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South African National Biodiversity Institute

**SBD1**

# PART A
# INVITATION TO BID

| YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE) | | | | | |
|---|---|---|---|---|---|
| BID NUMBER: | **SANBI:Q6863/2020** | CLOSING DATE: | **06 August 2020** | CLOSING TIME: | **11:00 AM** |

**APPOINTMENT OF A SERVICE PROVIDER TO SUPPORT WITH THE IMPLEMENTATION OF THE LIVING CATCHMENTS PROJECT IN ENABLING COLLABORATION, CO-LEARNING AND CO-CREATION AT THE NEXUS OF BUILT AND ECOLOGICAL INFRASTRUCTURE FOR WATER SECURITY IN THE OLIFANTS RIVER CATCHMENT**

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

Proposals must be emailed to S.SCM-Quotations@sanbi.org.za with a copy to Mr. L Madayi at L.Madayi@sanbi.org.za

| **BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO** | | **TECHNICAL ENQUIRIES MAY BE DIRECTED TO:** | |
|---|---|---|---|
| CONTACT PERSON | **Mr. Ludwe Madayi** | CONTACT PERSON | Mahlodi Tau |
| TELEPHONE NUMBER | **(012) 843 5130** | TELEPHONE NUMBER | (012) 843-5221 |
| FACSIMILE NUMBER | **N/A** | FACSIMILE NUMBER | n/a |
| E-MAIL ADDRESS | l.madayi@sanbi.org.za | E-MAIL ADDRESS | m.tau@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 | | | | | |
| SUPPLIER COMPLIANCE STATUS | TAX COMPLIANCE SYSTEM PIN: | | **OR** | CENTRAL SUPPLIER DATABASE No: | MAAA |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE | TICK APPLICABLE BOX]<br>☐ Yes ☐ No | | B-BBEE STATUS LEVEL SWORN AFFIDAVIT | | [TICK APPLICABLE BOX]<br>☐ Yes ☐ No |

***[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]***

**Stop Fraud, Theft and Corruption without Fear or Favour - Call our Hotline 0800 434 373 Anytime**

| | | | |
|---|---|---|---|
| ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED? | ☐Yes ☐No<br>[IF YES ENCLOSE PROOF] | ARE YOU A FOREIGN BASED SUPPLIER FOR **THE GOODS /SERVICES /WORKS OFFERED?** | ☐Yes ☐No<br>[IF YES, ANSWER THE QUESTIONNAIRE BELOW ] |

**QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

| | |
|---|---|
| IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? | ☐ YES ☐ NO |
| DOES THE ENTITY HAVE A BRANCH IN THE RSA? | ☐ YES ☐ NO |
| DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? | ☐ YES ☐ NO |
| DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? | ☐ YES ☐ NO |
| IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? | ☐ YES ☐ NO |

**IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.**

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# 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 IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.** |
| 1.3. | 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 SPECIAL CONDITIONS OF CONTRACT. |
| 1.4. | **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).** |
| **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 VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS. |
| 2.3 | APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA. |
| 2.4 | BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID. |
| 2.5 | IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER. |
| 2.6 | WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED. |
| 2.7 | NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE." |

**NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID**.

SIGNATURE OF BIDDER: ……

CAPACITY UNDER WHICH THIS BID IS SIGNED: ……
(Proof of authority must be submitted e.g. company resolution)

DATE: ……

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

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**SBD 4**

# DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state[1], 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, shareholder[2], 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;
(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:

……..
……..
……...

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

2.9.1 If so, furnish particulars.

……...
……..…
……

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

2.10.1 If so, furnish particulars**.**

……
……

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

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 Employee Number / Persal Number** |
|---|---|---|---|
| | | | |
| | | | |

| | | | |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |

**4 DECLARATION**

I, THE UNDERSIGNED (NAME)……

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.
I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

…….. ……
Signature Date

…… ……
Position Name of bidder

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**SBD 6.1**

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

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

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

---

### 1. GENERAL CONDITIONS

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

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

1.2

a) The value of this bid is estimated to not exceed 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;

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## 3. POINTS AWARDED FOR PRICE

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

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

**80/20** **or** **90/10**

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

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmin = Price of lowest acceptable bid

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

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

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

## 5. BID DECLARATION

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

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

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

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

**7. SUB-CONTRACTING**

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

(***Tick applicable box***)

| YES | | 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 last 51% owned by:** | **EME** √ | **QSE** √ |
|---|---|---|
| Black people | | |
| Black people who are youth | | |
| Black people who are women | | |
| Black people with disabilities | | |
| Black people living in rural or underdeveloped areas or townships | | |
| Cooperative owned by black people | | |
| Black people who are military veterans | | |
| **OR** | | |
| Any EME | | |
| Any QSE | | |

8. **DECLARATION WITH REGARD TO COMPANY/FIRM**

8.1 Name of company/firm:……

8.2 VAT registration number:……

8.3 Company registration number:……

8.4 TYPE OF COMPANY/ FIRM

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

- ☐ Company
- ☐ (Pty) Limited

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

……
……
……
……..

8.6 COMPANY CLASSIFICATION

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

[*TICK APPLICABLE BOX*]

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

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

i) The information furnished is true and correct;

ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;

iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;

iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

(a) disqualify the person from the bidding process;

(b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;

(c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;

(d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of

state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and

(e) forward the matter for criminal prosecution.

| | |
|---|---|
| WITNESSES<br>1. ……..<br>2. …… | ……<br>SIGNATURE(S) OF BIDDERS(S)<br>DATE: ……..<br>ADDRESS ……..<br>……..<br>…….. |

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**SBD 8**

## DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

1 This Standard Bidding Document must form part of all bids invited.

2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.

3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-

a. abused the institution's supply chain management system;

b. committed fraud or any other improper conduct in relation to such system; or

c. failed to perform on any previous contract.

**4 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

| Item | Question | Yes | No |
|---|---|---|---|
| 4.1 | 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?<br>(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the *audi alteram partem* 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)?<br>**ss 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: | | |

**SBD 8**

**CERTIFICATION**

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

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

……
**Signature**

……
**Date**

……
**Position**

……
**Name of Bidder**
Js365bW

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**SBD 9**

## CERTIFICATE OF INDEPENDENT QUOTATION DETERMINATION

1 This Standard Bidding Document (SBD) must form part of all quotations[1] 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.**

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**SBD 9**

## CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

SANBI: **Q6863/2020- APPOINTMENT OF A SERVICE PROVIDER TO SUPPORT WITH THE IMPLEMENTATION OF THE LIVING CATCHMENTS PROJECT IN ENABLING COLLABORATION, CO-LEARNING AND CO-CREATION AT THE NEXUS OF BUILT AND ECOLOGICAL INFRASTRUCTURE FOR WATER SECURITY IN THE OLIFANTS RIVER CATCHMENT**

_____
(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

(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 consortium[3] 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 |

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**Terms of Reference:**
**A service provider to support with the implementation of the Living Catchments project in enabling collaboration, co-learning and co-creation at the nexus of built and ecological infrastructure for water security in the Olifants River catchment**

**SANBI Ref: Q6863/2020**

## 1. Background

South African National Biodiversity Institute (SANBI) is leading the implementation of the Living Catchments project in partnership with the Water Research Commission through funding from the Department of Science and Innovation. The project was developed in response to the Water Research, Development and Innovation Roadmap (Water RDI Roadmap) which is a national planning intervention aimed at addressing water scarcity in South Africa over a 10-year period between 2015 and 2025. The Water RDI Roadmap is a high-level planning intervention by the WRC, DSI, and the Department of Water and Sanitation (DWS). The project responds specifically to address the RDI Roadmap's Supply Cluster 3: Improve adequacy and performance of supply infrastructure by enabling collaboration, co-learning and co-creation among researchers, development practitioners, communities, traditional leaders and policy practitioners at the nexus of the built and ecological infrastructure for water security.

Improving water security means viewing water security broadly as being influenced by both built infrastructure (that supports bulk water infrastructure and water distribution infrastructure) and by ecological infrastructure. Therefore, creating an enabling environment for integrated built and ecological infrastructure planning, co-learning and collaboration for water security is of paramount importance. Co-learning and co-creation through communities of practice is central to SANBI's approach to policy advice and mainstreaming that has grown over the years. The Living Catchments project is therefore implemented to grow the practice further and improve the engagement with the water sector to contribute to the Water RDI Roadmap. This is a collaborative project with the intention to strengthen the enabling environment for water governance in South Africa.

The primary aim of the Living Catchments Project is to establish better-resourced communities of practice that are involved with managing the built and ecological infrastructure within important water catchments. In support of this, the project also has an interest in strengthening the practice of policy engagement and the ways in which biodiversity is mainstreamed into the water sector. The project intends to create a more resilient, more resourced, and more relational communities with the ultimate goal to create an enabling environment for integrating built and ecological infrastructure to support water security, economic development and livelihood improvement.

The project will be implemented in the uMzimvubu, Tugela, Berg-Breede, and the Olifants rivers catchments. This is the implementation of a catchment-based learning platform to enhance research, innovation and impact through engaged communities of practice in key catchments associated with strategic water source SWSA's (SWSAs). The project will pursue its intention by convening catchment level governance structures that are concerned with enabling the healthy functioning of ecological infrastructure, ensuring adequate supply of built infrastructure, knowledge generation, collaboration and co-learning and strengthening the management, research and policy feedback loop. The Living Catchments project is a continuation of the Research, Development and Innovation (RDI) Platforms.

This Terms of Reference focuses on the Olifants river catchment and is envisaged to be strongly anchored within the

multi-stakeholder landscape of the Kruger to Canyons Biosphere. SANBI wishes to appoint a service provider to support with the implementation of the Living Catchments project in enabling collaboration, co-learning and co-creation at the nexus of built and ecological infrastructure for water security in the Olifants river catchment. The service provider will undertake the scope of work described in this terms of reference. Parallel requests for proposals have also been released for the work to be done in the Berg-Breede, Tugela and uMzimvubu catchments.

## 2. Scope of work

The service provider will be required to dedicate an estimated average of 30 months, and provide the following:

- To establish an appropriate mechanism, and scale, of learning platform to support, grow and maintain a communities of practice for ecological infrastructure and built infrastructure in the Olifants catchment as a critical role player in the Kruger to Canyons Biosphere. (With the aim to making these structures sustainable at the end of the project, through partnership and collaboration).
- To enable co-learning, develop capacity for collaboration, alignment of priorities and resources and ensure best available science is incorporated into practice and decision-making processes.
- To convene catchment level communities of practice that open-up space for co-learning at the intersection of built and ecological infrastructure for water security across roles, disciplines, and knowledge systems.
- To support catchment-level governance or and communication structures/platforms that are concerned with enabling social interaction processes between stakeholders that support the healthy functioning of water-related built and ecological infrastructure.
- To hold an engagement space focused on collaboration and co-learning across disparate fields, knowledge systems, and historical power imbalances, and strengthening the implementation, research, and policy feedback loop.
- To appoint a cohort of biodiversity eco-monitors and champions to monitor biodiversity degradation, conduct ecological infrastructure rehabilitation or restoration, conducting greening and clean-up programmes and activities within the catchment and district municipality.

The catchment convener will work closely with emerging and existing catchment structures and stakeholders to avoid duplication of efforts, add value and foster an environment and culture of co-learning and collaboration within the Kruger to Canyons Biosphere.

Furthermore, the scope of work also includes contributing and supporting SANBI in planning and participation in the National Ecological Infrastructure Indabas for the project's duration. Experience has shown that existing national platforms are not able to place sufficient focus on the topic of ecological infrastructure to meet the demand from these communities of practice. The service provider will therefore be expected to support SANBI and contribute to conceptualising and realising a Catchment-based Ecological Infrastructure Indaba that enables co-learning and sharing achievements as well as challenges at catchment level, with the aim of expanding the community of practice and explore the learnings from these initiatives in other catchments.

This contract will be initiated during the COVID-19 pandemic and thus regulations and requirements as set out by Government must be adhered to e.g. gathering size, social distancing, and the proposals in the methodology, must outline how will this be addressed and when the regulations are lifted how the platforms will be safely convened. The specific deliverables to be produced in the course of this work are listed in the following section.

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## 3. Main deliverables & timeframes

Anticipated deliverables and associated timeframes are listed in the table below.

| Deliverables | Timeframe |
|---|---|
| 1. Situation assessment of the status of communities of practice around water-related built and ecological infrastructure status in the Olifants river catchment and surrounding catchments within the Kruger to Canyons Biosphere, including but not limited to:<br>a. mapping the relevant institutional and governance structures within the landscape;<br>b. methodologies and tools for convening communities of practice identified including proposed models for configuring, convening, activating a community of practices that enables research guided learning at the nexus of built and ecological infrastructure<br>c. overview of current research relevant to ecological and built infrastructure and potential linkages to practice;<br>d. identification of opportunities to best add value to the community of practice, at what scale (catchment, multi-catchment, Biosphere), and why. | Within 3 months of the start of the contract |
| 2. Develop an annual programme of work for implementation, which includes-:<br>a. an explicit emphasis on linking research and innovation activities to wider policy/ implementation activities in the catchment in the context of the broader K2C multi-stakeholder landscape;<br>b. convening at least two learning platforms in the catchment (consider virtual convening approaches that are viable);<br>c. support in the convening of the Ecological Infrastructure Indaba at national and catchment level;<br>d. Facilitating the development of policy briefs and reflective case studies based on science and best practices emerging from the catchment | Annually |
| 3. Learning platforms for the built and ecological infrastructure nexus convened at catchment, multi-catchment, or Biosphere level:<br>a. theme-based dialogue; awareness day; seminars; workshops; webinars and other relevant learning platforms either face to face or virtually during the COVID-19 lockdown regulations; while ensuring the science of transformative social learning facilitation is visible and recognised.<br>b. Facilitate a learning space between policy practitioners, implementers and researchers to bridge the science-policy-implementation feedback loop<br>c. convene regular liaison with key stakeholders between meetings;<br>d. impact tracking and progress reports; | Quarterly |

| | |
|---|---|
| e. Minutes/meeting reports from each of the above learning platforms | Within two weeks of the learning platform |
| 4. Report on the number of youth, women, and persons with disabilities appointed as biodiversity eco-monitors and champions to monitor biodiversity degradation, conduct ecological infrastructure rehabilitation or restoration, conducting greening and clean-up programmes within the catchment and its district municipalities. | To be determined |
| 5. Regular communication of progress and interests circulated to platform members | Quarterly |
| 6. Annual reports covering the learning platform activities; lessons learned and recommendations; | Annually, linked to SANBI deliverables to the Water Research Commission |
| 7. A close-out report capturing consolidated lessons learnt, challenges, successes and barriers for the implementation of the Living Catchments project | Linked to the final deliverable to the Water Research Commission |
| 8. Participation at WRC Reference Group meeting upon request | Once a year |
| 9. Other deliverables agreed with SANBI, achievable within the contracted monthly time allocation. | To be determined |
| 10. Sustainable governance arrangement of the CoP at the end point of the project. | To be included in the close out report |

The service provider will be contracted by SANBI for 30 months, from August 2020 to February 2023.

## 4. Management and reporting

The SANBI Director: Biodiversity Mainstreaming will be responsible for the management of the service provider in terms of delivery on the agreed work plan and outputs. Overall accountability is to the Director: Biodiversity Mainstreaming. The service provider will however be required to work closely with the SANBI Deputy Director: Ecological Infrastructure, the coordination structures and lead agents of the existing structures and communities of practice in the Olifants river catchment.

## 5. Skills and competency required

In order to fulfil this role, the service provider requires the following skills and competencies. This contract will be initiated during the COVID-19 pandemic and thus regulations and requirements as set out by Government must be adhered. The response to these terms of reference should indicate the extent to which the service provider fulfils these requirements.

- Strong convening and facilitation skills both virtually and face to face
- Good understanding of the biophysical, socio-economic, and institutional landscape in the catchment and broader multi-stakeholder landscape, as it pertains to water and ecological infrastructure.
- Good understanding of, and connection to, the built and ecological infrastructure-related space in the catchment, as well as the needs of implementers in order to have a view on how to position and guide research effectively.
- Be embedded/active in the catchment, preferably in a role relevant to ecological infrastructure work.
- Have strong convening power (legitimacy/respect/credibility) in the relevant communities of practice.
- Ability to appropriately facilitate meetings/events/engagements (virtual and face to face) of platforms of this nature.

- Strong administrator of information and processes.
- Good communication skills, (including linguistic, writing/presentation, and interpersonal) to facilitate the platforms, as well as document and record platform discussions, platform outcomes and challenges, and reporting requirements.
- Embedded in an existing organisation (preferably where relevant longer-term capacity can be built through the project).
- Ability to work independently, self-manage delivering efficiently, high quality and accurate deliverables, within the agreed timeframes.
- Knowledge and/or willingness to learn about transformative social learning processes.
- Demonstrated project management experience of working in partnerships, stakeholder engagement, and coordination (including virtual partnership engagements and coordination).

The following will be an added advantage:

- Familiarity with the Department of Forestry, Fisheries and Environment - Natural Resource Management Programmes.
- Familiarity with the Water Research, Development and Innovation (RDI) Roadmap.
- Familiarity with the SANBI RDI platforms programme of work.
- Familiarity with the Ecological Infrastructure for Water Security (EI4WS) project.
- Familiarity with the institutional structures and applicable strategies and plans of the Water Resources Management Institutions in the Olifants river catchment, including but not limited to, the applicable Catchment Management Agencies and Strategies.
- Familiarity with applicable Provincial strategies and plans.
- Familiarity with the uMngeni Ecological Infrastructure Partnership (UEIP) as well as the uMzimvubu Catchment Partnership (UCP).

## 6. Requirements for proposals

Service providers interested in contributing towards this project should submit a concise written proposal that demonstrates their understanding of and approach to addresses the scope of work and the above requirements and outputs.

### 6.1 The proposal must include:

#### 6.1.1 A response to the Terms of Reference:

- Details of the prospective service provider, including relevant qualifications, skills, experience and track record, that adequately demonstrate the skills, experience, and competency required.
- A description of the prospective service provider's understanding and interpretation, and approach to the scope of work and deliverables.
- Contact details of at least three current or recent clients.

#### 6.1.2 Budget

- A budget for the proposed work detailing fees (applicable hourly or daily rate) and VAT separately. The budget should make provision for completion of the full scope of work over the 30 months period.

**Notes for the budget:**

- The budget should only cover professional time.
- Subsistence and travel disbursements should **NOT** be included in the budget and may be claimed separately, in line with SANBI's policies and rates.
- All convening, and facilitating related costs (venue hire, printing, catering) may be claimed separately, in line with SANBI's policies and rates.
- All virtual convening software(s), phone and other related expenses **are** to be covered by the service provider.

### 6.1.2 SCM Bidding Requirements

- SBDS, SBD 1(Part A and B), 4, 6.1, 8, and 9)
- The equity status of the interested party per the attached form SBD 6.1.
- A valid B-BBEE Status Level Certificate / sworn affidavit. (Please note that failure to submit a valid original or certified B-BBEE certificate / sworn affidavit mentioned above will result in the tender not being scored on equity.
- A copy of the Central Suppliers Database (CSD) registration report

## 7. Evaluation criteria

In accordance with the National Treasury Instruction Note on the Amended Guidelines in Respects of Bids that Include Functionality as a Criterion for Evaluation (issued 3 September 2010), proposals 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 | Weight |
|---|---|
| 1. Past experience (appropriateness of work portfolio, previous relevant projects and overall track record), virtual convening experience | 30 |
| 2. Capability and understanding of the ToR (project-specific expertise, technical and professional skills and proven conceptual and facilitation abilities both face to face and virtual facilitation) | 30 |
| 3. Specific knowledge and networks relevant to the scope of work in the catchment covered by these ToR | 30 |
| 4. Physical presence in the catchment (based in catchment =10 points; part-time presence (e.g. projects in catchment) = 5; no presence = 0) | 10 |
| **TOTAL** | **100** |

Proposals that fail to score a minimum of 70 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 proposals 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 B-BBEE status level certificate submitted with the proposal. Failure to submit such a certificate will not necessarily result in the proposal being disqualified, but no points will be awarded for B-BBEE status.

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## 8. Registration on Central Supplier Database

From 1 April 2016 only suppliers registered on the Central Supplier Database (CSD) maintained by National Treasury will be allowed to do business with government, including SANBI. All prospective service providers are therefore encouraged to register on the CSD, as this will be a pre-requisite for appointment by SANBI for this project. Registration can be done via the website www.csd.gov.za.

## 9. Contractual arrangements

A contract will be drawn up between SANBI and the service provider. Invoices will be paid according to the agreed schedule of payment milestones appended to the contract. These payment milestones will be linked to deliverables submitted to SANBI, and invoices must indicate the deliverables produced. SANBI will pay for the satisfactory completion of work within 30 days of receipt of invoices.

## 10. Proposal submissions

**Closing date for submission of proposals: 11h00 on Thursday, 06 August 2020**
**Submission of proposals:** proposals should be e-mailed to Mr. Ludwe Madayi (012) 843 5130 at L.Madayi@sanbi.org.za with a copy to P.hlongwane@sanbi.org.za and S.SCM-Tender@sanbi.org.za

Queries relating to these terms of reference must be directed to Mahlodi Tau at m.tau@sanbi.org.za, 012 843 5221. Procurement is through the SANBI processes and the quotation number for this call is Q6863/2020