



**SOUTH AFRICAN TOURISM**

**GENERAL TENDER CONDITIONS  
AND  
TENDER - REQUEST FOR PROPOSALS**

**Tender no SAT 123/17**

**Supply and implementation of an automated contract management system for South African  
Tourism**

**(**

**Date issued: 10 November 2017**

**Compulsory Briefing: 17 November 2017, South African Tourism, Bojanala House, 90 Protea  
Road, Sandton, Johannesburg, 2196 from 10h00 to 11h00 (Tau Boardroom)**

**Tender due date: 4 December 2017**

**ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS - (NOT TO BE RE-TYPED)**

**THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL  
PROCUREMENT REGULATIONS, 2011, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY  
OTHER SPECIAL CONDITIONS OF CONTRACT**

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## 1. INTRODUCTION

South African Tourism Board (SA Tourism) was established by section 2 of the Tourism Act No 72 of 1993 and continues to exist in terms of section 9 of the new Tourism Act No 3 of 2014. SA Tourism is a schedule 3 A Public Entity in terms of schedule 3 of the Public Finance Management Act 1 of 1999.

The mandate of SA Tourism in terms of the Tourism Act is to provide for the development and promotion of sustainable tourism for the benefit of the Republic, its residents and its visitors. It is common cause that tourism is a key strategic industry in terms of National Tourism Sector Strategy documents as it supports government objectives of alleviating the triple challenges of unemployment, poverty and inequality.

The scope of SA Tourism's business includes three distinct areas of business focus and delivery, with different target markets and segments:

- I. International Leisure tourism (travel trade and consumer); and Domestic leisure tourism (travel trade and consumer)
- II. Business events through the delivery unit the South African National Convention Bureau (Meetings, Incentives, Conferences, Exhibitions);
- III. Quality assurance of tourism establishments through the delivery unit the Tourism Grading Council of South Africa.

Section 217 of the Constitution of the Republic of South Africa, 1996, prescribes that goods and services must be contracted through a system that is fair, equitable, transparent, competitive and cost-effective and also confers a constitutional right on every potential supplier to offer goods and services to the public sector when needed.

The submission of proposals will be in terms of this document. All information requested, must be supplied and all annexures completed, whether such information or annexure refers to the eventual tender or not. This information will form part of the eventual tender and must therefore be completed, as there will not be an opportunity to do so later. Thus it essential that the information supplied is both correct and true.

Prospective tenderers must periodically review <http://www.southafrica.net/gl/en/corporate/page/tenders> for updated information or amendments with regard to this tender, prior to due dates.

## 2 CLOSING DATE

The closing date for the submission of proposals is **12h00 on Monday, 4 December 2017**. No late submissions will be accepted

## 3 TENDER DOCUMENTS MARKING

- 3.1 Failure on the part of the tenderer to sign/mark this tender form and thus to acknowledge and accept the conditions in writing or to complete the attached forms, questionnaires and specifications in all respects, may invalidate the tender.
- 3.2 Tenders must be completed in black ink where mechanical devices, e.g. typewriters or printers, are not used.
- 3.3 Tenderers will check the numbers of the pages and satisfy themselves that none are missing or duplicated. No liability will be accepted with regard to claims arising from the fact that pages are missing or duplicated.
- 3.4 **Each tender, including 1 original, 3 hard copies and 4 electronic copies (PDF format), must be submitted in separate sealed envelopes (Please clearly mark which proposal is the original) with the following markings:**

Tender Number: SAT 123/17  
 Description: Contract Management System  
 Closing date: 12h00 on 4 December 2017  
 Name of Company: (Tenderer)  
 Contact Person: (Tenderer)

- 3.5 Tenders should be hand delivered or couriered to the following address so as to reach the destination no later than the closing date and time:

Hand delivered to:	Couriered To:
The locked tender box located in the foyer in the reception area at:	The Supply Chain Compliance Manager
South African Tourism	South African Tourism
Bojanala House	Bojanala House
90 Protea road	90 Protea road
Chislehurst	Chislehurst
Sandton, 2196	Sandton, 2196

- 3.6 No tenders transmitted by telegram, telex, facsimile, E-mail or similar apparatus will be considered.
- 3.7 There will be a compulsory Briefing session held for this tender on 17 November 2017 from 10h00 to 11h00 at South African Tourism's offices (Tau Boardroom) located at Bojanala House, 90 Protea Road, Sandton, Johannesburg, 2196 from. Due to limited seating available bidders should only send 1 representative to the briefing session.
- 4. CONTACT AND COMMUNICATION**
- 4.1 A nominated official of the bidder(s) can make enquiries in writing, to the specified person, Mr. Bongani Sithole via email [bongani@southafrica.net](mailto:bongani@southafrica.net) and/or +27 11 895 3000. Bidder(s) must reduce all telephonic enquiries to writing and send to the above email address.
- 4.2 The delegated office of South African Tourism may communicate with Bidder(s) where clarity is sought in the bid proposal.
- 4.3 Any communication to an official or a person acting in an advisory capacity for SA Tourism in respect of the bid between the closing date and the award of the bid by the Bidder(s) is discouraged.
- 4.4 All communication between the Bidder(s) and SA Tourism must be done in writing.
- 4.5 Whilst all due care has been taken in connection with the preparation of this bid, SA Tourism makes no representations or warranties that the content of the bid or any information communicated to or provided to Bidder(s) during the bidding process is, or will be, accurate, current or complete. SA Tourism, and its employees and advisors will not be liable with respect to any information communicated which may not accurate, current or complete.
- 4.6 If Bidder(s) finds or reasonably believes it has found any discrepancy, ambiguity, error or inconsistency in this bid or any other information provided by SA Tourism (other than minor clerical matters), the Bidder(s) must promptly notify SA Tourism in writing of such discrepancy, ambiguity, error or inconsistency in order to afford SA Tourism an opportunity to consider what corrective action is necessary (if any).
- 4.7 Any actual discrepancy, ambiguity, error or inconsistency in the bid or any other information provided by SA Tourism will, if possible, be corrected and provided to all Bidder(s) without attribution to the

Bidder(s) who provided the written notice.

- 4.8 All persons (including Bidder(s)) obtaining or receiving the bid and any other information in connection with the Bid or the Tendering process must keep the contents of the Bid and other such information confidential, and not disclose or use the information except as required for the purpose of developing a proposal in response to this Bid.

## **5 SECURITY AND INTEGRITY CLEARANCE**

All information documents, records and books provided by SA Tourism to any tenderer, in connection with the invitation to tender or otherwise, are strictly private and confidential. These will not be disclosed by any tenderer to any third party, except with the express consent of SA Tourism, which will be granted in writing prior to such disclosure. SA Tourism, however, reserves the right to disclose any information provided by any tenderer to any of the employees of SA Tourism for successful tenders.

A proposal for award will be rejected if SA Tourism determines that the supplier recommended for award, has engaged in corrupt or fraudulent activities in competing for the contract in question.

SA Tourism may require contractors to permit SA Tourism to inspect their accounts and records relating to the performance of the contract and to have them audited by auditors appointed by SA Tourism.

### **5.1 FALSE INFORMATION**

Should the Tenderer provide and/or provides SA Tourism intentionally or negligently with false and/or misleading information or intentionally or negligently omitted any material fact that may have rendered any statement made by the Tenderer misleading, in connection with this Tender Request for Proposal or supporting information or any subsequent requests for information and/or such misleading and/or false information and/or omission of any material fact induced SA Tourism in awarding the Tender and/or concluding any subsequent agreement shall entitle SA Tourism in its sole discretion forthwith to disqualify the Tenderer and/or to immediately terminate any agreements subsequently entered into without prejudice to any of the rights SA Tourism has in terms of such agreement and/or any law.

### **5.2 VAT, DUTIES AND OTHER TAXES**

Prices and must be quoted inclusive of VAT and all other relevant taxes and duties (where applicable) should be shown separately.

- 5.2.1 The full price under this tender must be quoted in South African Rand (ZAR). Foreign currency risks will for the bidders own account and should be considered when drafting financial proposals as these will not be re-considered nor renegotiated at a later stage by SA Tourism.

## **6 SPECIAL TENDER CONDITIONS**

This tender and its acceptance will be subject to the terms and conditions described below.

SA Tourism is/will not be liable for any costs incurred in preparation and delivery of tenders.

All documents, samples and materials submitted as part of a tender becomes the property of SA Tourism, and yet in any event SA Tourism will not be liable for loss or damage to any documents, samples and materials submitted.

### **6.1 TENDER SURETY**

SA Tourism requires no proposal surety, but tenderers should note the conditions set out below. However SA Tourism reserves the right to review this position at contractual stages.

### **6.2 DOWNSCALING OF WORK**

SA Tourism reserves the right to downscale the required services should the need arise. In such cases, SA Tourism will only downscale such services after every completed contractual period of 12 months.

At least 3 months' notice of such downscaling will be provided to the successful bidder.

### 6.3 VALIDITY PERIOD

The tender proposal must remain valid for at least four (4) months after the tender due date. All contributions / prices indicated in the proposal and other recurrent costs must remain firm for the period of the contract.

### 6.4 COMPLETENESS OF THE SOLUTION

The tenderer must complete all documents in full and submit these with the proposal. Failure to comply with these requirements may invalidate the tenderer or disqualify the proposal.

Notwithstanding any possible shortcomings and / or inconsistency in the specifications, the tenderer must ensure that the solution offered will form a complete, cost effective and functional proposal for the whole project solution.

### 6.5 CONTRACTUAL IMPLICATIONS

The tenderer must complete all documents in full and submit these with the proposal. Failure to comply with these requirements may invalidate the tenderer or disqualify the proposal.

6.5.1 Upon submission of the tender response, the Tenderer is unconditionally bound by the terms and conditions of the Request for Proposal (RFP) and the tender response. In the event of any conflict or confusion arising between the terms and conditions of the RFP and the tender response, the RFP shall prevail.

6.5.2 The Tenderer acknowledges that awarding of the Tender is based solely on the information supplied in the tender response, accordingly the relevant Terms and Conditions of the Request for Proposal and the tender response will be incorporated in the subsequent written agreement, unless otherwise provided by SA Tourism.

6.5.3 Other than providing rights to SA Tourism, nothing in this Tender Request and tender response should be construed to give rise to SA Tourism having any obligations or liabilities whatsoever, express or implied.

6.5.4 The successful Tenderer shall only be entitled to render services and/or provide goods to SA Tourism once a separate written contract, which should be aligned to "GOVERNMENT PROCUREMENT GENERAL CONDITIONS OF CONTRACT". (Please visit <http://www.treasury.gov.za/divisions/ocpo/sc/GeneralConditions/default.aspx> for further information issued in 2010 in this respect), has been signed by both the Tenderer and SA Tourism, whereupon the Request for Proposal and tender response will cease to have force and effect.

6.5.5 The successful tenderer will assume sole responsibility, regardless of any third party or subcontracting agreements it may enter into.

6.5.6 The terms and conditions of this Request for Proposal and any agreement entered into between SA Tourism and Tenderer as a result of a successful proposal by the Tenderer to this Request for Proposal (RFP) shall always be interpreted and subject to the laws of the Republic of South Africa and the jurisdiction of the South Gauteng High Court in Johannesburg. The terms and conditions of this sub-clause 5.5.6 shall survive any subsequent contractual provision or agreement attempting to evade, amend or nullify the said provisions of this sub - clause 5.5.6 to the Request for Proposal.

### 6.6 CONDITIONS OF PAYMENT

No service should be provided to SA Tourism in terms of this tender and no amount will become due and payable by South African Tourism before:

- a cost estimate has been provided by the service provider/supplier.
- an official purchase order has been issued to the supplier where service delivery will be within the

specified time scale after the receipt of the official purchase order; and

Unless otherwise determined in the contract or other agreement, all payments due to creditors will be settled within 30 days from receipt of an invoice or, in the case of civil claims, from the date of settlement or court judgment. This implies that amounts owing will be paid within 30 days from receipt of invoice if the goods, works or services were delivered to the satisfaction of SA Tourism.

Notwithstanding any provisions in this document, no payment will become due or payable unless the invoice is accompanied with:

- a statement, reconciling all monies already paid and still outstanding; and
- all relevant supporting documentation.

All invoices to be issued in the relevant currency in which the contract is done with SA Tourism. No GST or VAT may be levied on work that meets the criteria of an export.

Tenderer shall be responsible for any foreign exchange losses incurred due to currency fluctuations, without having any recourse whatsoever against SA Tourism for such loss.

#### 6.7 QUALITY ASSURANCE

All services rendered by the Tenderer, its personnel, agents or sub-contractors will be subject to on-going evaluation to determine its effectiveness and will be so guaranteed for the full contract period by the Tenderer after acceptance by SA Tourism.

#### 6.8 INTELLECTUAL PROPERTY RIGHTS

All intellectual property rights, applicable to the awarded bidder, including, but not limited to, copyright, trademarks, design rights, patent rights and other similar rights in any works or products created as a result of the performance of contract by the successful bidder will vest in, and should be assigned to SA Tourism, unless specifically agreed otherwise, in the form of individual written Agreements signed by both parties.

#### 6.9 AWARDING OF CONTRACT

Proven relevant experience and success, as well as the ability to deliver services required will be important considerations. By the submission of tender, each submitter warrants that he/she/it is highly skilled, professional, competent and experienced in the area for which he/she has tendered. Any work performed by a successful tenderer will be evaluated.

The tenderer also warrants that the service provided will be of a superior standard, and is unlikely to cause undue difficulties.

The proposal may be awarded, in part or in full, at the sole discretion of SA Tourism, to one or more concerns on a non-exclusive basis. Proposals that are qualified by a tenderer's own conditions may be rejected as being invalid, and failure of the submitter to renounce such conditions when called upon to do so may invalidate the proposal.

SA Tourism may request clarification or additional information regarding any aspect of the proposal. The tenderer must supply the requested information within 24 hours after the request has been made, otherwise the tenderer may be disqualified. SA Tourism may also request a demonstration, and submitters must comply with such a request within 24 hours.

### 7 TERMINATION OF CONTRACT

SA Tourism reserves the right to curtail the scope of any tender awarded or to curtail any aspect of any tenderer. In the event of any such curtailment, the tenderer will have no claim against SA Tourism.

SA Tourism also reserves the right to terminate, in SA Tourism's sole discretion and without providing any reason for the termination, the award of any proposal to any party if such party breaches, on 2 or more occasions, any component of the Service Level Agreement to be signed by both the supplier and

SA Tourism.

## 8 PROPOSAL SUBMISSION

All annexures must be completed in full, using the given numbering format. All attachments or references to attachments must be clearly marked and specific to information required. Compliance or Non-compliance with detailed information must be indicated per paragraph as per numbering format if there are additional and/or alternative products/services, options must be separately tendered for in the form of a separate proposal, and with a complete schedule describing deviations from specifications and technical brochures must be submitted where applicable.

Own conditions submitted by small, micro enterprises will be considered sympathetically by SA Tourism, however SA Tourism reserves the right to call upon the tenderer to renounce such conditions.

If any of the conditions on this tender form are in conflict with any special conditions, stipulations or provisions incorporated in the tender, such special conditions, stipulations or provisions will apply.

### ANNEXURES TO TENDER - REQUEST FOR PROPOSAL

#### 8.1 ANNEXURE A: DETAILED SPECIFICATION OF GOODS & SERVICES

#### 8.2 ANNEXURE B: COMPANY INFORMATION

An affidavit detailing the company structure, classification, sector, assets etc. of a firm is required. The affidavit provides vital information required to evaluate a tender e.g. the SMME/ HDI status of a firm may be ascertained from the information provided. It is therefore compulsory that the document be completed and stamped by a Commissioner of Oath.

No HDI/SMME information needs to be provided by legal entities registered outside the Republic of South Africa.

In the case of more than one party participating in a joint venture that jointly submit a tender for work, the information of all legal entities participating in the joint venture must be provided.

#### 8.3 ANNEXURE C: DETAILED BREAKDOWN OF TOTAL COST AND STANDARD SERVICES

#### 8.4 ANNEXURE D: ACCEPTANCE OF GENERAL TENDER CONDITIONS OF SOUTH AFRICAN TOURISM

#### 8.5 ANNEXURE E: DECLARATION OF INTEREST FOR TENDERS

#### 8.6 ANNEXURE F: TENDER ENTERPRISE DECLARATION AFFIDAVIT:

An affidavit detailing the company structure, classification, sector, assets etc. of a firm is required. The affidavit provides vital information required to evaluate a tender e.g. the SMME/ HDI status of a firm may be ascertained from the information provided. It is therefore compulsory that the document be completed and stamped by a Commissioner of Oath.

#### 8.7 ANNEXURE G: NATIONAL TREASURY CENTRALISED SUPPLIER DATABASE:

To demonstrate compliance to legal and commercial information bidders are required to attach proof of their successful supplier registration on National Treasury's Centralized Supplier Database (CSD).

**SA Tourism will not consider any bids from bidders whose tax status is not valid on CSD or where substantive proof is provided that such tax matter are indeed in order.**

Bidders who are not registered on CSD can do so on <https://secure.csd.gov.za/>

In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate centralized supplier database registration report.

**Where relevant, failure to submit proof of CSD registration may invalidate a tender and/or inclusion in any list or database of prospective suppliers. SA Tourism will not award a bid if proof of CSD**



registration with a valid tax status is not provided by the bidder by the time of the award.

#### 8.8 ANNEXURE H: DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

This annexure 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.

The tender of any tenderer may be disregarded if that tenderer, or any of its directors have:

- Abused the institution's supply chain management system;
- Committed fraud or any other improper conduct in relation to such system; or
- Failed to perform on any previous contract.

#### 8.9 ANNEXURE K : CERTIFICATE OF INDEPENDENT BID DETERMINATION

#### 9. SA TOURISM BUSINESS UNITS AND COUNTRY OFFICES

SA Tourism executes a broad spectrum of segment-specific marketing activities and support activities throughout the world through its various Business Units.

Details of these are as follows:

1	Office of the CEO	Internal Audit
2	Chief Strategy Officer	Insights Analytics
3	Chief Corporate Services	Corporate Governance Corporate Communications and Stakeholder Relations Human Capital Information and Communications Technology
4	Chief Financial Officer	Financial Management Supply Chain and Asset Management Corporate Legal Services
5	Chief Conventions Bureau Officer	Meetings, Incentives, Conference & Events sales Exhibitions and Strategic Events Business Events development and Services Support
6	Chief Operations Officer	Embassy Liaison South Africa * Domestic Marketing Africa Angola West Africa * Europe South Europe Hub France * Spain Portugal Italy Central Europe hub Germany * Austria Switzerland

		<p>UK and Ireland Hub</p> <p>UK *</p> <p>Ireland</p> <p>North Europe Hub</p> <p>Netherlands *</p> <p>Belgium</p> <p>Nordics</p> <p>Americas</p> <p>North Americas Hub</p> <p>US *</p> <p>Canada</p> <p>South Americas Hub</p> <p>Brazil</p> <p>Argentina</p> <p>Chili</p> <p>Asia, Australasia, Middle East</p> <p>Australia and New Zealand Hub</p> <p>Australia *</p> <p>New Zealand</p> <p>Middle East</p> <p>India *</p> <p>Middle East</p> <p>South East</p> <p>Asia Pacific</p> <p>China *</p> <p>Japan *</p>
7	Chief Marketing Officer	<p>Brand and Marketing</p> <p>Global Trade Relations</p> <p>Global Public Relations and Communications</p> <p>Quality Assurance</p>

\* SA Tourism operates physical offices

## 9.1 Scope of services

SA Tourism executes a broad spectrum of segment-specific marketing activities and support activities throughout the five world continents. SA Tourism as a global organization and relies heavily on automated business processes to ensure efficiency and agility in its operations. SA Tourism operates its head office in South Africa with a centralized ICT environment where about 210 SAT network users, from about 11 SAT global offices, have secured access to centralized key systems located at its head office in Sandton, Johannesburg.

9.2 This notice is aimed at gauging the market for potential firms who can supply, implement an automated supplier contract management system. The contract management system should among others support the following functionalities/features:

- Mobility technology;
- Support of business processes, which are aligned to National Treasury requirements as per:
  - Standard Chart of Accounts;
  - Supply Chain Management (SCM) Policy and Guidelines;
- Integration with National Treasury Central Supplier Database;
- Verification of Supplier Banking Information;
- Integration with SA Tourism business systems, such as, Oracle Finance System, SharePoint-based Workflow Management system for Delegation of Authority, etc.
- Visible and Accountable Processing and Management of Request For Proposals/Quotations (RFP/RFQ) as per National Treasury Regulations;
- Reporting as prescribed by SCM Policy for Award Recommendations Reports, Standard Bidding Documents (SBD's);
- Verification and Validation rules as per adherence to Government SCM Policy requirements;
- Bid/Tender Functional Evaluation;
- Bid score evaluation and price specification and PPPFA calculation (80/20 and 90/10);
- Supplier rotation;
- Releases against Transversal contracts (eg. RT56);
- Ability to Track Changes and apply Comments on the draft Contract document during review/negotiation.
- Contract performance management;
- Electronic signature

Only reputable firms with a good track record and proven relevant experience who specialise in this area of work are required to respond to this tender.

9.2.1 It should also be noted that, as a schedule 3 A Public Entity in terms of schedule 3 of the Public Finance Management Act 1 of 1999, SA Tourism fully supports the transformation initiatives advocated by government as provided for in the Preferential Procurement Regulations, 2017 issued in terms of section 5 of the Preferential Procurement Policy Framework Act, Act Number 5 of 2000 (PPPFA) when procuring goods or services from suppliers.

Having regard for the aforementioned. SA Tourism is very much supportive of identifying procurement opportunities that will see participation of Exempted Micro Enterprises (EMEs) and Qualifying Small Enterprise (QSE) where the following designated groups should advantage from:-

- I. Black people
- II. Black people who are youth
- III. Black people who are women
- IV. Black people with disabilities
- V. Black people living in rural or underdeveloped areas or townships
- VI. Cooperatives which are 51% owned by Black people
- VII. Black people who are military veterans

**9.2.2 SA Tourism therefore encourages bidders to form the following collaborations when submitting proposals which will also form part of the evaluation criteria for this bid:**

Supplier type	SAT Requirement	Pre-condition
Not EME or QSE	Sub-contracting of at least 30% of contract value to QSE that has the capability and ability to execute the sub-contract	<ul style="list-style-type: none"> <li>The QSE must at least have the same B-BBEE level of contribution or higher.</li> <li>QSE must be registered on National Treasury CSD with a valid tax clearance status.</li> </ul>
Not EME or QSE	Sub-contracting of at least 30% of contract value to EME that has the capability and ability to execute the sub-contract	<ul style="list-style-type: none"> <li>EME must be registered on National Treasury CSD with a valid tax clearance status.</li> </ul>
QSE	Sub-contracting of at least 30% of contract value to EME	<ul style="list-style-type: none"> <li>EME must be registered on National Treasury CSD with a valid tax clearance status.</li> </ul>
EME	No requirement	<ul style="list-style-type: none"> <li>No requirement</li> </ul>

**9.3 Proposed financial structure/models: -**

Bidders should include in their proposals an all-inclusive financial proposal (including all applicable taxes) for the provision of the system, implementation and also maintenance and support for an initial period of 3 years with an option for extension for an additional 2 years.

Bidders will have further access to information on SA Tourism's current Finance system which is ORCLE upon request to assist with costing for i.e. customisation for seamless integration where required.

**9.4 Short listing**

The evaluation process will call for a live demonstrations of the proposed contract management system either at the bidder's premises or at a site where the proposed solution have successfully been implemented.

**The live demonstration will form part of the bid evaluation process where bidders who are not able to meet this requirement will be disqualified. Bidders should clearly indicate in their proposal if they will be able to meet this requirement.**

**9.5 Bid protocol and packaging of bids**

Bidders should take precaution to not contravene the provisions of Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, which 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).

An agreement to engage in a restrictive horizontal practice is presumed to exist between two or more firms if -

- any one of those firms owns a significant interest in the other, or they have at least one director or substantial shareholder in common; and
- any combination of those firms engages in that restrictive horizontal practice;
- an agreement for co-operation between two or more competing businesses operating at the same level in the market;
- Price fixing- an arrangement in which several competing businesses make a secret agreement to set prices for their products to prevent real competition.

**9.5.1 Proposals are expected to be presented in one pack. The pack, however, should be noticeably subdivided into 3 parts in the following order:**

Bid protocol and packaging of bids

**Part A:** Documents and information relating to the vetting of legal and commercial information where the following information and supporting documents should be provided in sequential order, for vetting and verification purposes:

- a) Cover letter introducing your company and any subcontractors who will participate in the contract and what the main responsibilities would be of each party;
- b) National Treasury Centralised Supplier Database (CSD) registration summary report;
- c) Valid certified copy of B-BBEE certificate / In the case of EME's a Sworn Affidavit on Dti template;
- d) Proof that company is in sound financial position to execute the contract (provide copy of Statement of financial Position, Cash-flow statement, and Statement of Comprehensive Income) or equivalent;
- e) Letter of Good standing - Compensation Fund (COIDA);
- f) Certified copies of South African Identity Documents or Valid Passports of Members, Directors or owner (*Copy with original stamp*);
- g) Bidders must have specific experience and submit at least three recent references (in a form of written proof(s) on their client's letterhead including relevant contact person(s), office telephone & fax number, website and email address) where work were undertaken **where at least 1 reference letter should relate to the services under this tender.**

**Part B-** All documents and completed annexures of the Request for Proposal (RFP) in sequential order as they have been issued where bidders are required to:

- a) Initial each page of the Request For Proposal (RFP) to confirm that they have read and understood the contents of the bid;
- b) Duly completed (and signed where relevant) all Standard Bidding Documentation (SBD's) as required from section 9 onwards, including Annexure A-J and provide certificates where relevant.

Should all of these documents not be included and signed where applicable, the bidder may be disqualified on the basis of non-compliance/ non-responsiveness.

**Part C-** Credentials against the proposed scope of services which should include a cover letter introducing your company and any information which will demonstrate:

- a) Bidders' capability to provide the required services, this may include but not limited to resources e.g. equipment, staff, asset register, global footprint etc. in line with SAT's request for proposals (RFP);
- b) Description and location of premises where the bidder operates from (SAT may perform site inspections of the proposed premises of shortlisted bidders);
- c) Proof of previous relevant experience and confirmation of at least 1 similar implementation which was successfully implemented which clients have paid for and the contract value;
- d) Proposal in line with your understanding of what the scope of work entails and any additional information which you deem valuable for consideration during the bid evaluation process;
- e) Portfolio of evidence to support a bidders indication that they will indeed be able to deliver on this scope of services/work;
- f) Any value added services you are able to offer relevant to this scope of services;
- g) Proposed implementation plan and duration;
- h) Demonstrate proposed sub-contracting to Exempted Micro Enterprises (EMEs) or Qualifying Small Enterprise (QSE) if your firm does not qualify under either of the 2 categories as per paragraph 9.2.2.;
- i) Detailed quantifiable proposed financial models (inclusive of VAT and other taxes) based on your understanding of SAT's full requirements under this tender. Where unsure, as much detail as possible should be provided. SA Tourism will need to be able to determine what the full contract value would be for the entire period of the contract which includes the software, installation, support and maintenance and annual licence fees for 3 years and an additional 2 years should the contract be extended. Also clearly indicate any once-off cost SA Tourism should be aware off.

Companies who fail to adhere to the above requirements; risk being disqualified from the evaluation process.

## 9.6 Anti-Corruption Compliance

SA Tourism is committed to conducting its business ethically and to achieving and maintaining the highest standards of corporate governance, particularly in respect of anti-corruption compliance. We require all of our business partners, suppliers, vendors, contractors and service providers, who play an important and valued role in our continuing business success, to behave ethically and to avoid engaging in corrupt business activities.

To assist SA Tourism in respect of its commitment to ethical business practices, all successful bidders are required to complete an anti-bribery compliance questionnaire and thereafter to undergo an anti-bribery due diligence check ; the outcome thereof may determine, at SA Tourism's discretion, whether SA Tourism will enter into any contractual agreement or other arrangements with the supplier, or not.

SA Tourism reserves the right to disqualify bidders based on the results and outcomes of its risk based anti-bribery due diligence procedures and will not furnish reasons for such decisions.

Successful bidders will further be required to sign warranties and undertake contractually that, in carrying out their responsibilities on behalf of SA Tourism, neither they nor their owners, officers, directors, employees, or their agents or subcontractors will pay, offer, or promise to pay, or authorize the payment directly or indirectly, of any money, gift, or anything of value to any government official or anyone else for the purpose of influencing any act or decision of such official or of the government to obtain or retain business, or to direct business to any person.

## 9.7 Evaluation process

The evaluation process will comprise of the following phases:

Gate 0	Gate 1	Phase III	Phase IV
<b>Administration and Mandatory bid requirements</b>	<b>Functionality</b>	<b>Price and B-BBEE</b>	<b>Recommendation and Appointment</b>
Compliance with administration and mandatory bid requirements	Bids will be evaluated in terms of functionality (Refer to section 9.2 & 10.4 of the bid document)	Comparative prices and B-BBEE level of contribution	Recommendation to SA Tourism Bid Adjudication Committee and appointment

### 9.7.1 Gate 0: Pre-qualification Criteria

Without limiting the generality of SA Tourism's other critical requirements for this Bid, bidder(s) must submit the documents listed paragraph 9.5.1.

All documents must be completed and signed by the duly authorised representative of the prospective bidder(s). During this phase Bidders' responses will be evaluated based on compliance with the listed administration and mandatory bid requirements. The bidder(s) proposal may be disqualified for non-submission of any of the documents.

### 9.7.2 Gate 1: Technical Evaluation Criteria = 100 points

All bidders are required to respond to the technical requirements of the solution as outlined under paragraph 9.2.

Only Bidders that have met the Pre-Qualification Criteria in (Gate 0) will be evaluated in Gate 1 for functionality. Functionality will be evaluated as follows:

- i. Desktop Technical Evaluation - Bidders will be evaluated out of a weight of 50 where bidders will be required to achieve a minimum threshold of 60% (150 points out of a possible maximum of 250 points). Bidders who does not meet the 60% minimum threshold will be eliminated and will not be considered for further evaluation.
- ii. Presentation and system demonstration - Bidders will be evaluated out a weight 50 where bidders will be required to achieve a minimum threshold of 60% (150 points out of a possible maximum of 250).
- iii. The overall combined score must be equal or above 300 points out of a possible 500 maximum points in order to proceed to Gate 2 for Price and BBBEE evaluations.

The Bidder's information will be scored according to the following points system:

Functionality	Maximum Points Achievable	Minimum Threshold
Desktop Technical Evaluation	250	60% / 150 points
Evaluation criteria in the scorecard below		
Presentation and system demonstration	250	60% / 150 points
<b>OVERALL COMBINED POINTS</b>	<b>500</b>	

The evaluation process will call for a live demonstration of the proposed solution either at the bidder's premises or at a site where the proposed solution have been successfully implemented.

**The live demonstration will form part of the bid evaluation process where bidders who are not able to meet this requirement will be disqualified. Bidders should clearly indicate in their proposal if they will be able to meet this requirement and also indicate the proposed site where the demonstration is scheduled to take place.**

**Bidders must indicate their ability to do the following and to substantiate as required with supporting documentation.**

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.

SA Tourism 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.

Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed;

- 9.7.3 South African Tourism 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.

## 9.7.4 Criteria and weighting for Functionality:

Deliverables / Performance Indicators	Allocated weight
Bidders' relevant experience to the scope of work specifically demonstrating capacity and capability pertaining to the scope of work under this tender. 3 years up to 5 = 3 + 5 years up to 7 = 4 more than 7 years = 5	10
Proof of previous relevant experience and confirmation of at least 1 similar implementation which was successfully implemented which clients have paid for and the contract value	10
Proposed project plan for implementation from appointment to go-live date	10
Proposed support and maintenance plan	5
Demonstrate proposed sub-contracting to (EME's) or (QSE's) if your firm does not qualify under either of the 2 categories as per paragraph 9.2.2;	10
Value-add (what additional value will SAT receive from this business relationship should you be the successful bidder)	5
	50 tw - total weight
System demonstration of proposed solution	50
	50 tw - total weight

9.7.5 Bids proposals will be evaluated strictly according to the bid evaluation criteria stipulated in this section.

9.7.6 Bidders must, as part of their bid documents, submit supportive documentation (PORTFOLIO OF EVIDENCE) for all functional requirements as indicated in the Terms of Reference. The panel responsible for scoring the respective bids will evaluate and score all bids based on information presented in the bid proposals in line with the RFP and the subsequent system demonstration.

9.7.7 The score for functionality will be calculated as in terms of the table below where each Bid Evaluation Committee (BEC) member will rate each individual criterion on the score sheet using the following value scale:

Rating	Definition	Score
<b>Excellent</b>	<b>Exceeds</b> the requirement. Exceptional demonstration by the bidder of the relevant ability, understanding, experience, skills, resources and quality measures required to provide the goods / services. Response identifies factors that will offer potential added value, with supporting evidence.	5
<b>Good</b>	<b>Satisfies</b> the requirement with <b>minor additional benefits</b> . Above average demonstration by the bidder of the relevant ability, understanding, experience, skills, resource and quality measures required to provide the goods / services. Response identifies factors that will offer potential added value, with supporting evidence.	4
<b>Acceptable</b>	<b>Satisfies</b> the requirement. Demonstration by the supplier of the relevant ability, understanding, experience, skills, resource, and quality measures required to provide the goods / services, with supporting evidence.	3
<b>Minor Reservations</b>	Satisfies the requirement with <b>minor reservations</b> . Some minor reservations of the supplier's relevant ability, understanding, experience, skills, resources and quality measures required to provide the goods / services, with little or no supporting evidence.	2
<b>Serious Reservations</b>	Satisfies the requirement with <b>major reservations</b> . Considerable reservations of the supplier's relevant ability, understanding, experience, skills, resources and quality measures required to provide the goods / services, with little or no supporting evidence.	1
<b>Unacceptable</b>	<b>Does not meet the requirement</b> . Does not comply and/or insufficient information provided to demonstrate that the supplier has the ability, understanding, experience, skills, resource & quality measures	0



	required to provide the goods / services, with little or no supporting evidence.	
--	--	--

- 9.7.8 The value scored for each criterion will be multiplied with the specified weighting for the relevant criterion to obtain the marks scored for each criterion. These scores will be added and expressed as a fraction of the best possible score for all criteria. The total score will be converted to a percentage and only Bidders that have met or exceeded the minimum threshold of 60 % for functionality will be advanced to next stage of the evaluation process which will look at the live demonstration of the proposed system.
- 9.7.9 Bidders will further be required to score at least 60% or more during the live demonstration evaluation phase to advance to the final bid evaluation stage where comparative pricing and B-BBEE status level of contributor will determine who the preferred bidder will be for this tender.
- 9.7.9 The bidder who normally scores the highest points for comparative pricing and B-BBEE status level of contributor will be deemed the preferred bidder who SA Tourism will enter into further negotiations with for this tender.

#### 9.8 Points awarded for B-BBEE status level of contributor

This tender will be evaluated using the 80/20 preference point system.

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

**“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed;

- 9.8.1 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA’s approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates;

**“EME”** means any enterprise with annual total revenue of R5 million or less.

- 9.8.2 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS;

- 9.8.3 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate;
- 9.8.4 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid;
- 9.8.5 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice;
- 9.8.6 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract;
- 9.8.7 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

**9.9 BID DECLARATION**

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

9.9.2 B-BBEE Status Level of Contribution: = ..... (maximum of 20 points) Please list both;

Points claimed must be in accordance with the table reflected in paragraph 10.5 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

**9.9.3 SUB CONTRACTING**

“sub-contract” means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;

9.9.4 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

9.9.5 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?	YES / NO (delete which is not applicable)

[IF YES ENCLOSE  
PROOF]

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 contribution indicated in paragraph 9.7.2 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 paragraph 7, 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 contribution 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) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, 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.

The undersigned is duly authorised on behalf of the firm and affirms that the information furnished is true and correct	
Signature :	
Duly authorised to sign on behalf of	
Witness signature 1	
Witness signature 2	
Commissioner of Oath Signature	
Date	
Commissioner of Oath Stamp	

Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed;

South African Tourism 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.

## 10. ANNEXURE B - COMPANY INFORMATION

THE FOLLOWING PARTICULARS MUST BE FURNISHED (FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)	
BID IN RESPECT OF TENDER NO	
LEGAL NAME OF BIDDER	
TRADING NAME OF BIDDER	
COMPANY / CLOSE CORPORATION REGISTRATION NUMBER	
VAT REGISTRATION NUMBER	
TAX CLEARANCE NUMBER	
TAX CLEARANCE EXPIRY DATE	
HAS PROOF OF CENTRALISED SUPPLIER DATABASE REGISTRATION BEEN SUBMITTED?	YES or NO
B-BBEE STATUS LEVEL OF CONTRIBUTION	
HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE BEEN SUBMITTED? (SBD 6.1)	YES or NO

IF YES, WHO WAS THE CERTIFICATE ISSUED BY?

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)	<input type="checkbox"/>
A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS); OR	<input type="checkbox"/>
A REGISTERED AUDITOR	<input type="checkbox"/>

**(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE)**

[TICK APPLICABLE BOX]

POSTAL ADDRESS		
STREET ADDRESS		
CONTACT PERSON FOR THIS TENDER		
TELEPHONE NUMBER	Code:	Number:
CELLPHONE NUMBER		
FACSIMILE NUMBER	Code:	Number:
E-MAIL ADDRESS		

<b>TYPE OF COMPANY/FIRM</b>
<input type="checkbox"/> PARTNERSHIP / JOINT VENTURE / CONSORTIUM
<input type="checkbox"/> ONE PERSPN BUSINESS / SOLE PROPRIETY
<input type="checkbox"/> CLOSE CORPORATION
<input type="checkbox"/> COMPANY
<input type="checkbox"/> (PTY) LIMITED
<input type="checkbox"/> Other - Specify
<b>DESCRIBE PRINCIPAL BUSINESS ACTIVIES</b>
<b>COMPANY CLASIFICATION</b>
<input type="checkbox"/> MANUFACTURER
<input type="checkbox"/> SUPPLIER
<input type="checkbox"/> PROFESSIONAL SERVICE PROVIDER
<input type="checkbox"/> OTHER e.g. transport etc (specify)

Total number of years the firm has been in business	
Total number of employees :	
Full Time	
Part Time	
<b>Street Address of all Facilities used by Firm (eg. Warehousing, storage space, offices etc.)</b>	
<b>Do you Share Facilities</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>If yes, which facilities</b>	
<b>With who do you share facilities (Name of Firm / Individual)</b>	

What is the enterprises annual turnover (excl VAT) during the lesser period for which the business has been operating, or for the previous three financial years			
Rand amount :	R		
Or Previous three financial years	Year	Year	Year
	R	R	R

The undersigned is duly authorised on behalf of the firm and affirms that the information furnished is true and correct	
Name and surname	
Signature	
Capacity under which the bid is signed	
Duly authorised to sign on behalf of	
Date	
Commissioner of Oath Signature	
Commissioner of Oath Stamp	

**11. ANNEXURE C: DETAILED BREAKDOWN OF TOTAL COST AND STANDARD SERVICES**

Bidders are required to summarize the cost as per the proposed financial models for the equipment, installation and support and maintenance for 3 years and 5 years (inclusive of VAT) i.e.:

**SUMMARY OF TOTAL COST:**

TOTAL BID PRICE	ZAR (Including all applicable taxes)	Projected annual escalation Percentage
YEAR 1 (Support & Maintenance)		
YEAR 2 (Support & Maintenance)		
YEAR 3 (Support & Maintenance)		
OTHER - SPECIFY		
OTHER - SPECIFY		
OTHER - SPECIFY		
TOTAL COST FOR 3 YEARS		

YEAR 4 (Support & Maintenance)		
YEAR 5 (Support & Maintenance)		
OTHER - SPECIFY		
OTHER - SPECIFY		
OTHER - SPECIFY		
TOTALCOST FOR 5 YEARS		

**12. TIME FRAMES**

Include a detailed project / roll-out plan / implementation plan where applicable.

**13. ANNEXURE D: ACCEPTANCE OF GENERAL TENDER CONDITIONS OF SOUTH AFRICAN TOURISM**

I/We hereby tender to supply all or any of the services described in the Tender Request for Proposal, in accordance with the specifications stipulated therein (and which will be taken as part of, and incorporated into, this tender submission) at the prices and on the terms regarding time for delivery and/or execution inserted therein, to South African Tourism on the terms of the General Tender Conditions of South African Tourism

I/WE AGREE THAT -

- 13.1 the offer herein will remain binding upon me/us and open for acceptance by South African Tourism during the Validity Period indicated and calculated from the closing time of the tender.
- 13.2 if I/we withdraw my/our tender within the period for which I/we have agreed that the tender will remain open for acceptance, or fail to fulfill the contract when called upon to do so, South African Tourism may, without prejudice to its other rights, agree to the withdrawal of my/our tender or cancel the contract that may have been entered into between me/us and South African Tourism and I/we will then pay to South African Tourism any additional expense incurred by South African Tourism having either to accept any less favorable tender or, if fresh tenders have to be invited, the additional expenditure incurred by the invitation of fresh tenders and by the subsequent acceptance of any less favourable tender; South African Tourism will also have the right to recover such additional expenditure by set-off against moneys which may be due or become due to me/us under this or any other tender or contract or against any guarantee or deposit that may have been furnished by me/us or on my/our behalf for the due fulfillment of this or any other tender or contract and pending the ascertainment of the amount of such additional expenditure to retain such moneys, guarantee or deposit as security for any loss the Province may sustain by reason of my/our default;
- 13.3 if my/our tender is accepted the acceptance may be communicated to me/us by letter or order by ordinary post or registered post and that SA Post Office Ltd will be regarded as my/our agent; and delivery of such acceptance to SA Post Office Ltd will be treated as delivery to me/us;
- 13.4 the law of the Republic of South Africa will govern the contract created by the acceptance of my/our tender and that I/we choose domicilium citandi et executandi in the Republic at (full address of this place)

We furthermore confirm that I/we have satisfied myself/ourselves as to the correctness and validity of my/our tender; that the price(s) and rate(s) quoted cover all the work/item(s) specified in the tender documents and that the price(s) and rate(s) cover all my/our obligations under a resulting contract and that I/we accept that any mistakes regarding price(s) and calculations will be at my/our risk.

I/We hereby accept full responsibility for the proper execution and fulfillment of all obligations and conditions devolving on me/us under this agreement as the Principal(s) liable for the due fulfillment of this contract.

I/We agree that any action arising from this contract may in all respects be instituted against me/us and I/we hereby undertake to satisfy fully any sentence or judgment which may be pronounced against me/us as a result of such action.

I/We agree that background screening can be done to all directors of our legal entity that submits this bid

I/We declare that I/we have participation /no participation in the submission of any other offer for the supplies/services described in the attached documents. If in the affirmative, state name(s) of tender(s) involved:




Duly signed by authorised person on this            day of    2017    as    unconditional acceptance of the terms and conditions of this Tender.

Name: \_\_\_\_\_ Signature: \_\_\_\_\_

In capacity as: \_\_\_\_\_

**These conditions form part of the tender and failure to comply therewith may invalidate a tender.**

**14 ANNEXURE E: DECLARATION OF INTEREST FOR TENDERS**

This declaration must accompany tender documents submitted.

Any legal person, including persons employed by the South African Tourism or persons who act on behalf of South African Tourism or persons having a kinship with persons employed by South African Tourism including a blood relationship may make an offer or offers in terms of this tender invitation. In view of possible allegations of favouritism, should the resulting tender, or part thereof, be awarded to persons employed by South African Tourism, or to persons who act on behalf of South African Tourism, or to persons connected with or related to them, it is required that the tenderer or his/her authorized representative will declare his/her position vis-à-vis the evaluating authority and/or take an oath declaring his/her interest, where

The tenderer is employed by South African Tourism or acts on behalf of South African Tourism; and/or the legal person on whose behalf the tender document is signed, has a relationship with persons/a person who are/is involved with the evaluation of the tender(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 of the tender.

In order to give effect to the above, complete the following and submit with the tender.

Are you or any person connected with the tenderer, act on behalf of, or employed by South African Tourism?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If Yes, state particulars :		
Do you, or any person connected with the tenderer, have any relationship (family, friend, other) with a person employed in the department concerned or with South African Tourism, and who may be involved with the evaluation or adjudication of this tender?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If Yes, state particulars :		
Are you or any person connected with the tenderer, aware of any relationship (family, friend, other) between the tenderer and any person employed by South African Tourism, who may be involved with the evaluation or adjudication of this tender?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If Yes, state particulars :		

Duly signed by authorised person on this \_\_\_\_\_ day of \_\_\_\_\_ 2017 as

Declaration of Interest for the tendering of: \_\_\_\_\_

TENDER REQUIREMENT, TENDER NUMBER.

Signature: \_\_\_\_\_  
 Print Name: \_\_\_\_\_  
 In capacity as: \_\_\_\_\_  
 For and on behalf of: \_\_\_\_\_  
 COMPANY NAME (TENDERER): \_\_\_\_\_

Commissioner of Oath:
-----------------------

**15 ANNEXURE F: DECLARATION OF INTEREST FOR TENDERS (SBD4)**

This declaration must accompany tender documents submitted.

1 Any legal person, including persons employed by the state, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should be 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 authorized representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is self 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 bidders or his or her representative:	
2.2	Identity Number:	
2.3	Position occupied in the company (director, trustee, shareholder):	
2.4	Company registration number:	
2.5	Tax reference number:	
2.6	Vat registration number:	

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:

2.7.1.1	Name of person / director / trustee / shareholder / member:	
2.7.1.2	Name of state institution at which you or the person connected to the bidder is employed:	
2.7.1.3	Position occupied in the state institution:	
2.7.1.4	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 the 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 yes, 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 of this bid? YES / NO

2.9.1 If yes, 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 yes, 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 yes, furnish particulars:

--	--

3 Full details of directors/trustees/members/shareholders

	Full Name	Identity Number	Personal Reference Number	Tax Number	State Employee Number / Persal Number
3.1					
3.2					
3.3					
3.4					
3.5					
3.6					
3.7					
3.8					
3.9					

4 DECLARATION

I, THE UNDERSIGNED (NAME) \_\_\_\_\_

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

I ACCEPT THAT THE STAE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 3 OF THE GENEREAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
POSITION

\_\_\_\_\_  
NAME OF BIDDER

**16. ANNEXURE G - NATIONAL TREASURY CENTRALISED SUPPLIER DATABASE (this is only applicable for South African registered legal entities)**

To demonstrate compliance to commercial information bidders are required to attach proof of their successful supplier registration on National Treasury's Centralized Supplier Database (CSD).

**SA Tourism will not consider any bids from bidders whose tax status is not valid on CSD.**

Bidders who are not registered on CSD can do so on <https://secure.csd.gov.za/>

In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate centralized supplier database registration report.

**Failure to submit proof of CSD registration shall invalidate a tender and/or inclusion in any list or database of prospective suppliers.**

**17. ANNEXURE H - DECLARATION OF BIDDERS'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES (SBD8)**

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

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.

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

- abused the institution's supply chain management system;
- committed fraud or any other improper conduct in relation to such system; or
- failed to perform on any previous contract.

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

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

17.4	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"/>
17.4.1	If so, furnish particulars:		

**CERTIFICATION**

I, the undersigned, (NAME IN FULL) \_\_\_\_\_, certify that the information furnished on this Declaration is true and correct.

I accept that, in addition to cancellation of a contract, action may be taken against me should this declaration, made on behalf of the tendering company, prove to be false.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Position

\_\_\_\_\_  
Name of bidder



**18. ANNEXURE K - CERTIFICATE OF INDEPENDENT BID DETERMINATION (SBD9)**

- 18.1 This Standard Bidding Document (SBD) must form part of all bids<sup>1</sup> invited.
- 18.2 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).<sup>2</sup> Collusive bidding is a *per se* prohibition meaning that it cannot be justified under any grounds.
- 18.3 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.

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.

In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> 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.

**19. CERTIFICATE OF INDEPENDENT BID DETERMINATION (SBD9)**

I, the undersigned, in submitting the accompanying bid:

.....  
(Bid number and Description)

in response to the invitation for the bid made by:

**SOUTH AFRICAN TOURISM**

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)

- 19.1 I have read and I understand the contents of this Certificate;
- 19.2 I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
- 19.3 I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
- 19.4 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;
- 19.5 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.
- 19.6 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<sup>3</sup> will not be construed as collusive bidding.
- 19.7 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.
- 19.8 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.

19.9 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.

<sup>3</sup> 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.

19.10 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