

GLOSSARY

Award	Conclusion of the procurement process and final notification to the effect to the successful bidder
Bid	Written offer in a prescribed or stipulated form in response to an invitation by NEMISA for the provision of goods, works or services
Contractor	Organisation with whom NEMISA will conclude a contract and potential service level agreement after the final award of the contract based on this Request for Bid
dti	Department of Trade and Industry
EME	Exempted Micro Enterprise in terms of the Codes of Good Practice
GCC	General Conditions of Contract
IP	Intellectual Property
NEMISA	National Electronic Media Institute of South Africa (SOC) Ltd
Original Bid	Original document signed in ink, or Copy of original document signed in ink, or Submitted Facsimile of original document signed in ink
Originally certified	To comply with the principle of originally certified, a document must be both stamped and signed in original ink by a commissioner of oaths.
SCM	Supply Chain Management
SLA	Service Level Agreement

DOCUMENTS IN THIS BID DOCUMENT PACK

Bidders are to ensure that they have received all pages of this document, which consist of the following sections:

SECTION A

Note: Documents in this section are for information to/instruction of bidders and must not be returned with bids.

- Section A 1: Bid Submission Conditions and Instructions
- Section A 2: Evaluation Process/Criteria
- Section A 3: Contract Form (Rendering of Services) (Parts 1 & 2)/Letter of Acceptance/Formal Contract (The pro forma contract is only included for Bidders to take note of the contents of the contract that will be entered into with the successful contractor)

SECTION B

Note: Documents in this section must be completed and returned or supplied with bids.

- Section B 1: Special Conditions of Bid and Contract: Special conditions that the Bidder needs to accept
- Section B 2: Declaration of Interest
- Section B 3: Declaration of Bidder's past SCM practices
- Section B 4: Certificate of Independent Bid Determination
- Section B 6: Invitation to Bid
- Section B 7: Pricing Schedule (Goods)

SECTION A

**(This section must not be returned as
part of the bid document)**

BID SUBMISSION CONDITIONS AND INSTRUCTIONS

CONDITIONS AND INSTRUCTIONS THAT BIDDERS NEED TO TAKE NOTE OFF.

1 FRAUD AND CORRUPTION

- 1.1 All providers are to take note of the implications of contravening the Prevention and Combating of Corrupt Activities Act, Act No 12 of 2004 and any other Act applicable.

2 BRIEFING SESSION

- 2.1 No briefing session will be held.

3 CLARIFICATIONS/ QUERIES

- 3.1 Any clarification required by a Bidder regarding the meaning or interpretation of the Terms of Reference, or any other aspect concerning the bid, is to be requested in writing (letter, facsimile, or e-mail) from SCM Manager by not later than **27 MAY 2024**. A reply will be forwarded within three (3) working days. Telephonic requests for clarification will not be accepted. If appropriate, the clarifying information will be made available to all Bidders by e-mail only. The bid number should be mentioned in all correspondence.

Contact details for SCM Manager:

Telephone: 011 484 0583

E-Mail: hensonm@nemisa.co.za

4 SUBMITTING BIDS

* EMAIL TO: Scm4@nemisa.co.za-----

5 LATE BIDS

- 5.1 Bids received late shall not be considered. A bid will be considered late if it arrived even one second after 11:00 or any time thereafter.

- 5.2 The official Telkom time, which can be observed by dialling 1026 from any phone, will be used to verify the exact closing time.

6 PAYMENTS

- 6.1 NEMISA will pay the Contractor the fees set out in the final contract according to the table of deliverables. No additional amounts will be payable by the NEMISA to the Contractor.
- 6.1.1 The Contractor shall from time to time during the duration of the contract, invoice NEMISA for the services rendered.
- 6.1.2 The invoice must be accompanied by supporting source document(s) containing detailed information, as NEMISA may reasonably require, for the purposes of establishing the specific nature, extent and quality of the services which were undertaken by the Contractor.
- 6.1.3 No payment will be made to the Contractor unless an original tax invoice complying with section 20 of the VAT Act No 89 of 1991, as amended, has been submitted to NEMISA.
- 6.1.4 Payment shall be made by bank transfer into the Contractor's bank account normally 30 days after receipt of an acceptable, original, valid tax invoice. Money will only be transferred into a South African bank account. (Banking details must be submitted as soon as the bid is awarded).
- 6.2 The Contractor shall be responsible for accounting to the appropriate authorities for its income tax, VAT or other moneys required to be paid in terms of the applicable law.

7 GENERAL CONDITIONS OF CONTRACT

- 7.1 The General Conditions of Contract must be accepted. The GCC can be downloaded from the Treasury Website. Please refer to the link below:

<http://www.treasury.gov.za/divisions/ocpo/sc/GeneralConditions/General%20Conditions%20of%20Contract.pdf>

**TERMS OF REFERENCE (TOR)
REQUEST FOR CORPORATE GOVERNANCE TRAINING.**

**SOURCING OF A SERVICE PROVIDER TO PROVIDE GOVERNANCE TRAINING TO NEMISA
MANAGEMENT AND CORPORATE SECRETARIAT EMPLOYEES**

1. BACKGROUND

NEMISA is a national public entity listed under the PFMA and registered as a non-profit Company under the Companies Act 71 of 2008.

2. PURPOSE

2.1 NEMISA requires the services of the external service provider to provide comprehensive Corporate Governance Training as outlined under section 2 of this ToR to NEMISA and various relevant role players within the corporate governance process as guided by National Treasury, Companies Act and King IV guidelines.

2.2 The total number of trainees is twenty (20) broken down as follows:

- 17 Trainees - Management (EXCO and Management)
- 3 Trainees – Corporate Secretariat Officials

3. SCOPE OF WORK

3.1. The service provider(s) shall render and be responsible for Corporate Governance training to NEMISA Management and its Employees as indicated in 2.2 above.

- 3.2. The training should align to and be based on the PFMA, Companies Act, Kings IV Report and other international best practices.
- 3.3. The training content must be agreed upon prior to the training and must include the below to ensure it is specific to NEMISA's needs:
 - 3.3.1 Understanding corporate governance with more focus on Board governance;
 - 3.3.2 Understanding critical information required when preparing for submissions to the Board and its Committees to empower them in making decisions and providing strategic direction on matters;
 - 3.3.3 Understanding how Management should go about implementing Board and Committee resolutions and understanding the implications of not implementing the resolutions as directed;
 - 3.3.4 How to communicate with Board and Committees at Management level;
 - 3.3.5 Working effectively with others as a member of a team or organisation to improve the culture of the organisation;
 - 3.3.6 Describe the process for monitoring and evaluating improvements in relation to the entity's organisational values, code of conduct and ethical practices in a unit with role allocation and time frames;
 - 3.3.7 Analyse the Role of Corporate Governance within an Organisation;

4. COMPETENCY AND EXPERIENCE REQUIREMENTS

- 4.1. Respondents shall indicate the names of the Facilitator/resource(s) that will be providing the service / Training to NEMISA as well as a comprehensive CV(s) of the proposed resource(s) and previous traceable experience with references, letters and contactable previous clients.
- 4.2. The successful service provider(s) shall have a proven track record in Corporate Governance training.
- 4.3. Note that only the experience of the key resource relevant to this particular project shall be considered in the evaluation of this requirement, together with the bidder experience demonstrated by reference letters.
- 4.4. Respondents shall provide references and a proven track record where similar services were provided in the past five years.
- 4.5. Respondents shall provide the names and contact details of at least three clients from the public sector for whom a similar service was provided during the past five years.

5. DETERMINATION OF SCORE FOR FUNCTIONALITY

The evaluation criteria and weights for functionality as indicated in the table in below, will apply.

6. MANDATORY REQUIREMENTS

The Team Leader must have a bachelor’s degree relevant to Corporate Governance including relevant certification and membership with relevant professional bodies.

FUNCTIONAL CRITERIA	MAXIMUM TO BE AWARDED
<p><input type="checkbox"/> Experience of the Bidder will be demonstrated by the bidder providing the business proposal stating more than five (5) years in business where similar project/training, Corporate Governance were provided by the company. Appointment letters with clear letterheads of the clients, within five (5) years, must be provided. Bidder to demonstrate accreditation with SETA.</p> <ul style="list-style-type: none"> ○ 4 and more projects and Bidders accreditation with SETA, Facilitator with risk management-related certification and a draft course outline as per the ToR and – 30 points ○ 3 projects – 20 points ○ 2 projects – 10 points ○ Zero projects – 0 points 	30
<p><input type="checkbox"/> Experience of the main Facilitator / Leading Individual demonstrating risk related work experience in the public sector and having provided training in the field of risk management within the public sector as required under Section 3 of this ToR. CVs of the Facilitator/Leading Individual will be used to allocate points as indicated below:</p> <ul style="list-style-type: none"> ○ 11 years and more years of individual experience – 20 points ○ 8 years and up to 10 years of individual experience – 15 points ○ 5 years and up to 7 years of individual experience – 10 points ○ 0 to 4 years’ experience – 0 points 	20
<p><input type="checkbox"/> The knowledge, skill and capacity of the Facilitator will be assessed based on the Qualifications of the Facilitator proposed to carry out the project/training including track work experience in the related field. The Facilitator must have a bachelor's degree relevant to Governance. Be registered with relevant professional bodies and demonstrate expert knowledge in Corporate Governance enabling documents – i.e., Policies, Strategies and best practices and standards. Relevant qualifications related to Corporate Governance.</p>	30

Section A 2: Evaluation Process/ Criteria

FUNCTIONAL CRITERIA	MAXIMUM TO BE AWARDED
Individual CV and Certificates & qualifications of the Main Facilitator will be used to allocate points as indicated below: <ul style="list-style-type: none"> ○ Relevant bachelor’s degree, memberships with relevant professional bodies and certification in the field of risk management – 30 points ○ Relevant bachelor’s degree, membership with relevant professional bodies in the field of risk management – 15 points ○ Relevant bachelor’s degree with membership with relevant professional bodies in the field of corporate governance – 10 points 	
<input type="checkbox"/> The bidder is to demonstrate previous experience by providing contactable reference/appointment letters with clear letterheads of the clients, that is within a five (5) years period. The points will be distributed as demonstrated below: <ul style="list-style-type: none"> ○ Three or more reference letters – 20 points ○ Two (2) reference letters – 10 points ○ One (1) reference letter – 5 points ○ Zero letters – 0 points 	20
Maximum total for functionality	100
Minimum Threshold	80

4. QUOTE

5.1 The service provider shall provide a detailed quote which includes but is not limited to; activities mentioned in item **3.1**

5. DELIVERABLES

6.1 Key deliverables are as follows:

- 6.1.1 Provide training material relevant pre-workshop reading materials
- 6.1.2 Provide the course outline
- 6.1.2 Deliver the training virtually over one (1) day
- 6.1.3 Provide an experienced Facilitator for the course

ALL BIDDERS MUST TAKE NOTE OF THE EVALUATION PROCESS THAT WILL BE FOLLOWED

1 EVALUATION PROCESS

1.1 COMPLIANCE WITH MINIMUM REQUIREMENTS

Section A 2: Evaluation Process/ Criteria

1.1.1 All bids duly lodged as specified in the Request for Bid will be examined to determine compliance with bid requirements and conditions. Bids with obvious deviations from the requirements/conditions will be eliminated from further consideration.

Failure to comply with or submit any one of the following items, will render a bid non-responsive and will not be evaluated further.

Reference	Description	Compliant?	
		YES	NO
Part 1	Signed Special Conditions of Bid and Contract		
Part 2	Tax Compliance Requirements		
Part 3	Completed and signed Declaration of Interest		
Part 4	Completed and signed Declaration of Bidder's past Supply Chain Management practices		
Part 5	Completed and signed Certificate of Independent Bid Determination		
Part 7	Completed and signed Invitation to Bid		
Part 8	Completed Pricing Schedule		
Part 9	Completed Specifications		
Part 10	Proof of registration on the CSD (CSD report)		

1.2 COMPLIANCE WITH MINIMUM SPECIFICATION REQUIREMENTS

All remaining bids will be assessed in terms of compliance with the minimum specification requirements.

Bids which do not comply with the minimum specification requirements will be eliminated from further consideration.

1.3 PRICE AND SCM EVALUATION CRITERIA

1.3.1 All remaining bids will be evaluated as follows:

1.3.2 The 80/20 preference point system will be applied. Points for price and SCM evaluation criteria will be awarded .

1.3.3 If appropriate, implied contract price adjustments will be made to the cost proposals of all remaining bids.

1.3.4 The Evaluation Committee may recommend that the contract be awarded to the bidder obtaining the highest aggregate mark as determined by 1.3.4 or to a lower scoring bid on justifiable grounds.

1.4 ADJUDICATION OF BID

Section A 2: Evaluation Process/ Criteria

- 1.4.1 The relevant award structure will consider the recommendations and make the final award. The successful bidder will usually be the service provider scoring the highest number of points or it may be a lower scoring bid on justifiable grounds or no award at all.

CONTRACT FORM: RENDERING OF SERVICES

THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SERVICE PROVIDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SERVICE PROVIDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.

PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)

1. I/we hereby undertake to render services described in the attached bidding documents to NEMISA in accordance with the requirements and task directives/proposals specifications stipulated in Bid Number NEMISA/2024/CORPORATE GOVERNANCE TRAINING/RFQ9718 at the price/s quoted. My/our offer/s remain binding upon me/us and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid.
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - 2.1 Bidding documents, viz
 - Invitation to bid
 - Tax clearance certificate
 - Pricing schedule(s)
 - Filled in terms of reference/task directive/proposal
 - Declaration of interest
 - Declaration of bidder's past SCM practices
 - Special Conditions of Contract
 - 2.2 General Conditions of Contract
 - 2.3 Other (specify)
3. I/we confirm that I/we have satisfied myself as to the correctness and validity of my/our bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
4. I/we accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me/us under this agreement as the principal liable for the due fulfilment of this contract.
5. I/we declare that I/we have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES	
1
2
DATE:

Section A 3: Contract Form

CONTRACT FORM: RENDERING OF SERVICES
PART 2 (TO BE FILLED IN BY THE PURCHASER)

1. I in my capacity as accept your bid under reference number dated for the rendering of services indicated hereunder and/or further specified in the annexures.

1. An official order indicating service delivery instructions is forthcoming.

2. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract within 30 (thirty) days after receipt of an invoice.

DESCRIPTION OF SERVICE	PRICE (VAT INCL)	COMPLETION DATE

3. I confirm that I am duly authorised to sign this contract.

SIGNED AT ON

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

1

2

DATE:

SECTION B

This section must be completed and returned or supplied with bids as prescribed.

Section B 1: Special Conditions of Bid and Contract

**SPECIAL CONDITIONS OF BID AND CONTRACT
Return as Part 1**

SPECIAL CONDITIONS	
1	GENERAL
1.1	The Bidder must clearly state if a deviation from these special conditions are offered and the reason therefor. If an explanatory note is provided, the paragraph reference must be indicated in a supporting appendix to the application submission.
1.2	Should Bidders fail to indicate agreement/compliance or otherwise, the NEMISA will assume that the Bidder is in compliance or agreement with the statement(s) as specified in this bid.
1.3	Bids not completed in this manner may be considered incomplete and rejected.
1.4	NEMISA shall not be liable for any expense incurred by the Bidder in the preparation and submission of a bid.
2	CANCELLATION OF PROCUREMENT PROCESS
2.1	This procurement process can be postponed or cancelled at any stage at the sole discretion of NEMISA provided that such cancellation or postponement takes place prior to entering into a contract with a specific service provider to which the bid relates.
3	BID SUBMISSION CONDITIONS, INSTRUCTION AND EVALUATION PROCESS/CRITERIA
3.1	The Bid submission conditions and instructions as well as the evaluation process/criteria have been noted.
4	NEGOTIATION AND CONTRACTING
4.1	NEMISA have the right to enter into negotiation with one or more Bidders regarding any terms and conditions, including price(s), of a proposed contract.
4.2	Under no circumstances will negotiation with any Bidders, including preferred Bidders, constitute an award ¹ or promise/undertaking to award the contract.
4.3	NEMISA shall not be obliged to accept the lowest or any bid, offer or proposal.
4.4	A contract will only be deemed to be concluded when reduced to writing in a formal contract and Service Level Agreement (if applicable) signed by the designated responsible person of both parties. The designated responsible person of NEMISA is the CEO.
4.5	NEMISA also reserves the right to enter into one contract with a Bidder for all required goods or into more than one contract with different Bidders for different goods.
5	ACCESS TO INFORMATION
5.1	All bidders will be informed of the status of their bid once the procurement process has been completed.
5.2	Requests for information regarding the bid process will be dealt with in line with the NEMISA SCM Policy and relevant legislation.
6	REASONS FOR REJECTION
6.1	NEMISA shall reject a proposal for the award of a contract if the recommended Bidder has committed a proven corrupt or fraudulent act in competing for the particular contract.
6.2	The NEMISA may disregard the bid of any bidder if that bidder, or any of its directors: <ul style="list-style-type: none"> <input type="checkbox"/> Have abused the SCM system of the NEMISA. <input type="checkbox"/> Have committed proven fraud or any other improper conduct in relation to such system. <input type="checkbox"/> Have failed to perform on any previous contract and the proof exists. Such actions shall be communicated to the National Treasury.
7	GENERAL CONDITIONS OF CONTRACT
7.1	The General Conditions of Contract must be accepted.

¹ See GLOSSARY.

Section B 1: Special Conditions of Bid and Contract

8	ADDITIONAL INFORMATION REQUIREMENTS
8.1	During evaluation of the bids, additional information may be requested in writing from Bidders. Replies to such request must be submitted, within 5 (five) working days or as otherwise indicated. Failure to comply, may lead to your bid being disregarded.
8.2	No additional information will be accepted from any individual Bidder without such information having been requested
9	CONFIDENTIALITY
9.1	The bid and all information in connection therewith shall be held in strict confidence by Bidders and usage of such information shall be limited to the preparation of the bid. Bidders shall undertake to limit the number of copies of this document.
10	INTELLECTUAL PROPERTY, INVENTIONS AND COPYRIGHT
10.1	Copyright of all documentation relating to this contract belongs to the client. The successful Bidder may not disclose any information, documentation or products to other clients without the written approval of the accounting authority or the delegate.
10.2	This paragraph shall survive termination of this contract.
11	NON-COMPLIANCE WITH DELIVERY TERMS
11.1	As soon as it becomes known to the contractor that he/ she will not be able to deliver the goods within the delivery period and/or against the quoted price and/or as specified, NEMISA must be given immediate written notice to this effect. NEMISA reserves the right to implement remedies as provided for in the GCC.
12	WARRANTS
12.1	The Contractor warrants that it is able to conclude this Agreement to the satisfaction of NEMISA.
13	PARTIES NOT AFFECTED BY WAIVER OR BREACHES
13.1	The waiver (whether express or implied) by any Party of any breach of the terms or conditions of this contract by the other Party shall not prejudice any remedy of the waiving party in respect of any continuing or other breach of the terms and conditions hereof.
13.2	No favour, delay, relaxation or indulgence on the part of any Party in exercising any power or right conferred on such Party in terms of this contract shall operate as a waiver of such power or right nor shall any single or partial exercise of any such power or right under this agreement.
14	CENTRAL SUPPLIER DATABASE
14.1	It is a requirement that all suppliers/ services providers to NEMISA shall be registered on the National Treasury Central Supplier Database (CSD).
14.2	Bidders are therefore required to register as a supplier on the CSD before submitting a bid. The CSD website can be accessed on the following link: http://ocpo.treasury.gov.za/Pages/default.aspx
14.3	Bidders are therefore required to submit proof of their registration on the CSD, or if not yet registered, provide proof of their application to be registered, with their bid.
14.4	No bid will be awarded and a contract concluded with a bidder who is not registered on the CSD.
15	FORMAT OF BIDS
15.1	Bidders must complete all the necessary bid documents and undertakings required in this bid document. Bidders are advised that their proposal should be concise, written in plain English and simply presented.
15.2	Bidders are to set out their proposal in the format prescribed hereunder. This means that the proposal must be structured in the parts noted below. <u>Information not submitted in the relevant part, may not be considered for evaluation purposes.</u>
15.3	Part 1: Special Conditions of Bid and Contract
15.3.1	Bidders must initial each page and sign the last page and return the Special Conditions of bid and Contract (Section B-1).

Section B 1: Special Conditions of Bid and Contract

	Bids submitted without a completed Special Conditions of Bid form will be deemed to be non-responsive.
15.4	Part 2: SARS Tax Clearance Requirement(s)
15.4.1	<p>Bidders must ensure compliance with their tax obligations.</p> <p>Bidders are required to submit their unique personal identification number (PIN) issued by SARS to enable the organ of state to view the taxpayer's profile and tax status.</p> <p>Application for tax compliance status (TCS) or PIN may also be made via e-filing. In order to use this provision, taxpayers will need to register with SARS as e-filers through the website www.sars.gov.za.</p> <p>Bidders may also submit a printed TCS together with the bid.</p> <p>In bids where consortia/ joint ventures/ sub-contractors are involved, each party must submit a separate proof of TCS/ PIN/ CSD number.</p> <p>Where no TCS is available, but the bidder is registered on the Central Supplier Database (CSD), a CSD number must be provided.</p> <p>Bids submitted without any one of the above particulars, will be deemed to be non-responsive.</p>
15.5	Part 3: Declaration of Interest
15.5.1	<p>Each party to the bid must complete and return the "Declaration of Interest" (Section B-2).</p> <p>Bids submitted without a complete and signed Declaration of Interest will be deemed to be non-responsive.</p>
15.6	Part 4: Declaration of Bidder's past Supply Chain Management practices
15.6.1	<p>Each party to the bid must complete and return the "Declaration of bidder's past Supply Chain Management practices" (Section B-3).</p> <p>Bids submitted without a completed and signed Declaration of bidder's past Supply Chain Management practices will be deemed non-responsive.</p>
15.7	Part 5: Certificate of Independent Bid Determination
15.7.1	<p>Each party to the bid must complete and sign the Certificate (Section B-4).</p> <p>Bids submitted without a completed and signed Certificate of Independent Bid Determination will be deemed non-responsive.</p>
15.8	Part 7: Invitation to Bid
15.8.1	<p>Bidders must complete, sign and return the full "Invitation to Bid" (Section B-6) document.</p> <p>Bids submitted without a completed and signed Invitation to Bid will be deemed to be non-responsive.</p>
15.9	Part 8: Pricing Schedule
15.9.1	Any budget amount that may be indicated in this document shall be deemed to be a guide only and Bidders are expected to submit a costing that is fair and reasonable.
15.9.2	<p>All costs related to this bid are to be allowed for in the pricing schedule and in the formats prescribed and must be returned as part of the submission (Section B-7).</p> <p>Bids submitted without a price or with an incomplete price, will be deemed to be non-responsive.</p>
	<input type="checkbox"/> VAT: Value Added Tax must be included and shown separately.
15.10	Part 9: Specifications
15.10.1	<p>Bidders must complete, sign and return the full "Specifications" (Section B-8) document.</p> <p>Bids submitted without a fully completed and signed Specifications will be deemed to be non-responsive.</p>
15.11	Part 10: Registration on the CSD

Section B 1: Special Conditions of Bid and Contract

15.11.1	In this part, bidders must submit proof of their registration, or proof that they have applied for registration on the Central Supplier Database. (CSD report) Bids submitted without the required proof, will be deemed to be non-responsive.
---------	---

I/we herewith accept all the above-mentioned special conditions of the bid. If I/we do consider a deviation therefrom, I have noted those as per the instruction in paragraph 1 (General) above.

Name of Bidder: _____

Signature of Bidder: _____

Date: _____

Section B 2: Declaration of Interest

DECLARATION OF INTEREST

Return as Part 3

1. Any legal person, including persons employed by the State², or persons having a kinship with persons employed by the State, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price bid, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the State, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/ adjudicating authority where –

1.1. The bidder is employed by the State; and/or

1.2. The bidder is a Management Board member of NEMISA and/or

1.3. 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, etc³):

2.4. Company Registration Number:

2.5. Tax Reference Number:

2.6. VAT Registration Number:

2.6.1. The names of all directors/ trustees/ shareholders/ members, their individual identity numbers, tax reference numbers and, if applicable, employee/ persal numbers must be indicated in paragraph 3 below

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**

² "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;
- (e) Parliament.

³ "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

Section B 2: Declaration of Interest

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

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

.....

.....

.....

2.8. Did you or your spouse, or any of the company's directors/shareholders/members or their spouses conduct business with the State in the previous twelve (12) months? YES / NO

2.8.1. If so, furnish the following 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 the following particulars.

.....

.....

.....

2.10. Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between the 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 the following particulars.

.....

.....

.....

2.11. Do you or any of the directors/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 the following particulars.

.....

.....

.....

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

Full Name	Identity Number	Personal Tax Reference No	State Employee Number/ Persal Number

Section B 2: Declaration of Interest

DECLARATION

I, THE UNDERSIGNED (NAME)

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 AND 3 ABOVE IS CORRECT. I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

Section B 3: Declaration of bidder's past SCM practices

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

Return as Part 4

- 1 This declaration will be used by institutions to ensure that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 2 The bid of any bidder may be disregarded if that bidder, or any of its directors have:
 - a. abused the NEMISA'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.
- 3 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

Item	Question	Yes	No
3.1	Is the bidder or any of its directors listed on the National Treasury's database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this database were informed in writing of this restriction by the Accounting Officer/ authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied). The database of Restricted Suppliers now resides on the National Treasury's website (www.reatury.gov.za) and can be accessed by clicking on its link at the bottom of the homepage.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3.1.1	If so, furnish particulars:		
3.2	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)? The Register for Tender Defaulters can be accessed on the National Treasury's website, (www.treasury.gov.za) by clicking on its link at the bottom of the homepage.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3.2.1	If so, furnish particulars:		
3.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3.3.1	If so, furnish particulars:		
3.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3.4.1	If so, furnish particulars:		

CERTIFICATION

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

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

Signature

Date

Position

Name of Bidder

Section B 4: Certificate of Independent Bid Determination

CERTIFICATE OF INDEPENDENT BID DETERMINATION
Return as Part 5

I, the undersigned, in submitting the accompanying bid:

NEMISA/2024/CORPORATE GOVERNANCE TRAINING/RFQ9718 – SOURCING OF A SERVICE PROVIDER TO PROVIDE GOVERNANCE TRAINING TO NEMISA MANAGEMENT AND CORPORATE SECRETARIAT EMPLOYEES

(Bid Number and Description)

in response to the invitation for the bid made by:

NEMISA

(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:
 - has been requested to submit a bid in response to this bid invitation;
 - could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - 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 consortium⁴ 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:
 - prices;
 - geographical area where product or service will be rendered (market allocation)
 - methods, factors or formulas used to calculate prices;
 - the intention or decision to submit or not to submit, a bid;
 - the submission of a bid which does not meet the specifications and conditions of the bid; or
 - bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

⁴ 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.

Section B 4: Certificate of Independent Bid Determination

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.

11.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Return as Part 6

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE AS PRESCRIBED IN THE PREFERENCE POINTS

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 The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable;
- 1.3 Points for this bid shall be awarded for:
 - (a) Price; and
 - (b) Evaluation criteria
- 1.4 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	80
SCM evaluation criteria	20
Total points for Price and	100

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

2. DEFINITIONS

Historically Disadvantaged Individual

"Historically Disadvantaged Individual" (HDI) is defined as a South African citizen –

- 1) who, due to the apartheid policy that was in place, had no voting rights in the national elections prior to the introduction of the Constitution of the Republic of South Africa, 1983 (Act No. 100 of 1983) or the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993) ("the interim Constitution"), and/or
- 2) who is a woman and/or
- 3) who has a disability

With the understanding that any person who received South African citizenship on or before the introduction of the interim Constitution will not be deemed to be HDI.

- "A woman" refers to a female person who is a South African citizen.
- "Disability" refers to a person with a permanent physical disability, mental disability, or awareness disability, which leads to confinement or disability or the inability to perform bodily functions in the manner or within the capacity of a normal person.

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:

Bid No:

Section B 4: Certificate of Independent Bid Determination

$$P_s = 80 \left(1 - \left(\frac{P_t - P_{\min}}{P_{\min}} \right)^{80/20} \right)$$

Where

Section B 5: Preference Points Claim Form to the Preferential Procurement Regulations 2011

- Ps = Points scored for price of bid under consideration
- Pt = Price of bid under consideration
- Pmin = Price of lowest acceptable bid

The specific goals allocated points in terms of the tender and Request for quotation.	Total Number of points allocated (20)
Historical disadvantaged individuals (HDI) (51 % Ownership)	10
Small, Medium and Micro Enterprises	10
Total maximum points	20

2. SUB-CONTRACTING

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

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

2.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted?
- ii) The name of the sub-contractor
- iii) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

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

Designated Group: An EME or QSE which is at last 51% owned by:	EME	QSE
Black people	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Black people who are youth	<input type="checkbox"/>	<input type="checkbox"/>
Black people who are women	<input type="checkbox"/>	<input type="checkbox"/>
Black people with disabilities	<input type="checkbox"/>	<input type="checkbox"/>
Black people living in rural or underdeveloped areas or townships	<input type="checkbox"/>	<input type="checkbox"/>
Cooperative owned by black people	<input type="checkbox"/>	<input type="checkbox"/>
Black people who are military veterans	<input type="checkbox"/>	<input type="checkbox"/>
OR		
Any EME	<input type="checkbox"/>	<input type="checkbox"/>
Any QSE	<input type="checkbox"/>	<input type="checkbox"/>

3. DECLARATION WITH REGARD TO COMPANY/ FIRM

- 3.1 Name of company/firm:
- 3.2 VAT registration number:
- 3.3 Company registration number:

Section B 5: Preference Points Claim Form to the Preferential Procurement Regulations 2011

3.4 TYPE OF COMPANY/ FIRM

(Tick applicable box)

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

3.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

3.6 COMPANY CLASSIFICATION

(Tick applicable box)

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

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

3.8 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 SCM evaluation criteria 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 SCM evaluation criteria 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.

<p>WITNESSES</p> <p>1.</p> <p>2.</p>	<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE:</p> <p>ADDRESS:</p> <p>.....</p> <p>.....</p>
--	---

Section B 6: Invitation to Bid

**INVITATION TO BID
Return as Part 7**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENT OF NEMISA

BID NO	NEMISA/2024/CORPORATE GOVERNANCE TRAINING/RFQ9718	CLOSING DATE	MONDAY, 3 JUNE 2024	CLOSING TIME	11:00

**All Bidders must furnish the following particulars and include it in their submission.
(Failure to do so may result in your bid being disqualified)**

Name of Bidder:

Postal address:

Street address:

:

Telephone number: Code Number

Cellular number:

Facsimile number: Code Number

e-Mail address:

VAT Registration No:

TAX COMPLIANCE REQUIREMENTS (Tick applicable box)

Printed TCS SARS PIN CSD No

An Accounting Officer as contemplated in the Close Corporation Act (CCA)?

A verification Agency accredited by the South African National Accreditation System (SANAS)?

A registered Auditor?

Contact details of Bidder's representative:

Name and Surname

Telephone number: Code Number

Cellular number:

Facsimile number: Code Number

e-Mail address:

Confirmation

Are you the accredited representative in South Africa for the services offered by you? **YES / NO**

Declaration

I/ We have examined the information provided in your bid documents and offer to undertake the work prescribed in accordance with the requirements as set out in the bid document. The prices quoted in this bid are valid for the stipulated period. I/ We confirm the availability of the proposed team members. I/ We confirm that this bid will remain binding upon us and may be accepted by you at any time before the expiry date.

Bid No: **NEMISA/2024/CORPORATE GOVERNANCE
TRAINING/RFQ9718**

RFQ Document

Section B 6: Invitation to Bid

Signature of Bidder:

Date:

Are you duly authorised to commit the Bidder? **YES / NO**

Capacity under which this bid is signed

TOTAL BID PRICE (INCLUSIVE OF VAT) R

Section B 8: Specifications

PRICING SCHEDULE

Return as Part 8

NAME OF BIDDER:	
OFFER TO BE VALID FOR 90 DAYS FROM THE CLOSING DATE OF BID	

No	Description	Unit	Qty	Rate ZAR (Excl VAT)	Total ZAR (Excl. VAT)
1					
Sub Total (Excluding VAT)					
Value Added Tax (VAT) @ 15%					
Total (Including VAT) (Carried forward to Invitation to Bid)					

Section B 8: Specifications

SPECIFICATIONS FOR

Return as Part 9

Bidders are required to complete the tables below clearly indicating whether it complies with the minimum specifications and if not, to provide full details of the deviation to the specifications.

The completed and signed specifications must be returned with the bid. Failure to submit the completed and signed specifications will deem a bid to be non-responsive.

SPECIFICATIONS				
No	Description	Comply with minimum requirements?		
		QTY	Yes/No	If No (supply details of deviation)
1				Specification clearly detailed on Page 07-08 of the RFQ document.

I/ we herewith declare that the information supplied above is correct and will be binding on me/ us.

Name of Bidder: _____

Signature of Bidder: _____

Date: _____