



ENHANCING MUNICIPAL PROCUREMENT,
INFRASTRUCTURE MANAGEMENT AND
INNOVATIVE KNOWLEDGE MANAGEMENT



ANNEXURE B: INSTRUCTION TO BIDDERS

When submitting their offers, applicants must follow all instructions, forms, terms of reference, contract provisions and specifications contained in the tender document. Failure to submit a tender containing all the required information and documentation within the deadline specified may lead to the rejection of the tender.

PROJECT NUMBER: 1.7

DESCRIPTION: APPOINTMENT OF A SERVICE PROVIDER TO DEVELOP INFORMATION TECHNOLOGY CONTRACT TEMPLATES FOR THE PROCUREMENT INFRASTRUCTURE AND KNOWLEDGE MANAGEMENT (PINK) CAPACITY DEVELOPMENT PROGRAMME

TIME TABLE:

ACTIVITY	DATE	TIME (SA TIME)
Date of advertisement	11 October 2020	08:00 AM
Closing Date	02 November 2020	11:00 am

1.1 CONTENT OF THE TENDERS

All applications, correspondence and documents related to the tender exchanged by the tenderer and the Contracting Authority should be written in English.

1.2 ELIGIBILITY AND SUITABILITY CRITERIA

The bidder must submit a responsive proposal in terms of these terms of reference. A responsive proposal will be determined based on the proposal's ability to demonstrate the understanding of the terms of reference and the objectives in a detailed methodology and approach on how the bidder will execute the tasks and outputs taking into consideration the proposed resources.

1.2.1 *Educational Qualifications of the lead resource*

- The minimum required qualification for this position is Law Degree from a recognized tertiary qualification in South Africa, International Qualifications should be accompanied by SAQA record of evaluation and accreditation.
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1.2.2 *Technical capacity of the lead resource*

- Experience in drafting and negotiations of commercial contracts with proven experience in the negotiation and drafting of Information Technology contracts.

1.2.3 *Technical capacity of service provider/company*

- A detailed methodology and approach of how the bidder will execute the tasks and outputs (detailed project plan that has deliverables linked to timelines).

- The bidder must provide a short description of projects undertaken and at least 3 contactable references on projects completed. (description of projects must not be more than 500 words each), *(Details to be provided using Annexure D template)*

1.2.4 Submission of CVs

- Bidders should submit Curriculum Vitae of the lead resource and of every other proposed resource who will form part of the proposed team using Annexure E. All resources (other than the lead resource) who will be part of the proposed team should be in possession of a Law Degree from an accredited University.

The suitability criteria specified above must be complete and without limitation or modification with the submission of the bid. Any such criterion not completely confirmed and fulfilled by the bidder leads to exclusion from further evaluation. Only those bidders and bids that fulfil all formal requirements and suitability criteria will be evaluated. The other bidders and bids will be excluded from the further procedure.

1.3 APPLICATION DOCUMENTS

- 1.3.1 The bidder must provide up to 1 (one) A4 page that contains the bidder's short history and experience with specific reference to the experience required in terms of these Terms of Reference;
- 1.3.2 Bidders must submit CV's on the template provided herein with certified copies of qualifications of all resources to be provided;
- 1.3.3 The bidder must submit a detailed project plan that has deliverables linked to timelines on the Project delivery methodology;
- 1.3.4 The bidder should submit a reference for relevant projects previously undertaken in support of proven experience *(Details to be provided using Annexure D template)*
- 1.3.5 The Bidder must ensure that it provides a determinable costing *(using Annexure C template)* of the services that is linked to the deliverables in the project plan.

1.4 FINANCIAL OFFERS (ANNEXURE C TEMPLATE)

Financial offers must be provided in a separately using Annexure C costing template. All offers should be in ZAR.

The Bidder must ensure that it provides a determinable costing of the services that is linked to the deliverables in the project plan.

Incidental expenditure (Travel and related) incurred by the contractor will be reimbursed at cost and subject to the provisions and set limitations of the PINKs Operating Manual.

1.5 AWARD AND EVALUATION OF TENDERS

Tenders will be evaluated and awarded based on the following manner:

Category	Criteria
Stage 1	Responsiveness based on the eligibility and suitability criteria Pre-Qualifier (based on suitability criteria table 1.2.1 to 1.2.4)
Stage 2	Functionality (Qualifications, Experience and Methodology)
Stage 3	Presentation/Interview (only tenderers who score at least least 65% for functional evaluation will be considered for interviews)

1.5.1 Functionality

Quality of each technical offer will be evaluated in accordance with the criteria and weighting below and no other criteria will be used.

No	Evaluation Criteria	Weight	Scoring Criteria	Means of Verification
1 Suitability of the Service Provider				
1.1	Reference of projects previously undertaken with specific emphasis on Negotiating and drafting Information Technology contracts within the public service environment (for services procured in terms of the PFMA and MFMA).	15	5 = 5 Projects 4 = 4 Projects 3 = 3 Projects 2 = 2 Project 1 = 1 Project	Annexure D
2 Experience of the Lead Resource and the Company				
2.1	Qualifications	10	5 = LLM and above in relevant discipline (e.g. law of contracts/ corporate law or commercial law/mercantile law) 4 = LLB 3 = B-Proc 2 = B-Yuris/BA Law 1 = Legal/Contract Management Certificate	Copies of Qualifications (Certified)
2.2	General experience in the legal environment	5	5 = >13 years 4 = >10-13 years 3 = >7- 10 years 2 = >5- 7 years 1 = 3- 5 years	CV
2.3	Experience in negotiations and drafting of commercial contracts	5	5 = 5 Projects 4 = 4 Projects 3 = 3 Projects 2 = 2 Project 1 = 1 Project	CV
2.4	Proven ability to conduct research and benchmarking, produce reports and present findings	10	5= Conducted 5 Research Projects 4= Conducted 4 Research Projects 3= Conducted 3 Research Projects 2= Conducted 2 Research Projects 1= Conducted 1 Research Project	CV

2.5	Practical experience with Negotiating and drafting Information Technology contracts within the public service environment (for services procured in terms of the PFMA and MFMA).	10	5 = 5 Projects 4 = 4 Projects 3 = 3 Projects 2 = 2 Project 1 = 1 Project	CV
3 Project Management: Methodology				
3.1	<p>Detailed project plan</p> <ul style="list-style-type: none"> Detailed project management methodology and approach. Project plan must have project deliverables linked to timelines that are within the contract duration. The plan should have phases that includes (but not limited to) (1) Stakeholder engagements (2) the review of the main Information Technology Agreements The plan must make provision for project dependencies/assumptions and/or potential risks as well as their mitigating factors. 	45	REFER TO INST 1.5.1.1 below for details	Technical Proposal
TOTAL SCORE		100		
MINIMUM THRESHOLD		65%		
4 Presentation/Interview				
4.1	Gate 2 - Presentation/ Interview	100	<p>4= Bidder's presentation and interview demonstrates in-depth knowledge and understanding of the subject matter (project) and how it will be implemented as explained in the submitted methodology;</p> <p>3= Bidder's presentation and interview demonstrates in-depth knowledge and understanding of the subject matter (project) and the understanding of the project in accordance with the methodology submitted;</p> <p>2= Bidder's presentation and interview demonstrates adequate knowledge and</p>	

			<p>understanding of the subject matter (project) and the understanding of the project in accordance with the methodology submitted;</p> <p>1= Bidder's presentation and interview demonstrates limited knowledge and understanding of the subject matter (project) and the understanding of the project in accordance with the methodology submitted</p>	
TOTAL SCORE		100		
MINIMUM THRESHOLD		70		

- An LLM qualification that is not relevant to the subject matter (e.g. LLM in Labour Law or criminology), shall not be considered and such a resource will be evaluated as only having LLB degree.

* Bidders must provide supporting documentation in the form of certified documents and international qualifications must be accompanied by SAQA accreditation

INST 1.5.1.1 PROPOSED METHODOLOGY AND APPROACH/PROJECT MANAGEMENT (45)

The proposed methodology and approach paper must respond to the scope of work and deliverables associated with this project. The bidder should submit a detailed project plan that has deliverables linked to timelines on the Project delivery methodology.

The paper should incorporate the following key aspects:

- Clear understanding of the project objective and key deliverables;
- Concise and logical conceptualization of the relevant outcomes; and
- Practical and innovative institutionalization of the project plan

SCORING	DESCRIPTION OF EXPERIENCE
Poor (Score 1)	Tenderer has submitted information with limited in-depth understanding of the project and related systems and processes.
Average (Score 2)	Tenderer has submitted information which demonstrate adequate understanding of the project (concise and logical) and indicated the sensitivity needed to work with varied stakeholders in such a context.
Good (Score 3)	Tenderer has submitted information which demonstrate above average understanding of the project (concise and logical) and indicated the sensitivity needed to work with varied stakeholders in such a context.
Very Good (Score 4)	Tenderer has submitted information which demonstrate in-depth understanding of the project (clear, concise and logical) and also indicated a practical way to effectively implement the project.

Excellent (Score 5)	Tenderer has submitted information which demonstrate in-depth understanding of the project (clear, concise and logical) which can be implemented through innovative thinking principles.
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1.5.2 Price evaluation (Stage 2)

Financial offers will be evaluated and calculated based 80/20 (80 Points for overall technical evaluation and 20 points for the price)

$$Ps = 20 \left(1 - \frac{pt - P \min}{P \min} \right)$$

2.3 COST OF PREPARING TENDERS

No cost incurred by the tenderer in preparing and submitting the tender are reimbursable and such include the cost to attend interviews where applicable.

2.4 OWNERSHIP OF TENDERS

The contracting authority retains ownership of all tenders received under this procedure. Consequently, tendered do not have the right to have their tenders returned to them.