



SCM /Tender Ref #:	DPME 11/2018-2019
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Request for proposals for:	Evaluation of Governance in South Africa's State Owned Enterprises (SOEs)
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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 of proposals submitted.

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

Estimated project start date:	Expected project duration (Months)
January 2019	12 Months

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.

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.

SCM person	Contact	Name: Mr Marthinus Prinsloo Tel: 012 312 0417 e-mail: Marthinus.Prinsloo@dpme.gov.za
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1. BACKGROUND

The Evaluation background has been included in Annexure A.

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)¹; 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. The proposal should contain letters of reference and CVs of proposed team members or other means of verifying past experience. Only contactable references will be accepted.

Roles*	Qualifications	Experience
Evaluations specialist	Minimum: Master's degree	Minimum: Has conducted at least 5 programme evaluations and played a lead evaluator role in at least one evaluation of over R500, 000.
Sector (Corporate Governance)	Minimum: Master's degree	Minimum: At least 10 years' experience working within the SOE sector.
Project Manager	Minimum: Postgraduate qualification	Minimum: At least 5 years project management experience and have successfully managed and completed at least one project of R500, 000 or more.

* One team member can have more than one of the roles indicated.

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

** 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

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	3 – Full compliance with requirements
(minimum score of 15)	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:

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

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	Team composition (par 2.1.1 of ToR and Annexures B and B1): 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	Evaluation specialist(s) ** (par 2.1.2 of ToR): 1= The evaluation specialist(s) do/does not meet the minimum requirements for either experience or qualifications. 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
1.3	Sector expert(s) ** (par 2.1.2 of ToR): 1= The sector expert(s) do/does not meet the minimum requirements for either experience or qualifications. 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
1.4	Project manager ** (par 2.1.2 of ToR): 1= The project manager does not meet the minimum requirements for either experience or qualifications. 3= The project manager meets all the minimum experience and qualifications requirements. 4= The project manager exceeds the minimum experience or qualifications requirements.	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 working days. 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 at least 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>Understanding the brief. The proposal and / or presentation by the service provider:</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>Proposed evaluation approach</p> <p>1= Proposed methodology is not aligned to the evaluation purpose and key evaluation questions.</p> <p>2= Proposed methodology is partially aligned to the evaluation purpose and key evaluation questions.</p> <p>3= Evaluation design, sample, data collection tools and analytical framework proposed is fully aligned to the evaluation purpose and key evaluation questions.</p> <p>4= In addition to 3, the methodology is innovative in application of evaluation methods and there is added value proposed.</p>	5	15
2.3	<p>Knowledge of and exposure to international good practice, particularly in middle-income and African countries.</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>Extent to which the costing methodology is realistic given the scope and time frames of the project</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

Functional Evaluation Criteria		Weight	Min. Score
2.5	<p>Project plan (par 2.4 of ToR and Annexure B3):</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 point's allocation applicable to this bid are indicated in the attached SBD 6.1.

4.6. 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 tenders' website. Bidders should familiarise themselves 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.
- 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.

5. SPECIAL CONDITIONS APPLICABLE TO THIS BID

None

6. GENERAL

6.1. The Service Provider undertakes to:

- 6.1.1. Conduct business in a courteous and professional manner.
- 6.1.2. Provide the necessary documentation as requested prior to the awarding of the contract.
- 6.1.3. 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.

- 6.1.4. Manage internal disputes among his/her staff in such a way that DPME is not affected by those disputes
- 6.1.5. Manage internal disputes among his/her staff in such a way that DPME is not affected by those disputes.
- 6.1.6. Comply with the DPME security and emergency policies, procedures and regulations at DPME premises.
- 6.1.7. 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;
- 6.1.8. Ensure that all staff working on this project are adequately trained prior to the commencement of the project.
- 6.1.9. 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.
- 6.1.10. Undertakes to store and handover all data generated by the project to DPME in an accessible and confidential manner.

6.2. DPME undertakes to:

- 6.2.1. Manage the contract in a professional manner.
- 6.2.2. Provide appropriate information as and when required and only in situations where it is required by the service provider to fulfil their duties.
- 6.2.3. Not accept any responsibility for any damages suffered by the service provider or their staff for the duration of the project.
- 6.2.4. Not tolerate any unfair labour practices between the service provider and their staff that happen during the execution of the project activities.
- 6.2.5. Not accept any responsibility for accounts/expenses incurred by the service provider that was not agreed upon by the contracting parties.



SCM /Tender Ref #:	DPME 11/2018-2019
Request for proposals for:	Evaluation of governance in South Africa's State owned Enterprises

1. BACKGROUND / CONTEXT

The Presidential Review Commission (PRC) was commissioned in May 2010 to review all State-Owned Entities¹ and make recommendations on aligning these entities in all spheres of government that would ensure that reforms are effected for SOEs to be more efficient and effective in accelerating Government's developmental objectives and growth aspirations for the country. The PRC undertook a macro review of all SOEs covering a period dating back from 1994 under four main thematic areas: development and transformation, ownership and governance, the viability and funding of SOEs and strategic and operational effectiveness. The key questions related to how SOEs should be managed, the objectives they should drive towards in order to achieve the State's economic, developmental and transformational objectives, and whether the existing portfolios of SOEs meet the future long-term needs of South Africa.

Following the PRC study, the National Development Plan (2012) identified the State Owned Enterprises (SOEs) as the driving force for service delivery, structural development. As the key stakeholder in SOEs, Government has identified this sector as one of the key pillars to drive the country's national strategic economic agenda. However, to achieve this goal, SOEs should adhere to good corporate governance principles and regulatory frameworks by which SOEs are held to account. These include the Companies Act, the precepts of the Public Finance Management Act (PFMA), their founding legislation (where it exists), the principles contained in the King VI Report on Corporate Governance and the Protocol on Corporate Governance in the Public Sector. In terms of these prescripts, oversight of the SOEs rests with key governance role players, namely Parliament, the executive authority and the boards of SOEs as the accounting authority. All governance role players have a duty to address performance of SOEs. Amongst others, Parliament reviews the annual/integrated reports, the Executive Authority with deliverables in line with the SOE's mandate in the shareholder's compact, monitors performance and undertakes other shareholder responsibilities, whilst the responsibility for financial management and the implementation of mandates resides with the Accounting Authority (the Board), which in turn delegates powers to executive management.

The National Planning Commission (NPC) of South Africa and the African Development Bank met in August 2016, to identify areas of collaboration to assist the Government of South Africa's efforts to implement its National Development Plan. Support to strengthen the performance of the State Owned Enterprises (SOEs) in the overall delivery of infrastructure was identified as one of the top priorities. In South Africa, SOEs play a critical role in the delivery of critical infrastructure, which in turn is a significant contributor to employment, growth and equity.

Across the NDP, and especially in chapters 4 and (x), goals in relation to infrastructure delivery are articulated. Chapter 4 focuses on NDP 2030 infrastructure delivery goals such as:

- Reliable generation, transmission and distribution of energy ensured: electricity, liquid fuels, coal, and gas;

¹ Public entities as defined in the Public Finance Management Act including both those incorporated as companies and those that are not

TERMS OF REFERENCE: ANNEXURE A

- Maintenance, strategic expansion, operational efficiency, capacity and competitiveness of our logistics and transport infrastructure ensured: ports, logistics hubs, road, rail and public transport infrastructure and systems;
- Maintenance and supply availability of bulk water resources infrastructure ensured: dams and inter-basin transfers, bulk water and wastewater;
- Expansion, modernisation, access and affordability of our information and communications infrastructure and electronic communication services including broadband, and digital broadcasting;
- This being done through effective regulation, oversight, and market structure and financing arrangements.

Chapter 4 can be read in alignment with Chapter 3 on the economy, with its stated goals in transforming the economy to one that is more inclusive, competitive, and outward oriented and diversified. Infrastructure should enable these goals. Inter alia, this can include spatial orientation, support to newer sectors and entrants, stimulating the construction and related sectors, contributing to making the economy more efficient and reducing the cost of doing business.

Chapter 13 states that SOEs will deliver their appropriate contribution to NDP development goals if the following actions are taken:

- Clarify mandates that are in the public interest and aimed at achieving NDP development goals;
- Institute clear and straightforward governance structures;
- Ensure strong capacity in both oversight roles and in execution roles.

In this regard, the PRC Report listed thirty-one (31) recommendations. Some of these recommendations related to inter alia: the role of SOEs in a Developmental State; the strategic importance and value creation of SOEs; viability and funding of SOEs; the existing portfolio of investments by the State in strategic businesses; the efficiency and effectiveness of SOEs with respect to service delivery; the current policy and regulatory framework and the impact thereof on the management of SOEs, etc.

In 2016, the Public Protector issued a report entitled “State of capture” which investigated allegations of corruption taking place at several SOEs, which had been enabled by weaknesses in SOE governance. Following the release of the report, additional evidence has emerged supporting the Public Protector’s original findings and specifically highlighting weaknesses in the area of procurement. Such governance failings have undermined the SOEs’ ability to deliver on the objectives set out in the NDP.

2. IMPORTANCE OF THE EVALUATION

The evaluation to be undertaken by the Department of Planning, Monitoring and Evaluation will assess the quality of governance oversight at SOEs. It will aim to identify current challenges and will provide recommendations on how governance of SOEs can be strengthened in order to optimise their roles of delivering in their core mandates as well as contributing to transformation, growth, development, and service delivery in order to transform the economy to one that is more inclusive, competitive, outward-oriented and diversified. In addition, the evaluation is intended to provide a set of indicators that can be used to regularly monitor the quality of governance of the SOEs.

3. PURPOSE OF THE EVALUATION

To assess the quality, effectiveness and efficiency of governance practices at the SOEs level and the governance structures overseeing the SOEs by the Executive Authority to achieve the goals of the NDP 2030 and sound ethical conduct to mitigate the risk of corruption.

The evaluation findings will inform how the governance of SOEs can be strengthened to optimise their impact and mitigate the risk of corruption.

4. OBJECTIVES AND SCOPE OF PROJECT

4.1 The evaluation will respond to the following key questions:

1. Are the governance structures and arrangements as well as how these are implemented in practice appropriate and consistent to enable delivery on the SOE mandates, to ensure sound ethics and proper governance practices to mitigate the risk of corruption? This includes, inter alia, the provisions of the Memorandum of Incorporation, a uniform and transparent Board appointment framework and process its structures and the provisions of their charters, processes and structures governing procurement, internal and external audit and other assurance providers.
2. Are the governance arrangements in place between the Executive Authority and their SOEs as well as how these are implemented in practice appropriate to enable delivery on the SOE mandates and mitigate the risk of corruption? This includes, inter alia, the provisions of the Shareholder Compact, Board and Executive appointment processes, Remuneration policy, oversight exercised by Parliament, etc.
3. Is adequate capacity in place to ensure sound governance? This includes institutional, human and financial resources. This includes a view to financial targets and arrangements in respect of SOE mandates, whether on or off government budget or unfunded?
4. What is the over-arching Theory of Change for SOEs? Is it working? If not, why?
5. Are there clear performance expectations set out in the state’s shareholder’s compact with SOEs?
 - 5.1. To what extent are SOE boards empowered in terms of a shareholder’s compact to perform their abilities?
 - 5.2. Are performance agreements and performance assessments for SOE board members, Executive Directors and Prescribed Officers formalised in individual performance agreements that are linked to shareholder’s compacts?
 - 5.3. Do board members have the requisite skills, competencies, qualifications, experience and expertise to execute their responsibilities effectively?
 - 5.4. Are there clear performance standards with regards to ethical leadership for the board members and executives?
6. What indicators should be used to monitor the quality of governance at the SOEs as well as their quality of the oversight by the Executive Authority with the aim of achieving the goals of the NDP 2030 and mitigating the risk of corruption? Is there an integrated reporting, monitoring and evaluation system in place between the Executive Authority and the SOEs?

Please note that the above questions are the minimum main questions for the evaluation. The service provider is expected to develop further sub-questions.

4.2. Intended users and stakeholders 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

<p>1. The Economic Sector, Employment and Infrastructure Cluster</p>	<p>Contribute to the achievement of the NDP through the following:</p> <ul style="list-style-type: none"> • Institute clear and straight forward governance structures and improve accountability, decision making and performance • Develop a framework for effective collaboration among SOEs and policy departments. Government departments to undertake a process of identifying
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TERMS OF REFERENCE: ANNEXURE A

	<p>policy inconsistencies and policy conflicts in order to unlock challenges and blockages for SOEs;</p> <ul style="list-style-type: none"> • Ensure strategic alignment and improve coordination • To regularly receive reports on the quality of corporate governance
2. Executive Authority departments	<ul style="list-style-type: none"> • Strengthening oversight of SOEs and improve efficiency in delivering the services they provide • Ensure use of the evaluation findings and Facilitate the implementation of the evaluation recommendations/Improvement Plan • Improve efficiency and effectiveness of their governance relationship with SOEs and Corporate Governance processes and practices at the SOEs in service delivery and policy development • Develop clear mandates that are reviewed every five years, annual statements of strategic intent, corporate performance plans and shareholder’s compacts to be concluded with SOEs
3. DPME	<ul style="list-style-type: none"> • Facilitate and advise on improvements to ensure maximum impact and value for money. • Develop and implement an effective integrated performance management system for reporting, monitoring and evaluation of the impact and effectiveness of the Executive Authority and the SOEs
4. National Treasury	<p>Improve oversight and governance of SOEs through the following:</p> <ul style="list-style-type: none"> • Development of funding models with Executive Authority/ line departments for commercial, non-commercial and DFIs in support of SOEs • SOE procurement oversight
5. Presidential SOE Council	<ul style="list-style-type: none"> • Provide clear, strategic leadership in improving governance oversight of the SOEs as part of the SOE Reform process • To regularly receive reports on the quality of corporate governance
6. Presidential Infrastructure Coordinating Commission	<ul style="list-style-type: none"> • Improve coordination and oversight of infrastructure investments of the SOEs
7. Cabinet	<ul style="list-style-type: none"> • To ensure accountability
8. Parliament (Portfolio Committee on economy)	<ul style="list-style-type: none"> • To ensure accountability

4.3. Scope of the evaluation

4.3.1. Time period under review

The focus of the evaluation will assess the state of governance in South Africa’s SOE’s over Ten-year financial year (2008/2009 to 2017/2018).

4.3.2. Components of the evaluation

The table below indicates specific components that are in-scope and out of scope

Table 2: Outline in-scope and out of scope components

In Scope	Out of Scope
The evaluation will focus on a sample of SOEs with a key role in the delivery of infrastructure, a key enabler for growth. Five case study SOEs are: <ol style="list-style-type: none"> 1) PRASA 2) Transnet 3) Eskom 4) TCTA 5) Umngeni Water 	Other SOEs DFIs

4.3.3. Geographical coverage

The coverage of the evaluation will include: Head Offices and Satellite offices of 5 selected SOEs.

5. PROPOSED METHODOLOGY/APPROACH

The service provider is expected to propose relevant methodology to respond to the key evaluation questions in section 4 above. It is envisaged that the evaluation exercise will employ both quantitative and qualitative research methods. We require a participatory approach whereby the work engages all key stakeholders – especially the National line function departments and selected SOE head offices and Satellite offices.

The methodology should include amongst others, the following:

5.1 Literature review and Document Analysis

Review both local and international literature on State Owned Entities and what leads to effective and efficient performance. This exercise should further inform the review of the current Theory of Change of the SOEs; and produce an analytical framework to inform the evaluation, based on the lessons about successful performance.

5.2 Benchmarking Study

Conduct a benchmarking study using secondary data between South African and three other countries to be proposed by the service provider (one from a developed and two from comparator countries, one of which must be an African country) and motivate for the selection. We expect the benchmarking study to provide insights into good practices and provide real-world lessons for South Africa. The benchmarking study must be submitted as a separate deliverable and should include a two-page best-practice scan which provides a comparison between South Africa and the selected countries.

5.3 Interviews of key stakeholders

Semi-structured interviews should be conducted with a minimum of 20 key stakeholders. This will include internal senior managers (line function departments), Department of Public Enterprise, Department of Transport, Department of Water and Sanitation, National Treasury, and the Department of Energy and external stakeholders. In addition, conduct semi-structured interviews with a minimum of 5 senior executives per SOE. Conduct 5 focus group interviews at national/head offices and satellite offices of selected SOEs.

5.4 Case Studies

Five SOEs have been selected for in-depth analysis to respond to the key evaluation questions in Section 4 above. The evaluator is expected to produce individual case study reports consisting of +- 20 pages and a consolidated report summarising emerging issues in all the 5 case studies.

5.5 Learning processes

Facilitate a reflective workshop with line function departments and SOE officials and stakeholders to reflect on the evaluation framework, emerging findings and lessons, formulation of recommendations and how SOE programmes can be strengthened. Recommendations should be specific and practical, remembering that an improvement plan will be developed following the evaluation.

5.6 Develop and later Review the Theory of Change

Develop a theory of change and logical framework at the beginning of the evaluation process on the current SOE approach as it currently operates and facilitate a one-day workshop to discuss the current Theory of Change. Propose a revised theory of change and logical framework of the interventions and submit this at the end of the evaluation.

In addition, the evaluator will be expected to:

- 5.5.1 Present the inception report to the evaluation steering committee in Pretoria;
- 5.5.2 Present the conceptual framework at a workshop in Pretoria;
- 5.5.3 Present the draft evaluation report to a wider stakeholder group to test and validate the analysis and conclusion reached by the evaluators;
- 5.5.4 Present the final report for approval by the ESC.
- 5.5.5 Participate in an improvement plan workshop.

6. DELIVERABLES AND TIME FRAMES

6.1. The core products expected from the evaluation are the following:

- 6.1.1. Clear problem statement, mandate and ToRs** to be developed by task team and approved by DPME
- 6.1.2.** ToRs for the evaluation to be **presented to IMC on SOC Reform** prior to engagement of service provider
- 6.1.3. Inception Report** by the service provider as a follow-up to the proposal with a revised evaluation plan, evaluation design and methodology
- 6.1.4. Theory of Change produced** (an overarching Theory of Change as well as for individual SOEs)
- 6.1.5. Workshops with the sector to present the conceptual framework** and reach agreements on how concepts are defined and will be evaluated;
- 6.1.6. Literature search strategy inclusive of, inclusion and exclusion criteria, data extraction plan and analysis plan;**
- 6.1.7. Literature search and data extraction process report** (short report indicating literature found, assessed and included in the analysis)
- 6.1.8. Benchmarking assessment (Included in the literature review)**
- 6.1.9.** Report structure, Evaluation matrix, Analytical framework, final data collection instruments and other tools;
- 6.1.10. Draft case study report (X5)**
- 6.1.11. Draft evaluation report**
- 6.1.12. Workshop with stakeholders** to validate and discuss the findings and recommendations;

TERMS OF REFERENCE: ANNEXURE A

- 6.1.13. Revised draft evaluation report** based on stakeholder feedback (full and in 1/5/25 format) (at least 3 drafts are likely before approval);
- 6.1.14. Final evaluation reports**, both full and in 1/5/25 format, in hard copy and electronic;
- 6.1.15. All datasets, metadata and survey documentation** (including interviews) when data is collected.
- 6.1.16. Power-point** or audio-visual presentation of the results.
- 6.1.17. Participation in Improvement Plan workshop.**

6.2. Milestones

The indicative timeframe for the evaluation is twelve months in total, including *non-billable* time. The evaluation will start at the beginning of January 2019 and should be completed by December 2019.

The service provider should produce the project plan indicating the milestones against the deliverables in **table 2**.

Table 3: PROJECT PLAN OUTLINE AND PAYMENT SCHEDULE

Milestone/Deliverable	Milestone/Delivery Date	% payment
Approved Inception Report	January 2018	10%
Service Provider contract signed	January 2019	
Theory of Change workshop/problem analysis report	February 2019	20%
Conceptual framework	February 2019	
Literature review and benchmarking study	March 2019	
Fieldwork	May 2019	
Fieldwork report	June 2019	
Submission of draft Case study reports (on five SOEs)	August 2019	
Approved case study reports	August 2019	20%
Draft evaluation report	September 2019	20%
Workshop with stakeholders to validate and discuss the findings and recommendations;	October 2019	
Submission of revised draft evaluation report based on stakeholder feedback (full and in 1/5/25 format),	October 2019	
Approval of final evaluation reports , both full and in 1/5/25 format, in hard copy and electronic;	October 2019	20%
Participation in the improvement plan workshop	November 2019	2%
Provision of all datasets, metadata and survey documentation (including interview transcripts). Power-point or audio-visual presentation of the results and provision of all datasets, metadata and survey documentation	November 2019	8%

7. PROJECT MANAGEMENT / REPORTING ARRANGEMENTS

7.1. Management arrangements

The evaluation will be managed by an Evaluation Technical Working Group (ETWG) and an Evaluation Steering Committee (ESC). A Steering Committee has been established comprising DPME, National Treasury, National Department of Transport, Department of Public Enterprises, Department of Energy, Department of Water and Sanitation and SOE (Eskom, Transnet, PRASA, TCTA, Umngeni Water). The Steering Committee will be responsible for overseeing the whole evaluation including approving the inception report, Literature review, Theory of Change and other main deliverables. The chair of the committee will be a representative of senior management within the DPME and a member of the current IMC on SOC Reform. The TORs will be tabled at the IMC on SOC Reform to ensure that the mandate and outcomes of the evaluation will be utilized to support the work of SOC reform. The final report will be submitted to the Presidential SOE Council for consideration before being tabled at Cabinet.

7.2. Peer reviewers

National and international peer reviewers will be contracted to support the assignment. A panel of peer reviewers (Four in this case) will be contracted to focus on both content and methodology of the assignment. The peer reviewers will provide their independent expert view on appropriate approaches, methods, instruments and data analysis as to ensure quality at the different stages of the assignment.

7.3. Reporting arrangements

The evaluation project manager to whom the service provider will report to is Mr Jabu Mathe, Senior Evaluation Specialist, DPME.

8. 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.		
Additional documentation required for certain types of bids. If applicable the additional documents will be distributed as part of the tender / bid documentation	Check Bidder	Verified SCM Unit
Declaration certificate for local production and content for designated sectors (SBD 6.2) and all applicable Annexures.		

Declaration			
<ul style="list-style-type: none"> • 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). • I have studied, accurately completed and submitted all the documents indicated in the above checklist. • I have read and agree with the conditions applicable to all bids as contained in this document. • I have noted and will comply with the delivery time frames indicated in the specifications / terms of Reference. • I am the authorised signatory of the applicant. • 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. 			
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 (PPFFA), 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. 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 120 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).

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

- Tax compliance status
- B-BBEE Level (as indicated on B-BBEE certificate or sworn affidavit)

TERMS AND CONDITIONS APPLICABLE TO ALL BIDS

- 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)

BID NUMBER	DPME 11/2018-2019	CLOSING DATE	7 December 2018	CLOSING TIME	12:00
COMPULSORY BRIEFING SESSION	Date		22 November 2018	Time	10:00
DESCRIPTION	Implementation evaluation of corporate governance in South Africa's State owned Enterprises (SOE'S)				
BID DOCUMENTS FOR RFQs:		BID DOCUMENTS FOR RFPs AND TENDERS MUST BE:			
MUST BE SENT ELECTRONICALLY TO: The email address of the SCM official that sent out the request for quotes and CC to DPME.SCM@dpme.gov.za.		POSTED TO: Department of Planning, Monitoring and Evaluation Head: Procurement Services Private Bag X944, PRETORIA, 0001		OR DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS): 330 Grosvenor Street, Hatfield, Pretoria <i>The bid box is accessible on working days between 8:00 and 17:00.</i>	
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO					
Head of Procurement Services, 330 Grosvenor Street, Hatfield, Pretoria. Tel 012 312 0000, e-mail: xxxx@dpme.gov.za Technical enquiries will be directed to the responsible employee.					
SUPPLIER INFORMATION					
Name of bidder					
Postal address					
Street address					
Telephone number			Cell phone number		
E-mail address					
ID / company Reg. #			Vat registration #		
Supplier tax compliance status	Compliant		CSD MAAA #		
	Not compliant		TCS Pin (if no CSD #)		
B-BBEE Status Level verification	None				
	All (except EMEs/QSEs): Certificate Issued by SANAS accredited verification agency.				
	EMEs/QSEs: Sworn affidavit by EME representative and attested to by Commissioner of oaths.				

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

Total bid price (Incl. VAT)	
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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.

Signature (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)		Date	
Name of Signatory			
Designation of Signatory			
Name of bidder (if different)			

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.

Full Name of bidder or his or her representative	
Identity Number	
Position occupied in Company (director, trustee, shareholder¹, member):	

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
1.1	Are you or any person connected with the bidder presently employed by the state?		
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
1.2	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?		
1.2.1	If so, furnish particulars:		

¹ "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
1.3	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?		
1.3.1	If so, furnish particulars:		

		YES	NO
1.4	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?		
1.4.1	If so, furnish particulars:		

		YES	NO
1.5	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??		
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.

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	<u>80</u>
(b) B-BBEE Status Level of Contribution.	<u>20</u>
TOTAL	<u>100</u>

- 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~~ 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:

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

8. DECLARATION WITH REGARD TO COMPANY/FIRM

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? (Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied)	Yes	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)? (To access this Register enter the National Treasury’s website, www.treasury.gov.za, click on the icon “Register for Tender Defaulters” or submit your written request for a hard copy of the Register to facsimile number (012) 3265445.	Yes	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 bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - (a) disregard the bid of any bidder if that bidder, or any of its directors have abused the institution’s supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - (b) cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

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

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

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

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;
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;

CERTIFICATE OF INDEPENDENT BID DETERMINATION (SBD 9)

- (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
- (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
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)			

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