



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 PROVIDE INSURANCE SERVICES FOR THE PERIOD OF 36 MONTHS |
|--|

| | |
|---|--|
| BID NUMBER: | NEDLAC 2017/18/04 |
| COMPULSORY BRIEFING SESSION: | DATE: 10 APRIL 2018 TIME: 11:00 AM |
| CLOSING DATE AND TIME: | 03 MAY 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 11h00 |
| DESCRIPTION OF SERVICE/GOODS | APPOINTMENT OF SERVICE PROVIDER TO PROVIDE INSURANCE SERVICES FOR THE PERIOD OF 36 MONTHS |
| SUBMISSION OF BID | <u>DEPOSITED IN THE TENDER BOX SITUATED AT:</u> Nedlac offices (Reception Area) 14A Jellicoe Avenue, Rosebank |
| PROCUREMENT ENQUIRY | Name : Mr Mfanufikile Daza Tel no : 011 328 4200 Email : mfanufikile@nedlac.org.za |
| TECHNICAL ENQUIRY | Name : Gilbert Sithole Tel no : 011 328 4200 Email : gilbert@nedlac.org.za |

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INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR APPOINTMENT OF SERVICE PROVIDER TO PROVIDE INSURANCE SERVICES FOR THE PERIOD OF 36 MONTHS

BID NUMBER: NEDLAC 2017/18/04 CLOSING DATE: 05 MAY 2018 CLOSING TIME: 11:00

DESCRIPTION: APPOINTMENT OF SERVICE PROVIDER TO PROVIDE INSURANCE SERVICES FOR THE PERIOD OF 36 MONTHS

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 A COPY 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: Mr Mfanufikile Daza
Tel: 011 328 4200
Fax: N/A
E-mail address: mfanufikile@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.
 - a 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

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) |
|---------|-------------|--|
|---------|-------------|--|

a. The accompanying information must be used for the formulation of proposals.

a. The accompanying information must be used for the formulation of proposals.

2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project.

R.....

3. PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)

| 4. | PERSON AND POSITION | HOURLY RATE | DAILY RATE |
|----|---------------------|-------------|------------|
| | | R..... | ..... |
| | | R..... | ..... |
| | | R..... | ..... |
| | | R..... | ..... |
| | | R..... | ..... |

5. PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT

| | | |
|-------|--------|------------|
| ..... | R..... | days |
| ..... | R..... | days |
| ..... | R..... | days |
| ..... | R..... | days |

5.1 Travel expenses (specify, for example rate/km and total km, class of air travel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.

| DESCRIPTION OF EXPENSE TO BE INCURRED | RATE | QUANTITY | AMOUNT |
|---------------------------------------|------|----------|--------|
|---------------------------------------|------|----------|--------|

| | | | |
|-------|-------|-------|--------|
| ..... | ..... | ..... | R..... |
| ..... | ..... | ..... | R..... |
| ..... | ..... | ..... | R..... |
| ..... | ..... | ..... | R..... |

TOTAL: R.....

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

5.2 Other expenses, for example accommodation (specify, eg. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

| DESCRIPTION OF EXPENSE TO BE INCURRED | RATE | QUANTITY | AMOUNT |
|---------------------------------------|-------|----------|--------|
| | | | R..... |
| | | | R..... |
| | | | R..... |
| | | | R..... |

TOTAL: R.....

6. Period required for commencement with project after acceptance of bid

7. Estimated man-days for completion of project

8. Are the rates quoted firm for the full period of contract? *YES/NO

9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index.

***[DELETE IF NOT APPLICABLE]**

DECLARATION OF INTEREST

a. 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.**

a.11 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:

a.11.1 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;
 - I provincial legislature;
- (d) national Assembly or the national Council of provinces; or
 - I 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**

a.11.1 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.

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

a.11 Do you or any of the directors / trustees / shareholders / members **YES/NO** of the company have any interest in any other related companies

whether or not they are bidding for this contract?

2.11.1 If so, furnish particulars:

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

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

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

a DECLARATION

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

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

SBD 6.1

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

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

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

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

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

1.3 Points for this bid shall be awarded for:

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

1.4 The maximum points for this bid are allocated as follows: **I**

| | POINTS |
|--|---------------|
| PRICE | 80 |
| 8B-BBEE STATUS LEVEL OF CONTRIBUTOR | 20 |
| Total points for Price and B-BBEE must not exceed | 100 |

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

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

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code

of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

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

3. POINTS AWARDED FOR PRICE

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

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

80/20

or

90/10

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

P_{\min} = Price of lowest acceptable bid

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

| B-BBEE Status Level of Contributor | Number of points (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. BID DECLARATION

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

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

6.1 B-BBEE Status Level of Contributor: . =(maximum of 10 or 20 points)
 (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.)

7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?
 (*Tick applicable box*)

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

7.1.1 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 or QSE

(*Tick applicable box*)

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

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

| Designated Group: An EME or QSE which is at least 51% owned by: | EME ✓ | QSE ✓ |
|---|----------|----------|
| Black people | | |
| Black people who are youth | | |
| Black people who are women | | |
| Black people with disabilities | | |
| Black people living in rural or underdeveloped areas or townships | | |

| | | |
|--|--|--|
| Cooperative owned by black people | | |
| Black people who are military veterans | | |
| OR | | |
| Any EME | | |
| Any QSE | | |

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

8.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

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

8.8 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 contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

- (a) disqualify the person from the bidding process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution.

WITNESSES

1.

2.

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

DATE:

ADDRESS

.....

.....

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:

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:.....

ANNEXURE A – TERMS OF REFERENCE

APPOINTMENT OF SERVICE PROVIDER TO REVIEW ESKOM'S BUSINESS MODEL

| | |
|--|--|
| <p>PURPOSE OF THE REQUEST</p> | <p>The purpose of the RFP is to invite suitable interested service providers to submit proposals for The APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE INSURANCE SERVICES FOR THE PERIOD OF 36 MONTHS</p> <p>BACKGROUND</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> |
| <p>LEGISLATIVE FRAMEWORK OF THE BID</p> | <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> |
| <p>BRIEFING SESSION</p> | <p>A compulsory briefing and clarification session will be held at 14A Jellicoe Avenue, Rosebank, on the 10 April 2018 at 11h00 to clarify to the bidder(s) the scope and extent of work to be executed.</p> |
| <p>VALIDITY PERIOD</p> | <p>The period of validity of bid and withdrawal of offers, after the closing date and time is 90 days.</p> |
| <p>REQUIREMENTS</p> | <p>PURPOSE</p> <p>The purpose of this document is to invite proposals from service providers who can provide a reasonable but competitive risk cover in the form of a concise, readable explanation of various insurance</p> |

covers. The proposed insurance covers must assist NEDLAC in handling and managing the various risk exposures

SCOPE AND DELIVARABLES (Refer to Annexure 'A' to be provided during briefing session)

The service provider will be expected to address the following risk areas and also provide reliable information on the following:

a. Office contents

- Furniture and fittings

b. Accounts receivable

- Loss or damage by accident to the books of accounts / records, consequently unable to trace outstanding Debit balances

c. Business All Risk

- As per NEDLAC Register

d. Stated benefits (employees)

- 24 hour cover for bodily injury by accident, violent, external, internal and visible means to employees

e. Electronic equipment

- Physical loss or damage to property belonging to NEDLAC or held by NEDLAC in trust or on commission for which they are responsible

f. Motor

- Comprehensive cover for damage / loss of motor vehicles

g. Glass

- Internal and External Glass (including mirrors)

h. Public Liability

- Loss or damage to third party property or injury/death to third parties due to negligence of NEDLAC employees
- Probable events (any one period)
- Defamation and wrongful arrest
- Errors and Omissions
- Products liability
- Legal Defence Costs
- Personal injury
- Advertising Liability
- Spread of Fire

i. Fidelity Guarantee

- Cover against commercial crime / fraud caused by hackers or NEDLAC employees

j. Combined Risk

| | |
|-------------------------------|--|
| | <ul style="list-style-type: none"> • Cover against all property constructed of brick, stone, concrete or metal on metal framework and roofed with slate, tiles, metal, concrete, • Asbestos or thatch • Insured Risks (Combined): • Fire, lightning, thunderbolts, subterranean fire, explosions, implosions, spontaneous combustion, fermentation, charring, smoke, storm, wind, water, hail or snow, <p>k. Support</p> <ul style="list-style-type: none"> • One-on-one dedicated Claims Consultant. <p>l. Claims</p> <ul style="list-style-type: none"> • 30 calendar days turn-around time for outcome of claim from the date of submission of the claim. <p><u>Innovations</u></p> <ul style="list-style-type: none"> • Additional extras |
| PRICING REQUIREMENTS | SBD 3.3 |
| MANDATORY REQUIREMENTS | <p>All Standard Bidding Documents must be completed and signed.</p> <p>Most recent audited financial statements (2015/2016/2017). Anything before the stipulated financial years will be disqualified</p> <p>Tenderer must submit original or certified copy of the Financial Services Board (FSB) License Certificate.</p> <p>Any future premium adjustments and/or escalations must be based on a pre-determined formula which must be included in the tender proposals. The bidders must also provide a scenario of this pre-determined formula through examples.</p> <p>Provide proof of registration on National Treasury Central Supplier Database (CSD). To access the CSD website go to www.csd.gov.za</p> <p>Original or certified of the Tax Clearance Certificate</p> |
| | |

VALUATION 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 **B-BBEE**).

| CRITERIA | RATINGS | WEIGHT |
|----------------------------------|---|--------|
| Experience in the industry | Between 0 - 3 years = 10 Between 3 - 7 years = 20 Between 7 – 10 years = 30 Greater than 10 years = 40 | 40 |
| Track record of client | Between 0 - 10mil =10 Between 10 – 60 mil =20 Between 60 - 100mil =30 Greater than 100 =40 | 40 |
| Deliverables in terms of support | | 15 |
| Innovation and support | | 5 |
| Total | | 100 |

c) Price and BBEE 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 PREFERENTIAL PROCUREMENT REGULATIONS, 2017) is 20.

| | |
|------------|----|
| Price | 80 |
| BBEE Level | 20 |

| | | |
|-------------------------------------|---|-------------------|
| | Total | 100 points |
| REASONS FOR DISQUALIFICATION | | |
| | <p>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:</p> <ol style="list-style-type: none"> 1. Suppliers who do not submit a valid and certified or 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 <i>requirements</i> 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. (you indicated that bidders are required to complete all SBDs, verify if these are the only SBDs) 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. <p style="text-align: center;">----- DECLARATION BY BIDDER</p> <p>I, the undersigned (NAME).....</p> <ol style="list-style-type: none"> 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 Date</p> <p>Capacity:.....</p> | |
| | | |

| | |
|---|---|
| APPOINTMENT, COMMENCEMENT AND DURATION | The successful interested party will be appointed for the period 01 June 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 or certified copy of 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. 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 |
| UNDERTAKINGS BY THE BIDDER | <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. 2. 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. 3. 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 fulfillment of such contract. 4. 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 |
| UNDERTAKINGS BY NEDLAC | <p>NEDLAC partakes to contribute towards the project in the following:</p> <ul style="list-style-type: none"> • Report lost / stolen assets within a period of 30 days • Provide information (changes in the insured value) on a quarterly basis • Honour to pay premiums timeously in accordance with the regulations |

