



## REQUEST FOR PROPOSAL (RFP)

RFP NUMBER	RFP CO 144/12/2019
DATE ISSUED	13 December 2019
PROJECT NAME	Compliance Gap Analysis
CLOSING DATE AND TIME	10 January 2019 @ 16:00
NAME OF PROPOSER/TENDERER	
CSD SUPPLIER NUMBER (MA NUMBER)	
TELEPHONE NUMBER	
FAX NUMBER	
EMAIL ADDRESS	
PHYSICAL ADDRESS	
B-BBEE STATUS LEVEL OF CONTRIBUTION	
FULL NAME OF BIDDER OR HIS OR HER REPRESENTATIVE	
IDENTITY NUMBER	
POSITION OCCUPIED IN THE COMPANY (DIRECTOR, TRUSTEE, SHAREHOLDER)	
COMPANY REGISTRATION NUMBER	
TAX REFERENCE NUMBER	
VAT REGISTRATION NUMBER	
QUOTE PRICE (INCL VAT)	
SIGNATURE	

Full details of directors / trustees / members / shareholders.

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


### 1. DECLARATION OF INTEREST (SBD 4)

Any legal person, including persons employed by the state<sup>1</sup>, SANSA Board members 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 the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- The bidder is employed by the state;
- SANSA Board member; 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

<sup>1</sup>"State" means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament

Are you or any person connected with the bidder presently employed by the state? If so, furnish the following particulars: Name of person / director / trustee / shareholder/ member:..... Name of state institution at which you or the person connected to the bidder is employed..... Position occupied in the state institution:..... Any other particulars:.....	YES / NO
If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? If yes, did you attach proof of such authority to the bid document? <b>(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of bid</b> If no, furnish reasons for non-submission of such proof:.....	YES / NO YES / NO
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? If so, furnish particulars:.....	YES / NO
Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? If so, furnish particulars:.....	YES / NO
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? If so, furnish particulars:.....	YES / NO
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? If so, furnish particulars:.....	YES / NO

## 2. Declaration of Bidder's past supply chain management practices (SBD 8)

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

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

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

2.3.1 Abused the institution's supply chain management system

2.3.2 Committed fraud or any other improper conduct in relation to such system; or

2.3.3 Failed to perform on any previous contract.

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

Item	Question	Yes	No
2. 4.1	Is the bidder or any of its directors listed on the National Treasury's database as companies or persons prohibited from doing business with the public sector?  (Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2.4.1.1	If so, furnish particulars:		
2.4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?  To access this Register enter the National Treasury's website, <a href="http://www.treasury.gov.za">www.treasury.gov.za</a> , click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2.4.2.1	If so, furnish particulars:		
2.4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2.4.3.1	If so, furnish particulars:		
2.4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2.4.4.1	If so, furnish particulars:		

### 3. Certificate of Independent Bid Determination (SBD 9)

- 3.1 This Standard Bidding Document (SBD) must form part of all bids<sup>1</sup> invited.
- 3.2 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 *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3.3 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.
- 3.4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 3.5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

<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.

#### Certificate of Independent Bid Determination

I, the undersigned, in submitting the accompanying bid:

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(Bid Number and Description)

in response to the invitation for the bid made by:

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(Name of Institution)

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

I certify, on behalf of: \_\_\_\_\_ that:

(Name of Bidder)

- A. I have read and I understand the contents of this Certificate;
- B. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
- C. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
- D. 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;
- E. 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
- F. 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.

- G. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
- (i) prices;
  - (ii) geographical area where product or service will be rendered (market allocation)
  - (iii) methods, factors or formulas used to calculate prices;
  - (iv) the intention or decision to submit or not to submit, a bid;
  - (v) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (vi) bidding with the intention not to win the bid.
- H. 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.
- I. 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.**

- J. 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.

## 4. REQUEST FOR PROPOSAL FOR COMPLIANCE GAP ANALYSIS

### 4.1 BACKGROUND TO SANSA

The South African National Space Agency (SANSA) has a mandate, as outlined in the South African National Space Agency Act, 2008 (Act No 36 of 2008), to co-ordinate and integrate national space science and technology programmes and conduct long-term planning and implementation of space-related activities in South Africa, for the benefit of the citizens of South Africa

### 4.2 SCOPE OF WORK (TERMS OF REFERENCE)

The purpose of this assignment is to acquire the services of a supplier to conduct a compliance gap analysis of identified **Applicable Laws** (Legislation with its associated Regulations, Industry Standards, Rules, Codes and Instructions) contained in the SANSA legal and regulatory universe. Conduct a compliance gap analysis for SANSA, at the SANSA Head Office situated at Enterprise Building, Innovation Hub, Pretoria. The project to be executed within one (1) month from date of appointment.

The service provider must conduct the compliance gap analysis on the following **Applicable Laws**:

1. SANSA transversal applicable laws that need to be analysed at all SANSA directorates (listed below)

- Occupation Health and Safety Act 85 of 1993
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Protection of Personal Information (POPI) Act 4 of 2013
- Prevention of Combating of Corrupt Activities Act 12 of 2004
- Promotion of Administrative Justice Act 3 of 2002
- Promotion of Access to Information Act 2 of 2000
- Protected Disclosures Act 26 of 2000
- Intellectual Property Rights for Public Financed Research & Development Act 51 of 2008
- National Archives and Records Service of South Africa Act 43 of 1996

<b>SANSA PREMISES</b>
<b>SANSA CORPORATE AND EARTH OBSERVATION OFFICES:</b> Enterprise Building, Mark Shuttleworth Street, Innovation Hub, Pretoria
<b>SANSA SPACE OPERATIONS OFFICES:</b> Farm 502JQ, Hartebeesthoek, District of Krugersdorp
<b>SANSA SPACE SCIENCE OFFICES:</b> Hospital Street, Hermanus, Western Cape

2. SANSA directorates specific Applicable Laws that needs to be analysed are detailed in the table below

<b>Earth Observation</b>	<b>Space Operations</b>	<b>Space Science</b>
Spatial Data Infrastructure Act 54 of 2003	Electronic Communications Act 36 of 2005	Astronomy Geographic Advantage Act 21 of 2007
Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA)	National Keypoints Act 102 of 1980 and associated amendments	National Keypoints Act 102 of 1980 and associated amendments
Geomatics Profession Act, 2013		Spatial Data Infrastructure Act 54 of 2003

### 3. Deliverables

Service provide shall provide to SANSA with the following documents illustrating the outcomes of the compliance gap analysis conducted:

- The project to be executed within period of one (1) month from date of appointment.
- Comprehensive Compliances Gap Analysis report covering all the activities outlined in paragraph 1 & 2 above
- Dashboard report of all analysed Applicable Laws
- Scorecard report
- Trend analysis report
- Provide monitoring and evaluation template for all the analysed Applicable Laws

Presentation of the above reports to the Compliance Committee, EXCO and Audit & Risk Committee (ARC) of the Board.

### 5. EVALUATION CRITERIA

SANSA promotes the concept of “best value” in the award of contracts, as opposed to merely looking for the cheapest price, which does not necessarily provide the best value. Best value incorporates the expertise, experience and technical proposal of the organisation and individuals who will be providing the service and the organisational capacity supporting the project team.

SANSA is committed to achieving Government’s transformation objectives in terms of the Preferential Procurement Policy Framework Act.

The value of this bid is estimated not to exceed R500 000 (all applicable taxes included) and therefore the **80/20** system shall be applicable.

The procedure for the evaluation of responsive tenders is **price, functionality (quality) and preference** method. The evaluation of the bids will be conducted in the following two stages:

- Firstly, the assessment of quality will be done in terms of the evaluation criteria (Table 1) and the minimum threshold of 70 points explained below. A bid will be disqualified if it fails to meet the minimum threshold for functionality as per the bid invitation
- Thereafter, only the qualifying bids are evaluated in terms of the 80/20 preference points systems, where the 80 points will be used for price and the 20 points will be awarded to a bidder for attaining the B-BBEE status level of contributor in accordance with the Table below

#### Preference

**(ORIGINAL/CERTIFIED B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE)**

#### Calculation of points for B-BBEE status level contributor

Points will be awarded to a bidder for attaining the B-BBEE status level of contributor in accordance with the Table1 below

**Table1: B-BBEE level and points**

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

## Eligibility Criteria

To be eligible for the functionality, price and preferencing evaluation, the bidder must submit the following as per table 2 below.

If there is “**No**” on the Table 2 below, the bidder who didn’t submit the required document (s) with their bid will be requested in writing to submit them within three (3) working days for inclusion in the Bid Evaluation Committee item, if a bidder fails to submit on the 3<sup>rd</sup> working day, the relevant bid will be rejected.

**Table 2: Eligibility Criteria**

Criteria	Attached (Yes/No)	Comments
CSD Registration Summary Report with a compliant tax status		

## Quality/Functionality:

Scores will be tabulated to 100 points. Respondents must score **70 points** and over to be assessed on their financial offer and preference score.

The allocation of points for the evaluation of quality/functionality is set out in Table3 below:



Table 3: Quality/Functionality Criteria

Criteria	Maximum Points
<b>Methodology /Approach</b> Ability to meet all proposed topics as listed on the scope of work and methodology to achieve the outcome	40
<b>Tenderer's (Company) experience</b> The bidder must present at least 3 valid reference letters from companies for which they have recently or are currently providing a similar service and complete the table below. Failure to provide this information will result in a score of zero in this category/criterion. Complete reference list to be provided as per table below. The years of experience of the organisation in doing similar work will be taken into account.	20
<b>Project Team Experience</b> The experience of the proposed project team in similar projects in relation to the scope of work will be evaluated. The qualifications and experience of the project team will be assessed according to SANSA's requirements as per the scope of work. Failure to provide at least one (1) certification specialising in Compliance Gap Analysis will result in a score of poor in this category/criterion (The project team should have a minimum of five (5) experience in Compliance Gap Analysis. Attach CV/profile and certificate relating to Compliance Gap Analysis knowledge and skills of the project team). The project team will be the one conducting the training. Should the service provider wish to replace the project team SANSA should be notified in writing within a week and new profiles and certificate should be submitted.	40
<b>Total evaluation points for quality (functionality)</b>	<b>100</b>

**Evaluation criteria 1: Methodology/Approach (Proposal Outline)**

Ability to meet all proposed topics as listed on the scope of work and methodology to achieve the outcome

The scoring of the proposed approach will be as follows:

	Methodology/Approach
<b>Non Responsive (score 0)</b>	Tenderer has not provided an approach
<b>Poor (score 10)</b>	<p>The approach is poor or is unlikely to satisfy project objectives or requirements. The tenderer has misunderstood certain aspects of the scope of work and does not deal with the critical aspects of the scope of the work.</p> <p>The approach omits important outcomes and understanding of scope of work</p>
<b>Good (score 30)</b>	<p>The approach is specifically tailored to address all scope of work objectives and requirements; and is sufficiently flexible to accommodate changes that may occur during execution.</p> <p>The work plan fits the approach well; all important activities are indicated in the scope and their sequencing is appropriate and consistent with project objectives and requirements.</p> <p>There is a fair degree of detail that facilitates understanding of the proposed scope of work.</p>
<b>Excellent (score 40)</b>	<p>Besides meeting the "good" rating, the important issues are approached in an innovative and efficient way, indicating that the tenderer has outstanding knowledge of the deliverables.</p> <p>The approach details ways to improve the project outcomes and the quality of the outputs. The approach has included value added services that is relevant to the project.</p> <p>The sequencing and timing of activities are very well defined, indicating that the tenderer has optimized the use of resources and the work plan permits flexibility to accommodate contingencies and risks.</p>

**Evaluation criteria 2: Tenderer's (Company) experience**

The bidder must present valid reference letters (on client's letter-head) from companies for which they have provided similar services.

**Failure to provide all the reference letters will result in a score of zero in this category/criterion**

The experience of the tenderer (company) in similar projects or similar areas and conditions in relation to the scope of work will be evaluated.

**Tenders experience**

<b>(Score 0)</b>	<b>Tenderer's (Company) experience</b>
<b>Poor (score 0)</b>	Reference letters provided (0- 1 letters)
<b>Good (score 10)</b>	Reference letters provided (2-3 letters)
<b>Excellent (score 20)</b>	Reference letters provided (more than 3 letters)

**Evaluation criteria 3: Project Team Experience**

The experience of the project team in similar projects in relation to the scope of work will be evaluated. The qualifications and experience of the project team will be assessed according to SANSA's requirements as per the scope of work.

	<b>Project Team Experience</b>
Score 0	<b>Failure to provide CV/Profiles and qualification will result in a score of zero in this category/criterion</b>
<b>Poor (score 10 )</b>	Project Lead has limited levels of experience (less than 5 years) based on their CV / profile and certificates attached
<b>Good (score 30)</b>	Project Lead has extensive levels of experience (between 5-7 years) based on their CV/ profile and certificates attached
<b>Excellent (score 40)</b>	Project Lead has outstanding levels of experience (more than 7 years) based on their CV / profile and certificates attached

## 6. PRICING SCHEDULE

### Pricing Instructions

1. The Bidder must price all items;
2. Rates are to include all costs with no unspecified cost to allow for a fair evaluation.
3. Payment will be made based on the deliverables (proven progress) for the services rendered/goods received.
4. Payment will only be made on the basis of invoices provided.
5. Offer to be valid for 30 days from the bid closing date.

### Travel expenses

All travel expenses for the SANSA account, be it directly via SANSA's travel agent must be in line with the SANSA's travel policy. The following will apply:

- Only economy class will be used
- A maximum of R1300 per night for accommodation
- Dinner breakfast, parking will be allowed
- No car rentals of more than a group B will be accommodated

*The table below is a guide in terms of pricing and the bidder should provide a separate detailed quotation that covers their professional fees and travel expenses. It should be noted that the SANSA Directorates are located within 3 campus locations in Gauteng and the Western Cape as per the addresses above. Should the supplier need to meet with divisional team members in any of these locations, the related travel must be included and must clearly state the intention.*

### Deliverable based activity and cost schedule

<b>Total Cost of the project incl. VAT and Disbursement Costs</b>	R
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Work Component (reference to Scope of Work)	Deliverables	Completion Date per Deliverable	Cost per Work Component (excl VAT)	Total per Work Component (incl VAT)
			R	R
			R	R
			R	R
Additional Costs: Disbursements			R	R
			R	R
			R	R

## 7. SPECIAL CONDITIONS

- a) Quotations to be returned to: Boitumelo Maredi [bmaredi@sansa.org.za](mailto:bmaredi@sansa.org.za)
- b) Contract will not be awarded unless supplier is registered on the Central Supplier Database. A supplier registration summary with a compliance tax status must be submitted with the proposal. Potential suppliers should contact SANSA should they require assistance in registering on the CSD)
- c) This RFP is part of the Supplier Development Programme (SDP). The recommended bidder will be required to sign a SDP agreement for shorter payment periods for EMEs.
- d) The offices of SANSA are situated at the following address:  
**Enterprise Building, Mark Shuttleworth Street,  
 Innovation Hub,  
 Pretoria**

## 8. TIMELINES

The successful service provider must be in the position to provide the service within 1 week after the purchase order has been issued by SANSA.

## 9. SUPPORTING DOCUMENTATION AND MINIMUM CRITERIA

In order to demonstrate their capacity and score points with respect to the criteria, tenderers should provide the following supporting documentation.

- a. Original/Certified B-BBEE status level verification certificate/Sworn affidavit must be submitted in order to qualify for preference points for B-BBEE);
- b. 3 References including organisation name, contact person and contact numbers;
- c. Quotation must reflect a cost breakdown, where applicable, prices quoted must be inclusive of VAT
- d. All pages of quotation must be signed by the responsible person
- e. SANSA has the right to withdraw any quotation at any time within the validity of the quotation.
- f. **SANSA reserves the right to invite suppliers/companies to present their bid proposals for final decision**

## 10. DECLARATION

The undersigned, who warrants that he / she is duly authorized to do so on behalf of the enterprise:

- i) confirms that neither the name of the enterprise or the name of any partner, manager, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears on the Register of Tender Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act of 2004;
- ii) confirms that no partner, member, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears, has within the last five years been convicted of fraud or corruption;
- iii) confirms that I / we are not associated, linked or involved with any other tendering entities submitting tender offers and have no other relationship with any of the tenderers or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest;
- iv) confirms that the contents of this questionnaire/forms (SBD 4, 8 & 9) are within my personal knowledge and are to the best of my belief both true and correct
- v) accept that, in addition to cancellation of a contract, action may be taken against me should the Declaration prove to be false.
- vi) confirms that the bidder has read the General Conditions of Contract (GCC) and agree with the conditions. The GCC can be found on SANSA website (<http://www.sansa.org.za/images/Procurement/GCC/GCC.pdf> )

Signed

Date

Name

Position

Enterprise  
name

**Bid Conditions****1. Disqualification**

Please note that if a bid document is not filled in correctly or completely, or complied with the specification, or is delivered/sent after the bid closing date and time, or the supplier is not registered on the CSD or supplier has a non-compliant tax status, then unfortunately that bidder will be disqualified. Please return this document with the supporting documents.

**2. Bid Document Submission**

Emailed tender documents will be accepted. However, the onus is on the tenderer to ensure that complete email documents have been received by the SANSA by the due date and time.

Please note that any alterations to the tender document other than filling in the tenderer's details and tender price will automatically disqualify the tenderer.

**END**