Economic Development & Tourism

Department:
Economic Development & Tourism
NORTHERN CAPE PROVINCE
REPUBLIC OF SOUTH AFRICA

REQUEST FOR BID: DEDaT 0003/2019

UPINGTON 26 PRECINCT DEVELOPMENT

APPOINTMENT OF A SERVICE PROVIDER TO DESIGN AND COST THE DEVELOPMENT OF THE UPINGTON 26 PRECINCT AND TO RECOMMEND A BEST MANAGEMENT MODEL

TENDER NO. DEDaT 0003/2019

TERMS OF REFERENCE

ELIGIBILITY	:	A competent registered service provider to design and cost the development of the Upington 26 precinct and to recommend a best management model.
DUTY STATION	:	Kimberley Project Office, South Africa.
REPORT TO	:	The Project Manager
APPOINTED BY	:	Department of Economic Development and Tourism, Northern Cape Provincial Government, South Africa.

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1. BACKGROUND

The Northern Cape Department of Economic Development and Tourism (The Department, DEDaT) seeks to appoint a competent registered company to design, cost and recommend the development of the Upington 26 precinct to the department.

DEDaT is responsible to deliver on job creation, infrastructure development and tourism industry transformation. In addition, the department is tasked to develop township economies and ensure its integration in the main stream economy of South Africa.

Developing the tourism industry and promoting South Africa as a destination is a priority development initiative of the President of South Africa while the industry is also flagged as key to economic growth in the National Development Plan.

The Northern Cape is positioned in the market as a destination preferred for adventure, nature and cultural heritage. This we achieve through tourist route and tourism precinct development and enhancing the travel experiences each route presents to the market, especially heritage related experiences.

Upington 26 Monument is situated in the main street of Paballelo, King Street, it was unveiled in 2012 by the Department of Sports, Arts and Culture.

The events of Upington 26 dates back to the 13th November 1985, when a crowd of 3000 anti-apartheid protesters gathered at a soccer field in Pabalello, Upington were teargassed by riot police. The crowd dispersed in different directions.

A group of 200 residents gathered outside House No 405, Pilane Street the home of municipal police officer Lucas Sethwala. The group started chanting and throwing stones at the Sethwala home. Sethwala fired two shots at the crowd, wounding a young boy. He fled the house and ran towards J Shimane Hall. He was caught by the crowd, stoned, hit with his rifle butt and set alight. Twenty-six people were arrested charged with participation in the killing of Sethwala.

Out of the 26, 25 were convicted of murder on the basis of common purpose and 14 were sentenced to death. The twenty-sixth person was convicted of attempted murder and sentenced to eight years. The group of individuals who faced charges for the murder of Lucas Sethwala became known as the Upington 26. Some of the activists are still alive and they will become critical stakeholders in the project.

The envisaged outcome is for Upington26 Monument to be developed and recognized in the same manner as Vilakazi Street in Soweto and be able to attract visitors and offer a rich history and activities for the tourists.

2. PROJECT OBJECTIVE/PURPOSE

To design and cost the development of the Upington 26 precinct and to recommend a best management model to the department.

3. COLLABORATIVE PARTNERSHIPS AND RELATIONSHIPS

The project working relationships are the following:

- The Department of Economic Development and Tourism
- ZF Mcgawu District Municipality
- Dawid Kruiper Local Municipality
- Upington 26 Trust Members
- Department of Sports, Arts and Culture
- McGregor museum
- Northern Cape Tourism Authority
- Local Tourist Guides.
- And other relevant stakeholders as identified from time to time.
- Appointed service provider.

4. POLICY REGULATORY AND LEGISLATIVE FRAMEWORK

All regulations, policies, acts, frameworks, procedures and any sort of law applicable must be adhered to and in full compliance. They are listed below:

- The South African Constitution
- Public Finance Management Act (Act 1 of 1999)
- Preferential Procurement Policy Framework Act (PPPFA) 2000 (Act 5 of 2000): and Preferential Procurement Regulations, 2017
- Treasury regulations
- National Environmental Management Act (NEMA) 1998 (Act 107 of 1998)
- Prevention and Combating of Corrupt Activities Act (PCCAA) 2004 (Act 12 of 2004)
- Supply Chain Management Practice Notes and Circulars
- Broad-Based Black Economic Empowerment Act (BBBEEA) 2003 (Act 53 of 2003)
- Competition Act (CA) 1998 (Act 89 of 1998)
- Foreign Corrupt Practices Act, 2004
- Protection of information Act
- Occupational Health and safety Act

5. PROJECT SCOPE

The scope of work is as follows, but not limited to –

PHASE 1: PROJECT KICK-OFF

5.1. Identify precinct stakeholders and establish expectations and development opportunity.
5.2. Identify and recruit precinct development champions.
5.3. Commission a precinct development technical committee.
5.4. Develop a work plan for project progress monitoring.
5.5. Define the Upington 26 precinct and map it.
5.6. Identify linkages of the Upington 26 precinct to other present and potential tourism experience offerings in the township. Link it to a proposed Upington 26 Route as tourism experience to be offered to the market.

5.7. Collect all required information and data to influence precinct design, development and management. This will include a survey of all enterprise trading in or near the project location.

PHASE 2: PRECINCT PLANNING

5.8. Consider applicable legislation, policies and strategies and indicate required statuary approvals for the development of the Upington 26 precinct.
5.9. Consider precinct biophysical and environmental conditions.
5.10. Consider current land-use, zoning and property ownership.
5.11. Consider precinct use patterns.
5.12. Consider bulk infrastructure capacity, precinct access and communication infrastructure and indicate suitability to support precinct development and make recommendations in this regard.
5.13. Consider related culture, history and heritage to influence precinct design, development and management.
5.14. Consider sense of place, location character and identity within the community.
5.15. Conduct a tourism demand analysis.
5.16. Conduct a tourism supply analysis.
5.17. Develop a skills development plan in support of operating the precinct.

PHASE 3: PRECINT DESIGN

5.18. Develop precinct conceptual plan.
5.19. Define the tourism experience to be offered.
5.20. Define required access, connectivity and mobility.
5.21. Define infrastructure to be developed.
5.22. Provide conceptual precinct design.
5.23. Develop a precinct management plan.
5.24. Develop a project costing.
5.25. Develop a precinct development plan and conceptual designs to inform architectural working drawings.
5.26. Conduct community and stakeholder consultation process to secure project buy-in.
5.27. Develop a term of reference for use in tender for project construction.
5.28. In addition to the above the appointed service provider must –
    5.28.1. Be reasonably available for bi-weekly project technical committee meetings.
    5.28.2. Develop progress reports and related project presentations.
    5.28.3. Submit the project close-out report electronically in a PDF format
    5.28.4. Submit five (5) A3 size copies of the project close-out report and project designs / maps in full colour
    5.28.5. Agree to it that DEDaT will take full ownership of the project report and designs.

6. REQUEST FOR BID TERMS AND CONDITIONS

The following guidelines are provided to assist a Bidder in completing a response:

6.1. The bid should be written in simple tense English for easy understanding and perusal.
6.2. Over and above all conditions stipulated by the Provincial Supply Chain Management, Bidders are advised to familiarize themselves with the following policy document:
    6.2.1. PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000, (ACT NO.5 OF 2000) and the PREFERENTIAL PROCUREMENT REGULATIONS, 2017. (PPPFA,2017)
6.3. The terms and conditions specified in this bid must be read in conjunction with the PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000, (ACT NO.5 OF 2000) and the PREFERENTIAL PROCUREMENT REGULATIONS, 2017 obtainable at http://www.parliament.gov.za and which forms an

integral part of this bid. Prospective service providers will be well advised to also familiarize themselves with the contents of the Act.

6.4. All costs incurred in the preparation and presentation of the bid shall be wholly absorbed by the Bidder.

6.5. All information, supporting materials and other documentation submitted with the bid will become the property of the Northern Cape Department of Economic Development and Tourism.

6.6. All prices must be South Africa Rand (ZAR), including VAT. All prices must be valid for a period of 120 days from date of submission.

6.7. DEDaT shall not be liable for any costs incurred by the Bidder in the preparation of response to this Request For Bid. The preparation of response will be made without obligation to acquire any of the items included in the Bidder's proposal or to select any proposal, or to discuss the reasons why such Bidder's or any other proposal was accepted or rejected.

6.8. All invoices shall only become payable within 30 days upon receipt of an invoice by DEDaT after service has been rendered or goods provided.

6.9. No interest shall be payable in the event of a dispute nor accrue on any payments due during a period of dispute.

6.10. Responses received after the specified due date and time will not be accepted under any circumstances.

6.11. The lowest or only bid would not necessarily have to be accepted by the DEDaT and as such, the DEDaT reserves the right to accept any or no bid at all.

6.12. The DEDaT reserves the right to enter into negotiations with Bidders (who have been short-listed) under the conventions embodied in the principles of "Best And Final Offer" (BAFO).

6.13. Instructions to the Bidder on what needs to be included in the bid and indicating the failure to which non-compliance will be dealt with as well as how any dispute or grievances are to be dealt with are indicated in the bid documents. The terms of the general condition of contract (GCC) forms the general basis of the contract which will be further espoused in the Special Condition of Contract (SCC) in the form of a Service Level Agreement (SLA).

6.14. The Department will become the owner of all information. Documents, programmes, advice and reports collected and compiled by the service provider in the execution of this tender.

6.15. The copyright of all documents, programmes and report must be regarded as confidential and may not be made available to any unauthorized person or institution without the written consent of the Department.

6.16. The Department reserves the right to terminate this appointment or temporarily defer the work, or any part thereof, at any stage of completion should the Department decide not to proceed with the tender.

6.17. The service provider must be a single legal entity with all other necessary expertise secured. The Department will enter into a single contract with a single entity for the delivery of the work set out in this tender.

6.18. The bidding entity shall be the same entity that will execute the bid. Any bid found to be fronting for another entity or entities shall be disqualified immediately upon discovery.

6.19. Bidders may ask for clarification on these tender documents or any part thereof five (5) working days before the deadline for the submission of the bids.

6.20. Bidders may not contact the Department on any matter pertaining to their bid from the time when the bids are submitted to the time the contract is awarded. Any effort by the bidder to influence bid evaluation, bid comparison or bid award decisions in any manner, may result in rejection of the bid concerned completely upon discovery.

6.21. At any time prior to the deadline for submission of bids, the department may for any reason whether at its own initiative or in response to a clarification requested by a service provider, modify the tender document. The Department may, at its discretion extend the deadline for submission of bids by amending the bid documents.

6.22. No bid may be withdrawn in the interval between the deadline for submission of bids and the expiration of the validity period.

6.23. The bidder must furnish the Department with any information that may influence the award of the bid or not. Such information if found later will lead to the termination of the contract.

6.24. SUPPLIER DUE DILIGENCE

The Department of Economic Development and Tourism reserves the right to conduct supplier due diligence prior to final award or at any time during the contract period. This may include site visit. A negative report might lead to performance management with its related issues and or consequences.

7. REQUEST FOR BID/PROPOSAL REQUIREMENTS

Companies responding to this bid are required to submit the following information:

7.1. The following will be the minimum requirements that must be disclosed in the bid/proposal.

7.1.1. General background.

7.1.2. The name and contact details (telephone and/or mobile, fax, email, and postal address) of the project leader (on the front cover of the proposal).

7.1.3. Particulars of project team members who will be involved in the project on an on-going basis (including qualifications and experience –CV's to be included), a breakdown of race, age demographics, gender and disability.

7.1.4. The name of company, business addresses and contact details.

7.1.5. Overview of the organisation's capabilities and experience, i.e. Credentials

7.1.6. How long have you been in business?

7.1.7. What is your company's core business, and how long has this been your core business?

7.1.8. What is the total complement of your staff, and what is the statistical breakdown in terms of gender and previously disadvantaged individuals?

7.1.9. What is the complement of your management and technical staff, and what is the numerical breakdown in terms of gender and previously disadvantaged individuals?

7.1.10. Provide details of clients who make use of products and services similar to the ones you offer in this bid, including names, contact persons and the nature of the services.

7.1.11. Any other additional information to strengthen your bid/proposal will be considered.

7.2. The taxes of the successful Bidder must be in order, or satisfactory arrangements must have been made with the Receiver of Revenue to meet his/her tax obligations. This information must be clearly updated on the CSD.

7.3. In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must have a separate Tax Clearance Certificate, NCP 3.1, NCP 4, NCP 8 and NCP 9. International companies are to make arrangements with South African Revenue Services for a Tax Clearance certificate.

7.4. In the event of a consortium, details of roles and responsibilities of each party are to be provided and the overall management structure of the consortium and business model thereof.

7.5. Five (5) hard copies of the final descriptive document of A4 size in full colour

7.6. Submit five (5) A3 size copies of the project close-out report and project designs/maps in full colour

7.7. Submit the project close out report electronically in a PDF format

7.8. A powerpoint presentation on the work done to the client, Project Steering Committee and other identified stakeholders

7.9. The Standard bidding documents (SBD/NCP) to be completed, NCP3.1, NCP 4, NCP-8 and NCP 9 must be completed in full and the signed declaration forms must be attached to the bid.

NCP 1	Invitation to bid/Request for proposal (PART A)
NCP 2	Tax Clearance certificate requirements must be in good standing and reflect on CSD. Need not submit. (PART B)
NCP 3.1	Pricing schedule – firm prices
NCP 4	Declaration of interest
NCP 8	Declaration of Bidders past SCM practices
NCP 9	Certificate of independent bid determination

7.10. Mandatory Requirements

7.10.1. Registration on Central Supplier Database (CSD)

All prospective bidders must be registered as a service provider on the Centralized Supplier Database. If you are not registered proceed to complete the registration of your company prior to submitting your proposal. Refer to https://secure.csd.gov.za/ to register your company. Ensure that all documentation on the database are updated and valid Attach a copy of the CSD registration "Summary Report" to your bid.

8. COMPULSORY BID CRITERIA

The following bid criteria will apply and must be fully complied with.

1. Provide proof of experience.
2. Bidders must have administrative and management infrastructure to manage, control and perform the service as required at the time of the contract commencement.
3. The tax matters of the bidder must be compliant and in good standing. It must reflect on the CSD. In a case where arrangements have been made with SARS to comply, the proof must be submitted.
4. It is a requirement that bidders must comply with Broad Based Black Economic Empowerment Act by submitting BBBEE certificate to meet our procurement objective criteria as indicated in the terms of reference. In bids where Consortia / Joint Ventures / are submitted a combined BBBEE certificate must be submitted.
5. All NCP/SBD bid documents (3.1, 4,8 & 9) indicated in this tender must be completed, signed and submitted. (As issued)
6. All bids must be submitted on the official forms.
7. This bid is subject to the general conditions of the bid, the special conditions of the bid, the General Conditions of Contract (GCC) and, if applicable, any other special conditions of contract. A Service Level Agreement will be signed upon appointment to administer the contract.
8. The Department reserve the right to terminate the tender or its process or not to appoint any service provider.
9. All prices must be in South African Rand
10. All prices are inclusive of VAT.
11. The bid validity period is 120 days. In exceptional cases, the Department may solicit the Bidder's consent to extend the validity period.
12. No bid may be withdrawn in the interval between the deadlines of submission of bids and expiration of period of bid validity specified by the bidder on the invitation to the bid form.
13. No interest will be payable in the event of a dispute accruing on any payment due during a period of dispute.
14. Bidders should ensure that bids are delivered in time to the correct address. If the bid is late, it shall not be accepted.

15. SUB-CONTRACT

    A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher BBBEE status Level than the person concerned, unless the contract is sub-contracted to an Exempted Micro Enterprise(EME) or Qualifying Small Enterprise(QSE) that has the capability and ability to execute the contract.
16. This request for proposal is prepared in accordance with the Public Finance Management Act, 1999 and its regulation and relevant procurement legislation.
17. SERVICE LEVEL AGREEMENT

    The Service Level Agreement (SLA) will enforce the General and Special Conditions of the Bid and the General conditions of Contract (GCC). The requirements/conditions of the SLA are non-negotiable and must be adhered to at all times. Failure to adhere will necessitate a consequence management in regards to non-performance. Insufficient materials or the lack thereof will be purchased by the Department and deducted from the service provider's payment. The bidder must inform the Department of any litigation or going concern status of the company before appointment or during contract execution.
18. GOVERNING LAW

    South African law governs this bid and the bid response process. The bidder agrees to submit to the exclusive jurisdiction of the South African courts in any dispute of any kind that may arise out of or in connection with the subject matter of this bid, the bid itself and all processes associated with the bid. This agreement is binding upon submitting your bid.
19. LEGISLATIVE ASSOCIATION

    A legislative association applicable that may be applicable to this bid must be adhered to. A professional association will be an added advantage. However, in a case where the legislative association is the professional association one declaration is enough for recognition. Bidders must provide full details of registration and proof of good standing.
20. TENDER DEFAULTERS AND RESTRICTED SUPPLIERS

    No tender shall be awarded to a bidder whose name (or any of its members, directors, partners or trustees) appear on the Register of Tender Defaulters kept by National Treasury, or who have been placed on National Treasury List of Restricted Suppliers. The DEDaT reserves the right to withdraw an award, or cancel a contract concluded with a bidder should it be established at any time that the bidder has been blacklisted with National Treasury or by another government institution.
21. FRONTING

    a. Government supports the spirit of broad based black economic empowerment and recognizes that it can only be achieved through individuals and businesses conducting themselves in accordance with the constitution and in an honest, fair, equitable, transparent and legally compliant manner. Against this background the Department of Economic Development and Tourism condemn any form of fronting.
    b. The government in ensuring that Bidders conduct themselves in an honest manner will as part of the bid evaluation processes, conduct or initiate the necessary/investigations to determine the accuracy of the representation made in the bid documents. Should any of the fronting indicators as contained in the guidelines on complex structures and transactions and fronting, issued by the Department of Trade and Industry, be established during such enquiry/investigation, the onus will be on the Bidder/contractor to prove that fronting does not exist. Failure to do so within a period of 14 days from date of notification may invalidate the bid/contract and may also result in the restriction of the Bidder/contractor to conduct business with the public sector for a period not exceeding ten years, in addition to any other remedies the Department of Economic Development and Tourism may have against the Bidder/contractor concerned.

9. EVALUATION CRITERIA

The evaluation will be done as follows:

i. Prequalification
ii. Functionality / technical proposal evaluation
iii. Pricing proposal i.e. 80/20 principle

The functionality assessment involves evaluating the capabilities and abilities of the service provider to undertake the contract. This bid is a two stage bidding process. The technical proposal must be separated from the financial proposal in two different envelopes but both envelopes must be submitted at the same time before the closing date and time. This condition must be met.

9.1. PREQUALIFICATION

It is a condition of this tender to have at least BBBEE level contributor of two (2) or one (1).

9.2. FUNCTIONALITY CRITERIA

The Technical Proposal Assessment will carry 100 points based on the criteria below.

9.2.1. TECHNICAL PROPOSAL-100 points

1. Proven experience in the scope of work or similar work done. Verifiable referrals and/or contract.

Criteria	Rating
0-1 year	1
1.1-2 years	2
2.1-3 years	3
3.1-4 years	4
≥5 years	5

2. Financial Capability – Positive working capital

Criteria	Rating
R 0- R50 000	0
R 50 001 - R100 000	1
R 100 001 – R200 000	2
R 200 001 – R 500 000	3
R 500 001 – R 1 000 000	4
≥ R1 million	5

3. Human Resource
   Organisational structure indicating number of employees. The company must have a comprehensive Human Resource Policy and planning including recruitment with qualification of supervisors and employees, vetting procedures, service benefits, code of practice, training and development.

4. Identified presence or functioning office within the Northern Cape
    a. Proof of municipal account (3months statement) and/or tenancy agreement in the case of a tenant.
    b. Proof of official functioning office in Northern Cape.
    c. Verifiable clients within the Northern Cape.

5. Demonstration of methodology to achieve project scope
   Completeness of response to achieve project scope with an outlined project methodology to cover:
    a. Provide project concept and designs to the satisfaction of the client
    b. Provide project management services on the implementation phase to the satisfaction of the client
    c. Market and promote the projects to the satisfaction of the client
    d. Ensure their availability for project meetings as called for
    e. Risk management process i.e. risk assessment, mitigation strategies and business continuity
    f. Mitigation plan for risk or threats
    g. Qualified project Manager

6. The criteria below will be utilised to evaluate the scope of work.

Criteria	Description	Rating
0 %	Does not satisfy the minimum requirements. Non compliance	0
20 %	Satisfies the requirement with major reservations. Considerable reservations of the supplier's relevant ability, understanding, experience, skills, resource and quality measures required to provide the goods / services, with little or no supporting evidence.	1
40 %	Satisfies the requirement with minor reservations. Some minor reservations of the supplier's relevant ability, understanding, experience, skills, resource and quality measures required to provide the goods / services, with little or no supporting evidence.	2
60 %	Satisfies the requirement. Demonstration by the supplier of the relevant ability, understanding, experience, skills, resource, and quality measures required to provide the goods / services, with supporting evidence.	3
80 %	Satisfies the requirement with minor additional benefits. Above average demonstration by the supplier of the relevant ability, understanding, experience, skills, resource and quality measures required to provide the goods / services. Response identifies factors that will offer potential added value, with supporting evidence.	4
100%	Exceeds the requirement. Exceptional demonstration by the supplier of the relevant ability, understanding, experience, skills, resource and quality measures required to provide the goods / services. Response identifies factors that will offer potential added value, with supporting evidence.	5

TECHNICAL PROPOSAL ASSESSMENT – 100 POINTS			
CRITERIA	**RATE**	**WEIGHT**	**TOTAL**
1. Proven experience in scope of work		10	
2. Financial Capability		15	
3. Human Resource Capabilities		10	
4. Identified presence or office within the Northern cape			
a. Proof of municipal account- 3 months statement		10	
b. Proof of official functioning office in Northern Cape		15	
c. Verifiable clients within the Northern cape		10	
5. Demonstration of methodology to achieve project scope		30	
Total		**100**	

Bidders must obtain at least 65% to qualify on functionality. Bidders who do not achieve the minimum of 65% will be disqualified.

9.3. 80/20 POINT SYSTEM

In addition to the criteria stipulated in the official bid documentation, bids/proposals will be evaluated in terms of the following criteria:

1. The bid will be awarded based on the 80/20 preference point system.
2. In terms of Regulation 6 (1) of the Preferential Procurement Regulations 2017 and section 2 of the Preferential Procurement Act, preference points will be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below: (For more information check (PPPF Regualation,2017).

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. Sworn affidavit for BBBEE Exempted Micro Enterprise
b. B-BBEE Status Level Certificate accredited by SANAS
   As a minimum requirement, all valid B-BBEE Status Level Verification Certificates should have the following information detailed on the face of the certificate:
   i. The name and physical location of the measured entity;
   ii. The registration number and, where applicable, the VAT number of the measured entity;
   iii. The issuing and expiry dates must be indicated. The certificate is valid for a one (1year period only. The certificate number for identification and reference;
   iv. The scorecard that was used (for example EME, QSE or GENERIC);
   v. The name and / or logo of the Verification Agency;
   vi. The SANAS logo;
   vii. The certificate must be signed by the authorized person from the Verification Agency; and the B-BBEE Status Level of Contribution obtained by the measured entity.

10. CONTRACTUAL AGREEMENT

The successful bidder will be required to enter into a formal contract with DEDaT that shall be based on this bid specification, the accepted bid, and the letter of acceptance. The contractual agreement may be extended upon mutual agreement between the successful service provider and DEDaT.

The bidder shall not, after the bid has been awarded, assign or cede the contract to any other party without the prior written consent.

Variations and amendments to the contract shall be valid only if they are done in writing and by mutual consent. Any contract between the Department and the successful bidder shall be governed by the laws of the Republic of South Africa.

11. REPORT

The successful bidder will submit reports in one original and copies if necessary. This will be incorporated into the Service Level Agreement (SLA). The project manager in collaboration with the steering committee will be responsible for receiving and approving the reports.

12. MONITORING AND EVALUATION

The project manager with assistance from the project steering committee and contract management will be responsible for the monitoring and evaluation of the execution of the contract.

13. SUBMISSION OF BID

Interested Service Providers must place bid in the Tender Box with the following details:

a. Physical Address

Northern Cape Economic Development and Tourism
Cnr. of Knight and Stead Street
Metlife Towers (Entrance)
Ground Floor
Kimberley
8300

b. Briefing session

A briefing session will be organised as follows

i. Date and time

Date: 20 February 2020
Time: 10H00
Venue: Tourism Office
94 Schroeder Street
Upington

c. Closing Details

Date: 28 February 2020

Time: 11:00

d. Collection of documents

www.etenders.gov.za

14. DEFINITION

Unless inconsistent with or otherwise clearly indicated by the context, the following term shall have the meanings assigned to hereunder, namely:

"Department" Refers to the Department of Economic Development and Tourism.

"Parties" Refers to the Department of Economic Development and Tourism and the Service Provider

"Province" Refers to Northern Cape

"Project manager" Refers to the official responsible for the implementation of the project of the Department

"Steering Committee" Refers to the Departmental Steering Committee

"Service Provider" Refers to the successful bidder who has been appointed to undertake the project

15. DOCUMENTS

PART A

INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (*NAME OF DEPARTMENT/ PUBLIC ENTITY*)					
BID NUMBER:	**DEDaT 0003/2019**	**CLOSING DATE:**	**28 FEBRUARY 2020**	**CLOSING TIME:**	**11H00**
DESCRIPTION	**APPOINTMENT OF A SERVICE PROVIDER TO DESIGN AND COST THE DEVELOPMENT OF THE UPINGTON 26 PRECINCT AND TO RECOMMEND A BEST MANAGEMENT MODEL**				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT *(STREET ADDRESS)*					
GROUND FLOOR(ENTRANCE)					
METLIFE TOWERS					
MARKET SQUARE					
KIMBERLEY					

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		**TECHNICAL ENQUIRIES MAY BE DIRECTED TO:**	
CONTACT PERSON	**BASSANIO AWUAH**	**CONTACT PERSON**	**JOHAN VAN SCHALKWYK**
TELEPHONE NUMBER	**053 839 4056**	**TELEPHONE NUMBER**	**053 830 4892**
FACSIMILE NUMBER	**053 831 3668**	**FACSIMILE NUMBER**	**079 525 3854**
E-MAIL ADDRESS	**BassanioA@ncpg.gov.za**	**E-MAIL ADDRESS**	**jvs.dtec@gmail.com**

SUPPLIER INFORMATION				
NAME OF BIDDER				
POSTAL ADDRESS				
STREET ADDRESS				
TELEPHONE NUMBER	**CODE**		**NUMBER**	
CELLPHONE NUMBER				
FACSIMILE NUMBER	**CODE**		**NUMBER**	

E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	**TAX COMPLIANCE SYSTEM PIN:**		**OR**	**CENTRAL SUPPLIER DATABASE No:**	**MAAA**
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	**TICK APPLICABLE BOX]** ☐ **Yes** ☐ **No**		**B-BBEE STATUS LEVEL SWORN AFFIDAVIT**		**[TICK APPLICABLE BOX]** ☐ **Yes** ☐ **No**
[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?	☐Yes ☐No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR **THE GOODS/SERVICES /WORKS OFFERED?**		☐ Yes ☐ No [IF YES, ANSWER PART B:3]

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	☐ YES ☐ NO
DOES THE ENTITY HAVE A BRANCH IN THE RSA?	☐ YES ☐ NO
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	☐ YES ☐ NO
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	☐ YES ☐ NO
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	☐ YES ☐ NO

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

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 IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
1.3. 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 SPECIAL CONDITIONS OF CONTRACT.
1.4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**
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 VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER: ……

CAPACITY UNDER WHICH THIS BID IS SIGNED: ……

(Proof of authority must be submitted e.g. company resolution)

DATE: ……...

SBD 3.1

PRICING SCHEDULE – FIRM PRICES

(PURCHASES)

NOTE: **ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED**

IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of bidder……..……	Bid number…….....
Closing Time 11:00	Closing date……...

OFFER TO BE VALID FOR……DAYS FROM THE CLOSING DATE OF BID.

ITEM NO.	QUANTITY	DESCRIPTION	BID PRICE IN RSA CURRENCY ** (ALL APPLICABLE TAXES INCLUDED)

- Required by: …….
- At: …….

  ……
- Brand and model …….

- Country of origin …….

- Does the offer comply with the specification(s)? *YES/NO

- If not to specification, indicate deviation(s) …….

- Period required for delivery …….
  *Delivery: Firm/not firm

- Delivery basis ……

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination.

** "all applicable taxes" includes value- added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

*Delete if not applicable

SBD 4

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state[1], or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

   - the bidder is employed by the state; and/or

   - the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

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

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

2.2 Identity Number: ……

2.3 Position occupied in the Company (director, trustee, shareholder[2]): ……..

2.4 Company Registration Number: ……..…….

2.5 Tax Reference Number: ……..……

2.6 VAT Registration Number: ……....

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

[1]"State" means –

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

(b) any municipality or municipal entity;

(c) provincial legislature;

(d) national Assembly or the national Council of provinces; or

(e) Parliament.

[2]"Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

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

2.7.1 If so, furnish the following particulars:

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

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

Position occupied in the state institution: ……

Any other particulars:

……

……

……

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

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

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

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

……

……

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

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, 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? **YES/NO**

2.10.1 If so, furnish particulars**.**

……

……

……

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

2.11.1 If so, furnish particulars:

……

……

……

Full details of directors / trustees / members / shareholders.

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

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

SBD 8

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

1 This Standard Bidding Document must form part of all bids invited.

2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.

3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-

a. abused the institution's supply chain management system;

b. committed fraud or any other improper conduct in relation to such system; or

c. failed to perform on any previous contract.

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

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the *audi alteram partem* rule was applied). **The Database of Restricted Suppliers now resides on the National Treasury's website(**www.treasury.gov.za**) and can be accessed by clicking on its link at the bottom of the home page.**	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)? **The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.**	Yes ☐	No ☐
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes ☐	No ☐
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes ☐	No ☐
4.4.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (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**

SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

1 This Standard Bidding Document (SBD) must form part of all bids[1] invited.

2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).[2] Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.

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

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

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

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

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

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

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

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[3] 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.

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

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