



THE NATIONAL ECONOMIC DEVELOPMENT & LABOUR COUNCIL
 14A Jellicoe Avenue, NEDLAC House, Rosebank
 PO Box 1775, Saxonwold, 2132

REQUEST FOR PROPOSAL

APPOINTMENT OF SERVICE PROVIDER TO REVIEW OF ESKOM'S BUSINESS MODEL
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BID NUMBER:	NEDLAC 2017/2018/02
COMPULSORY BRIEFING SESSION:	DATE: 20 FEBRUARY 2018 TIME: 11:00 AM
CLOSING DATE AND TIME:	12 MARCH 2018 TIME: 11:00 AM
BID VALIDITY PERIOD	90 DAYS (COMMENCING FROM THE RFQ CLOSING DATE)
COMPULSORY CLARIFICATION MEETING	Nedlac offices 14A Jellicoe Avenue, Rosebank 20 February 2018 11h00
DESCRIPTION OF SERVICE/GOODS	APPOINTMENT OF SERVICE PROVIDER TO REVIEW ESKOM'S BUSINESS MODEL
SUBMISSION OF BID	<u>DEPOSITED IN THE TENDER BOX SITUATED AT:</u> Nedlac offices (Reception Area) 14A Jellicoe Avenue, Rosebank
PROCUREMENT ENQUIRY	Name : Mr Gilbert Sithole Tel no : 011 328 4200 Email : gilbert@nedlac.org.za
TECHNICAL ENQUIRY	Name : Sharna Johardien Tel no : 011 328 4200 Email : sharna@nedlac.org.za

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INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR APPOINTMENT OF SERVICE PROVIDER TO REVIEW ESKOM'S BUSINESS MODEL

BID NUMBER: NEDLAC 2017/2018/02 CLOSING DATE: 12 MARCH 2018 CLOSING TIME: 11:00

DESCRIPTION: APPOINTMENT OF SERVICE PROVIDER TO REVIEW ESKOM'S BUSINESS MODEL

The successful bidder will be required to fill in and sign a written Contract Form (SBD 7).

DEPOSITED IN THE BID BOX SITUATED AT

NEDLAC offices (Reception Area)
14A Jellicoe Avenue, Rosebank, Johannesburg

Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.

The bid box is generally open during weekdays (Mon - Fri.) 08h30 – 17h00

ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – (NOT TO BE RE-TYPED)

THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT

THE FOLLOWING PARTICULARS MUST BE FURNISHED
(FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)

NAME OF BIDDER

POSTAL ADDRESS

STREET ADDRESS

TELEPHONE NUMBER CODE.....NUMBER.....

CELLPHONE NUMBER

FACSIMILE NUMBER CODENUMBER.....

E-MAIL ADDRESS

VAT REGISTRATION NUMBER

HAS AN ORIGINAL AND VALID TAX CLEARANCE CERTIFICATE BEEN SUBMITTED? (SBD 2) YES or NO

HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE BEEN SUBMITTED? (SBD 6.1) YES or NO

IF YES, WHO WAS THE CERTIFICATE ISSUED BY?

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA).....

A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS);
OR.....

[TICK APPLICABLE BOX]

(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE 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 or NO

IF YES ENCLOSE PROOF]

SIGNATURE OF BIDDER

DATE.....

CAPACITY UNDER WHICH THIS BID IS SIGNED.....

TOTAL BID PRICE.....TOTAL NUMBER OF ITEMS OFFERED.....

ANY ENQUIRIES REGARDING THE BIDDING MAY BE DIRECTED TO:

Organisation: National Economic Development and Labour Council (NEDLAC)
Contact Person: Mr Gilbert Sithole
Tel: 011 328 4200
Fax: N/A
E-mail address: Gilbert@nedlac.org.za

ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:

Contact Person: Ms. Sharna Johardien
Tel: 011 328 4200
Fax: N/A
E-mail address: Sharna@nedlac.org.za

TAX CLEARANCE CERTIFICATE REQUIREMENTS

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

- 1 In order to meet this requirement bidders are required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
- 2 SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
- 3 The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
- 4 In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
- 5 Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website www.sars.gov.za
- 6 Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za

FIXED PRICING SCHEDULE
(Professional Services)

NAME OF BIDDER:	BID NO.:
CLOSING TIME 11:00	CLOSING DATE.....

OFFER TO BE VALID FOR 90 DAYS FROM THE CLOSING DATE OF BID.

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

1. The accompanying information must be used for the formulation of proposals.
2. Bidders are required to indicate a fixed price based on the total estimated time for completion of all deliverables and including all expenses inclusive of all applicable taxes for the project.
3. DELIVERABLES ACCORDING TO WHICH THE PROJECT WILL BECOMPLETED AND COST PER DELIVERABLE

Deliverable	Price
Trends in international and local energy markets	
Electricity supply and major cost drivers of supply	
Demand, pricing and tariff setting	
Sustainable revenue and funding models	

4. TOTAL: R.....

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

5. Period required for commencement with project after acceptance of bid
6. Estimated timeframe for completion of project

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**

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:

.....

2.7.1 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 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.

2.7.3 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:
.....
.....
.....

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

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

4 DECLARATION

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

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011

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

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 The value of this bid is estimated not to exceed R50 000 000 (all applicable taxes included) and therefore the **80/20** system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

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

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

	POINTS
1.3.1.1 PRICE
1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION
Total points for Price and B-BBEE must not exceed	100

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS)

1.5. The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

2..1 **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;

2.2 **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

2.3 **“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

- 2.4 “**bid**” means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 “**Broad-Based Black Economic Empowerment Act**” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 “**comparative price**” means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 “**consortium or joint venture**” 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;
- 2.8 **contract**”Error! Bookmark not defined. means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 “**EME**” means any enterprise with an annual total revenue of R5 million or less.
- 2.10 “**Firm price**” means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 “**functionality**” means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 “**non-firm prices**” means all prices other than “firm” prices;
- 2.13 “**person**” includes a juristic person;
- 2.14 “**rand value**” means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 “**sub-contract**” *means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;*
- 2.16 “**total revenue**” bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- 2.17 “**trust**” means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.18 “**trustee**” means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

2. ADJUDICATION USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.

3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.

3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

4.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

P_{\min} = Comparative price of lowest acceptable bid

5. Points awarded for B-BBEE Status Level of Contribution

5.1 In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a sworn affidavit signed by the EME representative and attested by a Commissioner of oaths

5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level by verification agencies accredited by SANAS.

- 5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their consolidated B-BBEE status level verification certificate for every separate tender.
- 5.5 Tertiary institutions and public entities will be required to submit their B-BBEE status level verification certificates together with their tender
- 5.6 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.7 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 B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

6. BID DECLARATION

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

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

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

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or sworn affidavit signed by the EME representative and attested by a Commissioner of oaths in case of EME's

8 SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 If yes, indicate:

- (i) what percentage of the contract will be subcontracted?%
- (ii) the name of the sub-contractor?
- (iii) the B-BBEE status level of the sub-contractor?
- (iv) whether the sub-contractor is an EME? YES / NO (delete which is not applicable)

9 DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of company/firm :

9.2 VAT registration number :.....

9.3 Company registration number

:

9.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

9.6 COMPANY CLASSIFICATION

- Manufacturer
 - Supplier
 - Professional service provider
 - Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]

9.7 Total number of years the company/firm has been in business?

9.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- (i) The information furnished is true and correct;
- (ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.
- (iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- (iv) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution

WITNESSES:

1.

3.

DATE:

ADDRESS:

.....

.....

CONTRACT FORM - RENDERING OF SERVICES

THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SERVICE PROVIDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SERVICE PROVIDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.

PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)

1. I hereby undertake to render services described in the attached bidding documents to (name of the institution)..... in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid .

2. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (i) Bidding documents, viz
 - Invitation to bid;
 - Tax clearance certificate;
 - Fixed Pricing schedule(s);
 - Filled in task directive/proposal;
 - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
 - Declaration of interest;
 - Declaration of bidder's past SCM practices;
 - Certificate of Independent Bid Determination;
 - Special Conditions of Contract;
 - (ii) General Conditions of Contract; and
 - (iii) Other (specify)

3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.

4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfilment of this contract.

5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.

6. I confirm that I am duly authorised to sign this contract.

7. NAME (PRINT) CAPACITY SIGNATURE NAME OF FIRM DATE	WITNESSES 1 2 DATE:
--	--

CONTRACT FORM - RENDERING OF SERVICES

PART 2 (TO BE FILLED IN BY THE PURCHASER)

1. I..... in my capacity as.....

Accept your bid under reference numberdated.....for the rendering of services indicated hereunder and/or further specified in the annexure(s).

2. An official order indicating service delivery instructions is forthcoming.

3. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice.

DESCRIPTION OF SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	COMPLETION DATE	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

4. I confirm that I am duly authorised to sign this contract.

SIGNED ATON.....

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

1

2

DATE:

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	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>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.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>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)?</p> <p>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.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	<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>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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 <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

CERTIFICATION

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

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

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

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

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 consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or

- (f) bidding with the intention not to win the bid.
- 8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

PROOF OF ATTENDANCE AT THE COMPULSORY CLARIFICATION SESSION / SITE MEETING

CERTIFICATE OF ATTENDANCE AT SITE VISIT AND CLARIFICATION MEETING

This is to certify that (*tenderer*)

of (*address*)

..... was represented by the person(s) named below at the compulsory meeting held for all tenderers at (*location*)

.....

..... on (*date*)..... starting at (*time*)

I / We acknowledge that the purpose of the meeting was to acquaint myself / ourselves with the site of the works and / or matters incidental to doing the work specified in the tender documents in order for me / us to take account of everything necessary when compiling our rates and prices included in the tender.

Particulars of person(s) attending the meeting:

Name: Signature:

Capacity:

Name: Signature:

Capacity:

Attendance of the above person(s) at the meeting is confirmed by the Employer's representative, namely:

Name: .. Signature:

Capacity: Date and Time:

ANNEXURE A – TERMS OF REFERENCE
APPOINTMENT OF SERVICE PROVIDER TO REVIEW ESKOM’S BUSINESS MODEL

PURPOSE OF THE REQUEST	<p>The purpose of the RFP is to invite suitable independent interested service providers to submit proposals for The review of ESKOM’s Business Model</p> <p>BACKGROUND</p> <p>Eskom’s financial sustainability is of critical importance to the SA economy for a variety of reasons, including:</p> <ul style="list-style-type: none"> a) Ensuring security of electricity supply to allow for long term planning; b) Providing affordable energy to all sectors of society, including the energy needed to underpin industrialization and job creation; and c) As a key participant in the capital markets, impacting a variety of interrelated matters that affect the economy directly, including credit ratings, availability and cost of funding, the exchange rate and inflation. <p>Eskom’s financial results, as at 31 March 2017, raise several concerns about its financial sustainability, both in the short and medium term. Eskom’s financial sustainability is inextricably linked to Eskom’s overall business model, which is proving increasingly inappropriate in the current environment.</p> <p>Nedlac wishes to commission a review of Eskom’s business model and the development of options to address elements of the current model that contribute to Eskom’s financial unsustainability and pose a risk to the fiscus</p> <p>NEDLAC is a statutory body which is governed and mandated by The National Economic Development and Labour Council Act, Act 35 of 1994.</p> <p>NEDLAC’s work programme is determined by the legislative and policy programme of government as well as issues tabled by constituencies. These issues can be tabled at a Chamber, Management Committee or the Executive Council.</p> <p>Issues that are tabled at the Management Committee or Executive Council are referred to the appropriate Chambers for negotiation or consultation: Trade and Industry; Public Finance and Monetary Policy; Labour Market; and Development. Issues of a cross cutting nature are dealt with by the MANCO and/or EXCO usually through special task teams.</p>

LEGISLATIVE FRAMEWORK OF THE BID	<p>Bidder(s) must be compliant when submitting a bid to NEDLAC and remain compliant for the entire contract term with all applicable tax legislation, including but not limited to the income Tax Act, 1962 (Act No. 58 of 1962) and Value Added Tax Act, 1991 (Act No. 89 of 1991).</p> <p>This bid and all contracts emanating there from will be subject to the General Conditions of Contract issued in accordance with Treasury Regulation 16A published in terms of the Public Finance Management Act, 1999 (Act 1 of 1999). The Special Conditions of Contract are supplementary to that of the General Conditions of Contract. Where, however, the Special Conditions of Contract are in conflict with the General Conditions of Contract, the Special Conditions of Contract prevail and Preferential Procurement Regulations, 2017</p>
BRIEFING SESSION	<p>A compulsory briefing and clarification session will be held at 14A Jellicoe Avenue, Rosebank, on the 20 February 2018 at 11h00 to clarify to the bidder(s) the scope and extent of work to be executed.</p>
VALIDITY PERIOD	<p>The period of validity of bid and withdrawal of offers, after the closing date and time is 90 days.</p>
REQUIREMENTS	<p>1. SCOPE OF WORK</p> <p>1.1 <u>Trends in international and local energy markets</u></p> <p>There are a number of important trends in the development of energy markets, both locally and globally. An overview of these trends is required to contextualize Eskom's operating and funding model. Specifically, the review should consider the following trends and how they impact in the South African situation.</p> <ul style="list-style-type: none"> • Trends in global and local supply of energy including shifts in global technologies and the implications for the size, security, location, costs and efficiencies of various energy sources. Attention should also be given to regional trends and projections relating to the supply of energy. • Trends in global and local demand for energy, including significant trends in the manner in which energy is consumed, and how it is expected to change. Attention should also be given to regional demand for energy <p>2. ELECTRICITY SUPPLY AND MAJOR COST DRIVERS OF SUPPLY</p> <p>2.1 <u>Adequacy and reliability of supply</u></p> <p>2.1.1. Although this driver has now been reversed as a result of a number of factors which resulted in current oversupply of electricity, a long term vision for the sector needs to ensure that a future repeat of the shortfall that led to load shedding is avoided in future.</p> <p>2.2 <u>Coal supply</u></p> <p>A minimum of at least 7 years company experience in</p>

telecommunications (Attach a Portfolio of evidence: at least a minimum of three completion certificates/letters of previous successful work performed by the company, the certificates/letters must be on the bidders' Client' official letterheads with contact details and it must be duly signed.

The cost of coal used in generation is one of the most important cost factors affecting Eskom. It is important to understand how the contracting and price of coal has changed and how this change has contributed to the problems Eskom continues to face. The change in contracting strategy should be scrutinised i.e. changing from investing in cost-plus mines to short-term contracts. Therefore the consultants must analysis of the coal burn costs of the Compound Annual Growth Rate (CAGR) over the period of 7% per annum does not indicate good performance, given the drop off in volumes burned. Consultants are also required to identify areas of inefficiencies in the Eskom operational model and provide recommendations on achieving operational cost efficiencies. In considering the potential unbundling of Long Term Coal Supply contracts the potential cost of review needs to be determined.

2.3 Independent power Producers (IPPs)

Eskom is required to purchase power from IPPs on the basis of a Government policy and procurement process. The cost of this power is recovered through a pass through to the consumer. The current relationship between the planning and procurement process for power from IPPs and Eskom as the sole purchaser and ultimate distributor of this power gives rise to conflict and mixed messages on the impact of these purchases on the tariff. The current situation is untenable as it results in an uncertain environment for investors.

Consideration should also be given to an appropriate approach to small scale generation and its potential access to the grid.

Consultants are required to assess the current arrangements particularly in relation to Eskom's financial situation and current tariffs and future sustainability. This requires the consultants to verify Eskom's claim that the IPPs have resulted in high cost for the entity than it could recover through the tariffs paid by its customers and thus had an adverse impact on its balance sheet. In addition, the claim by Eskom that IPPs would cost the South African consumer more than would otherwise be charged for electricity, adding 4.9% to tariffs, should also be verified.

2.4 Staff costs

An assessment of the salary and benefits structure of key personnel in relation to the market, needs to be undertaken by the consultants.

2.5 Eskom capital expenditure

The consultant is required to assess the impact of interest payments on the current debt situation on operating

expenditure and explore mechanisms to reduce any negative impact. In addition, the impact of the potential decommissioning of existing older fleet would have on the future generation capacity and costs should be assessed. In this regard the need to invest in the retrofitting of air quality improvement infrastructure should be included in the assessment as well as the cost associated with such retrofitting.

2.6 Debt arrears

The current situation in respect of debt arrears from particularly municipalities and other state entities is untenable and has a negative impact on liquidity and the tariff. Innovative ways of addressing this must be identified by the consultant.

3. **DEMAND, PRICING AND TARIFF SETTING**

3.1 NERSA approved average electricity tariffs have increased by almost 353% in the past 10 years. In the absence of a National Subsidy Framework, increases have been applied to cross-subsidies without policy guidance. As a result, they have grown beyond their initial justifiable levels. This results in uncompetitive tariffs particularly for mining and industrial users. Consultants are required to consider the following:

- Identification of all subsidies (implicit and explicit), cross-subsidies and levies that have an impact on Eskom Megaflex Tariffs.
- Quantifying the subsidies, cross-subsidies and levies.
- Examining the flow of subsidies, by identifying customer groups that are the major contributors, and what programmes are the major beneficiaries.
- Propose alternative, and/or more efficient ways of targeting and delivering support to those in need, recognising the imperative to ensure affordable access to electricity for the poor.

3.2 Tariff setting process

Consultants are required to assess the socio economic impacts that the increasing tariffs over the past 9 years have had on the different categories of Eskom customers. Impacts should include household welfare, employment and economic growth.

The impacts of the Eskom tariff on municipal tariffs and the consequential impact on municipal customer categories is also required. In this regard, the work done by the Cities Support Programme (CSP) should be referenced and how the recommendations from the CSP will affect Eskom.

An assessment of the competitiveness of the tariffs for the productive sectors of the economy is required including the extent to which cross subsidisation impacts on the different

tariffs.

The challenge of different tariff structures in the different municipalities is also an issue that must ultimately be addressed.

3.3 Potential changes to the existing tariff setting process to better align improved Eskom and socioeconomic outcomes

Although the National Energy Regulator of South Africa's (NERSA) rules for tariff increases requires all expenditure to be prudently incurred, inadequate and project management and poor cost control on capital projects continues to occur, leading to unreasonably high tariff increases. According to the Rate of Return methodology and the rules of the Electricity Pricing Policy, Eskom is entitled to extraordinary price increases to compensate it for a loss of sales. However, the recent price increases have resulted in increasing grid defection by Eskom big customers which has consequently resulted in the reduction of the customer base.

The tariff increase methodology which is based on recovery of a total allowable revenue which is based on a sales demand projection for the period of the tariff increase, may no longer fit for purpose and in fact allows Eskom to assume that prices must increase to finance costs rather than focusing on the justification for the proposed expenditure in the light of the current domestic economic reality in which this application is made on the one hand and the very significant negative impact that the increases over the last years have had on the ongoing sustainability of the entity and the economy as a whole.

Consultants are required to explore alternatives to the current methodology which would ensure the ongoing sustainability of Eskom and at the same time ensure elimination of the ongoing above inflation increases. In addition, the consultants are required to propose a mechanism that will address the current system of incentivising Eskom to overestimate its revenue as it will be allowed to recover any shortfall in future.

4. SUSTAINABLE REVENUE AND FUNDING MODELS

4.1 Excess capacity can be attributed to reduced demand, which in turn is, in part due to higher electricity prices.

The rate of deterioration of the industrial and mining sectors in South Africa is alarming. This is evidenced by the steady decline in Eskom's sales to these sectors which, combined for 2017, are more than 14% below 2011 levels.

This is due mainly to industrial and mining capacity shutting either permanently or temporarily, or moving offshore. Unfortunately, without immediate and sustainable intervention, it is unlikely this downward trend will change.

Inaction now will result in further sales declines to industrial and mining customers. If this trend cannot be arrested and reversed, a vicious cycle of falling demand triggers steep price increases, which results in further demand destruction, and so on.

In such a scenario, all customers will have to pay more for electricity, which will trigger further unintended outcomes, such as lower GDP growth, less job creation, job losses and additional non-technical losses. Consultants are required to consider measures that can be introduced to reverse this.

4.2 Capital expenditure and funding implications.

Eskom's capital expenditure is a significant contributor to the above inflation increases and needs to be assessed particularly in relation to the current surplus supply.

The current extent of Government guarantees supporting Eskom Loans is significant. Consultants are required to assess the impact of different sources of funding for capital expenditure on Eskom's viability and the economy as a whole, particularly in relation to the risk to the fiscus posed by the current guarantees and are required to consider approaches that could alleviate the risk.

Consultants are also required to develop different approaches to reducing the capital expenditure impact on the tariff.

In addition to Eskom's capital expenditure the question of how to attract investment into the sector generally and particularly how to address the impact of the current uncertainty around the IPP program.

The study should further assess the financial and employment impact of the purchase of renewable energy by Eskom.

4.3 Transformation initiatives

All State Owned Companies (SOCs) are required to implement government transformation policies. However, generally implementation does not follow the same route in all SOCs. Eskom has a number of initiatives in this regard and it would be useful if the outcomes have been successful and to what extent these initiatives have achieved the objectives of broad based black economic empowerment. Consultants are required to explore this element in respect of Eskom's procurement policies.

5. **EXPERTISE OF CONSULTANTS**

The successful consultant may be a consortium, and must include a historically disadvantaged person's component, and must have the requisite skills to cover the scope of work.

6. ACCESS TO INFORMATION

Access to information not in the public domain will not be possible. Consultants are advised to access other studies that may have been undertaken by the social partners.

7. TIMEFRAME

The work must be completed within 6 months.

8. REQUIREMENTS OF BID

Prospective bidders must include the following information in their bid and must be available for a bidders' consultation if required.

- a) Methodological approach to the project (including information sources that will be used)
- b) Expertise and track record of all members of the research team
- c) Timeframe to complete the study including timeframes for interim reports
- d) All of the deliverables must be separately priced in case a decision is taken not to proceed with the whole study.

9. MANAGEMENT OF THE PROJECT

The project will be managed by a reference group that will comprise a representative of each of the four Nedlac Constituencies. The reference group will be responsible for the technical adjudication of bids and review of interim and final deliverables.

10. DELIVERABLES

The findings of the study must be presented in a narrative comprehensive report and a set of Power Point slides.

11. REPORTING RELATIONSHIP

The respective service provider will report to the Counterpart Group

12. INTELLECTUAL PROPERTY RIGHTS

All copyright and intellectual property rights that may result as consequences of the work to be performed will be become the property of the NEDLAC.

Service providers must hand over all documents and information in any format, including copies thereof, that it received from the NEDLAC or that it had access to during the assignment immediately after completion of the assignments to the NEDLAC.

	<p>Service providers shall deliver to the NEDLAC, on completion of the research, any security devices, passwords or protective mechanisms to the soft versions of documents that were written and the NEDLAC will have the right to amend and change these without obligation whatsoever to the service providers upon completion of the assignment.</p>
PRICING REQUIREMENTS	Please use a fixed pricing schedule as per item 3 in the contents.
REGISTRATION	Provide proof of registration on National Treasury Central Supplier Database (CSD). To access the CSD website go to www.csd.gov.za

EVALUATION CRITERIA

Evaluation of Bids shall be performed by an evaluation panel established by Counterpart Group and NEDLAC. NEDLAC has a detailed evaluation methodology based on Treasury Regulation 16A3 promulgated under Section 76 of the Public Finance Management Act, 1999 (Act, No. 1 of 1999), the Preferential Procurement Policy Framework Act 2000 (Act, No. 5 of 2000) and the Broad-Based Black Economic Empowerment Act, 2003 (Act, No. 53 of 2003). Preferential Procurement Regulations, 2017

Nedlac has set minimum standards (phases) that a bidder needs to meet in order to be evaluated and selected as a successful bidder.

The minimum standards consist of the following:

a) Pre-Qualification Criteria - (Phase 1) – bidder(s) are required to submit all documents stipulated on the RFP document including Central Supplier Database (CSD) Report.

b) Technical Evaluation Criteria (Phase 2) – bidder(s) are required to achieve a minimum of 70 points out of 100 points to proceed to phase 3 (Price and BEE).

Criteria	Description	Maximum Possible Score
Experience of Proposed Personnel for the services	Members of the team must demonstrate experience in the relevant field. In addition, the team leader must possess at least 10 years' experience with a team that possesses between 3 – 5 years' experience. Attach copies of CVs of each member outlining knowledge, skills and experience and demonstrate the following areas of the scope of work:	10
	Cost drivers of the electricity supply in South Africa.	15
	Demand, pricing and tariff setting.	15
	Revenue and funding models for sustainable electricity generation and supply	15
Organizational	Methodological approach to the project	20
Additions	Inclusion of PDI component in the project team	15
Study of encounters	Analysis of challenges in the electricity sector and development of options to address identified challenges	10
Total		100

c) Price and BBBEE evaluation (Phase 3) – bidder(s) will be evaluated out of 100 points and phase 2 will only apply to bidder(s) who have met the threshold of 70 points and above. Points shall be allocated to each bidder, on the basis that the maximum number of points that may be scored for price is 80, and the maximum number of preference points that may be claimed for B-BBEE (according to the PPPFA) is 20.

Price	80
BBBEE Level	20
Total	100 points

REASONS FOR DISQUALIFICATION

Nedlac 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:

1. Suppliers who do not submit a valid and original Tax Clearance Certificate on the closing date and time of the bid;
2. Suppliers who submitted incomplete information and documentation according to the requirements of this bid
3. Suppliers who submitted information that is fraudulent, factually untrue or inaccurate, for example memberships that do not exist, BEE credentials, experience, etc.;
4. Supplier who received information not available to other vendors through fraudulent means; and/or
5. Suppliers who do not comply with any other *requirements* as stipulated in this bid document.
6. Suppliers who do not comply with the mandatory functional requirements where applicable.
7. Suppliers who fail to sign their bid response or do not complete SBD 4, 8 & 9.
8. NEDLAC reserves the right to; cancel or reject any quote and not to award the RFP to the lowest bidder or award parts of the RFP to different bidders, or not to award the RFP at all.

DECLARATION BY BIDDER

I, the undersigned (NAME).....

- i. I have read and understood the conditions of this RFB.
- ii. I have supplied the required information and the information submitted as part of this RFP is true and correct.

	<p>.....</p> <p>Signature</p> <p>Date</p> <p>Capacity:.....</p>
APPOINTMENT, COMMENCEMENT AND DURATION	The successful interested party will be appointed for the period 01 April 2018 upon signing the service level agreement.
PREPARATION OF BID RESPONSE	<ol style="list-style-type: none"> 1. All the documentation submitted in response to this RFP must be in English. 2. The bidder is responsible for all the costs that it shall incur related to the preparation and submission of the bid document. 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. 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 NEDLAC in regard to anything arising from the fact that pages of a bid are missing or duplicated. 5. An original, certified BBB-EE certificate for non EME's and affidavits for EME's suppliers whose turnover is less than 10million must be included in the bid response.
NEDLAC'S RIGHTS	<ol style="list-style-type: none"> 1. NEDLAC is entitled to amend any bid conditions, bid validity period, RFP specifications, 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 NEDLAC have record of such bidders, may be advised in writing of such amendments or extension, as the case may be, in good time and any such changes will also be posted on the NEDLAC'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. 2. The NEDLAC 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 NEDLAC. 3. NEDLAC reserves the right to award this bid as a whole or in part.

	<ol style="list-style-type: none"> 4. NEDLAC reserves the right to conduct site visits at bidder's corporate offices and / or at client sites or offices if so required. 5. NEDLAC 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 NEDLAC to conduct background checks on the bidding entity and any of its directors / partners / trustees / shareholders / members
<p>UNDERTAKINGS BY THE BIDDER</p>	<ol style="list-style-type: none"> 1. By submitting a bid in response to the RFP, the bidder will be taken to offer to render all or any of the services described in the bid response submitted by it to NEDLAC on the terms and conditions and in accordance with the specifications stipulated in this RFP document. 2. The bidder shall prepare for a possible presentation should NEDLAC require such and the bidder shall be notified thereof in good time before the actual presentation date. Such presentation may include a practical demonstration of products or services as called for in this RFP. 3. The bidder agrees that the offer contained in its bid shall remain binding upon it/him/her and receptive for acceptance by the NEDLAC during the bid validity period indicated in the RFP and calculated from the bid closing hour and date such offer and its acceptance shall be subject to the terms and conditions contained in this RFP document read with the bid. 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. 5. The successful bidder accepts full responsibility for the proper execution and fulfillment of all obligations and conditions devolving on him/her under the supply agreement and SLA to be concluded with NEDLAC, as the principal(s) liable for the due fulfilment of such contract. 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 NEDLAC property unless otherwise stated by the bidder/s at the time of submission

CERTIFICATE FOR JOINT VENTURES

This Returnable Schedule is to be completed by EACH member of a joint venture submitting a proposal.

We, the undersigned, are submitting this proposal offer in Joint Venture and hereby authorize

Mr / Ms.....,

Authorized signatory of the Company.....

Acting in the capacity of lead JV partner, to sign all documents in connection with the proposal offer and any contract resulting from it on our behalf as a joint venture.

NAME OF JV ORGANISATION.....

ADDRESS:.....

.....

.....

DULY AUTHORISED SIGNATORY NAME

DESIGNATION:.....

SIGNATURE.....

DATE:.....