

REQUEST FOR PROPOSALS

YOU ARE HEREBY INVITED TO SUBMIT A BID TO MEET THE REQUIREMENTS OF THE DEVELOPMENT BANK OF SOUTHERN AFRICA LIMITED	
BID NUMBER:	RFP070/2021
NON - COMPULSORY BRIEFING SESSION	<p>Tender briefing will be done online via Microsoft teams. Bidders must advise of their interest to participate in this tender by sending an email to lihleSCM@dbsa.org two (2) working days before the briefing meeting so as to be invited.</p> <p>29 MARCH 2021 AT 11H00</p>
CLOSING DATE:	07 APRIL 2021
CLOSING TIME:	23H55 via ONE DRIVE LINK
VALIDITY PERIOD:	120 days
DESCRIPTION OF BID:	Consultant to undertake the development of the SADC Regional Gas Master Plan- phase 2
BID SUBMISSIONS ELECTRONICALLY:	<ol style="list-style-type: none"> 1. Bidders are advised to kindly issue Tender Submission Link requests and all other enquiries to lihleSCM@dbsa.org – ONLY 2. No – Tender Submission Link requests will be accepted after 16h00 on the 05 APRIL 2021. Any requests after the stipulated date and time will be disregarded. 3. Bidders will thereafter receive a OneDrive Link to upload their tender submission documents electronically. 4. Bidders who have received submission Links that have errors, will be provided with new Links for use.
NAME OF BIDDER:	
CONTACT PERSON:	
EMAIL ADDRESS:	
TELEPHONE NUMBER:	
FAX NUMBER:	
BIDDER'S STAMP OR SIGNATURE	



The Development Bank of Southern Africa has a Zero Tolerance on Fraud and Corruption. Report any incidents of Fraud and Corruption to Whistle Blowers on any of the following:

TollFree : 0800 20 49 33
 Email : dbsa@whistleblowing.co.za
 Free Post : Free Post KZN 665 | Musgrave | 4062
 SMS : 33490

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PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF DEVELOPMENT BANK OF SOUTHERN AFRICA LIMITED (“DBSA”)

BID NUMBER: RFP070/2021

CLOSING DATE: 07 APRIL 2021

CLOSING TIME: 23H55

DESCRIPTION: Consultant to undertake the development of the SADC Regional gas Master Plan- phase 2

The successful Bidder will be required to conclude a service level agreement with the DBSA

Bidders should ensure that Bids are submitted timeously and to the correct One Drive link provided by the SCM Official. If the Bid is late, it will not be considered for evaluation.

The One Drive link provided will be valid till 23H55 on the closing date.

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

THIS BID IS SUBJECT TO THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT, WHICH ARE SET OUT IN PART C OF THIS DOCUMENT.

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

BIDDERS THAT ARE UNINCORPORATED CONSORTIA CONSISTING OF MORE THAN ONE LEGAL ENTITY MUST SELECT A LEAD ENTITY AND FURNISH THE DETAILS OF THE LEAD ENTITY, UNLESS OTHERWISE SPECIFIED.

NAME OF BIDDER AND EACH ENTITY IN CONSORTIUM:	
POSTAL ADDRESS:	
STREET ADDRESS:	
CONTACT PERSON (FULL NAME):	
EMAIL ADDRESS:	
TELEPHONE NUMBER:	
FAX NUMBER:	

1.1.1 ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]			
1.1.2 ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ANSWER PART B:3 BELOW]			
1.1.3 SIGNATURE OF BIDDER			
1.1.4 DATE				
1.1.5 FULL NAME OF AUTHORISED REPRESENTATIVE				
1.1.6 CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)				
BIDDER REGISTRATION NUMBER OR REGISTRATION NUMBER OF EACH ENTITY IN CONSORTIUM				
BIDDER VAT REGISTRATION NUMBER OR VAT REGISTRATION NUMBER OF EACH ENTITY IN CONSORTIUM				
BBBEE STATUS LEVEL VERIFICATION CERTIFICATE /BBBEE STATUS LEVEL SWORN AFFIDAVIT SUBMITTED? [TICK APPLICABLE BOX]	YES		NO	
IF YES, WHO ISSUED THE CERTIFICATE?				
REGISTERED WITH THE NATIONAL TREASURY CSD [TICK APPLICABLE BOX]	YES		NO	
CSD REGISTRATION NUMBER				
TAX COMPLIANCE STATUS PIN (TCS) NUMBER ISSUED BY SARS				

PART B

TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:								
<p>1.1. BIDS MUST BE SUBMITTED VIA ONE DRIVE LINK. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED– (NOT TO BE RE-TYPED) OR ONLINE</p> <p>1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.</p> <p>1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.</p> <p>1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.</p>								
2. TAX COMPLIANCE REQUIREMENTS								
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.</p> <p>2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.</p> <p>2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.</p> <p>2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.</p> <p>2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p>								
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS								
<table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> </table> <p>IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.</p>	3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO							
3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO							
3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO							
3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO							

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

PART C

CHECKLIST OF COMPULSORY RETURNABLE SCHEDULES AND DOCUMENTS

Please adhere to the following instructions

- Tick in the relevant block below
- Ensure that the following documents are completed and signed where applicable:
- Use the prescribed sequence in attaching the annexes that complete the Bid Document

NB: Should all these documents not be included, the Bidder may be disqualified on the basis of non-compliance

YES NO

<input type="checkbox"/>	<input type="checkbox"/>	<p>Bid document (clearly marked as FOLDER 1 and FOLDER 2); separated into</p> <p>FOLDER 1 – Pre - Qualifying documents and functional proposal</p> <p>FOLDER 2 – Financial proposal</p> <p>(FAILURE TO COMPLY WILL RESULT IN YOUR BID BEING DISQUALIFIED)</p>
<input type="checkbox"/>	<input type="checkbox"/>	Part A: Invitation to Bid
<input type="checkbox"/>	<input type="checkbox"/>	Part B: Terms and Conditions of Bidding
<input type="checkbox"/>	<input type="checkbox"/>	Part C: Checklist of Compulsory Returnable Schedules and Documents
<input type="checkbox"/>	<input type="checkbox"/>	Part D: Conditions of Tendering and Undertakings by Bidders
<input type="checkbox"/>	<input type="checkbox"/>	Part E: Specifications/Terms of Reference
<input type="checkbox"/>	<input type="checkbox"/>	Annexure A: Price Proposal Requirement – FOLDER 2
<input type="checkbox"/>	<input type="checkbox"/>	Annexure B: SBD4 Declaration of Interest
<input type="checkbox"/>	<input type="checkbox"/>	Annexure C: SBD6.1 and B-BBEE status level certificate
<input type="checkbox"/>	<input type="checkbox"/>	Annexure D: SBD8: Declaration of Bidder's Past Supply Chain Practices
<input type="checkbox"/>	<input type="checkbox"/>	Annexure E: SBD9: Certificate of Independent Bid Determination
<input type="checkbox"/>	<input type="checkbox"/>	Annexure F: Certified copies of your CIPC company registration documents listing all members with percentages, in case of a lose corporation
<input type="checkbox"/>	<input type="checkbox"/>	Annexure G: Certified copies of latest share certificates, in case of a company.

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Annexure H: (if applicable): A breakdown of how fees and work will be spread between members of the bidding consortium. |
| <input type="checkbox"/> | <input type="checkbox"/> | Annexure I Supporting documents to responses to Pre-Qualifying Criteria and Functional Evaluation Criteria. |
| <input type="checkbox"/> | <input type="checkbox"/> | Annexure J: General Condition of Contract |
| <input type="checkbox"/> | <input type="checkbox"/> | Annexure K: CSD Tax Compliance Status and Registration Requirements Report |

PART D

CONDITIONS OF TENDERING AND UNDERTAKINGS BY BIDDER

1. DEFINITIONS

In this Request for Proposals, unless a contrary intention is apparent:

- 1.1 **B-BBEE** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act, 2003;
- 1.2 **B-BBEE Act** means the Broad-Based Black Economic Empowerment Act, 2003;
- 1.3 **B-BBEE status level of contributor** means the B-BBEE status received by a measured entity based on its overall performance used to claim points in terms of regulation 6 and 7 of the Preferential Procurement Regulations, 2017.
- 1.4 **Business Day** means a day which is not a Saturday, Sunday or public holiday.
- 1.5 **Bid** means a written offer in the prescribed or stipulated form lodged by a Bidder in response to an invitation in this Request for Proposal, containing an offer to provide goods, works or services in accordance with the Specification as provided in this RFP.
- 1.6 **Bidder** means a person or legal entity, or an unincorporated group of persons or legal entities that submit a Bid.
- 1.7 **Companies Act** means the Companies Act, 2008.
- 1.8 **Compulsory Documents** means the list of compulsory schedules and documents set out in Part B.
- 1.9 **Closing Time** means the time, specified as such under the clause 0 (Bid Timetable) in Part C, by which Tenders must be received.
- 1.10 **DBSA** means the Development Bank of Southern Africa Limited.
- 1.11 **DFI** means Development Finance Institution.
- 1.12 **Evaluation Criteria** means the criteria set out under the clause 26 (Evaluation Process) of this Part C, which includes the Qualifying Criteria, Functional Criteria and Price and Preferential Points Assessment.
- 1.13 **Functional Criteria** means the criteria set out in clause 27 of this Part C.
- 1.14 **Intellectual Property Rights** includes copyright and neighbouring rights, and all proprietary rights in relation to inventions (including patents) registered and unregistered trademarks (including service marks), registered designs, confidential information (including trade secrets and know how) and circuit layouts, and all other proprietary rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields.
- 1.15 **PFMA** means the Public Finance Management Act, 1999.
- 1.16 **PPPFA** means the Preferential Procurement Policy Framework Act, 2000.
- 1.17 **PPPFA Regulations** means the Preferential Procurement Regulations, 2017 published in terms of the PPPFA.
- 1.18 **Pre-Qualifying Criteria** means the criteria set out in clause of this Part C.

- 1.19 Price and Preferential Points Assessment** means the process described in clause 26.2 of this Part C, as prescribed by the PPPFA.
- 1.20 Proposed Contract** means the agreement including any other terms and conditions contained in or referred to in this RFP that may be executed between the DBSA and the successful Bidder.
- 1.21 Request for Proposal or RFP** means this document (comprising each of the parts identified under Part A, Part B, Part C and Part D) including all annexures and any other documents so designated by the DBSA.
- 1.22 SARS** means the South African Revenue Service.
- 1.23 Services** means the services required by the DBSA, as specified in this RFP Part D.
- 1.24 SLA** means service level agreement.
- 1.25 SOE** means State Owned Enterprise, as defined by the Companies' Act.
- 1.26 Specification** means the conditions of tender set and any specification or description of the DBSA's requirements contained in this RFP.
- 1.27 State** means the Republic of South Africa.
- 1.28 Statement of Compliance** means the statement forming part of a Tender indicating the Bidders compliance with the Specification.
- 1.29 Tendering Process** means the process commenced by the issuing of this Request for Proposals and concluding upon formal announcement by the DBSA of the selection of a successful Bidder(s) or upon the earlier termination of the process.
- 1.30 Website** means a website administered by DBSA under its name with web address www.dbsa.org

2. INTERPRETATIONS

In this RFP, unless expressly provided otherwise a reference to:

- 2.1** "includes" or "including" means includes or including without limitation; and
- 2.2** "R" or "Rand" is a reference to the lawful currency of the Republic of South Africa.

3. TENDER TECHNICAL AND GENERAL QUERIES

Queries pertaining to this tender must be directed to: -

DBSA Supply Chain Management Unit

Email: lihleSCM@dbsa.org

No questions will be answered telephonically.

BID TIMETABLE

This timetable is provided as an indication of the timing of the tender process. It is indicative only and subject to change by the DBSA. Bidders are to provide proposals that will allow achievement of the intended commencement date.

Activity	Date
Advertisement of tender	18/ 03 / 2021
RFP document available	18 / 03 / 2021
Non-Compulsory Briefing session	29 / 03 / 2021
Closing date for tender enquiries	05 / 04 / 2021 at 16h00
Closing date and time	07 / 04 / 2021 at 23h55
Intended completion of evaluation of tenders	TBA
Intended formal notification of successful Bidder(s)	TBA
Signing of Service Level Agreement	TBA
Effective date	TBA

4. SUBMISSION OF TENDERS

ELECTRONICALLY

- i. Bidders are advised to kindly issue Tender Submission Link requests and all other enquiries to lihleSCM@dbsa.org - ONLY.
- ii. No – Tender Submission Link requests will be accepted after 16h00 on 5 April 2021. Any requests after the stipulated date and time will be disregarded.
- iii. Bidders will thereafter receive a OneDrive Link to upload their tender submission documents electronically.
- iv. Bidders who have received submission Links that have errors, will be provided with new Links for use.

5. RULES GOVERNING THIS RFP AND THE TENDERING PROCESS

- 5.1 Participation in the tender process is subject to compliance with the rules contained in this RFP Part C.
- 5.2 All persons (whether or not a participant in this tender process) having obtained or received this RFP may only use it, and the information contained herein, in compliance with the rules contained in this RFP.
- 5.3 All Bidders are deemed to accept the rules contained in this RFP Part C.
- 5.4 The rules contained in this RFP Part C apply to:

- 5.4.1** The RFP and any other information given, received or made available in connection with this RFP, and any revisions or annexure;
- 5.4.2** the Tendering Process; and
- 5.4.3** any communications (including any briefings, presentations, meetings and negotiations) relating to the RFP or the Tendering Process.

6. STATUS OF REQUEST FOR PROPOSAL

This RFP is an invitation for person(s) to submit a proposal(s) for the provision of the services as set out in the Specification contained in this RFP. Accordingly, this RFP must not be construed, interpreted, or relied upon, whether expressly or implicitly, as an offer capable of acceptance by any person(s), or as creating any form of contractual, promissory or other rights. No binding contract or other understanding for the supply of services will exist between the DBSA and any Bidder unless and until the DBSA has executed a formal written contract with the successful Bidder.

7. ACCURACY OF REQUEST FOR PROPOSAL

- 7.1** Whilst all due care has been taken in connection with the preparation of this RFP, the DBSA makes no representations or warranties that the content in this RFP or any information communicated to or provided to Bidders during the Tendering Process is, or will be, accurate, current or complete. The DBSA, and its officers, employees and advisors will not be liable with respect to any information communicated which is not accurate, current or complete.
- 7.2** If a Bidder finds or reasonably believes it has found any discrepancy, ambiguity, error or inconsistency in this RFP or any other information provided by the DBSA (other than minor clerical matters), the Bidder must promptly notify the DBSA in writing of such discrepancy, ambiguity, error or inconsistency in order to afford the DBSA an opportunity to consider what corrective action is necessary (if any).
- 7.3** Any actual discrepancy, ambiguity, error or inconsistency in this RFP or any other information provided by the DBSA will, if possible, be corrected and provided to all Bidders without attribution to the Bidder who provided the written notice.

8. ADDITIONS AND AMENDMENTS TO THE RFP

- 8.1** The DBSA reserves the right to change any information in, or to issue any addendum to this RFP before the Closing Time. The DBSA and its officers, employees and advisors will not be liable in connection with either the exercise of, or failure to exercise this right.
- 8.2** If the DBSA exercises its right to change information in terms of clause 9.1, it may seek amended Tenders from all Bidders.

9. REPRESENTATIONS

No representations made by or on behalf of the DBSA in relation to this RFP will be binding on the DBSA unless that representation is expressly incorporated into the contract ultimately entered between the DBSA and the successful Bidder.

10. CONFIDENTIALITY

All persons (including all Bidders) obtaining or receiving this RFP and any other information in connection with this RFP or the Tendering Process must keep the contents of the RFP and other such information confidential, and not disclose or use the information except as required for the purpose of developing a proposal in response to this RFP.

11. REQUESTS FOR CLARIFICATION OR FURTHER INFORMATION

- 11.1** All communications relating to this RFP and the Tendering Process must be directed to the Tender Officer.
- 11.2** All questions or requests for further information or clarification of this RFP or any other document issued in connection with the Tendering Process must be submitted to the Tender Officer in writing, and most preferably by e-mail to lihleSCM@dbsa.org
- 11.3** Any communication by a Bidder to the DBSA will be effective upon receipt by the Tender Officer (provided such communication is in the required format).
- 11.4** The DBSA has restricted the period during which it will accept questions or requests for further information or clarification and reserves the right not to respond to any enquiry or request, irrespective of when such enquiry or request is received.
- 11.5** Except where the DBSA is of the opinion that issues raised apply only to an individual Bidder, questions submitted and answers provided will be made available to all Bidders by e-mail, as well as on the DBSA's website without identifying the person or organisation which submitted the question.
- 11.6** In all other instances, the DBSA may directly provide any written notification or response to a Bidder by email to the address of the Bidder (as notified by the Bidder to the Tender Manager).
- 11.7** A Bidder may, by notifying the Tender Officer in writing, withdraw a question submitted in accordance with clause 12, in circumstances where the Bidder does not wish the DBSA to publish its response to the question to all Bidders.

12. UNAUTHORISED COMMUNICATIONS

- 12.1** Communications (including promotional or advertising activities) with staff of the DBSA or their advisors assisting with the Tendering Process are not permitted during the Tendering Process, or otherwise with the prior consent of the Tender Officer. Nothing in this clause 12 is intended to

prevent communications with staff of, or advisors to, the DBSA to the extent that such communications do not relate to this RFP or the Tendering Process.

- 12.2** Bidders must not otherwise engage in any activities that may be perceived as, or that may have the effect of, influencing the outcomes of the Tendering Process in any way.

13. IMPROPER ASSISTANCE, FRAUD AND CORRUPTION

- 13.1** Bidders may not seek or obtain the assistance of employees of the DBSA in the preparation of their tender responses.
- 13.2** The DBSA may in its absolute discretion, immediately disqualify a Bidder that it believes has sought or obtained such improper assistance.
- 13.3** Bidders are to be familiar with the implications of contravening the Prevention and Combating of Corrupt Activities Act, 2004 and any other relevant legislation.

14. ANTI-COMPETITIVE CONDUCT

- 14.1** Bidders and their respective officers, employees, agents and advisors must not engage in any collusion, anti-competitive conduct or any other similar conduct in respect of this Tendering Process with any other Bidder or any other person(s) in relation to:
- 14.1.1** the preparation or lodgement of their Bid
 - 14.1.2** the evaluation and clarification of their Bid; and
 - 14.1.3** the conduct of negotiations with the DBSA.
- 14.2** For the purposes of this clause 14, collusion, anti-competitive conduct or any other similar conduct may include disclosure, exchange and clarification of information whether or not such information is confidential to the DBSA or any other Bidder or any other person or organisation.
- 14.3** In addition to any other remedies available to it under law or contract, the DBSA may, in its absolute discretion, immediately disqualify a Bidder that it believes has engaged in any collusive, anti-competitive conduct or any other similar conduct during or before the Tendering Process.

15. COMPLAINTS ABOUT THE TENDERING PROCESS

- 15.1** Any complaint about the RFP or the Tendering Process must be submitted to the Supply Chain Management Unit in writing, by email, immediately upon the cause of the complaint arising or becoming known to the Bidder, (scmqueries@dbsa.org)
- 15.2** The written complaint must set out:
- 15.2.1** the basis for the complaint, specifying the issues involved;
 - 15.2.2** how the subject of the complaint affects the organisation or person making the complaint;
 - 15.2.3** any relevant background information; and
 - 15.2.4** the outcome desired by the person or organisation making the complaint.

- 15.3** If the matter relates to the conduct of an employee of the DBSA, the complaint should be addressed in writing marked for the attention of the Chief Executive Officer of the DBSA, and delivered to the physical address of the DBSA, as notified.

16. CONFLICT OF INTEREST

- 16.1** A Bidder must not, and must ensure that its officers, employees, agents and advisors do not place themselves in a position that may give rise to actual, potential or perceived conflict of interest between the interests of the DBSA and the Bidder's interests during the Tender Process.
- 16.2** The Bidder is required to provide details of any interests, relationships or clients which may or do give rise to a conflict of interest in relation to the supply of the services under any contract that may result from this RFP. If the Bidder submits its Bid and a subsequent conflict of interest arises, or is likely to arise, which was not disclosed in the Bid, the Bidder must notify the DBSA immediately in writing of that conflict.
- 16.3** The DBSA may immediately disqualify a Bidder from the Tendering Process if the Bidder fails to notify the DBSA of the conflict as required.

17. LATE BIDS

- 17.1** Bids must be delivered by the Closing Time. The Closing Time may be extended by the DBSA in its absolute discretion by providing written notice to Bidders.
- 17.2** Bids delivered after the Closing Time or lodged at a location or in a manner that is contrary to that specified in this RFP will be disqualified from the Tendering Process and will be ineligible for consideration. However, a late Bid may be accepted where the Bidder can clearly demonstrate (to the satisfaction of the DBSA, in its sole discretion) that late lodgement of the Bid was caused by the DBSA; that access was denied or hindered in relation to the physical tender box; or that a major/critical incident hindered the delivery of the Bid and, in all cases, that the integrity of the Tendering Process will not be compromised by accepting a Bid after the Closing Time.
- 17.3** The determination of the DBSA as to the actual time that a Bid is lodged is final. Subject to clause 17.2, all Bids lodged after the Closing Time will be recorded by the DBSA and will only be opened for the purposes of identifying a business name and address of the Bidder. The DBSA will inform a Bidder whose Bid was lodged after the Closing Time of its ineligibility for consideration. The general operating practice is for the late Bid to be returned within 5 (five) working days of receipt or within 5 (five) working days after determination not to accept a late Bid.

18. BIDDER'S RESPONSIBILITIES

- 18.1** Bidders are responsible for:
- 18.1.1** examining this RFP and any documents referenced or attached to this RFP and any other information made or to be made available by the DBSA to Bidders in connection with this RFP;

- 18.1.2** fully informing themselves in relation to all matters arising from this RFP, including all matters regarding the DBSA's requirements for the provision of the Services;
 - 18.1.3** ensuring that their Bids are accurate and complete;
 - 18.1.4** making their own enquiries and assessing all risks regarding this RFP, and fully considering and incorporating the impact of any known and unknown risks into their Bid;
 - 18.1.5** ensuring that they comply with all applicable laws in regard to the Tendering Process particularly as specified by National Treasury Regulations, Guidelines, Instruction Notes and Practice Notes and other relevant legislation as published from time to time in the Government Gazette; and
 - 18.1.6** submitting all Compulsory Documents.
- 18.2** Bidders with annual total revenue of R10 million or less qualify as Exempted Micro Enterprises (EMEs) in terms of the B-BBEE Act must submit a certificate issued by a registered, independent auditor (who or which is not the Bidder or a part of the Bidder) or an accredited verification agency.
- 18.3** Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy, or a sworn affidavit thereof, substantiating their B-BBEE status. The submission of such certificates must comply with the requirements of instructions and guidelines issued by National Treasury and be in accordance with the applicable notices published by the Department of Trade and Industry in the Government Gazette.
- 18.4** The DBSA 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 DBSA.
- 18.5** Failure to provide the required information may result in disqualification of the Bidder.

19. PREPARATION OF BIDS

- 19.1** Bidders must ensure that:
- 19.1.1** their Bid is submitted in the required format as stipulated in this RFP; and
 - 19.1.2** all the required information fields in the Bid are completed in full and contain the information requested by the DBSA.
- 19.2** The DBSA may in its absolute discretion reject a Bid that does not include the information requested or is not in the format required.
- 19.3** Unnecessarily elaborate responses or other representations beyond that which is sufficient to present a complete and effective tender proposal are not desired or required. Elaborate and expensive visual and other presentation aids are not necessary.
- 19.4** Where the Bidder is unwilling to accept a specified condition, the non-acceptance must be clearly and expressly stated. Prominence must be given to the statement detailing the non-acceptance. It is not sufficient that the statement appears only as part of an attachment to the Bid or be included in a general statement of the Bidders usual operating conditions.
- 19.5** An incomplete Bid may be disqualified or assessed solely on the information completed or received with the Bid.

20. ILLEGIBLE CONTENT, ALTERATION AND ERASURES

- 20.1** Incomplete Bids may be disqualified or evaluated solely on information contained in the Bid.
- 20.2** The DBSA may disregard any content in a Tender that is illegible and will be under no obligation whatsoever to seek clarification from the Bidder.
- 20.3** The DBSA may permit a Bidder to correct an unintentional error in its Bid where that error becomes known or apparent after the Closing Time, but in no event will any correction be permitted if the DBSA reasonably considers that the correction would materially alter the substance of the Bid or effect the fairness of the Tendering Process.

21. OBLIGATION TO NOTIFY ERRORS

If, after a Bidder's Response has been submitted, the Bidder becomes aware of an error in the Bidders Response (including an error in pricing, but excluding clerical errors which would have no bearing on the evaluation of the Bid), the Bidder must promptly notify the DBSA of such error.

22. RESPONSIBILITY FOR BIDDING COSTS

- 22.1** The Bidders participation or involvement in any stage of the Tendering Process is at the Bidders sole risk, cost and expense. The DBSA will not be held responsible for, or pay for, any expense or loss that may be incurred by Bidders in relation to the preparation or lodgement of their Bid.
- 22.2** The DBSA is not liable to the Bidder for any costs on the basis of any contractual, promissory or restitutionary grounds whatsoever as a consequence of any matter relating to the Bidders participation in the Tendering Process, including without limitation, instances where:
 - 22.2.1** the Bidder is not engaged to perform under any contract; or
 - 22.2.2** the DBSA exercises any right under this RFP or at law.

23. DISCLOSURE OF BID CONTENTS AND BID INFORMATION

- 23.1** All Bids received by the DBSA will be treated as confidential. The DBSA will not disclose contents of any Bid and Bid information, except:
 - 23.1.1** as required by law;
 - 23.1.2** for the purpose of investigations by other government authorities having relevant jurisdiction;
 - 23.1.3** to external consultants and advisors of the DBSA engaged to assist with the Tendering Process; or for the general information of Bidders required to be disclosed as per National Treasury Regulations, Guidelines, Instruction Notes or Practice Notes.

24. USE OF BIDS

24.1 Upon submission in accordance with the requirements relating to the submission of Bids, all Bids submitted become the property of the DBSA. Bidders will retain all ownership rights in any intellectual property contained in the Bids.

24.2 Each Bidder, by submission of their Bid, is deemed to have licensed the DBSA to reproduce the whole, or any portion, of their Bid for the sole purposes of enabling the DBSA to evaluate the Bid.

25. BID ACCEPTANCE

All Bids received must remain open for acceptance for a minimum period of 120 (One hundred and Twenty) days from the Closing Time. This period may be extended by written mutual agreement between the DBSA and the Bidder.

26. EVALUATION PROCESS

26.1 The Bids will be evaluated and adjudicated as follows:

26.1.1 FIRST STAGE – RESPONSIVENESS

A. Tenderers who do not adhere to those criteria listed a PRE-QUALIFIER, will be disqualified immediately.

Responsiveness Criteria		Prequalifying Criteria	Applicable to this Tender (Y/N)	Bidder to indicate Compliance (Y/N)
1	Adherence in submitting Tender as two-stage folders: Folder 1: Pre-qualifiers and functionality proposal Folder 2: Financial proposal	Pre-Qualifier	Y	
2	Proof of Registration with a recognized professional body/ institution, relevant to tender requirement (To be determined in line with Tender Requirement) – Sec. C	Pre-Qualifier	Y	
3	In terms of the DBSA Transformation Imperative Targets, the DBSA will consider companies that are EME's and QSE's with a minimum B-BBEE status of Level 2 who will contribute to meaningful B-BBEE initiatives as part of the tender process	Pre-Qualifier	Y	
4	The successful Tenderer, if not itself an EME or QSE with a minimum B-BBEE status level 2, as per Section 4(1)(a) and (b) of the PPR 2017, must subcontract a minimum of 30% of the value of the contract to the following category referred to in Section 4(1)(c) of the PPR 2017: (i). an EME or QSE which is at least 51% owned by black people.	Pre-Qualifier	Y	

- B.** Tenderers who do not adhere to the indicated response time for clarifications requested by the Employer will be deemed to be non-responsive and their submissions will not be evaluated further.

Responsiveness Criteria		Clarification Time	Applicable to this Tender (Y/N)	Bidder to indicate Compliance (Y/N)
4	Standard conditions of tender as required.	48 hours	Y	
5	Returnable documents completed and signed.	48 hours	Y	
6	Submission of Registration with National Treasury Central Supplier Database (CSD) Summary Report: - Bidder must be fully registered & compliant in order to do business with the DBSA.	48 hours	Y	
7	A valid and active Tax Compliance Status Pin issued by SARS.	48 hours	Y	

- C.** Only bids which satisfy the following pre-qualification criteria in respect of minimum qualifications will be evaluated for *Functionality*. *Note that it is a requirement that certified copies of educational qualifications, professional registration must be included for each expert: In the case of Project Manager, proof of completed projects i.e. Reference Letters must be included.*

Only those Bidders which satisfy all the Pre-Qualifying Criteria will be eligible to participate in the Tendering Process further. Bids which do not satisfy all the Pre-Qualifying Criteria will not be evaluated further.

26.2 SECOND STAGE: FUNCTIONAL EVALUATIONS

27.2.1. EVALUATION CRITERIA

The functional evaluation for this bid will be based on the criteria outlined in the table below:

Table 3: EVALUATION CRITERIA

Evaluation criteria that are scored	Scoring criteria	Maximum number of points
1. Proposed Methodology and Approach: Details of the proposed methodology and approach that the Tenderer intends to follow with regard to the effective provision of the professional services required for the SADC Regional Gas Master Plan – phase II	(Non-responsive = 0, Poor = 5, Average = 10, Good = 15, Excellent = 20)	20
2. Experience of the Tenderer (Lead Tenderer and Entities in JV, Consortium, Association, etc.) in Executing Work of A Similar Nature: Tenderer's experience and track record in providing professional services required for the successful completion of studies similar to the SADC Regional Gas Master Plan-phase II.	(Non-responsive = 0, Poor = 10, Average = 20, Good = 30, Excellent = 40)	40
3. Experience of the Tenderer's Proposed Key Resources / Experts: Experience of the key resources / experts proposed as team members for key services /disciplines required for the successful delivery of the SADC Regional Gas Master Plan- phase II.	(Non-responsive = 0, Poor = 10, Average = 20, Good = 30, Excellent = 40)	40
Maximum possible score (E_s)	100	

Specific requirements for the categories of the Technical and Functional Scorecard

1. Proposed Methodology and Approach (20 Points)

The Respondent will be scored on demonstrating project comprehension for the following 3 requirements:

- Understanding of the assignment;
- Project management approach and methodology; and
- Proposed work plan/timetable.

ITEM	FUNCTIONALITY	MAX NUMBER OF POINTS	SCORING GUIDELINE	SOURCE DOCUMENT THAT MUST BE SUBMITTED TO SCORE POINTS
A - PROPOSED APPROACH AND METHODOLOGY - 20				
Details of the proposed methodology and approach that the Tenderer intends to follow with regard to the effective provision of the professional services required for the SADC Regional Gas Master Plan – phase II				
1.	All 3 requirements are demonstrated with good quality of comprehension.	20	Excellent = 20	
2.	3 requirements are demonstrated with sufficient quality.		Good = 15	
3.	2 requirements are demonstrated with sufficient quality		Satisfactory =10	
4.	Only 1 requirement is demonstrated with sufficient quality.		Poor = 5	
5.	Tenderer has not sufficiently demonstrated quality of comprehension for any of the 3 requirements to determine a scoring level.		Non-Responsive =0	
B. EXPERIENCE OF THE TENDERER (PROOF OF COMPLETED PROJECTS TO BE ATTACHED: COMPLETION CERTIFICATES /REFERENCE LETTERS - 40				
The respondent should also be able to list the successful design/completion of similar Programmes and Projects, linking each to formal project completion reference				
1.	Demonstration of having completed more than three projects	40	Excellent: 3 and above Projects = 40 points	Recommendation letters from the Employer where this project was
2.	Demonstration of having completed at least three similar projects	30	Good: = 30 points	

3.	Demonstration of having completed at least two similar projects	20	Satisfactory =20	
4.	Demonstration of having completed at least one similar projects	10	Poor = 10	
5.	Tenderer has submitted no information or inadequate information to determine a scoring level.	0	Non-Responsive =0	
C. TENDERERS PROPOSED KEY RESOURCES/EXPERTS: Lead Tenderer.) - 40				
<p>Required Skills and Experience:</p> <ul style="list-style-type: none"> •A team leader with at least 10 years' experience in managing similar assignments in the RE sector, •Relevant tertiary qualifications in technical; legal and financial field, •All other sector specialist should have at least 8 years' experience in the relevant sectors, •Registration with a recognised professional body/institution, and •Additional project management qualifications will be an advantage. 				
1.	The work-stream lead has more than 10 years' experience, team members have more than 5 years' experience and everyone is registered with the relevant professional bodies. All of the above required skills and experience is demonstrated.		Excellent: = 40 points	
2.	The work-stream lead has 10 years' experience, team members have 5 years' experience and almost everyone is registered with the relevant professional bodies. Most of the above required skills and experience is demonstrated.		Good: = 30 points	
3.	The work-stream lead has between 5 and 10 years' experience, team members have between 2 and 5 years' experience and most professionals are registered with the relevant professional bodies. Some of the above required skills and experience is demonstrated.		Satisfactory =20	
4.	The team leader has less than 5 years' experience, the team members have less than 2		Poor =10	

	years' experience, and almost everyone is not registered with the relevant professional bodies. Minimal of the above required skills and experience is demonstrated.			
5.	Tenderer has submitted no information or inadequate information to determine a scoring level.		Non-Responsive =0	
	Maximum points total	100		
	Threshold	70		

27.2.2. EXPERIENCE OF THE TENDERER'S PROPOSED KEY EXPERTS

The tenderer shall provide information in respect of the key personnel who will be engaged on the contract by completing this schedule.

- (a) The tenderer must consult the Tender Documentation which indicates the list of minimum key personnel required as well as qualifications.
- (b) All the key staff shall be proficient in the use (both verbal and written) English language.
- (c) In addition to the Personnel Schedule, the Tenderer shall also provide a Contract project organisational chart showing the team composition for each activity/phase/stage giving the team member names (only key team members need be included by name), position on team, and reporting relationship to other team members.
- (d) Key professional staff of the tenderer should be permanently employed forming part of the Tenderer or have an extended and stable working relationship with the applicable Bidder. In addition, the staff should be readily available to the employer for discussions at, typically, less than a week's notice.

27.2.3. SUMMARY DETAILS OF QUALIFICATIONS AND EXPERIENCE OF TENDERER'S PROPOSED KEY RESOURCES / EXPERTS

Table to be completed for the Key Resources

KEY EXPERT 1				
Name	Current Job Title	Qualifications	Professional Registration & Registration Nr.	Related work completed over the past 3 Years

KEY EXPERT 2				
Name	Current Job Title	Qualifications	Professional Registration & Registration Nr.	Related work completed over the past 3 Years

KEY EXPERT 3				
Name	Current Job Title	Qualifications	Professional Registration & Registration Nr.	Related work completed over the past 3 Years

KEY EXPERT 4				
Name	Current Job Title	Qualifications	Professional Registration & Registration Nr.	Related work completed over the past 3 Years

KEY EXPERT 5				
Name	Current Job Title	Qualifications	Professional Registration & Registration Nr.	Related work completed over the past 3 Years

KEY EXPERT 6				
Name	Current Job Title	Qualifications	Professional Registration & Registration Nr.	Related work completed over the past 3 Years

KEY EXPERT 7				
Name	Current Job Title	Qualifications	Professional Registration & Registration Nr.	Related work completed over the past 3 Years

Note: A CV of each of the proposed team members of not more than 5 pages should be attached to this schedule and a copy of professional registration and qualifications after the above summary details table

Summarized Details of Experience / Track Record of the Tendering Entity in Executing Work of Similar Nature

EXPERIENCE / TRACK RECORD OF THE TENDERER OVER THE PAST YEARS IN: OR SIMILAR ENVIRONMENT.				
Employer, contact person and telephone number and email address	Description of Professional Services Provided	Value of Service provided (inclusive of VAT (Rand)	Date Service Commenced	Date Service Ended

The undersigned, who warrants that he / she is duly authorized to do so on behalf of the enterprise, confirms that the contents of this schedule are within my personal knowledge and are to the best of my belief both true and correct.

Signature:	
Date:	
Name:	
Position:	
Respondent:	

27.2.5 A minimum of 70 points out of a 100 for the functional/ evaluation will qualify the Bid to move on to the second stage of evaluation, which is price and BBBEE. Bidders that do not score 70 points or higher at this stage of the evaluation will not be disqualified.

26.3 THIRD STAGE: PRICE AND PREFERENTIAL POINTS ASSESSMENT

26.3.1 The Third stage of evaluation of the Bids will be in respect of price and preferential procurement only. Points will be allocated to Bidders at this stage of the evaluation in accordance with the PPPFA and the PPPFA Regulations, as follows:

Price points 80

Preferential procurement points 20

26.3.2 Price points

The following formula will be used to calculate the points for price:

$$Ps = 80(1-(Pt-Pmin)/Pmin)$$

Where:

Ps = Points scored for comparative price of tender or offer under consideration;

Pt = Comparative price of tender or offer under consideration; and

Pmin = Comparative price of lowest acceptable tender or offer.

26.3.3 Preferential procurement points

A maximum of 20 points may be awarded in respect of preferential procurement, which points must be awarded to a tenderer for attaining their B-BBEE Status Level in accordance with the table below:

B-BBEE Status Level	Number of Points
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

An unincorporated trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits

their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate Bid.

26.3.4 Total

The total points scored by each Bidder will be calculated by adding the points scored for price (out of 80) to the points scored for preferential procurement (out of 20).

The successful Bidder will be the Bidder which has the highest total points (out of 100) for both price and preferential procurement (unless there is a basis for selecting a different successful Bidder in accordance with section 2(1)(f) of the PPPFA).

NB: Bidders are required to submit, as Annexure J to their Bids, any documentation which supports the responses provided in respect of the Eligibility Criteria below.

27. STATUS OF BID

27.1 Each Bid constitutes an irrevocable offer by the Bidder to the DBSA to provide the Services required and otherwise to satisfy the requirements of the Specification as set out in this RFP.

27.2 A Bid must not be conditional on:

- 27.2.1** the Board approval of the Bidder or any related governing body of the Bidder being obtained;
- 27.2.2** the Bidder conducting due diligence or any other form of enquiry or investigation;
- 27.2.3** the Bidder (or any other party) obtaining any regulatory approval or consent;
- 27.2.4** the Bidder obtaining the consent or approval of any third party; or
- 27.2.5** the Bidder stating that it wishes to discuss or negotiate any commercial terms of the contract.

27.3 The DBSA may, in its absolute discretion, disregard any Bid that is, or is stated to be, subject to any one or more of the conditions detailed above (or any other relevant conditions).

27.4 The DBSA reserves the right to accept a Bid in part or in whole or to negotiate with a Bidder in accordance with the provisions of this RFP and the applicable laws and regulations.

28. CLARIFICATION OF BIDS

28.1 The DBSA may seek clarification from and enter discussions with any or all of the Bidders in relation to their Bid. The DBSA may use the information obtained when clarification is sought or discussions are had in interpreting the Bid and evaluating the cost and risk of accepting the Bid. Failure to supply clarification to the satisfaction of the DBSA may render the Bid liable to disqualification.

- 28.2** The DBSA is under no obligation to seek clarification of anything in a Bid and reserves the right to disregard any clarification that the DBSA considers to be unsolicited or otherwise impermissible or irrelevant in accordance with the rules set out in this RFP.

29. DISCUSSION WITH BIDDERS

- 29.1** The DBSA may elect to engage in detailed discussions with any one or more Bidder(s), with a view to maximising the benefits of this RFP as measured against the evaluation criteria and in fully understanding a Bidder's offer.
- 29.2** As part of the evaluation of this Bid, DBSA will invite Bidders to give a presentation to the DBSA in relation to their submissions.
- 29.3** The DBSA is under no obligation to undertake discussions with, and Bidders.
- 29.4** In addition to presentations and discussions, the DBSA may request some or all Bidders to:
- 29.4.1** conduct a site visit, if applicable;
 - 29.4.2** provide references or additional information; and/or
 - 29.4.3** make themselves available for panel interviews.

30. SUCCESSFUL BIDS

- 30.1** Selection as a successful Bidder does not give rise to a contract (express or implied) between the successful Bidder and the DBSA for the supply of the Services. No legal relationship will exist between the DBSA and a successful Bidder for the supply of the Services until such time as a binding contract is executed by them.
- 30.2** The DBSA may, in its absolute discretion, decide not to enter into pre-contractual negotiations with a successful Bidder.
- 30.3** A Bidder is bound by its Bid and all other documents forming part of the Bidder's Response and, if selected as a successful Bidder, must enter into a contract on the basis of the Bid with or without further negotiation.

31. NO OBLIGATION TO ENTER INTO CONTRACT

- 31.1** The DBSA is under no obligation to appoint a successful Bidder or Bidders (as the case may be), or to enter into a contract with a successful Bidder or any other person, if it is unable to identify a Bid that complies in all relevant respects with the requirements of the DBSA, or if due to changed circumstances, there is no longer a need for the Services requested, or if funds are no longer available to cover the total envisaged expenditure. For the avoidance of any doubt, in these circumstances the DBSA will be free to proceed via any alternative process.
- 31.2** The DBSA may conduct a debriefing session for all Bidders (successful and unsuccessful). Attendance at such debriefing session is optional.

32. BIDDER WARRANTIES

32.1 By submitting a Bid, a Bidder warrants that:

- 32.1.1** it did not rely on any express or implied statement, warranty or representation, whether oral, written, or otherwise made by or on behalf of the DBSA, its officers, employees, or advisers other than any statement, warranty or representation expressly contained in the RFP;
- 32.1.2** it did not use the improper assistance of DBSA's employees or information unlawfully obtained from them in compiling its Bid;
- 32.1.3** it is responsible for all costs and expenses related to the preparation and lodgement of its Bid, any subsequent negotiation, and any future process connected with or relating to the Tendering Process;
- 32.1.4** it accepts and will comply with the terms set out in this RFP; and
- 32.1.5** it will provide additional information in a timely manner as requested by the DBSA to clarify any matters contained in the Bid.

33. DBSA'S RIGHTS

33.1 Notwithstanding anything else in this RFP, and without limiting its rights at law or otherwise, the DBSA reserves the right, in its absolute discretion at any time, to:

- 33.1.1** cease to proceed with, or suspend the Tendering Process prior to the execution of a formal written contract;
- 33.1.2** alter the structure and/or the timing of this RFP or the Tendering Process;
- 33.1.3** vary or extend any time or date specified in this RFP
- 33.1.4** terminate the participation of any Bidder or any other person in the Tendering Process;
- 33.1.5** require additional information or clarification from any Bidder or any other person;
- 33.1.6** provide additional information or clarification;
- 33.1.7** negotiate with any one or more Bidder;
- 33.1.8** call for new Bid;
- 33.1.9** reject any Bid received after the Closing Time; or
- 33.1.10** to split the award based on the value for money, stock availability and lead time to delivery;
- 33.1.11** reject any Bid that does not comply with the requirements of this RFP.

34. GOVERNING LAWS

34.1 This RFP and the Tendering Process are governed by the laws of the Republic of South Africa.

- 34.2** Each Bidder must comply with all relevant laws in preparing and lodging its Bid and in taking part in the Tendering Process.
- 34.3** All Bids must be completed using the English language and all costing must be in South African Rand.

35. MANDATORY QUESTIONS

- 35.1** Bidders shall provide full and accurate answers to all (including mandatory) questions posed in this document, and, are required to explicitly state "Comply/Accept" or "Do not comply/Do not accept" (with a ✓ or an X) regarding compliance with the requirements. Where necessary, the Bidders shall substantiate their response to a specific question.

NOTE: It is mandatory for Bidders to complete or answer this part fully; failure to do so result the Bid being treated as incomplete and the Bid may be disqualified.

35.1.1

This Bid is subject to the General Conditions of Contract stipulated in this RFP document.	Comply/Accept	Do not comply/Do not accept

35.1.2

The laws of the Republic of South Africa shall govern this RFP and the Bidders hereby accept that the courts of the Republic of South Africa shall have the jurisdiction.	Comply/Accept	Do not comply/Do not accept

35.1.3

The DBSA shall not be liable for any costs incurred by the Bidder in the preparation of response to this RFP. The preparation of response shall be made without obligation to acquire any of the items included in any Bidder's proposal or to select any proposal, or to discuss the reasons why such vendor's or any other proposal was accepted or rejected.	Comply/Accept	Do not comply/Do not accept

35.1.4

The DBSA may request written clarification or further information regarding any aspect of this proposal. The Bidders must supply the requested information in writing	Comply/Accept	Do not comply/Do not accept

within two working days after the request has been made, otherwise the proposal may be disqualified.		
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35.1.5

In the case of Consortium, Joint Venture or subcontractors, Bidders are required to provide copies of signed agreements stipulating the work split and Rand value.	Comply/Accept	Do not comply/Do not accept

35.1.6

In the case of Consortium, Joint Venture or subcontractors, all Bidders are required to provide mandatory documents as stipulated in Part C: Checklist of Compulsory Returnable Schedules and Documents of the Tender Document.	Comply/Accept	Do not comply/Do not accept

35.1.7

The DBSA reserves the right to; cancel or reject any proposal and not to award the proposal to the lowest Bidder or award parts of the proposal to different Bidders, or not to award the proposal at all.	Comply/Accept	Do not comply/Do not accept

35.1.8

Where applicable, Bidders who are distributors, resellers and installers of network equipment are required to submit back-to-back agreements and service level agreements with their principals.	Comply/Accept	Do not comply/Do not accept

35.1.9

By submitting a proposal in response to this RFP, the Bidders accept the evaluation criteria as it stands.	Comply/Accept	Do not comply/Do not accept

35.1.10

Where applicable, the DBSA reserves the right to run benchmarks on the requirements equipment during the evaluation and after the evaluation.	Comply/Accept	Do not comply/Do not accept
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35.1.11

The DBSA reserves the right to conduct a pre-award survey during the source selection process to evaluate contractors' capabilities to meet the requirements specified in the RFP and supporting documents.	Comply/Accept	Do not comply/Do not accept

35.1.12

Only the solution commercially available at the proposal closing date shall be considered. No Bids for future solutions shall be accepted.	Comply/Accept	Do not comply/Do not accept

35.1.13

The Bidder should not qualify the proposal with own conditions. Caution: If the Bidder does not specifically withdraw its own conditions of proposal when called upon to do so, the proposal response shall be declared invalid.	Comply/Accept	Do not comply/Do not accept

35.1.14

Delivery of and acceptance of correspondence between the DBSA and the Bidder sent by prepaid registered post (by air mail if appropriate) in a correctly addressed envelope to either party's postal address or address for service of legal documents shall be deemed to have been received and accepted after (2) two days from the date of postage to the South African Post Office Ltd.	Comply/Accept	Do not comply/Do not accept

35.1.15

Should the parties at any time before and/or after the award of the proposal and prior to, and-or after conclusion of the contract fail to agree on any significant product price or service price adjustments, change in technical specification, change in services, etc. The DBSA shall be entitled within 14 (fourteen) days of such failure to agree, to recall the letter of award and cancel the proposal by giving the Bidder not less than 90 (ninety) days written notice of such cancellation, in which event all fees on	Comply/Accept	Do not comply/Do not accept

<p>which the parties failed to agree increases or decreases shall, for the duration of such notice period, remain fixed on those fee/price applicable prior to the negotiations.</p> <p>Such cancellation shall mean that the DBSA reserves the right to award the same proposal to next best Bidders as it deems fit.</p>		
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35.1.16

In the case of a consortium or JV, each of the authorised enterprise's members and/or partners of the different enterprises must co-sign this document.	Comply/Accept	Do not comply/Do not accept

35.1.17

Any amendment or change of any nature made to this RFP shall only be of force and effect if it is in writing, signed by the DBSA signatory and added to this RFP as an addendum.	Comply/Accept	Do not comply/Do not accept

35.1.18

Failure or neglect by either party to (at any time) enforce any of the provisions of this proposal shall not, in any manner, be construed to be a waiver of any of that party's right in that regard and in terms of this proposal. Such failure or neglect shall not, in any manner, affect the continued, unaltered validity of this proposal, or prejudice the right of that party to institute subsequent action.	Comply/Accept	Do not comply/Do not accept

35.1.19

Bidders who make use of subcontractors:	Comply/Accept	Do not comply/Do not accept
1. It is the responsibility of the Bidder to select competent subcontractors that meet all the tender requirements stipulated in this tender document.		
2. The Bidder shall be responsible for all due diligence of the selected subcontractors and will be held liable for any non-performance of the subcontractor.		
3. Bidders are required to provide documentation (such as BBBEE Certificate/Sworn Affidavit, Valid or Active Tax Compliance Status Pin Issued by SARS, CSD Summary Report, Valid or Active CIDB Certificate etc.) for the		

relevant subcontractor as a minimum in support of the subcontracting arrangement.		
4. Subcontracting must not contradict any Regulation or Legislation.		
5. No separate contract shall be entered into between the DBSA and any such subcontractors. Copies of the signed agreements between the relevant parties must be attached to the proposal responses.		

35.1.20

All services supplied in accordance with this proposal must be certified to all legal requirements as per the South African law.	Comply/Accept	Do not comply/Do not accept

35.1.21

No interest shall be payable on accounts due to the successful Bidder in an event of a dispute arising on any stipulation in the contract.	Comply/Accept	Do not comply/Do not accept

35.1.22

Evaluation of Bids shall be performed by an evaluation panel established by the DBSA. Bids shall be evaluated on the basis of conformance to the required specifications (functionality) as outlined in the RFP. For Bids considered for price and preference evaluation, 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 status level of contributor (according to the PPPFA Regulations) is 20.	Comply/Accept	Do not comply/Do not accept

35.1.23

If the successful Bidder disregards contractual specifications, this action may result in the termination of the contract.	Comply/Accept	Do not comply/Do not accept

35.1.24

The Bidders' response to this Bid, or parts of the response, shall be included as a whole or by reference in the final contract.	Comply/Accept	Do not comply/Do not accept

35.1.25

Should the evaluation of this Bid not be completed within the validity period of the Bid, the DBSA has discretion to extend the validity period.	Comply/Accept	Do not comply/Do not accept

35.1.26

Upon receipt of the request to extend the validity period of the Bid, the Bidder must respond within the required time frames and in writing on whether or not he agrees to hold his original Bid response valid under the same terms and conditions for a further period.	Comply/Accept	Do not comply/Do not accept

35.1.27

Should the Bidder change any wording or phrase in this document, the Bid shall be evaluated as though no change has been effected and the original wording or phrasing shall be used.	Comply/Accept	Do not comply/Do not accept

35.1.28

<p>Tax Compliance Status either on CSD National Treasury Database or SARS eFiling System as a Condition for Appointment/Award of the Bid.</p> <p>This requirement is mandatory and has to be satisfied by the successful bidder. The successful bidder must be tax compliant prior to appointment/award of the bid as no bid will be awarded to persons who are not tax compliant.</p>	Comply/Accept	Do not comply/Do not accept

35.1.29

Company registration with CSD National Treasury Database as a Condition for Appointment/Award of the Bid.	Comply/Accept	Do not comply/Do not accept
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This requirement is mandatory and has to be satisfied by the successful bidder. The successful bidder must be registered on the CSD National Treasury site prior to appointment/award of the bid.		
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35.1.30

The following will be grounds for disqualification: <ul style="list-style-type: none"> Unsatisfactory performance under a previous public contract in the past 5 years, provided that notice of such unsatisfactory performance has been given to the bidder; and/or The bidder or any of its directors have committed a corrupt or fraudulent act in competing for the appointment; and/or The bidder or any of its directors have been convicted of fraud or corruption in the last 5 years; and/or The bidder or any of its directors have been listed in the Register for Tender Defaulters under section 9 of the Prevention and Combating of Corrupt Activities Act; and/or Bids received after the stipulated closure time will be immediately disqualified; and/or Bidders whom have recently completed or currently performing, or to commence work on specific categories of services may be excluded to enable the Bank to manage its concentration risk. This threshold is currently set at R10 million for consultancy services. 	Comply/Accept	Do not comply/Do not accept

Signature(s) of Bidder or assignee(s)

Date

Name of signing person (in block letters)

Capacity

Are you duly authorized to sign this Bid?

Name of Bidder (in block letters)

Postal address (in block letters)

Domicilium citandi et executandi in the RSA (full street address of this place) (in block letters)

.....

.....

.....

.....

.....

Telephone Number:.....FAX number.....

Cell Number:

Email Address.....

THE TERMS OF REFERENCE AND SCOPE OF WORK

TERMS OF REFERENCE

DEVELOPMENT OF SADC REGIONAL GAS MASTERPLAN

1. Context

The Southern African Development Community (SADC) Vision 2050 is determined to achieve a common future, within a regional community that will ensure social-economic well-being, improvements of the standards of living and quality of life, freedom and social justice, peace and security for the peoples of Southern Africa. The SADC Heads of State and Government further resolved to move towards 2050 by leveraging areas of excellence and implementing priorities to achieve inclusive, sustainable and inclusive socio-economic development through removal of all barriers to deeper integration and guided by the purposes and principles of the SADC Treaty and Agenda

The SADC Regional Indicative Strategic Development Plan (RISDP) 2020-2030 pronounced regional integration as its core objective, as part of its role as the building blocks for the African Union integration. SADC RISDP 2020-2030 also identified Pillar 2 to focus on development of infrastructure including different forms of energy to support regional integration. Similarly, the SADC Industrialisation Strategy and Roadmap 2015-2063 identified agro-processing, mineral beneficiation as well as manufacturing value chains development as key three growth paths for industrialisation of the Region. Likewise, removal of non-tariffs barriers will enable and promote intra-regional trading.

In the energy sector, there is an estimated 600 trillion cubic feet (tcf) of natural gas reserves in the SADC region¹. Development of the enormous natural gas reserves can provide energy security and industrial development, support economic growth, foster development and contribute to fiscal revenue generation.

Several countries in the SADC region have discovered gas reserves and the supply potential exceeds short-term opportunities for domestic consumption. This is because their national economies are still relatively under-industrialized. There is a need to determine the potential value chains associated with gas, evaluate opportunities for regional gas trade, as well as domestic gas monetization opportunities. Given that these are interdependent, the development of a Regional Gas Masterplan (RGMP) Phase II is required. It is therefore important for the region to look beyond national borders and identify potential demand and uses for natural gas throughout Africa.

¹

Given the regional interdependencies and the substantial investments required to unlock and bridge supply and demand, a regional view on natural gas monetization is needed. Such a RGMP Phase II intends to provide decision-makers with a tangible roadmap to unlock the development of the SADC's regional gas potential.

2. Rationale for the Regional Gas Masterplan

2.1 Promoting Regional Integration

The discovery and use of natural gas could form the backbone of regional economic integration among the SADC Member States. However, the resources are unevenly distributed amongst the Member States, and are in some cases underdeveloped.

Mozambique for example has large gas reserves and already produces gas from its Pande/Temane fields, has discovered large volumes of offshore gas (estimated reserves range from 130 – 180 tcf, concentrated in the Rovuma basin)ⁱ, and has unquantified onshore potential (e.g. coalbed methane (CBM) prospects in Tete).

South Africa's current gas production is limited, though the Karoo basin has a potential of shale gas reserves, with initial estimates of 13 -17.5 tcfⁱⁱ. However, these reserves have not reached commercial extraction, and their economic viability is still to be confirmed.

Botswana holds some potential for gas-to-power, however, capturing this in the near term may be challenging. If Botswana's CBM resources estimated at 0.4 tcf were to materialize, the relatively small supply volumes involved and limited demand appetite would not justify cross-border gas pipelines. It would therefore be considered as a (potential) isolated gas system.

Tanzania has 57.2 tcf of largely undeveloped and proven natural gas reserves, from which it expects to reap close to \$5 billion annually in gas exports revenue through the proposed LNG plant, even though a greater proportion of the gas will be allocated to the domestic power, cement and fertilizer industriesⁱⁱⁱ.

The natural gas reserves in Angola are estimated at 11 tcf, the majority of which is in associated gas. The country's oil and gas industry started commercial scale production from the off-shore Cabinda fields in the 1960s. Angola has since developed a significant petro-economy with the attendant features of high reliance on oil sector revenues.

While Namibia also has untapped gas potential, a variety of project-based factors make its development as a gas system unsure. Its gas supply sources depend on the development of the

offshore Kudu field and Walvis Bay LNG imports. The Kudu field is estimated to have 1.3 - 2.2 tcf of proven reserves². However, despite being discovered in the 1970's, it is yet to be commercially produced as the field's economics are still uncertain.

These estimated figures and the lack of infrastructure to extract, process, store and distribute gas throughout the region, makes the resources unavailable to the majority of the population in the Region.

2.2 Security of Energy Supply

Persistent power shortages act as a constraint on SADC regional economic and social development. Over the past few years, a series of offshore gas discoveries in Mozambique and Tanzania and the development of natural gas fields in Angola, DRC, Madagascar, Namibia and South Africa have rekindled interest in expanding the use of natural gas to address the continent's power shortages. In addition, natural gas can be used as a direct energy source in industry (through application as heating) and transport ((as Compressed Natural Gas (CNG or Liquefied Natural Gas (LNG)), as well as feedstock for e.g. petrochemical applications. This could reduce the region's dependency on imports.

2.3 Diversifying SADC's Energy Mix

Coal and hydro dominate the primary energy mix of the SADC region and are augmented by renewable energy, diesel, nuclear, gas and oil. Renewable energy is distributed among various types of technologies including traditional biomass which is used primarily for cooking and heating. Other renewable energy sources such as solar, geothermal, wind and biofuels have a limited contribution so far. The large gas discoveries could create a balanced generation mix, through the use of flexible gas-fueled generation to manage the intermittency of renewables.

2.4 Industrial Development of SADC

As aforementioned, the supply potential of gas in the region exceeds the short-term demand owing to the relatively unindustrialized economies of SADC Member States. The availability of gas can drive industrialization in the region, potentially through large-scale projects which anchor demand (e.g. petrochemical complexes, gas-to-liquid facilities or fertilizer projects).

2.5 Promoting Private Sector Participation in Infrastructure

²

SADC Member States have obligation to meet several developmental and social-economic needs of their citizens. As a result, financial, human and technological capacity to develop the energy industry is inadequate. The Member States therefore advocate for partnership with the private sector in the provision, maintenance, operation, management and ownership of infrastructure, systems, services and facilities based on different modalities, including public private partnerships. The purpose of the RGMP Phase II will be to serve as a fact base for the sector and will inform stakeholder discussions and public policy decision-making processes.

3. Scope of Work

3.1 Approach to Execute the Scope

The main objective of the RGMP Phase II is to develop a Final Master Plan and Investment Blueprint focusing on creation of industries and projects using natural gas as feedstock based on the outcomes of the RGMP Phase I.

In this regard, the consultant is expected to utilize the most expeditious means to obtain the necessary information for the development of the SADC RGMP Phase II whose objective is to identify prioritized infrastructure projects and the development of regional policies/frameworks required to unlock these projects. This is expected to be done through workshops, the review of individual country gas masterplans, literature review, stakeholder engagements prior to, during and after the study, in-country visits, analysis and documentation of information:

- **Literature Review:** The consultant is expected to review and undertake analysis of the outcomes of SADC Regional Gas Master Plan Phase I and its references. The consultant is also expected to review previous work, reports (local, regional and international) other relevant studies, existing energy strategies, action plans, regulations and institutional frameworks in the SADC region with the sole purpose of enhancing a sustainable regional gas market in Region. The consultant is further required to be familiar with the studies, relevant information and work undertaken by project sponsors, International Cooperating Partners (ICPs) and key stakeholders.
- **Review of Individual Country Gas Masterplans:** Building on the literature review, this will include more in-depth analysis on the current state of the individual country Masterplans and their policy positions. This includes the review of Gas Masterplans from all Member States such as the Mozambique Gas Masterplan and the draft South Africa Gas Utilization Masterplan. The review should include any pre-feasibility studies, feasibility studies and technical design studies for planned gas projects.

- **Stakeholder engagements prior to, during and after study:** Interviews are to be conducted with relevant stakeholders who would include, among others, ministries and departments of energy and/or minerals in Member States, gas aggregators, national gas companies, power utilities, investment promotion agencies, regulatory agencies, regional and international investors, financing institutions, regional energy implementing bodies (SAPP and RERA), independent power producers, private energy service providers and cooperating partners, *inter alia*. The consultant will determine the most expeditious means of carrying out these interviews.

The consultant will facilitate a workshop with the SADC Secretariat, RGMP Oversight Committee and key stakeholders outlining methodology and baseline – an inception report will be produced following the workshop. A second workshop will be facilitated by the consultant where the findings and recommendations of the work will be discussed by the SADC Secretariat and key stakeholders. This will be followed by a final validation workshop in preparation for the finalization of the RGMP Phase II.

- **In-country visits:** The consultant is expected to contact or undertake travel to selected countries if permissible in the Region for purposes of gathering information to fill information gaps, verifying accuracy of information already collected and obtaining firsthand information regarding the status on the ground.
- **Analysis:** Obtain all relevant information, consolidate and analyze.
- **Documentation:** The consultant is expected to document all their findings and interactions. This will enable the sharing of information, eliminate/minimize duplication of efforts and maintain a record of the work. This will require that all sources are quoted in all reports and copies of meeting notes or supplemental information is delivered to SADC as support for the RGMP Phase II.

3.2 Methodology

To undertake this exercise effectively, the consultant is expected to perform tasks including, but not limited to, the below task areas:

3.2.1 Consultations and Political Buy-in

- (i) Compile a database of key stakeholders and industry participants who will be consulted during the execution of the study considering their interests and roles in the projects/opportunities and propose a stakeholder management plan;
- (ii) Clearly outline the objectives of the RGMP Phase II and how it is going to contribute towards the SADC agenda on regional integration, industrialization strategy and action plan, Regional Infrastructure Development Master Plan - Energy Sector Plan as well as sustainable development of the SADC region;
- (iii) Extensive liaison with the relevant local and regional organizations to build on ongoing initiatives and to avoid duplication (with potentially differentiated levels of effort given the expected differences in applicability);
- (iv) Address the barriers to entry for the gas sector focusing on policy setting, implementation and roll out;
- (v) Convene and facilitate a consultative workshop of Member States Regional Gas Committee and other stakeholders to review the draft RGMP Phase II; and
- (vi) Finalize the RGMP Phase II by considering comments received from the Member States and other stakeholders.

3.2.2 Development of Soft Infrastructure

The consultant is expected refer to the Report of the Regional Gas Master Phase I and the undertake the following:

- (i) developing the RGMP Strategic Framework to facilitate and fast track development of gas infrastructure in a corridor approach or through clusters as suggested in the RGMP phase I report;
- (ii) recommend guidelines for regional energy policies, integrated energy plans and integrated resource plans to enable inclusion of gas in the regional energy mix and in the promotion of industrialisation;
- (iii) recommend energy sector regulatory mechanisms that will increase participation of the private sector in the value chains of the gas supply industry;
- (iv) undertake a study on gas price dynamics and recommend a regulatory mechanism for which price setting can occur in a transparent, fair and equitable manner allowing for trading of Gas. This should include the evolution of the gas market with time and hence consideration for spot pricing for future markets.
- (v) develop a framework for short, medium and long-term supply contracts between countries producing LNG and importing countries to activate regional gas market;
- (vi) undertake an economic assessment of the Clusters being recommended in RGMP Phase I;

- (vii) draft Guidelines for development of Integrated Energy Plans at regional and national level as recommended in RGMP Phase I; and
- (viii) further explore the mechanism of developing a hub or a spoke model where gas is obtained from the sources in bulk quantities to large import hubs;

3.2.3 Development of Hard Infrastructure

The consultant is expected refer to the Report of the Regional Gas Master Phase I and the undertake the following:

- (i) Determine and identify a portfolio of priority infrastructure projects (short term – 5 years, medium term – 10 years, long term: 15 - 20 years) that will be required to service the potential demand. This should include “quick win projects” and other infrastructure options, but not be limited to: LNG terminals in South Africa, Tanzania and Mozambique (import and export) and transportation pipelines for gas;
- (ii) Determine storage infrastructure both onshore and offshore to cater for security of supply for all Member States including sharing of logistics. This should include liquefaction and regasification facilities with gas from the region and global markets;
- (iii) Scope the gas infrastructure projects taking into consideration the risk assessments, environment issues and safety aspects in transportation, handling and storage of gas;
- (iv) Prioritize the projects identified into quick wins, medium-term and long-term projects with an emphasis on how to make trade-offs between projects through the following approach:
 - a) Identify potential funding partners, currently proposed funding/organizational structures (This analysis should be focused on the infrastructure projects prioritized and the current structures and plans for development to lay out the status for the infrastructure to date);
 - b) Assessment of the capital requirements and phasing, including payback period assessments, consideration of risk appetite and a realistic rollout plan given the funding constraints for the prioritized projects; it should include both supply, demand and infrastructure projects;
 - c) Alignment of strategic intent and sequencing of implementation of the various gas infrastructure projects/interventions through an efficient, integrated and phased approach;

- d) Inclusion of a short-term action plan including but not limited to the policy issues that need to be pulled, and decisions to consider;
 - e) Consideration of investor concentration risk when evaluating the infrastructure investments;
 - f) Formulate and recommend a roadmap for implementation of regional gas projects in line with the planning horizon of this RGMP Phase II;
 - g) Inclusion of the major barriers to the infrastructure projects and potential solutions and options for addressing them to develop the gas infrastructure;
 - h) Determine how the planned national gas-based projects such as power generation, gas-to-liquid, fertilizer plants, petrochemicals, methanol projects, gas transmission and distribution pipelines, direct gas utilization in iron, steel and cement plants can be aligned with the SADC regional industrialization initiatives or can be implemented jointly; and
 - i) Confirm the designs and implementation of projects through corridors proposed in RGMP Phase I.
- (v) Produce KPIs to track, monitor and evaluate implementation of RGMP Phase II infrastructure projects;
 - (vi) Design a holistic Implementation Plan for gas infrastructure projects which should include:
 - a) clear action plans for SADC Secretariat supported by the Subsidiary Organisations tasked to implement RGMP Phase II projects; and
 - b) clear action plans for SADC Member States to implement RGMP Phase II projects; and
 - c) clear steps to enhance institutional frameworks for RGMP Phase II implementation;

3.2.4 Capacity Building, Training and Skills Development

- (i) Undertake key training needs and technical skills requirements assessment within the natural gas value chain;
- (ii) Recommend technical skills development initiatives targeted at the natural gas value chain;
- (iii) develop sector skills plans for short to medium term capacity building programme within the natural gas value chain; and
- (iv) identify regional and international institutions with advanced technical knowhow that will provide training, deepen knowledge, mentorship, skills transfer programmes and exchange programmes for prospective experts in the SADC region.

3.2.5 Environmental and Socioeconomic Issues

- (i) Assess all the environmental issues associated with gas activities (up, mid- and downstream) and recommend the best approach for addressing the identified issues. This is not intended to be an Environmental and Social Impact Assessment (ESIA), but a high-level identification of the risks; and
- (ii) Assess and recommend best practices for socio-economic issues, programme and projects which can support communities, gender and empower women and youth within the natural gas projects and gas-based industries.

3.2.6 Implementation Plan

Prepare a detailed implementation plan and actionable next steps including:

- (i) High level implementation programme;
- (ii) Allocation of roles and responsibilities (RACI matrix) for each phase of the roll-out plan to ensure accountability of all key stakeholders;
- (iii) An institutional and operational readiness plan; and
- (iv) A risk register including mitigation measures

3.3 Deliverables

A. Status Reports

- (i) Bimonthly (every two weeks) progress reports. The submission of reports will also depend on the scope and duration assigned for each sub-task;
- (ii) Preparation and submission of an Inception report covering the following:
 - a) detailed the scope of work and workplans;
 - b) highlight areas requiring additional work;
 - c) stakeholder engagement plan and management
 - d) contain a risk register and mitigation measures;
 - e) contain the outline of a resource and invoice schedule;
 - f) the methodology, draft table of contents for the final report and a quality assurance plan;
 - g) series of interim reports whose frequency and content will be agreed to by the consultant and RGMP Oversight Committee

- (iii) preparation and submission of acceptable draft reports for the sub-tasks with inputs from relevant SADC public and private energy sector stakeholders during the consultative meetings and workshops/ webinars:
 - a) Report on SADC Gas Movement Plan;
 - b) Report about Location Candidates for Regional Gas Facilities/Infrastructure Mapping Report;
 - c) Report for Rehabilitation and/or Expansion plans for existing facilities (where they exist);
 - d) Report for Gas Infrastructure Development;
 - e) Report of portfolio of projects for further studies at pre-feasibility and/or bankable feasibility (gas to power projects, gas infrastructure projects and gas to industry projects
 - f) Report on gas fields development plans along with stable feed;
 - g) Report of regional gas supply network plan (national & regional);
 - h) Report of effective facility plan based on gas production profile; and
 - i) Report of gas export, domestic movement and consumption plans.
- (iv) presentation of study findings, proposals and roadmap of pipelines of gas projects to the RGMP Oversight Committee;
- (v) presentation of study findings, proposals and roadmap of pipeline of gas-related projects to the RGMP Oversight Committee and the wider stakeholders at consultative and validation workshops/ webinars;
- (vi) consolidation of the stakeholder comments into Final Draft Report with environmental report and implementation plan with timelines;

B. Regional Gas Masterplan

- (i) Outline of RGMP Phase II;
- (ii) Draft Final RGMP Phase II Report including an Executive Summary and recommendations for the development of regional gas resources including an implementation framework;
- (vii) Defined key outcomes and steps for implementation integrating the Implementation Plan and the Scope of Work envisioned in the RGMP Phase I; and
- (viii) Draft Final RGMP Phase II Report in line with contract deliverables will be both in soft preferably in MS Word format to enable its translation into other SADC languages and PDF format and seven (7) hard copies.

4. Work Plan

Within one week of engagement, a kick-off meeting shall be held between the consultant and the RGMP Oversight Committee to determine level of understanding of the assignment. The consultant will also prepare a scheduled work plan, not exceeding 10 months, within 4 weeks upon the award of the contract to be submitted together with the inception report, including holding of an Inception meeting. The work plan should set out the consultant's approach to the following activities:

- (i) Documentation review;
- (ii) Data collection at national and regional levels;
- (iii) Consultation meetings with Member States and Regional Gas Committee;
- (iv) Schedule for engagement of Regional Organisations and key stakeholders;
- (v) Schedule consultative and validation Workshops or Webinars for Member States and key stakeholders to be held; and
- (vi) Schedule of submission of reports.

5. Procurement of Consultant

A Request for Information (RFI) will be made public whereby companies will be invited to demonstrate their capability to meet SADC's requirements for the development of the RGMP Phase II. It is planned that once the contract is awarded, it will run for a duration of 10 months.

6. Manpower Requirements

The lead consultant shall be a suitably qualified individual (or collection of individuals) with extensive experience in and knowledge of managing gas projects and infrastructure related projects. They should also have experience managing stakeholders spanning across multiple countries and organizations and demonstrate the technical ability to manage a multi-disciplinary, multi-stakeholder and multi-party team. Key staff on the project should have experience in gas market and infrastructure related projects with local and/or regional experience.

7. Assistance to the Consultants and Reporting

The SADC Secretariat and the RGMP Oversight Committee will provide, where available, critical information to the consultants (e.g. all relevant infrastructure development plans, policy reports and documents, implementation plans and other relevant quantitative and qualitative data) and facilitate contacts with relevant SADC structures and Member States. The Consultant will gather any missing information, that is not available at the level of SADC to complete the study.

The RGMP Oversight Committee will also provide the consultant with assistance to ensure successful completion of the study including documentation in their possession relating to the assignment. The RGMP Oversight Committee shall monitor implementation of the assignment in terms quality control and delivery on regular basis.

The Steering Committee comprising the Regional Gas Committee and the key stakeholders will meet on quarterly basis to review progress of the study as well as to address challenges and provide guidance to the Oversight Committee and the Consultant on the deliverables of the study.

8. Time Schedule

The consultant is expected to present a detailed implementation schedule (in the form of a bar chart or Gantt chart), specifying activities to be undertaken and estimates for start-up, duration and completion of each activity in the inception report. This work is expected to take no longer than 10 months.

1. Annexure A

PRICING SCHEDULE

A financial proposal should be included in a separate electronic folder. Pricing evaluation will be based on a fixed amount for work conducted under the Revenue Enhancement Programme.

(Note: This page must be separated from the pre-qualifying and functional proposal. Failure to separate this will lead to disqualification of the bid)

This template must be completed in full and included as Annexure A to Pricing Proposal submitted. **Failure to complete this form (in respect of items 1 to 7 below) in full may result in the disqualification of the Bid.**

This assignment will be based on a lump sum (fixed price) contract in ZAR Rands. Bidders are required to price the total contract price using the following table:

ID	SCOPE OF WORK / KEY DELIVERABLE(S)	FEE BASIS	DURATION (Maximum)	TOTAL PROFESSIONAL FEE FOR SCOPE OF WORK (Excl. VAT) (Rand)
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
Sub-Total of Proposed Fees (Excl. VAT) -				
Add 10% Contingencies				
Sub-Total				
VAT @15%				

ID	SCOPE OF WORK / KEY DELIVERABLE(S)	FEE BASIS	DURATION (Maximum)	TOTAL PROFESSIONAL FEE FOR SCOPE OF WORK (Excl. VAT) (Rand)
Total Proposed Fee (incl. VAT)				

***** prices quoted are inclusive of all costs including disbursements (travel, accommodation, printing and stationery, and any relevant administrative work)

Note: The Tenderer is to attach a breakdown of the total proposed fee per deliverable to this page. The breakdown is to indicate the scope of work or key deliverable, the elements of the scope of work, the resources applied, the estimated duration and rates of the applied resources for each element of the scope of work.

I, the undersigned, do hereby declare that the above is a proper pricing data forming part of this Contract Document upon which my/our tender for **RFP070/2021**.

SIGNED ON BEHALF OF TENDERER:_____ **Date:**_____

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 **YES / NO**
presently employed by the state?

2.7.1 If so, furnish the following particulars:

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

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

Position occupied in the state institution:

Any other particulars:

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

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

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

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

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

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

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

2.8.1 If so, furnish particulars:

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

2.9 Do you, or any person connected with the bidder, have **YES / NO**
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?

2.9.1 If so, furnish particulars.

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

2.10 Are you, or any person connected with the bidder, **YES/NO**
aware of any relationship (family, friend, other) between
any other bidder and any person employed by the state

who may be involved with the evaluation and or adjudication of this bid?

2.10.1 If so, furnish particulars.

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

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

2.11.1 If so, furnish particulars:

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

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

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

4. DECLARATION

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

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

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

1.1.6.1

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 **not exceed** R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender

1.3 Points for this bid shall be awarded for:

- (e) Price; and
- (f) B-BBEE Status Level of Contributor.

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

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTION	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
$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$	or	$P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$

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
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	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		NO	
-----	--	----	--

- 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.....

.....

.....

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	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <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

.....

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.

.....
SignatureDate

.....
Position Name of Bidder

Annexure F

Bidders are required to include, as Annexure F to their Bids, certified copies of all relevant CIPC registration documents listing all members with percentages, in the case of a close corporation

Annexure G

Bidders are required, as annexure G to their Bids, to submit certified copies of the latest share certificates of all relevant companies

Annexure H

Bidders which submit Bids as an unincorporated joint venture, consortium or other association of persons are required to submit, as Annexure H, a breakdown of how the percentage (%) fees and work will be split between the various people or entities which constitute the Bidder.

Annexure I

Bidders are required to include, as Annexure I to their Bids, supporting documents to their responses to the Pre- Qualifying Criteria and Evaluation Criteria.

Where the supporting document is the profile of a member of the Bidder's proposed team, this should be indicated.

[General Conditions of Contract]

PLEASE NOTE THAT ALL BIDDERS ARE REQUIRED TO READ THROUGH THE GENERAL CONDITIONS OF CONTRACT PRESCRIBED BY THE NATIONAL TREASURY. SUCH GENERAL CONDITIONS OF CONTRACT CAN BE ACCESSED ON THE NATIONAL TREASURY WEBSITE.

PLEASE NOTE FURTHER THAT ALL BIDDERS MUST ENSURE THAT THEY ARE WELL ACQUINTED WITH THE RIGHTS AND OBLIGATIONS OF ALL PARTIES INVOLVED IN DOING BUSINESS WITH GOVERNMENT.

NOTE: All Bidders are required to confirm (*Tick applicable box*) below:

Item	YES	NO
Is the Bidder familiar with the General Conditions of Contract prescribed by the National Treasury?		

Tax Compliant Status and CSD Registration Requirements

ALL PROSPECTIVE BIDDERS MUST HAVE A TAX COMPLIANT STATUS EITHER ON THE CENTRAL SUPPLIER DATABASE (CSD) OF THE NATIONAL TREASURY OR SARS E FILING PRIOR TO APPOINTMENT/AWARD OF THE BID.

REGISTRATION ON THE CSD SITE OF THE NATIONAL TREASURY IS A COMPULSORY REQUIREMENT FOR A BIDDER TO BE APPOINTED, TO CONDUCT BUSINESS WITH THE DBSA. THE ONUS IS ON THE SUCCESSFUL BIDDER TO REGISTER ON THE CSD SITE AND PROVIDE PROOF OF SUCH REGISTRATION PRIOR TO APPOINTMENT/AWARD OF THE BID.

CSD Registration Number:	
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The Development Bank of Southern Africa has a Zero Tolerance on Fraud and Corruption.
Report any incidents of Fraud and Corruption to Whistle Blowers on any of the following:

TollFree : 0800 20 49 33
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