

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:	RFP063/2023
COMPULSORY BRIEFING SESSION DETAILS:	<p>Tender briefing will be done online via Microsoft teams. Bidders are advised to use the link below to join the briefing session</p> <p>Click here to join the meeting</p> <p>Click on the link to join the meeting</p> <p>Link: 17 March 2023 @11H00 (Johannesburg time)</p>
CLOSING DATE:	30 March 2023
CLOSING TIME:	23H55 (Midnight)
PERIOD FOR WHICH BIDS ARE REQUIRED TO REMAIN OPEN FOR ACCEPTANCE:	120 days
DESCRIPTION OF BID:	THE PROCUREMENT OF A PROJECT FINANCE TRANSACTION ADVISOR (PFTA) FOR THE SOCIAL HOUSING PROGRAMME (SHP) FOR THE INFRASTRUCTURE FUND (IF) PHASE 2
BID DOCUMENTS ELECTRONIC SUBMISSION:	<p>1. ELECTRONIC SUBMISSIONS</p> <p><u>INSTRUCTIONS:</u></p> <ul style="list-style-type: none"> ➤ Bidders are required to submit written requests for clarification via e-mail to yusiscm@dbsa.org ONLY, quoting the RFP Number on the subject of the e-mail. This must be done three (3) working days submission day. ➤ Bidders will thereafter receive a OneDrive Link to upload their subm documents electronically. ➤ Written requests for clarification will be considered up to and including 27 March 2023 16:30 Johannesburg time. Requests received after this date may not be attended to. ➤ Any requests after the stipulated date and time may be disregarded. <p>NB: Electronic submission is encouraged for all bidders interested in this tender</p> <p>Closing date of this RFP063/2023 is before 23:55.</p>

	No physical bids will be received or accepted at the DBSA offices
NAME OF BIDDER:	
CONTACT PERSON:	
EMAIL ADDRESS:	
TELEPHONE NUMBER:	
FAX NUMBER:	
BIDDER'S STAMP OR SIGNATURE	



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

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

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**PART A
INVITATION TO BID**

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

BID NUMBER: RFP063/2023

DESCRIPTION: THE PROCUREMENT OF A PROJECT FINANCE TRANSACTION ADVISOR (PFTA) FOR THE SOCIAL HOUSING PROGRAMME (SHP) FOR THE INFRASTRUCTURE FUND (IF) PHASE 2

COMPULSORY BRIEFING: 17 March 2023 - Tender briefing will be done online via Microsoft teams.


COMPULSORY BRIEFING LINK:

Time: 11H00 AM Johannesburg time (Microsoft Teams)


CLOSING DATE: 30 March 2023

CLOSING TIME: 23H55

Name

 Bidder Name

Name

 Folder 1_Financial Proposal

 Folder 2_Technical Proposal

- a) It remains the bidder's responsibility to ensure that the bid submission is uploaded using the correct bidder document and tender link.
- b) Should a bidder encounter an issue with the system, the bidder must provide sufficient evidence as proof of attempting to upload their submission before the cut-off time and the error received.
- c) Faxed, emailed bids will not be accepted, only an electronic submission received via the link will be accepted.
- d) It is therefore the responsibility of the bidder to request for a link to participate.
- e) The DBSA assumes no responsibility if a Bidder's designated email address is not correct, or if there are technical challenges, including those with the Bidders computer, network, or internet service provider (ISP).

BID SUBMISSION LINK REQUESTS:

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	

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.)				
IF YES, WHO ISSUED THE CERTIFICATE?					
REGISTERED WITH THE NATIONAL TREASURY CSD [TICK APPLICABLE BOX]		YES		NO	
CSD REGISTRATION NUMBER					
TAX COMPLIANCE STATUS PIN (TCS) NUMBER ISSUED BY SARS					

PART B
TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
1.1. BIDS MUST BE SUBMITTED ELECTRONICALLY BY THE STIPULATED TIME TO THE LINK PROVIDED. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED – (NOT TO BE RE-TYPED)
1.3. SOUTH AFRICAN 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 BY BIDDING INSTITUTION.
1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MUST BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
2. TAX COMPLIANCE REQUIREMENTS
2.1 ALL BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS IN THEIR COUNTRY OF RESIDENCE.
2.2 SOUTH AFRICAN 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.
2.3 SOUTH AFRICAN BIDDERS CAN APPLY 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.
2.4 SA BIDDERS' MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER (TAX COMPLIANCE) IN ACCORDANCE WITH APPLICABLE LEGISLATION IN THEIR COUNTRY OF RESIDENCE.
2.6 WHERE SA BIDDERS HAVE NO TCS AVAILABLE BUT ARE REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS
3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO

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.

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; and
- Use the prescribed sequence in attaching the annexes that complete the Bid Document

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

YES NO

<input type="checkbox"/>	<input type="checkbox"/>	One original Bid document in separate folders; Folder 1 - for Pre-Qualifying Criteria and Functional Evaluation and Folder 2 - Price / Financial Proposal – Electronic submission
<input type="checkbox"/>	<input type="checkbox"/>	Part A: Invitation to Bid
<input type="checkbox"/>	<input type="checkbox"/>	Part B: Terms and Conditions of Bidding
<input type="checkbox"/>	<input type="checkbox"/>	Part C: Checklist of Compulsory Returnable Schedules and Documents
<input type="checkbox"/>	<input type="checkbox"/>	Part D: Conditions of Tendering and Undertakings by Bidders
<input type="checkbox"/>	<input type="checkbox"/>	Part E: Specifications/Terms of Reference and Project Brief
<input type="checkbox"/>	<input type="checkbox"/>	Annexure A: Price Proposal Requirement
<input type="checkbox"/>	<input type="checkbox"/>	Annexure B: SBD4 Declaration of Interest
<input type="checkbox"/>	<input type="checkbox"/>	Annexure C: SBD6.1 and B-BBEE status level certificate
<input type="checkbox"/>	<input type="checkbox"/>	Annexure F: Certified copies of your CIPC company registration documents listing all members with percentages, in case of a lose corporation
<input type="checkbox"/>	<input type="checkbox"/>	Annexure G: Certified copies of latest share certificates, in case of a company.

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

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, 2022.
- 1.4 **Business Day** means a day which is not a Saturday, Sunday or public holiday in South Africa.
- 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 **Error! Reference source not found.** (Bid Timetable) in Part C, by which Tenders must be received.
- 1.10 **DBSA** means the Development Bank of Southern Africa Limited.
- 1.11 **DFI** means Development Finance Institution.

- 1.12 **Evaluation Criteria** means the criteria set out under the clause 26 (Evaluation Process) of this Part C, which includes the Qualifying Criteria, Functional Criteria and Price and Preferential Points Assessment (where applicable).
- 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, 2022 published in terms of the PPPFA.
- 1.18 **Pre-Qualifying Criteria** means the criteria set out in clause 26.3 of this Part C.
- 1.19 **Price and Preferential Points Assessment** means the process described in clause 26.6 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. SUBMISSION OF TENDERS

COMPULSORY BRIEFING: **17 March 2023** - Tender briefing will be done online via Microsoft teams.

LINK: [Click here to join the meeting](#)

Time: 10H00 AM Johannesburg time (**Microsoft Teams**)

LINK REQUESTS: Bidders are asked to nominate one dedicated contact person (name, email address and phone number.

Link Request DATE By: **27 March 2023**

Link Request TIME By: 16H30

5. RULES GOVERNING THIS RFP AND THE TENDERING PROCESS

- 5.1 Participation in the tender process is subject to compliance with the rules contained in this RFP Part C.
- 5.2 All persons (whether a participant in this tender process or not) having obtained or received this RFP may only use it, and the information contained herein, in compliance with the rules contained in this RFP.
- 5.3 All Bidders are deemed to accept the rules contained in this RFP Part C.
- 5.4 The rules contained in this RFP Part C apply to:
 - 5.4.1 The RFP and any other information given, received or made available in connection with this RFP, and any revisions or annexure.
 - 5.4.2 the Tendering Process; and

- 5.4.3 any communications (including any briefings, presentations, meetings and negotiations) relating to the RFP or the Tendering Process.

6. STATUS OF REQUEST FOR PROPOSAL

- 6.1 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.

7. ACCURACY OF REQUEST FOR PROPOSAL

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

8. ADDITIONS AND AMENDMENTS TO THE RFP

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

9. REPRESENTATIONS

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

10. CONFIDENTIALITY

- 10.1 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.

11. REQUESTS FOR CLARIFICATION OR FURTHER INFORMATION

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

12. UNAUTHORISED COMMUNICATIONS

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

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

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

13. IMPROPER ASSISTANCE, FRAUD AND CORRUPTION

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

14. ANTI-COMPETITIVE CONDUCT

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

15. COMPLAINTS ABOUT THE TENDERING PROCESS

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

- 15.2.3 any relevant background information; and
 - 15.2.4 the outcome desired by the person or organisation making the complaint.
- 15.3 If the matter relates to the conduct of an employee of the DBSA, the complaint should be addressed in writing marked for the attention of the Chief Executive Officer of the DBSA, and delivered to the physical address of the DBSA, as notified.

16. CONFLICT OF INTEREST

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

17. LATE BIDS

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

working days of receipt or within 5 (five) working days after determination not to accept a late Bid.

18. BIDDER'S RESPONSIBILITIES

18.1 Bidders are responsible for:

- 18.1.1 examining this RFP and any documents referenced or attached to this RFP and any other information made or to be made available by the DBSA to Bidders in connection with this RFP;
- 18.1.2 fully informing themselves in relation to all matters arising from this RFP, including all matters regarding the DBSA's requirements for the provision of the Services;
- 18.1.3 ensuring that their Bids are accurate and complete;
- 18.1.4 making their own enquiries and assessing all risks regarding this RFP, and fully considering and incorporating the impact of any known and unknown risks into their Bid;
- 18.1.5 ensuring that they comply with all applicable laws in regard to the Tendering Process particularly as specified by National Treasury Regulations, Guidelines, Instruction Notes and Practice Notes and other relevant legislation as published from time to time in the Government Gazette; and
- 18.1.6 submitting all Compulsory Documents.

18.2 South African bidders with annual total revenue of ZAR10 million or less qualify as Exempted Micro Enterprises (EMEs) in terms of the B-BBEE Act must submit a certificate issued by a registered, independent auditor (who or which is not the Bidder or a part of the Bidder) or an accredited verification agency.

18.3 South African bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy, or a sworn affidavit thereof, substantiating their B-BBEE status. The submission of such certificates must comply with the requirements of instructions and guidelines issued by National Treasury and be in accordance with the applicable notices published by the Department of Trade and Industry in the Government Gazette.

18.4 The DBSA reserves the right to require of a Bidder, either before a Bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the DBSA.

18.5 Failure to provide the required information may result in disqualification of the Bidder.

19. PREPARATION OF BIDS

19.1 Bidders must ensure that:

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

20. ILLEGIBLE CONTENT, ALTERATION AND ERASURES

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

21. OBLIGATION TO NOTIFY ERRORS

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

22. RESPONSIBILITY FOR BIDDING COSTS

- 22.1 The Bidders participation or involvement in any stage of the Tendering Process is at the Bidders sole risk, cost and expense. The DBSA will not be held responsible for, or pay for, any expense or loss that may be incurred by Bidders in relation to the preparation or lodgement of their Bid.

- 22.2 The DBSA is not liable to the Bidder for any costs on the basis of any contractual, promissory or restitutionary grounds whatsoever as a consequence of any matter relating to the Bidders participation in the Tendering Process, including without limitation, instances where:
- 22.2.1 the Bidder is not engaged to perform under any contract; or
 - 22.2.2 the DBSA exercises any right under this RFP or at law.

23. DISCLOSURE OF BID CONTENTS AND BID INFORMATION

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

24. USE OF BIDS

- 24.1 Upon submission in accordance with the requirements relating to the submission of Bids, all Bids submitted become the property of the DBSA. Bidders will retain all ownership rights in any intellectual property contained in the Bids.
- 24.2 Each Bidder, by submission of their Bid, is deemed to have licensed the DBSA to reproduce the whole, or any portion, of their Bid for the sole purposes of enabling the DBSA to evaluate the Bid.

25. BID ACCEPTANCE

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

26. EVALUATION PROCESS

26.1 The Bids will be evaluated and adjudicated as follows:

26.1.1 First Stage – 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 to submitting Tender as a two-folder tender. Folder 1: Functionality and returnable submission separate from Folder 2: Pricing proposal submission	Pre-Qualifier	Y
2	Attendance Register of the Compulsory Briefing Session attended by the Tenderer.	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)
1	Standard conditions of tender as required.	48 hours	Y
2	Returnable documents completed and signed.	48 hours	Y
3	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 to do business with the DBSA.	7 Working days	Y

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

26.1.2 **Second Stage – Functional criteria**

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

Bidders will be assessed on the functional criteria (Second Stage) as set out in this RFP. Only those Bidders which comply with the eligibility criteria will proceed to the Third Stage.

26.1.2 **Third Stage – price**

26.1.2.1 Those Bidders which have passed the First Stage (Responsiveness Test) and Second Stage (Functional Evaluation) of the tender process will be eligible to be evaluated on the Third Stage, based on price, in accordance with the PPPFA regulations.

26.1.2.2 The recommended preferred Bidder will be the Bidder with the lowest overall price in the Third Stage of the Bid evaluation, unless the DBSA exercises its right to cancel the RFP, in line with the PPPFA Regulations.

26.2 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.

26.3 **First Stage: Pre-Qualifying Criteria**

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

26.4 **Second Stage: Functional Criteria**

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 BBBEE.

No	Evaluation Criteria	Scoring for whole element	Weight
1	<p>Must at least have a Postgraduate degree in the relevant academic field (i.e., finance, economics, engineering, actuarial science, public or business administration, or any numeric degree)</p> <p><u>Bidder to submit a copy of qualifications in order to be scored.</u></p>	<p>Master's Degree or above (NQF 9+): 20 points</p> <p>Post Grad / Honours Degree (NQF 8):14 points</p> <p>Degree/B-tech/National Diploma (NQF 7):10 points</p> <p>Diploma Advanced Certificate (NQF 6): 7 points</p> <p>Higher Certificate (NQF 5): 0 point</p>	20
2.	<p>A minimum of 15 years of relevant experience in rendering project and corporate finance advisory services in the infrastructure sectors for investors, government, construction companies, commercial banks and development finance institutions and other investors.</p> <p><u>Bidder's CV must clearly indicate the employment history including detail experience. NB experience must align to the criteria.</u></p>	<p>15 or more years: 30 points</p> <p>13 to 14 years: 25 points</p> <p>12 to 13 years: 20 points</p> <p>10 to 11 years: 10 points</p> <p>Anything below 10 years is 0 point</p>	30
3.	<p>Successful project/transaction list of at least 5 projects (including 2 social housing projects) that have reached financial close with a minimum project value of R50 million, showcasing the PFTA's experience in conducting project and corporate finance advisory services.</p>	<p>=>5 projects: 30 points</p> <p>3-4 projects: 25 points</p> <p>2 projects: 20 points</p> <p>1 project: 10 points</p> <p>Anything below 1 project is 0 point</p>	30

No	Evaluation Criteria	Scoring for whole element	Weight
	<u>Bidder to submit a detail project list that aligns to the criteria. i.e. NB: Projects that have not reached financial close will not be considered. Project description, project date, value of the project, the work that was conducted and etc. NB. refer to table 5 (Project portfolio /Transaction list)</u>		
4.	Comprehension, approach and methodology: <ul style="list-style-type: none"> - Demonstrated in proposal through inter alia: <ul style="list-style-type: none"> o work plan for execution of the scope, o project management approach, o timeframe, - Provides a detailed understanding of the assignment - Shows clear analysis of key challenges and risks associated with the assignment and adequate proposals to address these - Provides recommendations on how the terms of reference can be improved which has been included in the proposal - Organogram showing resource allocation. Bidders are encouraged to include resources to be more gender inclusive, transformation and includes youth empowerment. 	Points: <ul style="list-style-type: none"> ▪ Addresses all requirements, demonstrates a sound understanding of assignment, associated risks and included value add innovations = 20 ▪ Addresses most areas of requirements but is generic and does not convey an understanding of assignment and associated risk = 15 ▪ Partially addresses requirements, but overall is not convincing (i.e. scope is not fully addressed, or timeframes are not reasonable) = 10 ▪ Does not address the requirement and is not detailed = 0 	20
TOTAL			100
MINIMUM THRESHOLD			70

- 26.5 A minimum of **70 points out of a 100** for the functional evaluation will qualify the Bid to move on to the Third 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 Third Stage of the evaluation.

26.6 **Third Stage: Price**

- 26.6.1 The Third Stage of evaluation of the Bids will be in respect of price and preference.

27. **Risk Analysis and Objective Criteria**

(This must only be included in the tender document if it is applicable, ensure that the list is specific as to what your objective criteria are)

The DBSA reserves the right to award the tender to the tenderer who scores the highest number of points overall in line with Section (2) (1) (f) of the PPPFA, unless there are **objective criteria** which will justify the award of the tender to another tenderer. The objective criteria that the DBSA may apply in this bid process includes:

- i. Any bidder that has a **cumulative order book totaling 3 Awards with outstanding value**, will be excluded from the selection.
- ii. Where a bidder has 3 active Awards with an outstanding value and the outstanding value is 10% or less, indicating the project is nearing completion, the bidder may be included in the selection.
- iii. Where a bidder has 3 active Awards with an outstanding value and at least one of the projects has stalled for a period of 6 months or more, or the client has placed the project on hold indefinitely, the bidder may be included in the selection.
- iv. The DBSA has the discretion to apply an objective criterion.

28. **Due Diligence**

DBSA shall perform a due diligence exercise on the preferred bidder to determine its risk profile. The due diligence exercise may take the following factors into account inter alia.

a. Judgements and criminal convictions

DBSA may consider previous civil judgements against the preferred bidder as part of its risk assessment. DBSA may also consider whether the preferred bidder or any of its directors have been convicted of a serious offence.

b. Pending litigation/liquidation/business rescue (distinct from Working Capital)

DBSA may consider any pending litigation in a court of law or administrative tribunal as part of its risk assessment.

c. Performance

DBSA will not consider the Service provider having a history of poor performance on any task orders/purchase orders or contracts, including poor performance in respect of compliance with policies or procedures regarding safety, health, quality control or environment, or having committed a serious and gross breach of contract.

d. Reputational harm

If DBSA is likely to suffer substantial reputational harm because of doing business with the preferred service provider, it may take this into account as part of its risk assessment.

e. Restricted/Blacklisted

Is not under restrictions, or has principals who are under restrictions, preventing

participating in the employer's procurement.

f. **Vetting**

The DBSA reserves the right to conduct vetting on the tenderer or any of its directors.

g. PEP Checks for both Companies and Individual directors, as well as Procure Check and or any other systems that the DBSA may choose to utilize (which may be conducted by an authorized third party) that would be done to assess all risks, including but not limited to

- a. Financial stability of the bidder based on key ratio analysis ;
- b. Efficiency ;
- c. Profitability ;
- d. Financial Risk;
- e. Liquidity ;
- f. Acid Test ;
- g. Solvency; and
- h. Commercial relationship with a politically exposed and brand risk

v. The DBSA reserves the right to award the scope in full or part thereof, subject to budget availability.

vi. The DBSA reserves the right to negotiate to ensure the value for money principle is not compromised.

29. Generally, suppliers have their own business standards and regulations. Although DBSA cannot control the actions of our suppliers, we will not tolerate any Illegal activities. These include, but are not limited to:

- Misrepresentation of any kind (e.g. origin of manufacture, specifications, intellectual property rights, etc.);
- Collusion;
- Failure to disclose accurate information required during the sourcing activity (ownership, financial situation, BBBEE status, etc.);
- Corrupt activities listed above; and
- Harassment, intimidation or other aggressive actions towards DBSA's employees.

30. STATUS OF BID

30.1 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.

30.2 A Bid must not be conditional on:

- 30.2.1 the Board approval of the Bidder or any related governing body of the Bidder being obtained.
- 30.2.2 the Bidder conducting due diligence or any other form of enquiry or investigation.
- 30.2.3 the Bidder (or any other party) obtaining any regulatory approval or consent.
- 30.2.4 the Bidder obtaining the consent or approval of any third party; or
- 30.2.5 the Bidder stating that it wishes to discuss or negotiate any commercial terms of the contract.

30.3 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).

- 30.4 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.

31. CLARIFICATION OF BIDS

- 31.1 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 held 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.
- 31.2 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.

32. DISCUSSION WITH BIDDERS

- 32.1 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.
- 32.2 Where applicable, the DBSA will invite Bidders to give a presentation to the DBSA in relation to their submissions.
- 32.3 The DBSA is under no obligation to undertake discussions with, and Bidders.
- 32.4 In addition to presentations and discussions, the DBSA may request some or all Bidders to:
- 32.4.1 conduct a site visit, if applicable.
 - 32.4.2 provide references or additional information; and/or
 - 32.4.3 make themselves available for panel interviews.

33. SUCCESSFUL BIDS

- 33.1 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.
- 33.2 The DBSA may, in its absolute discretion, decide not to enter into pre-contractual negotiations with a successful Bidder.
- 33.3 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.

34. NO OBLIGATION TO ENTER INTO CONTRACT

- 34.1 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.
- 34.2 The DBSA may conduct a debriefing session for all Bidders (successful and unsuccessful). Attendance at such debriefing session is optional.

35. BIDDER WARRANTIES

- 35.1 By submitting a Bid, a Bidder warrants that:
- 35.1.1 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;
 - 35.1.2 it did not use the improper assistance of DBSA's employees or information unlawfully obtained from them in compiling its Bid;
 - 35.1.3 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;
 - 35.1.4 it accepts and will comply with the terms set out in this RFP; and
 - 35.1.5 it will provide additional information in a timely manner as requested by the DBSA to clarify any matters contained in the Bid.

36. DBSA'S RIGHTS

- 36.1 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:
- 36.1.1 cease to proceed with or suspend the Tendering Process prior to the execution of a formal written contract.
 - 36.1.2 alter the structure and/or the timing of this RFP or the Tendering Process;
 - 36.1.3 vary or extend any time or date specified in this RFP
 - 36.1.4 terminate the participation of any Bidder or any other person in the Tendering Process.
 - 36.1.5 require additional information or clarification from any Bidder or any other person;

- 36.1.6 provide additional information or clarification.
- 36.1.7 negotiate with any one or more Bidder;
- 36.1.8 call for new Bid.
- 36.1.9 reject any Bid received after the Closing Time; or
- 36.1.10 reject any Bid that does not comply with the requirements of this RFP.

37. GOVERNING LAWS

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

TERMS OF REFERENCE (TOR)

1. BACKGROUND

The Social Housing Programme (**SHP**) is a R144 billion national human settlements initiative aiming to address the national social housing backlogs estimated at 320 000 social housing units (**SHUs**), for approximately 960 000 occupants. Social housing is defined as a rental or co-operative housing option for low-to-medium income households earning between R1 800 to R22 000 per month. The programme is implemented at a level of scale and built form which requires institutionalised management. In other words, social housing excludes individual ownership by residents, including deferred ownership arrangements such as 'rent to buy'.

The primary objectives of the SHP are to:

- Provide residential accommodation for low-to-medium income households;
- Promote urban restructuring through the social, spatial, and economic integration of housing developments into existing areas;
- Facilitate the provision of integrated bulk services and human settlements developments;
- Revitalise urban areas to integrate, empower and uplift poor communities;
- Promote the establishment of well-managed, quality rental housing options for the poor;
- Promote a safe, harmonious, and socially responsible environment for the project and urban environment;
- Secure tenure for the residents;
- Foster the creation of quality living environments for low to moderate income earners;
- Provide clean healthy and safe environments within proximity to services;
- Develop transport routes, clinics, schools, and economic opportunities; and
- Promote community development and integration.

The SHP aims to improve the functioning of the human settlements sector by contributing to the range of housing options that are available for the poor. There are other housing delivery options including subsidised housing, private market rentals, gap market housing and private ownership. The social housing beneficiaries do not qualify for these options.

The developmental costs of SHUs are funded up to 70 per cent (%) by the Department of Human Settlements (**DHS**) through the Consolidated Capital Grant (**CCG**) that is being administered by the Social Housing Regulatory Authority (**SHRA**). The Social Housing Institutions (**SHIs**) and Other Delivery Agents (**ODAs**) are the entities responsible for building and operating the SHUs. They are required to raise up to 30% of the construction costs through debt and/ or equity.

Most of the SHIs and ODAs are new or emerging cooperatives with minimal or no SHUs development track record. This is resulting in private investors, in particular commercial banks

participating less in providing equity or debt financing to the SHIs and ODAs. This, coupled with fiscal constraints on the CCG have slowed down the financing and implementation of the SHP.

Phase 1: Short-Term Phase

Since 2021, the IF, working with the DHS and the SHRA embarked on a journey to catalyse private financing and scale up the current low rates of investment. This can be achieved through introducing innovative financing approaches and working with the SHIs and ODAs to address factors that are negatively affecting the bankability of the social housing projects. The IF, DHS and SHRA with the approval of the National Treasury (NT) and Infrastructure South Africa (ISA) developed a short-term approach of providing bridging loan facilities of R305 million to four (4) targeted SHIs and ODAs, with a long-term view of refinancing by the private sector financing community.

The SHIs and ODAs are being assisted to address contracting, capacity, procurement and management gaps to ensure that the funding provided by the IF will later be attractive for refinancing. Once completed, the 4 projects with a consolidated capital cost of R1.4 billion will deliver 3 496 units (see **Table 1**).

Table 1: Short-Term Approach Projects

Project and Location	Units	Capital costs (R million)	Approved BFI (R million)	Private sector funding (R million)	Other grants/ equity (R million)	Progress to date
Project 1 - KZN	1,056	388	82	–	306	Construction
Project 2 - WC	1,055	457	121	–	336	Construction
Project 3 - GP	305	163	82	–	81	Due diligence
Project 4 - GP	1,080	416	20	–	396	Due diligence
Total	3,496	1,424	305	–	1,119	

Phase 2: Intermediate Phase

In phase 2, the IF and its partners seek to attract at least three times the investment value and developmental impact of phase 1. This will be achieved by working with Development Finance Institutions (DFIs), Multi-Lateral Development Banks (MDBs) and institutional investors to further de-risk the social housing sector and finance between 10 to 20 social housing projects each year, within a period of 5 years (2023 to 2027). This strategy is envisaged to attract about R5 billion annually from these institutions, a rate that is 3.5 times the current investment rate. Thus unlocking 80 000 social housing units (SHUs) annually. The current delivery rate is approximately 4 000 to 5 000 units per annum.

Phase 3: Long-Term Phase

Once the IF, DFIs, MDBs and institutional investors are successful in their funding partnership intended for in Phase 2, the commercial banking community would then be targeted to also participate. At this stage, it is anticipated that many factors that are causing insipid commercial banks' participation would have been resolved to create a positive and enabling investment environment. At this point, it is expected that regulatory, funding and financing processes would have been harmonised. Standardised contracting, procurement and risk management processes would further create opportunities for economies of scale and scope while lowering the cost of funding and increased participation and competition.

Public and private sector collaboration is expected to increase the investment rate to R10 billion annually for the delivery of approximately 180 000 units per year. This is significant to start addressing the R144 billion social housing financing needs and backlogs estimated at 320 000 SHUs for accommodating approximately 960 000 occupants. In other words, significant progress can be made within five years.

2. OBJECTIVES OF THE TERMS OF REFERENCE

The terms of references (**ToRs**) cover **ONLY** Phase 2: Intermediate Phase. In 2022, the IF engaged with potential financing partners to align on challenges and the critical success factors of the social housing sector. Therefore, there is a need to procure the services of a reputable transaction advisory firm to appropriately structure the mechanisms of the intermediate phase. As a result, the IF is engaging the market for services of a Project Finance Transaction Advisor (**PFTA**) for Phase 2, to perform the functions outlined in Section 3 of the ToRs.

The key deliverables will be:

- 1) Preliminary Report for the Project, including but not limited to:
 - a. Detailed approach, methodology and project plan; and
 - b. Detailed assessment of the social housing sector, including opportunities, risks and bankability challenges impacting the sector from a funding perspective. The assessment to include possible ways to mitigate the risks and bankability challenges identified.
- 2) Updated Financing Appetite Stakeholder Engagement Report for Phase 2: Intermediate Phase:
 - a. Identification of the DFI community (local and international); and

- b. engagement plan, with clear objectives, i.e., appetite to fund phase 2, conditions thereof, inhibitors, preferred funding structures, instruments and execution vehicle.
- 3) Funding Framework to enable IF to crowd in funds to support R5 billion investment target for Phase 2 including:
 - a. Approach to attract the investment;
 - b. Interface with SHRA to understand its rollout approach, considering SHRA social housing budget, need to increase, as well on how best to extend the fund; and
 - c. Syndication model (How to attract the DFIs):
 - i. Base lender ratios; and
 - ii. Contracting model.
 - d. Deployment of funds model:
 - i. SPV versus direct lending; and
 - ii. Blending model.
- 4) Risk register;
- 5) Final Intermediate Phase Financial Model;
- 6) Final Intermediate Phase Project Finance Options Analysis and Implementation Report; and
- 7) Consolidated Social Housing Programme Intermediate Phase Workshop.

Kindly provide the IF with a proposal and timelines to complete the scope of work (preferably within 6 months).

3. DETAILED SCOPE OF WORK

The PFTA is required to advise and assist the IF and its partners on possible sustainable ways of structuring and implementing the intermediate phase. The scope of services include:

1. Assessing and identifying all material factors that are currently negatively affecting the bankability of the SHP with a view to develop standardised funding approach for the intermediate phase. These include but not limited to contracting, procurement, financing, implementation and operational management of the social housing projects;
2. Benchmarking social housing financing in South Africa with other international markets and recommend best practices;
3. Reviewing the current institutional and legal structures of participating institutions including the IF to remove challenges and determine harmonised ways of participating in the proposed intermediate phase;

4. Having considered the current financial model, propose enhancements and develop a consolidated financial model depicting various investment flows, including financial costs and benefits for all parties to the intermediate phase. This includes advising on the bankability of Phase 2 for the participants;
5. Exploring various innovative ways of injecting equity into the intermediate phase by government and participating investors with a view of reducing reliance on the consolidated capital grant;
6. Advising on the profile of potential investors in the intermediate phase and on prudent investment levels and exposure;
7. Recommending appropriate governance processes and procedures for the intermediate phase given that various players have independent governance processes;
8. Opining on the socio-economic costs and benefits of the proposed intermediate phase;
9. Outlining major impediments and critical success factors of the intermediate phase;
10. Recommending appropriate financial instruments to be used within the context of the intermediate phase, including sustainable financing instruments;
11. Advising on appropriate operational mechanisms for the intermediate phase, including on syndication and appropriate ranking of investors in the intermediate phase transactions;
12. Reviewing the relevant public and private sector laws to enable the operations of the intermediate phase. Advise on the most appropriate legal designs and corporate forms;
13. Developing standard operational documents and templates such as investment partnership agreements, multi-party term sheets and facility agreements and other project finance documents necessary to facilitate financial close of social housing projects;
14. Identifying factors that are delaying the financial closure of social housing projects and propose remedial actions for implementation by various players, including government and investors;
15. Advising on ways to harmonise the various due diligence processes of various lenders and on aligning the SHRA regulatory processes with the investor processes to fast-track financial close;
16. Engaging various government and private sector players;
17. Arranging the SHP intermediate phase workshop; and
18. Developing the Intermediate Phase Project Finance Options Analysis and Implementation Report;

The DHS, SHRA, NT, IF and the SHIs and ODAs and other potential investors in the intermediate phase will be the primary sources of information. However, the PFTA is also required to conduct independent research or use other ways of data collection and verification to obtain or strengthen the project's available information.

3.1. Deliverables

Table 2: Deliverables and Timelines

Phases	Deliverable(s)
Phase 2: Intermediate Phase	<ul style="list-style-type: none">▪ Preliminary Scoping Report for the Project which covers all the issues set out in the detailed scope of works – end March 2023.▪ Updated Financing Stakeholder Engagement Report for Phase 2: Intermediate Phase – End April 2023.▪ Final Intermediate Phase Project Finance Options Analysis and Implementation Report – End June 2023.▪ Crowding-in Funding Framework – End June 2023.▪ Risk Register – End June 2023.▪ Final Intermediate Phase Financial Model and Standardised Legal Contracting Agreements – End June 2023; and▪ Social Housing Programme Intermediate Phase Workshop – end July 2023.

4. EXPERTISE AND EXPERIENCE

The PFTA must be reputable firms that will assign specialists with the following expertise and experience:

- Minimum of 15 years' experience in project and corporate finance discipline. 15 or more years as project or corporate finance advisor for investors, government, construction companies, commercial banks and development finance institutions and other investors;
- Detailed proven record in major project and corporate finance advisory transactions for infrastructure intensive sectors. Experience in the built environment will be an added advantage;
- Relevant experience as a provider of project and corporate finance advisory in large infrastructure projects with a minimum of 5 projects (large refers to individual projects with a project value of over R50 million or above in the built environment). Only projects that have reached financial close will be considered; and
- Knowledge and experience in respect of the South African human settlements market, especially social housing.

5. MANAGEMENT OF THE PFTA

The IF will appoint and be responsible for the day-to-day management of the PFTA's work. The PFTA will report to the Head: Infrastructure Finance and may from time to time be required to present and submit progress reports within stipulated timeframes. Successful bidders will be expected to confirm professional indemnity cover for the active duration of the instruction/s, once appointed.

6. DURATION

The successful PFTA is expected to deliver within 6 months from the date of appointment.

7. RULES OF BIDDING, SUBMISSION REQUIREMENTS AND BID EVALUATION

Rules of Bidding

- i. The IF will enter into a contract with the successful PFTA for the work set out in these ToR. The PFTA can be a company or a Joint Venture;
- ii. The IF reserves the right to terminate this appointment or temporarily defer the work, or any part thereof. If the contract between IF and the PFTA is terminated by either party due to reasons not attributable to the PFTA, the PFTA will be remunerated for the appropriate portion of work completed up to a maximum amount of not more than the total fee bid by the PFTA for the appropriate phase of the project during which the appointment was terminated;
- iii. The firm procured and assigned professionals for the work on the project shall remain on the project unless permission is granted in writing by the IF to change the firm or dedicated professionals. Such permission will only be granted in exceptional circumstances;
- iv. The PFTA may not use any material or information derived from the provision of the services in terms of the contract for any purpose. Copyright of all documents and electronic aids, software programmes prepared or developed in terms of this appointment shall vest with the IF;
- v. Any confidential information obtained by either party to this contract, or arising from the implementation of this contract, shall be treated as confidential by the party receiving it and shall not be used, divulged or permitted to be divulged to any person not being a party to this contract, without the prior written consent of the other party;
- vi. The costs of preparing proposals and negotiating the contract are not reimbursable;

- vii. The IF is not bound to accept any of the proposals submitted and reserves the right to negotiate the price with the preferred bidder;
- viii. The PFTA and its affiliates are disqualified from doing any work or providing any services to any bidding consortium or members of such a consortium and/or the private party or to any eventual project that may result, directly or indirectly from these services;
- ix. The IF will not accept any late bid submissions and will return late bid submissions unopened. Bidders may not contact the IF or any participant on any matter pertaining to their bid from the time when bids are submitted to the time the contract is awarded. Any efforts by a bidder to influence bid evaluation, bid comparisons or bid award decisions in any manner, will result in rejection of the bid; and
- x. It is the responsibility of the bidder to ensure the soft copies are provided in formats that are supported by Adobe Acrobat. All bids which cannot be opened will not be evaluated.
- xi. The IF reserves the right to change any information in, or to issue an addendum to this document before the closing time. The IF and its officers, employees and advisors will not be liable in connection with either the exercise of, or failure to exercise this right. Should the IF exercise its right to change information, it may seek amended responses from all bidders.

8. BID SUBMISSION REQUIREMENTS

The PFTA, as part of its deliverables, will be required to present two proposals, which will include the following details:

A. The Technical Proposal

The proposal of the PFTA for the tender should include **CVs of the PFTA individuals/team assigned** containing the following information:

- Summary of description of qualifications and/or profiles depicting the suitability of the PFTA for the project;
- Copies of qualifications to secure points under the relevant qualification;
- Detailed experience in project and corporate finance advisory in the infrastructure sectors;
- Detailed work history including the period spent in each organisation to justify the years of experience claimed on the CVs; and
- Description of duties in each role occupied or project(s) worked on.

The PFTA must also include the following in the company profile:

- Successful project/transaction list of at least 5 projects (including 2 social housing projects) that have reached financial close with a minimum value of R50 million for each project,

showcasing the PFTA's experience in conducting project and corporate finance advisory (please complete **Table 5** in the annexure section); and

- A proposal outlining the process and plan with timeframes of conducting the required work based on the timelines contained in **Table 2**.

B. The Financial Proposal

Bidders are required to state their price uniformly (please complete **Table 4**) to enable comparison with other bids. 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 projects sites. All travelling costs should be included in the price.

9. SUBMISSION OF BID INFORMATION

The bidders should **ONLY** submit electronic files (contained within a single folder named **PFTA Proposal**, comprising three subfolders as specified below:

A. PFTA'S COMPANY AND APPOINTED INDIVIDUAL PROFILE:

- Detailed Profile of the Company;
- 3 pages of the PFTA's team member's CVs with a description of relevant qualifications, employment history and suitability for the project of the Project Team;
- Detailed experience in the provision of project and corporate finance advisory services in the infrastructure sectors and track record, knowledge and experience of your firm in respect of the South African human settlements market or other built environment sectors;
- Successful project/transaction list of at least 5 projects (including 2 social housing projects) that have reached financial close with a minimum project value of R50 million, showcasing the PFTA's experience in conducting project and corporate finance advisory services (please complete **Table 5** in the annexure section);
- Copies of all relevant academic and professional qualifications should be included in the proposal;
- Your firm's and the proposed team's capacity to commence and execute the scope within timeframes;
- The level of professional indemnity insurance cover that your firm has; and
- Confirmation that no conflicts of interest exist or, if any are identified, a plan for their resolution.

B. PFTA Plan:

- A proposal outlining the process and plan with timeframes of conducting the required work (**Preliminary Scoping Report**).

C. Project References:

- Reference letters on relevant completed projects (current and/or past) confirming value and duration of projects; and
- Reference List indicating the names of up to 5 projects that are relevant to the assignment (**Complete Table 5**). Each project description should be no longer than 250 words.

10. EVALUATION PROCESS

The Evaluation Process for this tender will be as follows:

Phase 1 – Responsive evaluation (Section A & B);

Phase 2 – Functional evaluations criteria; and

Phase 3 – Pricing and preference.

The criteria to be used in the adjudication process will be in accordance with the DBSA procurement policy. Responses to this Request for Proposal (**RFP**) will be evaluated according to the extent to which they are able to fulfil the requirements of the DBSA and weighted with particular emphasis on the areas stipulated in **Section 11**.

11. FUNCTIONAL EVALUATION CRITERIA

Table 3: Functional Evaluation

No	Evaluation Criteria	Scoring for whole element	Weight
1	<p>Must at least have a Postgraduate degree in the relevant academic field (i.e., finance, economics, engineering, actuarial science, public or business administration, or any numeric degree)</p> <p><u><i>Bidder to submit a copy of qualifications in order to be scored.</i></u></p>	<p>Master's Degree or above (NQF 9+): 20 points</p> <p>Post Grad / Honours Degree (NQF 8):14 points</p> <p>Degree/B-tech/National Diploma (NQF 7):10 points</p> <p>Diploma Advanced Certificate (NQF 6): 7 points</p> <p>Higher Certificate (NQF 5): 0 point</p>	20
2.	A minimum of 15 years of relevant experience in rendering project and corporate finance advisory services in	<p>15 or more years: 30 points</p> <p>13 to 14 years: 25 points</p> <p>12 to 13 years: 20 points</p>	30

No	Evaluation Criteria	Scoring for whole element	Weight
	<p>the infrastructure sectors for investors, government, construction companies, commercial banks and development finance institutions and other investors.</p> <p><u>Bidder's CV must clearly indicate the employment history including detail experience. NB experience must align to the criteria.</u></p>	<p>10 to 11 years: 10 points</p> <p>Anything below 10 years is 0 point</p>	
3.	<p>Successful project/transaction list of at least 5 projects (including 2 social housing projects) that have reached financial close with a minimum project value of R50 million, showcasing the PFTA's experience in conducting project and corporate finance advisory services.</p> <p><u>Bidder to submit a detail project list that aligns to the criteria. i.e. NB: Projects that have not reached financial close will not be considered. Project description, project date, value of the project, the work that was conducted and etc. NB. refer to table 5 (Project portfolio /Transaction list)</u></p>	<p>=>5 projects: 30 points</p> <p>3-4 projects: 25 points</p> <p>2 projects: 20 points</p> <p>1 project: 10 points</p> <p>Anything below 1 project is 0 point</p>	30
4.	<p>Comprehension, approach and methodology:</p> <ul style="list-style-type: none"> - Demonstrated in proposal through inter alia: <ul style="list-style-type: none"> o work plan for execution of the scope, o project management approach, o timeframe, - Provides a detailed understanding of the assignment 	<p>Points:</p> <ul style="list-style-type: none"> ▪ Addresses all requirements, demonstrates a sound understanding of assignment, associated risks and included value add innovations = 20 ▪ Addresses most areas of requirements but is generic and does not convey an understanding of assignment and associated risk = 15 	20

No	Evaluation Criteria	Scoring for whole element	Weight
	<ul style="list-style-type: none"> - Shows clear analysis of key challenges and risks associated with the assignment and adequate proposals to address these - Provides recommendations on how the terms of reference can be improved which has been included in the proposal - Organogram showing resource allocation. Bidders are encouraged to include resources to be more gender inclusive, transformation and includes youth empowerment. 	<ul style="list-style-type: none"> ▪ Partially addresses requirements, but overall is not convincing (i.e. scope is not fully addressed, or timeframes are not reasonable) = 10 ▪ Does not address the requirement and is not detailed = 0 	
TOTAL			100
MINIMUM THRESHOLD			70

All the bidders will be subjected to the same evaluation criteria and the bidders who achieved a score of 70 points and above from the functional evaluation will proceed to the pricing and shortlisting stage. A minimum threshold of 70 functionality points is required. Bids that do not meet this threshold will automatically be disqualified for further evaluation.

Table 5: Project Portfolio/Transaction List

1	Project Name	
	Project Sponsor - Client Sector	
	Project Description & Value	
	Role and Responsibilities	
2	Project Name	
	Project Sponsor - Client Sector	
	Project Description & Value	
	Role and Responsibilities	
3	Project Name	

	Project Sponsor -	
	Client	
	Sector	
	Project Description & Value	
4	Role and Responsibilities	
	Project Name	
	Project Sponsor -	
	Client	
	Sector	
	Project Description & Value	
	Role and Responsibilities	
	Project Name	
5	Project Sponsor -	
	Client	
	Sector	
	Project Description & Value	
	Role and Responsibilities	

Fees and Assumptions

FORM OF OFFER AND ACCEPTANCE (AGREEMENT) – TO BE SUBMITTED ON A SEPARATE FOLDER - THE PRICING FOLDER

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:

RFP063/2023 Procurement of a Project Finance Transaction Advisor (PFTA) for the Social Housing Programme (SHP) for the Infrastructure Fund (IF) Phase 2

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 ALL TAXES 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

Price proposal

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

This template must be completed in full and included to Pricing Proposal submitted. Professional fees must be kept separate from other fees e.g., disbursements.

12. PRICING EVALUATION CRITERIA

PFTA bidders will be required to specify their rates, as well as a binding offer on percentage discounts offered on standard hourly and disbursement rates for the duration of their appointment to the IF. **Table 4** or an equivalent should be filled for this purpose.

Table 4: Pricing Schedule

Cost Item	Amount
Preliminary Scoping Report for the Project which covers all the issues set out in the detailed scope of works	
Updated Financing Stakeholder Appetite Engagement Report for Phase 2	
Final Intermediate Phase Project Finance Options Analysis and Implementation Report	
Crowding -in Funding Framework	
Risk Register	
Social Housing Programme Intermediate Phase Workshop	
Final Intermediate Phase Financial Model and Standardised Legal Contracting Agreements	
SUB-TOTAL	
(15% VAT)	
TOTAL	

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

- 2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state? **YES/NO**
- 2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

¹ the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any

interest in any other related enterprise whether or not they are bidding for this contract?**YES/NO**

2.3.1 If so, furnish particulars:

.....

3 DECLARATION

I, _____ the _____ undersigned,
 (name)..... in submitting
 the accompanying bid, do hereby make the following statements that I certify to be
 true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 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 consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 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.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this

² 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.

procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

SBD 4

- 3.6 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.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature	Date

.....
Position	Name of bidder

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

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

1.2 To be completed by the organ of state

(delete whichever is not applicable for this tender).

- a) The applicable preference point system for this tender is the **90/10** preference point system.
- b) The applicable preference point system for this tender is the **80/20** preference point system.
- c) Either the **90/10 or 80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals (namely, BBBEE status level of contributor).

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	
SPECIFIC GOALS	
Total points for Price and SPECIFIC GOALS	100

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

80/20

or

90/10

$$Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right) \text{ or } Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

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

80/20

or

90/10

$$Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right) \text{ or } Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or

(b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
1	10	20		
2	9	18		
3	6	14		
4	5	12		
5	4	8		
6	3	6		
7	2	4		
8	1	2		
Non-compliant contributor	0	0		

(Note: Bidders are required to submit their BBBEE certificates or sworn affidavits (in the case of EMEs/QSEs) in order to be eligible to claim points)

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of
company/firm.....

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
 - ☐ One-person business/sole propriety
 - ☐ Close corporation
 - ☐ Public Company
 - ☐ Personal Liability Company
 - ☐ (Pty) Limited
 - ☐ Non-Profit Company
 - ☐ State Owned Company
- [TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I 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 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering 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 tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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, if deemed necessary.

<div style="text-align: center;">..... SIGNATURE(S) OF TENDERER(S)</div> <div>SURNAME AND NAME:</div> <div>DATE:.....</div> <div>ADDRESS:.....</div>
--

RESTRICTED SUPPLIERS

- 1 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? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	<p>Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	<p>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?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

Annexure D

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 E

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

Annexure F

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 G

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 H

[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 ACQUAINTED 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 I

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:

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