



TERMS OF REFERENCE FOR APPOINTMENT OF A SERVICE PROVIDER TO ASSIST GAUTENG TOURISM AUTHORITY (GTA) WITH PROVISION OF BOARD SECRETARIAT SERVICES FOR A PERIOD OF SIX (6) MONTHS

REFERENCE NUMBER: GTA/RFQ/2023/135

Released: 15 February 2023

Submissions Close: 20 February 2023

BEFORE 16:00PM

Queries be directed to:

Ms. Magugu Mlangeni
Supply Chain Management
Bids@gauteng.net

Submissions must be e-mailed to:

Ms. Magugu Mlangeni
Supply Chain Management
Bids@gauteng.net

1. INVITATION

1.1 INTRODUCTION

- 1.2 The Gauteng Tourism Act (No. 10 of 2001), Section 3 provides for the establishment of the Gauteng Tourism Authority (GTA). Section 4 of the same Act provides for powers and duties of the Authority. The Act aims to provide for the promotion and sustainable development of tourism in Gauteng. The Authority derived its legislative mandate from the Gauteng Tourism Act, as amended by Act No. 3 of 2006.

The rationale for revising this Act is to reflect the specific marketing role of the GTA, which was a newly adopted mandate, to include other developments, such as the implications of the National Tourism Act, No. 3 of 2014.

- 1.3 GTA is an implementing agency of the Gauteng Department of Economic Development (GDED). GDED approves the mandate and provides clarity on the roles and responsibilities of GTA. The Authority operates within the parameters of certain regulations. The declaration of government policies is derived from the Constitution of the country.

The Constitution of the Republic of South Africa (Act No. 108 of 1996) outlines the roles and responsibilities of national, provincial, and local governments, providing the basis on which these are regulated in all spheres of activities. GTA was established in terms of the Gauteng Tourism Act, No. 18 of 1998. The Act aims to provide for the promotion and sustainable development of tourism in Gauteng. Thus, the Authority derived its legislative mandate from the Act above.

- 1.4 Having regard for the aforementioned, the Gauteng Tourism Authority is hereby extending an invitation to your firm, as part of a competition bidding process to submit a technical and cost proposal for the Board Secretariat Services for a period of six (6) months.

2. DELIVERABLES / SCOPE OF SERVICES

- 2.1 **The scope of work for the Board Secretariat Services includes the following key activities, the scope of work is not limited to the following:**
- 2.2 Manage and ensure efficient logistical arrangements for Board meetings and any other meetings/conferences that require Board attendance.
- 2.3 Manager GTA Executive Committee, Board and Board committee meetings in compliance with regulatory requirements, including notice of meetings, agendas preparing meeting packs, dissemination of information, coordinating attendance at meetings, minutes taking for all the board, executive meeting, etc.
- 2.4 Liaising with the CEO, Board Chair, Board members and being the first point of contact on all Board business.
- 2.5 Provide advice and guidance to the Executive committee, Board and Board Committees on all matters of governance, statutory requirements, laws, regulations risk, compliance, duties and responsibilities, and business conduct.

- 2.6 Monitor changes in relevant legislation and advise the Executive Committee, Board and Board Committees.
- 2.7 Carry out and maintain provisions of the Gauteng Tourism Authority mandate.
- 2.8 Manage and reconcile conflicting views in relation to governance issues.
- 2.9 Ensure that Gauteng Tourism staff and the Executive Committee, Board and Board Committees remain compliant with applicable standards of corporate governance and has the necessary infrastructure to support the governance rationale and governance framework.
- 2.10 Ensure Gauteng Tourism complies with all applicable codes, in addition to its legal and statutory requirements.
- 2.11 Extensive knowledge of the PFMA and all public sector legislations.
- 2.12 Interface with the Executive Committee, Board, Board Committees and respective management members to monitor and measure the services provided by the governance, risk, compliance, legal, and company secretariat
- 2.13 Assess compliance of Gauteng Tourism policies and procedures to applicable South African and international legislation.
- 2.14 Ensure the implementation of all Executive Committee, Board, Board committee and CEO decision.
- 2.15 Alert management and the Board of emerging legal and other risks.
- 2.16 Duration of the contract six (6) months.
- 2.17 The appointed service provider will be required to provide a resource who is available to work, within the normal working hours (08h00 to 16h30) for the duration of the contract.

3. PROJECT PLAN

- 3.1 Bidders must submit the total bid price for the assignment based on the skills, resources and time allocated to the project. Bidders should also propose innovation in their technical proposals to keep the cost to a minimum where GTA will still benefit from the best possible qualitative outcome.
- 3.2 Cover letter introducing your firm and credentials, capacity, capability and experience for this assignment.
- 3.3 Bidders are advised that their proposals should be concise, written in plain English and simply presented in the same order as indicated.

4. FORMAL PRICE QUOTATION

- 4.1 The formal all-inclusive quotation (inclusive of VAT) should indicate the total costs that will be charged for the execution of the project.

5. PROPOSAL SUBMISSION

5.1 The received proposals will be evaluated in **three stages**:

5.2 **First Stage**: will be based **ADMINISTRATIVE COMPLIANCE**. All responses that meet the administrative requirements stipulated in this specification will proceed to the next evaluation stage. Failure to meet the administrative requirements will result in the bid being disqualified and not evaluated further.

Formal quotations (inclusive of VAT) should be accompanied by the following documents:

MANDATORY ADMINISTRATIVE COMPLIANCE DOCUMENTS (NB: FAILURE TO SUBMIT THE FOLLOWING DOCUMENTS WILL RESULT IN DISQUALIFICATION)

- **SBD 4** - Declaration of Interest Form (Bidders Disclosure must be completed and signed)

NON - MANDATORY ADMINISTRATIVE COMPLIANCE DOCUMENTS (NB: FAILURE TO SUBMIT THE FOLLOWING DOCUMENTS WILL NOT RESULT IN DISQUALIFICATION)

- SBD 6.1 - Preferential Procurement Regulations 2022
- SARS PIN
- BBBEE Certificate / Sworn Affidavit signed by the deponent and stamped by the Commissioner of oath
- CSD Report
- Business Profile
- Identity Document

6. CRITERIA FOR EVALUATION OF PROPOSALS

6.1 Criteria for evaluation are as follows:

- a) The service provider will be appointed in terms of the Preferential Procurement Regulations (2022).
- b) The proposal will be evaluated using the 80/20 preferential system wherein 80 represents price and 20 for specific goals.**

6.2 **Second Stage of Evaluation** : will be based on meeting the minimum points of the FUNCTIONALITY CRITERIA. All responses that meet the required minimum points for functionality criteria will proceed to the last stage. Failure to meet the minimum points will result in the bid being disqualified and not evaluated further.

- The proposals will be assessed according to the following functionality criteria.
- The service provider must ensure that the proposal addresses each aspect of the listed criteria below:

6.2.1 FUNCTIONALITY EVALUATION CRITERIA

EVALUATION CRITERIA	TOTAL POINTS
<p>Bidders relevant experience: Bidders relevant experience to the assignment specifically demonstrating capacity and capability about providing the company secretarial services.</p> <ul style="list-style-type: none"> • 3 years up to 5 = 10 points • + 5 years up to 7 = 20 points • more than 7 years = 30 points 	30
<p>Methodology and approach: Bidders must provide a detailed description of how they intend to execute the assignment from inception to completion. This must include, as a minimum, a project plan with clear time frames, skills and resources utilized in each area, the nature of compliance checks conducted, how the bidder intends on delivering the services required by SA Tourism, etc. = 20 points</p>	20
<p>Company track record: The bidder is required to provide three (3) contactable client references where its services can be verified. References should be presented in a form of a written letter on official letterhead from clients with similar services and should not be older than seven (7) years. No appointment letters from clients will be accepted as reference letters. = 10 points</p>	10
<p>Expertise and experience of proposed resource to be assigned to the project: Proven experience of proposed personnel to be deployed to the project. Detailed CVs of the proposed team must be submitted which must elaborate on areas that they were involved in.</p> <p>A number of years experience of the proposed person;</p> <ul style="list-style-type: none"> • 3 years up to 5 = 20 points • + 5 years up to 7 = 30 points • more than 7 years = 40 points 	40
TOTAL POINTS FOR FUNCTIONALITY	100
A threshold of 70 points is applicable.	

6.2.2 Expected Scores

A bidder that fails to obtain a minimum of 70 points will not be considered for further evaluation in stage 3 (Price and specific goals).

6.2.3 Third Stage of Evaluation: The proposal will be evaluated using the 80/20 preferential system wherein 80 represents price and 20 for specific goals.

Specific goals for this RFQ and points claimed are indicated per the table below;

SPECIFIC GOAL/S	EVIDENCE REQUIRED TO EARN POINTS	TOTAL POINTS ALLOCATION
Historically Disadvantaged individuals: <ul style="list-style-type: none"> Race - Black Women 	Identity document / Valid B-BBEE certificate / CSD Report	10
SMME (QSE / EME)	Valid B-BBEE certificate / Sworn Affidavit / CSD Report	10
TOTAL POINTS =		20

- c) **FAILURE ON THE PART OF A TENDERER TO SUBMIT SBD 6.1 AND 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.**
- d) This RFQ is subject to the National Treasury General Conditions of Contract.

7. INVOICES

- a. Payments will be made against the delivered goods / services.
- b. Invoices must indicate the task and/or output and should include a short description of goods delivered.
- c. The GTA pays for work completed to the satisfaction of the agency. No upfront payments are made for work not yet done.
- d. All invoices must be addressed to manuela@gauteng.net

8. RULES OF BIDDING

8.1 The rules of bidding for this assignment are as follows:

- a) The GTA 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 before the closing date.
- b) The GTA reserves the right to negotiate prices with the preferred / recommended bidder.
- c) The GTA reserves the right not to appoint any service provider if the received proposals do not match its requirements.
- d) Service providers may ask for clarification via email on these terms of reference or any of its annexures up to 48 hours before the deadline for the submission of the bids.
- e) Any request for clarification must be submitted by email at Bids@gauteng.net and answers will be emailed to all service providers that require any clarity.
- f) The GTA reserves the right **NOT** to make an appointment for this project.
- g) The cost of preparing and submitting bids by prospective suppliers will be at the cost of the prospective supplier.
- h) The validity of the received bids shall be ninety (90) days.

9. CONFIDENTIALITY

All bidders are bound by a confidential agreement preventing the unauthorized disclosure of any information regarding GTA or its activities to any other organization or individual. The bidders may not disclose any information, documentation, or products to other clients without the written approval of GTA.

Note: See below SBD 4 and SDB 6.1 Documents to be completed.

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

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:
.....
.....

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.

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.
- 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.

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.

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

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 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 To be completed by the organ of state

a) The applicable preference point system for this tender is the **80/20** preference point system.

1.3 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.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

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

1.5 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.

1.6 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;
- (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. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

$$Ps = 80 \left(1 - \frac{Pt - Pmin}{Pmin} \right) \quad \text{or} \quad Ps = 90 \left(1 - \frac{Pt - Pmin}{Pmin} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

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

$$Ps = 80 \left(1 + \frac{Pt - Pmax}{Pmax} \right) \text{ or } Ps = 90 \left(1 + \frac{Pt - Pmax}{Pmax} \right)$$

Where

- Ps = Points scored for price of tender under consideration
Pt = Price of tender under consideration
Pmax = Price of highest 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:
- 4.2. 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.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)

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

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)
Historically Disadvantaged individuals: <ul style="list-style-type: none"> • Race – Black • Women 	10	
SMME (QSE / EME)	10	
TOTAL POINTS =	20	

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. 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]

4.6. 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;
- 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:

