



T14/05/21

**REQUEST FOR PROPOSALS:
THE ESTABLISHMENT OF
INFRASTRUCTURE SOUTH AFRICA
(ISA) AS A PUBLIC ENTITY OF THE
DEPARTMENT OF PUBLIC WORKS AND
INFRASTRUCTURE**

**BID CLOSING DATE:
27 MAY 2021 AT 11:00 AM**

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SECTION 1: GENERAL CONDITIONS OF BID

1. Proprietary Information

Industrial Development Corporation of SA Ltd (IDC) considers this Request for Proposal (RFP) and all related information, either written or verbal, which is provided to the respondent, to be proprietary to IDC. It shall be kept confidential by the respondent and its officers, employees, agents and representatives. The respondent shall not disclose, publish, or advertise this RFP or related information to any third party without the prior written consent of IDC.

2. Enquiries

- 2.1 All communication and attempts to solicit information of any kind relative to this RFP should be channelled **in writing** to:

Name:	<u>Mrs Mmanthudi Mosupyoe</u>
Telephone Number:	<u>+27 11 269 3709</u>
Email address:	<u>MmanthudiM@idc.co.za</u>

- 2.2 Enquiries in relation to this RFP will not be entertained after **16h00 on 17 May 2021**.
- 2.3 The enquiries will be consolidated and IDC will issue one response and such response will be posted, within two days after the last day of enquiries, onto the IDC website (www.idc.co.za) under tenders i.e. next to the same RFP document.
- 2.4 The IDC may respond to any enquiry in its absolute discretion and the bidder acknowledges that it will have no claim against the IDC on the basis that its bid was disadvantaged by lack of information, or inability to resolve ambiguities.

3. Bid Validity Period

Responses to this RFP received from bidders will be valid for a period of **120** days counted from the bid closing date.

4. Instructions on submission of Bids

- 4.1 Bid responses must be submitted in electronic format only and must be e-mailed to the dedicated e-mail address as provided herein.
- 4.2 Bid responses should be in generally acceptable / standard electronic file format/s (i.e. Microsoft suite of products or pdf) to enable access thereto by the IDC for purposes of evaluating responses received. Where documents are presented in a format which cannot be accessed by the IDC through generally acceptable formats, such bid response will be disqualified.
- 4.3 The closing date for the submission of bids is **27 May 2021** not later than **11:00 AM (before midday)**. No late bids will be considered. Bids must **only** be sent to tenders@idc.co.za. Bids sent to any other email address other than the one specified herein will be disqualified and will not be considered for evaluation. It is the bidder's responsibility to ensure that the bid is sent to the correct email address and that this is **received** by the IDC before the closing date and time in IDC's dedicated tender e-mail inbox / address (tenders@idc.co.za).

- 4.4 Bidders are advised to submit / send its bid responses at least 15 minutes before the 11:00AM deadline to avoid any Information Technology (IT) network congestions or technical challenges in this regard which may result in bid responses being received late. IDC's e-mail servers are configured to receive e-mails with sizes up to 50MB.
- 4.5 The IDC will not be held responsible for any of the following:
- 4.5.1 bid responses sent to the incorrect email address;
 - 4.5.2 bid responses being inaccessible due to non-standard electronic file formats being utilised to submit responses by bidders;
 - 4.5.3 any security breaches and unlawful interception of tender / bid responses by third parties outside the IDC's IT network domain;
 - 4.5.4 bid responses received late due to any IT network related congestions and/or technical challenges; and
 - 4.5.5 bid responses with file size limits greater than IDC's e-mail receipt capacity of 50MB.
- 4.6 Only responses received via the specified email address will be considered.
- 4.7 Where a complete (Inclusive of all Schedules) bid response is **not received** by the IDC in its electronic email tender box (tenders@idc.co.za) by the closing date and time, such a bid response will be regarded as incomplete and late. Such late and / or incomplete bid will be disqualified. **It is the IDC's policy not to consider late bids for tender evaluation.**
- 4.8 Amended bids may be sent to the electronic tender box (tenders@idc.co.za) **marked** "Amendment to bid" and should be received by the IDC **before** the closing date and time of the bid.

5. Preparation of Bid Response

- 5.1 All the documentation submitted in response to this RFP must be in English.
- 5.2 The bidder is responsible for all the costs that it shall incur related to the preparation and submission of the bid document.
- 5.3 Bids submitted by bidders which are, or are comprised of companies must be signed by a person or persons duly authorised thereto by a resolution of the applicable Board of Directors, a copy of which Resolution, duly certified, must be submitted with the bid.
- 5.4 The bidder should check the numbers of the pages of its bid to satisfy itself that none are missing or duplicated. No liability will be accepted by IDC in regard to anything arising from the fact that pages of a bid are missing or duplicated.
- 5.5 Bidder's tax affairs with SARS must be in order (tax compliant status) and bidders must provide written confirmation to this effect as part of their tender response.

6. Supplier Performance Management

Supplier Performance Management is viewed by the IDC as a critical component in ensuring value for money acquisition and good supplier relations between the IDC and all its suppliers.

The successful bidder shall upon receipt of written notification of an award, be required to conclude a Service Level Agreement (SLA) with the IDC, which will form an integral part of the supply agreement. The SLA will serve as a tool to measure, monitor and assess the

supplier performance and ensure effective delivery of service, quality and value-add to IDC's business.

Successful bidders will be required to comply with the above condition, and also provide a scorecard on how their product / service offering is being measured to achieve the objectives of this condition.

7. Enterprise and Supplier Development

The IDC promotes enterprise development. In this regard, successful bidders may be required to mentor SMMEs and/ or Youth-Owned businesses. The implications of such arrangement will be subject to negotiations between the IDC and the successful bidder.

8. IDC's Rights

- 8.1 The IDC is entitled to amend any bid condition, bid validity period, RFP specification, or extend the bid closing date, all before the bid closing date. All bidders, to whom the RFP documents have been issued and where the IDC have record of such bidders, may be advised in writing of such amendments in good time and any such changes will also be posted on the IDC's website under the relevant tender information. All prospective bidders should therefore ensure that they visit the website regularly and before they submit their bid response to ensure that they are kept updated on any amendments in this regard.
- 8.2 The IDC reserves the right not to accept the lowest priced bid or any bid in part or in whole. It normally awards the contract to the bidder who proves to be fully capable of handling the contract and whose bid is functionally acceptable and/or financially advantageous to the IDC.
- 8.3 The IDC reserves the right to award this bid as a whole or in part.
- 8.4 The IDC reserves the right to conduct site visits at bidder's corporate offices and / or at client sites if so required.
- 8.5 The IDC reserves the right to consider the guidelines and prescribed hourly remuneration rates for consultants as provided in the **National Treasury Instruction 01 of 2013/2014: Cost Containment Measures**, where relevant.
- 8.6 The IDC reserves the right to request all relevant information, agreements and other documents to verify information supplied in the bid response. The bidder hereby gives consent to the IDC to conduct background checks, including FICA verification, on the bidding entity and any of its directors / trustees / shareholders / members.
- 8.7 The IDC reserves the right, at its sole discretion, to appoint any number of vendors to be part of this panel of service providers.
- 8.8 The IDC reserves the right of final decision on the interpretation of its tender requirements and responses thereto.

9. Undertakings by the Bidder

- 9.1 By submitting a bid in response to the RFP, the bidder undertakes to offer to render all or any of the services described in the bid response submitted by it to the IDC on the terms and conditions and in accordance with the specifications stipulated in this RFP document.
- 9.2 The bidder shall prepare for a possible presentation should IDC require such and the bidder will be required to make such presentation within five (5) days from the date the bidder is notified of the presentation. Such presentation may include a practical demonstration of products or services as called for in this RFP.
- 9.3 The bidder agrees that the offer contained in its bid shall remain binding upon him/her and receptive for acceptance by the IDC during the bid validity period indicated in this RFP and its acceptance shall be subject to the terms and conditions contained in this RFP document read with the bid.
- 9.4 The bidder furthermore confirms that he/she has satisfied himself/herself as to the correctness and validity of his/her bid response; that the price(s) and rate(s) quoted cover all the work/item(s) specified in the bid response documents; and that the price(s) and rate(s) cover all his/her obligations under a resulting contract for the services

contemplated in this RFP; and that he/she accepts that any mistakes regarding price(s) and calculations will be at his/her risk.

- 9.5 The successful bidder accepts full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on him/her under the supply agreement and SLA to be concluded with IDC, as the principal(s) liable for the due fulfilment of such contract.
- 9.6 The bidder accepts that all costs incurred in the preparation, presentation and demonstration of the solution offered by it shall be for the account of the bidder. All supporting documentation and manuals submitted with its bid will become IDC property unless otherwise stated by the bidder/s at the time of submission.

10. Reasons for disqualification

- 10.1 The IDC reserves the right to disqualify any bidder which does any one or more of the following, and such disqualification may take place without prior notice to the offending bidder, however the bidder will be notified in writing of such disqualification:
- 10.1.1 bidders who do not submit an original valid Tax Clearance Certificate and / or proof of application of such as endorsed by SARS on the closing date and time of the bid submission and / or failure to provide the IDC with its SARS issued Tax Verification PIN code giving access to the IDC to electronically verify tax compliance;
- 10.1.2 bidders who submit incomplete information and documentation according to the requirements of this RFP document;
- 10.1.3 bidders who submit information that is fraudulent, factually untrue or inaccurate information;
- 10.1.4 bidders who receive information not available to other potential bidders through fraudulent means;
- 10.1.5 bidders who do not comply with any of the **mandatory requirements** as stipulated in the RFP document;
- 10.1.6 bidders who fail to comply with FICA requirements

11. Local Production and Content

The IDC promotes Local Production and Content. In the case of designated sectors, only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered. IDC reserves the right at its sole discretion to set minimum thresholds for sectors which may not have been declared as designated sectors by the dti in an effort to stimulate local production and content where relevant.

Bidders are required to assess their product and /or service offering against the designated sector lists as published by the Department of Trade and Industry (the **dti**) and to ensure full compliance to the minimum local content threshold, if relevant, before submitting its response to this tender. The **dti's** latest list of designated sectors can be accessed on: http://www.dti.gov.za/industrial_development/ip.jsp.

12. Returnable Schedules

Bidders shall submit their bid responses in accordance with the returnable schedules specified below (each schedule must be clearly marked):

- 12.1 **Cover Page:** (the cover page must clearly indicate the RFP reference number, bid description and the bidder's name)
- 12.2 **Schedule 1:**
 - 12.2.1 Executive Summary (explaining how you understand the requirements of this RFP and the summary of your proposed solution)
 - 12.2.2 Annexure 1 of this RFP document (duly completed and signed)
- 12.3 **Schedule 2**
 - 12.3.1 Valid Tax Clearance Certificate(s) (TCC) and / or proof of application as endorsed by SARS and / or SARS issued tax verification pin code;
 - 12.3.2 Originally certified copies of bidder's CIPC company registration documents listing all members with percentages, in case of a CC.
 - 12.3.3 Copy of Board Resolution, duly certified;
 - 12.3.4 Originally certified copy of ID document for the Company Representative
 - 12.3.5 Annexure 2 of this RFP document (duly completed and signed);
 - 12.3.6 Annexure 3 of this RFP document (duly completed and signed);
 - 12.3.7 Annexure 4 of this RFP document (duly completed and signed);
 - 12.3.8 Annexure 5 of this RFP document (duly completed and signed);
 - 12.3.9 Annexure 6 of this RFP document (duly completed and signed);
 - 12.3.10 Annexure 7 of this RFP document (duly completed and signed);
 - 12.3.11 Response to Annexure 8: BEE Commitment Plan
 - 12.3.12 Bidders must submit a B-BBEE verification certificate indicating the contribution level of the bidding entity. For Exempted Micro Enterprises (EME) with an annual revenue of less than R10 million and Qualifying Small Enterprises (QSE) with an annual revenue of between R10 million and R50 million per annum, a sworn affidavit confirming the annual total revenue and level of black ownership may be submitted. Any misrepresentation in terms of the declaration constitutes a criminal offence as set out in the B-BBEE Act as amended.
Note: If a bidder is a Consortium, Joint Venture or Prime Contractor with Subcontractor(s), the documents listed above must be submitted for each Consortium/ JV member or Prime Contractor and Subcontractor(s).
 - 12.3.13 Annexure 9 of this RFP document (duly completed and signed, **if relevant**);
 - 12.3.14 Statement of Financial Position of the Bidder: Latest Audited Financial Statements (where applicable in terms of the Company's Act) and/or independently reviewed financial statements and/or Cashflow Budget for new entities with no financial records.
 - 12.3.15 Copy of Joint Venture/ Consortium/ Subcontracting Agreement duly signed by all parties (if applicable)

12.4 **Schedule 3:**

12.4.1 Response to Section 2 of this document, in line with the format indicated in this RFP document.

12.4.2 Annexure 7 of this RFP document, duly completed and signed

12.5 **Schedule 4:** Price Proposal (response to Section 3 of this RFP document) *(Must be submitted as a separate file/document marked Schedule 4: Price Proposal)*

13. Evaluation Criteria and Weightings

Bids shall be evaluated in terms of the following process:

13.1 **Phase 1: Initial Screening Process:** During this phase, bid responses will be reviewed for purposes of assessing compliance with RFP requirements including the general bid conditions and also the Specific Conditions of Bid, which requirements include the following:

- Submission of a valid Tax Clearance Certificate as referenced in 12.3.1 above
- Submission of Company Registration Forms as referenced 12.3.2 above
- Submission of ID copy for the Company Representative as referenced in 12.3.4 above
- BEE Status Certification as referenced in 12.3.12 above and the consideration of the Specific Bid Conditions as referenced in Section 1
- Completion of all Standard Bidding Documents and other requirements, as reflected in this RFP, which covers the following:
 - Section 2: Statement of compliance with the Functional Evaluation Criteria for this RFP
 - Section 3: Cost Proposal and Price Declaration Form
 - Annexure 1: Acceptance of Bid Conditions
 - Annexure 2: Tax Compliance Requirements
 - Annexure 3: Supply Chain Management Questionnaire
 - Annexure 4: Declaration of Interest
 - Annexure 5: Certificate of Independent Bid Determination
 - Annexure 6: Shareholders' Information/ Group Structure
 - Annexure 7: Bidders Experience & Project Team
 - Annexure 8: BEE Commitment Plan
 - Annexure 9: Disclosure Statement
 - Annexure 10: Local Content Declaration (If Relevant)

Failure to comply with the requirements assessed in Phase 1 (compliance), may lead to disqualification of bids.

13.2 Phase 2: Technical/Functional Evaluation

Bid responses will be evaluated in accordance with the Functional criteria.

13.2.1 Technical/Functional Requirements

The following criteria (set out in more detail in section 3 of this RFP document) and the associated weightings will be applicable:

ELEMENT	WEIGHT
Bidder's management consulting and advisory experience in the creation and establishment of new entities (private and/or public) of a similar scale and complexity.	15
Legislative analysis and drafting experience of similar complexity and national application.	15
Bidder's methodology detailing how all components of the defined Scope of Work will be delivered by the bidder within the contract timeframe.	40
Qualifications, skills and experience of the proposed Team members.	30
TOTAL	100

Note: The minimum qualifying score for functionality is 70%. All bidders that fail to achieve the minimum qualifying score on functionality shall not be considered for further evaluation on Price and BEE.

13.3 Phase 3: Preference Point System

All bids that achieve the minimum qualifying score for Functionality (acceptable bids) will be evaluated further in terms of the preference point system, as follows:

CRITERIA	POINTS
Price	80
B-BBEE	20
TOTAL	100 points

14. Promotion of Emerging Black owned Service Providers

It is the IDC's objective to promote transformation across all industries and/ or sectors of the South African economy and as such, bidders are encouraged to partner with a black owned entity (being 50%+1 black owned and controlled). Such partnership may include the formation of a Joint Venture and/ or subcontracting agreement etc., where a portion of the work under this tender would be undertaken by black owned entities. To give effect to this requirement, bidders are required to submit a partnership / subcontracting proposal detailing the portion of work to be outsourced, level of involvement of the black owned partner and where relevant, submit a consolidated B-BBEE scorecard in-line with the provisions of the PPPFA Regulations which will be considered as part of the B-BBEE scoring listed in 13.3.

SECTION 2: FUNCTIONAL REQUIREMENTS SPECIFICATION

SECTION 2: FUNCTIONAL REQUIREMENTS SPECIFICATION

1. Special instructions to bidders

- 1.1 Should a bidder have reason to believe that the Functional Requirements are not open/fair and/or are written for a particular service provider; the bidder must notify IDC Procurement within five (5) days after publication of the RFP.
- 1.2 Bidders shall provide full and accurate answers to the questions posed in this RFP document, and, where required explicitly state either “Comply/Not Comply” regarding compliance with the requirements. Bidders **must** substantiate their response to all questions, including full details on how their proposal/solution will address specific functional/ technical requirements; failure to substantiate may lead to the bidder being disqualified. All documents as indicated must be supplied as part of the bid response.
- 1.3 Failure to comply with Mandatory Requirements may lead to the bidder being disqualified.

2. Background information

The 6th Administration saw Infrastructure being placed under one umbrella and the establishment of the Department of Public Works and Infrastructure (DPWI). The functions that were moved to DPWI included the infrastructure-related functions that were housed within the then Department of Economic Development, inclusive of the Infrastructure Development Act, No 23 of 2014 as well as the Presidential Infrastructure Coordinating Commission (PICC) Technical Task Team; and those infrastructure-related functions in National Treasury namely the Infrastructure Delivery Management System (IDMS), as detailed in Presidential Proclamation No 49 in Government Gazette 42657 of 23 August 2019.

Since then there have been processes underway to ensure that there is a single entry point for infrastructure management and delivery, along with a comprehensive infrastructure project pipeline. The country was then struck by the COVID-19 pandemic in 2020, which then placed an added emphasis on the need to focus on infrastructure service delivery. The PICC Technical Task Team and the expertise that the funds from National Treasury has managed to source so far for infrastructure project preparation, coordination, planning and review was immediately recognised as the core of the capacity that the state has as it relates to infrastructure, which should then be built on.

SA's Infrastructure Investment Plan, which responded to the economic crisis that has been further exacerbated by the pandemic was then approved on 27 May 2020. The Plan not only identified the immediate, medium and long-term infrastructure projects and programmes as well as the investment strategy but also identified the need for a focused governance structure, inclusive of the PICC Technical Task Team, which is currently housed under Industrial Development Corporation (IDC). This governance structure is known as Infrastructure South Africa (ISA).

South Africa's Economic Reconstruction and Recovery Plan of October 2020 then takes the Infrastructure Investment Plan to the next stage and places infrastructure investment and implementation at a pivotal role in driving the country's economic growth prospects in the years ahead. In the context of severe fiscal constraints, this requires that the State

create an enabling environment that can leverage significant private capital for long-term infrastructure investment. This means building the necessary institutional, policy and regulatory systems that generate confidence in a credible and reliable pipeline of infrastructure transactions that are both attractive to private capital and optimise the use of scarce public resources in an accountable manner.

3. PICC Technical Task Team and ISA

The background below sets the scene for the required organisational, legal and functional structure, for ISA as a public entity. ISA's mandate, besides SA's Infrastructure Investment Plan, can be derived from two other areas. Firstly, from the preamble of the Infrastructure Development Act (IDA), namely:

“To provide for the facilitation and co-ordination of public infrastructure development which is of significant economic or social importance to the Republic; to ensure that infrastructure development in the Republic is given priority in planning, approval and implementation; to ensure that the development goals of the state are promoted through infrastructure development; to improve the management of such infrastructure during all life-cycle phases, including planning, approval, implementation and operations; and to provide for matters incidental thereto.”

Secondly, in relation to the Cabinet decision of 2016, which was actioned from 2018, when it allocated financial resources for the establishment of the Technical Project Management Unit (TPMU)¹ under the PICC TTT, now incorporated and strengthened, along with the essential functions into ISA. The overall high-level aims were to:

Ensure that effective infrastructure planning and implementation are supported by strategic investment choices, efficient project design, effective execution and sustainable financial programming strengthening governance of the public investment effort, enhancing capabilities and institution-building in South Africa's public investment management system and developing clear principles guiding the allocation of public resources to investment projects, and to:

- *Increase the rigour of technical assessment and budgeting for capital, operational and maintenance costs for large infrastructure projects;*
- *Standardise the appraisal of budget submissions with simple and uniform methodologies;*
- *Ensure that full life-cycle costs of projects are explicitly considered in planning, adequately budgeted for and anticipated in future budgets;*
- *Establish a single window and consistent operating procedure for dealing with budget submissions for large infrastructure projects and to make standardised recommendations to budget authorities and political decision-makers;*

¹ Resolution: Cabinet Memorandum 8 of 2016: (b)(iii)(cc): A technical support unit (TPMU) that is able to appraise and recommend large public infrastructure projects and programmes for inclusion in budget allocations, and also monitor and support project execution.

- *Improve the capability of senior managers to understand the characteristics of large infrastructure projects, engage with the standard methods and technical aspects of project design and appraisal.*

A multi-disciplinary professional Service Provider is sought for the establishment of ISA as a public entity, in accordance with the National Department of Public Service and Administration and National Treasury Guidelines, 2002 (Guidelines) for the establishment of a public entity, and drawing on global best practise as applicable.

The Guidelines require that the motivation for a public entity establishment be consolidated into a **Business Case** that demonstrates:

- The rationale for agencification
- Mission and mandate analysis
- SWOT and environmental analysis
- Identification and assessment of service delivery options,
 - Jurisdiction alignment
 - Access to services and service delivery improvements
 - Value for money
 - Affordability,
- Corporate form and legislative regime,
- Organisational structure, human resources,
- Risk analysis and mitigation,
- Financial plan, and
- Implementation plan and interim arrangements.

Draft amendments to the Infrastructure Development Act, 2014 (Act No. 23 of 2014) (IDA) are required to provide for the establishment of ISA, and other legislative or regulatory amendments may be required where applicable, and comprehensive Explanatory Memoranda to support the legislative processes.

It must be noted that, in parallel to this procurement event, the IDC is also procuring a Service Provider for the Development and Implementation of the ISA Master Digital Platform. The respective Service Provider appointed for that Scope of Work and this Scope of Work, will be required to work closely together to ensure that the specifications of the ISA mandate, legislative framework, operating model, governance framework, business model, organisational design and the enabling IT architecture and digital platform are fully aligned.

Both of these processes follow through on the allocation of financial resources, as resolved by Cabinet in 2016 and further actioned in 2018, in that they focus on the capacitation of the state in relation to infrastructure and ensuring that the process of project preparation, packaging, investment, implementation and management are streamlined, efficient, accountable and transparent. The establishment of the public entity will be able to further secure the expertise to drive the infrastructure agenda that has been set in the 6th Administration.

4. Scope of Work

The Service Provider's primary outputs, to be delivered within a defined schedule over 18 months, will be: A comprehensive **ISA Business Case** in accordance with the Guidelines; **draft amendments to the IDA** and associated draft amendments to other legislation and regulations (where required) for the establishment of ISA as a public entity; and develop the roll-out of a comprehensive **ISA Implementation Plan**. The ISA Business Case and draft amendments to the IDA should be delivered within six months of being appointed. The rollout of a comprehensive ISA implementation Plan to be completed within the 12 months period.

The Scope of Work to achieve these outputs is as follows:

- 4.1 To specify ISA's powers and functions that gives practical effect to the Cabinet-approved ISA strategy and mandate. This aspect of the work must assess applicable institutional model options and draw on experience from other governments and/or multi-lateral institutions that have successfully adopted a centralised approach to driving large-scale infrastructure investment aimed at stimulating economic recovery and growth.
- 4.2 To review existing legislation and regulations relevant to the ISA mandate, and draft amendments to the Infrastructure Development Act, 2014 (Act No 23 of 2014) that will establish ISA as a legal entity with the authority, capacity and accountability to execute the ISA Strategy and fulfil the ISA mandate. This review will include relevant stakeholder engagements to take full account of the regulated roles and mandates of other organs of state in planning, budgeting, approving, contracting and managing infrastructure development. The Service Provider is required to formulate the legislative recommendations for ISA's establishment in such a way that similar or associated institutional roles in government are streamlined and that overlapping or conflicting legal mandates are addressed. Where the achievement of this outcome requires amendments to other legislation or regulations, the Service Provider is required to include such amendments accordingly. Both legislative analysis and legislation drafting is therefore required from the Service Provider and/or its sub-contractors, accompanied by full Explanatory Memoranda that can be submitted to the relevant authorities in the subsequent Parliamentary processes.
- 4.3 In undertaking the work in 4.1 and 4.2 above, to identify changes required in existing institutional mandates that will enable ISA to fulfil its mandate. These change recommendations must be precise, supported by social, economic, institutional, commercial and/or legal analysis, and accompanied by practical proposals for expediting the changes. Consideration must be given, *inter alia*, to: (a) Options for ISA to manage the processing of unsolicited infrastructure investment proposals by the private sector within the bounds of the Constitution; (b) ISA's role in the preparation and/or approval of public-private partnership agreements; (c) ISA's role in unblocking inaction and regulatory constraints to infrastructure investment by organs of state; (d) ISA's role in advisory services to project sponsors; and (e) ISA's role in project appraisal and assurance. The Service Provider should identify other lines of enquiry and innovation to achieve the desired ISA outcomes.

- 4.4 To design and establish the ISA Operating Model and Governance Framework such that the ISA delivery system is practical, clear, auditable and wherever possible, automated. Operating Model alignment must be achieved with the parallel development of an enabling ISA technology architecture and data platform (which is the subject of a separate service provider procurement to deliver the technology solutions for ISA). Portfolio, Programme and Project Management functionality, workflows, domains and activities must be mapped using relevant process engineering methodologies. Internal governance arrangements must provide for rigorous oversight, decision-making, accountability, delegations of authority and lines of assurance. The Operating Model must include Standard Operating Procedures that can be automated within the technology solutions identified by the other service provider, and all standardised documentation and artefacts must be drafted for digital enablement within that technology solution. The Operating Model package must also be formulated to achieve expedited implementation within ISA's transitional institutional arrangements while the legislative process for ISA's formal establishment is underway. This aspect of the work requires the Service Provider to work closely with the appointed service provider for the development and implementation of ISA's Master Digital Platform. It is vital to ensure that the ISA Strategy, Operating Model, Governance Framework and Business Model inform the design of ISA's technology solutions, and that the parallel tasks of the two service providers are aligned.
- 4.5 To design the ISA Business Model in such a way that ISA is able to be financially sustainable over time and justified as an affordable, value-for-money proposition for government. The business model options may draw on examples from institutions that are funded through fees earned on their projects' successfully reaching financial close, or other models that will focus on optimal, cost-effective, institutional performance. The Business Model solution must be supported by the Operating Model and the Organisational Design such that ISA's operating costs can be sustained by the scale and impact of targeted project pipeline throughput.
- 4.6 To formulate and support the practical roll-out of an ISA Organisational Design. This will include setting up management structures, optimal insource/outsource functional structures, competency profiles, role descriptions, performance management systems, priority human resource policies, a recruitment plan, and a succession plan. Partnering options with other institutions may be proposed where these provide cost-effective solutions for the human resource capacity required by ISA, provided that no conflicts of interest arise and provided that they support the ISA Business Model value-for-money proposition.
- 4.7 To develop a practical ISA Implementation Plan, incorporating a focused change management plan, with timelines and budgets for the roll-out of ISA's formal establishment that takes account of legislative processes and timing, and which provides for quick-win implementation with the support of the Service Provider within interim institutional arrangements. The Service Provider is required to provide hands-on support in the execution of this Implementation Plan over the contract period.
- 4.8 To develop and implement a stakeholder engagement plan which provides for all required stakeholder inputs to be taken into account per the Scope of Work; and the timing and methods thereof.

- 4.9 To design and implement a communications plan which keeps government Principals and external stakeholders informed on ISA's establishment progress throughout the contract period.
- 4.10 To establish an integrated risk analysis tool that identifies all material strategic, legal, financial, operating and other risks as the work unfolds over the contract period. The risk analysis must be accompanied by risk mitigation plans, resulting in a comprehensive Risk Report with the final deliverables.
- 4.11 To set up and drive a contract management system over the contract period with cost control mechanism and a delivery schedule to which all the Service Provider's team members and sub-contractors are bound and against which progress is reported to the ISA Establishment Manager on a regular basis.
- 4.12 The Service Provider is required to provide hands-on support in the execution of this Implementation Plan over the contract period. Specifically, the Service Provider is required to set up and operationalise the defined functions of the ISA Portfolio Management Office, including managing its establishment and deliverables in the first period of operations and hand-over to qualified ISA staff. In doing so, it will need to work closely with the Service Provider delivering the digital platform which will support this function.

5. Project Timelines

The appointed Service Provider is required to mobilise its resources, produce an Inception Report and commence work within **two weeks** of signing the contract and primary outputs, to be delivered within a defined schedule over **18 months**.

Within expedited timelines, the appointed Service Provider is required to deliver the finalised Business Case and draft Legislation (with Explanatory Memoranda), for approval by the Minister of Public Works and Infrastructure, the Minister of Public Service and Administration and the Minister of Finance. These timelines will be confirmed in the Service Provider's final delivery schedule, which must be signed off with the ISA Establishment Manager within one month of contract signature.

6. Technical Evaluation Criteria

6.1 Other Technical Requirements

The service provider must indicate their compliance/ non-compliance to the following requirements and substantiate as required. The bidder must respond in the format below. Where additional information is provided/ attached somewhere else, such information must be clearly referenced.

6.1.1 BIDDER’S EXPERIENCE IN MANAGEMENT CONSULTING AND ADVISORY EXPERIENCE IN THE CREATION AND ESTABLISHMENT OF NEW ENTITIES	Comply	Partially Comply	Not Comply
<p>The bidder must have relevant experience in providing management consulting and advisory services in the creation of at least two (2) new legal entities (public and/or private) of a similar scale and complexity.</p> <p>The bidder must give two (2) examples and provide two (2) relevant contactable references of similar work done in the past five (5) years.</p> <p>Please refer to Table (a) of Annexure 7 of this document for the format in which the required information must be provided.</p>			
Substantiate / Comments			

6.1.2 LEGISLATIVE ANALYSIS AND DRAFTING EXPERIENCE	Comply	Partially Comply	Not Comply
<p>The bidder must demonstrate that it, or its proposed legal sub-contractor/s, have relevant experience in analysing and drafting legislation of similar complexity and national application.</p> <p>The bidder must provide two (2) examples and two (2) relevant contactable references of similar work done by the proposed legal team members in the past five (5) years.</p> <p>Please refer to Table (b) of Annexure 7 of this document for the format in which the required information must be provided.</p>			
Substantiate / Comments			

6.1.3 BIDDER'S METHODOLOGY DETAILING HOW ALL COMPONENTS OF THE DEFINED SCOPE OF WORK WILL BE DELIVERED WITHIN THE CONTRACT PERIOD.	Comply	Partially Comply	Not Comply
<p>The bidder must demonstrate a thorough understanding of the objectives, scope and deliverables of this project.</p> <p>The bidder must provide a detailed proposal of the methodology to be used to carry out the specified Scope of Work, and a proposed delivery schedule as detailed in section 4 scope of work which must be within relevant timelines up to 18 months.</p>			
Substantiate / Comments			

6.1.4 QUALIFICATIONS, SKILLS AND EXPERIENCE OF THE TEAM MEMBERS	Comply	Partially Comply	Not Comply
<p>The bidder's key personnel of the proposed team must have relevant qualifications, skills and experience to deliver quality work in all components of the specified Scope of Work.</p> <p>The bidder must submit the following:</p> <ul style="list-style-type: none"> • The structure and composition of the proposed team, clearly outlining the main disciplines/specialties and designated responsibilities of each team member; and • CVs of the key personnel must clearly highlight qualifications, areas of experience/ competence relevant to the Scope of Work. <p>Please refer to Table (c) Annexure 7 of this document for the format in which the required information must be provided.</p>			
Substantiate / Comments			

SECTION 3: PRICE PROPOSAL

SECTION 3: Cost Proposal

1 **NOTE: All prices must be VAT exclusive and must be quoted in South African Rand (ZAR).**

2 Are the rates quoted firm for the full period of the contract?

YES	NO
-----	----

Important: If not firm for the full period, provide details of the basis on which price adjustments shall be applied e.g. CPI etc.

3 All additional costs associated the bidder's offer must be clearly specified and included in the Total Bid Price.

4

Is the proposed bid price linked to the exchange rate?	Yes	No
<i>If yes, the bidder must indicate CLEARLY which portion of the bid price is linked to the exchange rate:</i>		

6

Payments will be linked to specified deliverables after such deliverables have been approved by the IDC. Payments will be made within 30 days from date of invoice.	Comply	Not Comply

7

The IDC reserves the right to consider the guidelines on consultancy rates as set out in the National Treasury Instruction 01 of 2013/2014: Cost Containment Measures which took effect from 01 January 2014, where relevant.	Comply	Not Comply
The bidder must indicate if their proposed rates are in line with the provisions of the referenced National Treasury Instruction: Cost Containment Measures.		
Substantiate / Comments		

8. COSTING

8.1 The bidder must provide a breakdown of professional services costs, with specific reference to the Scope of Work set out in Section 2 under the scope of work

Scope of Work Deliverable	Resource(s)	Rate/Hour per resource	Number of hours	Cost (VAT Excl.)
4.1 Specify ISA's powers and functions that gives practical effect to the Cabinet-approved ISA strategy and mandate				
4.2 Review existing legislation and regulations relevant to the ISA mandate, and draft amendments				
4.3 Undertaking the work in 4.1 and 4.2				

Scope of Work Deliverable	Resource(s)	Rate/Hour per resource	Number of hours	Cost (VAT Excl.)
above, to identify changes required in existing institutional mandates that will enable ISA to fulfil its mandate. These change recommendations must be precise, supported by social, economic, institutional, commercial and/or legal analysis, and accompanied by practical proposals for expediting the changes.				
4.4 To design and establish the ISA Operating Model and Governance Framework such that the ISA delivery system is practical, clear, auditable and wherever possible, automated				
4.5 To design the ISA Business Model in such a way that ISA is able to be financially sustainable over time and justified as an affordable, value-for-money proposition for government.				
4.6 Formulate and support the practical roll-out of an ISA Organisational Design. This will include setting up management structures, optimal insource/outsource functional structures, competency profiles, role descriptions, performance management systems, priority human resource policies, a recruitment plan, and a succession plan				
4.7 To develop a practical ISA Implementation Plan, incorporating a focused change management plan, with timelines for the roll-out of ISA's formal establishment				
4.8 To develop and implement a stakeholder engagement plan which provides for all required stakeholder inputs to be taken into account per the Scope of Work; and the timing and methods thereof.				
4.9 To design a communications plan and implement it to keeps government Principals and external stakeholders informed on ISA's establishment progress throughout the contract period.				
4.10 To establish an integrated risk analysis tool that identifies all material strategic, legal, financial, operating and other risks as the work unfolds over the contract period.				
4.11 To set up and drive a contract management system over the contract period with cost control mechanism and a delivery schedule				

Scope of Work Deliverable	Resource(s)	Rate/Hour per resource	Number of hours	Cost (VAT Excl.)
4.12 Provide hands-on support in the execution of the ISA Implementation Plan over the contract period.				
Disbursements				
Total Cost (VAT Excl.)				

8.2 The bidder must provide a detailed breakdown of the Disbursements as follows:

Disbursement Cost Items	Cost (VAT Excl.)
Total Disbursements	

Note on pricing:

Disbursements (incidental expenses other than professional fees e.g. travel and accommodation, printing costs, etc.) must be clearly defined, outlining all assumptions. It is of utmost importance to submit clear and comprehensive cost proposals to allow the IDC to fairly compare bid price / cost proposals. If there is no additional fee envisaged for Disbursements, then the bidder must clearly indicate "No Charge / Free of Charge". Failure to clearly indicate this, would result in IDC penalising your bid response by taking the cost of the highest bidder and adding 50% thereto and apply this rate for purposes of price comparisons. Bidders are therefore requested to respond clearly and comprehensively on this aspect of their bid response.

SUMMARY OF THE PROPOSAL

DESCRIPTION	BIDDER'S PROPOSAL
Number of resources (personnel)	
Project duration (in hours)	
Project duration (in months)	
Commencement Date	

Price Declaration Form

Dear Sir,

Having read through and examined the Request for Proposal (RFP) Document, RFP no. **T14/05/21**, the General Conditions, and all other Annexures to the RFP Document, we offer to provide a proposal for the establishment of Infrastructure South Africa (ISA) as a Public Entity of the Department of Public Works and Infrastructure.

R..... (Excluding VAT)

In words

R..... (Excluding VAT)

We confirm that this price covers all activities associated with the service, as called for in the RFP document. We confirm that IDC will incur no additional costs whatsoever, other than in respect of VAT, over and above this amount in connection with the provision of this service.

We undertake to hold this offer open for acceptance for a period of 120 days from the date of submission of offers. We further undertake that upon final acceptance of our offer, we will commence with the provision of the required service when required to do so by the IDC.

We understand that you are not bound to accept the lowest or any offer, and that we must bear all costs which we have incurred in connection with preparing and submitting this bid.

We hereby undertake for the period during which this bid remains open for acceptance, not to divulge to any persons, other than the persons to whom the bid is submitted, any information relating to the submission of this bid or the details therein except where such is necessary for the submission of this bid.

SIGNED

DATE

(Print name of signatory)

Designation

FOR AND ON BEHALF OF: COMPANY NAME

Tel No

Fax No

Cell No

SECTION 4: ANNEXURES

Annexure 1: Acceptance of Bid Conditions and Bidder's Details

Request for Proposal No: _____

Name of Bidder: _____

Authorised signatory: _____

Name of Authorised Signatory _____

Position of Authorised Signatory _____

By signing above the bidder hereby accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on him/her under this RFP.

[Note to the Bidder: The Bidder must complete all relevant information set out below.]

CENTRAL SUPPLIER DATABASE (CSD) INFORMATION

Bidders are required to be registered on the Central Supplier Database (CSD) of National Treasury. Failure to submit the requested information may lead to disqualification. Bidders are therefore required to submit as part of this proposal both their CSD supplier number and CSD unique registration reference numbers below:	
Supplier Number	
Unique registration reference number	

BIDDING STRUCTURE

Indicate the type of Bidding Structure by marking with an 'X':	
Individual Bidder	
Joint Venture/ Consortium	
Prime Contractor with Sub Contractors	
Other	

REQUIRED INFORMATION

If Individual Bidder:	
Name of Company	
Registration Number	
Vat registration Number	
Contact Person	
Telephone Number	
Cellphone Number	
Fax Number	

If Individual Bidder:	
Email address	
Postal Address	
Physical Address	

If Joint Venture or Consortium, indicate the following for each partner:	
Partner 1	
Name of Company	
Registration Number	
Vat registration Number	
Contact Person	
Telephone Number	
Cellphone Number	
Fax Number	
Email address	
Postal Address	
Physical Address	
Scope of work and the value as a % of the total value of the contract	
Partner 2	
Name of Company	
Registration Number	
Vat registration Number	
Contact Person	
Telephone Number	
Cellphone Number	
Fax Number	
Email address	
Postal Address	
Physical Address	
Scope of work and the value as a % of the total value of the contract	

If bidder is a Prime Contractor using Sub-contractors, indicate the following:	
Prime Contractor	
Name of Company	
Registration Number	
Vat registration Number	
Contact Person	
Telephone Number	
Cellphone Number	
Fax Number	
Email address	
Postal Address	
Physical Address	
Sub contractors	
Name of Company	
Company Registration Number	
Vat registration Number	
Contact Person	
Telephone Number	
Cellphone Number	
Fax Number	
Email address	
Postal Address	
Physical Address	
Subcontracted work as a % of the total value of the contract	

Annexure 2: Tax Compliance Requirements

1. TAX COMPLIANCE REQUIREMENTS		
1.1	BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.	
1.2	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.	
1.3	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.	
1.4	BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.	
1.5	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.	
1.6	WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.	
2. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS		
2.1	IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO
2.2	DOES THE BIDDER HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
2.3	DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
2.4	DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
<p>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 1.3 ABOVE.</p>		
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:	

Annexure 3: Supply chain management practices questionnaire

Request for Proposal No: _____

Name of Bidder: _____

Authorised signatory: _____

[Note to the Respondent: The Respondent must complete the information set out below. If the Respondent requires more space than is provided below it must prepare a document in substantially the same format setting out all the information referred to below and return it with Returnable Schedule 2.]

The bidder must complete the following questionnaire.

Bidder's past supply chain management practices:

Item	Question	Yes	No
3.1	<p>Is the Bidder or any of its directors listed on the South African National Treasury's database 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 South African National Treasury after the <i>audi alteram partem</i> rule was applied).</p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
	If so, provide particulars:		
3.2	<p>Is the Bidder or any of its directors listed on the Register for Bid Defaulters in terms of section 29 of the <i>Prevention and Combating of Corrupt Activities Act</i> No 12 of 2004?</p> <p>To access this Register enter the National Treasury's website, www.treasury.gov.za, click on the icon "Register for Bid Defaulters" or submit your written request for a hard copy of the Register to facsimile number +27123265445.</p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
	If so, provide particulars:		
3.3	<p>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?</p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>

Item	Question	Yes	No
	If so, provide particulars:		
3.4	Does the Bidder relate to any IDC employee or part of IDC current or past staff (employee) establishment?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	If so, provide particulars:		
3.5	Was any contract between the Bidder and any organ of state (within the Republic of South Africa or within any foreign territory) terminated during the past five years on account of failure to perform on or comply with the contract?		
	If so, provide particulars:		

I, _____ (print name) hereby certify that the information, facts and representations are correct and that I am duly authorized to sign on behalf of the company.

Name of Company: _____

Company Registration Number: _____

Company VAT Registration Number: _____

Signature

Date

Annexure 4: Declaration of Interest

1. Any legal person, including persons employed by the state¹, 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, shareholder²):

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 **YES / NO**

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 (i.e. shareholder, partner, director etc.), aware of any relationship (family, friend, other) between any other bidder or any other company and any person employed by the IDC or the dti 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 company whether or not they are bidding for this contract? The IDC reserves the right to undertake further background checks on any other company where partners, shareholders or any interested party of the bidder may be involved in and to consider any findings in this regard as part of its vetting processes.

YES/NO

2.11.1 If so, furnish particulars:

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

3 Full details of directors / trustees / members / shareholders.

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

1. DECLARATION

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

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT. I ACCEPT THAT IDC MAY REJECT THE BID OR ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
 Signature Date

.....
 Position Name of bidder

Annexure 5: Certificate of Independent Bid Determination

SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids² 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).³ 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:

² Includes price quotations, advertised competitive bids, limited bids and proposals.

³ 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 consortium⁴ 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:

⁴ 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.

- (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid;
or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Annexure 6: Shareholders and Directors Information

[Note to the bidder: the bidder must complete the information set out below. If the bidder requires more space than is provided below it must prepare a document in substantially the same format setting out all the information referred to below and return it with Returnable Schedule 2.]

6.1 Shareholders/ Members

Name of the shareholder	ID Number	Race	Gender	% shares

Note: The bidder must also attach the detailed Company/ Group Structure where relevant.

6.2 Black Shareholders/ Members as per the B-BBEE Certificate

Name of the shareholder	ID Number	Race	Gender	% shares
Total Black Shareholding % as per the current and valid B-BBEE Certificate				

6.3 Directors

Name of the shareholder	ID Number	Race	Gender

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

CERTIFY THAT THE INFORMATION FURNISHED ABOVE IS CORRECT.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

Table (b) Bidder's current and past experience in drafting of legislation

Client' Name	Industry	Project period (Start and End Dates)	Description of service performed and extent of Bidder's responsibilities	Name, title and telephone contact of client

Table (c) Details of the key personnel of the bidders' proposed team:

Name	Position	Role in this Project	Relevant Project Experience: Project description, Client, Project period	This Project: Cost allocation

Annexure 8: BEE Commitment Plan

The IDC encourages existing vendors and prospective bidders to support the objectives of B-BBEE and as far as possible strive to improve their B-BBEE contribution status. For bid evaluation purposes, bidders are allocated points in terms of a preference point system based on the B-BBEE Contribution Level status that is in accordance with a valid B-BBEE certificate.

Bidders are therefore required to submit a B-BBEE improvement plan in view of the new B-BBEE Codes of Good Practice. Bidders must indicate the extent to which their ownership, management control, employment equity, preferential procurement and enterprise development will be maintained or improved over the contract period in the event that they are successful in this bid process.

Annexure 9: Disclosure Statement

Disclosure Statement

In terms of the tender condition 8.6, which allows the IDC to conduct background checks on bidders and its shareholders and directors, the IDC hereby requires bidders to provide the following additional information:

- 9.1 The IDC considers the integrity of its appointed service providers to be of critical importance. The IDC reserves the right to disqualify from further consideration, any bidder whose integrity, based on past conduct (during the 5 years immediately preceding the bid submission date), it considers questionable.
- 9.2 To this end, the IDC requires each bidder to include in its bid, a disclosure statement which details the following (with sufficient information and supporting documentation for the IDC to make its own assessment as to the materiality or seriousness of allegations regarding the bidder's integrity or conduct):
 - 9.2.1 any criminal charges made against the bidder or any of its directors, shareholders or management officials regarding their professional conduct;
 - 9.2.2 any civil proceedings initiated against the bidder or any of its directors, shareholders or management officials regarding their professional conduct; and
 - 9.2.3 any other enquiry or similar proceedings initiated or threatened against the bidder or any of its directors, shareholders or management officials regarding their professional conduct.
- 9.3 Where the bidder is a consortium, the disclosure statement referred to in paragraph 9.2 above must be made separately in respect of each consortium partner
- 9.4 In the event that the bidder's circumstances change, after submission of its bid, in regard to any matter referred to in paragraph 9.2 above or in regard to any matter referred to in its disclosure statement, the bidder must submit a written notification to IDC indicating the nature and extent of such changed circumstances.
- 9.5 The IDC reserves the right to seek such additional information from any bidder, in respect of the disclosure statement referred to in paragraph 9.2 above, as it may, in its sole discretion, determine, whether such information has been requested under this RFP or otherwise, and may require the bidder to make oral presentations for clarification purposes or to present supplementary information, in respect of the disclosure statement if so required by the IDC.
- 9.6 Based on its own assessment of the contents of the bidder's disclosure statement and any publicly available information which is relevant to the contents of such disclosure statement, the IDC will decide whether the bidder's conduct or any allegations relating thereto pose a risk, reputational or otherwise, to the IDC; and if it reaches an adverse conclusion the IDC will in its sole discretion have the right to disqualify a bidder from further participation in the tender process. Disqualification on this ground may be done at any stage in the bid evaluation process prior to contract award.

Annexure 10: Local Content Declaration (If Relevant)

This Standard Bidding Document (SBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2017, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

2. General Conditions

- 2.1. Preferential Procurement Regulations, 2017 (Regulation 8) make provision for the promotion of local production and content.
- 2.2. Regulation 8(2) prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 2.3. Where necessary, for tenders referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 2.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 2.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = [1 - x / y] * 100$$

Where

x is the imported content in Rand

y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) on the date of advertisement of the bid as indicated in paragraph 3.1 below.

The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial development/ip.jsp](http://www.thedti.gov.za/industrial%20development/ip.jsp) at no cost.

2.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;

3. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
_____	_____ %
_____	_____ %
_____	_____ %

3. Does any portion of the goods or services offered have any imported content?

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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3.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on www.resbank.co.za

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

- Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the AO/AA provide directives in this regard.

LOCAL CONTENT DECLARATION

(REFER TO ANNEX B OF SATS 1286:2011)

LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)

IN RESPECT OF BID NO.

ISSUED BY: IDC

NB

- The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.
- Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on http://www.thedti.gov.za/industrial_development/ip.jsp. Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, (full names),
do hereby declare, in my capacity as
of(name of bidder
entity), the following:

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
 - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 3.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

Bid price, excluding VAT (y)	R
Imported content (x), as calculated in terms of SATS 1286:2011	R
Stipulated minimum threshold for local content (paragraph 3 above)	
Local content %, as calculated in terms of SATS 1286:2011	

If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.

The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 3.1 above and the information contained in Declaration D and E.

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____

WITNESS No. 1 _____

DATE: _____

WITNESS No. 2 _____

DATE: _____