



INVITATION TO PROSPECTIVE BIDDERS TO SUBMIT QUOTATIONS

YOU ARE HEREBY INVITED TO BID (PROVIDE A QUOTATION) IN RESPECT OF PROFESSIONAL SERVICES REQUIRED BY THE SOUTH AFRICAN COUNCIL FOR THE PROJECT AND CONSTRUCTION MANAGEMENT PROFESSIONS (SACPCMP).			
BID DESCRIPTION	PROCUREMENT OF A LEGAL OPINION		
BID NUMBER	2021/09/01/Legal		
NAME OF INSTITUTION	The South African Council for the Project and Construction Management Professions (SACPCMP)		
THE PLACE WHERE GOODS ARE TO BE DELIVERED/ WORKS OR SERVICES ARE REQUIRED	SACPCMP Offices) 446 Rigel Avenue Erasmusrand Pretoria		
RFQ DISTRIBUTION DATE	25 October 2021	09h00	
QUERIES CLOSING DATE			
RFP CLOSING DATE	05 November 2021	16h00	
CONTACT DETAILS	Electronic bids	Electronic bids should be submitted to Fortune Vukomba finance@sacpcmp.org.za	
	Physical address	International Business Gateway, Gateway Creek, Corner New and 6 th roads Midrand, Gauteng 1685	
	Tel	Admin Enquiries: 011 318 3402 Technical Enquiries: finance@sacpcmp.org.za	
	Fax	No facsimile bids will be considered	
	Email	finance@sacpcmp.org.za	
	Queries (only)	finance@sacpcmp.org.za	
	Contact person	Admin Enquiries: Mr. Fortune Vukomba Technical Enquiries:	
CATEGORY	To provide professional services as per the brief.		
SECTOR	Regulatory Council		
REGION	Gauteng Province		
COMPULSORY BRIEFING SESSION/SITE VISIT	Date	N/A	
	Time	N/A	
	Venue	N/A	

1. PURPOSE

The purpose of this submission is to obtain approval for the appointment of a service provider to provide a LEGAL OPINION to the South African Council for the Project and Construction Management Professions (SACPCMP). The opinion being sought on a matter detailed in a legal brief

Service provider to request legal brief from finance@sacpcmp.org.za

2. BACKGROUND

The SACPCMP was established by an Act of Parliament (Project and Construction Management Professions Act, 48 of 2000) to regulate the Project and Construction Management professions. This includes the registration of professionals practicing these professions. Over the years, the regulatory scope of the SACPCMP has been expanded to include the Construction Health and Safety as well as Building Inspectors professions.

SCOPE OF WORK

1. To provide a quotation for Legal opinion, based on a legal brief to be requested from finance@sacpcmp.org.za

Item Code	Product Name and description	Unit Price	Qty/hrs	Total Price
			Sub-total	
			VAT	
			Total	

QUERIES

All queries must be provided in writing and directed to finance@sacpcmp.org.za during office hours between 09h00 and 16h30. Please note that responses will be communicated to all bidders and it is therefore the responsibility of the bidder or their representative to ensure that they provide correct email addresses on their documents.

The SACPCMP reserves the right not to consider any proposal not fully completed. By accepting to take part in the proposal process, you agree to keep in confidence all information imparted to you in relation with the proposal process, not to disclose it to third parties and not to use it for

other purpose than the proposal. The Respondent is responsible for all costs incurred in the preparation and submission of the proposal. Copy/s of any affiliations, memberships and/or accreditations that support your submission must be included in the proposal.

Kindly note that SACPCMP is entitled to:

- Amend any RFQ conditions, validity period, specifications, or extend the closing date and/or time of RFQ's before the closing date. All Respondents, to whom the RFQ documents have been issued, will be advised in writing of such amendments in good time.
- Verify any information contained in a proposal.
- Not appoint any bidder.
- Vary, alter, and/or amend the terms of this RFQ, at any time prior to the finalisation of its adjudication hereof.
- Disqualify proposals that contain an omission of disclosure of material information, that is factually inaccurate, and/or contains a misrepresentation.
- Not accept the lowest proposal or any proposal in part or in whole. The SACPCMP normally awards the contract to the bidder who proves to be fully capable of handling the contract and whose proposal is technically acceptable and/or financially advantageous to the SACPCMP.
- Appointment as a successful contractor shall be subject to the parties agreeing to mutually acceptable contractual terms and conditions. In the event of the parties failing to reach such agreement within 30 (thirty) days from the appointment date, the SACPCMP shall be entitled to appoint the contractor who was rated 2nd (second), and so on.
- Cancel or withdraw from this RFQ as a whole or in part without furnishing reasons and without attracting any liability.
- This proposal and its acceptance shall be subject to the terms and conditions contained in this RFP document.

PROPOSAL

Bids shall include all relevant information about the bidder as indicated in the advertisement, which will enable the SACPCMP to assess the service provider's competence. Responding firms will be evaluated on the quality of the written proposals. All proposals should be **submitted electronically by 16H00 on 21 October 2021 to:**

Subject Line: **2021/09/01/Legal**
Fortune Vukomba
Email: finance@sacpcmp.org.za/

SUBMISSION DOCUMENT

SUBMISSION

All quotations must be submitted on the official forms provided and should not be re-typed. Please ensure electronic submissions are received before the respective deadlines, which must include the following:

- Company Information
 - Company Profile
 - The service provider must have a minimum of five (5) years' experience and expertise in providing similar service.
 - Client references on similar assignments
- Quotation/ Pricing
 - The quoted price must be in South African Rands and be inclusive of 15% Vat, if VAT registered vendor.
 - All quotations should include all aspects noted in the brief provided above.
- Forms

This relates to the application for inclusion in the Database of Service Providers

 - SBD 6.1 Form
 - National Treasury Central Supplier Database CSD Form (Proof of registration on the CSD needs to be provided)
 - Tax clearance certificate (No service provider will be considered if their tax matters are not up to date with SARS.) (Addendum B)

FAILURE TO COMPLY

Proposals will be disqualified or excluded under the following conditions:

- Any quotation submitted after the closing date and time shall **NOT** be considered.
- Ensure that your proposal/quotation clearly covers **ALL** the above aspects of the RFP.
- **DO NOT** include insurance to your quote as SACPCMP provides its own insurance.
- **ALL QUOTATIONS and ENQUIRIES** are to be addressed to the respective person stipulated on the Request for Proposal document.
- The SACPCMP reserves the right to cancel the procurement process at any time without notice, and not issue the order.
- Conditional quotations will be subject to SACPCMP acceptance and approval processes.
- The onus will rest with the service provider who has been awarded the services to inform SACPCMP of any changes to the information provided on such SBD forms. Failure to do so will result in misrepresentation of facts/ information and may result in SACPCMP terminating the service or contract.
- Payment terms: compliant invoices will be processed 30 days after receipt of invoice.

BID EVALUATION:

The bid evaluation process is expected to take place during June and will be based on the following table.

Evaluation criteria	Points
Price	80%
BBBEE	20%
Maximum Points	100%

PERIOD OF CONTRACT

The contract period will be project specific until the completion .

GENERAL CONDITIONS OF CONTRACT

General Conditions of Contract (GCC) as per National Treasury will apply. Service providers must familiarise themselves with these conditions as they will be applicable throughout the duration of the contract period.

CONTRACT MANAGEMENT

The Service Provider will be required to sign a Standard Contract based for the duration and value of services.

Authorised Bidder's Signature

Date

PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT

This request for quotation (RFP) will be evaluated on functionality and the 80:20-point systems as stipulated in the Preferential Procurement Policy Framework Act (Act number 5 of 2000) & SACPCMP's Supply Chain Management Policies and Procedures.

(For more information on the PPPFA please click on the link below

https://www.thedti.gov.za/economic_empowerment/docs/PPPFA%20Regulation.pdf)

TERMS AND CONDITIONS:

1. All goods or services procured will be subjected to SACPCMP Procurement Policy and Procedures.
2. It is the responsibility of the prospective bidders / service providers to submit valid Tax Clearance Certificates. Failure to do so may invalidate the bid submitted in terms of the RFP.

3. All invoices submitted for payment need to stipulate the **SACPCMP's VAT number; 4100199787** as per Section 20 of the VAT Act.) as well as that of the service provider (if VAT registered).
4. I (the service provider) certify that all the required information, relevant forms have been completed and furnished as part of the bid.
7. I (the service provider) hereby agree that should I be awarded this RFP and fail to deliver or perform on the award; the SACPCMP will have the right to enforce Regulation 13 of the Preferential Procurement Regulations.
8. This RFP is subject to the provisions made in the General Conditions of Contract, as issued by National Treasury, including its revisions.
9. I (the service provider) hereby agree that the SACPCMP may restrict me from business if my company does not perform or deliver on services/ supplies received.
10. I (the service provider) hereby agree that the onus is on the supplier not to accept orders or make deliveries that will result in overspending on the amount awarded on this RFP. I also accept that I will not be paid by the SACPCMP for any over expenditure.

SIGNATURE OF BIDDER: _____

CAPACITY: _____

COMPANY STAMP

SBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

This preference form must form part of all bids/ proposals submitted. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution.

NB: BEFORE COMPLETING THIS FORM, BIDDERS/ POTENTIAL SERVICE PROVIDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids/ proposals:

- the 80/20 system for requirements with a Rand value of above R30,000 and 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 The value of this bid cannot exceed an estimated amount of R50 000 000 (including all applicable taxes) and therefore the 80/20 preferential procurement point system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contribution.

1.4 The maximum points for this bid/ proposal are allocated as follows:

Description	Points
Price	80
B-BBEE status level of contribution	20
Total points for Price and B-BBEE must not exceed	100

1.6 Failure on the part of a bidder/ service provider to submit proof of B-BBEE Status level of contribution together with the bid, will be interpreted that preference points for B-BBEE status level of contribution are not claimed.

1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim deemed fit in any manner required by the purchaser.

DEFINITIONS

- (a) **“B-BBEE”** means Broad-Based Black Economic Empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act.
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad- Based Black Economic Empowerment Act.
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals.
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003).
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act.
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts.
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person.
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice.
 - 3) Any other requirement prescribed in terms of the B-BBEE Act.
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act.
- (j) **“Rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes.

POINTS AWARDED FOR PRICE

THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

$$\frac{Ps - Pt}{Ps - P_{min}} \times 80 \quad \text{or} \quad \frac{Ps - Pt}{Ps - P_{min}} \times 90$$

$$\frac{Ps - P_{min}}{Ps - P_{min}} \times 80 \quad \text{or} \quad \frac{Ps - P_{min}}{Ps - P_{min}} \times 90$$

Where-

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

4.1 POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

BID DECLARATION

5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

6.1 B-BBEE Status Level of Contributor: (maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted? (***Tick applicable box***)

YE		NO	
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7.1.1. If yes, please indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE (***Tick applicable box***)

YE		NO	
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- v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

Designated Group: An EME or QSE which is at last 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company name firm.....

8.2 VAT registration number.....

8.3 Company registration number.....

8.4 TYPE OF COMPANY/ FIRM [TICK APPLICABLE BOX]

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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.....

8.6 COMPANY CLASSIFICATION [TICK APPLICABLE BOX]

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.

8.7 Total number of years the company/firm has been in business.....

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we 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 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct.
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding 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 favorable arrangements due to such cancellation.
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury 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.

WITNESSES

1.....

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SIGNATURE(S) OF BIDDERS(S)

Addendum A.

B-BBEE Level of Contribution certificate – original or certified copy.

Addendum B.
Valid Tax Clearance Certificate