



NAME OF BID	APPOINTMENT OF A SERVICE PROVIDER TO EVALUATE THE FSCA STRATEGIC PLAN 2020-2025, FACILITATE STRATEGIC PLANNING WORKSHOPS AND ASSIST WITH THE DRAFTING OF THE STRATEGIC DOCUMENTS
BID NO.	FSCA2023/24-T015
ADVERT DATE	12 MARCH 2024
CLOSING DATE	09 APRIL 2024
CLOSING TIME	11h00 (South African Standard Time, obtained from Telkom SA SOC Limited by dialling 1026)

BIDDER NAME	
ID/REGISTRATION NUMBER	
CSD NUMBER	
CONTACT PERSON	
EMAIL ADDRESS	
TELEPHONE NUMBER	

**Riverwalk Office Park, Block B; 41 Matroosberg Road
(Corner Garsfontein and Matroosberg Roads)
Ashlea Gardens, Extension 6
Menlo Park; Pretoria; South Africa; 0081**

P.O. Box 35655; Menlo Park; 0102

Switchboard: +27 12 428 8000

Website: www.fsca.co.za



Executive Committee:

Commissioner: U. Kamlana | Deputy Commissioners: A. Ludin | K. Gibson | F. Badat

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A. INTRODUCTION TO BID

1. Introduction

- 1.1 The Financial Sector Conduct Authority (FSCA) was established in terms of the Financial Sector Regulation Act No. 9 of 2017. It is responsible for market conduct regulation and supervision of the financial services industry. The objectives of the FSCA are to enhance and support the efficiency and integrity of financial markets, to protect financial customers by promoting their fair treatment by financial institutions, as well as providing financial customers with financial education. The FSCA is a Schedule 3A Public Entity, in terms of the Public Finance Management Act (PFMA).
- 1.2 The vision of the FSCA is to ensure an efficient financial sector where customers are informed and treated fairly and its mission is to ensure a fair and stable financial market, where consumers are informed and protected, and where those that jeopardize the financial well-being of consumers are held accountable. Visit the FSCA website, www.fsc.co.za for further information about the FSCA.
- 1.3 The FSCA operates from offices in Pretoria at Riverwalk Office Park; 41 Matroosberg Road; Ashlea Gardens Extension 6; Menlo Park; Pretoria.
- 1.4 All information, including personal information collected during this process will be treated as confidential, and processed in line with the FSCA Privacy Policy. For more information on how your personal information is processed and how you can exercise your rights in term of applicable information privacy laws, please visit the Privacy Policy on www.fsc.co.za.
- 1.5 Bidders are hereby invited for the appointment of a service provider to do an evaluation of the FSCA Strategic Plan 2020-2025. The contract will commence on 1 July 2024 or earlier.
- 1.6 This bid is subject to the Preferential Procurement Policy Framework Act No. 5 of 2000 and the Preferential Procurement Regulations, 2022, Broad-Based Black Economic Empowerment Act, the General Conditions of Contract (GCC) and, if applicable, any other special conditions of contract. Where, however, the special conditions of contract conflict with the general conditions of contract, the special conditions of contract prevail.

2. Briefing session

- 2.1 A **non-compulsory briefing** session will be held on **26 March 2024** at **11H00** for a maximum of 1 hour on Microsoft Teams. The link will be provided on the FSCA's website.

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2.2 THE FSCA WILL NOT BE COMPELLED TO REPEAT ANY ISSUES ALREADY COVERED TO LATECOMERS, NOR OPEN THE BRIEFING SESSION REGISTER ONCE THE SESSION IS CONCLUDED.

3. Bid enquiries and questions

3.1 Enquiries relating to minor administrative issues with reference to the bid may be directed to:

Nobusi Mazwai/Jessie Myanga
Supply Chain Management Department
Tel no.: (012) 422 2855/ (012) 367 7159
E-mail: tenders@fsc.co.za

3.2 All questions relating to the contents of the bid (conditions, rules, terms of reference etc.) must be forwarded in writing via email to tenders@fsc.co.za by not later than 29 March 2024. Questions received after this date will not be entertained.

3.3 All questions must reference specific paragraph numbers, where applicable.

3.4 All enquiries (received on or before the closing date for enquiries) will be consolidated and the FSCA will publish one response document on the FSCA website (www.fsc.co.za) within three (3) working days after the date as indicated in paragraph 3.2.


3.5 No requests for information shall be made to any other person or place and in particular not to the existing provider of this service.

4. Bid submission

4.1 Bid documents may either be posted (preferably by registered mail) or placed in the bid box or couriered to the physical address. Bids submitted by means of e-mail, telex facsimile, electronic or similar means shall not be considered.

4.2 Complete documents with supporting annexures shall be packaged, sealed, clearly marked and submitted strictly as follows:

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4.3 The FSCA requires two (2) printed copies, one (1) original and one (1) copy and one electronic copy (in electronic storage media, preferably a CD or flash drive/memory stick) in PDF format all bound in a sealed envelope marked as stated in paragraph 4.2.

4.4 Bids must be properly packaged and deposited on or before the closing date and before the closing time in the bid box situated at the reception area of the FSCA. The physical address of the FSCA is as follows:

Financial Sector Conduct Authority
 Riverwalk Office Park, Block B
 41 Matroosberg Road (Corner Garsfontein and Matroosberg Roads)
 Ashlea Gardens, Extension 6
 Menlo Park
 Pretoria, 0081

GPS Coordinates	
Latitude	-25.7843344
Longitude	28.268365

4.5 Bid documents may also be posted (preferably by registered mail) to:

PO Box 35655
 Menlo Park
 Pretoria
 0102

4.6 Bid documents will only be considered if received by the FSCA on or before the closing date and time, regardless of the method used to send or deliver such documents to the FSCA.


4.7 **Late submissions will not be accepted.**

4.8 Bidders must initial each page of the bid document on the bottom right-hand corner.

5. Pricing schedule

5.1 Only fixed prices will be accepted.


5.2 A pricing schedule must be submitted on a separate sheet from the technical proposal for ease of evaluation. The pricing schedule must be submitted adjacent to the SBD3.1 form in the bid proposal.


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B. DEFINITIONS

6. Definitions

- 6.1 Unless inconsistent with or expressly indicated otherwise by the context.
- 6.1.1 **FSCA** shall mean the Financial Sector Conduct Authority or any successor in title.
- 6.1.2 **Contractor** shall mean the successful bidder whose bid has been accepted by the FSCA and shall include the bidders' personal representatives.
- 6.1.3 **Contract** shall include the General Conditions of Contract and Special Conditions of Contract, the specifications including any schedules attached to the specifications, and any agreement entered into in terms of these Special Conditions of Contract.
- 6.1.4 **Service** shall mean:
- 6.1.4.1 Provision of evaluation services in relation to the FSCA Strategic Plan of 2020-2025;
 - 6.1.4.2 Facilitation of strategy planning workshops
 - 6.1.4.3 Assistance in drafting the FSCA Regulatory Strategy 2025-2028; and
 - 6.1.4.4 Assistance in drafting the FSCA Strategic Plan 2025-2030
- 6.1.5 **Person** includes any company incorporated or registered as such under any law, any body of persons corporate or unincorporated, any trust. Person, firm or company shall include an authorised employee or agent of such person.
- 6.2 Except where the context indicates otherwise, in this document the singular includes the plural, and with reference to gender, the one includes the other.

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C. BID RULES

7. Capabilities and experience of bidders

7.1 Bidders are required to provide all information as necessary to demonstrate their capabilities and experience with regard to the requested services.

8. Form of bid

8.1 The bid shall be signed and witnessed on the form of bid incorporated herein. The schedule of services shall be fully priced in South African Rand to show the total amount of the bid and shall be signed. The certificates, schedules and forms contained in this document shall be completed and signed by the bidder in blue or black ink.

8.2 **Please note:** No correction fluid such as Tippex or similar product is allowed. All changes must be scratched out and a signature next to each change.

8.3 Where the space provided in the bound document is insufficient, separate schedules may be drawn up in accordance with the prescribed formats. These schedules shall be bound with a suitable contents page and submitted with the bid documents.

9. Signing of bid

9.1 The bid must be signed by a person who is duly recognized to do so.

10. Bid all inclusive


10.1 The bidder must provide an all-inclusive fee statement in the bid.


11. Alterations to bid documents

11.1 No recognized alteration or addition shall be made to the form of bid, to the schedule of quantities of services to be rendered or to any other part of the bid documents. If any such alteration or addition is made or if the schedule of quantities of services to be rendered, or other schedules or certificates are not properly completed, such submission may be disqualified.

12. Qualifications on bid

12.1 Bids submitted in accordance with this bid document shall be without any qualifications.

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13. FSCA’s rights

- 13.1 The FSCA is entitled to amend any bid conditions, bid validity period, bid specifications, or extend the bid’s closing date, all before the bid closing date. The FSCA reserves a right to extend the bid validity period before its expiry period. All bidders, to whom the bid documents have been issued and where the FSCA have record of such bidders, may be advised in writing of such amendments in good time and any such changes will also be posted on the FSCA’s website under the relevant bid information. All prospective bidders should, therefore, ensure that they visit the website regularly and before they submit their bid response to ensure that they are kept updated on any amendments in this regard.
- 13.2 The FSCA reserves the right not to accept the lowest priced bid or any bid in part or in whole.
- 13.3 The FSCA reserves the right to award this bid as a whole or in part.
- 13.4 The FSCA reserves the right to conduct site visits at bidder’s corporate offices and/or at client sites if so required.
- 13.5 The FSCA reserves the right to consider the guidelines and prescribed hourly remuneration rates for consultants as provided in the National Treasury Instruction Note 03 of 2017/2018: Cost Containment Measures, where relevant.
- 13.6 The FSCA reserves the right to request all relevant information, agreements and other documents to verify information supplied in the bid response. The bidder hereby gives consent to the FSCA to conduct background checks on the bidding entity and any of its directors/trustees/shareholders/members.

14. Undertaking by bidder

- 14.1 By submitting a bid in response to this bid, the bidder will be taken to have offered to render all or any of the services described in the bid response submitted by it to the FSCA on the terms and conditions and in accordance with the specifications stipulated in this bid document.
- 14.2 The bidder shall prepare for a possible presentation should the FSCA require such and the bidder shall be notified thereof in good time before the actual presentation date. Such presentation may include a practical demonstration of products or services as called for in this bid.
- 14.3 The bidder agrees that the offer contained in its bid shall remain binding upon him and receptive for acceptance by the FSCA during the bid validity period indicated in this document and calculated from the bid closing date. Its

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acceptance shall be subject to the terms and conditions contained in this bid document read with the bid.


- 14.4 The bidder furthermore confirms that they have satisfied themselves as to the correctness and validity of their bid response; that the price(s) and rate(s) quoted cover all the work/item(s) specified in the bid response documents; and that the price(s) and rate(s) cover all their obligations under a resulting contract for the services contemplated in this bid; and that they accepts that any mistakes regarding price(s) and calculations will be at their risk.
- 14.5 The successful bidder accepts full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on them under the supply agreement and Service Level Agreement (SLA) to be concluded with the FSCA, as the principal(s) liable for the due fulfilment of such contract.
- 14.6 The bidder accepts that all costs incurred in the preparation, presentation and demonstration of the solution offered by it shall be for the account of the bidder. All supporting documentation and manuals submitted with this bid will become FSCA property unless otherwise stated by the bidder/s at the time of submission.


15. Central supplier database

- 15.1 The FSCA will not award any bid to a supplier who is not registered as a prospective supplier on the Central Supplier Database (CSD) as required in terms of National Treasury Circular No. 3 of 2015/2016 and National Treasury SCM Instruction Note 4A of 2016/2017.
- 15.2 The supplier is responsible to continuously update their information, including personal information on the CSD to ensure that it is complete, accurate and not misleading.

16. Supplier performance management

- 16.1 Supplier Performance Management is viewed by the FSCA as a critical component in ensuring it acquires value for money and maintains good supplier relations between the FSCA and all its suppliers.
- 16.2 The successful bidder shall upon receipt of written notification of an award, be required to conclude an SLA with the FSCA (where applicable), which will form an integral part of the supply agreement. The SLA will serve as a tool to measure, monitor and assess the supplier’s performance and ensure effective delivery of service, quality and value-add to the FSCA’s business.

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16.3 The successful bidder will be required to comply with the above conditions, and also provide a scorecard on how their product/service offering is being measured to achieve the objectives of this condition.


17. Cancellation of contract


17.1 If the FSCA becomes aware or is satisfied that any person (including an employee, partner, director or shareholder of the bidder or a person acting on behalf of or with the knowledge of the bidder), firm or company, amongst others:

- 17.1.1 is executing a contract with the FSCA unsatisfactorily,
- 17.1.2 has in any manner been involved in a corrupt act or provided a gift or remuneration in relation to any officer or employee of the FSCA, in connection with obtaining or executing a contract,
- 17.1.3 has acted in bad faith, in a fraudulent manner or committed an offence in obtaining or executing a contract,
- 17.1.4 has in any manner influenced or attempted to influence the awarding of an FSCA’s bid,
- 17.1.5 has when advised that his bid has been accepted, given notice of his inability to execute or sign the contract or to furnish any security required,
- 17.1.6 has engaged in any anti-competitive behaviour, including having entered into any agreement or arrangement, whether legally binding or not, with any other person, firm or company to refrain from bidding for this contract, or relating to the bid price to be submitted by either party,
- 17.1.7 has disclosed to any other person, any information relating to this bid, except where disclosure, in confidence, was necessary to obtain quotations required for the preparation of the bid,

the FSCA may, in addition to any other legal recourse, which it may have, cancel the contract between the FSCA and such a person, firm or company and/or resolve that no bid from such a person will be favourably considered for a period, as prescribed by the National Treasury.

17.2 Any restriction imposed upon any person shall apply to any other person with which such a person is actively associated.

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18. Applicable laws


- 18.1 The laws of the Republic of South Africa shall be applicable to each contract created by the acceptance of a bid and each bidder shall indicate an address in the Republic and specify it in the bid as his *domicilium citandi et executandi* where any legal process may be served on him.
- 18.2 Each bidder shall accept the jurisdiction of the courts of the Republic of South Africa.


19. Reasons for disqualification of bid

- 19.1 The FSCA reserves the right to disqualify any unacceptable bid as defined in the PPPFA Act and such disqualification may take place without prior notice to the offending bidder. The grounds for disqualification amongst others could include the following:
 - 19.1.1 bidders who submit incomplete information and documentation as specified in the requirements of this bid document;
 - 19.1.2 bidders who submit information that is fraudulent, factually untrue or inaccurate;
 - 19.1.3 bidders who receive information not available to other potential bidders through any means;
 - 19.1.4 bidders who do not comply with mandatory requirements, if stipulated in the bid document;
 - 19.1.5 bidders who fail to attend a compulsory briefing session and sign bid register, if stipulated in the bid advert and/ or in this bid document; and/or
 - 19.1.6 bidders who fail to comply with FICA (Financial Intelligence Centre Act) requirements (where applicable).

20. Delegation of authority

- 20.1 The FSCA may delegate any power vested in it by virtue of these Terms of Reference to an officer or employee of the FSCA.

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21. Bid rules are binding

21.1 The bid rules as well as the instructions given in the official bid notice shall be binding on all bidders submitting bid applications for the service or services set out in the bid document.

22. Language of contract

22.1 The bid documents are drafted in English and any contract, which originates from the acceptance of the bid, will be interpreted and construed in English.

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D. TERMS OF REFERENCE

23. Objectives

23.1 The broad objectives of this bid include:

23.1.1 To provide bidders with adequate information to understand and respond to the FSCA’s requirements for:

23.1.1.1 The appointment of a service provider to evaluate the FSCA Strategic Plan 2020-2025;

23.1.1.2 Facilitation of strategic planning workshops;

23.1.1.3 Assistance in drafting the Regulatory Strategy 2025-2028, and the FSCA Strategic Plan 2025-2030

23.1.2 The project must be completed within a period not exceeding six (6) months after .

23.1.3 To ensure uniformity in the responses received from each prospective service provider.

23.1.4 To provide a structured framework for the evaluation of proposals.


24. Background


24.1 The FSCA was established 01 April 2018 as the dedicated market conduct regulator for the financial sector in terms of the Financial Sector Regulation Act, No.9 of 2017 (FSR Act).

24.2 According to the FSR Act, the mandate of the FSCA is to: protect financial customers by promoting their fair treatment by financial institutions; enhance and support the efficiency and integrity of financial markets and provide financial education and promote financial literacy; and assist in maintaining financial stability.

24.3 The FSCA adopted a Strategic Plan 2020-2025, taking into consideration the achievements of the FSCA during the first three (3) years of its existence, as well as the evolving external environment and the risks and opportunities presented.

24.4 The FSCA will be entering into the final year of the 5-year strategy in April 2024. In preparation for the development of the next 5-year Strategic Plan, it is necessary to evaluate the current Strategic Plan 2020-2025.

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24.5 The FSCA has therefore identified a need to conduct an evaluation of its current Strategic Plan 2020-2025. This should be conducted in accordance with the National Evaluation Policy Framework 2019, developed by the Department of Planning, Monitoring and Evaluation (DPME).

24.6 The evaluation will assist the FSCA to assess the effectiveness of the current strategy in achieving its goals, identify areas of success, improvement and make recommendations for strategic adjustment needed for the Strategic Plan of 2025-30 and the Regulatory Strategy of 2025-2028.

24.7 The evaluation will focus on the following areas:

24.7.1 Goals and Objectives: Review of the FSCA’s goals and objectives and how they align with the current strategy.

24.7.2 Implementation: Assessment of how the strategy has been implemented and executed, including any challenges faced during implementation.

24.7.3 Performance Measurement: A review of how the FSCA has measured against the success of the strategy over time.

24.7.4 Resource Allocation: Assessment of the allocation of the resources to support the execution of the strategy.

24.7.5 Sustainability: Review of the strategy’s long-term sustainability.

24.8 In addition to the evaluation as referred to above:


24.8.1 The appointed service provider will also facilitate strategy planning workshops with a view to developing the strategy documents; and

24.8.2 Compile the strategy documents and deliver the final documents to the FSCA.

The FSCA therefore requires the services of a suitably qualified and experienced service provider to conduct an evaluation of the current Strategic Plan; to facilitate strategy planning workshops; and to draft the Strategic documents.

24.9 The evaluation has to precede the start of the Strategic planning workshops as this process will inform how the strategy is crafted going forward.

24.10 The bidder must have knowledge and a comprehensive understanding of the public sector, with knowledge of the regulatory sector and the financial sector;

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an understanding of the FSCA’s enabling legislations; and experience of working with entities similar to the FSCA will be an added advantage.

24.11 The bidder must have experience in facilitating strategic planning for entities that were undergoing transformation.

25. Scope of work

25.1 The appointed service provider will be required to perform the following services:


25.1.1 Evaluate the current FSCA Strategic Plan 2020-2025 by:

- 25.1.1.1 Assessing the effectiveness of the strategy;
- 25.1.1.2 Measuring progress towards achievement of goals;
- 25.1.1.3 Determining whether adjustments are necessary; and
- 25.1.1.4 Compiling a comprehensive report incorporating the FSCA’s performance against each indicator, highlighting risk areas, the quality of evidence, and missed opportunities and submit to the FSCA for final review and inputs where necessary, prior to finalisation.

25.1.2 Facilitate the FSCA strategy planning workshops as follows:

- 25.1.2.1 Conduct a minimum of three (3), and a maximum of five (5) strategic planning sessions during business working hours between 09:00 and 16:00.
- 25.1.2.2 Propose key outcome-based performance indicators for the monitoring and reporting of the strategy against targets;
- 25.1.2.3 Record the outcomes of the strategy sessions, the broader environmental scan and the performance indicators in a strategy document aligned with the requirements of the National Treasury; and
- 25.1.2.4 Compile a comprehensive report detailing the strategic workshop outcomes, minutes of the workshops and action items if any, and submit to the FSCA for final review and inputs where necessary, prior to finalisation.

25.1.3 Assist in drafting the FSCA Regulatory Strategy 2025-2028 and Strategic Plan 25-30 by:

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- 25.1.3.1 Consolidating notes from the strategic planning workshops.
- 25.1.3.2 Engaging with the FSCA Executive Committee to get feedback on the draft Regulatory Strategy 2025-2028, to finalise its final submission by the last week of August 2024.
- 25.1.3.3 Cascading information from the Regulatory Strategy 2025-2028 to the draft Strategic Plan 2025-2030, to foster a holistic and compliant approach to achieving its objective.
- 25.1.3.4 Conducting research on the risks and opportunities that impact the FSCA’s mandate.
- 25.1.3.5 Considering the guiding principles of the Theory of Change, when drafting the strategic plan and also the Framework for Managing Programme Performance Information (FMPPi).

26. Mandatory guiding principles

26.1 Evaluate the FSCA Strategic Plan 2020-2025.

26.1.1 The appointed service provider is required to follow the below detailed guidelines, as linked to the scope of work:

Table 1

PRINCIPLE DESCRIPTION	DESCRIPTION	CRITERIA	ASSESSMENT
Pre-emptive and Proactive	This principle encourages the FSCA not only mitigates risks that have already resulted in prejudice to financial customers, but also adopts a forward-looking approach by pre-empting prejudice and proactively identifying and responding to emerging conduct risks.	Relevance, Effectiveness, Impact, Flexibility and Compliance with International Standards.	Has the principle remained significant in light of evolving market conditions and the regulatory landscape?
			What successful outcomes have been directly attributed to the application of this principle?
			Can we quantitatively measure the impact of the principle in achieving fair customer

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PRINCIPLE DESCRIPTION	DESCRIPTION	CRITERIA	ASSESSMENT
			<p>outcomes and maintaining market integrity?</p> <p>Does the principle allow the FSCA to adjust its approach in response to changing market conditions or emerging risks?</p> <p>Does the principle align with international best practices and guidelines?</p>
Intensive and Intrusive	This principle underlines the need for the FSCA to be comprehensive and thorough in its supervision. It calls for the FSCA to deeply interrogate and challenge the strategic decisions and business practices of supervised entities.	Effectiveness, Efficiency, Impact, Consistency and Compliance with International Standards.	<p>What successful outcomes have been directly attributed to the application of this principle? Has the principle been effective in preventing and managing misconduct in the financial sector?</p> <p>Has the application of the principle resulted in a better allocation of FSCA's resources?</p> <p>Can we quantitatively measure the impact of the principle in achieving fair customer outcomes?</p> <p>Is the principle consistently applied across all regulated entities</p>

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PRINCIPLE DESCRIPTION	DESCRIPTION	CRITERIA	ASSESSMENT
			and financial sectors?
			Does the principle align with international best practices and guidelines?
Risk-Based and Proportional	This principle requires the FSCA to focus its resources and interventions where they are most needed. It calls for the identification and prioritization of the most significant risks that could impede the achievement of the FSCA's objectives.	Relevance, Effectiveness, Efficiency, Impact, Flexibility and Compliance with International Standards.	<p>Has the principle remained significant in light of evolving market conditions and the regulatory landscape?</p> <p>What successful outcomes have been directly attributed to the application of this principle?</p> <p>Has the application of the principle resulted in a better allocation of FSCA's resources?</p> <p>Can we quantitatively measure the impact of the principle in achieving fair customer outcomes and maintaining market integrity?</p> <p>Does the principle allow the FSCA to adjust its approach in response to changing market conditions or emerging risks?</p> <p>Does the principle align with</p>

PRINCIPLE DESCRIPTION	DESCRIPTION	CRITERIA	ASSESSMENT
			international best practices and guidelines?
Transparent and Consultative	This principle stresses the importance of openness and engagement in the FSCA's work. It calls for the FSCA to be transparent about its operations and decisions and to consult with stakeholders when formulating regulatory instruments.	Relevance, Effectiveness, Transparency, Coherence and Compliance with International Standards.	<p>Does the principle align with the strategic direction of the FSCA?</p> <p>What successful outcomes have been directly attributed to the application of this principle?</p> <p>Is there clear communication to stakeholders about how the principle is applied in decision-making?</p> <p>How well does the principle integrate with and support the other guiding principles and the overall regulatory strategy?</p>

26.1.2 The appointed service provider should follow the evaluation criteria below:

Table 2

STRATEGIC OBJECTIVES	STRATEGY OUTCOME	EVALUATION CRITERIA
Improve industry practices to achieve fair outcomes for financial customers.	<ul style="list-style-type: none"> Good conduct and Treating Customers Fairly (TCF) principles embedded consistently across the financial sector conduct risks mitigated. 	<ul style="list-style-type: none"> Evaluate the extent to which good conduct and TCF principles have been embedded across the financial sector. Assess how effectively conduct risks have been mitigated. Review case studies or specific instances where improvements or failures in industry practices have been observed.
Act against misconduct to support confidence and integrity in the financial sector.	<ul style="list-style-type: none"> Trust in the financial sector maintained. 	<ul style="list-style-type: none"> Analyse the effectiveness of actions taken against misconduct. Assess the impact of these actions on the trust in the financial sector. Review case studies or specific instances where actions were taken against misconduct.
Promote the development of an innovative, inclusive, and sustainable financial system.	<ul style="list-style-type: none"> Transformation in the financial sector supported. Financial inclusion of low-income households and small businesses deepened. Greater competition and contestability in the financial system enabled. 	<ul style="list-style-type: none"> Evaluate the FSCA's efforts in supporting transformation in the financial sector. Assess the measures taken to deepen financial inclusion of low-income households and small businesses. Review the progress on enabling greater competition and

STRATEGIC OBJECTIVES	STRATEGY OUTCOME	EVALUATION CRITERIA
	Sustainable finance and investment in the financial sector fostered.	<ul style="list-style-type: none"> contestability in the financial system. Evaluate the efforts to foster sustainable finance and investment in the financial sector.
Empower households and small businesses to be financially resilient.	<ul style="list-style-type: none"> Financial customers able to make better and more informed financial decisions. 	<ul style="list-style-type: none"> Review the FSCA's initiatives aimed at improving financial customers' decision-making. Assess the effectiveness of these initiatives in enabling customers to make better and more informed financial decisions.
Accelerate the transformation of the FSCA into a socially responsible, efficient, and responsive organisation.	<ul style="list-style-type: none"> Operational excellence embedded across all functions of the FSCA is recognized and trusted by financial institutions, financial customers, financial sector ombuds and other financial sector regulators in South Africa and internationally. 	<ul style="list-style-type: none"> Evaluate the progress towards operational excellence across all functions of the FSCA. Assess the recognition and trust enjoyed by the FSCA among financial institutions, customers, financial sector ombuds, and other financial sector regulators in South Africa and internationally.

26.2 The appointed service provider will be required to:

- 26.2.1 Familiarise themselves with the FSCA mandate, vision, mission and values.
- 26.2.2 Scan the Financial Sector environment that the FSCA regulates for opportunities and challenges for the FSCA within the industry.
- 26.2.3 Consult with the Commissioner and Deputy Commissioners to discuss the preferred approach for the strategic planning workshop.

- 26.2.4 Setup virtual sessions for participants which will comprise of the Executive Committee members, Divisional Executives and Departmental Heads (approximately 50 people). This should include breakaway sessions and utilisation of appropriate digital collaboration and facilitation tools.
- 26.2.5 Identify and recommend tools required for the strategic planning workshops.
- 26.2.6 Facilitate the strategic workshop session, with the end objective being a defined strategy with clear strategic objectives.
- 26.2.7 Comprehensive assessment of the strategic frameworks, integrating monitoring and reporting process which enhances internal buy-in and processes that will increase the FSCA’s Strategic plan achievement.

26.3 Timelines

26.3.1 Timelines for strategy evaluation

Table 3


NO.	REQUIREMENT	DUE DATE
1.	Meeting with Chief Risk Officer (CRO) and Chief of Staff (CoS) to discuss the approach of the evaluation.	1 week after receipt of the award letter/purchase order
2.	Discussion and approval of the project plan.	5 days after meeting with CRO and CoS
3.	Commencement of the evaluation.	2 days after discussion and approval of the project plan.
4.	Presentation of first draft evaluation report to the CRO and CoS.	4 weeks after commencement of the evaluation
5.	Presentation of first draft evaluation report to the Strategic Management Committee (SMC).	3 days after presentation of first draft evaluation report to the CRO and CoS
6.	Tabling of the report to EXCO.	2 weeks after presentation of first draft evaluation report to the (SMC).
7.	Submission of the second draft which incorporates comments received and any other engagements that may have taken place.	1 week after tabling of the report to EXCO

NO.	REQUIREMENT	DUE DATE
8.	Submission and sign off of the final evaluation report.	1 week after submission of the second draft
9.	Steering committee meetings held on a weekly basis or as and when needed.	Weekly

26.3.2 Timelines for strategic planning workshops

Table 4

NO.	REQUIREMENT	DUE DATE
1.	Meeting with FSCA EXCO to discuss the approach and tools needed for the workshops.	On the same date of tabling of the evaluation report to EXCO (refer to 26.3.1 point 6 above)
2.	Facilitation of one day virtual strategic workshop.	One week after Meeting with FSCA EXCO to discuss the approach and tools
3.	Facilitation of two-day physical strategic workshop.	One week after facilitation of one day virtual strategic workshop
4.	Meeting with leadership to collate feedback from the workshop.	Within 5 working days after facilitation of two-day physical strategic workshop.
5.	Submission and presentation of the first draft 2025-2030 Strategic Plan and Regulatory Strategy 2025-2028. This presentation will be attended by the FSCA EXCO and SMC.	Three weeks after Meeting with leadership to collate feedback from the workshop.
6.	Submission of the second draft Strategic Plan and Regulatory Strategy which incorporates comments received and any other engagements that may have taken place.	Within 5 days after submission and presentation of the first draft 2025-2030 Strategic Plan and Regulatory Strategy 2025-2028.
7.	Finalisation of the project	Within 5 days after submission of the second draft

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NO.	REQUIREMENT	DUE DATE
		Strategic Plan and Regulatory Strategy

27. Contract conditions


27.1 Bidders must conduct evaluation of the Strategic Plan 2020-2025 in compliance with the following framework:


27.1.1 The National Evaluation Policy Framework 2019.

27.2 Bidders must draft the Strategic Plan 2025-2030 in compliance with the following framework:

27.2.1 Framework for Managing Programme Performance Information (FMPPi).

27.3 Should there be changes to the core team members of the appointed bidder during the contract period, the FSCA must be notified timeously, and appropriate replacements of an equivalent level of seniority and skill must be provided.

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28. Bid evaluation

28.1 The proposals will be evaluated as follows.

28.1.1 Evaluation Stage One: Compliance

Compliance with administrative requirements stated in the Standard Bidding Documents and the mandatory requirements as listed in paragraph 33 below. In this evaluation stage, all bidders that fail to provide the required information and documentation, may be disqualified from further evaluation.

28.1.2 Evaluation Stage Two: Functional evaluation (Desktop evaluation)


In this evaluation stage, bidders are expected to obtain a minimum of 80 out of 100 points to proceed to the next evaluation stage. Failure to obtain the prescribed minimum points will automatically disqualify the bid offer from proceeding to the next evaluation stage.

28.1.3 Evaluation Stage Three: Preference Point System

The 80/20 preference point system shall be applicable to this phase, where 80 points represent maximum obtainable points for the lowest acceptable price, and 20 points represents specific goals. Points will be awarded to a bidder for attaining the specific goal points in accordance with the table as listed in the bid documentation.

28.1.4 Evaluation Stage Four: Site Inspection

At the FSCA’s discretion, a site inspection may be conducted at this stage. The FSCA will visit the selected bidders’ premises with the objective of verifying information as contained in their respective bid documents. Should it be discovered during a site inspection or presentation that the information submitted by the bidder is inconsistent with what is on their current premises of business, such bidders will be disqualified.

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29. Functional evaluation (Desktop)

29.1 The bid/proposal will be evaluated for functionality and be rated as follows:

Table 5

ITEM	DESCRIPTION	DETAILED DESCRIPTION	RATING	WEIGHT
A. Organisational Profile	A.1.The bidder must submit the company’s profile which indicates the number of years of experience in providing the following functions: <ul style="list-style-type: none"> • strategy evaluation. • facilitating strategic planning sessions to the public sector, with knowledge of the regulatory sector, the financial sector and for entities that were undergoing transformation. • drafting strategic planning documents. 	A.1.1. The bidder did not submit the company profile.	0	20
		A.1.2. The bidder submitted the company profile with less than 3 years of experience which meets the requirements.	1-3	
		A.1.3. The bidder submitted the company profile with 3 or more years of experience which meets the requirements.	4-5	
B. Project Team	B.1. Bidders are required to submit CVs of their core team members (i.e., project lead, researcher, evaluator, and data analyst).	B.1.1. The bidder did not submit CVs.	0	20
		B.1.2. The bidder submitted CVs of the core team members which do not meet all the requirements.	1-3	

ITEM	DESCRIPTION	DETAILED DESCRIPTION	RATING	WEIGHT
	<ul style="list-style-type: none"> The core team should demonstrate minimum qualifications and experience in the role or expertise identified below, highlighting strategy evaluation, planning facilitation, and drafting of strategy documents experience. The CVs must reference qualifications held. <p>Project Lead (sector expert)</p> <p>Scope and task:</p> <ul style="list-style-type: none"> •Sector experience which includes economic (i.e., financial services and banking, macro, micro, small business). •Provide high level technical, analytical and research skills aligned to the sector needs. •Expertise in primary (qualitative, quantitative) applied or synthesis methods. •Serve as a reference person to guide on principles of systematic searching. •Provide quality assurance for evidence synthesis assignments. 	<p>B.1.3. The bidder submitted CVs of the core team members which meet or exceed all the requirements.</p>	<p>4-5</p>	

ITEM	DESCRIPTION	DETAILED DESCRIPTION	RATING	WEIGHT
	<ul style="list-style-type: none"> • Postgraduate degree in relevant field as per scope and task. • Minimum of 10 years sector experience as per scope and task. <p>Researcher</p> <p>Scope and task: •Intermediate and applied research. •Sourcing of data, information and evidence as per the criteria set out. •Participate in quality control and appraisal of research studies.</p> <ul style="list-style-type: none"> • Honors’s degree. • Minimum of 3 years of research experience as per scope and task. <p>Evaluator</p> <p>Scope and task: •Application of principles as set out in the National Evaluation Plan (NEP 2020-2025). •Design and undertake quality evaluations. •Provide technical support and implementation.</p>			

ITEM	DESCRIPTION	DETAILED DESCRIPTION	RATING	WEIGHT
	<ul style="list-style-type: none"> • Honors degree. • Minimum of 3 years evaluation experience as per scope and task. <p>Strategy Facilitator</p> <p>Scope and task: •Lead the strategic planning workshops and ensure that the meeting objectives are met. •Lead through the strategy process, help formulate a clear strategic direction, ask open-ended questions, and get everyone involved.</p> <ul style="list-style-type: none"> • Bachelor’s degree. • Minimum of 5 years facilitation experience as per scope and task. <p>Data Analyst</p> <p>Scope and task: •Develop high level data analysis and intelligence from integrated interventions and</p>			

ITEM	DESCRIPTION	DETAILED DESCRIPTION	RATING	WEIGHT
	indicators relevant to policy priority areas. <ul style="list-style-type: none"> Honors degree. Advanced level certification or degree in data science, management, computer science, information technology or other related skills would be an added advantage. Minimum of 3 years evaluation experience as per scope and task. 			
C. Project Plan	C.1.The bidder must submit a detailed project plan demonstrating the approach which outlines Strategy Evaluation, Planning Facilitation and Drafting of Strategic Documents. The proposed project plan should include but is not limited to: <ul style="list-style-type: none"> planning. resource allocation and management. execution and supervision. 	C.1.1. The bidder did not submit the project approach as per the requirements.	0	20
		C.1.2. The bidder submitted the project approach which does not meet all requirements.	1-3	
		C.1.3. The bidder submitted a detailed project approach which meets or exceeds all requirements.	4-5	

ITEM	DESCRIPTION	DETAILED DESCRIPTION	RATING	WEIGHT
	<ul style="list-style-type: none"> • frequency of communication with FSCA management and reporting. • timelines; and • milestones. 			
D. Track Record	D.1.The bidder must submit contactable client reference letters on the client's company letterhead where strategy evaluation, strategy planning services and drafting strategic planning documents to the public sector for entities undergoing transformation were successfully rendered (relevant to the scope of work) by the bidder.	D.1.1. The bidder did not submit reference letters.	0	15
		D.1.2. The bidder submitted 1 to 2 contactable client reference letters which meet all the requirements.	1-3	

ITEM	DESCRIPTION	DETAILED DESCRIPTION	RATING	WEIGHT
	For a reference letter to be considered complete, it must contain at a minimum the following details: <ul style="list-style-type: none"> • Client company name. • Client contact person and/or email address. • Description of project. • Project duration. 	D.1.3. The bidder submitted three (3) or more reference letters which meet all the requirements.	4-5	
E. Samples	E.1. The bidder must submit client samples of strategic plans previously drafted (relevant to the scope of work).	E.1.1. The bidder did not submit samples.	0	25
		E.1.2. The bidder submitted 1 to 2 samples which meet all the requirements.	1-3	
		E.1.3. The bidder submitted three (3) or more samples which meet all the requirements.	4-5	
Total				100

30. Preference point system

30.1 General conditions

30.1.1 The following preference point systems are applicable to invitations to tender:

the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included).

30.1.2 The applicable preference point system for this tender is the 80/20 preference point system.

30.2 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

30.3 The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

30.4 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

30.5 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.


31. FORMULA FOR PROCUREMENT OF GOODS AND SERVICES

31.1 POINTS AWARDED FOR PRICE

31.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

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

Where

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

32. POINTS AWARDED FOR SPECIFIC GOALS

32.1 In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/documentation stated in the conditions of this tender.

32.2 In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—:

- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
- (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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Specific goals for the tender and points claimed are indicated per the table below.

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Women ownership of 51% or more of the enterprise shareholding.	10	
Enterprises owned by 51% or more black people	10	
Note: In the event that the bidder is claiming specific goals, the FSCA will allocate points claimed, provided that proof of evidence such as valid BBEE Certificates/sworn affidavits, CIPC etc. is attached. Failure to submit the acceptable verifiable proof will result in an allocation of 0 points.		

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

33. Standard bidding documents

33.1 The following compulsory additional information are required. Failure to complete, and supply any of these documents might lead to disqualification from this bid:

Table 6

Invitation to bid	SBD 1
Pricing Schedule	SBD 3.1
Bidder’s Disclosure	SBD 4
Preference Points Claim Form for Preferential Procurement Regulations 2022 Should a bidder not complete and sign the SBD6.1, the bidder will be allocated 0.00 points for specific goals	SBD 6.1

34. Timeline of the bid process

34.1 The period of validity of the bid and the withdrawal of offers, after the closing date and time are 120 days, expiring on 07 August 2024. The project timeframes of this bid are set out below:

Table 7


STAGE	DESCRIPTION OF STAGE	ESTIMATED COMPLETION DATE (OR WORK WEEK ENDING)
1.	Advertisement of bid on Government e-tender portal / print media / Tender Bulletin	12 March 2024
2.	Non-compulsory briefing session	26 March 2024
3.	Questions relating to bid from bidder(s)	29 March 2024
4.	Bid closing date	09 April 2024
5.	Compliance: Bid Evaluation Committee	16 April 2024
6.	Functional Evaluation: (Desktop evaluation)	23 April 2024
7.	Preference Point System: Bid Evaluation Committee	13 May 2024
8.	Bid Award: Bid Adjudication Committee	20 May 2024
9.	Notification of the outcome to the bidders	27 May 2024

34.2 All dates and times in this bid are South African Standard Time.

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34.3 Any time or date in this bid is subject to change at the FSCA’s discretion. The establishment of a time or date in this bid does not create an obligation on the part of the FSCA to take any action or create any right in any way for any bidder to demand that any action be taken on the date established. The bidder accepts that, if the FSCA extends the deadline for bid submission (the Closing Date) for any reason, the requirements of this bid otherwise apply equally to the extended deadline.

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E. STANDARD BIDDING DOCUMENTS

Standard Bidding Document (SBD 1)

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE FINANCIAL SECTOR CONDUCT AUTHORITY					
BID NUMBER:	FSCA2023/24-T015	CLOSING DATE:	09 APRIL 2024	CLOSING TIME:	11H00
DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER TO EVALUATE THE FSCA STRATEGIC PLAN 2020-2025, FACILITATE STRATEGIC PLANNING WORKSHOPS AND ASSIST WITH THE DRAFTING OF THE STRATEGIC DOCUMENTS				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
Riverwalk Office Park, Block B					
41 Matroosberg Road (Corner Garsfontein and Matroosberg Roads)					
Ashlea Gardens, Extension 6, Menlo Park					
Pretoria, South Africa, 0081					
BIDDING PROCEDURE AND TECHNICAL ENQUIRIES MAY BE DIRECTED TO					
DEPARTMENT	Supply Chain Management Department				
FACSIMILE NUMBER	Not applicable				
E-MAIL ADDRESS	tenders@fsca.co.za				
TELEPHONE NUMBER	012 422 2855 / 012 422 2980				
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					

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TELEPHONE NUMBER		CODE		NUMBER	
CELLPHONE NUMBER					
FACSIMILE NUMBER		CODE		NUMBER	
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS		TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No: MAAA
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?		<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	
				<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]	

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? YES NO

DOES THE ENTITY HAVE A BRANCH IN THE RSA? YES NO

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? YES NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? YES NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? YES NO

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.

Standard Bidding Document (SBD 3.1)

PRICING SCHEDULE – FIRM PRICES
(Purchases)

NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED

IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

NAME OF BIDDER:.....	BID NO.: FSCA2023/24-T015
CLOSING TIME 11:00	CLOSING DATE: 09 APRIL 2024

OFFER TO BE VALID FOR 120 DAYS FROM THE CLOSING DATE OF BID.

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)
		R.....

- Required by:
 - At:
 -
 - Brand and model
 - Country of origin
 - Does the offer comply with the specification(s)? *YES/NO
 - If not to specification, indicate deviation(s)
 - Period required for delivery
- *Delivery: Firm/not firm

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- Delivery basis

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination.

**** “all applicable taxes” includes value- added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.**

*Delete if not applicable

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Standard Bidding Document (SBD 4)

BIDDER’S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder’s declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state?

YES/NO.....

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

¹ the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

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2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....
.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO.....**

2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

I, the undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

3.1 I have read and I understand the contents of this disclosure;

3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;

3.3 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 consortium² will not be construed as collusive bidding.

3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.

² 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.

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3.4 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.

3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

3.6 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.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

..... Signature Date
..... Position Name of bidder

Standard Bidding Documents (SBD 6.1)

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS


- 1.1 The following preference point systems are applicable to invitations to tender:
- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and the applicable preference point system for this tender is the 80/20 preference point system.
- 1.2 Points for this tender shall be awarded for: Price; and Specific Goals.
- 1.3 The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

- 1.4 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.5 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;

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- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULA FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

$$Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$$


Where:

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

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

Specific goals for the tender and points claimed are indicated per the table below. Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

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The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Women ownership of 51% or more of the enterprise shareholding	10	
Enterprises owned by 51% or more black people	10	
<p>Note: In the event that the bidder is claiming specific goals, the FSCA will allocate points claimed, provided that proof of evidence such as valid BBEE Certificates/sworn affidavits, CIPC etc. is attached. Failure to submit the acceptable verifiable proof will result in an allocation of 0 points.</p>		

DECLARATION WITH REGARD TO COMPANY/FIRM

4.2. Name of company/firm.....

4.3. Company registration number:

- 4.4. TYPE OF COMPANY/ FIRM
- Partnership/Joint Venture / Consortium
 - One-person business/sole propriety
 - Close corporation
 - Public Company
 - Personal Liability Company
 - (Pty) Limited
 - Non-Profit Company
 - State Owned Company
- [Tick applicable box]

4.5. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;

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- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
- (a) disqualify the person from the tendering 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 tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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, if deemed necessary.

.....
SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

.....

.....

.....

.....

F. ADMINISTRATIVE CHECKLIST

Hereunder is a checklist to ensure that the bid document is complete in terms of administrative compliance. Please ensure that the following forms have been completed and signed and that all documents, as requested, are attached to the tender document.

ITEM	DOCUMENT REFERENCE		ACTION TO BE TAKEN	YES/NO
1.	SBD 1	Invitation to bid	Is the form duly competed and signed?	
2.	SBD 3.1	Pricing Schedule	Is the form duly competed and signed?	
3.	SBD 4	Declaration of Interest	Is the form duly competed and signed?	
4.	SBD 6.1	Preference Points Claim Form for Preferential Procurement Regulations 2022	Is the form duly competed, specific goals points claimed, and form signed?	
5.	Tender submission		<i>Two (2) printed copies (One (1) original copy and One (1) copy of original submitted?)</i>	
			One (1) electronic copy submitted?	

I, the undersigned (name)

certify that the information furnished on this checklist is true and correct.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder