

## REQUEST FOR PROPOSAL (“RFP”)

# PROVISION OF RESEARCH SERVICES ON LINKING WORK AND EDUCATION IN THE ENERGY AND WATER SECTOR



<b>Bid Number</b>	EWSETA/RFP/03/2019
<b>Bid Scope</b>	PROVISION OF RESEARCH SERVICES ON LINKING WORK AND EDUCATION IN THE ENERGY AND WATER SECTOR
<b>Issue Date</b>	FRIDAY 25 OCTOBER 2019
<b>Closing Date for submission of bids</b>	MONDAY 25 NOVEMBER @13:00HRS
<b>Inquiries</b> (all inquiries should be in writing)	<a href="mailto:scmadmin@eseta.org.za">scmadmin@eseta.org.za</a> ;

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## 1. BACKGROUND INFORMATION

The Energy and Water Sector Education and Training Authority (“EWSETA”) is a statutory body established through the Skills Development Act of 1998 to enable its stakeholders to advance the national and global position of the Energy and Water sectors in the Large, Medium, Small levy paying and non- levy paying companies across the sector.

This was as a result of Government commitment to promote active labour market policies and is demonstrated in the Skills Development Act of 1998 and the Skills Development Levies Act of 1999. As guided by its mandate, the EWSETA is an agent of transformation by promoting employment equity and broad-based black economic empowerment (B-BBEE) through skills development. In this context, the EWSETA is keen to form sustainable partnerships and/or collaborations that will further promote its support for transformation.

## 2. OBJECTIVE

The objective of this request is aimed at the appointment of a competent service provider to conduct research under the topic “Linking Higher Education and Work”, to commence during 2019, and to be completed in 2020

## 3. PROJECT BACKGROUND

As part of its mandates, the EWSETA has the responsibility of conducting research which should inform the strategic orientation of the organisation in terms of learning interventions, and management thereof, so as to continuously improve upon service delivery.

In this light, the EWSETA has been tasked with the responsibility of conducting topical research in order to gain deeper understanding of the complex relationship(s) between education and training and the world of work. In gaining further insight, the SETA is better positioned and further strengthened as an authoritative institution for labour market intelligence.

## 4. PURPOSE OF THE RESEARCH STUDY

The EWSETA is seeking to appoint a suitably qualified and experienced research service provider to conduct research and produce a well synthesised report in line with all requirements stipulated in this terms of reference document. Submission of the said report, along with required deliverables, are to be submitted to the EWSETA by 01 May 2020, or as stipulated by the EWSETA.

The purpose of the study is to ensure that the SETA has relevant, up-to-date data and information with respect to the linkages between education and training and the world of work in light of EWSETA learning interventions. Thus, the primary aim of this research is to *“flesh out common themes around higher education and the world of work, and to distil possible implications for EWSETA planning”*. Furthermore, the strategic intent of the study is aimed at contributing to the reporting efficiency of the SETA with respect to mandated outcomes–

related objectives as envisaged in the Sector Skills Plan, Strategic Plan, and Annual Performance Plan of the EWSETA.

## **5. SCOPE OF WORK/ TERMS OF REFERENCE**

The service provider will research and prepare the required research study report in line with a predetermined framework

**The research areas of focus below serve only as a guide in terms of the level of data, information, knowledge and insights to be acquired during the course of the research study. Thus, the areas of focus presented below are in no way exhaustive as the appointed service provider will be required to provide guidance and make meaningful, additional inputs into the study areas of focus.**

The following areas of focus include, **but are not limited to**, the following:

### 5.1 The Higher Education System

- Provide a profile of higher education in the South African context and make meaningful comparisons with international higher education systems in terms of best practice, etc.
- Provide an analysis of higher education policy

### 5.2 Post-School Education and Training (PSET)

- Overall profile of PSET
- Profile of the energy and water sector with respect to PSET (including a profile of EWSETA learners)

### 5.3 The South African Economy and Labour Force

- This area must also include an analysis of the energy and water sector labour force

### 5.4 The Link between Skills Development and Public and Private Higher Education Institutions

### 5.5 The Link between PSET and the South African Economy

### 5.6 The Link between Skills Development and Employers

### 5.7 PSET and Labour Market Linkages

### 5.8 Bridging the Gap between Public and Private Higher Education Institutions and Employers

### 5.9 The Role of Skills Development in Economic Development (in relation to the National Skills Development Plan – NSDP and National Development Plan - NDP)

### 5.10 The Role of Skills Development in the Context of the Fourth Industrial Revolution (4IR)

### 5.11 The Role of Research and Development in Linking Education and Training with the World of Work (in relation to the NSDP)

### 5.12 Linkages between Skills, Qualifications and Jobs in the Energy and Water Sector

- (must include recommendations for appropriate skill matching)

### 5.13 Reporting and Dissemination

- Provide key findings
- Document in-depth insights
- Make appropriate recommendations for overcoming skill mismatches and how to further improve appropriate skill matching
- Make appropriate recommendations for improving the quality of education and training in response to economic development needs.
- Make recommendations for further research/studies in relation to this research study undertaking

## 6. Methodology

The service provider will be expected to design and apply tools which will result in the collection and analysis of verifiable and reliable data. This will include, but may not be limited to, literature reviews; surveys; structured and semi-structured interviews with key stakeholders, including learners, employers, training providers, etc.

Below are some recommendations based on previous research work undertaken. The service provider must propose a methodological approach which can be considered by the EWSETA.

- 6.1 Definition: definition of the key objectives of the study itself
- 6.2 Research study design: involving target population; data collection methods; cross-sectional versus panel study; data analysis; etc.
- 6.3 Questionnaire development: considerations such as length of the questionnaire; questions to be included; data entry requirements; open/closed questions; variables, codes and values; answer scales; categorical/nominal scale questions; question sequence; questionnaire layout; and piloting/testing
- 6.4 Data management: collection and organisation; documentation of the field phase; response statistics; control of returned questionnaires; reminder actions; helpdesk and respondent/participant support; daily backup; measures for obtaining high participation/response rates; recommendations for cleaning and coding of data
- 6.5 Data analysis: Data entry for paper-based questionnaires; coding; coding of open responses; numerical data entry; management of missing values; data modification; data correction (the appointed service provider must have access to SPSS for data analysis)
- 6.6 Presentation of results: interpretation of and recommendations to address key challenges; method report; report on results; interpretation of results; recommendations; dissemination of findings
- 6.7 Test the findings of the desk and field research, and explore potential strategies for improving labour absorption levels

## 7. Deliverables

- 7.1 Research Project Plan: The appointed service provide must submit a research project plan detailing the implementation of the research. The project plan must include research project approach, timelines, milestones, research team structure (including roles and responsibilities), reporting protocols, communication protocols, risk management plan, etc.
- 7.2 The service provider shall deliver a draft research study report in line with all EWSETA requirements as stipulated above, and in accordance with the service level agreement (to be drafted during the appointment of an approved service provider). The draft research study report will be delivered to the EWSETA as follows:
  - a) 2 x hard copies of the research report in Word format (including annexures and any supporting documents as required by the EWSETA).
  - b) 1 x electronic copy of the research report in Word format, submitted on a USB memory stick (ensure the electronic copy submission is readable by any computer).
  - c) A portfolio of evidence (PoE) must be provided for each chapter of the research report. Such evidence will include complete raw quantitative data sets and all interview transcripts, together with synthesis reports, as well as any other evidence deemed necessary by the EWSETA, submitted on a USB memory stick (ensure the electronic copy submission is readable by any computer).

7.3 The service provider shall deliver a final research study report in line with all EWSETA requirements as stipulated above, and in accordance with the service level agreement (to be drafted during the appointment of an approved service provider). The final research study report will be delivered to the EWSETA as follows:

- a) 2 x hard copies of the research report in Word format (including annexures and any attachments as required by the EWSETA).
  - b) 1 x electronic copy of the research report in Word format, submitted on a USB memory stick (ensure the electronic copy submission is readable by any computer).
  - c) A portfolio of evidence (PoE) must be provided for each chapter of the research report. Such evidence will include complete raw quantitative data sets and all interview transcripts, together with synthesis reports, as well as any other evidence deemed necessary by the EWSETA, submitted on a USB memory stick (ensure the electronic copy submission is readable by any computer).
- The final research study report will be based on amendments/inputs/additions made to the first draft research study report by the service provider in accordance with and as required by the EWSETA.

## **8. NOTES TO BIDDERS**

Outlined below are basic requirements that each bid must comply with. Failure of any bid to meet any or all of these requirements may disqualify such a bid from the evaluation process:

- The EWSETA will not be liable to reimburse any costs incurred by applicants in preparing their proposals.
- Bids received late shall not be considered under any circumstances. A bid will be considered late if it arrives after 13:00 hours on/after the closing date.
- EWSETA does not bind itself into making an appointment from proposals and offers received.
- EWSETA reserves the right, at its sole discretion, to cancel this request for proposals, presentations and price or not to make any appointment at all.
- EWSETA will not make upfront payments.
- Upon award of the bid, the successful bidder shall enter into an agreement with EWSETA.
- Successful applicant must undertake to abide by the confidentiality undertakings contained in the agreement to be concluded;
- The successful applicant will be informed of the outcome. A contract will only be deemed to be concluded when reduced to writing and signed by the designated responsible person of both parties (duly authorised). The designated responsible person of the EWSETA is the Chief Executive Officer or his written authorised delegate.
- The EWSETA undertakes to pay valid invoices in full within 30 (thirty) days if all supporting documents are submitted.

## 9. EVALUATION CRITERIA

### 9.1 Pre-Qualification Criteria (Submission of Compulsory Documents):

**Prospective service providers must comply with the requirements and submit all required document(s) indicated hereunder with the bid documents at the closing date and time of bid. This phase is not scored and bidders who fail to comply with all the mandatory criteria may be disqualified.**

- 5.1.1 Prospective service providers are required to provide proof of registration with the Central Supplier Database by submitting the CSD report. In case of a Joint Venture, each party must provide proof of registration with CSD and their tax compliance status will be verified through the CSD.
- 5.1.2 Completed and signed Standard Bidding Documents attached to the bid. In case of a Joint Venture, a written agreement between the parties which must clearly set out the roles and responsibilities of each member.
- 5.1.3 In the case of a Joint Venture submitting a tender, include a resolution of each company of the Joint Venture together with a resolution by its members authorizing a member of the Joint Venture to sign the documents on behalf of the Joint Venture.
- 5.1.4 A prospective service provider must ensure that their tax matters are in order in line with the Treasury Regulations and reflect accordingly on CSD. It is therefore a condition of this bid that the tax matters of the bidder be in order at the time of award. Failure of the bidder for not complying with their tax matters at the time of award will result in the bidder being disqualified.

#### Non-compulsory documents

- 5.1.5 Certified copy of B-BBEE Certificate. A Joint Venture will qualify for the B-BBEE status level as a legal entity, provided that the legal entity submits their B-BBEE status level certificate. Failure on the part of the bidder to comply with the above will be deemed that preference points for B-BBEE status level of contribution are not claimed and will therefore be allocated a zero (0).

### 9.2 Technical/Functionality Stage

An assessment of Functionality will be based on the evaluation criteria noted in the table below. Each of the evaluation criteria in the table will carry a weighting as indicated, and the bidder will be required to score a minimum of 75 points (out of the 100 points), i.e. 75%, for Functionality in order to qualify to proceed to Stage 3 of the evaluation process.

#### CRITERIA

The service provider is to meet the below criteria which is applicable to the research proposal to be submitted to the EWSETA.

Criteria	Scoring	Weighted score
Methodology (In the methodology section the bidder should describe the actions to be taken to conduct the research and the rationale for the application of specific procedures)	Proposed methodology is aligned to EWSETA scope, and is adaptable to in-house methodology = <b>5 points</b> Actions to be taken to conduct the research and the rationale for the application of specific procedures = <b>10 points</b>	40

<p>and/or techniques to be used, including description/examples of tools and instruments to be employed for data collection and analysis</p>	<p>Techniques to be used to identify, select, process, and analyse data = <b>10 points</b>          Project plan = <b>5 points</b>          Proposed tools and instruments to be used = <b>5 points</b>          Description of a reporting protocol = <b>5 points</b>  <b>NB: Please adhere to the requirements.</b></p>	
<p>Reference letters from companies as evidence of related research study work previously conducted in the skills development context (NB: <i>The Reference Letter(s) must be in the letterhead of the previously serviced client and should reflect at least name of the client, title of the research study, year conducted, year completed, contactable reference name and contact details and signed by the appropriate delegate and should not be older than three years</i></p>	<p>The Reference Letter(s) must be in the letterhead of the previously serviced client and should reflect at least name of the client, title of the research study, year conducted, year completed, contactable reference name and contact details:          3 letters attached = <b>10 points</b>          2 letters attached = <b>6 points</b>          1 letter attached = <b>3 points</b>          No reference letters attached = 0;  <b>NB: Please adhere to the requirements.</b></p>	10
<p>Evidence of similar/related work previously conducted in the skills development context</p>	<p>Portfolio of Evidence containing <b>2 or more samples</b> of related previous research work (i.e. sample research reports, and a sample of corresponding data sheets) = <b>10 points</b>          Portfolio of Evidence containing 1 related research report and corresponding data sheet(s) = <b>5 points</b>          No samples of related previous research study attached = 0 points  <b>NB: Please adhere to the requirements.</b></p>	10
<p>Experience and Qualifications of a <b>Lead Researcher/ Project Leader</b> who will be implementing the research undertaking and executing all related functions of the study</p>	<p>Qualifications:          Master's degree in any of the related fields of Social Sciences, Education, Economics, Statistics or related field. PHD will be an added advantage.  <u>NB. Bidders must attach no later than 3 months certified copies of qualifications. Uncertified qualification certificates will not be accepted and will therefore not score any points.</u>          PHD – <b>5 points</b>          Masters – <b>3 points</b>          Honours – <b>1 point</b>          Any other qualification not equivalent to relevant Masters/ PHD/Honours = 0 points  <b>NB: Please adhere to the requirements.</b></p>	5
	<p>Experience:          Must have at least 8 years of experience in research (preferably within the skills development context).          Must at least have done and completed one (1) research study in any of the related fields of Social Sciences, Education, Economics, or Statistics.</p>	10



	<p>At least 8 years of experience <b>and</b> at least 1 related research study completed = <b>10 points</b></p> <p>At least 8 years of experience and no related research study completed = <b>5 points</b></p> <p>Less than 8 years of experience and no related research study completed = 0 points</p> <p><b>NB: Please adhere to the requirements.</b></p>	
<p><b>Organisational team structure indicating the composition of the team</b> that will assist with the implementation of the research undertaking, and execute all related functions and activities of the study (for ease of reference, please attach a project-level team organogram)</p>	<p>Provide a description of the research team structure whilst indicating the team member names and their positions within the team structure.</p> <p><b>Please note that the team members indicated in the proposal must be the same team members who will be implementing this research study undertaking. Any uncertified copies of qualifications will not be considered.</b></p> <p><b>NB: Please adhere to the requirements.</b></p>	5
<p>Curriculum Vitae(s) and qualifications of <b>each of the individual research study team members</b>, e.g. research analyst, statistician, etc.</p>	<p>CV with a minimum of 3 years related experience attached together with highest qualifications of each of the research study team members (minimum honours degree in fields of Social Sciences, Education, Economics, Statistics = <b>10 points</b></p> <p>Where CV presented with insufficient required work experience (i.e. less than 3 years, but more than 1 year of related experience), and with relevant highest qualification attached = <b>5 points</b></p> <p>No CV and/or certified copies of qualifications attached for each team member = <b>0 points</b></p> <p><b>NB: Please adhere to the requirements.</b></p>	10
	<p>CVs of other relevant fieldwork team members (at least one) = <b>5 Points</b></p> <p>Only CVs attached with no qualifications = <b>3 points</b></p> <p>No CVs and supporting qualifications attached for fieldwork team members = 0 points</p> <p><b>NB: Please adhere to the listed criteria.</b></p>	5
<p>Company profile</p>	<p>Company profile should indicate the following elements:</p> <p>(1) services rendered by the service provider = <b>1 point</b></p> <p>(2) company's years of experience (at least 5 years) = <b>2 points</b></p> <p>(3) geographical location = 2 points (awarded only to those companies located and/or have operations within Gauteng Province)</p> <p>No profile attached = 0</p> <p><b>NB: Please adhere to the requirements.</b></p>	5
TOTAL		100

**NB: Please note that any plagiarism of any sort contained within any bid or any other documents submitted to the EWSETA by any bidder will result in the disqualification of the respective bidder.**

### 9.3 Pricing and preference points Stage

For purpose of evaluating preference points, the following preference point systems will be applicable to all bids whereby preference points shall be awarded for Price; and B-BBEE Status Level of Contribution.

- The points scored in respect of B-BBEE contribution will be added to the points scored for price.
- The following formula will be used to calculate the points for Price:

$$P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

$P_s$  = Points scored for comparative price of proposal or quotation

$P_t$  = Comparative price of proposal or offer

$P_{\min}$  = Comparative price of lowest acceptable proposal or offer

The following table must be used to calculate the score out of 20 for BBEE

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

A tenderer must submit proof of its B-BBEE status level of contributor. A tenderer failing to submit proof of B-BBEE status level of contributor or is a non-compliant contributor to B-BBEE may not be disqualified, but-

- may only score points out of 80 for price; and
- scores 0 points out of 20 for B-BBEE.

A tenderer may not be awarded points for B-BBEE status level of contributor if the tender documents indicate that the tenderer intends subcontracting more than 25% of the value of the contract to any other person not qualifying for at least the points that the tenderer qualifies for, unless the intended subcontractor is an EME that has the capability to execute the subcontract.

## 10. FINANCIAL PROPOSAL

Financial proposals will be compared on the basis of their total amount inclusive of VAT and all other related costs. Bidders are required to submit financial proposals as per the table below on a company letterhead.

Item	Total cost
<b>Vat</b>	<b>R</b>
<b>Total Amount inclusive of VAT</b>	<b>R</b>

COMPANY NAME: \_\_\_\_\_

SIGNATURE OF BIDDER: \_\_\_\_\_

Only firm prices will be accepted. Non-firm prices (including prices subject to rates of exchange variations) will not be considered.

Pricing schedule is compulsory and failure to complete same in prescribed manner as per the Annexure B and without alterations may result in disqualification of bid price proposal during the financial evaluation process.

Bidders are requested to provide a clear agreement regarding joint venture/consortia. The percentage involvement of each company in the joint venture agreement should be indicated on the agreement. A trust, consortium or joint venture must submit a consolidated B-BBEE Status Level Verification Certificate for every separate bid;

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

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

A bidder awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract;

## **11. SUB-CONTRACTING**

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

## **12. SUBMISSION OF BIDS**

Bidders are required to submit their bids to the following address;

EWSETA  
Building B, 2<sup>nd</sup> Floor – reception  
32 Princess of Wales Terrace  
Sunnyside Office Park  
Parktown  
2193

The following information must be endorsed on the envelope:

- Bid number
- Title of the bid
- Name of bidder

EWSETA may request clarification or further information regarding any aspect of the bidder. The bidder must provide the requested information within forty-eight (48) hours after the request has been made; otherwise the bidder may be disqualified.

## **13. CLOSING DATE OF PROPOSAL**

A comprehensive proposal together with pricing schedule must reach EWSETA by no later than **Monday 25 November 2019 not later than 13H00**. Please note that no late proposals will be considered.

## **14. TENDER VALIDITY**

This RFQ shall be valid for 90 days calculated from Bid closing date.

## **15. FRAUD HOT-LINE**

EWSETA subscribes to fair and just administrative processes. EWSETA therefore urges its clients, suppliers and the general public to report any fraud or corruption to:

EWSETA TIP-OFFS ANONYMOUS

Free Call: 0800 611 205

Email: [ewseta@tip-offs.com](mailto:ewseta@tip-offs.com)

Or visit their website [www.tip-offs.com](http://www.tip-offs.com)

**The following particulars must be furnished**

**Information of the Bidder**

Name of bidder	
Registration number	
VAT registration number	
Contact person	
Telephone number	
Cell number	
E-mail address	
Postal address	
Physical address	

I certify that the information furnished on this form is true and correct.

I further accept that, in addition to cancellation of a contract, action may be taken against me should this declaration prove to be false.

\_\_\_\_\_  
Name of bidder (duly authorised)

\_\_\_\_\_  
Signature of bidder

\_\_\_\_\_  
Date

\_\_\_\_\_  
Capacity under which this RFP is signed

## **EWSETA GENERAL CONDITIONS OF PURCHASE**

### **General**

EWSETA and the Supplier enter into an order/contract on these conditions to supply the items (goods/services/works) as described in the order/contract.

### **Conditions**

These conditions form the basis of the contract between EWSETA and the Supplier. Notwithstanding anything to the contrary in any document issued or sent by the Supplier, these conditions apply except as expressly agreed in writing by EWSETA. No servant or agent of EWSETA has authority to vary these conditions orally. These general conditions of purchase are subject to such further special conditions as may be prescribed in writing by EWSETA in the order/contract.

### **Price and payment**

The price or rates for the items stated in the order/contract may include an amount for price adjustment, which is calculated in accordance with the formula stated in the order/contract. The Supplier may be paid in one currency other than South African Rand. Only one exchange rate is used to convert from this currency to South African Rand. Payment to the Supplier in this currency other than South African Rand, does not exceed the amounts stated in the order/contract. EWSETA pays for the item within 30 days of receipt of the Suppliers correct tax invoice.

### **Delivery and documents**

The Supplier's obligation is to deliver the items on or before the date stated in the order/contract. Late deliveries or late completion of the items may be subject to a penalty if this is imposed in the order/contract. No payment is made if the Supplier does not provide the item as stated in order/contract.

### **Where items are to be delivered the Supplier:**

Clearly marks the outside of each consignment or package with the Supplier's name and full details of the destination in accordance with the order and includes a packing note stating the contents thereof; On dispatch of each consignment, sends to EWSETA at the address for delivery of the items, an advice note specifying the means of transport, weight, number of volume as appropriate and the point and date of dispatch; Sends to EWSETA a detailed priced invoice as soon as is reasonably practical after dispatch of the items, and states on all communications in respect of the order the order number and code number (if any).

### **Containers / packing material**

Unless otherwise stated in the order/contract, no payment is made for containers or packing materials or return to the Supplier.

### **Title and risk**

Without prejudice to rights of rejection under these conditions, title to and risk in the items passes to EWSETA when accepted by EWSETA.

### **Rejection**

If the Supplier fails to comply with his obligations under the order/contract, EWSETA may reject any part of the items by giving written notice to the Supplier specifying the reason for rejection and whether and within what period replacement of items or re-work are required.

In the case of items delivered, EWSETA may return the rejected items to the Supplier at the Supplier's risk and expense. Any money paid to the Supplier in respect of the items not replaced within the time required, together with the costs of returning rejected items to the Supplier and obtaining replacement items from a third party, are paid by the Supplier to EWSETA.

In the case of service, the Supplier corrects non-conformances as indicated by EWSETA.

### **Warranty**

Without prejudice to any other rights of EWSETA under these conditions, the Supplier warrants that the items are in accordance with EWSETA's requirements, and fit for the purpose for which they are intended, and will remain free from defects for a period of one year (unless another period is stated in the Order) from acceptance of the items by EWSETA.

### **Indemnity**

The Supplier indemnifies EWSETA against all actions, suits, claims, demands, costs, charges and expenses arising in connection therewith arising from the negligence, infringement of intellectual or legal rights or breach of statutory duty of the Supplier, his subcontractors, agents or servants, or from the Supplier's defective design, materials or workmanship.

The Supplier indemnifies EWSETA against claims, proceedings, compensation and costs payable arising out of infringement by the Supplier of the rights of others, except an infringement which arose out of the use by the Supplier of things provided by EWSETA.

#### **Assignment and sub-contracting**

The Supplier may not assign or subcontract any part of this order/contract without the written consent of EWSETA.

### **Termination**

EWSETA may terminate the order/contract at any time (without prejudice to any right of action or remedy which has accrued or thereafter accrues to EWSETA):

If the Supplier defaults in due performance of the order/contract, or if the Supplier becomes bankrupt or otherwise is, in the opinion of EWSETA, in such financial circumstances as to prejudice the proper performance of the order/contract, or for any other reason in which case the Supplier will be compensated for all costs incurred.

### **Governing law**

The order/contract is governed by the law of the Republic of South Africa and the parties hereby submit to the non-exclusive jurisdiction of the South African courts.

**DECLARATION OF INTEREST**

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

2.1 Full Name of bidder or his or her representative:

.....

2.2 Identity Number:

.....

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

.....

2.4 Company Registration Number:

.....

2.5 Tax Reference Number:

.....

2.6 VAT Registration Number:

.....

\* "State" means –

(a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);



- (b) any municipality or municipal entity;
- (c) Provincial legislature;
- (d) National Assembly or the national Council of provinces; or
- (e) Parliament.

2.7 Are you or any person connected with the bidder presently employed by the state  
YES / NO

2.7.1 If so, furnish the following particulars:

Name of person / director / shareholder/ member .....  
 Name of state institution to which the person is connected .....  
 Position occupied in the state institution: .....

Any other particulars:

.....  
 .....  
 .....

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

**DECLARATION**

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

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2.1 TO 2.11.1 ABOVE  
 IS CORRECT.

I ACCEPT THAT THE STATE MAY ACT AGAINST ME IN TERMS OF EWSETA'S GENERAL  
 CONDITIONS OF TENDER AS STIPULATED IN THE RFP SHOULD THIS DECLARATION  
 PROVE TO BE FALSE.

.....  
 SIGNATURE DATE

.....  
 POSITION NAME OF BIDDER

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

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

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

### **2.3 GENERAL CONDITIONS**

- a. The value of this bid is estimated not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable; or

1.2 Points for this bid shall be awarded for:

2.

2.3 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
- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

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

**2.2.1 Price - 80**

**2.2.2 B-BBEE Status Level of Contributor- 20**

**2.2.3 Total points for Price and B-BBEE - 100**

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

2.4 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.

### **3. DEFINITIONS**

- a) "B-BBEE" means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- b) "B-BBEE status level of contributor" means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- c) "bid" means a written offer in a prescribed or stipulated form in response to an invitation by an

organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;

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

#### 4. POINTS AWARDED FOR PRICE

##### 4.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

$$P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

$P_s$  = Points scored for price of bid under consideration

$P_t$  = Price of bid under consideration

$P_{\min}$  = Price of lowest acceptable bid

#### 5. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

5.1 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 (80/20 system)

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

**6. BID DECLARATION**

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

**7. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 4.1 AND 5.1**

7.1 B-BBEE Status Level of Contributor:= .....(maximum of 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by relevant proof of B-BBEE status level of contributor

**8. SUB-CONTRACTING**

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

*(Tick applicable box)*

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

8.1.1 If yes, indicate:

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

*(Tick applicable box)*

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

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

<b>Designated Group: An EME or QSE which is at last 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		

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

9.1 Name of company/firm: .....

9.2 VAT registration number: .....

9.3 Company registration number: .....

**9.4 TYPE OF COMPANY/ FIRM**

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

[TICK APPLICABLE BOX]

**9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

.....

.....

.....

.....

**COMPANY CLASSIFICATION**

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

[TICK APPLICABLE BOX]

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

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

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

<p>WITNESSES</p> <p>1. ....</p> <p>2. ....</p>
--

<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE: .....</p> <p>ADDRESS .....</p> <p>.....</p>
---

**DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

The order/contract is governed by the law of the Republic of South Africa and the parties hereby submit to the non-exclusive jurisdiction of the South African courts.

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	<p>Is the bidder or any of its directors listed on the National Treasury’s Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p><b><i>The Database of Restricted Suppliers now resides on the National Treasury’s website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</i></b></p>	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><i>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</i></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: <input type="checkbox"/> <input type="checkbox"/>		
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 (FULL NAME).....

**CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.**

**I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.**

.....  
**Signature**

.....  
**Date**

.....  
**Position**

.....  
**Name of Bidder**



**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

1. This Standard Bidding Document (SBD) must form part of all bids<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.



## CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

\_\_\_\_\_  
(Bid Number and Description)

in response to the invitation for the bid made by:

\_\_\_\_\_  
(Name of Institution)

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

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

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - a. has been requested to submit a bid in response to this bid invitation;
  - b. could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - c. provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or 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.
- <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.
10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder