



**SOUTH AFRICAN TOURISM**

**GENERAL TENDER CONDITIONS**

**AND**

**TENDER - REQUEST FOR PROPOSALS**

**Tender no SAT 162/19**

**Marketing and Communications Agency Services**

**Date issued: 28 June 2019**

**Tender due date: 19 July 2019 (12h00)**

**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

The South African Tourism Board (South African 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 South African 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 strategic industry in terms of the National Tourism Sector Strategy as it supports government objectives of alleviating the triple challenges of unemployment, poverty and inequality.

The scope of South African Tourism's business includes four 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 the tourism sector/industry through the delivery of both Visitor Experience and the Tourism Grading Council of South Africa.
- IV. Corporate - enhancing the South African Tourism brand

Government invests billions of Rands each year in the provision of goods and services that are needed to deliver public policy and business objectives. Good public service outcomes depend on good procurement.

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 is essential that the information supplied is both correct and true.

South African Tourism has a detailed evaluation methodology premised on Treasury Regulation 16A.3 promulgated under Section 76 of the Public Finance Management Act, 1999 (Act, No. 1 of 1999), the Preferential Procurement Policy Framework Act 2000 (Act, No.5 of 2000) read with Preferential Procurement Regulations 2017, and the Broad-Based Black Economic Empowerment Act, 2003 (Act, No. 53 of 2003).

Prospective tenderers must periodically review

<https://www.southafrica.net/gl/en/corporate/page/tenders> for updated information or amendments regarding this tender, prior to due dates.

## 2 CLOSING DATE

The closing date for the submission of proposals is **12h00 on Friday, 19 July 2019**. 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 regarding claims arising from the fact that pages are missing or duplicated.
- 3.4 **Each tender submission must include 1 original, 1 hard copy and 2 electronic copies (exact replicas of the hard copy to be provided in PDF format and/or pptx all AV files to be indexed and filed appropriately) on a memory stick compatible with PC.** All memory sticks to be attached to the hard copy and labelled. All submissions must be submitted in separate sealed envelopes.

The South African Tourism agency model is designed to source best in breed agencies for each of the respective marketing disciplines as outlined under paragraph 9.3.1.

Agencies can submit a bid for one, more or all the marketing disciplines but should do so as separate proposals.

However, when submitting proposals for one, more or all the marketing disciplines bidders only need to submit one set of all the documents and annexures as required under paragraph 9.5.1, Part A and Part B.

**(Please clearly mark which proposal is the original)** with the following markings:

Tender Number:	SAT 162/19
Description:	Marketing and Communications Agency Services (and the respective discipline being tendered for)
Closing date:	12h00 on 19 July 2019
Name of Company:	(Tenderer)
Contact Person:	(Tenderer)

**Failure to comply with the above requirements may compromise the tenderers qualification.**

- 3.5 Tenders should be hand delivered or couriered to the following address 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 Management Sourcing Manager
South African Tourism	South African Tourism
Bojanala House	Bojanala House
90 Protea road	90 Protea road
Chislehurst	Chislehurst
Sandton, 2146	Sandton, 2146

- 3.6 No tenders transmitted by telegram, telex, facsimile, E-mail or similar apparatus will be considered.

#### 4. CONTACT AND COMMUNICATION

- 4.1 A nominated official of the bidder(s) can make enquiries in writing, to the specified person, Mrs Pulane Muligwa via email [pulane@southafrica.net](mailto:pulane@southafrica.net) and/or +27 11 895 3016. Bidder(s) must reduce all telephonic enquiries to writing and send to the above email address, on or before 16h00, 9 July 2019. All responses will be published on SA Tourism's website <https://www.southafrica.net/gl/en/corporate/page/tenders>, no later than 12 July 2019.
- 4.2 Any communication to an official or a person acting in an advisory capacity for South African Tourism in respect of the bid after the closing date and the award of the bid by the Bidder(s) is discouraged.
- 4.3 All communication between the Bidder(s) and South African Tourism must be done in writing within the prescribed period.
- 4.4 Whilst all due care has been taken in connection with the preparation of this bid, South African 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. South African Tourism, and its employees and advisors will not be liable with respect to any information communicated which may not be accurate, current or complete.
- 4.5 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 South African Tourism (other than minor clerical matters), the Bidder(s) must promptly notify South African Tourism in writing of such discrepancy, ambiguity, error or inconsistency to afford South African Tourism an opportunity to consider what corrective action is necessary (if any).
- 4.6 Any actual discrepancy, ambiguity, error or inconsistency in the bid or any other information provided by South African Tourism will, if possible, be corrected and provided to all Bidder(s) without attribution to the Bidder(s) who provided the written notice.
- 4.7 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 developing a proposal in response to this Bid.

## 5 SECURITY AND INTEGRITY CLEARANCE

All information documents, records and books provided by South African 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 South African Tourism, which will be granted in writing prior to such disclosure. South African Tourism, however, reserves the right to disclose any information provided by any tenderer to any of the employees of South African Tourism for successful tenders.

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

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

### 5.1 FALSE INFORMATION

Should the Tenderer:

- provide and/or provides South African Tourism intentionally or negligently with false and/or misleading information;
- intentionally or negligently omits any material fact;
- render any statement that may be misleading;
- or any subsequent information or representation of information, as it relates to this tender

Shall entitle South African 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 South African Tourism has in terms of such agreement and/or any law.

### 5.2 VAT, DUTIES AND OTHER TAXES

Prices 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).

## 6 SPECIAL TENDER CONDITIONS

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

South African Tourism is/will not be liable for any costs incurred in preparation and delivery of tenders. South African Tourism will however consider contributing set amounts only to shortlisted agencies for this tender who will participate during phase two of the tender process to assist with the preparation of final agency pitches.

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

### 6.1 TENDER SURETY

South African Tourism requires no proposal surety but however reserves the right to review this position at contractual stages.

## 6.2 DOWNSCALING OF WORK

South African Tourism reserves the right to downscale the required services and associated costs, should the need arise. In such cases, South African Tourism will only downscale such services after every completed contractual period of 12 months. At least 3 months' written notice of such downscaling will be provided to the successful bidder.

## 6.3 VALIDITY PERIOD

The tender proposal must remain valid for at least five (5) 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 South African Tourism.

6.5.3 Other than providing rights to South African Tourism, nothing in this Tender Request and tender response should be construed to give rise to South African 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 South African 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) and a service level agreement, has been signed by both the Tenderer and South African 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.

6.5.6 The terms and conditions of this Request for Proposal and any agreement entered between South African Tourism and Tenderer because 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 6.5.6 shall survive any subsequent contractual provision or agreement attempting to evade, amend or nullify the said provisions of this sub - clause 6.5.6 to the Request for Proposal.

## 6.6 CONDITIONS OF PAYMENT

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

- a cost estimate and relevant 3<sup>rd</sup> party supporting documents (where applicable) has been provided by the service provider/supplier.

- an official purchase order or similar written instruction has been issued to the supplier where service delivery will be within the specified time scale after the receipt of the official purchase order or similar written instruction; 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 South African 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 must be issued in the relevant currency in which the contract is done with South African 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 South African 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 South African 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 the Request for Proposal and the tender response and in any works or products created as a result of the performance of the Tenderer in relation to



this Request for Proposal and tender response, will vest in, and are hereby assigned to South African 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 South African 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.

South African 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. South African Tourism may also request a demonstration/presentation and submitters must comply with such a request within 24 hours.

#### 6.10 CONFLICT OF INTEREST, CORRUPTION AND FRAUD

South African Tourism reserves its right to disqualify any bidder who either itself or any of whose members (save for such members who hold a minority interest in the bidder through shares listed on any recognised stock exchange), indirect members (being any person or entity who indirectly holds at least a 15% interest in the bidder other than in the context of shares listed on a recognised stock exchange), directors or members of senior management, whether in respect of South African Tourism or any other government organ or entity and whether from the Republic of South Africa or otherwise ("Government Entity")

- (a) engages in any collusive tendering, anti-competitive conduct, or any other similar conduct, including but not limited to any collusion with any other bidder in respect of the subject matter of this bid;
- (b) seeks any assistance, other than assistance officially provided by a Government Entity, from any employee, advisor or other representative of a Government Entity to obtain any unlawful advantage in relation to procurement or services provided or to be provided to a Government Entity;
- (c) makes or offers any gift, gratuity, anything of value or other inducement, whether lawful or unlawful, to any of South African Tourism officers, directors, employees, advisors or other representatives;
- (d) makes or offers any gift, gratuity, anything of any value or other inducement, to any Government Entity's officers, directors, employees, advisors or other representatives to obtain any unlawful advantage in relation to procurement or services provided or to be provided to a Government Entity;
- (e) accepts anything of value or an inducement that would or may provide financial gain, advantage or benefit in relation to procurement or services provided or to be provided to a Government Entity;
- (f) pays or agrees to pay to any person any fee, commission, percentage, brokerage fee, gift or any other consideration, that is contingent upon or results from, the award of any tender, contract, right or entitlement which is in any way related to procurement or the rendering of any services to a Government Entity;
- (g) has in the past engaged in any matter referred to above; or

- (h) has been found guilty in a court of law on charges of fraud and/or forgery, regardless of whether a prison term was imposed and despite such bidder, member or director's name not specifically appearing on the List of Tender Defaulters kept at National Treasury.

#### 6.11 MISREPRESENTATION DURING THE LIFECYCLE OF THE CONTRACT

The bidder should note that the terms of its Tender will be incorporated in the proposed contract by reference and that South African Tourism relies upon the bidder's Tender as a material representation in making an award to a successful bidder and in concluding an agreement with the bidder.

It follows therefore that misrepresentations in a Tender may give rise to service termination and a claim by South African Tourism against the bidder notwithstanding the conclusion of the Service Level Agreement between South African Tourism and the bidder for the provision of the Service in question. In the event of a conflict between the bidder's proposal and the Service Level Agreement concluded between the parties, the Service Level Agreement will prevail.

#### 6.12 PREPARATION COSTS

The Bidder will bear all its costs in preparing, submitting and presenting any response or Tender to this bid. Furthermore, no statement in this bid will be construed as placing South African Tourism, its employees or agents under any obligation whatsoever, including in respect of costs, expenses or losses incurred by the bidder(s) in the preparation of their response to this bid.

South African Tourism will however consider contributing set amounts to short-listed agencies, at its discretion for some of the marketing disciplines, who will participate during phase two of the tender process in preparation of their final pitches.

#### 6.13 INDEMNITY

If a bidder breaches the conditions of this bid and, as a result of that breach, South African Tourism incurs costs or damages (including, without limitation, the cost of any investigations, procedural impairment, repetition of all or part of the bid process and/or enforcement of intellectual property rights or confidentiality obligations), then the bidder indemnifies and holds South African Tourism harmless from any and all such costs which South African Tourism may incur and for any damages or losses South African Tourism may suffer.

#### 6.14 PRECEDENCE

This document will prevail over any information provided during any briefing session whether oral or written, unless such written information provided, expressly amends this document by reference.

Prospective tenderers must periodically review

<https://www.southafrica.net/gl/en/corporate/page/tenders> for updated information or amendments with regard to this tender, prior to due dates.

#### 6.15 LIMITATION OF LIABILITY

A bidder participates in this bid process entirely at its own risk and cost. South African Tourism shall not be liable to compensate a bidder on any grounds whatsoever for any costs incurred or any damages suffered because of the Bidder's participation in this Bid process.

**6.16 TAX COMPLIANCE**

No tender shall be awarded to a bidder who is not tax compliant. South African Tourism reserves the right to withdraw an award made, or cancel a contract concluded with a successful bidder if it is established that such bidder was in fact not tax compliant at the time of the award or has submitted a fraudulent Tax Clearance Certificate to South African Tourism, or whose verification against the Central Supplier Database (CSD) proves non-compliant. South African Tourism further reserves the right to cancel a contract with a successful bidder if such bidder does not remain tax compliant for the full term of the contract.

The Central Supplier Database (CSD) and the tax compliance status PIN are the approved methods of verifying the tax compliance of a bidder. The South African Revenues Services (SARS) does not issue Tax Clearance Certificates anymore but has introduced an online provision via eFiling, for bidders to print their own Tax Clearance Certificates which they can submit with their bids or price quotations.

South African Tourism will therefore accept printed or copies of Tax Clearance Certificates submitted by bidders but will verify their authenticity on eFiling.

**This is applicable for all individual bidding agencies, agency partners within agency groups and consortiums**

**6.17 TENDER DEFAULTERS AND RESTRICTED SUPPLIERS**

No tender shall be awarded to a bidder whose name (or any of its members, directors, partners or trustees) appear on the Register of Tender Defaulters kept by National Treasury, or who have been placed on National Treasury's List of Restricted Suppliers. South African Tourism reserves the right to withdraw an award, or cancel a contract concluded with a Bidder should it be established, at any time, that a bidder has been blacklisted with National Treasury by another government institution.

**6.18 GOVERNING LAW**

South African law governs this bid and the bid response process. The bidder agrees to submit to the exclusive jurisdiction of the South African courts in any dispute of any kind that may arise out of or in connection with the subject matter of this bid, the bid itself and all processes associated with the bid.

**6.19 RESPONSIBILITY FOR SUB-CONTRACTORS AND BIDDER'S PERSONNEL**

A bidder is responsible for ensuring that its personnel (including agents, officers, directors, employees, advisors and other representatives), its sub-contractors (if any) and personnel of its sub-contractors comply with all terms and conditions of this bid. If South African Tourism allows a bidder to make use of sub-contractors, such sub-contractors will always remain the responsibility of the bidder and South African Tourism will not under any circumstances be liable for any losses or damages incurred by or caused by such sub-contractors.

**6.20 CONFIDENTIALITY**

Except as may be required by operation of law, by a court or by a regulatory authority having appropriate jurisdiction, no information contained in or relating to this bid or a bidder's tender(s) will be disclosed by

any bidder or other person not officially involved with South African Tourism's examination and evaluation of a Tender.

No part of the bid may be distributed, reproduced, stored or transmitted, in any form or by any means, electronic, photocopying, recording or otherwise, in whole or in part except for the purpose of preparing a Tender. This bid and any other documents supplied by South African Tourism remain proprietary to South African Tourism and must be promptly returned to South African Tourism upon request together with all copies, electronic versions, excerpts or summaries thereof or work derived there from.

Throughout this bid process and thereafter, bidder(s) must secure South African Tourism's written approval prior to the release of any information that pertains to (i) the potential work or activities to which this bid relates; or (ii) the process which follows this bid. Failure to adhere to this requirement may result in disqualification from the bid process and civil action.

#### 6.21 SOUTH AFRICAN TOURISM PROPRIETARY INFORMATION

Bidder will on their bid cover letter make declaration that they did not have access to any South African Tourism proprietary information or any other matter that may have unfairly placed that bidder in a preferential position in relation to any of the other bidder(s).

#### 6.22 AVAILABILITY OF FUNDS

Should funds no longer be available to pay for the execution of the responsibilities of this bid (RFP SAT 162/19), South African Tourism may terminate the Agreement at its own discretion or temporarily suspend all or part of the services by notice to the successful bidder who shall immediately make arrangements to stop the performance of the services and minimize further expenditure: Provided that the successful bidder shall thereupon be entitled to payment in full for the services delivered, up to the date of cancellation or suspension.

#### 6.23 ANTI-CORRUPTION COMPLIANCE

South African 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 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.

Successful bidders will be required to undertake contractually that, in carrying out their responsibilities on behalf of South African 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.

#### 6.24 FRONTING

South African Tourism supports the spirit of broad based black economic empowerment and recognizes that real empowerment can only be achieved through individuals and businesses conducting themselves in accordance with the Constitution and in an honest, fair, equitable, transparent and legally compliant manner. Against this background South African Tourism condemns any form of fronting.

South African Tourism, in ensuring that Bidders conduct themselves in an honest manner will, as part of the bid evaluation processes, conduct or initiate the necessary enquiries/investigations to determine the accuracy of the representation made in bid documents. Should any of the fronting indicators as contained in the Guidelines on Complex Structures and Transactions and Fronting, issued by the Department of Trade and Industry, be established during such enquiry / investigation, the onus will be on the Bidder / contractor to prove that fronting does not exist. Failure to do so within a period of 14 days from date of notification may invalidate the bid / contract and may also result in the restriction of the Bidder /contractor to conduct business with the public sector for a period not exceeding ten years, in addition to any other remedies South African Tourism may have against the Bidder / contractor concerned.

Should fronting be inferred or detected, it will be referred to the BEE commission for investigation.

#### 6.25 SUPPLIER DUE DILIGENCE

South African Tourism reserves the right to conduct supplier due diligence prior to final award or at any time during the contract period. This may include site visits and requests for additional information.

#### 6.26 DURATION OF THE CONTRACT

South African Tourism intends to enter into a 60 (sixty) month contract and service level agreement with the successful bidders. A service level agreement/contract, with performance indicators based on the specification of the bid, will be concluded with the successful bidders to facilitate contract management and performance monitoring. The said agreements will quantify cost-benefits and mitigate risks to South African Tourism whilst protecting the successful bidders from scope creep.

Deliverables will be monitored continuously to ensure that products/services are delivered in accordance with the conditions of the contracts. The preferred bidders will be required to submit performance reports, i.e. through a progress tracking report monthly until closure of the contracts.

#### 7 TERMINATION OF CONTRACT

South African 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 South African Tourism.

South African Tourism also reserves the right to terminate, in South African 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 South African 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 South African Tourism, however South African Tourism reserves the right to call upon the tenderer to renounce such conditions.

If any of the conditions on this tender form 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**

The affidavit provides vital information required to evaluate a tender. It is therefore compulsory that the document be completed and stamped by a Commissioner of Oath.

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:**

- (a) Bidders are required to be registered on the Central Supplier Database and the National Treasury shall verify the bidder's tax compliance status through the Central Supplier Database.
- (b) Where Consortia / Joint Ventures / Sub-contractors are involved, each party must be registered on the Central Supplier Database and their tax compliance status will be verified through the Central Supplier Database. Consortia and Joint Ventures are also expected to register the respective Consortia and Joint Ventures on CSD.
- (c) Bidder(s) must be compliant when submitting a proposal to South African Tourism and remain compliant for the entire contract term with all applicable tax legislation, including but not limited to the Income Tax Act, 1962 (Act No. 58 of 1962) and Value Added Tax Act, 1991 (Act No. 89 of 1991).
- (d) It is a condition of this bid that the tax matters of the successful bidder be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.
- (e) The Tax Compliance status requirements are also applicable to foreign bidders / individuals who wish to submit bids.
- (f) It is a requirement that bidders grant a written confirmation when submitting this bid that SARS may on an ongoing basis during the tenure of the contract disclose the bidder's tax compliance status and by submitting this bid such confirmation is deemed to have been granted.

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

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 ANNEXURE A: DETAILED SPECIFICATION OF GOODS AND SERVICES

### 9.1 Background on South African Tourism

South African 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. South African Tourism is a schedule 3 A Public Entity in terms of schedule 3 of the Public Finance Management Act 1 of 1999.

“Objects of the Tourism Act 3 of 2014” which are to:

- a. promote the practising of responsible tourism, contemplated in subsection (2) of the act, for the benefit of the Republic and for the enjoyment of all its residents and foreign visitors;
- b. provide for the effective domestic and international marketing of South Africa as a tourist destination;
- c. promote quality tourism products and services;
- d. promote growth in and development of the tourism sector; and
- e. enhance cooperation and coordination between all spheres of government in developing and managing tourism.

### 9.2 South African Tourism’s Business Units and Country Offices

South African 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
		Corporate Governance
		Corporate Legal Services
2	Chief Strategy Officer	Insights
		Analytics
		Strategy and Innovation
3	Chief Financial Officer	Financial Management
		Supply Chain and Asset Management
4	Chief Convention Bureau Officer	Meetings, Incentives, Conference & Exhibitions
		Strategic Events and Exhibitions
		Business Events development and Services Support
		Mega events including but not limited to Africa’s Travel Indaba and Meetings Africa
5	Chief Operations Officer	Human Capital
		Information and Communications Technology
		Domestic Marketing
		Africa
		East Africa (Kenya, Tanzania, Uganda)
		West Africa * (Nigeria, Ghana)
		Africa Land Markets (Botswana, Lesotho, Malawi, Mozambique, Namibia, Eswatini, Zambia, Zimbabwe)
		Angola
		Europe
		South Europe Hub
		France *



		Spain
		Portugal
		Italy
		Central Europe hub
		Germany *
		Austria
		Switzerland
		UK and Ireland Hub
		UK *
		Ireland
		North Europe Hub
		Netherlands *
		Belgium
		Nordics
		Americas
		North Americas Hub
		US *
		Canada
		South Americas Hub
		Brazil
		Argentina
		Chile
		Asia, Australasia, Middle East
		Australia and New Zealand Hub
		Australia *
		New Zealand
		Middle East
		India *
		Middle East
		South East
		Asia Pacific
		China *
		Japan*
		South African Missions
6	Chief Marketing Officer	Brand and Marketing
		Global Public Relations and Communications
7	Chief Quality Assurance Officer	Visitor Experience
		Tourism Grading Council
		Global Trade Relations

\* SA Tourism operates physical offices

### 9.3 Scope of services

The current marketing and communications agency contract will conclude soon. In preparation for the procurement process for the new agency, South African Tourism conducted an analysis of business requirements, organizational design changes (through Project iGnite) and global best practice in the marketing and communications landscape to develop an agency model that will better suit the organisation and ensure the delivery of a recognised, appealing, resilient and competitive tourism brand for South Africa across all markets and segments.

South African Tourism also explored many local and international agency models and believes that sourcing best in breed agencies, focusing on key strategic disciplines, and led by a “Brains Trust” (Inter agency working Group), would best suit South African Tourism’s overall business requirements. To this end, the “Brains Trust” will be required to strategically manage and coordinate the brand requirements, effectively replacing the role of the current lead agency.

The coordination function will be key to the success of this approach and will be led by the South African Tourism’s Global Brand and Marketing team. The “Brains Trust” may be led by a team of representatives of the respective agencies across the agency ecosystem. The “Brains Trust” will be formed after the tender process and be pre-determined by the qualifying agencies.

As South African Tourism moves travelers through the marketing funnel from inspiration to conversion, it requires continuous improvement of its strategic approach. In line with this, our agency appointments will be the critical factor in developing and driving this marketing strategy. Continued measurement of the successes of our brand and its campaigns will be a crucial part of the performance management of the selected agency, agencies or group.

For South African Tourism to be more effective in its marketing efforts, key focus areas have been identified to ensure the sourcing of the appropriate agency partner(s). These areas include the knowledge and understanding of the tourism sector, its stakeholders and the tourism value chain.

The purpose of this Request for Proposal (RFP) is therefore aimed at soliciting proposals from potential bidder(s) to optimally support South African Tourism’s business requirements in line with its new organisational matrix structure. South African Tourism sees this as an opportunity for all agencies - large, medium and small - to be part of the development of our tourism profile as a country and hence would like as much participation across the board as possible.

South African Tourism is committed to a policy of inclusivity and expects to see the same commitment from individual bidding agencies, agency groups and unincorporated consortiums, which may occur because of this tender. South African Tourism encourages interested agencies to use this opportunity to partner with other agencies where necessary to upsurge their service offering for the respective disciplines that South African Tourism requires under this tender.

The role of the “Brains Trust” will therefore be as follows:

- Alignment and integration of inter-agency deliverables to meet South African Tourism goals;
- Prioritising of inter-agency deliverables according to South African Tourism objectives;
- Quality control of inter-agency deliverables; and
- Develop toolkits for all projects to enable localization of content in regions.

### 9.3.1 Proposed agency model:

The South African Tourism agency model is designed to source best in breed agencies for each of the respective marketing disciplines. The key strategic disciplines **which includes associated production** and areas for consideration are business to consumer (B2C) and business to business (B2B).

#	Marketing disciplines	Budget approximation for 12 months	Budget Notes
I.	Strategy agency(ies) for business events, visitor experience, corporate strategy and leisure strategy;	R 10 million	
II.	Creative agency;	R 120 million	Creative fees and related production
III.	Media agency;	R 300 million	Traditional and digital spend
IV.	Digital agency (excluding development) with creative content, social media, SOE and lead generation capabilities;	R 30 million	Fees and some production
V.	Brand PR and communications agency;	R 12 million	Fees
VI.	Corporate PR and communications; and	R 12 million	Fees
VII.	B2B direct marketing communications.	R 12 million	Fees and some production

The budgets are an approximation where South African Tourism reserves the right to amend at own will where all work will be based on actual scope of work to be developed. The approximated budgets are all inclusive of fees, associated production and all executional elements.

The co-ordination function amongst agencies will be key to the success of this approach.

To further support the coordination function, Global Brand and Marketing at South African Tourism and newly formed “Brains Trust” will strategically manage and coordinate the brand requirements. Global Brand and Marketing at South African Tourism will co-ordinate and manage the programmes of the inter-agency working group established to develop certain proposals and perform certain tasks. The “Brains Trust” will therefore serve as the central point for all agencies, coordinates the agenda, ensures cohesion and continuity among agencies and is responsible for the implementation of decisions.

To clarify, the “Brains Trust” is to be made up of representatives of the agencies across the above disciplines.

#### 9.3.1.1 Key considerations are:

- ✓ Best in breed agencies is preferred to a global agency model;
- ✓ Agencies can submit a bid for one, more or all the marketing disciplines but should do so as separate proposals;
- ✓ Agencies can be represented either as individual, group of agencies or unincorporated consortiums;
- ✓ When submitting proposals for one, more or all the marketing disciplines bidders only need to submit one set of all the documents and annexures as required under paragraph 9.5.1;
- ✓ South African Tourism will sign a contract with selected agencies appointed for each of the respective marketing disciplines they are appointed for and will manage the relationship with each agency in line with the terms and conditions agreed to;
- ✓ These contracted agencies along with South African Tourism’s office of the CMO will form the “Brains Trust” which will serve as the central point for all agencies, coordinate the agenda, ensure cohesion and continuity among agencies and is responsible for the implementation of decisions;
- ✓ The agencies will be evaluated on technical and functional proposals;
- ✓ Where sub-contracting is a requirement then subcontractors can only partner with one main bidder for one, more or all the marketing disciplines once and not with multiple agencies bidding for the same work;
- ✓ South African Tourism in conjunction with the “Brains Trust” will oversee and co-ordinate the workflows between various agencies.

### 9.3.1.2 South African Tourism In-Country Agencies:

In recognition of the impact of the brand on the various regions, the “Brains Trust” will include the coordination with the regional country offices and their associated agencies. The interaction and engagement with the country/regions will be based on the following principles:

- ✓ The “Brains Trust” will liaise with South African Tourism Head Office and its regions;
- ✓ Creative toolkits are to be developed by the “Brains Trust” and its agencies for localization by regional agencies;
- ✓ The “Brains Trust” will liaise with regions as and when required;
- ✓ Regional agencies may provide bespoke creative to Global Brand and Marketing and the “Brains Trust” for usage;
- ✓ The “Brains Trust” will also need to closely work with other South African Tourism appointed agencies as when required.

### 9.4 Sourcing strategy/methodology to be applied for this tender:

The following five major considerations will apply for South African Tourism’s selection process of the preferred agencies):

- ✓ The need for best in breed agencies for each of the respective marketing disciplines;
- ✓ The need for high-quality services;
- ✓ The need for economy and efficiency;
- ✓ The need to give qualifying agencies an opportunity to compete in providing the services; and
- ✓ The importance of transparency in the selection process.

#### 9.4.1 Competitive bidding procedure:

South African Tourism is issuing this tender through a competitive bidding procedure because there are sufficient suppliers/service providers in the market to afford the opportunity to be considered for the bid.

As a schedule 3A Public Entity in terms of schedule 3 of the Public Finance Management Act 1 of 1999, South African Tourism fully conforms and supports the obligatory transformation initiatives embedded 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.

South African Tourism, as far as practically possible, have taken every effort to prepare the best possible documentation of what is required and to ensure the specifications do not inhibit participation by Exempted Micro Enterprises (EMEs) and Qualifying Small Enterprise (QSE). South African Tourism therefore encourages the establishment of consortia, to ensure that EME’s and QSE’s can participate in the bid.

For this tender, a two-stage bidding process will be instituted namely:

**Stage one:** This phase will include a pre-screening and short-listing process where bidders will be required to submit the following information:

- Main bidder, partner agencies and subcontractor credentials (comprehensive company(ies) profile(s), ownership structure of the company(ies), B-BBEE profile etc.);
- If bidding as an unincorporated consortium, a letter signed by all agencies confirming the intent of the proposed consortium or sub-contracting or Proof of subcontracting arrangement(s);
- Account track record/expertise relevant to the respective marketing discipline being tendered for;

- Infrastructure/capacity (location, operational strategy and methodology, resources, consultation, accounting planning and reporting capabilities) relative to the marketing discipline being tendered for;
- Profile and staff complement at senior, middle and lower level;
- Transfer of skills to clients and HDI's (leadership, internships etc.);
- Empowerment of SMME's throughout the supply chain;
- Affiliation;
- Proof of financial stability/liquidity; and
- Letters of reference from current clients and stakeholders.

During this phase bidders will be short-listed based on an evaluation of their modus operandi and credentials against the respective marketing discipline being tendered for. Bidders could be considered for multiple marketing disciplines as per their bid submissions and depending on the responsiveness of bid proposals could be short-listed accordingly.

**Stage 2:** A more concise formal brief/scope of work will be shared with short-listed agencies at a compulsory briefing session. This stage will culminate in a formal presentation to a bid evaluation panel who will evaluate functionality, comparative price and B-BBEE level of contribution. At this stage South African Tourism will be able to provide more detailed breakdown of the approximate annual budget of R 500 million per annum allocated for advertising and communication campaigns of all types.

This RFP document details and incorporates, as far as possible, the sought-after marketing and communications agency model which potential bidders will be required to provide to South African Tourism. This RFP does not constitute an offer to do business with South African Tourism, but merely serves as an invitation to bidder(s) to facilitate a requirements-based decision process.

When considering submitting a bid, bidder(s) should be cognisant of the legislation and/or standards specifically applicable to the services required under this RFP.

#### **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 -

- a) 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
- b) any combination of those firms engages in that restrictive horizontal practice;
- c) an agreement for co-operation between two or more competing businesses operating at the same level in the market;
- d) Price fixing- an arrangement in which several competing businesses make a secret agreement to set prices for their products to prevent real competition.

South African Tourism requires bidder(s) to declare the following in the Bidder's Technical response:

Confirm that the bidder(s) is to: -

- (a) Act honestly, fairly, and with due skill, care and diligence, in the interests of South African Tourism;
- (b) Have and employ effectively the resources, procedures and appropriate technological systems for the proper performance of the services;
- (c) Act with circumspection and treat South African Tourism fairly in a situation of conflicting interests;
- (d) Comply with all applicable statutory or common law requirements applicable to the conduct of business;
- (e) Make adequate disclosures of relevant material information including disclosures of actual or potential own interests, in relation to dealings with South African Tourism;
- (f) Avoidance of fraudulent and misleading advertising, canvassing and marketing;
- (g) To conduct their business activities with transparency and consistently uphold the interests and needs of South African Tourism as a client before any other consideration; and
- (h) To ensure that any information acquired by the bidder(s) from South African Tourism will not be used or disclosed unless the written consent of the client has been obtained to do so.

9.5.1 Proposals are expected to be presented in one pack for each of the respective marketing disciplines being tendered for. The pack, however, should be noticeably **subdivided into 2 sections** under the following headings:

**PART A- Legal and commercial information**

This refers to documents and information relating to the vetting of legal and commercial information of all participating agencies where the below evidence and supporting documents should be provided in sequential order:

- (a) Bidder credentials (comprehensive company profile, ownership structure of the company, B-BBEE profile etc.);
- (b) Credentials of proposed partner agencies if applicable and subcontractors who will participate in the contract and what the main responsibilities would be of each party;
- (c) Letter signed by all agencies as applicable confirming the intent of the proposed grouping and sub-contracting or proof of sub-contracting agreement;
- (d) Account track record/expertise;
- (e) Infrastructure/capacity (location, operational strategy and methodology, resources, consultation, accounting planning and reporting capabilities);
- (f) Profile and staff complement at senior, middle and lower level;
- (g) Letter of Good standing - Compensation Fund (COIDA);
- (h) Certified copies of South African Identity Documents or Valid Passports of Members, Directors or owner (Copy with original stamp);
- (i) Bidders must have specific experience and submit at least three recent references, not older than 12 months (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 similar work were undertaken;
- (j) Transfer of skills to clients and HDI's (leadership, internships etc.);
- (k) Empowerment of SMME's throughout the supply chain;
- (l) Affiliation;
- (m) Proof of financial stability/liquidity (independently audited/verified); and
- (n) All information listed in the table below: if applicable

Document that must be submitted	Non-submission may result in disqualification?	
Confirmation of valid Tax Status	YES	i. Written confirmation that SARS may, on an ongoing basis during the tenure of the contract, disclose the bidder's tax compliance status. ii. In the event where the Bidder submits a hard copy of the Tax Clearance Certificate, the CSD verification outcome will take precedence.
Declaration of Interest - SBD 4	YES	Complete and sign the supplied pro forma document
Preference Point Claim Form - SBD 6.1	NO	Non-submission will lead to a zero (0) score on BBBEE
Declaration of Bidder's Past Supply Chain Management Practices - SBD 8	YES	Complete and sign the supplied pro forma document
Certificate of Independent Bid Determination - SBD 9	YES	Complete and sign the supplied pro forma document
Registration on Central Supplier Database (CSD)	NO	All agencies including proposed partner/subcontractor agencies must be registered as a service provider on National Treasury's Central Supplier Database (CSD). If you are not registered proceed to complete the registration of your company prior to submitting your proposal. Visit <a href="https://secure.csd.gov.za/">https://secure.csd.gov.za/</a> to obtain your vendor number. Submit proof of registration.
Proof of 30% minimum sub-contracting in terms of Preferential Procurement Regulations, 2017	YES	Declaration by main bidder listing the names of the sub-contractor(s), the percentage sub-contracted, and the marketing discipline the sub-contractor will be involved in.
Proof of consortium agreement if applicable.	YES	Written undertaking of consortium commitment between main bidder and partner(s)/sub-contractor(s).

**PART B- All documents and completed annexures of the Request for Proposal (RFP) as they were issued**

This refers to actual bid document and duly completed accompanying annexures where bidders are also required to initial each page of the RFP to confirm that they have read and understood the terms, conditions and scope of work required under the bid.

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

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

## 9.6 Anti-Corruption Compliance

South African 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 South African 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 South African Tourism's discretion, whether South African Tourism will enter into any contractual agreement or other arrangements with the supplier, or not.

South African 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 South African 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 Bid evaluation process

South African Tourism has set minimum standards (Gates) that a bidder needs to meet to be evaluated and selected as a successful bidder. The minimum standards consist of the following:

Phase 0 Pre-qualification Criteria (Gate 0)	Phase 1 Technical Evaluation Criteria (Gate 1)	Phase 2 Functional Evaluation Criteria (Gate 2)	Phase 3 Price and B-BBEE Evaluation (Gate 3)
Bidders must submit all documents as outlined under PART A & PART B of paragraph 9.5.1. Only bidders that comply with ALL these criteria will proceed to Gate 1.	Bidder(s) are required to achieve a minimum threshold of 70 (at least 350 out of a possible 500 points) to proceed to Gate 2	Only bidder(s) who pre-qualifies during Gate 1 of the bid evaluation process will be allowed to participate during phase 2 of the tender process.	Bidder(s) who meets the minimum threshold set for Gate 2 evaluation will be further evaluated on comparative price and B-BBEE level of contribution.

### 9.7.1 Gate 0: Pre-qualification Criteria (Phase 1)

Without limiting the generality of South African Tourism's other critical requirements for this Bid, bidder(s) must submit the documents listed under Part A & B as required under 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' response 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.

#### 9.7.1.1 Subcontracting as a condition of tender

As a schedule 3A Public Entity in terms of schedule 3 of the Public Finance Management Act 1 of 1999, South African Tourism fully conforms and supports the obligatory transformation initiatives embedded 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.

South African Tourism finds it feasible to apply subcontracting to advance designated groups for contracts above R30 million as contemplated in regulation 9(1) of the Preferential Procurement Regulations, 2017. This tender is therefore issued with a specific tendering condition as further contemplated in regulation 9(2) that the successful tenderer must subcontract a minimum of 30% of the value of the contract to-

Micro Enterprises (EMEs) or Qualifying Small Enterprise (QSE) which are 51% owned by either or more than one of the following designated groups:

- a) an EME or QSE;
- b) an EME or QSE which is at least 51% owned by black people;
- c) an EME or QSE which is at least 51% owned by black people who are youth;
- d) an EME or QSE which is at least 51% owned by black people who are woman;
- e) an EME or QSE which is at least 51% owned by black people with disabilities;
- f) an EME or QSE which is at least 51% owned by black people living in rural or underdeveloped areas or townships;
- g) a cooperative which is at least owned by Black people;
- h) an EME or QSE which is at least 51% owned by black people who are military veterans; or
- i) more than one of the categories referred to in paragraphs (a) to (h).

The main bidder will be required to sub-contract a minimum of 30% of the bid for each of the respective marketing disciplines being tendered for. The responsibility to sub-contract with competent and capable sub-contractor's rests with the main bidder. The contract will be concluded between the main bidder and South African Tourism, therefore, the main bidder and not the sub-contractor would be held liable for performance in terms of its contractual obligations.

Main bidders are discouraged from subcontracting with their subsidiary companies as this may be interpreted as subcontracting with themselves and / or using their subsidiaries for fronting. Where Main bidders' subcontracts with a subsidiary, this must be declared in tender documents.

Main bidders must submit proof of subcontracting arrangement between them and the subcontractor. Proof of subcontracting arrangement may include a subcontracting agreement between Main bidders and the subcontractor.

South African Tourism intends to treat all private contracting parties fairly in relation to each other where the provisions of the Preferential Procurement Regulations, 2017 do not allow South African Tourism to implement selective application of the subcontracting requirement envisaged by regulation 9 where the subcontracting requirements are applicable to all bidders irrespective of size (this therefore includes EME's

and QSE's). Tenders that do not meet subcontracting requirements are considered as being not acceptable tenders and will be disqualified and may not be considered for further evaluation or award.

National Treasury's Central Supplier Database (CSD) has been upgraded to allow bidders' access to CSD for identification of potential sub-contractors from the pool of EMEs or QSEs to advance designated groups. The report containing the list of potential subcontractors may be drawn by accessing the following link: [www.csd.gov.za](http://www.csd.gov.za)

#### 9.7.2 Gate 1: Technical Evaluation Criteria = Weighting out of 100 basis points **(Phase 1)**

All bidders are required to respond to the technical evaluation criteria scorecard and compliance checklist as outlined under paragraph 9.5.1 PART A (n).

Bidders will be required to achieve a minimum threshold of 70% in order to qualify for shortlisting and participation during phase two of the tender process and ultimate evaluation (Gate 2).

Bidders who do not achieve the minimum threshold, which translates to a minimum score of 350 out of a possible maximum score of 500 points, will not be further considered.

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

**Management, technical skills, technical competency and the contribution to transformation will be evaluated against the evaluation criteria score card below.**

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

Evaluation criteria for each agency for the respective marketing discipline being tendered for	Weighting	Reference Page in Bidders Proposal
Overall interdisciplinary agency management should your agency be identified as the project lead for a specific campaign/project. Provide examples of how you work or have worked with other agencies across the various marketing disciplines	15	
Credentials/experience for the respective marketing discipline being tendered for i.e.:  The key strategic disciplines which include associated production and areas for consideration are business to consumer (B2C) and business to business. I. Strategy agency(ies) for business events, visitor experience, corporate strategy and leisure strategy; II. Creative agency; III. Media agency; IV. Digital and social agency (excluding development); V. Brand PR and communications agency; VI. Corporate PR and Communications; and	30	

VII. B2B direct marketing communications		
Provide clear examples of work and case studies for each discipline described		
Agency methodology and approach to the respective marketing discipline being tendered for	15	
Explanation of current agency capacity	10	
Agency team that will work on the business if awarded	15	
Proposed cost structure model i.e. retainer based, project fees, output based etc. (not actual bid price)	10	
What added value will agency add to our business	5	
	100 tw - total weight	

- ✓ Bids proposals will be evaluated strictly according to the bid evaluation criteria stipulated in this section.
- ✓ Bidders must, as part of their bid documents, submit supportive documentation 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.
- ✓ Post the bid evaluation, South African Tourism may at its discretion, add additional criteria and bid conditions.

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 supplier 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.	<b>5</b>
<b>Good</b>	<b>Satisfies</b> the requirement with <b>minor additional benefits</b> . Above average demonstration by the supplier 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.	<b>4</b>
<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.	<b>3</b>
<b>Minor Reservations</b>	Satisfies the requirement with <b>minor reservations</b> . Some minor reservations of the supplier's relevant ability, understanding, experience,	<b>2</b>

	skills, resource and quality measures required to provide the goods / services, with little or no supporting evidence.	
<b>Serious Reservations</b>	Satisfies the requirement with <b>major reservations</b> . Considerable reservations of the supplier's relevant ability, understanding, experience, skills, resource 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 required to provide the goods / services, with little or no supporting evidence.	0

#### 9.7.3 Gate 2: Functional Evaluation (**Phase 2**)

A more concise formal brief/scope of work will be developed and shared with only those short-listed agencies who qualified during phase 1 of the tender. This will be done at a compulsory briefing session.

This phase will culminate in a formal presentation to a bid evaluation panel who will evaluate functionality, comparative price and B-BBEE level of contribution of all agency pitches.

The bid evaluation criteria and minimum threshold for functionality will be shared at the compulsory briefing session with short-listed bidders.

#### 9.7.4 Gate 3: Price and BBBEE Evaluation = 100 points (**Phase 2**)

Only bidder(s) who meets the minimum threshold for functionality during Gate 2 evaluation (phase 2) will be further evaluated for price and BBBEE level of contribution.

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

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

---

**GENERAL CONDITIONS**

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

The tender will be evaluated on either the 80/20 or 90/10 preference point system. Once a tender is received, the lowest acceptable tender will be used to determine the preference point system to be used for the evaluation of tenders.

Where the lowest acceptable tender is below R50 million, the 80/20 preference point system must be used. If the lowest acceptable tender is above R50 million, the 90/10 preference point system will be used.

9.7.5.2 Points for this bid shall be awarded for:

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

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

	<b>POINTS</b>
<b>PRICE</b>	80/90
<b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>	20/10
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

9.7.5.4 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.

9.7.5.5 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.

**9.7.6 DEFINITIONS**

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding

processes or proposals;

- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
- 1) B-BBEE Status level certificate issued by an authorized body or person;
  - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

#### 9.7.7 POINTS AWARDED FOR PRICE

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

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

80/20	or	90/10
$P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$	or	$P_s = 90 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$

Where

- $P_s$  = Points scored for price of bid under consideration
- $P_t$  = Price of bid under consideration
- $P_{\min}$  = Price of lowest acceptable bid

**9.7.7.2 POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR**

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

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

**9.8 BID DECLARATION**

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

**9.9 B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 9.7.5.3 AND 9.7.7.2**

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

(Points claimed in respect of paragraph 9.10 must be in accordance with the table reflected in paragraph 9.7.7.2 and must be substantiated by relevant proof of B-BBEE status level of contributor.

**9.10 SUB-CONTRACTING**

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

*(Tick applicable box)*

YES		NO	
-----	--	----	--

9.10.2 If yes, indicate:

i) What percentage of the contract will be subcontracted.....%

ii) The name of the sub-contractor.....

- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE  
(Tick applicable box)

YES		NO	
-----	--	----	--

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

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

**9.11 DECLARATION WITH REGARD TO COMPANY/FIRM**

- 9.11.1 Name of company/firm:.....
- 9.11.2 VAT registration number:.....
- 9.11.3 Company registration number:.....
- 9.11.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

**9.11.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

.....

.....

.....



.....  
.....

9.11.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

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

9.11.7.1 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 9.7.5.3 and 9.9 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 9.7.5 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 9.7.5.3 and 9.9, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have -
  - (a) disqualify the person from the bidding process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
  - (e) forward the matter for criminal prosecution.

WITNESSES

1. ....

2. ....

.....

SIGNATURE(S) OF BIDDERS(S)

DATE:

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;

9.12 **Gate 3: Consolidation of points for comparative price and B-BBEE level of contribution (Phase 3)**

The total points for price evaluation (out of 80/90) and the total points for BBBEE evaluation (out of 20/10) will be consolidated. The bidder who scores the highest points for comparative pricing and B-BBEE status level of contributor after the consolidation of points will normally be considered as the preferred bidder who SA Tourism will enter into further negotiations with for the respective marketing discipline that was tendered for.

Upon the successful negotiation and signing of a contract and services level agreement with the preferred bidder all other bidders will be considered as unsuccessful.

## 10. ANNEXURE B - COMPANY INFORMATION

SUPPLIER INFORMATION				
NAME OF BIDDER				
POSTAL ADDRESS				
STREET ADDRESS				
TELEPHONE NUMBER	CODE		NUMBER	
CELLPHONE NUMBER				
FACSIMILE NUMBER	CODE		NUMBER	
E-MAIL ADDRESS				
VAT REGISTRATION NUMBER				
TAX CLEARANCE NUMBER				
TAX CLEARANCE EXPIRY DATE				
HAS PROOF OF CENTRALISED SUPPLIER DATABASE REGISTRATION BEEN SUBMITTED?				YES or NO
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No: MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	[TICK APPLICABLE BOX]  <input type="checkbox"/> Yes <input type="checkbox"/> No	B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX]  <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>				
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES	<input type="checkbox"/> Yes <input type="checkbox"/> No  [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS	<input type="checkbox"/> Yes <input type="checkbox"/> No  [IF YES, ANSWER PART B:3 ]	

/WORKS OFFERED?		OFFERED?	
<b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>			
<p>IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <span style="float: right;"><input type="checkbox"/> YES</span></p> <p><input type="checkbox"/> NO</p> <p>DOES THE ENTITY HAVE A BRANCH IN THE RSA?</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? <span style="float: right;"><input type="checkbox"/></span></p> <p>YES <input type="checkbox"/> NO</p> <p>IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p><b>IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.</b></p>			
Total number of years the firm has been in business			
Total number of employees :			
Full Time			
Part Time			
Street Address of all Facilities used by Firm (eg. Warehousing, storage space, offices etc.)			
Do you Share Facilities	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
If yes, which facilities			
With who do you share facilities (Name of Firm / Individual)			

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
Management Structure (Percentage of management on executive level in each of the following groups)			
Group		Percentage	
African			
Coloured			
Indian			
White			

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**

This will only be applicable during phase 2 of the tender and relevant to shortlisted bidders who qualified to participate during the phase.

**12. TIME FRAMES**

Include a detailed project / roll-out 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)

I/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            2019 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.

<b>Are you or any person connected with the tenderer, act on behalf of, or employed by South African Tourism?</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If Yes, state particulars :		
<b>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?</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If Yes, state particulars :		
<b>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?</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If Yes, state particulars :		

Duly signed by authorised person on this          day of    2019 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 Tax Reference 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  
GENEAL 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.

Item	Question	Yes	No
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>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <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>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
17.2.1	If so, furnish particulars:		



17.3	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"/>
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

**20 BIDDER DECLARATION**

The bidder hereby declare the following:

We confirm that \_\_\_\_\_(Bidder's Name) will: -

- a. Act honestly, fairly, and with due skill, care and diligence, in the interests of SA Tourism;
- b. Employ effectively the resources, procedures and appropriate technological systems for the proper performance of the services;
- c. Act with circumspection and treat SA Tourism fairly in a situation of conflicting interests;
- d. Comply with all applicable statutory or common law requirements applicable to the conduct of business;
- e. Make adequate disclosures of relevant material information including disclosures of actual or potential own interests, in relation to dealings with SA Tourism;
- f. Avoid fraudulent and misleading advertising, canvassing and marketing;
- g. Conduct business activities with transparency and consistently uphold the interests and needs of SA Tourism as a client before any other consideration; and
- h. Ensure that any information acquired by the bidder(s) from SA Tourism will not be used or disclosed unless the written consent of the client has been obtained to do so.

Signature\_\_\_\_\_

Date\_\_\_\_\_

Print Name of Signatory:\_\_\_\_\_

Designation: \_\_\_\_\_

FOR AND ON BEHALF OF: \_\_\_\_\_(Bidding Company's Name)