

# REQUEST FOR PROPOSAL (“RFQ”)

## PROVISION OF RESEARCH SERVICES IN DEVELOPING/UPDATING THE EWSETA SECTOR SKILLS PLAN (SSP)



<b>Bid Number</b>	EWSETA/RFQ/117/2020
<b>Bid Scope</b>	PROVISION OF RESEARCH SERVICES IN DEVELOPING/UPDATING THE EWSETA SECTOR SKILLS PLAN (SSP)
<b>Issue Date</b>	RE-ADVERT FRIDAY 26 FEBRUARY 2021
<b>Non-compulsory Briefing Session</b>	N/A
<b>Closing Date for submission of bids</b>	TUESDAY 30 MARCH 2021 @ 13:00HRS
<b>Inquiries</b> (all inquiries should be in writing)	<a href="mailto:scmadmin@ewseta.org.za">scmadmin@ewseta.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 sector by facilitating the effective development of skills required to respond to related imperatives as envisaged in the National Development Plan (NDP).

The main areas of focus of the EWSETA are energy, renewable energy, gas and water services, as determined by the Honourable Minister of Higher Education and Training in terms of section 9(2) of the Skills Development Act, read in conjunction with Government Gazette No. 33756, RG 9417, No. R1055 of 11 November 2010.

The responsibility of the EWSETA is to manage skills development through strategic sector skills planning within the framework of the NSDP. In this context, EWSETA is keen to form sustainable partnerships that will further promote its support for skills planning and development within the energy and water sector.

The research will be conducted on a 60/40 basis with the EWSETA’s Sector Skills Planning and Development Researcher addressing 40% of the workload (See Annexure 1). The SSP documents are to be submitted to the EWSETA along with required portfolios of evidence (PoEs) in accordance with the submission dates indicated in the table below:

Submission No.	Document Submission to EWSETA	Day and Month <sup>1</sup>	Year
1.	Completed SSP First Draft and POE	05 May	2021
2.	Completed SSP Final Draft and POE	15 July	2021

The first draft and final draft SSP documents are to be completed and submitted to the EWSETA in accordance with EWSETA and DHET timelines respectively.

## 2. OBJECTIVE

The objective of this request is to appoint a competent research institution to develop and/or update the annual EWSETA Sector Skills Plan (SSP) for submission in the year 2021, based on credible, up-to-date researched evidence collected by the service provider.

## 3. SCOPE OF WORK

In conjunction with the EWSETA’s Researcher, on a 60/40 basis, the service provider will research and prepare the SSP in line with the Department of Higher Education and Training’s (DHET) latest SSP Framework. The first draft and final draft Sector Skills Plans must: adhere to all DHET Sector Skills Plan guidelines, frameworks and all related requirements; be drafted

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<sup>1</sup> Please note the proposed submission dates of the SSP documents are subject to change in line with EWSETA Board approval timelines, as well as DHET submission timelines.

taking the research done within the sub-sectors into account; be triangulated with other reliable, verifiable, valid and relevant data sets as a basis; and must be consistent in terms of content and statistics focusing on, but not limited to, the following:

### **3.1. Sector Profile**

- 3.1.1. The profile of the sector is accurately captured in all respects and updated, and must include Standard Industrial Classification (SIC) Codes and coverage thereof
- 3.1.2. The economic performance, employer and employee profiles are analytically discussed
- 3.1.3. COVID-19 and its impact on the sector is analysed and discussed
- 3.1.4. Trends and patterns in the sector are captured and discussed

### **3.2. Key Skills Issues**

- 3.2.1 Choice of change drivers are directly related to skills-related demand and supply considerations.
- 3.2.2 Key skills issues are established using participative research methods.
- 3.2.3 COVID-19 and its influence on the sector is discussed.
- 3.2.4 There is a minimum of 5 key skills issues

### **3.3. Extent of Skills Mismatch**

- 3.3.1 Stakeholder profile;
- 3.3.2 There is an accurate Sectoral Priority Occupations and Interventions list (SPOL) with supporting evidence for each occupation identified in the list
- 3.3.3 There is critical analysis of the state of education and training in the sector
- 3.3.4 There is accurate identification of skills gaps with supporting evidence
- 3.3.5 The role COVID-19 plays in relation to skills mismatch and how such mismatches should be addressed through proactive skills planning
- 3.3.6 Occupational mismatches are identified with supporting evidence.

### **3.4. Sector Partnerships**

- 3.4.1 A critical analysis of SETA partnerships demonstrating an understanding of issues
- 3.4.2 Focus on what has been achieved through partnerships
- 3.4.3 Provide examples of successful partnerships
- 3.4.4 Discuss failures and weaknesses of respective partnerships and provide practical and relevant recommendations on how to address shortcomings
- 3.4.5 Strengthen/develop an effective partnership model based on analyses and recommendations made

### **3.5. Strategic Skills Priority Actions**

- 3.5.1 Insight and analysis of findings from previous chapters are translated into skills priority actions
- 3.5.2 Major skills priorities are identified and discussed
- 3.5.3 In addition to all of the above, the impact of COVID-19 and related challenges must be factored into the SSP, how such considerations influence and shape the sector from a skills planning perspective, and how the EWSETA is to address issues emanating from this major challenge in the form of strategic skills priority actions

## 4. METHODOLOGY

The service provider will be expected to design and apply tools and methodologies which will produce valid and reliable data results for use towards effectively achieving the scope of work indicated. This will include, but may not be limited to, literature reviews, primary and secondary data collection and analysis for quantitative and qualitative (i.e. mixed) methodology, etc.

Recommendations for research work to be undertaken is listed, but not limited to the following: Below are some recommendations based on previous research work undertaken. The service provider must propose a methodological approach which will be subject to review by the EWSETA.

- 4.1 Defining and describing the sector: This will involve mainly desktop research to produce a clear definition of the EWSETA sector, including all sub-sectors. Furthermore, it is important to define cross-sectoral relationships with other sectors.
- 4.2 Review the sector in terms of key national policies and strategies, growth, equity, and other measures that locate the EWSETA sector in the current South African context.
- 4.3 Conduct an analysis of remuneration levels and other trends in the sector using desk research and analysis of data such as Stats SA, HEMIS, Quantec, etc.
- 4.4 Produce a sector analysis, examining the linkages with other sectors, alignment to national strategies and priorities, alignment with provincial growth and development strategies and making use of scenario thinking to project potential future scenarios for the EWSETA sector.
- 4.5 Analyse Workplace Skills Plans (WSPs) and Annual Training Reports (ATRs) to be submitted by employers by 30 April each year, or as and when so advised by designated authorities.
- 4.6 Assess the skill needs of the different sub-sectors of EWSETA in addition to data gleaned from WSPs, analyse available recruitment statistics from recruitment agencies and conduct interviews with approximately 20 recruiters in the sector.
- 4.7 Arrange and facilitate a small number of focus groups and workshops to test findings of desk, data and field research and explore strategies for expanding the sector, improving labour absorption levels, and supporting job creation.
- 4.8 Conduct skills supply analysis based on current programmes available to meet the demands of the sector.
- 4.9 Facilitate consultative processes within the EWSETA to validate the SSP with stakeholders, including presentation, preparation and facilitation of discussions where required.
- 4.10 Review and prepare the final SSP for submission based on internal and external stakeholder inputs.

## 5. DELIVERABLES

The appointed service provider is expected to deliver the following in line with the Service Level Agreement (SLA) to be entered into with the EWSETA:

- 5.1 Updated SSP: Update the current SSP utilising available research and data,
- 5.2 and submit to the EWSETA first and final draft SSP documents in line with EWSETA
- 5.3 Board and DHET timeframes.
- 5.4 Sub-sectors: The appointed service provider will be expected to
- 5.5 do further research within each of the sub-sectors.
- 5.6 Sector Skills Plan: A final SSP will be drafted taking
- 5.7 the research done within the sub-sectors into account and
- 5.8 triangulation with other data sets as a basis, which must be
- 5.9 consistent, valid, and verifiable in terms of content and statistics.
- 5.10 The service provider shall deliver first and final SSP documents which must be no
- 5.11 longer than 65 pages, and in line with the latest DHET SSP Framework requirements.
- 5.12 A Portfolio of Evidence (PoE) must be provided for each chapter. Such
- 5.13 evidence will include full quantitative and qualitative data sets (including all interview transcripts, quantitative data sets, etc.); together with synthesis reports and any other requirements deemed necessary by the EWSETA

The service provider shall deliver first and final draft SSPs in line with all EWSETA requirements as stipulated above, and in accordance with the service level agreement and/or memorandum of agreement (MOA) entered during the appointment of the service provider. The first and final draft SSPs, including supporting PoE will be submitted to the EWSETA as follows (**applicable to first and final draft SSP submissions to EWSETA**):

- 5.3 1 x electronic copy of the SSP in Word format, submitted on a USB memory stick (ensure the electronic copy submission is readable by any computer).
- 5.4 1 x electronic copy of the EWSETA Sectoral Priority Occupations List (SPOL).
- 5.5 A portfolio of evidence (PoE) must be provided for each chapter of the SSP. Such evidence will include complete raw quantitative data sets and all interview transcripts and voice recordings, 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).
- 5.6 First and final draft SSPs 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).
- 5.7 A PowerPoint presentation of the first and final drafts SSP, which is to be presented to the EWSETA by the appointed service provider.
- 5.8 Any other required supporting documentation as deemed necessary by the EWSETA.

The final draft SSP shall be based on amendments/inputs/additions made to the first draft SSP by the service provider in accordance with and as required by EWSETA recommendations/inputs/etc.

NB: The first and final drafts (along with PoE, annexures, etc.) of the SSP are to be submitted by the service provider in accordance with strict EWSETA timelines to meet the requirements of the DHET prescripts, guidelines, and frameworks. Failure to adhere to the submission of all deliverables in accordance with EWSETA deadlines and timelines as stipulated by the EWSETA will result in non-delivery on the part of the service provider.

## 6. EVALUATION CRITERIA

### 6.1 Stage 1: Pre-Qualification Criteria

#### 6.1.1 Submission of Compulsory Documents:

**Prospective bidders must comply with the requirements and submit all required documents 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 will be disqualified.**

- 6.1.1.1 Prospective bidders 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.
- 6.1.1.2 Completed and signed Standard Bidding Documents attached to the bid.
- 6.1.1.3 In case of a Joint Venture, a written agreement between the parties which must clearly set out the roles and responsibilities of each member and 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

#### 6.1.2 Non-compulsory documents

**Prospective bidders 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.**

- 6.1.2.1 Submit a valid Tax Clearance Certificate/ Tax Pin. A prospective bidder 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.
- 6.1.2.2 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) points.

### 6.2 Stage 2: Technical/Functionality

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**

Criteria	Scoring	Weighted score
<p>Reference letters from SETAs as evidence of previous Sector Skills Plans updated or developed. (NB: <i>The Reference Letter(s) must be in the letterhead of the previously serviced SETA and should reflect at least name of the SETA, title of the SSP, year conducted, year completed, contactable reference name and contact details</i>)</p>	<p>2 valid letters attached = <b>30 points</b> 1 valid letter attached = <b>15 points</b> No reference letters attached = 0 points</p>	<p><b>30</b></p>
<p>Experience of a Lead Researcher/ Project Leader who will be implementing the research undertaking and executing all related functions of the study.</p> <p>The Lead Researcher MUST have related research experience in developing or updating Sector Skills Plans (SSPs) for at least two SETAs. Unrelated organisations will not be considered.</p>	<p>Experience includes 2 or more SSPs within SETA space only. Unrelated organisations will not be considered = <b>40 points</b></p> <p><i>EWSETA reserves the right to verify the experience indicating a minimum two or more SSPs updated and/or developed by the Lead Researcher.</i></p>	<p><b>40</b></p>
<p><b>Qualifications:</b> Master's degree in any of the related fields of Social Sciences, Education, Economics, or related field.</p> <p>NB. Bidders must attach no older than 3 months certified copies of qualifications. <u>Uncertified qualification and/or certifications older than 3 months to the closing date will not be accepted and will therefore not score any points.</u></p>	<p><b>Qualifications:</b> Masters or PhD in related field = <b>30 points</b> Any other qualification not equivalent to relevant Masters/ PhD = <b>0 points</b></p>	<p><b>30</b></p>
<p><b>TOTAL</b></p>		<p><b>100</b></p>



### 6.3 Stage 3: Pricing and preference points Stage

#### 6.3.1 Preference Points

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

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

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.

### 6.3.2 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.**

Description	Cost
Provision of research services on conducting a tracer study	R
VAT	R
<b>Total Amount inclusive of VAT</b>	<b>R</b>

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 the bid during the financial evaluation process.

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

## 7. 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:

- 7.1 A prospective bidders 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.
- 7.2 The EWSETA will not be liable to reimburse any costs incurred by applicants in preparing their proposals.
- 7.3 Bids received late shall not be considered under any circumstances. A bid will be considered late if it arrives after **11:00 o'clock** on/after the closing date.
- 7.4 EWSETA does not bind itself into making an appointment from proposals and offers received.
- 7.5 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.
- 7.6 EWSETA will not make upfront payments.
- 7.7 Successful bidder must undertake to abide by the confidentiality undertakings contained in the agreement to be concluded.
- 7.8 The successful bidder 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 her/his written authorised delegate.
- 7.9 A probation period of 30 days will apply to the agreement and a penalty regime system in the maintenance addressing recourse by the supplier or EWSETA will be implemented.
- 7.10 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 and may potentially have legal ramifications.
- 7.11 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.
- 7.12 Nothing, as stipulated in these Terms of Reference may be amended without the written confirmation of the Chief Executive Officer of EWSETA or his/her delegated authority.
- 7.13 **Any possible staff changes during the course of the engagement must be done in consultation and approval of the EWSETA.**

## 8. 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.

## 9. SUBMISSION OF BIDS

Bidders are required to submit their proposals to **scmadmin@ewseta.org.za**

## **10. CLOSING DATE OF PROPOSAL**

A comprehensive proposal together with pricing schedule must reach EWSETA by no later than **Tuesday 30 March 2021 not later than 13H00HRS**. Please note that no late proposals will be considered.

## **11. TENDER VALIDITY**

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

## **12. 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)

### 13. ANNEXURE A - PROPOSED WORKLOAD ALLOCATION FOR EWSETA SSP UPDATE (60/40 BASIS)

PRESCRIBED STRUCTURE	Method / Tasks	Portfolio of evidence	Days & Organisational responsibilities	
<b>Cover Page</b>				
Cover page needed. (1 page)				
<b>Foreword:</b>				
A foreword for not more than 250 words should be written by the SETA Chairperson. (1 page)	EWSETA to write		EWSETA 1 day	
<b>Acronyms</b>				
Acronym Page. (1 page)	Assume acronyms from previous reports valid and will require minimal work		EWSETA 1 day	
<b>Executive Summary:</b>				
There should be an executive summary of not more than 3 pages.	Write up		EWSETA 1 day	Service Provider 1 day
<b>Contents Page, Table of Figures, and Tables</b>				
There should be a contents page, table of figures and tables (2 pages)	The document will be set up to generate these automatically			
<b>Research Process and Methods</b>				
<ul style="list-style-type: none"> <li>• Indicate what the study was looking into (Topic)</li> <li>• Nature (Design) of the study (Quantitative or Qualitative)</li> </ul>	Write up		EWSETA 2 days	

<ul style="list-style-type: none"> <li>Objectives of the study</li> <li>Data collection tool</li> <li>Sample size and scope of the study</li> <li>List of data sources and data sets analysed</li> <li>Time frame of the study (When was the study undertaken)</li> </ul>				
<b>Chapter 1</b> Economic Sector Profile(not more than 15 pages)				
<b>Scope of Coverage</b> <ul style="list-style-type: none"> <li>What is the coverage of the sector?</li> </ul>	Update where applicable.		EWSETA 1 day	
<b>Key Role-Players</b> <ul style="list-style-type: none"> <li>Who are the primary stakeholders in the sector?</li> </ul>	Stakeholder mapping will be checked and updated if new stakeholders have emerged (from the literature and/or interviews)	Focused list of the key stakeholders in the sector.	EWSETA 2 days	
<b>Economic Performance</b> <ul style="list-style-type: none"> <li>What is the sector's contribution to the economy? How does this compare to the rest of the economy? How is the sector performing currently? What is its future outlook? How competitive is the sector?</li> </ul>	Literature review – addresses structural demand.  Analyse latest data for quantitative analysis e.g. Quantec, StatsSA and any other relevant data sources	Statistical data	EWSETA 15 days	Service Provider 15 days
<b>Employer Profile</b> <ul style="list-style-type: none"> <li>How many businesses are represented within the sector and its sub-sectors?</li> <li>What size are they?</li> <li>Where are they geographically based</li> <li>How have they been performing in terms of start-ups and closures?</li> </ul>	Analysis of EWSETA data (SARS download)  Review of any existing (reliable) reports	Statistical data		

<p><b>Labour Market Profile</b></p> <ul style="list-style-type: none"> <li>• How many people are employed within the sector?</li> <li>• What are the race, gender, age and disability characteristics?</li> <li>• Which sub-sectors do people work within?</li> <li>• Where is employment geographically based?</li> <li>• How has employment in the sector and subsector evolved?</li> <li>• Have there been any measurable trends occurring?</li> <li>• What broad occupational groups within the sector do people belong to?</li> </ul>	<p>Quantitative analysis e.g. Quantec, StatsSA</p>	<p>Statistical data</p>		
<p><b>Chapter 2</b> Key Skills Issues (not more than 5 pages)</p>				
<p><b>Change Drivers</b></p> <ul style="list-style-type: none"> <li>• What are the major factors impacting on skills demand and supply in the sector?</li> <li>• What are the implications of these for skills planning in the sector?</li> <li>• What research methods have been employed to arrive at findings?</li> </ul>	<p>Literature review (focus on publications over the past year) – addresses cyclical demand</p>	<p>A review of the main findings from academic and other sources</p>	<p>EWSETA 6 days</p>	<p>Service Provider 3 days</p>
<p><b>Alignment with National Strategies and Plans</b></p> <ul style="list-style-type: none"> <li>• What are the major national plans and strategies saying about the sector?</li> <li>• What are the implications for skills planning in the sector</li> </ul>	<p>Update SSP with developments from the past year.</p>	<p>Review of outputs from relevant ministries over the past year affecting EWSETA plans.</p>	<p>EWSETA 3 days</p>	
<p><b>Chapter 3</b></p>				

Skills Shortages (not more than 20 pages)				
<p><b>Extent and nature of demand</b></p> <ul style="list-style-type: none"> <li>• What is the number and types of vacancies?</li> <li>• Which occupations are hard-to-fill? Why?</li> <li>• What are the occupational wage trends?</li> <li>• What are occupational employment trends?</li> <li>• What are the conditions of Employment?</li> <li>• How is migration impacting on the sector?</li> </ul>	<p>WSP</p> <p>Analysis of recruitment data;</p> <p>Interviews with up to 20 key recruiters in the sector</p>	<p>Statistical data</p> <p>Interview transcripts</p>		<p>Service Provider</p> <p>10 days</p>
<p><b>Extent and nature of supply</b></p> <ul style="list-style-type: none"> <li>• What is the extent of occupational skills supply in the sector?</li> <li>• What is the state of education and training provision?</li> <li>• What supply problems are firms experiencing?</li> </ul>	<ul style="list-style-type: none"> <li>• Analysis of DHET data</li> <li>• Analysis of EWSETA qualifications data</li> <li>• Literature review;</li> <li>• Interviews with provider institutions</li> </ul>	<p>Statistical data and interview transcripts</p>		<p>Service Provider</p> <p>7 days</p>
<p><b>Identification of scarce skills and skills gaps</b></p> <ul style="list-style-type: none"> <li>• What are the scarce skills in the sector? Provide a scarce skills list.</li> <li>• What is the extent of scarcity?</li> <li>• What are the skills gaps in the sector that need improving?</li> <li>• What is the impact of shortages on firms?</li> <li>• How employable are graduates?</li> </ul>	<p>WSP analysis and interviews with recruitment agencies</p>	<p>Statistical data</p> <p>Interview transcripts</p>		<p>Service Provider</p> <p>10 days</p>
<p><b>Chapter 4</b></p> <p>Sector Partnerships (not more than 5 pages)</p>				



<p><b>Existing Partnerships</b></p> <ul style="list-style-type: none"> <li>• What is the state of existing SETA partnerships?</li> <li>• How successful are these partnerships? Based on what evidence?</li> <li>• What is working well with partnerships?</li> <li>• What are some of the problems experienced with partnerships?</li> <li>• What should be done to strengthen partnerships?</li> </ul>	<p>Interviews with EWSETA partners</p>	<p>Interview transcripts</p>		<p>Service Provider 2 days</p>
<p><b>New Partnerships</b></p> <ul style="list-style-type: none"> <li>• What new partnerships are needed for the sector? Why?</li> <li>• What is the plan of action?</li> </ul>	<p>Interviews with EWSETA</p>	<p>Interview transcripts</p>	<p>EWSETA 3 days</p>	
<p><b>Chapter 5</b> SETA Monitoring and Evaluation (not more than 5 pages)</p>				
<ul style="list-style-type: none"> <li>• A clear outline of how the EWSETA approaches Monitoring and Evaluation</li> <li>• A summary reflection on previous performance of the SETA regarding Strategic priorities to inform skills planning</li> <li>• A clear plan of action is outlined to inform the next planning cycle</li> </ul>	<p>Write-up in consultation with latest EWSETA M&amp;E framework (where available), SPs, APPs, QMRs, AOPs and APRs</p>		<p>EWSETA 3 days</p>	
<p><b>Chapter 6</b> Skills Priority Actions (not more than 5 pages)</p>				
<p><b>Findings from Previous Chapters</b></p> <ul style="list-style-type: none"> <li>• What are the key findings from previous chapters?</li> </ul>	<p>Write-up summary of key findings</p>			<p>Service Provider 1 day</p>
<p><b>Recommended Actions</b></p>	<p>Write up</p>			<p>Service Provider</p>

<ul style="list-style-type: none"> <li>• What are the skills priorities for the sector?</li> <li>• What measures should be initiated to support national strategies and plans</li> </ul>				2 days
<b>Bibliography</b> (List of References – Harvard Method)				
A bibliography must be included at the end (maximum of 2 pages) and must be in Harvard style				
<b>Total days<sup>2</sup></b>			<b>38 EWSETA days</b>	<b>51 Service Provider days</b>

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<sup>2</sup> Estimate only

## 14. ANNEXURE 1 - SBD1

### PART A INVITATION TO BID

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE ENERGY &amp; WATER SECTOR EDUCATION AND TRAINING AUTHORITY</b>					
BID NUMBER:	EWSETA/RFP/117/2020	CLOSING DATE:	30 March 2021	CLOSING TIME:	13:00HOURS
DESCRIPTION	PROVISION OF RESEARCH SERVICES FOR DEVELOPING/UPDATING THE EWSETA SECTOR SKILLS PLAN (SSP)				
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b>					

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX  
SITUATED AT (STREET ADDRESS)

<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes  <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes  <input type="checkbox"/> No	
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)			
	<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)			
	<input type="checkbox"/>	A REGISTERED AUDITOR			
		NAME:			

**[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]**

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No  [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No  [IF YES ANSWER PART B:3 BELOW ]
<b>SIGNATURE OF BIDDER</b>	.....	<b>DATE</b>	
<b>CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)</b>			
<b>TOTAL NUMBER OF ITEMS OFFERED</b>		<b>TOTAL BID PRICE (ALL INCLUSIVE)</b>	
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>		<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>	
DEPARTMENT/ PUBLIC ENTITY	SUPPLY CHAIN MANAGEMENT	CONTACT PERSON	MR. KABELO MASILO
CONTACT PERSON	MPHO MAPHUTI	TELEPHONE NUMBER	011 274 4700
TELEPHONE NUMBER	011 274 4700	FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	kabelom@ewseta.org.za
E-MAIL ADDRESS	<a href="mailto:scmadmin@ewseta.org.za">scmadmin@ewseta.org.za</a>		

## PART B

### TERMS AND CONDITIONS FOR BIDDING

#### 1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE
- 1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
- 1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
- 1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.

#### 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 ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

#### 3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- 3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?  YES  NO
- 3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?  YES  NO
- 3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?  YES  NO
- 3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?  YES  NO

**IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.**

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.**

## **15. ANNEXURE 2 - EWSETA GENERAL CONDITIONS OF CONTRACT**

### **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.

## 16. ANNEXURE 3 - SBD4

### DECLARATION OF INTEREST

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

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

2.1 Full Name of bidder or his or her representative: .....

2.2 Identity Number: .....

2.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>): .....

2.4 Company Registration Number: .....

2.5 Tax Reference Number: .....

2.6 VAT Registration Number: .....

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

<sup>1</sup>“State” means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.





“Shareholder” means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

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

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member: .....

Name of state institution at which you or the person  
connected to the bidder is employed : .....

Position occupied in the state institution: .....

Any other particulars:  
.....  
.....  
.....

2.7.2 If you are presently employed by the state, did you obtain **YES / NO**  
the appropriate authority to undertake remunerative  
work outside employment in the public sector?

2.7.2.1 If yes, did you attached proof of such authority to the bid **YES / NO**  
document?

(Note: Failure to submit proof of such authority, where  
applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:  
.....  
.....  
.....

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



2.8.1 If so, furnish particulars:  
.....  
.....  
.....

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

2.9.1 If so, furnish particulars.  
.....  
.....  
.....

2.10 Are you, or any person connected with the bidder, **YES/NO** aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid?

2.10.1 If so, furnish particulars.  
.....  
.....  
.....

2.11 Do you or any of the directors / trustees / shareholders / members **YES/NO** of the company have any interest in any other related companies whether or not they are bidding for this contract?

2.11.1 If so, furnish particulars:  
.....  
.....  
.....



**3 FULL DETAILS OF DIRECTORS / TRUSTEES / MEMBERS / SHAREHOLDERS.**

Full Name	Identity Number	Personal Tax Reference Number	State Number / Employee Pearsal Number

**4 DECLARATION**

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

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of bidder

## 17. ANNEXURE 4 - 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.**

#### 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:

1.2.1 **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.

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

- 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;

### 3. 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

2.3 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**

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.

WITNESSES

1. ....

2. ....

.....  
SIGNATURE(S) OF BIDDERS(S)

DATE: .....

ADDRESS .....

.....



**18. ANNEXURE 5 - SBD 8**

**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**

## **19. ANNEXURE 6 - SBD 9**

### **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