



TERMS OF REFERENCE FOR:

**THE APPOINTMENT OF A SERVICE PROVIDER TO ASSIST GAUTENG TOURISM AUTHORITY
(GTA) WITH ORGANISATIONAL DESIGN AND STRUCTURE REVIEW**

REFERENCE NUMBER: GTA/RFQ/2023/125

Released: 23 March 2023

Submissions Close : 29 March 2023

BEFORE 12H00PM

Queries be directed to:

Ms. Phakama Majola
Supply Chain Management
Bids@gauteng.net

Submissions must be e-mailed to:

Ms. Phakama Majola
Supply Chain Management
Bids@gauteng.net

1. INTRODUCTION

- 1.1 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.
- 1.2 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.

2. PURPOSE

- 2.1 The purpose of this request is to:
- Review and validate the organisational structure of GTA, job profiles and placement policy
 - Development of the GTA Operating Model.

The details of the scope is covered below on section 8 of this document.

3. BACKGROUND

- 3.1 In 2020, the South African Government approved, the South African Economic Reconstruction and Recovery Plan (SAERRP), on the common ground established by the social partners – government, labour, business, and community organisations – through intensive and detailed consultations. In line with the SAERRP, the Tourism sector also developed the Tourism Sector Recovery Plan (TSRP). This plan became a response by the sector and its constituent partners to the multiple challenges brought on by the pandemic. Among other things, the pandemic has had the following impact on the tourism sector.

- Closure of businesses.
- Businesses operating at drastically reduced capacity.
- Massive job losses.
- Collapse of supply and demand on the domestic and international markets.

3.2 The Plan outlines a set of interventions to ignite the recovery anchored in three strategic themes namely: protecting and rejuvenating supply, re-igniting demand and strengthening enabling capability for long term sustainability. Guided by these themes, the following seven strategic interventions will be implemented to support the revival of the sector:

- Implement norms and standards for safe operation across the tourism value chain to enable.
- Safe travel and rebuild traveller confidence.
- Stimulate domestic demand through targeted initiatives and campaigns.
- Strengthening the supply-side through resource mobilisation and investment facilitation.
- Support for the protection of core tourism infrastructure and assets.
- Execute a global marketing programme to reignite international demand.
- Tourism regional integration; and
- Review the tourism policy to provide enhanced support for sector growth and development.

4. DELIBERATIONS

4.1 To respond to this plan, GTA developed several strategies to drive the recovery of the sector. The recovery plan and response of the sector necessitate, GTA to align itself through development of various capabilities such as marketing, events project management, lobbying and resourcing. It remains the best human resource practice to ensure that the organisational structure is aligned to emerging challenges facing the Tourism Sector. Furthermore, the GTA sector related strategies such as the GCR Marketing and Branding Plan, Gauteng bidding and Hosting, Institutional Framework must influence the nature of the organisational structure considering the capacity for implementation and achievement of the objectives.

4.2 Therefore, it is recommended that supply chain management process be followed to appoint a reputable and knowledgeable service provider to facilitate the review of the organisation design and review/ validation and development of the job profiles where necessary, development of the Operating Model and finally the review, consolidation, and

implementation of the GTA Model. The organisational structure is the means by which an organisation directs all processes and efforts that deliver value. Through structure, the organisation can operate and function as optimally as the organisational design allows. For the GTA to perform optimally the following considerations must be in place:

- Allocation of responsibility, authority and power,
- Effective allocation of human and capital resources at the correct level,
- Determination of the most appropriate decision-making system/process
- Definition of the most effective communication paths for the organization,
- Enabling the fulfilment of the vision, mission and strategies for service delivery to its stakeholders
- A strategy structure analysis and alignment
- The development of the Operating/Business Model of the GTA.
- Review of the organisational structures to eliminate all duplications of functions across the Agency.
- Review/validation and development of job profiles and competencies.
- To define the workforce transition framework.
- Undertake a cost benefit analysis of the reviewed/ developed operating model and organisational structure.

5. OBJECTIVES OF THE EXERCISE

- 5.1 To define and develop an operating model and review the organisational structure to support and enable achievement of the GTA mandate. To do this, the proposed process should leverage off supporting platforms such as:
- Engagement of key stakeholders to deepen insights on the current structure as well as bring rigor to the process of conceiving a future structure.
 - Leverage benefits such as understanding of operational costs, institutional performance gaps and productivity related issues could emerge from the strategy-structure analysis process.

6. METHODOLOGY

- Utilize diagnostic tools (including analytical frameworks and instruments) to assess the as-is structure-strategy alignment.
- Use framework that highlight the relationship and fit between the organisation's planning process, the value delivery system, the structural resources, roles and responsibilities and the skills set required.
- The methodology should be action oriented, and the focus should be mainly on business transformation orientated solutions to GTA's structure -strategy fit gaps/ challenges.

- The methodology should present opportunities to create quick, visible results to deal with long-term issues and main bottlenecks.

7. THE APPROACH

- Considers the value-chain based approach to determine solutions taking into consideration GTAs mandate, strategy, dynamic differences between the subsidiaries and operating environment
- Should be transparent, interactive with participation by staff at all levels
- Focus teams/field work/mini workshops/stakeholder interviews/surveys with key stakeholders (Executive Management, CEO, and labour)
- Engagement with the Board

8. EXPECTATIONS/DELIVERABLES

8.1 The service provider is required to execute the project in accordance to the below terms of reference:

- Review the current Organisational structure.
- Develop a new organisational structure for GTA considering the strategic goals and service requirements.
- Develop job profiles in accordance with new proposed positions.
- Develop an operating model for the GTA aligned to the organisational strategy and structure in order to define how the programmes integrate to enable effective and efficient delivery of the strategic mandate through day-to-day operations.
- Develop migration or placement policy
- Conduct Stakeholder Engagement Workshop
- Do a cost Benefit Analysis of the new structure
- Give detailed progress report in each phase and final closeout report
- To identify options and make recommendation designed to improve the efficiency and effectiveness of the organisational structure.

9. DURATION

9.1 The above project/process is estimated to take three (3) months.

10. FORMAL PRICE QUOTATION

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

11. PROPOSAL SUBMISSION

11.1 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

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

12. FUNCTIONALITY CRITERIA

FUNCTIONALITY / QUALITY CRITERIA		Maximum Points	Point Scored
DESCRIPTION	TYPE OF EVIDENCE REQUIRED		
<p>1. EXPERIENCE OF THE BIDDING COMPANY</p> <ul style="list-style-type: none"> • The Bidder must demonstrate that they have the capacity to render the required service: • 10 years and above = 15 points • 6 - 9 years = 10 points • 3 - 5 years = 5 points • Less than 3 years = 0 points 	<ul style="list-style-type: none"> • Company profile with credentials submitted with relevant projects done or contracts for similar nature of work as per tender scope/deliverables. 	15	
<p>2. METHODOLOGY & PROPOSAL</p> <p>Demonstrate methodology of project implementation; Quality and</p>	<ul style="list-style-type: none"> • Comprehensive proposal submitted addressing all the requirements as per tender scope. 		

<p>completeness of the proposal submitted. Your methodology/proposal to cover/address the following areas: -</p> <ul style="list-style-type: none"> • Situational analysis and Strategy alignment = 5 points • Time frame for project completion: <ul style="list-style-type: none"> * Up to 6 months = 3 points * 6 to 12 months = 2 points * More than 12 months = 0 points • Stakeholder Engagement = 3 points • Operating Model Development Approach = 5 points • Organizational structure assessment and review = 5 points • Organisational design process= 5 points • Cost Benefit Analysis framework = 5 points • Job profile and Competency review = 5 points • Work Force Transition Implementation Plan = 5 points • Reporting = 2 points 		45	
<p>3.PROOF OF SIMILAR WORK EXPERIENCE OF THE BIDDING COMPANY: -</p> <p>Provide documented evidence of previous work done within similar service as per tender scope.</p> <ul style="list-style-type: none"> • 0 – 1 letter submitted = 0 points • 2 – 5 letters submitted = 15 points 	<ul style="list-style-type: none"> • Reference letter with contact details and summary of completed relevant project/projects similar to the scope of this tender. 	20	

<ul style="list-style-type: none"> • More than 5 letters submitted = 20 points 			
<p>4. KEY PERSONNEL EXPERIENCE (IN ORGANISATIONAL DESIGN):</p> <p>Professional Organisations Design Specialist(s) staff complement – (please ensure the provided staff/team are available to work on this project).</p> <ul style="list-style-type: none"> • 5 years or more in organisational design and doing 5 or more similar projects/assignment = 10 points. • Up to 4 years in organisational design and doing up to 4 similar projects/assignments = 8 points. • Up to 3 years in organisational design and doing up to 3 similar projects/assignments = 6 points. • Up to 2 years in organisational design and doing up to 2 similar projects/assignments = 4 points. • Less than 2 years in organisational design and having done less than 2 similar projects/assignment = 0 points. 	<ul style="list-style-type: none"> • Attach CVs including professional qualifications of all personnel involved. • Project team – Organogram with relevant professional titles and names of assigned individuals. • NB: Evaluated individuals as per submitted CV's with contactable references will be required to work on the project. 	10	
<p>5. KEY PERSONNEL QUALIFICATIONS: -</p> <p>Professional Organisations Design Specialist(s) staff complement – (please ensure the provided staff/team are available to work on this project).</p> <ul style="list-style-type: none"> • Master's degree in Organisational Development/organisational Design or related qualification with Modules in OD = 10 points. • Honours degree/Post Graduate Diploma in Organisational Development/Organisational Design or related qualification with Modules in OD = 8 .points. 	<ul style="list-style-type: none"> • Attach CVs including professional qualifications of all personnel involved. 	10	

<ul style="list-style-type: none"> • Degree in Organisational Development/organisational Design or related qualification with Modules in OD = 6 points. • Diploma in Organisational Development/organisational Design or related qualification with Modules in OD = 4 points. • Certificate in Work Study/Management Services = 2 points. 			
TOTAL SCORE		100	

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).

13. CRITERIA FOR EVALUATION OF PROPOSALS

13.1 Criteria for evaluation are as follows:

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

SPECIFIC GOAL/S	EVIDENCE REQUIRED TO EARN POINTS	TOTAL POINTS ALLOCATION
Historically Disadvantaged individuals: <ul style="list-style-type: none"> • Race - Black 	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.

14. 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

15. RULES OF BIDDING

15.1 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.

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.

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.
- 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.

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.

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

**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:

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \mathbf{Ps} = \mathbf{80} \left(\mathbf{1} - \frac{\mathbf{Pt} - \mathbf{Pmin}}{\mathbf{Pmin}} \right) & \mathbf{or} & \mathbf{Ps} = \mathbf{90} \left(\mathbf{1} - \frac{\mathbf{Pt} - \mathbf{Pmin}}{\mathbf{Pmin}} \right) \end{array}$$

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: • Race – Black	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:

