



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:	RFP257/2021
NON-COMPULSORY BRIEFING SESSION DETAILS:	N/A
CLOSING DATE:	26 October 2021
CLOSING TIME:	00H00
PERIOD FOR WHICH BIDS ARE REQUIRED TO REMAIN OPEN FOR ACCEPTANCE:	120 days
DESCRIPTION OF BID:	APPOINTMENT OF A SERVICE PROVIDER FOR AGRICULTURAL WATER USE / IRRIGATION SCHEMES SCOPING INVESTIGATION
BID DOCUMENTS DELIVERY ADDRESS:	<p>1. ELECTRONIC SUBMISSIONS</p> <p><u>INSTRUCTIONS:</u></p> <ul style="list-style-type: none"> ➤ Bidders are required to issue Tender Submission Link requests and enquiries to VusiSCM@dbsa.org ONLY; ➤ No – Tender Submission Link requests will be accepted after 16h00 on the 22nd of October 2021. Any requests after the stipulated date and time will be disregarded. ➤ Bidders will thereafter receive a OneDrive Link to upload their submission documents electronically. <p>NB: Electronic submission is encouraged for all bidders interest in this tender bid</p> <p>Closing date 26 October 2021 before 00:00. All bids must be in on the 26th of October 2021.</p>

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

Table of Contents

PART A	4
PART B	7
PART C	8
PART D	10
PART E	41
Annexure A	63
Annexure B	65
Annexure C.....	69
Annexure D	74
Annexure E.....	76
Annexure F.....	80
Annexure G	81
Annexure H	82
Annexure I	83
Annexure J	84
Annexure K	85

**PART A
INVITATION TO BID**

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

BID NUMBER: RFP257/2021

DESCRIPTION:

**APPOINTMENT OF A SERVICE PROVIDER FOR AGRICULTURAL WATER USE /
IRRIGATION SCHEMES SCOPING INVESTIGATION**

NON-COMPULSORY BRIEFING: **N/A**

LINK REQUESTS: **No** – Tender Submission Link requests will be accepted after **16h00 on the on the 22nd October 2021**. Any requests after the stipulated date and time will be disregarded.

CLOSING DATE: **26 October 2021**

CLOSING TIME: 00H00

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

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:				
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				

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.)				
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 ELECTRONICALLY (ONE DRIVE LINK) BY THE STIPULATED TIME TO THE LINK PROVIDED. 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
<p>3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <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>

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

YES NO

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One original Bid document in separate folders; Folder 1 - for Pre-Qualifying Criteria and Functional Evaluation Folder 2 - Price / Financial Proposal –
Electronic submission

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Part A: Invitation to Bid

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Part B: Terms and Conditions of Bidding

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Part C: Checklist of Compulsory Returnable Schedules and Documents

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Part D: Conditions of Tendering and Undertakings by Bidders

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Part E: Specifications/Terms of Reference and Project Brief

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Annexure A: Price Proposal Requirement

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Annexure B: SBD4 Declaration of Interest

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Annexure C: SBD6.1 and B-BBEE status level certificate

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Annexure D: SBD8: Declaration of Bidder's Past Supply Chain Practices

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Annexure E: SBD9: Certificate of Independent Bid Determination

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Annexure F: Certified copies of your CIPC company registration documents listing all members with percentages, in case of a lose corporation

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Annexure G: Certified copies of latest share certificates, in case of a company.

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Annexure H: (if applicable): A breakdown of how fees and work will be spread between members of the bidding consortium.

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Annexure I Supporting documents to responses to Pre-Qualifying Criteria and Functional Evaluation Criteria.

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Annexure J: General Condition of Contract

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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 4 (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 27 (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 27.3 of this Part C.
- 1.19 **Price and Preferential Points Assessment** means the process described in clause 27.6 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: VusiSCM@dbsa.org

No questions will be answered telephonically.

4. 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	05 / 10 / 2021
RFP document available	05 / 10 / 2021
Closing date for tender enquiries	22 / 10 / 2021
Link requests	22 / 10 / 2021 by 16h00
Closing date and time	26 / 10 / 2021 at 00h00
Intended completion of evaluation of tenders	TBA
Intended formal notification of successful Bidder(s)	TBA
Signing of Service Level Agreement	TBA
Effective date	TBA

5. SUBMISSION OF TENDERS

Instructions:

- Bidders are required to issue Tender Submission Link requests and all other enquiries to VusiSCM@dbsa.org **ONLY**;
- **No** – Tender Submission Link requests will be accepted after **16h00 on the 22nd of October 2021**. Any requests after the stipulated date and time will be disregarded.
- Bidders will thereafter receive a OneDrive Link to upload their tender submission documents electronically.

NB: No Physical submission will be accepted for this bid. Bidders must ensure that they follow the instructions for the electronic submission.

6. RULES GOVERNING THIS RFP AND THE TENDERING PROCESS

- 6.1 Participation in the tender process is subject to compliance with the rules contained in this RFP Part C.
- 6.2 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.
- 6.3 All Bidders are deemed to accept the rules contained in this RFP Part C.
- 6.4 The rules contained in this RFP Part C apply to:
 - 6.4.1 The RFP and any other information given, received or made available in connection with this RFP, and any revisions or annexure;
 - 6.4.2 the Tendering Process; and
 - 6.4.3 any communications (including any briefings, presentations, meetings and negotiations) relating to the RFP or the Tendering Process.

7. STATUS OF REQUEST FOR PROPOSAL

- 7.1 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.

8. ACCURACY OF REQUEST FOR PROPOSAL

- 8.1 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.

- 8.2 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).
- 8.3 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.

9. ADDITIONS AND AMENDMENTS TO THE RFP

- 9.1 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.
- 9.2 If the DBSA exercises its right to change information in terms of clause 9.1, it may seek amended Tenders from all Bidders.

10. 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 into between the DBSA and the successful Bidder.

11. CONFIDENTIALITY

- 11.1 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.

12. REQUESTS FOR CLARIFICATION OR FURTHER INFORMATION

- 12.1 All communications relating to this RFP and the Tendering Process must be directed to the Tender Officer.
- 12.2 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 vusiSCM@dbsa.org

- 12.3 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).
- 12.4 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.
- 12.5 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.
- 12.6 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).
- 12.7 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.

13. UNAUTHORISED COMMUNICATIONS

- 13.1 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 13 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.
- 13.2 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.

14. IMPROPER ASSISTANCE, FRAUD AND CORRUPTION

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

15. ANTI-COMPETITIVE CONDUCT

- 15.1 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:
- 15.1.1 the preparation or lodgement of their Bid
 - 15.1.2 the evaluation and clarification of their Bid; and
 - 15.1.3 the conduct of negotiations with the DBSA.
- 15.2 For the purposes of this clause 15, 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.
- 15.3 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.

16. COMPLAINTS ABOUT THE TENDERING PROCESS

- 16.1 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, (VusiSCM@dbsa.org)
- 16.2 The written complaint must set out:
- 16.2.1 the basis for the complaint, specifying the issues involved;
 - 16.2.2 how the subject of the complaint affects the organisation or person making the complaint;
 - 16.2.3 any relevant background information; and
 - 16.2.4 the outcome desired by the person or organisation making the complaint.
- 16.3 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.

17. CONFLICT OF INTEREST

- 17.1 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.

- 17.2 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.
- 17.3 The DBSA may immediately disqualify a Bidder from the Tendering Process if the Bidder fails to notify the DBSA of the conflict as required.

18. LATE BIDS

- 18.1 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.
- 18.2 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.
- 18.3 The determination of the DBSA as to the actual time that a Bid is lodged is final. Subject to clause 18.2, 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.

19. BIDDER'S RESPONSIBILITIES

- 19.1 Bidders are responsible for:
- 19.1.1 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;

- 19.1.2 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;
 - 19.1.3 ensuring that their Bids are accurate and complete;
 - 19.1.4 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;
 - 19.1.5 ensuring that they comply with all applicable laws in regards 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
 - 19.1.6 submitting all Compulsory Documents.
- 19.2 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.
- 19.3 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.
- 19.4 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.
- 19.5 Failure to provide the required information may result in disqualification of the Bidder.

20. PREPARATION OF BIDS

- 20.1 Bidders must ensure that:
- 20.1.1 their Bid is submitted in the required format as stipulated in this RFP; and
 - 20.1.2 all the required information fields in the Bid are completed in full and contain the information requested by the DBSA.
- 20.2 The DBSA may in its absolute discretion reject a Bid that does not include the information requested or is not in the format required.

- 20.3 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.
- 20.4 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.
- 20.5 An incomplete Bid may be disqualified or assessed solely on the information completed or received with the Bid.

21. ILLEGIBLE CONTENT, ALTERATION AND ERASURES

- 21.1 Incomplete Bids may be disqualified or evaluated solely on information contained in the Bid.
- 21.2 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.
- 21.3 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.

22. 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.

23. RESPONSIBILITY FOR BIDDING COSTS

- 23.1 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.
- 23.2 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:
 - 23.2.1 the Bidder is not engaged to perform under any contract; or

23.2.2 the DBSA exercises any right under this RFP or at law.

24. DISCLOSURE OF BID CONTENTS AND BID INFORMATION

24.1 All Bids received by the DBSA will be treated as confidential. The DBSA will not disclose contents of any Bid and Bid information, except:

24.1.1 as required by law;

24.1.2 for the purpose of investigations by other government authorities having relevant jurisdiction;

24.1.3 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.

25. USE OF BIDS

25.1 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.

25.2 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.

26. BID ACCEPTANCE

All Bids received must remain open for acceptance for a minimum period of 90 (Ninety) days from the Closing Time. This period may be extended by written mutual agreement between the DBSA and the Bidder.

27. EVALUATION PROCESS

27.1 The Bids will be evaluated and adjudicated as follows:

27.1.1 First Stage – Test for administrative Responsiveness

The test for administrative responsiveness will include the following:

Stage 1: Responsiveness

The Tenderer should be able to provide all the relevant information required in the Supplier Information Form (SIF) which will include but not limited to;

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)
1.	Adherence in submitting Tender as two stage folders. Folder 1 - Prequalifying and Functionality proposal Folder 2 - Pricing and Preferential Assessment	Pre-Qualifier	Y
2.	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
3.	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)
2	Standard conditions of tender as required.	48 hours	Y
3	Returnable documents completed and signed.	48 hours	Y

4	Submission of Proof of Registration with National Treasury Central Supplier Database (CSD) Summary Report or A Valid and Active Tax Compliance Status Pin issued by SARS for Tax Compliance Status Verification: N.B - Bidder must be fully registered & tax compliant in order to do business with the DBSA.	7 Working days	Y
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Only those Bidders which satisfy all of the Pre-Qualifying Criteria will be eligible to participate in the Tendering Process further. Bids which do not satisfy all of the Pre-Qualifying Criteria will not be evaluated further.

27.1.2 **Second Stage – Functional criteria**

27.1.1 Only those Bidders which score **[70]** points or higher (out of a possible 100) during the functional evaluation will be evaluated during the second stage of the Bid. Bidders are required to submit supporting documentation evidencing their compliance with each requirement, where applicable.

Bidders will be assessed on the functional criteria set out in this RFP. Only those Bidders which comply with the eligibility criteria will proceed to the next stage.

27.1.2 **Third Stage – price and preferential points**

27.1.2.1 Those Bidders which have passed the initial and first stages of the tender process will be scored on the basis of price and preference point allocation in accordance with the applicable legislation.

27.1.2.2 The successful Bidder will be the Bidder that scores the highest number of points in the second stage of the Bid evaluation, unless the DBSA exercises its right to cancel the RFP, in line with the PPPFA Regulations.

27.2 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.

27.3 **Qualification: Pre-Qualifying Criteria**

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

Note: A tender that fails to meet any Pre-Qualifying Criteria stipulated herein in the tender documents is an unacceptable tender. Please refer to the table above

27.4 **Second Stage: Functional Criteria**

The Functional Criteria that will be used to test the capability of Bidders are as follows: The technical proposal will be evaluated according to the following criteria and scoring system. The technical score will be calculated out of 100 points, and only those bids that achieve a threshold of **70 points** for the technical proposal will move to the next level of evaluation where a score for price and BBEE.

Functionality	Scoring	Weighting
<p>1. Agricultural experience and track record (firm level) Knowledge and professional experience of the agricultural sector, with specific reference to irrigation as outlined in this Terms of Reference</p> <p>Evidence Specific details of knowledge and experience (role and responsibility, projects, number of years, etc.) in the required fields of expertise.</p>	<ul style="list-style-type: none"> • ≥ 12 years required experience and excellent experience and track record = 5 • At least 10 years required experience and adequate experience and track record = 3 • Less than 10 years required experience or poor experience and track record or <u>no demonstrated experience in agriculture</u> = 1 • No experience = 0 	5
<p>2. Technical/water experience and track record (firm level) Knowledge and professional experience in the planning and development of water resources and</p>	<ul style="list-style-type: none"> • ≥ 12 years required experience and excellent experience and track record = 5 	5

<p>large scale water supply schemes, with specific reference to irrigation schemes, as outlined in this Terms of Reference</p> <p>Evidence Specific details of knowledge and experience (role and responsibility, projects, number of years, etc.) in the required fields of expertise.</p>	<ul style="list-style-type: none"> • At least 10 years required experience and adequate experience and track record = 3 • Less than 10 years required experience or poor experience and track record or <u>no demonstrated experience in irrigation schemes</u> = 1 • No experience = 0 	
<p>3. Financial structuring experience and track record Knowledge and professional experience in the design and structuring of innovative and complex models, mechanisms and solutions to finance and develop infrastructure as outlined in this Terms of Reference.</p> <p>Evidence Specific details of knowledge and experience (role and responsibility, projects, number of years, etc.) in the required fields of expertise.</p>	<ul style="list-style-type: none"> • ≥ 10 years required experience and excellent experience and track record = 10 • At least 8 years required experience and adequate experience and track record = 7 • Less than 8 years required experience or poor experience and track record = 3 • No experience = 0 	10
<p>4. Financial modelling experience and track record Knowledge and professional experience in the design and development of complex financial models as outlined in this Terms of Reference</p> <p>Evidence Specific details of knowledge and experience (role and responsibility, projects, number of years, etc.) in the required fields of expertise.</p>	<ul style="list-style-type: none"> • ≥ 10 years required experience and excellent experience and track record = 10 • At least 8 years required experience and adequate experience and track record = 7 • Less than 8 years required experience or poor experience and track record = 3 • No experience = 0 	10
<p>5. Approach and methodology Detailed explanation and exposition of the approach and methodology that will be followed to meet the requirements of this assignment. To include an</p>	<p>Qualitative assessment of the proposed approach</p> <ul style="list-style-type: none"> • Excellent approach and methodology = 20 	20

<p>understanding of the scope of work and detailed work plan.</p> <p>Evidence Provide detailed method statement, approach and methodology (including understanding of the scope of work and work plan)</p>	<ul style="list-style-type: none"> • Good approach and methodology = 16 • Adequate approach and methodology = 12 • Below average approach and methodology = 7 • Poor approach and methodology = 5 • No approach and methodology = 0 	
<p>6. Skills, experience and qualifications Appropriate skills, experience and qualifications of individuals relevant to the Terms of Reference. Bidder should only include information of the actual team members that will work on this assignment</p> <p>Evidence Demonstrate knowledge-base via resource/s profile. Detailed qualification and experience in this area to be provided.</p>		
<p>6.1 Agriculture specialist</p>	<ul style="list-style-type: none"> • ≥ 10 years required experience and excellent / relevant knowledge = 7.5 • At least 8 years required experience and adequate and relevant knowledge and experience = 5 • Less than 8 years required experience or inadequate / irrelevant experience = 0 	7.5
<p>6.2 Technical expert / water specialist</p>	<ul style="list-style-type: none"> • ≥10 years required experience and excellent / relevant knowledge = 7.5 • At least 8 years required experience and adequate and relevant knowledge and experience = 5 • Less than 8 years required experience or 	7.5

	inadequate / irrelevant experience = 0	
6.3 Financial structuring expert	<ul style="list-style-type: none"> • ≥ 12 years required experience and excellent / relevant knowledge and experience = 15 • At least 10 years required experience and adequate and relevant knowledge and experience = 13 • Less than 10 years required experience or inadequate / irrelevant experience = 0 	15
6.4 Financial modelling expert	<ul style="list-style-type: none"> • ≥ 12 of years required experience and excellent / relevant knowledge and experience = 15 • ≥ 10 years required experience and adequate and relevant knowledge and experience = 12 • Less than 10 years required experience or inadequate / irrelevant experience = 0 	15
6.5 Assignment lead	<ul style="list-style-type: none"> • ≥ 8 of years required experience and excellent / relevant knowledge and experience = 5 • ≥ 5 years required experience and adequate and relevant knowledge and experience = 3 • Less than 5 years required experience or inadequate / irrelevant experience = 0 	5
TOTAL		100
Cut off		70

27.5 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 preferential point's evaluation. Bidders that do not score 70 points or higher at this stage of the evaluation will not be evaluated during the second stage of the evaluation.

27.6 **Third Stage: Price and Preferential Points Assessment**

27.6.1 the second 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

27.6.2 **Price points**

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

$$P_s = 80(1 - (P_t - P_{min}) / P_{min})$$

Where:

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

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

P_{min} = Comparative price of lowest acceptable tender or offer.

27.6.3 **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 of Contributor	Number of points (80/20 system)
1	20
2	18

3	16
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.

27.6.4 **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).

28. STATUS OF BID

28.1 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.

28.2 A Bid must not be conditional on:

- 28.2.1 the Board approval of the Bidder or any related governing body of the Bidder being obtained;
- 28.2.2 the Bidder conducting due diligence or any other form of enquiry or investigation;
- 28.2.3 the Bidder (or any other party) obtaining any regulatory approval or consent;
- 28.2.4 the Bidder obtaining the consent or approval of any third party; or
- 28.2.5 the Bidder stating that it wishes to discuss or negotiate any commercial terms of the contract.

28.3 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).

28.4 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.

29. CLARIFICATION OF BIDS

29.1 The DBSA may seek clarification from and enter into 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.

29.2 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.

30. DISCUSSION WITH BIDDERS

30.1 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.

30.2 As part of the evaluation of this Bid, DBSA will invite Bidders to give a presentation to the DBSA in relation to their submissions.

30.3 The DBSA is under no obligation to undertake discussions with, and Bidders.

30.4 In addition to presentations and discussions, the DBSA may request some or all Bidders to:

- 30.4.1 conduct a site visit, if applicable;
- 30.4.2 provide references or additional information; and/or
- 30.4.3 make themselves available for panel interviews.

31. SUCCESSFUL BIDS

31.1 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.

31.2 The DBSA may, in its absolute discretion, decide not to enter into pre-contractual negotiations with a successful Bidder.

- 31.3 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.

32. NO OBLIGATION TO ENTER INTO CONTRACT

- 32.1 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.
- 32.2 The DBSA may conduct a debriefing session for all Bidders (successful and unsuccessful). Attendance at such debriefing session is optional.

33. BIDDER WARRANTIES

- 33.1 By submitting a Bid, a Bidder warrants that:
- 33.1.1 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;
 - 33.1.2 it did not use the improper assistance of DBSA's employees or information unlawfully obtained from them in compiling its Bid;
 - 33.1.3 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;
 - 33.1.4 it accepts and will comply with the terms set out in this RFP; and
 - 33.1.5 it will provide additional information in a timely manner as requested by the DBSA to clarify any matters contained in the Bid.

34. DBSA'S RIGHTS

- 34.1 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:
- 34.1.1 cease to proceed with, or suspend the Tendering Process prior to the execution of a formal written contract;

- 34.1.2 alter the structure and/or the timing of this RFP or the Tendering Process;
- 34.1.3 vary or extend any time or date specified in this RFP
- 34.1.4 terminate the participation of any Bidder or any other person in the Tendering Process;
- 34.1.5 require additional information or clarification from any Bidder or any other person;
- 34.1.6 provide additional information or clarification;
- 34.1.7 negotiate with any one or more Bidder;
- 34.1.8 call for new Bid;
- 34.1.9 reject any Bid received after the Closing Time; or
- 34.1.10 reject any Bid that does not comply with the requirements of this RFP.

35. GOVERNING LAWS

- 35.1 This RFP and the Tendering Process are governed by the laws of the Republic of South Africa.
- 35.2 Each Bidder must comply with all relevant laws in preparing and lodging its Bid and in taking part in the Tendering Process.
- 35.3 All Bids must be completed using the English language and all costing must be in South African Rand.

36. MANDATORY QUESTIONS

- 36.1 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.

36.1.1

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

36.1.2

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

36.1.3

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

36.1.4

The DBSA may request written clarification or further information regarding any aspect of this proposal. The Bidders must supply the requested information in writing within two working days after the request has been made, otherwise the proposal may be disqualified.	Comply/Accept	Do not comply/Do not accept

36.1.5

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

36.1.6

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

36.1.7

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

36.1.8

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

36.1.9

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

36.1.10

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

36.1.11

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

36.1.12

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

36.1.13

<p>The Bidder should not qualify the proposal with own conditions.</p> <p>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.</p>	Comply/Accept	Do not comply/Do not accept

36.1.14

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

36.1.15

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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36.1.16

<p>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.</p>	Comply/Accept	Do not comply/Do not accept

36.1.17

<p>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.</p>	Comply/Accept	Do not comply/Do not accept

36.1.18

<p>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.</p>	Comply/Accept	Do not comply/Do not accept

36.1.19

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.		

36.1.20

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

36.1.21

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

36.1.22

<p>Evaluation of Bids shall be performed by an evaluation panel established by the DBSA.</p> <p>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.</p>	Comply/Accept	Do not comply/Do not accept

36.1.23

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

36.1.24

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

36.1.25

<p>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.</p>	Comply/Accept	Do not comply/Do not accept

36.1.26

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

36.1.27

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

36.1.28

<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

36.1.29

<p>Company registration with CSD National Treasury Database 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 registered on the CSD National Treasury site prior to appointment/award of the bid.</p>	Comply/Accept	Do not comply/Do not accept

36.1.30

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 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.....

PART E

TERMS OF REFERENCE & PROJECT BRIEF

1. Introduction

South Africa is largely deemed a food 'secure' nation, producing enough staple foods or having the capacity to import food if needed in order to meet the basic nutritional requirements of its population. However, the national production of food does not clearly reflect the nature of household food security (especially for the poor) within South Africa.

Water for human consumption and for industrial production is often seen as a higher value use of water than agriculture, that requires increased levels of supply assurance. Because agriculture does not demand the same high assurance of supply, during drought years it is the first industry to face abstraction reductions. This has implications for the higher production rates brought about by the use of irrigation. As South Africa is at the cusp of internally produced self-sufficiency, this may change through lower production as a result of lower irrigation allocations. A reduction in production may also result in a reduction in exports, which in turn reduces the foreign exchange available to afford imported staple foodstuffs. In 2019, the agricultural sector contributed 10% of South Africa's export earnings in the order of USD 10 bn ¹. The challenge facing South Africa is how to ensure water and food security in the face of recurring droughts, increasing urbanisation and decreasing freshwater resources.

Historically, the development and funding of large scale irrigation infrastructure has been left to Government to support, with limited other role players. The DBSA is exploring a blended finance solution to support large scale and strategic irrigation schemes (the bulk component thereof) in South Africa, to raise funding for much needed refurbishment, rehabilitation and upgrading of these irrigation schemes. In order to support the design of a blended finance solution, a thorough understanding of the funding needs, institutional arrangements and potential projects revenues are required. The DBSA would like to appoint an advisor to assist in the scoping investigation of strategic and priority irrigation schemes in South Africa.

2. Objectives of the scoping investigation

¹ <https://www.trade.gov/knowledge-product/south-africa-agricultural-sector>

The objectives of the scoping investigation are to conduct a viability assessment on strategic water supply / irrigation schemes / projects and for the DBSA to obtain an understanding of the blended finance structuring options as well as opex requirements of these schemes. The scoping investigation will include the following assessment for each of the irrigation schemes listed below:

- i. Investment rational, sustainable economic growth potential and comparative advantage – water availability, appropriate irrigation techniques and technologies, good soil, moderate climate taking into consideration appropriate crops for regions, nearby markets, environmental and tourist potential
- ii. Asset ownership and Operation and Maintenance considerations
- iii. Institutional considerations – stakeholder engagements, new water user engagements
- iv. Concept structuring options and considerations
- v. Development potential, incl job opportunities, emerging farmer development and expansion of irrigation footprint, etc.
- vi. Blended finance solution – identify potential sources of revenue, determine how an integrated economic application could maximise revenue generated that could be applied to the funding of the irrigation component of the schemes / projects in a blended finance manner, develop a preliminary financial model to maximise commercial farmers off-take, affordability considerations and minimize government contribution

3. Priority irrigation schemes

Various integrated water supply schemes (with major agricultural water use component) require urgent attention. The majority of these water supply / irrigation schemes are serving multiple users, including communities and municipalities. Many of these schemes have exceeded their useful life, are at risk of complete failure and require urgent attention and rehabilitation. Failure of these systems will have a catastrophic impact on communities and the economy, both within the regions these schemes operate but also nationally and to neighbouring countries South Africa exports to.

The DBSA intention is to include the following priority irrigation schemes / projects in the scoping investigation:

Scheme No.	Scheme / Project Name	Location
1.	Vaalharts / Taung	Northern Cape and North West Province
2.	Mpofana / uMgungundlovu irrigation project	KZN Province
3.	Tzaneen Dam and irrigation scheme	Limpopo Province
4.	Clanwilliam Dam irrigation scheme	Western Cape Province
5.	Nwamitwa Dam and irrigation scheme	Limpopo Province
6.	Ncora	Eastern Cape Province
7.	Oranje- Riet	Free State Province

The available budget to undertake the scope of work will determine the final number of schemes / projects that will be investigated. Bidders will be required to price each of the schemes / projects individually in order to allow for schemes / projects to be removed from the scope of work should the available budget not be sufficient. The DBSA therefore reserves the right to remove or replace any of the schemes / projects listed above for the final scope of work. The scope of work will however be limited to seven (7) schemes / projects and this number will not be exceeded.

The successful service provider will be required to engage with relevant project owners and/or operators of these schemes to obtain the necessary information in order to comply with the scope of this assignment.

4. Scope of work

The successful service provider will be required to prepare a detailed scoping report (viability assessment) that should include the following:

4.1 Problem statement for the broader / generic water supply / irrigation schemes context

- a. Investigate and report on the main reasons why the above irrigation schemes / projects are struggling to raise funding for its development, upgrade, refurbishment and rehabilitation
- b. Where project / scheme specific challenges exist, these should be highlighted and reported on

4.2 Sustainability considerations (to be conducted for each of the 7 schemes / projects)

- a. Identify and report on the sustainable growth potential and comparative advantage of the schemes / projects
- b. Report on the investment rationale and need to invest in these strategic water assets
- c. Investment rationale, sustainable growth potential and comparative advantage – water availability, appropriate irrigation techniques and technologies, good soil, moderate climate, adequate agricultural crops for the regions, nearby markets, environmental and tourist potential
- d. Identify and report on the development potential, incl. local and regional socio-economic impact, new job opportunities, emerging farmer development and expansion of irrigation footprint, etc. for each of the schemes / projects. This section must include the opportunity cost with potential negative economic and development impact of a “do nothing” scenario, or scenario where the existing schemes will fail or not be developed.

4.3 Technical considerations (to be conducted for each of the 7 schemes / projects)

- a. Identify and report on the schemes / projects status quo, water availability, hectares irrigated, other uses, appropriate irrigation techniques and technologies, soil suitability, climate suitability, adequate agricultural crops for the regions, nearby markets and transport options, and environmental impact of each of the schemes / projects
- b. Briefly highlight and report on the impact of climate change of the schemes / projects in terms of its location to vulnerable and affected areas
- c. Identify the capital, operation and maintenance requirements for each of the schemes / projects
- d. Identify possible opportunities of “separating” various technical components of the schemes / projects in order to finance them in alternative ways, for example secondary canal systems being ring-fenced and funded by the private sector farmers, etc.

- e. Report on the current status of water users and entitlements
- f. Identify new water user engagements

4.4 Institutional considerations (to be conducted for each of the 7 schemes / projects)

- a. Identify and report on the various stakeholders involved in each of the schemes / projects. These should include the DWS, water user associations, irrigation boards, commercial farmers, emerging farmers, organised farming associations, municipalities, communities, other water users / beneficiaries, etc.
- b. Verify existing information relating to the water rights of the various users / beneficiaries of the schemes / projects
- c. Propose (innovative) structures for the implementation of the schemes / projects.
- d. Specific reference must be made to new water users that may benefit from an upgrade of the schemes / projects
- e. Report on the capacity of the project owner / sponsor to finance, manage and implement the proposed upgrading, refurbishment and rehabilitation of each of the schemes / projects
- f. Report on what the owners / sponsors/ operators (WUAs) of each of the schemes / projects finds challenging for example payments, regulations and permitting, government policy, etc.
- g. Report on the progress on transformation of irrigation boards / water user associations as well as communities via emerging farmers and water allocations to them

4.5 Funding and financing considerations (to be conducted for each of the 7 schemes / projects)

- a. Conceptualise and structure funding options (appropriate for a scoping level of detail) for each of the schemes / projects. This should include:
 - i. A strong focus on blended finance solutions as well as opex requirements to operate at full capacity
 - ii. Identify potential sources of new revenues flowing from new economic opportunities created by the schemes / projects to enhance the blended finance solutions
 - iii. Ability in the context of legal and financial of the project owner / sponsor / water user association to borrow i.e. support debt
 - iv. Include innovative funding approaches / sources

- v. Options to unbundle the schemes / projects into smaller parts that will allow funding thereof in different ways (private vs. public)
 - vi. Long term funding up to 20 years
 - vii. Current tariff regime and cost recovery
- b. Determine and report how an integrated economic application could maximise revenue generated that could be applied to the funding of the irrigation component of the schemes / projects in a blended finance manner
- c. Provide scenarios on how agriculture processing can enhance the project economies and blended finance solutions
- d. Report on the raw water pricing strategy and the impact it has on affordability of users to pay set tariffs. Include here the need to subsidise tariffs to emerging farmers.
- e. Detail subsidies/grants received from the fiscus (provincial and/or national government) and the application of this funding.
- f. Identify and report on the ability to ring-fence project revenues within the project owners / sponsors or its mandated agents (such as DWS, water user associations, etc.)
- g. Investigate and report on international best practise and funding models for the structuring and financing of irrigation schemes in developing countries (including lessons learnt)
- h. Develop a preliminary (project) financial model in MS Excel that will allow the modelling of a blended finance solution for each of the projects. The financial model (appropriate for a scoping level of detail) must include:
 - i. The capital costs required for the upgrade, refurbishment and rehabilitation work
 - ii. The operation and maintenance requirements to ensure the schemes / projects are adequately operated and maintained over the project life
 - iii. Projected raw water and appropriate consumer tariffs
 - iv. Identify the various revenue streams available for each of the schemes / projects, based in market trends and forecasts for various crops and products including the local and export market. This should include tariffs for various off-takers (commercial farmers, emerging farmers, municipalities, etc.). Include reporting on affordability considerations (willingness and ability to pay)

- v. The financial model should allow for different sources of funding in the capital structure including private sector (commercial banks, pension funds, asset managers), alongside credit enhancement from DFIs and MDBs, as part of a blended finance solution
- vi. The financial model should identify the potential funding gap (following the maximisation of revenues from off-takers), which will need to be funded by Government (potentially through the Infrastructure Fund as instrument/vehicle). The primary aim of a blended finance solution and structure should be to minimise the Government contributions to each of the schemes / projects.
- vii. Consider various scenarios of future water uses, growth projections, etc.
- i. Propose any other innovative and novel approaches that may assist in the funding and implementation of the schemes / projects identified.

4.6 Risk considerations

- a. Identify any risk that may impact on the funding and implementation of the schemes / projects
- b. Identify any legal challenges, risks and constraints that may impact on the proposed funding structures and solutions
- c. Identify and report on any other considerations that may impact on the schemes / projects and specifically the proposed blended finance and alternative funding structures and options

Prospective bidders must note that the **emphasis of this scoping investigation should be on the funding and financing considerations** and that other elements should be provided to strengthen and substantiate the possible funding structures and solutions. This aspect should further be reflected in the Team composition and pricing elements. The DBSA is aware that a lot of existing information is available on the various schemes / projects and for this reason the successful bidder will be required to make use of existing information, reports, studies, etc. to save on time and costs (on the sustainability, technical, institutional, etc. aspects), and this work will not have to be redone but rather packaged and summarised. The scope of work will include engagements with the various scheme / project owners, sponsors or operators in order to obtain available information (desktop studies and no visits to the sites will be required). Meetings with stakeholders may be required, which can be held online.

5. Deliverables

The successful service provider will be required to prepare a scoping report covering the scope of work outlined above, as well as the financial model(s) (to become the property of the DBSA) referred to above as deliverables under this assignment. The scoping report should include an executive summary, recommendations as well as annexures that may be relevant. Following comments and approval of a draft scoping report, financial model and annexures (as may be applicable), the successful bidder will be required to prepare a final scoping report.

The deliverables forming part of this assignment shall include:

- a. Individual Scheme / Project Assessments (x7) for each of the schemes / projects highlighting the scope of work elements outlined above and including the financial modelling and structuring of each scheme / project
- b. A scoping report (draft and final) covering the scope of work highlighted above including an executive summary, highlighting the main features and results per scheme / project and conclusions of the scoping investigation, with annexures containing supporting information that may be relevant. The individual scheme / project assessments will form sections / annexures of the consolidated scoping report
- c. Scoping Report Presentation which will provide a summary of the scoping investigation, the individual scheme / project assessments, lessons learnt, recommendations, way forward, etc.

All material, models, etc. developed as part of this assignment shall form part of the final scoping report and will also be made available in soft copy for future use by the DBSA. All project information shall be stored on a data room (such as OneDrive) with full access by the DBSA.

Any and all of the deliverables developed under this assignment shall become and remain the property of the DBSA and the successful bidder will not be allowed the use thereof without the prior written approval from the DBSA.

6. Duration of assignment

Upon successful appointment, the professional service provider shall be expected to immediately commence work as per the instructions set out in these terms of reference. It is expected that the tasks associated with this assignment and the preparation of the scoping report should be completed within a period of 20 weeks.

7. Required experience, skill and expertise of the team

Professional Services Providers interested in bidding for this assignment should present a multi-disciplinary team consisting of the following members:

1. An **agriculture specialist** with a minimum of 8 years relevant / demonstrable experience infrastructure pertaining to agriculture, and the various aspects related to the agriculture value chain;
2. A **technical expert** with a minimum of 8 years relevant experience in large water supply and irrigation schemes, with a thorough understanding of the legal, regulatory and institutional environment in the water sector;
3. A **financial structuring expert** with a minimum of 10 years relevant experience in the conceptualisation, formulation and structuring of complex financial structures, models and solutions. Experience in blended finance solutions will be considered a benefit;
4. A **financial modelling expert** with a minimum of 10 years relevant experience in developing detailed project financial models;
5. An **assignment leader** with a minimum of 8 years relevant experience, who may be any of the resources listed above who will lead and coordinate the members of the professional team and be the primary liaison person with the DBSA.

The skills required from each of the specialists listed above should include:

- a. Degree level qualification in the relevant discipline
- b. Professional registration where applicable (proof of registration to be provided)
- c. Demonstrable experience on projects of a similar nature to this assignment.

8. Evaluation criteria

The criteria to be used in the adjudication process will be in accordance with the DBSA procurement policy, which incorporates, amongst others, the provisions of the Preferential Procurement Policy Framework Act of 2000 and Regulations of 2011 (PPPFA).

Responses to this RFP will be evaluated according to the extent to which they are able to fulfil the requirements of the DBSA, as stipulated in this RFP document (functional evaluation). Evaluation criteria will be weighted with particular emphasis on the following areas:

Functionality	Scoring	Weighting
<p>7. Agricultural experience and track record (firm level) Knowledge and professional experience of the agricultural sector, with specific reference to irrigation as outlined in this Terms of Reference</p> <p>Evidence Specific details of knowledge and experience (role and responsibility, projects, number of years, etc.) in the required fields of expertise.</p>	<ul style="list-style-type: none"> • ≥ 12 years required experience and excellent experience and track record = 5 • At least 10 years required experience and adequate experience and track record = 3 • Less than 10 years required experience or poor experience and track record or <u>no demonstrated experience in agriculture</u> = 1 • No experience = 0 	5
<p>8. Technical/water experience and track record (firm level) Knowledge and professional experience in the planning and development of water resources and large scale water supply schemes, with specific reference to irrigation schemes, as outlined in this Terms of Reference</p> <p>Evidence Specific details of knowledge and experience (role and responsibility, projects, number of years, etc.) in the required fields of expertise.</p>	<ul style="list-style-type: none"> • ≥ 12 years required experience and excellent experience and track record = 5 • At least 10 years required experience and adequate experience and track record = 3 • Less than 10 years required experience or poor experience and track record or <u>no demonstrated experience in irrigation schemes</u> = 1 	5

	<ul style="list-style-type: none"> • No experience = 0 	
<p>9. Financial structuring experience and track record Knowledge and professional experience in the design and structuring of innovative and complex models, mechanisms and solutions to finance and develop infrastructure as outlined in this Terms of Reference.</p> <p>Evidence Specific details of knowledge and experience (role and responsibility, projects, number of years, etc.) in the required fields of expertise.</p>	<ul style="list-style-type: none"> • ≥ 10 years required experience and excellent experience and track record = 10 • At least 8 years required experience and adequate experience and track record = 7 • Less than 8 years required experience or poor experience and track record = 3 • No experience = 0 	10
<p>10. Financial modelling experience and track record Knowledge and professional experience in the design and development of complex financial models as outlined in this Terms of Reference</p> <p>Evidence Specific details of knowledge and experience (role and responsibility, projects, number of years, etc.) in the required fields of expertise.</p>	<ul style="list-style-type: none"> • ≥ 10 years required experience and excellent experience and track record = 10 • At least 8 years required experience and adequate experience and track record = 7 • Less than 8 years required experience or poor experience and track record = 3 • No experience = 0 	10
<p>11. Approach and methodology Detailed explanation and exposition of the approach and methodology that will be followed to meet the requirements of this assignment. To include an understanding of the scope of work and detailed work plan.</p> <p>Evidence Provide detailed method statement, approach and methodology (including understanding of the scope of work and work plan)</p>	<p>Qualitative assessment of the proposed approach</p> <ul style="list-style-type: none"> • Excellent approach and methodology = 20 • Good approach and methodology = 16 • Adequate approach and methodology = 12 • Below average approach and methodology = 7 • Poor approach and methodology = 5 • No approach and methodology = 0 	20

<p>12. Skills, experience and qualifications</p> <p>Appropriate skills, experience and qualifications of individuals relevant to the Terms of Reference. Bidder should only include information of the actual team members that will work on this assignment</p> <p>Evidence</p> <p>Demonstrate knowledge-base via resource/s profile. Detailed qualification and experience in this area to be provided.</p>		
<p>12.1Agriculture specialist</p>	<ul style="list-style-type: none"> • ≥ 10 years required experience and excellent / relevant knowledge = 7.5 • At least 8 years required experience and adequate and relevant knowledge and experience = 5 • Less than 8 years required experience or inadequate / irrelevant experience = 0 	<p>7.5</p>
<p>12.2Technical expert / water specialist</p>	<ul style="list-style-type: none"> • ≥ 10 years required experience and excellent / relevant knowledge = 7.5 • At least 8 years required experience and adequate and relevant knowledge and experience = 5 • Less than 8 years required experience or inadequate / irrelevant experience = 0 	<p>7.5</p>
<p>12.3Financial structuring expert</p>	<ul style="list-style-type: none"> • ≥ 12 years required experience and excellent / relevant knowledge and experience = 15 • At least 10 years required experience and adequate and relevant knowledge and experience = 13 	<p>15</p>

	<ul style="list-style-type: none"> • Less than 10 years required experience or inadequate / irrelevant experience = 0 	
12.4 Financial modelling expert	<ul style="list-style-type: none"> • ≥ 12 of years required experience and excellent / relevant knowledge and experience = 15 • ≥ 10 years required experience and adequate and relevant knowledge and experience = 12 • Less than 10 years required experience or inadequate / irrelevant experience = 0 	15
12.5 Assignment lead	<ul style="list-style-type: none"> • ≥ 8 of years required experience and excellent / relevant knowledge and experience = 5 • ≥ 5 years required experience and adequate and relevant knowledge and experience = 3 • Less than 5 years required experience or inadequate / irrelevant experience = 0 	5
TOTAL		100
Cut off		70

A minimum threshold for functionality of 70 (seventy) points is required. Bids that do not meet this threshold will automatically be disqualified for further evaluation. Thereafter, only the qualifying bids will be evaluated in terms of the 80/20 preference point system, where a maximum of 80 points are allocated for price and a maximum of 20 points are allocated in respect of the level of B-BBEE contribution of the bidder.

9. Remuneration and management

9.1 Pricing proposal

Prospective bidders are required to complete the table below to indicate the price offer to comply with the terms and scope of this assignment. The table below should be used to present the summary of the total cost and bidders are required to provide an outline and details of how the total costs are determined (units, rates, quantities, etc.).

The scope of work included in this assignment is deemed a desktop exercise and it is not foreseen for the successful bidder to travel or visit the various schemes / projects. A disbursement allowance of R50 000.00 will be allowed, should it be required but this is not foreseen as a major expense item.

Item	DESCRIPTION	Total Amount Excl. VAT
1.	Individual Scheme / Project Assessments:	
	1.1 Vaalharts / Taung scheme	R
	1.2 Mpofana / uMgungundlovu irrigation project	R
	1.3 Tzaneen Dam and irrigation scheme	R
	1.4 Clanwilliam Dam irrigation scheme	R
	1.5 Nwamitwa Dam and irrigation scheme	R
	1.6 Ncora irrigation scheme	R
	1.7 Oranje-Riet irrigation scheme	R
2.	Consolidated scoping report	R
3.	Scoping report presentation	R
	Sub-total (excl disbursements)	R
	Disbursement allowance	R50 000.00
	Total cost excl. VAT	R
	VAT @ 15%	R
	TOTAL COST (including disbursements and VAT)	R

Kindly take note of the following:

1. The financial model developed must be done in Microsoft Excel
2. The financial model will become the property of the DBSA and must be fully functional and operational upon handover to the DBSA.
3. Training of DBSA employees in using the financial models must be included.
4. The DBSA reserves the right to:
 - a. Accept the whole or part of the proposal and deliverables i.e. the DBSA may decide to remove one or more of the identified projects from the list or replace one or more of the projects with other projects.
 - b. The available budget to undertake the scope of work will determine the final number of schemes / projects that will be investigated. Bidders will be required to price each of the schemes / projects individually in order to allow for schemes / projects to be removed from the scope of work should the available budget be less than the tendered / contracted amount. The DBSA reserves the right to remove or replace any of the schemes / projects listed above for the final scope of work. The scope of work will however be limited to seven (7) schemes / projects and this number will not be exceeded.

9.2 Remuneration schedule

Remuneration of the advisor will be in South African Rands, on a fixed price, according to the following remuneration schedule:

- a. Individual Scheme / Project Assessment – 70% (10% per scheme / project) of the fee payable upon completion and submission of the individual scheme / project reports and including the financial modelling, which can be staggered but must be delivered within 16 weeks from the commencement date of the contract.
- b. Scoping Report – 25% of the fee payable upon completion and submission of the consolidated assessment into one Scoping Report, which must be delivered 2 weeks after receiving comments on the draft scoping report.
- c. Scoping Report Presentation – 5% of the fee payable upon completion, presentation and approval of the MS PowerPoint presentation of the final scoping report which will include on recommendations for the ways forward and lessons learnt.

The successful service provider will only be able to claim against the completion and approval of individual deliverables as outlined above.

9.3 Disbursements

The disbursement allowance indicated above should include all reimbursable expenses. It is not foreseen that the scope of work included in this assignment will require travel, but if it does it will be limited to the allowed amount and must be calculated according to the Travel and Subsistence guidelines below:

The following should be a guide in calculating and claiming of disbursements included in the disbursement allowance:

- Air travel should be economy class;
- Hotels should be up to a 4 star and per National Treasury maximum allowable rates;
- Car hire should be a group B category;
- Use of own car the costs should be capped at R3,70 per kilometre;
- Overnight allowance should be limited to R397.00;
- Day allowance over 100kms (one way) should be limited to R122.00.

9.4 Report(s) and evaluation

The following project reports will be required to be submitted in pre-agreed formats as proof of delivery of services:

- Individual scheme / project assessments (incl financial model)
- Scoping report
- Scoping report workshop & PowerPoint presentation

The advisory work will be evaluated based on an assessment of the quality and completeness of the activities and outputs outlined in this ToR and the tendered methodology and approach.

9.5 Logistic Support

Stakeholder meetings including PSC meetings will be held (virtually to the extent it is possible) or at the DBSA offices in Midrand,

10. Management of the professional service provider

- 10.1 The project lead will be a member a Project Steering Committee (PSC) to be established which will meet at the agreed intervals to review the advisor's deliverables.
- 10.2 The advisor is expected to provide a presentation of progress at the PSC meetings. This would include a presentation of any deliverables to be considered by approval by the PSC.
- 10.3 The PSC will approve deliverables for payment.
- 10.4 The advisor will submit invoices after the PSC has approved the deliverables.
- 10.5 The DBSA reserves the right to terminate the appointment of the advisor at any stage.

11. Bid submission requirements

- 11.1 Providing full contact details for the project lead; and Consortium or Joint Venture agreements of the advisor team (where applicable);
- 11.2 Information on and motivation for the advisory team, attaching their curricula vitae, and setting out their personal, and their entity's suitability for this assignment; relevant financial skills and experience:
- 11.3 For each relevant experience cited, outline the precise role the lead advisor played, the role of the firm, contract duration, contract outcomes, and contract value; availability to perform this work. This must be substantiated by listing the lead advisor's other known professional commitments for the next six months;
- 11.4 Project comprehension and project management plan, setting out:
 - 11.4.1 the advisor's understanding of the Terms of Reference, and any proposals for amendments to the Terms of Reference that would enhance desired outcomes;
 - 11.4.2 How the advisor proposes to manage the set of deliverables outlined in the Terms of Reference;
 - 11.4.3 A proposed outline work plan with time-table for delivery;
 - 11.4.4 The suitability of each person in the team for the proposed roles in terms of their relevant skills and experience cross referenced to each deliverable in the Terms of Reference;

- 11.4.5 An organogram of the advisory team clearly indicating their role in the assignment
- 11.4.6 The availability of each person to perform the work and how the advisory team members will be supervised;
- 11.4.7 How reporting to the DBSA will take place;
- 11.4.8 Any innovative ideas for how the assignment can best achieve its objectives in the specified timeframe.
- 11.4.9 Confirmation by bidders that each scheme / project will be treated as one project.

Please note that the following standard forms have been provided (please refer to Annexure B) and all bidders are required to complete in relation to the following:

- Form TECH 1- Service Provider's Organization and Experience
- Form TECH 2- Key Resources Project Experience
- Form TECH 3- Curriculum Vitae (CV) of all Resources

Standard Forms to be completed and submitted with the bids

Service Provider's Organization and Experience

Form TECH-1: a brief description of the Service Provider's organization and an outline of the recent experience of the Service Provider that is most relevant to the assignment. In the case of a joint venture or subcontract arrangement, information on similar assignments shall be provided for each partner or Subcontractor. For each assignment, the outline should indicate the names of the Service Provider's Key Personnel and Subcontractors who participated, the duration of the assignment, the contract amount (total and, if it was done in a form of a joint venture or a subcontract arrangement, the amount paid to the Service Provider), and the Service Provider's role/involvement. Kindly note that DBSA reserves the right to contact the references provided.

A - Service Provider's Organization

1. Provide here a brief description of the background and organization of your company, and – in case of a joint venture or subcontract arrangement – of each company who will be involved in delivering the Services.

B - Service Provider's Experience

List of project references (up to 10 Projects)

[illegible]

	Project Name	Duration	Assignment name/& brief description of main deliverables/outputs	Name of Client & Country of Assignment	Client Key Contact person and Contact details	Approx. Contract value (in ZAR) Amount paid to your firm	Approx. Transaction value (in ZAR)	Role on the Assignment	Relevance of Assignment for this tender
4									

FORM TECH-2

Key Resources Project Experience

Form TECH-2: The key resources required for this assignment are required to provide details of their respective project experience that is most relevant to the assignment:

For each project reference, the outline should indicate, the duration of the assignment, the contract amount, the amount paid to the Service Provider, and the Service Provider's role/involvement. (Kindly note that DBSA reserves the right to contact the references provided)

Name of Key Resource:

	Project Name	Duration	Assignment name/& brief description of main deliverables/outputs	Name of Client & Country of Assignment	Client Key Contact person and Contact details	Approx. Contract value (in ZAR)/Amount paid to your firm	Approx. Transaction value (in ZAR)	Resource's specific Role in the Assignment	Relevance of Assignment for this tender
1									
2		{e.g., Jan.2015– Apr.2016}	{e.g., "Improvement quality of.....": designed master plan for rationalization of; }	{e.g., Ministry of, country}	Name: Number: Email:	{e.g., ZAR....}		{e.g., Team leader, financial model, cost estimate, project management (etc)}	

FORM TECH-3

CURRICULUM VITAE (CV)

Position Title and No.	{e.g., Technical Specialist}
Name of Expert:	{Insert full name}
Date of Birth:	{day/month/year}
Country of Citizenship/Residence	

Education: {List college/university or other specialized education, giving names of educational institutions, dates attended, degree(s)/diploma(s) obtained}

Employment record relevant to the assignment: {Starting with present position, list in reverse order. Please provide dates, name of employing organization, titles of positions held, types of activities performed and location of the assignment, and contact information of previous clients and employing organization(s) who can be contacted for references. Past employment that is not relevant to the assignment does not need to be included.}

No of years and Period	Employing organization your title/position and location of the project. Contact information for references	Does experience relate to Agriculture and the built environment sector (Yes/No)	Detailed summary of activities performed, responsibilities and achievements relevant to the Assignment including precise role undertaken
[e.g., May 2015-present]	[e.g., Ministry of, advisor/consultant to... For references: Tel...../e-mail.....; Mr. B, deputy minister]		

Membership in Professional Associations and Publications:

Language Skills (indicate only languages in which you can work): _____

Availability to work on the assignment: _____

Annexure A

Fees and Assumptions

FORM OF OFFER AND ACCEPTANCE (AGREEMENT)

FORM OF OFFER

THE CONSULTANT IS TO COMPLETE AND SIGN THE FORM OF OFFER

The Employer, identified in the Acceptance signature block, has solicited offers to enter into a contract in respect of the following services:

RFP257/2021: APPOINTMENT OF A SERVICE PROVIDER FOR AGRICULTURAL WATER USE / IRRIGATION SCHEMES SCOPING INVESTIGATION

The Tenderer, identified in the Offer signature block below, has examined the documents listed in the Tender Data and addenda thereto as listed in the Tender Schedules, and by submitting this Offer has accepted the Conditions of Tender.

By the representative of the Tenderer, deemed to be duly authorised, signing this part of this Form of Offer and Acceptance, the Tenderer offers to perform all of the obligations and liabilities of the consultant under the Contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the Conditions of Contract identified in the Contract Data.

THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF VALUE ADDED TAX IS

.....

.....	(in words);	ZAR	(in figures),
-------	-------------	-----	-------	---------------

This offer may be accepted by the Employer by signing the Acceptance part of this Form of Offer and Acceptance and returning one copy of this document to the Tenderer before the end of the

period of validity stated in the Tender Data, whereupon the Tenderer becomes the party named as the consultant in the Conditions of Contract identified in the Contract Data.

Signature(s) _____

Name(s) _____

Capacity _____

**For the
Tenderer** _____
(Name and address of organisation)

**Name and
signature of
witness** _____ **Date** _____

Prospective bidders are required to complete the table below to indicate the price offer to comply with the terms and scope of this assignment. The table below should be used to present the summary of the total cost and bidders are required to provide an outline and details of how the total costs are determined (units, rates, quantities, etc.).

The scope of work included in this assignment is deemed a desktop exercise and it is not foreseen for the successful bidder to travel or visit the various schemes / projects. A disbursement allowance of R50 000.00 will be allowed, should it be required but this is not foreseen as a major expense item.

Item	DESCRIPTION	Total Amount Excl. VAT
1.	Individual Scheme / Project Assessments:	
	1.1 Vaalharts / Taung scheme	R
	1.2 Mpofana / uMgungundlovu irrigation project	R
	1.3 Tzaneen Dam and irrigation scheme	R
	1.4 Clanwilliam Dam irrigation scheme	R
	1.5 Nwamitwa Dam and irrigation scheme	R
	1.6 Ncora irrigation scheme	R
	1.7 Oranje-Riet irrigation scheme	R
2.	Consolidated scoping report	R
3.	Scoping report presentation	R
	Sub-total (excl disbursements)	R
	Disbursement allowance	R50 000.00
	Total cost excl. VAT	R
	VAT @ 15%	R
	TOTAL COST (including disbursements and VAT)	R

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 Number / Employee 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..1.7

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

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 preference point system will be applicable to this tender.

1.2 Points for this bid shall be awarded for:

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

1.3 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

1.4 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.

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

2. DEFINITIONS

- (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 PREFERENCE POINT SYSTEMS

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

80/20

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

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 (80/20 system)
1	20
2	18
3	16
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	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

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

Designated Group: An EME or QSE which is at least 51% owned by:

EME

QSE

√

√

Black people

Black people who are youth

Black people who are women

Black people with disabilities

Black people living in rural or underdeveloped areas or townships

Cooperative owned by black people

Black people who are military veterans

OR

Any EME

Any QSE

8. DECLARATION WITH REGARD TO COMPANY/FIRM

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

8.2 VAT registration
number:.....

8.3 Company registration
number:.....

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

8.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

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

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

WITNESSES

1.

2.

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

DATE:.....

ADDRESS.....

.....

.....

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:		

SBD 8

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.

Annexure J

[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?		

Annexure K

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:



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