



**BID NO: KGFT - RFP 2022/001**

**REQUEST FOR PROPOSALS:**

**APPOINTMENT OF TRANSACTIONAL ADVISOR SERVICES PANEL FOR KZN GROWTH FUND TRUST  
FOR THE PERIOD OF THIRTY-SIX (36) MONTHS.**

**CLOSING DATE: 22 JULY 2022**

**CLOSING TIME AT 11:00 AM**

**Issued by:**

KZN Growth Fund Trust  
28<sup>th</sup> Floor, 303 Dr Pixley KaSeme Street  
Durban  
4001

**Procurement Enquires:**

Supply Chain Management Unit  
Email: [accounts@kznqf.co.za](mailto:accounts@kznqf.co.za)  
Sijabulile Ntshangase  
Tel: 031 372 3720

**Name of Bidder: .....**

**REQUEST FOR PROPOSAL**

**KZN GROWTH FUND TRUST, 28<sup>TH</sup> Floor, Dr Pixley KaSeme Street, Durban, 4001** (Hereinafter referred to as (“KGFT”))

**BID NUMBER: KGFT RFP 2022/001**

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**CLOSING DATE: 22 JULY 2022**

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**TIME: 11:00 AM**

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**DESCRIPTION: APPOINTMENT OF TRANSACTIONAL ADVISOR SERVICES PANEL FOR KZN GROWTH FUND TRUST FOR THE PERIOD OF THIRTY-SIX (36) MONTHS.**

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**COMPULSORY BRIEFING:**

**Yes**

**No**

<b>Venue:</b>	<b>Compulsory Briefing session</b>
<b>Address:</b>	Virtual MS Team
<b>Telephone:</b>	031 372 3720
<b>Date and Time:</b>	<b>04 July 2022 at 11H00</b>

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Reciprocal Confidentiality and Non-Disclosure Agreement (Annexure B)

Price Proposal (Annexure D)

## C.1 TENDER NOTICE AND INVITATION TO TENDER

KZN Growth Fund Trust seeks to appoint service providers with extensive experience as a transaction advisor

The tender document will only be available via **eTenders**. A Compulsory Briefing Session will be held on Monday 4<sup>th</sup> July 2022 at 11h00 via Microsoft Team. Request for the link to the meeting **must** be sent to [accounts@kzngf.co.za](mailto:accounts@kzngf.co.za) by end of business on the 1<sup>st</sup> July 2022. Request for the link received on the 4<sup>th</sup> July 2022 will not be considered.

### **Submission:**

**One original and one electronic copy on a USB flash drive (flash drive must not be encrypted) must be submitted**

The proposals shall be submitted in sealed envelopes delivered at KZN Growth Fund Trust 28<sup>th</sup> Floor, 303 Dr Pixley KaSeme Street, Durban,4001 and should be deposited in the box located at the reception. The closing time for receipt of tenders is **22 JULY 2022 @11h00 pm.**

Telegraphic, telephonic, telex, facsimile, e-mail and late tenders will not be accepted. It is important to note that all bids lodged will be examined to determine compliance with the bidding requirements and conditions. Bids with obvious deviation from the requirements, will be eliminated.

Technical and administrative queries relating to these documents may be addressed in writing only quoting the Bid No. for attention: Supply Chain Management Unit by email to [accounts@kzngf.co.za](mailto:accounts@kzngf.co.za)

Tenders may only be submitted on the original tender documentation that is issued by KGFT written in black ink.

**KGFT does not bind itself to accept the lowest or any bid and consider any bid for appointment**

## PART A - INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF KZN GROWTH FUND TRUST					
BID NUMBER:	KGFT-RFP 2022/001	CLOSING DATE:	22 JULY 2022	CLOSING TIME:	11H00 pm
DESCRIPTION	APPOINTMENT OF TRANSACTIONAL ADVISOR SERVICES PANEL FOR KZN GROWTH FUND TRUST FOR THE PERIOD OF THIRTY-SIX (36) MONTHS.				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT :					
KZN Growth Fund Trust					
28 <sup>th</sup> Floor, 303 Dr Pixley KaSeme Street					
Durban					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Sijabulile Ntshangase		CONTACT PERSON	Xolani Nhlapo	
TELEPHONE No.	031 372 3720		TELEPHONE NUMBER	031 372 3720	
E-MAIL ADDRESS	accounts@kzngf.co.za		E-MAIL ADDRESS	xolani@kzngf.co.za	
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
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
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					
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)?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A BRANCH IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
<b>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.</b>					

**PART B  
TERMS AND CONDITIONS FOR BIDDING**

**1. BID SUBMISSION:**

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
- 1.4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**

**2. TAX COMPLIANCE REQUIREMENTS**

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
- 2.4 BIDDERS SHOULD ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
- 2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

**NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.**

SIGNATURE OF BIDDER OR THE REPRESENTATIVE .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....  
(Proof of authority must be submitted e.g. company resolution)

DATE: .....

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**All bidders must furnish the following particulars and include it in their submission (returnable documents)**

Name of bidder:

.....

Trading name

.....

Company registration number

-----

VAT registration number

.....

Workman's compensation number

-----

Tax Clearance Certificate  
/CSD Report submitted

.....

Postal address:

.....

Street address:

.....

Telephone number:

Code

Number

.....

.....

Cellular number:

.....

Facsimile number:

Code

Number

.....

.....

e-Mail address:

.....

**In case of a joint venture, full details on joint venture members:**

Entity name	VAT registration number	Tax Clearance Certificate submitted	YES / NO
.....	.....	.....	.....
Entity name	VAT registration number	Tax Clearance Certificate submitted	YES / NO
.....	.....	.....	.....
Entity name	VAT registration number	Tax Clearance Certificate submitted	YES / NO
.....	.....	.....	.....

**Name of contracting entity in case of a consortium/joint venture**

Entity name: .....

Postal address: .....

Street address: .....

**Contact details of responsible person who will act on behalf of the entity/consortium/joint venture for this bid**

Name and Surname .....

Telephone number: Code ..... Number .....

Cellular number: .....

Facsimile number: Code ..... Number .....

e-Mail address: .....



Contact details of alternative responsible person who will act on behalf of the person above should he/she not be available

Name and Surname

.....

Telephone number:

Code

Number

.....

Cellular number:

.....

Facsimile number:

Code

Number

.....

e-Mail address:

.....

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**Confirmation**

Are you the accredited representative in South Africa for the services offered by you: YES / NO

**Declaration**

I/We have examined the information provided in this bid documents and offer to undertake the work prescribed in accordance with the requirements as set out in the bid document. The prices quoted in this bid are valid for the stipulated period. I/We confirm the availability of the proposed team members. We confirm that this bid will remain binding upon us and may be accepted by you at any time before the expiry date.

Are you duly authorised to commit the bidder: YES / NO

**SIGNATURE:** .....of person authorised to sign the tender)

## **C.2 INTRODUCTION AND TERMS OF REFERENCE**

KZN Growth Fund Trust (KGFT) was set up in 2008 as an initiative of the KZN Government's Department of Economic Development, Tourism and Environmental Affairs (EDTEA) to administer a unique public private partnership that would unlock funding gaps in transitions that would create jobs, enable and promote BBEE participation in business and growth in the economy.

### **Vision**

To be KZN's leading development financier and impact investor.

### **Mission**

To provide competitive and innovative financing solutions to private sector investments that propel socio-economic growth for a better future.

### **Values**

Respect, accountability, integrity, stewardship and entrepreneurship.

### **Procurement Philosophy**

It is the policy of KGFT, when purchasing goods and obtaining services, to follow a course of optimum value and efficiency by adopting best purchasing practices in supply chain management, ensuring that open and fair competition has prevailed, with due regard being given to the importance of:

- a) The promotion, development and support of businesses from disadvantaged communities (small, medium, micro enterprises, as well as established businesses within those communities) in terms of its B-BBEE Policy.
- b) The promotion of national and regional local service providers and agents before considering overseas service providers; and;
- c) The development, promotion and support for the moral values that underpin the above, in terms of the Fund's Business Ethics and Guidelines which requires that all commercial conduct be based on ethical and moral values and sound business practice. This value system governs all commercial behaviour within the Fund.

The quality, price and service that we provide our customers can only be as good as what we receive from our service providers. We strive for continuous improvement in our critical business areas and seek to establish relationships with service providers that are equally passionate in their quest for better quality, price and service.

## 1. SCOPE OF WORK

The KGFT wishes to establish a Transaction Advisory panel (TAP) that will serve as the primary database for potential and existing investments. The appointed Bidders will be expected to provide Transaction Advisory Services (TAS) in relation to a range of matters, as determined by activities in the KGFT's Risk and Investment Units. The term (duration) of the Panel (TAP) will be three years.

The KGFT will require the service provider to negotiate the relevant aspects of the transaction on its behalf (in consultation with the appropriate KGFT staff members). The transaction advisory activities are expected to assist the KGFT in making informed decisions.

The service provider is expected to scope the transaction with the KGFT and release an interim report on the required deadlines. A presentation to the KGFT Investment Committee may also be required

Therefore, suitably qualified and experienced service providers are invited to make proposals to the KGFT on their ability to provide Transaction Advisory Services (TAS) to pursue the KGFT's investment decisions. In the conduct of its TAS, the KGFT follows a risk-based approach in that each potential investment has a risk profile that may be significantly different from the next and that may require an approach tailored to fit the characteristics of the relevant investment opportunity. The KGFT expects that as a minimum, each of the conducted TAS must cover the following focus areas:

- Institutional Module
- Management Module
- Marketing and Sales Module
- Technical Module
- Financial Module
  - business modelling, Mergers & Acquisitions (transaction support), and valuations
  - Restructuring
  - Exit strategies/ Divestitures
  - Commercial and Operational due diligence (Viability assessments);
  - ⊖ Best Practice Financial Modelling
  - Tax
- Legal and Regulatory Module
- Lead Advisory (Sourcing of buyers etc.)
- Environmental, Health and Safety, Business Integrity Module -ESG
- Information Technology Module
- Creating and managing a data room
- Coordinating due diligence process
- Risk analysis - including Risk Matrix and Risk Mitigant's

The service provider must be able to demonstrate experience in a minimum of five of the above modules, with more weight tilted towards the Financial Module. Any submission lesser than that will not be considered.

## 2. Functionality Criteria (how we would score the companies)

Outputs of the services provided / key deliverables

The project deliverables in relation to the services required may vary with each transaction:

- Definition of transaction and process;
- Prepare and distribute an investment teaser;
- Prepare Confidential Information Memorandum (CIM);
- Negotiate Confidential Information Memorandum (CIM);
- Arrange Management presentation;
- Create and manage data room;
- Set due diligence framework;
- Coordinate the due diligence process and
- Assist in negotiations and conclusion of transaction agreement/s.
- Skills and knowledge transfer (to KGFT staff)

### **3. Compliance with minimum requirements**

All quotations must be accompanied by the following documents:

- 3.1 Company Profile;
- 3.2 Evidence of registration on the National Treasury Central Supplier Database (or proof of registration);
- 3.3 Tax Compliance Status Certificate
- 3.4 Valid BEE Certificate (**only BBBEE Level 1, 2 and 3 will be considered**)
- 3.5 Provide three written letters of reference for similar work performed. Letters must not be older than 3 (three) years

**Failure to submit any of the above documents will disqualify the bidder from further evaluation**

### C.3 CONDITIONS OF BID AND CONTRACT

	Conditions	Confirmation			
		Yes	No	Noted	If no, indicate deviation
<b>1.</b>	<b>GUIDELINE ON COMPLETION</b>				
1.1	Bidders must indicate compliance or non-compliance on a paragraph-by-paragraph basis. Indicate compliance with the relevant bid requirements by marking the YES box and non-compliance by marking the NO box. If the contents of the paragraph only need to be noted, please mark the NOTED box. The bidder must clearly state if a deviation from these requirements are offered and the reason therefore. If an explanatory note is provided, the paragraph reference must be attached as an appendix to the bid submission. Bids not completed in the manner prescribed may be considered incomplete and rejected.				
<b>2.</b>	<b>KGFT SERVICE LEVEL AGREEMENT</b>				
2.1	The KGFT Service Level Agreement (SLA) will be the only contract signed by both parties and will form the basis of this contract. KGFT's terms and conditions will not be negotiated.				
<b>3.</b>	<b>ADDITIONAL INFORMATION REQUIREMENTS</b>				
3.1	During evaluation of the bids, additional information may be requested in writing from bidders. Replies to such request must be submitted, within 5 (five) working days or as otherwise indicated. Failure to comply, may lead to the bid being disregarded.				
<b>4.</b>	<b>CONFIDENTIALITY</b>				
4.1	The bid and all information in connection therewith shall be held in strict confidence by bidders and usage of such information shall be limited to the preparation of the bid.				
4.2	All bidders are bound by a confidentially agreement preventing the unauthorised disclosure of any information regarding KGFT or of its activities to any other organisation or individual. The bidders may not disclose any information, documentation or products to other clients without written approval of the accounting authority or the delegate.				

5.	<b>INTELLECTUAL PROPERTY, INVENTIONS AND COPYRIGHT</b>	Yes	No	Noted	If no, indicate deviation
5.1	Copyright of all documentation relating to this assignment belongs to KGFT. The successful bidders may not disclose any information, documentation or products to other clients without the written approval of the accounting authority or the delegate.				
5.2	All the intellectual property rights arising from the execution of this Agreement shall vest in KGFT and the service provider undertakes to honour such intellectual property rights and all future rights by keeping the know-how and all published and unpublished material confidential.				
5.3	In the event that the service provider would like to use any information or data generated in terms of the Services, the prior written permission must be obtained from KGFT.				
5.4	KGFT shall own all materials produced by the service provider during the course of, or as part of the Services including without limitation, deliverables, computer programmes (source code and object code), programming aids and tools, documentation, reports, data, designs, concepts, know-how and other information whether capable of being copyrighted or not ("IP") which IP KGFT shall be entitled to freely cede and assign to parties nominated by KGFT.				
<b>6</b>	<b>PAYMENTS</b>				
6.1	KGFT will pay the service provider for the actual services rendered in line with the SLA.				
6.2	The service provider shall from time to time during the duration of the contract, invoice KGFT for the services rendered. No payment will be made to the service provider unless an invoice complying with section 20 of VAT Act No 89 of 1991 has been submitted to KGFT.				
6.3	Payment shall be made into the bidder's bank account or per cheque payment normally 30 days after receipt of an acceptable, valid invoice. (Banking details must be submitted as soon as this bid is awarded).				
<b>7</b>	<b>NON-COMPLIANCE WITH DELIVERY TERMS</b>				
7.1	As soon as it becomes known to the service provider that he will not be able to deliver the goods/services within the delivery period and/or against the quoted price and/or as specified, KGFT must be given immediate written notice				

	to this effect. KGFT reserves the right to implement remedies as provided for in the SLA.				
<b>8</b>	<b>WARRANTIES</b>	<b>Yes</b>	<b>No</b>	<b>Noted</b>	<b>If no, indicate deviation</b>
8.1	The service provider warranties that: It is able to conclude this Agreement to the satisfaction of KGFT.				
8.2	Although the service provider will be entitled to provide services to persons other than KGFT, the service provider shall not without the prior written consent of KGFT, be involved in any manner whatsoever, directly or indirectly, in any business or venture which competes or conflicts with the obligations of the contractor to provide the Services.				
<b>9.</b>	<b>PARTIES NOT AFFECTED BY WAIVER OR BREACHES</b>				
9.1	The waiver (whether express or implied) by any Party of any breach of the terms or conditions of this Agreement by the other Party shall not prejudice any remedy of the waiving party in respect of any continuing or other breach of the terms and conditions hereof				
9.2	No favour, delay, relaxation or indulgence on the part of any Party in exercising any power or right conferred on such Party in terms of this Agreement shall operate as a waiver of such power or right nor shall any single or partial exercise of any such power or right under this Agreement.				
<b>10</b>	<b>SUBMITTING BIDS</b>				
10.1	All bid documents must be <u>originals</u> , <u>sealed</u> and <u>hand delivered</u> through Supply Chain Management (SCM) as per 10.2 below				
10.2	All bid documents must be delivered to: KZN Growth Fund Trust 28 <sup>th</sup> Floor, 303 Dr Pixley Street, Durban,4001 <b>At reception in the Bid box</b> <b>Closing date: 22 JULY 2022 at 11:00pm</b>				

11	<b>LATE BIDS</b>	Yes	No	Noted	If no, indicate deviation
11.1	<p>Late submissions will not be accepted. A submission will be considered late if it arrived one second after 11:00 or any time thereafter. The bid (tender) box shall be locked at exactly 11:00 and bids arriving late will not be accepted under any circumstances. Bidders are therefore strongly advised to ensure that bids be dispatched allowing enough time for any unforeseen events that may delay the delivery of the bid.</p>				
<b>12.</b>	<b>CLARIFICATIONS</b>				
12.1	<p>Any clarification required by a bidder regarding the meaning or interpretation of the Terms of Reference, or any other aspect concerning the bid, is to be requested in writing (letter, facsimile or e-mail).</p> <p>Please make reference to Tender Notice and Invitation to Tender page of this bid pack for contact details.</p> <p>The bid number should be mentioned in all correspondence. Telephonic requests for clarification will not be accepted. If appropriate, the clarifying information will be made available to all bidders by e-mail only.</p>				
<b>13.</b>	<b>FORMAT OF BIDS</b>				
13.1	<p>Bidders must complete all the necessary bid documents and undertakings required in this bid document. Bidders are advised that their proposal should be concise, written in plain English and simply presented.</p>				
13.2	<p>Bidders are to set out their proposal in the following format:</p>				
13.2.1	<p>Part 1: Invitation to Bid &amp; Introduction</p>				
13.2.2	<p>Part 3: Compliance to Special Conditions of Bid and Noting of Evaluation Criteria</p>				
13.2.3	<p>Part 4: National Treasury CSD report</p>				
13.2.4	<p>Part 5: Bidders Disclosure and Certificate of Authority to Sign a Bid</p>				
13.2.5	<p>Part 6: BBBEE</p>				
13.2.6	<p>Part 7: Technical/Functionality Proposal</p>				
13.2.7	<p>Part 8: Deviations from Request for Bid</p>				
13.2.8	<p>Part 9: Procurement Timelines</p>				
13.2.9	<p>Part 10: Terms of Reference</p>				
13.2.10b	<p>Part 11: Annexures</p>				



14.1	<b>PART 1: INVITATION TO BID (FORM C1)</b>				
14.2	<b>PART 3: COMPLIANCE TO SPECIAL CONDITIONS OF BID AND NOTING OF EVALUATION CRITERIA (FORM C3)</b>				
	Bidders must complete C3. Indicating compliance/non-compliance or noted. In case of non-compliance details and referencing to the specific paragraph is required.				
14.3	<b>PART 4: SARS TAX STATUS (FORM C8)</b>				
	The bidder must be compliance with SARS and such information will be verified with Central Supplier Database (CSD). In case of a joint venture, or where sub-contractors are utilised, each joint venture member <b>and/or sub-contractor</b> (individual) <b>must</b> be in compliance with SARS and the information will be verified on Central Supplier Database (CSD).				
14.4	<b><u>PART 5: (FORM C4 AND C9)</u></b> Certificate of Authority to Sign a Bid Bidders Disclosure Form (SBD 4)B				
14.4.1	Bidders must complete and submit the Declaration forms. A bidder must complete the relevant part of the document and it must indicate who is delegated to communicate or deal with KGFT. Any other irrelevant sections to the tendering entity must be marked 'N/A'.				
14.4.2	Bidders must submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA)				
14.4.3	For a consortium or joint venture: A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a <b>legal entity</b> , provided that the entity submits their B-BBEE status level certificate. A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an <b>unincorporated entity</b> , provided.				

14.5	<b><u>PART 6: JOINTVENTURE/CONSORTIUM AGREEMENT (FORM C4)</u></b>	Yes	No	Noted	If no, indicate deviation
14.5.1	A copy of the joint venture/consortium agreement must be included.				
14.6	<b>PART 7: TECHNICAL PROPOSAL/FUNCTIONALITY PROPOSAL (FORM C7)</b>				
14.6.1	The bidder must provide letters of reference on the client letterhead including contact details, for the previous, current or ongoing projects of similar nature. This will be verified by KGF.				
14.7	<b>PART 8: DEVIATIONS FROM REQUEST FOR BID (FORM C10)</b>				
14.7.1	Please indicate deviations or modifications to this Request for Bid on form <b>C10</b>				
14.7.2	If no deviations are required, please mark the form “Nil” and sign				
14.8	<b>PART 9: PROCUREMENT TIMELINES (FORM C5)</b>				
14.8.1	This part of a bid documents informs bidders when the bid process is expected to be finalised. It may not necessarily be followed.				
14.8.2	Terms of reference (TOR) are the requirements by KGFT. When a proposal is submitted, a bidder must be certain that TOR are understood and has the capacity to offer a specified service.				
14.9	<b>PART 10: ANNEXURES</b>				
14.9.1	Bidder must insert all their additional annexures in part 11. This can include professional registrations, insurances etc.				
14.10	<b>VAT</b>				
14.10.1	KGFT is a VAT Vendor. Prices quoted must include VAT (where applicable).				
14.10.2	KGFT reserves the right to request the preferred bidder to register for VAT if the award is anticipated to be in excess of R1m for 12 consecutive months as the VAT Act requires.				

15	<b>PRESENTATIONS</b>	Yes	No	Noted	If no, indicate deviation
15.1	KGFT reserves the right to invite bidders for presentations before the award of the bid.				
15.2	Presentation may affect the points awarded for functionality.				
16	<b>NEGOTIATION</b>				
16.1	KGFT has the right to enter into negotiation with a prospective contractor regarding any terms and conditions, including price(s), of a proposed contract.				
16.2	KGFT shall not be obliged to accept the lowest or any financial offer or proposal. Furthermore, KGFT reserve the right not to award the tender to highest ranking bidder in terms of PPPFA.				
16.3	All bidders will be informed whether they have been successful or not. A contract will only be deemed to be concluded when reduced to writing in a contract form signed by the designated responsible person of both parties.				
17	<b>DOMICILIUM</b>				
17.1	The parties hereto choose <i>domicilium citandi et executandi</i> for all purposes of and in connection with the final contract as follows:				
	KZN Growth Fund Trust 28 <sup>th</sup> Floor, Dr Pixley KaSeme Street Durban 4001				
18	<b>COST OF BID PREPARATION</b>				
18.1	Bidders shall prepare and submit a bid at their own expense.				
19	<b>BID VALIDITY PERIOD</b>				
19.1	Bid will be valid for a period of 120 days				
19.2	The bidder will hold the tender offer(s) valid for acceptance by the employer at any time during the validity period stated in the tender data after the closing time stated in the tender data.				
19.3	If requested by the employer, the bidder will consider extending the validity period stated in the tender data for an agreed additional period.				

20	ISSUE ADDENDA	Yes	No	Noted	If no, indicate deviation
20.1	If necessary, KGFT may issue addenda that may amend or amplify the tender documents to each tenderer during the period from the date that tender documents are available until seven days before the tender closing time stated in the Tender Data. If, as a result a tenderer applies for an extension to the closing time stated in the Tender Data, the Employer may grant such extension and, shall then notify those tendering entities appearing on the attendance list				
20.2	Tenderers must sign the attendance list in the name of the tendering entity. Addenda will be issued to and tenders will be received only from those tendering entities appearing on the attendance list				
20.3	Tenderers are obliged to acknowledge, in writing, receipt of addenda to the tender documents, which the employer may issue.				
21	<b>SUBMITTING OF FRAUDULENT DOCUMENTS</b>				
21.1	KGFT will disregard the bid of any bidder if that bidder or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.				
21.2	KGFT will list bidders/ directors in the list of restricted suppliers and they will not conduct any business with an organ of state.				

#### C.4 CERTIFICATE OF AUTHORITY TO SIGN A BID

Indicate the status of the tenderer by ticking the appropriate box hereunder. The tenderer must complete the certificate set out below for the relevant category.

(I) COMPANY	(II) CLOSE CORPORATION	(III) PARTNERSHIP	(V) SOLE PROPRIETOR	(VI) JOINT VENTURES

i. CERTIFICATE FOR COMPANY

I, ....., chairperson of the Board of Directors of ....., hereby confirm that by resolution of the Board (copy attached) taken on ..... 20....., Mr/Ms ....., acting in the capacity of ....., was authorised to sign all documents in connection with this tender and any contract resulting from it on behalf of the company.

**Chairman:** .....

**As Witnesses:** .....

**Date:** .....

**ii. CERTIFICATE FOR CLOSE CORPORATION**

We, the undersigned, being the key members in the business trading as.....

..... Hereby authorise Mr/Ms..... acting in the capacity of ....., to sign all documents in connection with the tender for Contract No: ..... and any contract resulting from it on our behalf.

NAME	ADDRESS	SIGNATURE	DATE

**Note: This certificate is to be completed and signed by all of the key members upon whom rests the direction of the affairs of the Close Corporation as a whole.**

**iii. CERTIFICATE FOR PARTNERSHIP**

We, the undersigned, being the key partners in the business trading as, .....

..... hereby authorize Mr/Ms. ....

acting in the capacity of ....., to sign all documents in connection with the tender for Contract No ..... and any contract resulting from it on our behalf.

NAME	ADDRESS	SIGNATURE	DATE

**Note: This certificate is to be completed and signed by all of the key partners upon whom rests the direction of the affairs of the Partnership as a whole.**

**iv. CERTIFICATE FOR SOLE PROPRIETOR**

I, ....., hereby confirm that I am the sole owner of the business trading as.....

**Signature** of Sole owner: .....

As Witnesses:

1.....

2.....

Date: .....

**v. CERTIFICATE OF AUTHORITY FOR JOINT VENTURES**

This Returnable Schedule is to be completed by **EACH member** of a joint venture submitting a tender.

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise Mr/Ms....., authorised signatory of the Company.....acting in the capacity of lead JV partner, to sign all documents in connection with the tender offer and any contract resulting from it on our behalf as a joint venture.

**NAME OF JV ORGANIZATION**.....

**ADDRESS:** .....

.....

**DULY AUTHORISED SIGNATORY NAME** .....

**DESIGNATION:** .....

**SIGNATURE** .....

**DATE:**.....

## C.5 PROCUREMENT TIMELINES

PROCUREMENT TIMELINE	DATE	TIME
RFP Release Date	24 June 2022	10:00am
Compulsory Briefing Session date	30 June 2022	11:00am
Written questions of clarification – closing date	18 July 2022	16:00pm
Written response to all clarifications	19 July 2022	16:00pm
Service Provider Proposals Due	22 July 2022	11:00pm
Completion of Bid Evaluations	05 August 2022	16:00pm
Anticipated letter of Award	19 August 2022	16:00pm
Commencement Date	1 September 2022	09:00am

**\*Indicative dates**



## C.6 EVALUATION PROCESS & CRITERIA

This phase consists of Mandatory and Non-Mandatory administrative compliance evaluation of all proposals.

1	<b>EVALUATION PROCESS</b>				
1.1	<b><u>STAGE ONE: ADMINISTRATION COMPLIANCE</u></b>				
1.1.1	<p>All bids duly lodged will be examined to determine compliance with bidding requirements and conditions. Bids with obvious deviations from the requirements/conditions, will be eliminated from further adjudication.</p> <p><b>Mandatory</b></p> <p>Bids will only be compliant if bidder has submitted the following documents:</p> <ul style="list-style-type: none"> <li>• The bidder must be registered as a vendor on the National Treasury Central Supply Database (CSD), which can be found at <a href="https://secure.csd.gov.za/">https://secure.csd.gov.za/</a> in compliance with National Treasury compliance paragraph 4.2 with instruction note 4a of 2016/2017</li> <li>• The bidder must be in good standing with SARS and such information will be verified through Central Supply Database (CSD) or using SARS e-filing pin in National Treasury compliance with instruction note 9 of 2017/2018 prior to the award of the bid;</li> <li>• A <b>fully</b> completed bidders disclosure indicating that there are no conflicts of interest which may impact on the tenderer's ability to perform the contract in the best interests of the employer; Or that none of its directors/shareholders is listed on the Register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector;</li> <li>• BBEE Certificate (Affidavit or SANAS Accredited) <b>(only BBEE Level 1, 2 and 3 will be considered)</b></li> <li>• The bidder must provide 3 letters of reference on the client letterhead including contact details, for the previous, current or ongoing projects of similar nature. This will be verified by KGFT.</li> </ul> <p><b>Failure to complete and/or provide any mandatory information as requested above will result in the submission being deemed non-responsive.</b></p>				

<b>1.2</b>	<b><u>STAGE TWO: FUNCTIONALITY REQUIREMENTS</u></b>				
1.2.1	Responsive bids will be evaluated according to the criteria, weightings and threshold scores as indicated below.				
<b>1.3</b>	<b>ADJUDICATION OF BID</b>				
1.3.1	The Bid Adjudication Committee will consider the recommendations and make the final award.				
1.3.2	The bid shall be awarded at the sole and absolute discretion of KGFT. KGFT hereby represents that it is not obliged to award this bid to any bidder. KGFT is entitled to <b>retract</b> this bid at any time as from the date of issue. KGFT is not obliged to award this bid to the bidder that quotes the lowest.				
1.3.3	A bidder shall be disqualified from bidding if any attempt is made either directly to solicit and/or canvass any information from any employee or agent of KGFT regarding this bid from the date the offer is submitted until the date of award of the bid.				
<b>1.4</b>	<b>Awarding of contract</b>				
1.4.1	KGFT reserves the right to award this bid in full or part				



<p><b>Client reference letters</b></p> <p><b>Minimum of Three</b> contactable written references for which similar work was performed  *Reference letters needs to be relevant to the scope of this work and must include details below:</p> <ol style="list-style-type: none"> <li>1. Type of work conducted;</li> <li>2. Date of engagement; and</li> <li>3. Duration of the engagement.</li> </ol> <p>Letters must be on the relevant company letterhead, dated and signed  * 5 points to be allocated per contactable reference submitted which is in line with requirements above</p>	<b>15</b>	
<p><b>Methodology and Approach</b></p> <p>The Service Provider shall provide a technical proposal, in which it set-out in detail, its overall technical approach and methodology in conducting a due diligence.</p> <ol style="list-style-type: none"> <li>1. The technical proposal evidences an understanding of the process of undertaking a transactional advisory service – (10)</li> <li>2. The technical proposal evidences an understanding of the outcomes of the transactional advisory process and the expected deliverables – (10)</li> <li>3. The technical proposal makes mention of value added services available – (5)</li> </ol>	<b>25</b>	
<b>TOTAL</b>	<b>100</b>	

Bidders who obtain at least 70 points in stage 2 (Functionality) be added to the Panel of Service Providers.

**Note: Failure to obtain the minimum of 70% of the maximum score on functionality will result in disqualification from further evaluation.**

## C.8 TAX CLEARANCE REQUIREMENTS

It is a condition of a bid that the taxes of the successful bidder **must** be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

1. the bidder must be in good standing with SARS and such information will be verified through Central Supplier Database (CSD)
2. In bids where Joint Ventures/Sub-Suppliers/Partners are involved, each party must submit a separate valid Tax Clearance Certificate for their organization.
3. Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website [www.sars.gov.za](http://www.sars.gov.za)

**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 interest<sup>1</sup> 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**

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<sup>1</sup> 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.

2.2.1 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 consortium<sup>2</sup> 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.

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<sup>2</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

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



**C.10 DEVIATIONS FROM THE REQUEST FOR PROPOSAL**

Should the bidder desire to make any departures from, or modifications to this Request for Proposal or to qualify its bid in any way, it shall clearly set out its proposals hereunder or alternatively state them in a covering letter attached to its bid and referred to hereunder, failing which the bidder shall be deemed to be unqualified and conform exactly with the requirements of this Request for Proposal.

If no departures or modifications are desired, the Schedule hereunder is to be marked "NIL" and signed by the bidder.

Unless otherwise specified specifically and stipulated in writing, the Contract constitutes the sole memorial of the Contract between the parties and any terms and conditions forming part of the bidder's Bid or other documentation shall not form part of the Contract and shall be of no force or effect.

<b>PAGE NUMBER</b>	<b>CLAUSE NUMBER</b>	<b>DEVIATION</b>

\_\_\_\_\_  
**SIGNATURE OF BIDDER**

\_\_\_\_\_  
**DATE**

**C.11 BID SUMMARY AND DETAILS**

We the undersigned submit this bid in accordance with the conditions contained in the referenced RFP document and attach the documents required:

No.	Description in detail	Documents Attached
<b>A. Commercial Documents</b>		(Yes/ No/ N.A.)
1.	Deviations from Request for Proposal	
2.	Covering letter	
3.	Entire Bid Document	
4.	CC or Company Registration Documents or copy of ID if sole propriety	
5.	In good standing with SARS and such information will be verified through Central Supply Database (CSD);	
6.	BBBEE Certificate/Affidavit	
7.	Joint Venture Agreement where applicable	
<b>B. Technical Documents</b>		
8.	Proposal :Detailing Company Profile and award letters	
9.	Contactable reference letters where the bidder has rendered similar service	
10.	Capacity of the bidder – CV’s and qualifications of resources	

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature