waste to landfill by 75% of industrial waste and 50% of municipal waste through education and awareness, compliant society, application of cleaner production.

While it may not be an opportune time to make a determination if the delivery transmission mechanism is making the intended impact, government aims to convene more delivery Labs using this methodology. In order for government to make an informed decision about this intended roll out, it is important to assess the efficacy of this methodology.



## 2. PROBLEM STATEMENT / PURPOSE

According to South Africa's National Evaluation Policy Framework, implementation evaluations aim to "evaluate whether an intervention's operational mechanisms support achievement of the objectives or not, and understand why" (NEPF, 2011). Evaluation also helps to provide evidence for continuing support for a programme. Evaluation helps in determining whether a programme is appropriate for the target population, and whether there are any challenges with its implementation. Therefore, programme evaluation helps to assess whether or not the time and effort one places into a programme is worth it.

Using this delivery transmission mechanism to convene delivery Labs, the planning implementation, monitoring and reporting should be done in a speedy way. Therefore, the research that informs the convening of individual Labs needs to be fast-tracked; the convening of the delivery Labs should be done speedily; the establishment of delivery structures should be prioritised so as to fast track implementation; and the reporting of performance progress should be done in a prioritised manner. This should be a way in which government shows its intention for a paradigm shift to do business unusual.

However, across the seven Labs convened so far, it has been found that the speed at which delivery occurs is not what was envisaged. In some instances the processes take longer than even business as usual. Findings of an evaluation of the Oceans Economy and observations by the Operation Phakisa Unit show that the speedy delivery which the Operation Phakisa envisages is often not realised and in most cases this is due to human factors and other factors. The following is a list of key issues, which validate that most of the challenges in realising the objectives of this delivery transmission mechanism, based on human factors are:

- Delay in the institutionalisation of Lab outputs;
- Bureaucracy affect decision making;
- Non-alignment between government planning and Operation Phakisa projects;
- Limited funding;
- Less utilisation of reporting information;
- Business as usual approach by delivery agents;
- Lack of ownership and buy-in across stakeholders;
- Delay in the establishment of requisite governance structures;
- Lack of escalation and non-utilisation of resolution structures;
- Ambitious but less realistic targets;
- Non-prioritisation of transformation as objectives of delivery Labs; and
- Less communication of governance structures to stakeholders.

In addition to the key issues listed above, there is no indication of the impact each of the delivery Lab has made so far. Since the delivery Labs are convened using scarce resources, it is important that the impact of each delivery Lab is assessed in order to justify the resources used in them. The assessment of impact will also motivate if the delivery transmission mechanism should be used as way in which the key priorities in the NDP are addressed.

## 3. OBJECTIVES AND SCOPE OF PROJECT

In the evaluation, the impact of the delivery mechanism must be covered while the efficacy of the processes of this mechanism must also be assessed. The evaluation must also assess the extent to which the processes were applied consistently across all the seven delivery Labs. Where deviations are observed, this must be documented and the consequences thereof clearly articulated. The different implementation approaches in each delivery Lab must be detailed, where this is the case. Where one delivery Lab has shown tangible benefits, both of the application of the delivery mechanism and of the delivery Lab, this must be clearly documented. Where this is the case, benefits in one delivery Lab must not be documented in a way that will mar the negative results in the next delivery Lab, and vice versa.

While all the review questions as listed in this document must be covered in this review, this list should not limit other relevant questions which the evaluation team of the successful service provider may have in order to enrich the evaluation.



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### 3.1 Evaluation Questions

While the list of question below is not exhaustive, the evaluation must explicitly answer all the questions listed in this document. The list of questions below must be used as a guideline. The successful bidder must propose which group of question should be asked to which group of evaluation participants. The key questions which the evaluation will seek to answer are as follows:

#### **A. To what extent has the Operation Phakisa planning and implementation methodology been appropriately designed for the achievement of its objectives?**

1. How relevant is the Operation Phakisa (Big Fast Results) process to assisting government in attaining the vision of the NDP?
2. To what extent is South Africa's political context and institutional arrangements ready for a model (BFR) that brings about new delivery transmission mechanisms? Is there demonstrated political will in this regard?
3. To what extent is the Operation Phakisa methodology relevant in achieving objectives?
  - What decision criteria are applied to elect a Lab in a particular sector?
  - What approval processes are followed in forming a Lab, are these processes consistent throughout all the Operation Phakisa Labs?
  - Is the current funding model for convening a Lab effective?
  - Is the current funding model for implementation effective?
  - What funding model can you propose for resourcing the delivery of Lab outputs in various sector departments?
4. Is the methodology of Operation Phakisa consistent throughout all the Labs? What informs deviation from methodology, if applicable?
5. Is there stakeholder consultation at the beginning of the Lab? Is there sufficient buy-in from relevant stakeholders? Has the buy-in been maintained over the course of a particular Operation Phakisa?
6. To what extent has the planning process introduced rigour coordination among stakeholders that is necessary to maximise the probability of success?
7. How were the Lab participants chosen? How transparent and appropriate was this process?
8. How were the Implementation Agents chosen? How transparent and well-suited was this process?
9. What are the key successes of the methodology? How can these be improved?
10. To what extent have resources been used in an efficient manner throughout the planning phase? Are there any ways that this could be improved?

#### **B. After a year of convening the seven Operation Phakisa delivery Labs, do you think the various Operation Phakisa Labs are likely to achieve the intended outputs and outcomes**

1. Retrospectively, how realistic were the outcome targets set out in the various Lab processes? How realistic were the timeframes?
2. Which Operation Phakisa Labs are likely to achieve outputs and outcomes within the set timeframes? Which outputs or outcomes are unlikely to ever be achieved? (where applicable)
3. What factors have influenced the achievement or non-achievement of objectives? (where applicable)
4. To what extent are the governance structures and processes influencing the achievement of objectives?
5. To what extent are the current institutional arrangements and administrative arrangements set in place to implement Operation Phakisa working as envisaged by the initial strategy documents?
6. How responsive is the programme to the changing implementation environment?
  - To what extent are political occurrences influencing the achievement of programme objectives?
  - To what extent are external economic conditions influencing the achievement of programme objectives?
  - To what extent are legislative and regulatory bodies influencing the achievement of programme objectives?
7. What are the key success drivers of the initiatives? Can these be replicated easily in other sectors?

#### **C. How effective is implementation of the various Operation Phakisa Labs?**

1. To what extent have the resources been allocated?
2. To what extent have resources been allocated and subsequently used efficiently in implementing the resulted plans of the Lab? Are there any ways that this could be improved?



## TERMS OF REFERENCE: ANNEXURE A

3. Was research and development (R&D) developed for Labs? To what extent have skills development been optimally used? Has there been benefit in bringing skills and R&D under one Unit (DHET and DST)?
4. Are the existing accountability models for Operation Phakisa at a delivery level efficient? If not, why not? How can accountability be improved?

### D. To what extent is the programme making meaningful and measurable impact towards the targeted / intended outcomes of inclusively growing the economy, reducing poverty, inequality and unemployment?

1. Is there any evidence that Operation Phakisa has contributed to the economic growth and job creation in the targeted sectors?
2. Is there any evidence of Operation Phakisa having contributed to a more inclusive economic activity in the targeted sectors?
3. What are the tangible benefits of the application of the methodology in various sectors after one year of convening a delivery Lab?

### E. To what extent has the Operation Phakisa delivery transmission mechanism inculcated the "business unusual" approach in government?

1. Has the programme provided the country with a blueprint model for faster and more accountable service delivery? Adaptation of existing processes in government.
  2. To what extent has the programme empowered civil servants and created a streamlined policy decision-making process?
  3. How has the programme improved intergovernmental coordination and collaboration?
  4. How has the programme improved intergovernmental coordination and collaboration between the state and non-state entities?
  5. What are the unintended consequences / externalities of the programme?
  6. What has been the observed change in the attitudes of those responsible for delivery of Operation Phakisa Lab outputs?
  7. Where changes have been observed, can the changes be attributed to the application of the Operation Phakisa methodology? Substantiate.
- ### 8. How have the measurement systems worked to improve the implementation of Operation Phakisa?
1. How have benefits of the programme been qualitatively and quantitatively assessed? How could this be improved?
  2. What tools have been used to measure, authenticate, and report such benefits? Who drives delivery, who monitors (and reports) it and what is the frequency of that monitoring (and reporting)?
  3. Are there credible knowledge management systems for Operation Phakisa projects?
  4. What systems have been put in place for the collection of monitoring and evaluation data? How effective have these tools been at collecting and disseminating data in a timely manner?
  5. What additional tools could assist with the monitoring, measurement and evaluation of Operation Phakisa?
- ### 9. What lessons can be learned from the implementation of Operation Phakisa in South Africa?
1. How desirable is it to continue to use this methodology for policy imperatives going forward?
  2. Would you recommend Operation Phakisa methodology to be replicated in other sectors?
  3. What aspects of the methodology should be improved, or be improved upon in the future? What aspects of the methodology can be adapted to make future roll out of the methodology more effective?
  4. What are the distinguishing factors that make one Lab more effective than the others?
  5. Are the successes observed specific to a particular sector?
  6. Are the successes peculiar to a particular lead department and its leadership?

## 3.2 Potential users of the evaluation

Table 1 summarises the main users and how they are likely to use the evaluation results. This is important in conceptualising the consultation during the evaluation and in dissemination of the results.

Table 1: Main users and stakeholders of the evaluation results

Stakeholder	Likely use of the results
Cabinet	<ul style="list-style-type: none"> <li>• Policy making</li> <li>• Decision making</li> <li>• Strategic direction of the programme</li> <li>• Resource and capability building</li> </ul>
National departments	<ul style="list-style-type: none"> <li>• Planning for potential Operation Phakisa</li> <li>• Inform policy and decision-making</li> <li>• Improved reporting on performance</li> <li>• Better understanding of roles and responsibilities</li> <li>• Better understanding of factors that support success or failure OP model</li> <li>• Documentation</li> <li>• Resource allocation</li> </ul>
Parliament	<ul style="list-style-type: none"> <li>• Enhance oversight</li> <li>• Improved policy and decision making</li> </ul>
Public	<ul style="list-style-type: none"> <li>• Trust and confidence in the government programme</li> <li>• Accountability for public resources</li> </ul>

**3.3 Scope of the evaluation**

The evaluation must cover all the seven delivery Labs already convened as listed in the request for proposals, namely:

- a) Unlocking the Economic Potential of South Africa's Oceans
- b) Scaling Up the Ideal Clinic Realisation and Maintenance Programme
- c) Leveraging ICT In Education
- d) Galvanising Growth, Investment and Employment Creation along the Mining Value Chain and Mining Related Communities
- e) Biodiversity Economy
- f) Operation Phakisa: Agriculture, Land Reform and Rural Development
- g) Operation Phakisa: Chemicals and Waste Economy

**3.3.1 Period of review**

The evaluation will focus on the Operation Phakisa Implementation period, which is from July 2014 to date.

**3.3.2 Programmatic themes to be covered**

All the Operation Phakisa Labs convened to date as listed in the RFP and in 3.3 above. All the focus areas/workstreams in each delivery Lab must be covered in the evaluation.

While focus areas are clearly articulated in each delivery Lab, such cross-cutting focus areas as Skills Development and Capacity Building and Research and Development (Innovation), which are not always clearly distinguished in some delivery Labs, must also be evaluated and results thereof documented in this evaluation.

**3.3.3 Geographic coverage**

This Presidential programme has a national coverage as it is implemented in all the nine (9) provinces. While most of the lead departments in each delivery Lab are national government departments, implementation occurs at provincial and local levels as well as in the private sector throughout South Africa. All the Delivery Units, Work Groups and members of Steering Committees will be included in the sampling. The Operation Phakisa Unit in the DPME, who are the custodians of the Operation Phakisa methodology, will also be part of the sample. Where there are Secretariats for each delivery Lab, these must also be included as a sample. The Operation Phakisa Unit, the Secretariats and the Delivery Units should be utilised as key informants, who can direct and facilitate access to further participants.

## TERMS OF REFERENCE: ANNEXURE A

Given the period within which this evaluation is expected to have generated findings, (June 2019), it is envisaged that the service provider will sample accordingly. It is anticipated that data will be collected in all nine (9) provinces and national departments using evaluation questions that are applicable in the various labs. Data should be collected at the same time by different teams in order to have finalised analysis and draft findings by June 2019.

### 4. PROPOSED METHODOLOGY / APPROACH

The prospective service provider/evaluator should propose an appropriate methodology to respond to the evaluation questions (above). The service provider/evaluator is expected to use both qualitative and quantitative methods to respond to the evaluation questions. The evaluation is expected to follow a collaborative and participatory approach ensuring close engagement with a representative sample of key stakeholders. The evaluation shall provide evidence-based information that is credible, reliable and useful. Amongst others, the approach should include the following:

#### 4.1 Document and literature review

The document review will include an analysis of the (1) Grey and published literature on the programme, (2) Reports generated from the database and websites (including performance reports, Incentives report, beneficiary information, annual reports, etc.); and (3) An analysis of the legislative and policy frameworks and guidelines pertaining to the Operation Phakisa model.

DPME and other partner departments who have undertaken Operation Phakisa will make the relevant data available to the appointed service provider.

A comparative review between South Africa and Malaysia should be done. This should result in a suggested analytical framework to be used in the evaluation, guiding the report outline, and development of research instruments.

#### 4.2 Interviews

The service provider must conduct a number of face-to-face interviews, and focus groups with a range of stakeholders who are involved in the implementation of Operation Phakisa. A survey may be undertaken to collect data from other sector players and beneficiaries, but should not be the core method of data collection.

#### 4.3 Quantitative and Qualitative analysis

The service provider must use both quantitative and qualitative analysis across all the sectors or thematic areas to answer some of the evaluation questions. Detailed financial analysis will also be expected in order to inform resource allocation and track related expenditure and its relation to performance and to ascertain value for money.

#### 4.4 Learning processes

Reflective processes with interviewees, and a stakeholder validation workshop to reflect on lessons, emerging findings and how the Operation Phakisa model can be improved.

#### Workshops and development of the theory of change

- Participation in an Inception workshop with the steering committee to develop a focused and detailed methodology to address key sub-questions. The service provider will be expected to revise their proposal following the inception workshop (if applicable) and prepare a final inception report for approval.
- Facilitation of a workshop with the steering committee on the Theory of Change and the development of a Logical Framework for the Intervention as currently conceptualised.
- Test the Theory of Change in the evaluation to assess whether it is working as intended.
- Towards the end of the evaluation, revise the initial Theory of Change and Logical Framework and recommend how the Operation Phakisa model could be revised /strengthened.
- Presentation of initial findings, analysis and recommendations to a steering committee, as and when it's necessary and subsequently, a stakeholder validation workshop. The service provider will utilise the feedback from the workshop to finalise the report and its recommendations.



## TERMS OF REFERENCE: ANNEXURE A

- The service provider should note that the final report will be approved when all the steering committee members, and the peer reviewers, are satisfied with it. This may entail a few revisions of the report before it is approved and the service provider must commit to the revisions until the steering committee and other key stakeholders are satisfied with the process.

**Note:** Though an evaluation approach has been suggested, this does not preclude a service provider from recommending a different methodological approach considered more responsive or more innovative. Should a service provider apply the approach provided in the ToRs, the service provider will be expected to propose a detailed methodology (innovation and creativity in this regard will be an added advantage).

### 5. DELIVERABLES AND TIME FRAMES

#### 5.1 Products/ deliverables expected from the evaluation

The deliverables include the following:

- **Inception Report** by the service provider as a follow-up revised proposal with a revised evaluation plan, overall evaluation design and detailed methodology, including an analytical framework, and content structure for the final report. This forms the basis for judging the effective implementation of the intervention
- **Theory of change** for the intervention as it is currently operating and outline log frame –based on existing programme documents and on a workshop with relevant stakeholders
- **Document review** (collect information and data based on management monitoring reports, quarterly monitoring reports, relevant legislation, etc.)
- **Literature review** (including comparison with other developing countries, and review of policies and legislation)
- **Report structure, analytical framework, final data collection instruments and other tools**
- **Data Collection** (including interviews with various identified stakeholders (key informants, participants, gatekeepers and case study informants) and observation and notes thereof.
- **1<sup>st</sup> Draft full evaluation report** for review with findings, recommendations and proposed revised theory of change and logframe, using the DPME template
- **A workshop with stakeholders to discuss the draft report and refine recommendations**
- **The 2<sup>nd</sup> draft final evaluation report**, both full and the 1<sup>st</sup> draft of the 1/5/25 format –in Word format, using the DPME template
- **The final evaluation report**, both full and in 1/5/25 format – In Word and PDF format
- **Provision of all datasets, metadata and survey documentation** (including summaries of interviews) when data is collected, which has been made anonymous for confidentiality
- **A PowerPoint or audio-visual presentation of the results and the service provider will have to present the final report to the evaluation steering committee as well as senior management of DEA**
- **Photographs from the field visits** indicating the activities of the Intervention.

The full report may be up to 100 pages in length excluding appendices. The 1/5/25 report includes a one page policy summary of implications for policy, a five page executive summary of the whole report and a 25-page main report (Arial 11 point, single space, exclusive of appendices). The 1/5/25 is what will be distributed widely, but both reports will also be posted on the website. There is a standard template which should be used for the reports. All deliverables will be subject to peer review and a post evaluation quality assessment process.

#### 5.2 Budget and payment schedule

Funding for this evaluation will be provided by the DPME, and payments will be effected by the DPME. The payment schedule is illustrated in Table 2 below.





**TERMS OF REFERENCE: ANNEXURE A**

**Table 2: Deliverables and Timeframes**

- *It must be borne in mind that payment of invoices will be dependent on the satisfactory quality of the outputs as assessed by the commissioning department and the appointed Steering Committee and is not automatic upon submission of the deliverable/s.*
- *It is the responsibility of the service provider to ensure that the quality of the output is sound. Neither the commissioning department nor the Steering Committee should be expected to write the report on behalf of the service provider and can only make inputs aimed at enriching the outputs.*

The service provider should produce the implementation plan indicating the milestone against the deliverable. The evaluation will start in June 2019 and should be completed by August 2020. The service provider should produce the implementation plan indicating the milestones against the deliverables in Table 2 below.

Deliverable	Outcome	Likely delivery date	% of project (Payment)
1. Approved Inception report (including capacity development plan), and service provider contract signed	Service provider to provide an inception report on how the study will be conducted	June 2019	3%
2. Theory of Change developed	Service provider to engage with the provinces and national departments through a workshop to review and refine the TOC for the sector.	July 2019	0%
3. Approved Literature review and document review including international comparative study and analytical framework	Service provider to conduct a systematic literature review of the sector inclusive of international case studies.	August 2019	12%
4. Approved report structure, analysis plan, detailed methodology including final data collection instruments, and other tools.  Data collection for all the 7 Operation Phakisa's in all 9 Provinces as per approved methodology.	Service provider to provide a methodology on how data will be collected and analysed; as well as how the full report will be structured.  Training of fieldworkers and collection of the necessary data as per approved data collection instruments.	Sept 2019-Nov 2019	10%
5. Submission of approved fieldwork report	Service provider to submit a fieldwork report based on the data collected on the field.	December 2019	15%
6. Submission and approval of the 1 <sup>st</sup> draft full evaluation report	Service provider to conduct the analysis, writing up. Upon delivery of a satisfactory 1 <sup>st</sup> draft, service provider needs to conduct the validation workshops and finalisation of the report and presentation of findings.	February 2020	5%
7. Validation workshop of the emerging findings and 1 <sup>st</sup> draft evaluation report		April 2020	5%

**TERMS OF REFERENCE: ANNEXURE A**

<p>8. Submission and approval of the 2<sup>nd</sup> draft full and 1<sup>st</sup> draft 1/5/25 evaluation reports including proposed revised theory of change and logframe</p>		<p>May 2020</p>	<p>10%</p>
<p>9. Approval of the final full and 1/5/25 evaluation reports including proposed revised theory of change and logframe</p>	<p>Service provider to submit the final report on the basis that it is of acceptable quality, otherwise there may be more versions until the steering committee is satisfied.</p>	<p>July 2020</p>	<p>25%</p>
<p>10. Service provider presentation to DPME EXCO or any other management forums</p>	<p>Service provider to note that should there be fundamental changes requested by management, they are obliged to make them before public release.</p>	<p>July /Aug 2020</p>	<p>5%</p>
<p>11. Project close out</p>	<p>Project close out meeting and handover of all datasets, metadata and survey documentation, photographs, etc. The service provider will also produce a full PowerPoint presentation and a 10-slide succinct one based on the evaluation.</p>	<p>July/Aug 2020</p>	<p>10%</p>

## 6. PROJECT MANAGEMENT / REPORTING ARRANGEMENTS

### 6.1 Management arrangement

The bid proposal submitted by the bidder must include a detailed project plan. A summary of deliverable dates must be included in Annexure B3. The start of the project will depend on the DPME procurement process. The total duration of the project as indicated in the bidder's proposal is binding (except for delays due to circumstance beyond the bidder's control).

The service provider shall be managed by DPME together with the Chairperson of the Steering Committee supported by the Project Steering Committee that shall be responsible for the sign off for the deliverables submitted. The steering committee will be chaired by DEA and the secretariat role will be provided by DPME.

#### 6.1.1 The role of the steering committee:

- a. Recommend approval of the terms of reference for the evaluation
- b. Approve peer reviewers and technical resource persons to be co-opted into the steering committee through a formalised process and based on capacities and skills identified by the same
- c. Evaluate proposals and provide the assessment of these on functionality criteria to the commissioning department (DPME), recommending those who pass the minimum standard. The commissioning department will then complete the selection process
- d. During the inception phase, review the proposal by the service provider and recommend changes in approach, methodology and format
- e. Review the inception report, consider comments from peer reviewers, recommend changes if needed, and approve the inception report
- f. Approve the project plan for the evaluation
- g. Provide feedback on the methodology of the study
- h. Approve data collection instruments and tools
- i. Provide feedback on draft reports, including comments from peer reviewers to the service provider, and a workshop with stakeholders if appropriate
- j. Approve the final report as a satisfactory evaluation report that fulfils the requirements reflected in the terms of reference
- k. Provide feedback on recommendations emanating from the reports produced
- l. Report back to their principals on all key decisions made by the committee

### 6.2. Reporting arrangements

The evaluation project manager to whom the service provider will report is Ms Nox (Noqobo) Chitepo, [nox@dpme.gov.za](mailto:nox@dpme.gov.za) / 012 312 0204.

## 7. PEER REVIEW

National and/or international peer reviewers will be contracted to support the assignment. Refer to the DPME Guideline on Peer Reviewers; from the DPME website for more details.

## 8. QUALITY ASSESSMENT

Once the final evaluation report has been approved, the evaluation will be quality assessed by independent assessors, using a methodology based on the national evaluation standards. These standards and an example of the quality assessment can be found on the DPME website.

## 9. OTHER

None

**TERMS AND CONDITIONS APPLICABLE TO ALL BIDS**



**planning, monitoring  
& evaluation**

Department:  
Planning, Monitoring and Evaluation  
REPUBLIC OF SOUTH AFRICA

**STANDARD DOCUMENTS TO BE SUBMITTED FOR ALL BIDS  
(INCL. TENDERS) FROM R30,000 UP TO R50,000,000**

The term "Bid" includes price quotations, advertised competitive bids, limited bids and proposals.

Required Documents	Check Bidder	Verified SCM Unit
Central Suppliers Database Registration Report Attached – Not older than 30 days NB: Only suppliers registered on CSD may bid. All required CSD information up to date.		
invitation to bid (SBD 1)		
Declaration of interest (SBD 4)		
Preference Points Claim (SBD 6.1)		
Declaration of past supply chain management practices (SBD 8)		
Certificate of Independent Bid Determination (SBD 9)		
Valid B-BBEE Status Level Verification Certificate (Original or Certified Copy) bearing SANAS logo. QMEs/EMEs: Sworn affidavit / CIPC confirmation of turnover etc.		
<b>Additional documentation required for certain types of bids. If applicable the additional documents will be distributed as part of the tender / bid documentation</b>	<b>Check Bidder</b>	<b>Verified SCM Unit</b>
Declaration certificate for local production and content for designated sectors (SBD 6.2) and all applicable Annexures.		

<b>Declaration</b>			
<ul style="list-style-type: none"> <li>• I have read and agree to the General Conditions of Contract related to Government procurement (Available on DPME tenders web page or from National Treasury).</li> <li>• I have studied, accurately completed and submitted all the documents indicated in the above checklist.</li> <li>• I have read and agree with the conditions applicable to all bids as contained in this document.</li> <li>• I have noted and will comply with the delivery time frames indicated in the specifications / terms of Reference.</li> <li>• I am the authorised signatory of the applicant.</li> <li>• I have noted that the Department may publish the names of bidders, total bid prices indicated in SBD 1 and B-BBEE points claimed, after the closing date of the bid.</li> </ul>			
Signature		Date	
Name of Signatory			
Designation of Signatory			
Name of bidder (if different)			

**ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:**

Contact persons indicated on the bid documents; or  
Head of Procurement Services: 330 Grosvenor Street, Hatfield, Pretoria. Tel 012 312 0000

## TERMS AND CONDITIONS APPLICABLE TO ALL BIDS

**ALL DPME BID DOCUMENTS ARE AVAILABLE FREE OF CHARGE FROM THE DPME WEBSITE OR DPME OFFICES AND ARE NEVER SOLD**

**NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS WHO ARE PERSONS IN THE SERVICE OF THE STATE.**

### 1. GENERAL

This request is issued in terms of all applicable legislation, including but not limited to: the Public Finance Management Act (Act 1 of 1999) as amended (PFMA), Treasury Regulations, the Preferential Procurement Policy Framework Act 5 of 2000 (PPPFA), the Preferential Procurement Regulations, 2017 (PPR), Supply Chain Management instructions issued by the National Treasury, General Conditions of Contract published by National Treasury (GCC), the B-BBEE Act (Act 53 of 2003), applicable Departmental Policies and any other special conditions of contract indicated in bid documents.

- Lead times / delivery periods should be clearly indicated in the quotation / proposal where applicable. The Department reserves the right to cancel any order where the delivery period indicated in the quotation / proposal is extended.
- The Department reserves the right to require delivery of the goods as specified, at the price quoted, regardless of any differences in specifications contained in the quotation.
- The Department reserves the right to make public the names of all bidders as well as total bid prices and B-BBEE points claimed, after the closing date and time for the bid.
- The Department reserves the right NOT to appoint any Service Provider or to withdraw this request for bids/proposals.
- The Department reserves the right to split the award of the bid between two or more Service Providers or to award only a part of the bid.
- The Department reserves the right to call bidders that meet the minimum functional requirements to present their proposals. The Bid Evaluation Committee may decide to amend the scoring assigned to a particular bid based on the presentation made.

### 2. TAX COMPLIANCE REQUIREMENTS

- 2.1. Bidders must ensure compliance with their tax obligations.
- 2.2. Bidders are required to submit their unique personal identification number (pin) issued by SARS to enable the Department to verify the taxpayer's profile and tax status.
- 2.3. Applications for a tax compliance status (TCS) certificate or pin may be made via e-filing through the SARS website [www.sars.gov.za](http://www.sars.gov.za). Bidders may also submit a printed TCS certificate with this bid.
- 2.4. Where no TCS pin is available but the bidder is registered on the central supplier database (CSD), a CSD number must be provided and the tax compliance status on CSD will be utilised by the Department.
- 2.5. In bids where consortia / joint ventures / sub-contractors are involved, each party must submit a separate TCS certificate / pin / CSD number.
- 2.6. The tax compliance requirements are not applicable to foreign bidders / individuals with no South African tax obligations or no history of doing business in South Africa. Foreign suppliers must complete a pre-award questionnaire from SARS on their tax obligation categorisation.
- 2.7. For the purposes of section 256 of the Tax Administration Act of 2011 the bidder / supplier authorises the South African Revenue Service to disclose "taxpayer information" as contemplated under the provisions of Chapter 6 of the Act in relation to the compliance status of tax registration, tax debt and filing requirements to the Department of Planning, Monitoring and Evaluation.

### 3. ADMINISTRATIVE COMPLIANCE

Only proposals that comply with all administrative requirements (including tax compliance requirements) will be considered acceptable for further evaluation. Incomplete and late bids may be rejected. All documents indicated on page 1 must be submitted with each bid. Bidders must use the Standards Bid Documents (SBDs) included in this document (documents may not be re-typed)

## TERMS AND CONDITIONS APPLICABLE TO ALL BIDS

All quoted prices must be **inclusive of VAT** and must be valid (firm) for at least 30 days for all bids excluding open tenders and for 90 days for open tenders, from the closing date indicated on SBD 1. Prices dependent on the **exchange rate** should include reference to the exchange rate used. Price escalations and the conditions of escalation should be clearly indicated. No variation of contract price or scope creep will be permitted unless specifically allowed in the ToR / specifications.

### 4. FUNCTIONAL EVALUATION

Functional criteria and/or specifications are contained in the specifications sheet or Terms of Reference distributed for this bid. Unless otherwise indicated in the ToR / specifications sheet, only service providers that submitted acceptable bids and that met all functional / specifications requirements will proceed to the PPPFA evaluation phase

### 5. PRICE EVALUATION: THE PPPFA

DPME applies the provisions of the PPPFA and Regulations to all bids with an estimated cost from R30,000. Bid amounts in the case of this particular RFQ/RFP/Tender are estimated to be R30,000 or more and the PPPFA preference points system will be applied, even if all bids received are below R30,000.

Only bids that meet all administrative requirements and meet the minimum functional requirements indicated in the ToR / specifications sheet will be evaluated in terms of the PPPFA and related regulations. Points will be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table contained in SBD 6.1. The applicable evaluation method is indicated in SBD 6.1.

Consortia or joint ventures must take note of SBD 6.1, paragraphs 5.4 and 5.5 regarding requirements for B-BBEE certificates.

If the 80/20 preference point system is specified on SBD 6.1 and all bids received exceed R50,000,000, the bid will be evaluated on the 90/10 preference point system.

### 6. REJECTION OF QUOTES / PROPOSALS

Any effort by a bidder to influence the bid evaluation, comparisons or award decisions in any manner, may result in rejection of the bid. DPME shall reject a bid if the bidder has committed a proven corrupt or fraudulent act in competing for a particular contract. DPME may disregard any bid if the bidder or any of its subcontractors:

- a) Is not tax compliant
- b) Have abused the Supply Chain Management (SCM) system of the Department or any other government department, agency or entity.
- c) Have committed proven fraud or any other improper conduct in relation to such system.
- d) Have failed to perform on any previous contract.
- e) Supplied incorrect information in the bid documentation.

### 7. VETTING

The Department reserves the right to approach the relevant authorities to verify the following for each bidder: Citizenship status (individuals); Company information; Criminal records (individuals); Previous tender and government contracts track records; Government employment status (individuals); Company / closed corporation ownership / membership status (individuals); Suitability to handle confidential government information; government employment status of bidders/staff/directors; Qualifications of bidders / contractors / team members; and any other information contained in bid documents

### 8. CENTRAL SUPPLIERS DATABASE

8.1. All suppliers must be registered on the Central Suppliers Database (CSD) managed by National Treasury ([www.csd.gov.za](http://www.csd.gov.za)).

8.2. The following information must be up to date on CSD:

- Tax compliance status

## TERMS AND CONDITIONS APPLICABLE TO ALL BIDS

- B-BBEE Level (as indicated on B-BBEE certificate or sworn affidavit)
- Turnover (EME, QSE, etc.)
- Black ownership
- Women ownership
- Youth, Disabled and Military Veteran ownership
- Verified banking details
- Contact details

8.3. It is the responsibility a supplier to inform the DPME immediately in writing of any changes in details and to provide DPME with an updated CSD report. DPME shall have the right to, in addition to any other remedy that it may have in terms of applicable legislation, cancel the contract and to claim damages if a bid is awarded based on incorrect information contained in the CSD report.

### 9. COMMITMENTS BY PARTIES

9.1. The Service Provider undertakes to:

- 9.1.1. Conduct business in a courteous and professional manner.
- 9.1.2. Provide the necessary documentation as requested prior to the awarding of the contract.
- 9.1.3. Comply with all relevant employment legislation and applicable bargaining council agreements, including UIF, PAYE, etc. DPME may monitor compliance for the duration of the contract and implement penalties for non-compliance.
- 9.1.4. Manage internal disputes among his/her staff in such a way that DPME is not affected by those disputes.
- 9.1.5. Comply with the DPME security and emergency policies, procedures and regulations at DPME premises.
- 9.1.6. Ensure that all work performed and all equipment used at DPME facilities are in compliance with the Occupational Health and Safety Act, 1993 (Act no. 85 of 1993) and any regulations promulgated in terms of this Act and the standard instructions of DPME;
- 9.1.7. Ensure that all staff working on this project are adequately trained prior to the commencement of the project.
- 9.1.8. Ensure that DPME is informed of any changes in staff related to the execution of the project. For security reasons, DPME reserves the right to vet all persons working on this project.
- 9.1.9. Store and hand over all data generated by the project (if any) to DPME in an accessible and confidential manner.
- 9.1.10. Not proceed with any work and not to incur any expense for which DPME could be liable, until such time as an official written government purchase order has been issued by DPME.

9.2. DPME undertakes to:

- 9.2.1. Manage all contracts in a professional manner.
- 9.2.2. Provide appropriate information as and when required and only in situations where it is required by the service provider to fulfil their duties.
- 9.2.3. Not accept any responsibility for any damages suffered by the service provider or their staff for the duration of the project.
- 9.2.4. Not tolerate any unfair labour practices between the service provider and their staff that happen during the execution of the project activities.
- 9.2.5. Not accept any responsibility for accounts/expenses incurred by the service provider that was not agreed upon by the contracting parties.
- 9.2.6. Pay all valid invoices within 30 calendar days.

**INVITATION TO BID (SBD 1)**

**YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE  
DEPARTMENT OF PLANNING, MONITORING AND EVALUATION**  
(Subject to the terms and conditions applicable to all bids as indicated earlier in this bid document)

<b>BID NUMBER</b>	DPME 03-2019/20	<b>CLOSING DATE</b>	17 May 2019	<b>CLOSING TIME</b>	12:00pm
<b>COMPULSORY BRIEFING SESSION</b>	Date	24 April 2019	Time	10:00am	
<b>DESCRIPTION</b>	Implementation evaluation of the Operation Phakisa				
<b>BID DOCUMENTS FOR RFQs:</b>	<b>BID DOCUMENTS FOR RFPs AND TENDERS MUST BE:</b>				
<b>MUST BE SENT ELECTRONICALLY TO:</b> The email address of the SCM official that sent out the request for quotes and CC to DPME.SCM@dpme.gov.za.	<b>POSTED TO:</b> Department of Planning, Monitoring and Evaluation Head: Procurement Services Private Bag X944, PRETORIA, 0001		<b>OR DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS):</b> 330 Grosvenor Street, Hatfield, Pretoria <i>The bid box is accessible on working days between 8:00 and 17:00.</i>		
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b> Head of Procurement Services, 330 Grosvenor Street, Hatfield, Pretoria. Tel 012 312 0000, e-mail: <a href="mailto:xxx@dpme.gov.za">xxx@dpme.gov.za</a> Technical enquiries will be directed to the responsible employee.					
<b>SUPPLIER INFORMATION</b>					
<b>Name of bidder</b>					
<b>Postal address</b>					
<b>Street address</b>					
<b>Telephone number</b>		<b>Cell phone number</b>			
<b>E-mail address</b>					
<b>ID / company Reg. #</b>		<b>Vat registration #</b>			
<b>Supplier tax compliance status</b>	<b>Compliant</b>	<b>CSD MAAA #</b>			
	<b>Not compliant</b>	<b>TCS Pin (if no CSD #)</b>			
<b>B-BBEE Status Level verification</b>	None				
	Ali (except EMEs/QSEs): Certificate Issued by SANAS accredited verification agency.				
	EMEs/QSEs: Sworn affidavit by EME representative and attested to by Commissioner of oaths.				

<b>Are you the accredited representative in South Africa for the goods /services /works offered? If yes attach proof</b>	YES	NO
<b>FOREIGN SUPPLIERS: Do not complete this form. You must contact the Department to obtain the required documentation to be completed</b>		

<b>Total bid price (Incl. VAT)</b>	
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<b>DETAILED TERMS AND CONDITIONS FOR BIDDING ARE CONTAINED IN PAGES 2 TO 4 OF THIS DOCUMENT AS WELL AS IN THE ATTACHED SPECIFICATIONS / TERMS OF REFERENCE.</b>			
<b>Signature (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)</b>		<b>Date</b>	
<b>Name of Signatory</b>			
<b>Designation of Signatory</b>			
<b>Name of bidder (if different)</b>			



**DECLARATION OF INTEREST (SBD 4)**

**NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS WHO ARE PERSONS IN THE SERVICE OF THE STATE.**

Any other natural or legal person legal person may make an offer or offers in terms of an invitation to bid. , or persons having a kinship with persons employed by the state, including a blood relationship. 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.

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

<b>Full Name of bidder or his or her representative</b>	
<b>Identity Number</b>	
<b>Position occupied in Company (director, trustee, shareholder<sup>1</sup>, member):</b>	

**The names of all directors / trustees / shareholders / members, their individual identity numbers, and if applicable, employee / PERSAL numbers must be indicated in the CSD report provided.**

		YES	NO
<b>1.1</b>	<b>Are you or any person connected with the bidder presently employed by the state?</b>		
1.1.1	The bidder acknowledges that bids from Government employees or from companies/close corporations with directors/members that are government employees cannot be considered.		
1.1.2	The bidder further acknowledges that any false declaration in this regard will be reported to the relevant authorities		
1.1.3	If your answers to 1.1 is yes, then please provide details:		

		YES	NO
<b>1.2</b>	<b>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?</b>		
1.2.1	If so, furnish particulars:		

<sup>1</sup> "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.

**DECLARATION OF INTEREST (SBD 4)**

		YES	NO
<b>1.3</b>	<b>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?</b>		
1.3.1	If so, furnish particulars:		

		YES	NO
<b>1.4</b>	<b>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?</b>		
1.4.1	If so, furnish particulars:		

		YES	NO
<b>1.5</b>	<b>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??</b>		
1.5.1	If so, furnish particulars:		

**2. Full details of directors / trustees / members / shareholders.**

See CSD report

**3. DECLARATION**

I, THE UNDERSIGNED CERTIFY THAT THE INFORMATION FURNISHED ABOVE IS CORRECT. I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

Signature		Date	
Name of Signatory			
Designation of Signatory			
Name of bidder (if different)			

## PREFERENCE POINTS CLAIM (SBD 6.1)

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

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

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

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#### **1. GENERAL CONDITIONS**

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

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

1.2 The value of this bid is estimated to ~~exceed~~/not exceed R50,000,000 (all applicable taxes included) and therefore the 80/20 system shall be applicable. Preference points for this bid shall be awarded for:

(a) Price; and	80
(b) B-BBEE Status Level of Contribution.	20
<b>TOTAL</b>	<b>100</b>

1.3 Failure on the part of a bidder to submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS), or a sworn affidavit confirming annual turnover and level of black ownership in case of an EME together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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

2.2 "B-BBEE status level of contributor" means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

2.3 "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;

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

2.5 "EME" means an Exempted Micro Enterprise as defines by Codes of Good Practice under section 9 (1) of the Broad-Based Black Economic Empowerment Act with an annual turnover up to R10 million;

2.6 "functionality" means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents;

2.7 "proof of B-BBEE status level of contributor" means:

- 1) B-BBEE Status level certificate issued by an authorized body or person;
- 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
- 3) Any other requirement prescribed in terms of the B-BBEE Act;

**PREFERENCE POINTS CLAIM (SBD 6.1)**

- 2.8 "prices" includes all applicable taxes less all unconditional discounts;
- 2.9 "QSE" means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act);
- 2.10 "rand value" means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

**3. POINTS AWARDED FOR PRICE: THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS**

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

$$\begin{array}{l}
 \mathbf{80/20 \text{ (Up to R50,000,000)}} \quad \text{Or} \quad \mathbf{90/10 \text{ (From R50,000,000)}} \\
 P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{Or} \quad P_s = 90 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)
 \end{array}$$

Where:

- Ps = Points scored for comparative price of bid under consideration
- Pt = Comparative price of bid under consideration
- Pmin = Comparative price of lowest acceptable bid

**4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTION**

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

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

- 4.2 A bidder who qualifies as a EME in terms of the B-BBEE Act must submit a sworn affidavit confirming Annual Total Revenue and Level of Black Ownership. An EME automatically qualifies as a level 4 contributor. An EME with at least 75% black ownership qualifies as level 1 contributor and an EME with black ownership from 51% to 74% qualifies as a level 2 contributor.
- 4.3 A Bidder other than EME must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating. The certificate must be issued by a Verification Agency accredited by SANAS.

**5. BID DECLARATION**

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

**6. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.2 AND 4.1**

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

(Points claimed in respect of paragraph 6 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

**PREFERENCE POINTS CLAIM (SBD 6.1)**

**7. SUB-CONTRACTING**

Will any portion of the contract be sub-contracted? **YES / NO** (delete which is not applicable). If yes, indicate:

- (I) (what percentage of the contract will be subcontracted? .....%)
- (II) the name of the sub-contractor? .....
- (III) the B-BBEE status level of the sub-contractor? .....
- (IV) whether the sub-contractor is an EME or QSE? YES / NO (delete which is not applicable)
- (V) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations, 2017:

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

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

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 contributor indicated in paragraph 6 of the foregoing document, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- (I) The information furnished (including information in SBD 1) 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 6, 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

Signature		Date	
Name of Signatory			
Designation of Signatory			
Name of bidder (if different)			

**DECLARATION OF PAST SUPPLY CHAIN MANAGEMENT PRACTICES (SBD 8)**

1. This Standard Bidding Document must form part of all bids invited.
2. It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
3. The bid of any bidder may be disregarded if that bidder, or any of its directors have-
  - a. abused the institution's supply chain management system;
  - b. committed fraud or any other improper conduct in relation to such system; or
  - c. failed to perform on any previous contract.
4. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's database as companies or persons prohibited from doing business with the public sector? <b>(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied)</b>	Yes	No
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? <b>(To access this Register enter the National Treasury's website, <a href="http://www.treasury.gov.za">www.treasury.gov.za</a>, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445.</b>	Yes	No
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes	No
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes	No
4.4.1	If so, furnish particulars:		

**CERTIFICATION**

I, THE UNDERSIGNED 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	
Name of Signatory			
Designation of Signatory			
Name of bidder (if different)			

**CERTIFICATE OF INDEPENDENT BID DETERMINATION (SBD 9)**

- 1 This Standard Bidding Document (SBD) must form part of all bids<sup>1</sup> 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).<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
  - (a) disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
  - (b) cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> 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.

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I, the undersigned, in submitting the accompanying bid:

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(Bid Number and Description)

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in response to the invitation for the bid made by The Department of Planning, Monitoring and Evaluation (Name of Institution)

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

I certify, on behalf of: \_\_\_\_\_ that:  
(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorised 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 authorised by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;

**CERTIFICATE OF INDEPENDENT BID DETERMINATION (SBD 9)**

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<sup>3</sup> 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.
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	
Name of Signatory			
Designation of Signatory			
Name of bidder (if different)			

<sup>3</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.