

E-LEARNING MANAGEMENT SYSTEM SOLUTION

Bid Number : PIC009/2018

Closing Date : 30 October 2018

Closing Time : 11:00 AM

Place of Submission : Public Investment Corporation SOC Ltd

Menlyn Maine Central Square

Corner Aramist Avenue & Corobay Avenue

Waterkloof Glen Extension 2

PRETORIA

Compulsory Briefing Session on: 9 October 2018

Briefing Time: 11:00AM

Validity Period 120 days

Menlyn Maine Central Square, Corner Aramist Avenue & Corobay Avenue, Waterkloof Glen Extension 2

TABLE OF CONTENTS

DEFINITIONS AND ABBREVIATIONS..... 3

1. INTRODUCTION 5

2. PURPOSE..... 5

3. BACKGROUND 5

4. SCOPE OF WORK..... 6

5. PROJECT MANAGEMENT SERVICES 18

6. SERVICE MANAGEMENT 19

7. SERVICE PROVIDER EXPERIENCE 19

8. CLIENT REFERENCES 20

9. PRICING 20

10. PROPOSED RESPONSE FORMAT 21

11. EVALUATION CRITERIA 22

11.1. Phase 1: Minimum and Administrative Requirements 22

11.2. Phase 2: Technical / Functional Criteria 23

11.3. Phase 3: Pricing Requirements 24

12. CONDITIONS 30

DECLARATION OF INTEREST 36

DECLARATION 1 43

COMPANY INFORMATION 44

DECLARATION 2 48

DEFINITIONS AND ABBREVIATIONS

- 1.1 **B-BBEE** means black broad-based economic empowerment;
- 1.2 **B-BBEE** status level of contributor means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of good practice on Black Economic Empowerment, issues in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 1.3 **Bid** means a written offer in a prescribed or stipulated form in response to an invitation by PIC for the provision of goods and services, through price quotations, advertised competitive tendering processes or proposals;
- 1.4 **BBBEE Act** means the Broad Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 1.5 **Consortium or joint venture** means an association of persons for the purpose of combining their expertise, property, capital, skill and knowledge in an activity for the execution of a contract;
- 1.6 **Contract** means the agreement that results from the written acceptance of a bid by the PIC and successful negotiation and signature of same by both parties delegated authorities;
- 1.7 **Functionality** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 1.8 **Management** means an activity inclusive of control and performed on a daily basis, by any person who is a principal executive officer of the company, by whatever name that person may be designated, and whether or not that person is a director;
- 1.9 **Ownership** means the percentage ownership and control, exercised by individuals within an enterprise;
- 1.10 **Validity Period** means the time period for which price quotation for the provision of goods and services shall remain valid, in this case, being a period of 120 (one hundred and twenty) days;

- 1.11 **PFA** means the Preferential Procurement Policy Framework Act, 2000 (Act No 5 of 2000);
- 1.12 **SANAS** means the South African National Accreditation System; and
- 1.13 **POPIA** means the Protection of Personal Information Act, 2013 (Act No 4 of 2013)
- 1.14 **GDPR** means the General Data Protection Regulation (EU) 2016/679
- 1.15 **SIEM** means the Security Information and Events Management

1. INTRODUCTION

The Public Investment Corporation (PIC) is an asset management wholly owned by the government of the Republic of South Africa duly represented by the Minister of Finance. The PIC Investment Manager on behalf of public sector funds which include Government Employees Pension Fund (GEPF), Unemployment Insurance Fund (UIF) and Compensation Fund.

Established in 1911, the PIC ranks amongst the best and successful asset management firms in the world and is by far the biggest in Africa. The PIC runs one of the most diversified portfolios, which is made-up of multiple asset classes. These assets include listed equities, real estate, capital market, private equity and impact investing. Through listed investments, the PIC controls over 10% of the Johannesburg Stock Exchange and has direct and indirect exposure to almost all sectors of the South African economy. The corporation has a mandate to invest in the rest of the African continent and beyond. Over and above generating financial returns for clients, through its impact-investing programme, the PIC seeks to generate social returns by investing in projects that ensure inclusive growth. The PIC supports the United Nations' Sustainable Development Goals and considers environment, social and governance issues in all its investments.

2. PURPOSE

The Public Investment Corporation seeks responses from suitably qualified business partners with a proven track record of implementing and managing an E-Learning Management System to improve efficiencies and effectiveness in our operations. The service providers are required to provide professional services and to demonstrate the right level of skills and experience for the services required for a period of five (5) years.

3. BACKGROUND

The PIC strives to develop human capital by creating capacity through attracting, developing and retaining top talent in the Asset Management Industry. In order to ensure the maintenance and strengthening of the diverse skills of employees an e-learning management system (LMS) has thus become mission critical to the PIC' Vision 2030, as it will provide the diverse employees with flexible global professional training and online learning that they need to be successful, thus transforming our organisational learning into a strategic advantage. The on-demand, just in time and fit for purpose on-line training will keep employees up to date on the latest regulatory and legislative

requirements, industry certifications and job-specific best practices as they relate to Asset and Investment management global best practices.

In line with our Vision 2030 and expanding global Strategy, the PIC is inviting bids from suitable service providers to supply, implement and maintain an Electronic-Learning Management solution to ensure the PIC remains current in regulatory developments within the organization. The E-Learning Management solution platform would be used to deploy the roll out of all training, such as and not limited to:

- PIC Induction an on-boarding
- PIC HR Functional training content (policies);
- Legal, Regulatory, Compliance and Governance training content (FAIS, FICA, Personal Account and Insider Trading, Regulatory Exam preparation).
- Asset & Investment Management training
- IT Security Awareness content
- Soft-skills training
- Microsoft packages training
- Financial Management
- Management and Leadership

4. SCOPE OF WORK

The purpose of this bid is to request proposals from competent and highly qualified bidders, who have sufficient experience in supplying, installing and maintaining an Electronic Learning Management Solution for the PIC. The following areas are required to be implemented by the solution for+_450 employees who are located at the Head office in Pretoria.

- Registration Management
- Tracking and Scheduling
- Usability
- Assessment Management
- Learning Content and Authoring
- Learning Content , Management and Distribution
- Communication and Collaboration

- Reporting and Analysis
- Security Audit requirements
- Infrastructure requirements

Bidders must indicate compliance with this requirement as follows- By ticking ✓ the relevant box “Comply” or “Not Comply” in the event that no tick ✓ is made it will be accepted that the bidder does “Not Comply”.

		Comply	Not Comply	Comments
NO.	Registration Management			
1.	Schedule a variety of learning activities, in addition to formal classroom instructions (for example, on-the-job training and e-learning)			
2.	Automated notifications via email to managers and learners when registering for learning events			
3.	Create business rules for courseware access and enrollment			
4.	Send confirmations and cancellations			
5.	Send pre-event reminder notifications			
6.	Set registration open/close dates			
7.	Create waitlists and track status			

		Comply	Not Comply	Comments
8.	Permit individual and batch enrollment			
9.	Handle prerequisites during registration			
NO.	Tracking and Scheduling	Comply	Not Comply	Comments
10.	Track a variety of learning activities, in addition to formal classroom instructions (for example, on-the-job training and e-learning)			
11.	Manual and automatic assignment of learning plans to individual learners and groups			
12.	Compliance and mandatory training notification, tracking and scheduling			
13.	Assignment tracking			
14.	Continuing education and certification tracking			
15.	Calendars for learners, managers and administrators, showing courses and assignments			

		Comply	Not Comply	Comments
16.	Access learner roster for an enrolled class			
17.	Manually edit tracking and completion data for a learner			
18.	The ability to create an appointment in a calendar (such as Outlook) when a learner signs up for a course			
19.	The ability to check conflicts when creating an appointment in a calendar (such as Outlook)			
20.	Be able to check conflicts to HR Focus system			
NO.	Usability	Comply	Not Comply	Comments
21.	Straightforward graphical user interface (GUI) and navigation			
22.	Browser-based interface			
23.	Natively supports mobile operating systems (iOS, Android, Windows, etc.)			
24.	Ability to create customized, user-configurable portals and homepages			
25.	Ability to brand multiple domains for different audiences (i.e. various stakeholders, whether internal or external to the organization)			

		Comply	Not Comply	Comments
26.	Ability to make learner (personalized) recommendations based on job profiles			
27.	Capability for learners to take notes during courses			
28.	Support for live chat during courses			
29.	Embedded gamification (recognition, leaderboards, levels, etc.)			
30.	Linking to learning objects and services			
31.	Bookmarking of learning objects and services			
32.	Workflow capability for commonly performed actions			
33.	Access control to system and data			
34.	Secure log in and authorization(AD and two factor authentication)			
35.	Ability for learners to create and review learning plans			
36.	Updates to demographic information			
37.	Select time zone preferences			
38.	Capability to cater for employees with special needs (people with disabilities e.g. blind, deaf, and physical)			
NO.	Assessment Management	Comply	Not Comply	Comments
39.	Create tests, exercises and surveys from Q&A pools			

		Comply	Not Comply	Comments
40.	Set parameters for tests and exercises (for example, duration, number of attempts allowed, passing scores)			
41.	Support multiple response formats (such as true/false, multiple choice)			
42.	Collect and analyze test results			
43.	Ability to set passing scores for a test			
44.	Tests can be autograded by the system			
45.	Capability to project curriculum completion based on test scores			
46.	Notification to line managers and HR based on predefined criteria			
NO.	Learning Content Authoring and Development	Comply	Not Comply	Comments
47.	Do you offer content authoring tools with your corporate learning system? If so, describe the types of content creation your tool supports (i.e. standard authoring, video creation, simulation and immersive learning environments)			
48.	Ability of learners to easily create content (i.e. user-generated content)			
49.	Importation of Sharable Courseware Object Reference Model (SCORM)			
50.	Importation of content created using third-party applications			

		Comply	Not Comply	Comments
51.	Importation of custom content developed by third parties			
52.	Courseware content repository management			
53.	Adaptive learning with branching capabilities			
54.	Video creation capabilities			
55.	Revision tracking, with notifications if learners need to be retrained and retested			
NO.	Standards	Comply	Not Comply	Comments
56.	Latest Standards i.e. SCORM & CMI5			
57.	Others			
NO.	Learning Content, Content Management and Distribution	Comply	Not Comply	Comments
58.	Provisioning and tracking of multiple content types			
59.	Supports micro learning			
60.	Ability to combine multiple types of learning (i.e., ILT, online, webcasts, video) into a single course			
61.	Content rating and annotation			
62.	System supports deep links?			
63.	Search capability across all content types and using a variety of filters(advanced search)			
64.	Advanced search functionality (e.g. the ability to search within videos)			

		Comply	Not Comply	Comments
65.	Offline support, such as for an offline desktop player			
66.	Course delivery to mobile devices such as smartphones and tablets			
67.	Integrated Learning Records Store (LRS)			
68.	Geofencing or IP address restrictions			
69.	Ability to restrict access based on time of day (i.e. working hours)			
70.	Creation of course catalogs by domain			
71.	Provide learning content library			
72.	Ability to load third-party content from various libraries (Skillsoft, LinkedIn Learning, OpenSesame, etc.)			
NO.	Communication and Collaboration	Comply	Not Comply	Comments
73.	Ability to group users based on learning activities or events			
74.	Create activities and alerts based on group or learning topic			
75.	Provide support for learning communities to create and share learning objects such as blogs, wikis, informal discussions and workspaces			
76.	Learners can be automatically assigned to communities			
77.	Email system included as part of the corporate learning system?			
78.	Integration with corporate email system			

		Comply	Not Comply	Comments
79.	Automatic personalization of emails(templates)			
80.	Integration with existing collaboration and social software tools, such as workspaces, wikis, chat programs			
NO.	Reporting and Analysis	Comply	Not Comply	Comments
81.	Provide standard, real-time reports that can be run on-demand			
82.	Please list the reports that come standard with the system			
83.	Allow users to filter and sort information to create custom views			
84.	Dashboard and analytics for executives, managers and administrators			
85.	XAPI-compliant?			
86.	Offer graphical and textual representations of data			
87.	Export to other applications, such as Microsoft Office and BI tools			
88.	Allow access to reports based on role			
89.	Provide services to develop custom reports			
90.	Provide wizards so users can create custom reports			
91.	Predictive analytics (recommendations, best class, content etc...)			

		Comply	Not Comply	Comments
92.	Integration with analytics and dashboard providers (please describe type(s) of integration):			
93.	IBM (Cognos)			
94.	Microsoft			
95.	Crystal Reporting			
NO.	Resource Scheduling	Comply	Not Comply	Comments
96.	Support physical classroom and equipment scheduling integrate with outlook			
97.	Support scheduling of web-conference-based learning sessions			
NO.	E-Commerce	Comply	Not Comply	Comments
98.	Integrated e-commerce support for course payment			
99.	Payment system for tracking internal costs and chargebacks			
100.	System supports multiple currencies			
101.	Show related products for upsell			
NO.	Governance, Risk and Compliance (GRC)	Comply	Not Comply	Comments
102.	Labour Relations Act			
103.	Workplace harassment prevention			
104.	Occupational Safety and Health Administration			
105.	Code of Conduct Training			
106.	Fraud and Corruption Policy			

		Comply	Not Comply	Comments
107.	Conflict of Interest Management Policy			
108.	Financial Advisory and Intermediary Services Act, 2002 (FAIS Act			
109.	Financial Intelligence Centre Amendment Act, 2017 (FICAA)			
110.	Financial Markets Act- Personal Account and Insider Trading Policy			
111.	Code of Conduct and Ethics Policy			
NO.	Integration With Enterprise Content Management Systems (please describe type(s) of integration)	Comply	Not Comply	Comments
112.	Microsoft SharePoint			
113.	OpenText			
NO.	Integration With Web-Conferencing Products (please describe type(s) of integration)	Comply	Not Comply	Comments
114.	Adobe Connect			
115.	Cisco UC			
116.	Citrix			
117.	WebEx			
118.	Microsoft Office Live Meeting			
119.	Others			
NO.	Integration Into Other Enterprise Systems such as ERP, HRMS, TMS and CRM (please describe type(s) of integration)	Comply	Not Comply	Comments

		Comply	Not Comply	Comments
120.	Integration with HR management system (HRMS)			
121.	Integration with talent management system (TMS)			
122.	Integration with ERP			
123.	Integration with CRM			
124.	Integration with GP			
NO.	Information security Requirements	Comply	Not Comply	Comments
125.	AD Authentication, password policy to conform to PIC standards			
126.	Segregation of duties, implemented through different user roles within the application			
127.	Secure encrypted communication tunnel between users and the application server (use SSL certificate			
128.	Provide specific firewall ports required by the application			
129.	Enable audit logging for user activities and log on/off events (Application must support audit logging of all transactions at database and application level; Audit trail – all system transactions to have date, time, and user identity			
130.	Implemented Baseline configuration on hosting servers (security patches and antivirus)			
131.	The solution must be protected against the OWASP Threats			

		Comply	Not Comply	Comments
132.	Cloud provider security certifications(ISO27001,SOC 2 Report)			
133.	Pen test Report for the hosting infrastructure			
NO	Infrastructure Requirements	Comply	Not Comply	Comments
134.	Windows server 2012 and above			
135.	SQL server 2016 and above			
136.	Windows10			
137.	Browser support: chrome and Internet Explorer			
138.	Cloud Based solutions preferred			

5. PROJECT MANAGEMENT SERVICES

The PIC recognizes the extent of the scope of work that the vendor will be engaging in to implement the technical architectural design and implementation of the desired solution. The PIC further recognizes the importance of employing the correct delivery model from the onset. This will ensure that there is proper planning, phase identification and prioritization, improved coordination; reduced risk and the eventual execution is seamless.

Bidders must provide Project Management Services for the full implementation of the solution. Bidders must also provide detailed description of their Project Management process/ methodology in sufficient detail to convey to the PIC that it is capable to implement its proposed service on time and on budget. The methodology must indicate clear stage gates which require approval and signoff, triggering payment on completion of key milestones. The PIC expects the service provider to provide project documentation, from requirements analysis, system architecture and design documents, test plans, training and technical documentation.

The bidder shall clearly specify the proposed approach, methodology and plan for the implementation of the E- Learning Management Solution services.

These include but are not limited to the following:

- Establish E-Learning and Learning Management System.
- The E-Learning and Learning Management System solution delivered, installed, configured, deployed and operational.
- Provide an implementation plan covering service, deliverables and skills.
- A centralized operational reporting and administration web interfaces for administration, configuration, reporting and workflow.
- Comply with internal policies and audit controls.
- Skills transfer to PIC personnel.

6. SERVICE MANAGEMENT

The Bidder to provide the Service Level Agreement for Support and Maintenance for a period of 5 years stipulating the following:

- Relationship Management Activities
- Service Levels: Service Priority Levels and associated Turnaround times(response and resolution turnaround time)
- Services credit methodology in case of a Service Level Breach; and
- Sample service level reporting

7. SERVICE PROVIDER EXPERIENCE

The Bidder to Provide a summary of the company's staff compliment and CV details/experience of the team to be assigned to this project.

- The bidder should at least have been in business doing similar work for at least 3 years.
- The bidder to provide relevant accreditation in line with the proposed solution and must be a Platinum Partner of the proposed solution.
- The bidder must be certified in the proposed solution.

8. CLIENT REFERENCES

The bidder to provide:

- A minimum of three (3) companies where similar work has been implemented within the last five (5) years.
- The bidders are requested to provide PIC with details of clients to complete the reference checks.
- This information must also include, the name of the entity, size of the entity designation of contact, contact person, contact number, a project implemented and implementation date.
- It is preferred that a listing of the bidder's references is relevant to similar implementation that PIC is requesting proposals for.
- A reference letter from the Client.

9. PRICING

Service providers are required to submit a proposal for all services outlined in the Scope of work. The costs for the service provider's proposal should be submitted in a separate document in line with the Scope of Work identified. The costs for the Bidders proposed solution should be submitted in line with the Scope of Work identified. It is the responsibility of the Bidder to ensure the accuracy of the pricing is provided as part of the response.

- Costs should include all costs for services and hardware (where applicable) on the Pricing Proposal.
- When completing the Pricing please take note of the following:
- All pricing (software, license fees, professional fees, annual maintenance fees, training, installation, documentation, support, etc.) to be quoted in South Africa Rand.
- Annual increases must not exceed CPI related to the specific year. All prices should be exclusive of VAT.
- Disbursement will be negotiated during contract in line with PFMA or National Treasury Regulations. Payments must consider the milestones completed in the project.

Price and BEE (BEE Level contributor, ownership, executive management)

10. PROPOSED RESPONSE FORMAT

For the purpose of ease in evaluating the bids, Bidders are required to present their bid documentation under the following headings:

Reference	Title	Guideline
Section 1	Cover letter	Brief company background, services and expertise, contact name and details of delegate authorized to make representations for the organization.
Section 2	Understanding of the PIC Requirements	Outline your understanding of the PIC Request for Proposal
Section 3	Scope of Work	Respond and cover all items presented in section 4 this document.
Section 4	Project Management Services	Respond and cover all items presented in section 5 of this document.
Section 5	Service Provider Experience	Provide summary of the company's staff compliment and CV details/experience of the team to be assigned to this project and respond to section 7
Section 6	Client References	Provide a summary of client references as outlined in section 8
Section 7	Service Management	Should cover the proposed SLA, support and maintenance plan - in section 6
Section 8	Pricing Proposal	Cover all costs in detail as per pricing proposal details outlined in section 9 and 11.3
Section 9	PIC legal terms and conditions	Comply with the PIC legal contract terms and conditions 12.10 to 12.11.2.8.

11. EVALUATION CRITERIA

Proposals will be evaluated in the following three Phases:

- **Phase 1:** Compliance with administrative requirements
- **Phase 2:** Technical/Functional evaluation of proposals in terms of requirements.
References responses (site visits if taking place)
- **Phase 3:** Price and BBBEE scoring in terms of PPPFA.

11.1. Phase 1: Minimum and Administrative Requirements

- ***The bidder will proceed to the next stage when they comply with the following requirements:***

Submission of:

- SARS Tax Pin Number/Valid Tax Clearance certificate
- BBBEE status level certificate –Accredited by SANAS BEE verification agency. Failure to submit a BEE certificate or a valid BEE Certificate does not mean disqualification from further evaluation but will influence the score for BEE Points as prescribed in the Preferential Procurement Regulations.
- EME'/QSE's with an annual total revenue of R10 million or less are required to obtain a sworn affidavit or certificate issued by companies Intellectual Property Commission (CIPC)
- Signed SBD1 document
- Signed declaration of interest document
- Completed and signed Company Information document and submission of all the required documentation as stipulated in the company profile document
- Acceptance of the conditions as stipulated in the bid document by signing of documents where applicable
- Submission of one (1) Original (Technical and Administration) document and four (4) copies.

- Submission in a separate envelope of the Pricing Proposal (1 original)
- All documents should be indexed, clearly marked with bid number.
- Technical and administrative requirements (one document) and should be clearly separated with heading Administrative and Technical.
- The CSD (Central Supplier Database) is a single source of all supplier information for all spheres of government and all suppliers engaging with the PIC should be registered on the CSD. **Kindly enclose your CSD registration number.** _____

11.2. Phase 2: Technical / Functional Criteria

With regard to technicality/functionality, the following criteria shall be applicable and the maximum weight of each criterion is indicated in the table below:

Criteria	Definition	Weighting
1. Functionality	<p>Adherence to section 4 of the RFP:</p> <ul style="list-style-type: none"> • Registration Management • Tracking and Scheduling • Usability • Assessment Management • Learning Content and Authoring • Learning Content , Management and Distribution • Communication and Collaboration • Reporting and Analysis • Security Audit requirements • Infrastructure requirements <p>(Failure to meet the minimum score of 70% for this criteria will result in the bidder being disqualified from further evaluation)</p>	60

Criteria	Definition	Weighting
2.Provider, personnel experience and references	Provide list of contactable references for similar services Bidder' overall experience to be in 5 years in Financial Services industry, preferably in Asset & Investment Management. Bidder to provide three contactable references of similar project implemented in the last 3 years. Key personal should have 5 years' experience in implementing similar projects.	30
3. Project Management	As Per Section 5 of the RFP: <ul style="list-style-type: none"> • Project Plan (project to go live in 01 February 2019). • Skills Transfer 	10
Total		100%
Minimum Threshold		70%

11.3. Phase 3: Pricing Requirements

11.3.1 Price and BEE (BEE Level contributor, ownership, executive management)

Pricing: Prices must be quoted in South African Rand excluding VAT.

Price	Rand Value
<i>(Kindly submit a detailed price breakdown as per the scope requirements)</i>	

11.3.2 Support and Maintenance Service

Year 1	To be included
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Year 2	
Year 3	

11.3.3 All bidders to submit their pricing as per schedule below-

- (a) Annual increases must not exceed CPI related to the specific year;
- (b) A maximum of 90 points is allocated for price on the following basis:

$$P_s = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right) \text{ Where}$$

P = Points scored for price of bid under consideration

P_t = Rand value of bid under consideration

P_{min} = Rand value of lowest acceptable bid

11.4. Broad-Based Black Economic Empowerment Status Level Certificates

11.4.1 Bidders with annual total revenue of R5 million or less qualify as Exempted Micro Enterprises (EMEs) in terms of the Broad-Based Black Economic Empowerment Act, and must submit a certificate issued by a registered auditor, accounting officer (as contemplated in Section (60 (4) of the Close Corporation Act, 1984 or an accredited verification agency.

11.4.2 Bidders other than the Exempted Micro-Enterprises (EMEs) must submit their original and valid BBBEE status level verification certificate or a certified copy thereof issued by a SANAS accredited agency, substantiating their BBBEE rating.

11.4.3. Points will also be awarded based on a bidder for attaining their B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points /10
1	10
2	9
3	8
4	5
5	4
6	3
7	2
8	1
Non- compliant Contributor	0

11.4.4. A point out of 100 (50/ownership and 50/executive management) will be allocated for ownership and executive management: based on the following:

Percentage	Points allocated
0-49	0
50-60	10
61-70	20
71-80	30
81-90	40
90-100	50

11.5. Ownership

11.5.1. Indicate percentage of Black ownership

_____ %

11.5.2.. Indicate a percentage of black executive management

_____ %

11.5.3. List of Shareholders

Name	ID No	SA Citizen	Race	Gender	Shareholding %

Name	ID No	SA Citizen	Race	Gender	Shareholding %

- 11.6. Points scored in terms of the 90/10 preference system will be added to the points scored for % black ownership and % of black Executive Management.
- 11.7. Points scored will be rounded off to the nearest two decimal places.
- 11.8. The Bidder who scored the highest point will be awarded the bid.
- 11.9. In the event where two or more bidders scored equal points, the successful bidder must be the one scoring the highest preference points for BBBEE.

11.10. However, when functionality is part of the evaluation process and two or more bidders have scored equal points including equal preference points for BBBEE, the successful bidder must be the one scoring the highest for functionality.

11.1. Should two or more bidders be equal in all respects, the award shall be decided by the drawing of lots.

12. CONDITIONS

12.1. Joint Ventures / Consortiums

(Preference will be given to bidders who forms or already has existing Joint Venture/Consortium agreements in place.)

12.2. The following information and documentation must be submitted:

12.2.1. All information stipulated in paragraph 3 under minimum and administrative requirements must be submitted by all parties involved in the Joint Ventures/Consortiums, including ownership and executive management information.

12.2.2. A percentage breakdown of the work allocation between the parties must be clearly indicated.

12.2.3. A formal signed agreement indicating the leading company as well as the other company roles and responsibilities must be submitted.

12.2.4. A skills transfer plan between the parties must be submitted.

12.3. Non-Commitment

12.3.1. The PIC reserves the right to withdraw or amend these terms of reference by notice in writing to all parties who have received the terms of reference prior to the closing date.

12.3.2. The cost of preparing of bids will not be reimbursed.

12.4. Reasons for rejection

12.4.1. The PIC reserves the right to reject bids that are not according to specification/Terms of Reference. Bidders must clearly indicate compliance or non-compliance with specification/Terms of Reference.

12.4.2. Bidders shall not contact the PIC on any matter pertaining to their bid from the time the bids are closed to the time the bid has been adjudicated. Any effort by a bidder to influence the bid evaluation, bid comparisons or bid award decisions in any matter, may result in rejection of the bid concerned.

12.4.3. The PIC shall reject a submission if the Bidder has committed a proven corrupt or fraudulent act in competing for a particular contract.

12.4.4. The PIC may disregard any submission if that Bidder, or any of its directors

12.4.4.1. Have abused the Supply Chain Management (SCM) system of any Government Department/ institution;

12.4.4.2. Have committed proven fraud or any other improper conduct in relation to such system;

12.4.4.3. Have failed to perform on any previous contract and the proof thereof exists; and/or

12.4.4.4. Is restricted from doing business with the public sector if such a bidder obtained preferences fraudulently or if such bidder failed to perform on a contract based on the specific goals.

12.5. Cancellation of Bid

12.5.1. The PIC may prior to the award of a bid, cancel a bid for the following reasons -

12.5.1.1. Due to changed circumstances, there is no longer a need for the goods or services requested:

12.5.1.2. Funds are no longer available to cover the total envisaged expenditure;

12.5.1.3. No acceptable bids are received.

12.5.2. The PIC may after award of the tender but before conclusion of a contract, cancel a bid for the following reasons-

12.5.2.1. Due to change of circumstances, there is no longer a need for the goods or services requested;

12.5.2.2. Funds are no longer available to cover the total envisaged expenditure.

12.6. Clarifications

12.6.1 Any clarification required by a bidder regarding the meaning or interpretation of the

12.6.2 Document, or any other aspect concerning the submission, is to be requested in

12.6.3 writing e-mail to tenders@pic.gov.za.

12.7. Receipt of Bids

12.7.1 Each bid shall be in writing using non -erasable ink and shall be submitted on the official document of Bid issued with the bid documents. The bid shall be submitted in a separate sealed envelope with the name and address of the bidder, the bid number and title, the bid box number (where applicable), and the closing date indicated on the envelope. The envelope shall not contain documents relating to any bid other than that shown on the envelope. The onus shall be on the bidder to place the sealed envelope in the official marked locked bid box provided for this purpose, at the designated venue, not later than the closing date and time specified in the bid notice.

12.7.2 Postal bids will be accepted for consideration only if they are received in sufficient time to be lodged in the appropriate bid box by the closing time for such bids, it being understood that PIC disclaims any responsibility for ensuring that such bids are in fact lodged in the bid box. Proof of posting of a bid will not be accepted as proof of delivery to the appropriate place for the receipt of bids.

12.7.3 Documents submitted on time by bidders shall not be returned and shall remain the property of the PIC.

12.8. Late Bids

12.8.1 Bids received late shall not be considered. A bid will be considered late if arrived only one second after 11h00 or any time thereafter. The tender box shall be locked at exactly 11h00.

12.8.2 Bids received late shall be returned unopened. Bidders are therefore strongly advised to ensure that bids be dispatched allowing enough time for any unforeseen events that may delay the delivery of the bid.

12.9. Presentations

12:9.1 The PIC will require presentations at a stipulated date and time from short-listed bidders as part of the bid process.

12.10. Service Level Agreement (SLA)

12.10.1. The SLA will set out the administration processes, service levels and timelines.

12.10.2. The award of a tender shall always be subject to successful negotiation and conclusion of an SLA / contract. There will be no binding agreement between the parties if a contract has not been concluded.

12.11. Contracting

12.11.1. Bidders are advised that a valid contract will only come into existence between the PIC and the successful bidder after conclusion of successful negotiations and signature of the Contract by both parties' respective delegated authorities.

12.11.2. Key contractual principles that successful bidders must accept in the final contract are as follows:

12.11.2.1. Duration

Contracts will be for a fixed period. There will be no auto-renewals.

12.11.2.2. Limitation of Liability

The limitation of liability is subject to negotiation and will be informed by the contract value and risk associated with the contract.

12.11.2.3. Ownership of Data

The PIC shall retain ownership of the Data and all Intellectual Property Rights in and to all the Data.

12.11.2.4. Termination of Convenience

PIC requires a clause addressing termination of convenience

12.11.2.5. Governing Law

The PIC preferred Governing Law of the Contract between the parties is the law of the Republic of South Africa. In the event that the parties cannot agree on South African law, the PIC will accept the law of England.

12.11.2.6. Warranty

The Successful Bidder warrants that it:

- is authorised to enter into an Agreement and able to perform each of its duties in terms of the Agreement;
- is suitably qualified to provide the Services;
- is registered with the relevant industry body and its employees have the required certification and licences; and
- has public liability insurance cover commensurate with the risks to which it is exposed for the Term of the Agreement. Documentary proof of such insurance cover is to be provided to on or before the Date of Signature.

The Bidder shall provide the Services:

- with due care and skill;
- in accordance with the terms and conditions of this Agreement; and

- in compliance with all applicable laws and regulations.

The Bidder further warrants and guarantees that:

- the Services shall be rendered and executed in a professional manner in accordance with the standards agreed between the Parties and expected in the relevant industry; and
- the personnel tasked with rendering the Services have completed the requisite formal training and have the expertise to execute their functions properly, in particular regarding but not limited to:
- the execution of their Services, having regard for the legal aspects thereof;

12.11.2.7. Data Storage

The Successful Bidder must disclose where the data is stored. PIC requires data to be stored in the Republic of South Africa or an EU jurisdiction.

12.11.2.8 Exit Management

If this Agreement is terminated in whole or in part for any reason whatsoever the provisions of the exit management plan agreed (if any) between the Parties shall come into effect and in any event, including where no agreed exit management plan exists, the Supplier shall co-operate fully with the PIC to ensure an orderly migration of the Services to the PIC or, at the PIC's request, a new supplier (an **Orderly Migration**). Without limiting the foregoing, the PIC shall be entitled to require the Supplier to continue to provide the Services for up to **[6 (six)]** months after the effective date of the termination of this Agreement on the same payment terms if, in the opinion of the PIC, such continuation is required in order to allow for an Orderly Migration. Co-operation by the Supplier shall include (without limitation), at the PIC's election, the provision by the Supplier of such personnel, equipment, resources, software, documentation, training and consultancy as may reasonably be required to enable an Orderly Migration and the return of the PIC's data in the manner, timeframes and a form and format specified by the PIC.

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, 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; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

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

2.1 Full Name of bidder or his or her representative:
.....

2.2 Identity Number:
.....

2.3 Position occupied in the Company (director, trustee, shareholder²)
.....

2.4 Company Registration Number:

.....

2.5 Tax Reference Number:

.....

2.6 VAT Registration Number:

.....

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

¹“State” means –

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

2"Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

2.7 Are you or any person connected with the bidder **YES / NO**

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:

.....

Name of state institution at which you or the person

Connected to the bidder is employed:

Position occupied in the state institution:

Any other particulars:

.....

.....

.....

2.7.2. If you are presently employed by the state, did you obtain the **YES/NO** appropriate authority to undertake remunerative

Work outside employment in the public sector?

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

.....
.....
.....

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

2.9 If so, furnish particulars:

.....
.....
.....

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

2.10.1 If so, furnish particulars.

.....
.....
.....

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

2.11.1. If so, furnish particulars.

.....
.....
.....

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

2.12.1. If so, furnish particulars:

.....

.....

.....

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

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



PUBLIC INVESTMENT
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DECLARATION 1

I, THE UNDERSIGNED (NAME).....

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

I ACCEPT THAT THE PIC MAY REJECT THE BID OR ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....

Signature

.....

Date

.....

Position

.....

Name of bidder

COMPANY INFORMATION

Please complete the following questionnaire:

1. Company Name:

2. Other Trading Names:

3. Type of Organization: (Public Company ('Limited'), Private Company ('(Pty) Ltd'), Close Corporations ('cc'))

4. Physical and Postal Address of the Company:

Postal Code:	Postal Code:

5. Contact Details

Contact Name	
Contact Number	
Cell Number	
Email Address	
Alternative Contact	
Email Address	
Contact Number	

6. Company Information

Average no. of employees:	
Average annual turnover:	

Type of Enterprise: (e.g. Generic, Qualifying small enterprise, Exempted Micro Enterprise)	
Industry in which the entity operates:	

7. Banking Details

Banker:	
Auditor:	
Year of Establishment:	
Registration number of entity:	
Sector:	

***A letter from your bank with a bank stamp or cancelled cheque must be submitted.**

8. Tax Registration Details:

Income Tax Reference Number:	
VAT Registration Number:	
PAYE Registration Number:	

9. List of Shareholders:

*** ID Documents of the Board of directors/members, owners, shareholders or executive committee must be submitted.**

*** CIPC Documents must be attached.**

B-BBEE (Broad-based Black Economic Empowerment) Status Details:

Please tick the relevant box(es):

STATUS	INDICATION
<p>The company has been independently verified (assessed / rated / certified)</p> <p><i>Please submit the B-BBEE verification certificate.</i></p>	<input data-bbox="742 1064 842 1169" type="checkbox"/>
<p>The company is in the process of being verified. Please submit a letter from verification agency.</p> <p><i>(i.e. verification to be completed within a maximum of 2 months)</i></p>	<input data-bbox="742 1489 842 1594" type="checkbox"/>

DECLARATION 2

Bidder Name: _____

Signature: _____

Designation: _____

I declare that:

- All information provided is true and correct
- The signatory of the bid document is duly authorised
- Documentary proof regarding any bid issue, will, when required be submitted to the satisfaction of the PIC

PIC will upon detecting that:

- The BBBEE status level of contribution has been claimed or obtained on a fraudulent basis;
- Any of the conditions have not been fulfilled act against the bidder.

I understand that:

PIC may:

- Disqualify the bidder from the bidding process;
- Recover all costs, losses or damages it has incurred or suffered as a result of the bidder's conduct
- Cancel the contract and claim any damages which has suffered as a result of having less favorable arrangements due to cancellation
- Restrict the bidder, its shareholders and directors or only shareholders and directors who acted on fraudulent basis, from obtaining business from any organ or state for a



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

- Forward the matter for criminal prosecution

Thus signed and accepted on this _____^{st / nd / rd / th} day of _____, 20____
at _____:

Who warrants his / her authority hereto

For and on behalf of:
