

SBD1

**PART A
 INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE)					
BID NUMBER:	Q5866/2018	CLOSING DATE:	09 March 2018	CLOSING TIME:	11:00
DESCRIPTION	THE SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE (SANBI) WISHES TO APPOINT A SERVICE PROVIDER TO DEVELOP GUIDELINES ON HOW BIODIVERSITY CAN BE INCORPORATED INTO LAND USE SCHEMES.				

South African National Biodiversity Institute (SANBI)
 Pretoria National Botanical Garden - 2 Cussonia Avenue –
 Brummeria - Pretoria
 P/Bag x 101 – Silverton - 0184

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID
 BOX SITUATED AT (STREET ADDRESS)

BID DOCUMENTS MAY BE EMAILED TO: **Ludwe Madayi** at L.Madayi@sanbi.org.za and copy Prince Hlongwane at p.hlongwane@sanbi.org.za

SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
		TCS PIN:		OR	CSD No:
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]		☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT ☐ Yes ☐ No	
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX		☐	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)		
		☐	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)		
		☐	A REGISTERED AUDITOR		
		☐	NAME:		
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					

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ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ANSWER PART B:3 BELOW]
SIGNATURE OF BIDDER		DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE (ALL INCLUSIVE)	
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT/ PUBLIC ENTITY	SANBI	CONTACT PERSON	Sagwata Manyike
CONTACT PERSON	Ludwe Madayi	TELEPHONE NUMBER	(012) 843-5105
TELEPHONE NUMBER	012 843 5130	FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	S.Manyike@sanbi.org.za
E-MAIL ADDRESS	L.Madayi@sanbi.org.za		

PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:								
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. 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) OR ONLINE 1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION. 1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION. 1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.								
2. TAX COMPLIANCE REQUIREMENTS								
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS. 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA. 2.4 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. 2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.								
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS								
<table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?</td> <td style="text-align: right;"> ☐ YES ☐ NO </td> </tr> <tr> <td>3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?</td> <td style="text-align: right;"> ☐ YES ☐ NO </td> </tr> <tr> <td>3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?</td> <td style="text-align: right;"> ☐ YES ☐ NO </td> </tr> <tr> <td>3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?</td> <td style="text-align: right;"> ☐ YES ☐ NO </td> </tr> </table> 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.	3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	☐ YES ☐ NO	3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?	☐ YES ☐ NO	3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	☐ YES ☐ NO	3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?	☐ YES ☐ NO
3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	☐ YES ☐ NO							
3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?	☐ YES ☐ NO							
3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	☐ YES ☐ NO							
3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?	☐ YES ☐ NO							

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

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DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes an advertised competitive bid, a limited bid, a proposal or written price quotation). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-
 - the bidder is employed by the state; and/or
 - the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.
2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**
 - 2.1 Full Name of bidder or his or her representative:
 - 2.2 Identity Number:.....
 - 2.3 Position occupied in the Company (director, trustee, shareholder², member):
.....
 - 2.4 Registration number of company, enterprise, close corporation, partnership agreement or trust:
.....
 - 2.5 Tax Reference Number:
 - 2.6 VAT Registration Number:
 - 2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / PERSAL numbers must be indicated in paragraph 3 below.

¹"State" means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;

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- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

²"Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

2.7 Are you or any person connected with the bidder presently employed by the state? **YES / NO**

2.7.1 If so, furnish the following particulars:

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

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

Position occupied in the state institution:

Any other particulars:

.....

.....

.....

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

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

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

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

.....

.....

.....

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

2.8.1 If so, furnish particulars:

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.....

2.9 Do you, or any person connected with the bidder, have **YES / NO**
 any relationship (family, friend, other) with a person
 employed by the state and who may be involved with
 the evaluation and or adjudication of this bid?

2.9.1 If so, furnish particulars.

.....

2.10 Are you, or any person connected with the bidder, **YES/NO**
 aware of any relationship (family, friend, other) between
 any other bidder and any person employed by the state
 who may be involved with the evaluation and or adjudication
 of this bid?

2.10.1 If so, furnish particulars.

.....

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

2.11.1 If so, furnish particulars:

.....

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

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

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4 DECLARATION

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

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

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME SHOULD THIS
 DECLARATION PROVE TO BE FALSE.

.....
 Signature

.....
 Date

.....
 Position

.....
 Name of bidder

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

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

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

1. GENERAL CONDITIONS

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

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

1.2

- a) The value of this bid is estimated to **not exceed** R500 000 (all applicable taxes included) and therefore the **80/20** preference point system shall be applicable; or
- b) The 80/20 preference point system will be applicable to this tender.

1.3 Points for this bid shall be awarded for:

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

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

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

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

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

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:

1)	B-BBEE Status level
	certificate issued by an authorized body or person;
2)	A sworn affidavit as
	prescribed by the B-BBEE Codes of Good Practice;
3)	Any other requirement
	prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

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

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

80/20

or

90/10

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

or

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

$P_{\min}$ = Price of lowest acceptable bid

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

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

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

5. BID DECLARATION

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

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

6.1 B-BBEE Status Level of Contributor: . =(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in

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paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

YES	☐	NO	☐
-----	--------------------------	----	--------------------------

7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

YES	☐	NO	☐
-----	--------------------------	----	--------------------------

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

Designated Group: An EME or QSE which is at least 51% owned by:	EME √	QSE √
Black people	☐	☐
Black people who are youth	☐	☐
Black people who are women	☐	☐
Black people with disabilities	☐	☐
Black people living in rural or underdeveloped areas or townships	☐	☐
Cooperative owned by black people	☐	☐
Black people who are military veterans	☐	☐
OR		
Any EME	☐	☐
Any QSE	☐	☐

8. DECLARATION WITH REGARD TO COMPANY/FIRM

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

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One person business/sole propriety
- ☐ Close corporation
- ☐ Company

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- ☐ (Pty) Limited
 [TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

8.6 COMPANY CLASSIFICATION

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

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

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

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

the other side) rule has been applied; and
 (e) forward the matter for criminal prosecution.

WITNESSES

1.
2.

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

DATE:

ADDRESS

.....

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
 - a. abused the institution's supply chain management system;
 - b. committed fraud or any other improper conduct in relation to such system; or
 - c. failed to perform on any previous contract.
- 4 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's database 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 National Treasury after the <i>audi alteram partem</i> rule was applied).	Yes ☐	No ☐
4.1.1	If so, furnish particulars:		
4.2	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)? As this Register enter the National Treasury's website, www.treasury.gov.za , click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445.	Yes ☐	No ☐
4.2.1	If so, furnish particulars:		

4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes ☐	No ☐
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes ☐	No ☐
4.4.1	If so, furnish particulars:		

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CERTIFICATION

I, THE UNDERSIGNED (FULL NAME).....
 CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder
 Js365bW

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CERTIFICATE OF INDEPENDENT QUOTATION DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all quotations¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

SANBI: Q5866/2018 THE SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE (SANBI) WISHES TO APPOINT A SERVICE PROVIDER TO DEVELOP GUIDELINES ON HOW BIODIVERSITY CAN BE INCORPORATED INTO LAND USE SCHEMES..

(Quotation Number and Description)

in response to the invitation for the quote made by:

SANBI (Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and

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- (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
- (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
- ³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

**TERMS OF REFERENCE
FOR THE DEVELOPMENT OF GUIDELINE FOR INCORPORATING BIODIVERSITY INTO LAND
USE SCHEMES**

REFERENCE: Q5866/2018
aimed at unlocking nature's bounty at the municipal scale.

1. Background

The South African National Biodiversity Institute (SANBI) wishes to appoint a service provider to develop Guidelines on how biodiversity can be incorporated into Land Use Schemes

The Global Environment Facility (GEF) funded Biodiversity and Land Use Project, implemented by SANBI and its partners seek to improve the level of biodiversity information which municipal planning tools incorporate. The Project is being implemented in four District municipalities throughout the country: Cape Winelands (Western Cape), Amathole (Eastern Cape), uMgungundlovu (Kwa-Zulu Natal) and Ehlanzeni (Mpumalanga). Municipalities play an important role as centres of economic growth and service delivery; they regulate land use at a local scale and are also important users and managers of biodiversity and ecosystem services. However, municipalities are often faced with many burgeoning and often conflicting tasks, with poverty alleviation, local economic development and service provision justifiably occupying top priority amongst many local municipalities.

To try to address biodiversity loss and to increase the uptake of biodiversity into municipal planning tools, SANBI wishes to appoint a service provider to develop a Guideline on how Land Use Schemes (formally known as town planning or zoning schemes) can take proper account of biodiversity. SANBI has its own perspective (available on request) on how biodiversity priority areas can be integrated with Land Use Schemes and would like a service provider to provide guidance on how this can be implemented. The service provider should also provide recommendations on whether the existing legislative and regulatory framework for municipal spatial planning, as interpreted by our courts in various relevant judgments, can effectively be used to achieve SANBI's conservation targets, and if not, how those targets can be achieved outside of that framework.

The legislative framework for the development of this work will be the Spatial Planning and Land Use Management Act (no 16 of 2013) (SPLUMA). The Guideline will need to provide guidance to local municipalities for how they can incorporate spatial biodiversity priorities into their land use schemes. Section 24 of SPLUMA sets out the legislative framework for the development of Land Use Schemes and more specifically Section 24 2(b) indicates that land use schemes need to comply with environmental legislation, including adopted environmental management instruments.

The primary biodiversity tool for integrating biodiversity priority areas into spatial development tools is the Map of Critical Biodiversity Areas. These maps are available for all the districts which the Project is working in and have been taken up into Spatial Development Frameworks in those municipalities to varying degrees.

Objectives of consultancy

Through the Biodiversity and Land Use Project, SANBI wishes to appoint a service provider to develop a Guideline on how Land Use Schemes can take proper account of biodiversity. The service provider should indicate whether the current legislative framework is adequate to achieving SANBI's view as indicated above and if inadequate, to give practical guidance (step by step) and examples of how this can be achieved.

The service provider should also look at how a municipality can deal with conflicts between existing land use rights and biodiversity priority areas. As part of this work, the service provider should further provide guidance on which incentives a municipality can provide to land owners to discourage development on biodiversity priority areas.

2. Main requirements

The service provider must be familiar with the 2017 Technical Guidelines for CBA Maps: Guidelines for developing a map of Critical Biodiversity Areas and Ecological Support Areas using systematic biodiversity planning.

2.1 Specifically, the Guidelines must address the following aspects.

- 2.2.1 Undertake an analysis to determine whether the current legislative framework¹, court judgements and municipal SPLUMA by-laws are sufficient for achieving SANBI's proposed integration and if not, provide practical advice on how this can be achieved. *It should be noted that the service provider is not expected to develop a new summary but is rather expected to use the Draft Environmental Legal Framework as a starting point.*
- 2.2.2 Set out how biodiversity overlay zones will operate within a land use scheme and set out how these biodiversity overlay zones can be implemented within the land use scheme and what development actions can be taken within those areas
- 2.2.3 Provide practical advice on how municipalities can deal with the conflict between existing zoning rights and priority biodiversity areas including those that have been included as part of the overlay zones. This could include advice on provisions that are required in bylaws to effect this.

¹ Draft Environmental Legal Framework: Defining the role of local government in environmental management and establishing the cost of performing environmental management functions. South African Local Government Association and the Department of Environmental Affairs. This document provides a summary of the relevant legislation

- 2.2.4 Set out how land use planning incentives can be used to protect biodiversity in land development applications such as rates rebates and incentives, increased development allowances for avoiding priority biodiversity areas, trading/transfer of development rights, etc.
- 2.2.5 Any other key advice based on the analysis
- 2.2.6 The guidance should be provided in the context of relevant legislation including but not limited to the following:

- Constitution of South Africa, especially Chapter 7 and Schedules 4 and 5
- Restitution of Land Rights Act (no 22 of 1994)
- Communal Property Association Act (no 26 of 1996)
- Trust Property Control Act (no 57 of 1988)
- Local Government: Municipal Systems Act (no 32 of 2000)
- Local Government: Municipal Structures Act (no 117 of 1998)
- Local Government: Municipal Property Rates Act (no 6 of 2004)
- Local Government: Municipal Finance Management Act (no 56 of 2003)
- Spatial Planning and Land Use Management Act (no 13 of 2013)
- National Environmental Management Act (no 108 of 1998)
- National Environmental Management: Biodiversity Act (no 10 of 2004)
- National Environmental Management: Protected Areas Act (no 57 of 2003)
- South African Heritage Resource Act (no 25 of 1999)
- Land Use Planning Ordinance (no 15 of 1985)
- Town Planning and Township Ordinance (no 15 of 1986)
- Western Cape Land Use Planning Act (no 3 of 2014)
- Kwa-Zulu Natal Planning Act (no 6 of 2008)
- Draft KZN Land Use Planning Act
- Draft Mpumalanga Land Use Planning Act
- Municipal Spatial Planning and Land Use Management Bylaws of the following - but not limited to - local municipalities
 - Drakenstein Local Municipality (Cape Winelands District)
 - City of Mbombela (Ehlanzeni)
 - Thaba Cheweu (Ehlanzeni)
 - Nkomazi (Ehlanzeni)
 - Bushbuckridge (Ehlanzeni)
 - uMshwathi (uMgungundlovu)
 - uMngeni (uMgungundlovu)
 - Mpofana (uMgungundlovu)
 - Impendle (uMgungundlovu)
 - Msunduzi (uMgungundlovu)
 - Mkhambathini (uMgungundlovu)
 - Richmond (uMgungundlovu)

- 2.2.7 The Guidance should take into account the following judgements related to land use planning
- *Le Sueur and Another v Ethekewini Municipality and Others*

- *Shelfplett 47 (Pty) Ltd v MEC for Environmental Affairs & Development Planning and Another*
- *Ex Parte President of the RSA: Constitutionality of the Liquor Bill 2000*
- *Wary Holdings (Pty) Ltd v Stalwo (Pty) Ltd and Another 2009*
- *Johannesburg Municipality v Gauteng Development Tribunal 2010*
- *Maccsand (Pty) Ltd and others v City of Cape Town and others*
- *Minister of Local Government, Environmental Affairs and Development Planning of the Western Cape v Lagoonbay Lifestyle Estates (Pty) Ltd and others*
- *Minister of Local Government, Environmental Affairs and Development Planning, Western Cape v Habitat Council and others*
- *Pieterse N.O. and another v Lephalale Local Municipality and others*
- *Tronox KZN Sands (Pty) Ltd v KwaZulu-Natal Planning and Development Appeal Tribunal and others*
- Any other relevant case law

2.2.8 The Guidance should take into account the following spatial plans related to spatial and land use planning

- Mpumalanga Biodiversity Sector Plan, 2014
- Western Cape Biodiversity Sector Plan, 2017
- Drakenstein Spatial Development Framework 2015
- Drakenstein Environmental Management Framework 2015
- Drakenstein Zoning Scheme
- uMgungundlovu District Spatial Development Framework 2015
- uMgungundlovu District Environmental Management Framework 2017
- draft Impendle Local Municipality Land Use Scheme
- draft Mpofana Local Municipality Land Use Scheme
- Ehlanzeni District SDF
- Bushbuckridge SDF 2017
- Msunduzi EMF 2015 (finished in September 2010)
- Any other relevant documents

2.2.9 The following other relevant documents also need to be looked at

- 2017 Technical Guidelines for CBA Maps: Guidelines for developing a map of Critical Biodiversity Areas and Ecological Support Areas using systematic biodiversity planning.
- Draft Land Use Scheme Guidelines, 2017

Final product required 10 months after receiving contract.

3 Deliverables and timeframes

The development of Guidelines must start as soon as possible after acceptance of quote, or as close to this date as possible, for a period of 10 months

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Anytime

Deliverables will be in the form of the following:

- Analysis of current legislative framework, court judgements and municipal SPLUMA by-laws to determine whether they are sufficient for achieving SANBI's proposed integration and if not, provide advice on how this can be achieved
- Draft Guideline of how biodiversity can be incorporated into land use schemes and this draft Guideline must include the following
 - Explanation of how biodiversity overlay zones will operate within a LUS and set out how these biodiversity overlay zones can be implemented within the LUS and what development actions can be taken within those areas
 - Practical advice on how municipalities can deal with the conflict between existing zoning rights and priority biodiversity areas including those that have been included as part of the overlay zones. This could include advice on provisions that are required in bylaws to effect this
 - Explanation of how land use planning incentives can be used to protect biodiversity in land development applications such as rates rebates and incentives, increased development allowances for avoiding priority biodiversity areas, trading/transfer of development rights, expropriation of land, etc.
- Final Guideline setting out how biodiversity can be incorporated into land use schemes as well as the analysis of the current legislative framework, court judgement, etc.

4 Skills and competencies required

The service provider needs to have the following skills and competencies:

- Must have post graduate qualification in town planning
- Necessary land use management skills at a local municipal level and experience with developing Land Use Schemes.
- Extensive legal expertise with relevant environmental, spatial planning and case law experience.
- Experience with using and/or developing land use schemes and familiarity with their strength and weaknesses
- Familiarity with biodiversity plans (Maps of Critical Biodiversity Areas) and experience in applying them in town planning and environmental management tools
- Proven experience in developing guidelines
- Proven experience in writing and reviewing documents
- Must be available for regular meetings and be willing to travel nationally and to the Project's municipalities
- Must be willing to build capacity and knowledge within the Biodiversity and Land Use Project Team
- Proven ability to deliver projects on time

5 Requirements for proposals and evaluation criteria

5.2 Service providers interested in this project should submit a concise proposal giving the cost of the work and providing examples of relevant previous work.

5.3 The proposal must include:

- Details of the project team, including relevant skills, experience and track record.
- Work plan, including proposed start and completion date and timeframes for activities.
- Details of any contribution to empowerment of historically disadvantaged individuals (HDI) and/or transformation of the sector.
- Equity status of service provider (HDI, women and disability) according to the attached form (SBD 6.1).
- A detailed and complete budget for the proposed work, including disbursements and VAT.
- Examples of relevant previous work which demonstrates previous development of town planning Guidelines applicable at the municipal scale

6. SCM REQUIREMENTS

- All bidders are required to complete standard bidding (SBD 1, 4, 6.1 , 8 and 9)
(PLEASE NOTE: THE SBD FORMS ARE COMPULSORY)
- The service provider(s) must be registered on the Central Suppliers Database (CSD) of National Treasury and provide their CSD registration number. In registering on the CSD all tax clearance and other requirements must be met.
- The bidders are required to attach original or certified copy of the BBBEE certificate or a sworn affidavit. (Please note that failure to submit a valid original or certified B-BBEE certificates or sworn affidavit mentioned above will not necessarily result in a bid being disqualified, but no points will be awarded for B-BBEE status.)

7. Skills and competencies required

In order to fulfill this role, the service provider will require the following skills and competencies:

- A working understanding of Climate Change Adaptation.
- A proven track record in designing glossy or summary booklets
- Proven track record in science writing and science communication
- Excellent communication and English writing skills.
- Ability to meet deliverable deadlines.
- Willingness to build capacity in DEA and SANBI staff during the process.

8. Requirements for proposals and evaluation criteria

Service providers interested in this project should submit a concise proposal for undertaking the assignment.

8.1 The proposal must include:

- An explanation of how the work will be undertaken including a high level work programme that shows the proposed start and completion date, a proposed process for consultation with stakeholders and timeframes for activities and deliverables against which payments will be made.
- Details of the individual/s who will provide the service, including relevant skills, experience and track record, responding to the main requirements and skills and competencies required as outlined above.
- Equity status of service provider (HDI, women and disability) according to the attached form (SBD 6.1).
- Contact details of at least three current or recent clients.
- A budget for the time allocation to the proposed work, including VAT, that is clearly split between professional services and disbursements, and that clearly indicates which project staff will be working on the assignment.

8.2 The Preferential Procurement Policy Framework Act (No. 5 of 2000) and SANBI's procurement process applies to these Terms of Reference. Note that service providers are required to comply with the processes outlined here and failure will result in the disqualification of proposals:

- The 80/20 point system will be applied in evaluating proposals, where price constitute 80 points the BBBEE scorecard constitutes 20 points.

8.3 Functionality evaluation criteria:

In accordance with the National Treasury Instruction Note on the Amended Guidelines in Respect of Bids that include Functionality as a Criterion for Evaluation (issued 3 September 2010), this bid will be evaluated in two stages:

The first stage will evaluate functionality according to the criteria listed in the table below:
 Criteria for measuring functionality

Criteria for measuring functionality	Weight
1. Qualification, expertise and competencies of the service providers	40
2. Relevant experience of the service providers, including examples of previous work. This should include: • Curriculum vitae of the consultant team • A list of comparable products including products linked to the legal review/opinion and development of town planning related Guidelines applicable at the municipal scale • Names of three references for whom comparable work has been undertaken in the last two years	30
3. Methodology (level of detail in the proposal, approach to project)	30
TOTAL	100

** Service providers who fail to score a minimum of 70 points out of a possible 100 points on functionality criteria will not be eligible for further consideration.

The second stage will evaluate the price and preference points of those bids that meet the minimum threshold for functionality. In accordance with the Preferential Procurement Regulations, 2011 pertaining to the Preferential Procurement Policy Framework Act (No. 5 of 2000), the 80/20 point system will be applied in evaluating proposals that qualify for further consideration, where price constitutes 80 points and a maximum of 20 points will be awarded based on the bidder's B-BBEE status level certificate.

9. Reporting requirements and management

- Accountability will be to SANBI's Specialist Advisor: Planning and Land Use Management employed to manage the Planning and Land Use Management Component of the Biodiversity and Land Use Project.

10. Contractual arrangements

- The contract will be drawn up between SANBI and the service provider.
- Invoices will be paid on certain deliverables and milestones as determined in the contract.
- Invoices must indicate milestones achieved and deliverables produced.
- SANBI will pay for the satisfactory completion of work within 30 days of submission of invoices.
- In the case of invoices to SANBI, they must be addressed to the Project Leader: Biodiversity and Land Use Project.

10. PROPOSAL SUBMISSIONS

Closing for submission of proposals: **Friday 09 March 2018 at 11h00.**

Proposals should include:

1. A letter of application motivating for the applicant(s) and outlining the proposed approach to the work
2. A quote with a budget for the provision of the required services
3. Examples of relevant previous work which demonstrates previous provision of legal opinion and the development of Guidelines at the local level
4. Curriculum vitae of the proposed project team, including names of three referees.

Submission of proposals: proposals should be emailed to Mr. Ludwe Madayi 012 843 5130 at l.madayi@sanbi.org.za with a copy to p.hlongwane@sanbi.org.za.

Requests for further information to these TOR must be emailed to s.manyike@sanbi.org.za

Procurement is through the SANBI processes and the quotation number for this call is **Q5866/2018**