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public works
& infrastructure

Department:
Public Works and Infrastructure
REPUBLIC OF SOUTH AFRICA

Department of Public Works and Infrastructure. Private Bagx 256. Madiba Street. PRETORIA. 0001

REQUEST FOR INFORMATION

INVITATION TO SUBMITT REQUEST FOR INFORMATION:

THE PLANNING AND DESIGN OR MANUFACTURING, TRANSPORTING, DECOMMISSIONING, DOCUMENTATION AND HANDOVER OF THE INTERGRATED SECURITY SYSTEMS OF THE RSA BORDERLINES (BORDER VEHICLES AND PEDESTRIAN PHYSICAL BARRIERS, PATROL/ACCESS ROADS, SURVEILLANCE DETECTION SYSTEMS AND MONITORING PROJECTS).

TENDER NO: H20/033 AI

MARCH 2021

Name of tenderer:



PA-11: DECLARATION OF INTEREST AND BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

Failure to complete this form in full and signed by the duly authorized person, as indicated on PA-15.1 or PA-15.3, shall render the tender non-responsive and will be removed from any and all further contention.

Project title:			
Bid no:		Reference no:	

The following particulars must be furnished. In the case of a joint venture, separate declarations in respect of each partner must be completed and submitted.

1. CIDB REGISTRATION NUMBER (if applicable)

2. Any legal person, including persons employed by the State¹; or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest, where:

- The bidder is employed by the state; and/or
- The legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

3. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

3.1 Full Name of bidder or his or her representative:

3.2 Identity number:.....

3.3 Position occupied in the Company (director, trustees, shareholder² ect

3.4 Company Registration Number:

3.5 Tax Reference umber:.....

3.6 VAT Registration Number:

3.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

¹ "State" means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

² "Shareholder" means –

- (a) a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercise control over the enterprise

3.7 Are you or any person connected with the bidder presently employed by the state? YES NO

3.7.1 If so, furnish the following particulars:

Name of person / director /trustees/shareholder/ member:.....

Name of state institution at which you or the person is connected to the bidder is employed

Position occupied in the state institution:.....

Any other particulars:

3.8 Did you or your spouse, or any of the company's directors / trustees/shareholders / members or their spouses conduct business with the state in the previous twelve months? YES NO

3.8.1 If so, furnish particulars:.....

3.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? YES NO

3.9.1 If so, furnish particulars.

3.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between the bidder and any person employed by the state who may be involved with the



evaluation and or adjudication of this bid?

YES NO

3.10.1 If so, furnish particulars.

.....
.....

3.11 Do you or any of the directors /trustees/shareholders/ members of the company have any interest in any other related companies whether or not they are bidding for this contract?

YES NO

3.11.1 If so, furnish particulars:

.....
.....

4. Full details of directors / trustees / members / shareholders.

Full Name	Identity Number	Personal Tax Reference Number	State Employee Number / Persal Number

5. DECLARATION OF TENDERER / BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

5.1	Is the tenderer / bidder or any of its directors listed on the National Treasury's database as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the audi alteram partem rule was applied).	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5.2	If so, furnish particulars:		



5.3	Is the tenderer / bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? To access this Register enter the National Treasury's website, www.treasury.gov.za, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5.4	If so, furnish particulars:		
5.5	Was the tenderer / bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5.6	If so, furnish particulars:		
5.7	Was any contract between the tenderer / bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5.8	If so, furnish particulars:		

6. CERTIFICATION

I the undersigned (full name) _____ certify that the information furnished on this declaration form is true and correct.

I accept that, in addition to cancellation of a contract, action may be taken against me should this declaration prove to be false.

Name of Tenderer / bidder	Signature	Date	Position

This form has been aligned with SBD4 and SBD 8

PA-15.1: RESOLUTION OF BOARD OF DIRECTORS

RESOLUTION of a meeting of the Board of *Directors / Members / Partners of:

_____ (legally correct full name and registration number, if applicable, of the Enterprise)

Held at _____ (place)

on _____ (date)

RESOLVED that:

- The Enterprise submits a Bid / Tender to the Department of Public Works in respect of the following project:

_____ (project description as per Bid / Tender Document)

Bid / Tender Number: _____ (Bid / Tender Number as per Bid / Tender Document)

- *Mr/Mrs/Ms: _____

in *his/her Capacity as: _____ (Position in the Enterprise)

and who will sign as follows: _____

be, and is hereby, authorised to sign the Bid / Tender, and any and all other documents and/or correspondence in connection with and relating to the Bid / Tender, as well as to sign any Contract, and any and all documentation, resulting from the award of the Bid / Tender to the Enterprise mentioned above.

	Name	Capacity	Signature
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			

15			
16			
17			
18			
19			
20			

The bidding enterprise hereby absolves the Department of Public Works from any liability whatsoever that may arise as a result of this document being signed.

Note:

1. * Delete which is not applicable.
2. **NB:** This resolution must, where possible, be signed by all the Directors / Members / Partners of the Bidding Enterprise.
3. In the event that paragraph 2 cannot be complied with, the resolution must be signed by Directors / Members / Partners holding a majority of the shares / ownership of the Bidding Enterprise (attach proof of shareholding / ownership hereto).
4. Directors / Members / Partners of the Bidding Enterprise may alternatively appoint a person to sign this document on behalf of the Bidding Enterprise, which person must be so authorized by way of a duly completed power of attorney, signed by the Directors / Members / Partners holding a majority of the shares / ownership of the Bidding Enterprise (proof of shareholding / ownership and power of attorney are to be attached hereto).
5. Should the number of Directors / Members / Partners exceed the space available above, additional names and signatures must be supplied on a separate page.

ENTERPRISE STAMP



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

This preference form must form part of all bids invited. 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 MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017 AND THE AMENDED B-BBEE CODES.

1. GENERAL CONDITIONS

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

- 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. The value of this bid is estimated to **Select** R50 000 000 (all applicable taxes included) and therefore the...**Select Points**.....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.

1.3.1 The maximum points for this bid are allocated as follows:

	POINTS
1.3.1.1 PRICE	Select Price Points
1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION	Select B-BBEE Level
Total points for Price and B-BBEE must not exceed	100

1.4. Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.5. An Exempted Micro Enterprise (EME) is only required to obtain a sworn affidavit or a certificate issued by Companies and intellectual property Commission (CIPC) confirming their annual turnover of R10 Million or less and level of black ownership to claim points.

1.6. Qualifying Small Enterprise (QSE) is only required to obtain a sworn affidavit or a certificate issued by Companies and intellectual property Commission (CIPC) confirming their annual turnover of R10 Million or less and level of black ownership to claim points.



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- 1.7 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 in regard to preferences, in any manner required by the purchaser.
- 1.8 CERTIFICATES ISSUED BY IRBA AND ACCOUNTING OFFICER HAVE BEEN DISCONTINUED; HOWEVER VALID CERTIFICATES ALREADY ISSUED BEFORE 01 JANUARY 2017 MAY BE USED UNTIL THEY PHASE OUT COMPLETELY BY DECEMBER 2017

2. DEFINITIONS

- (a) **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- (b) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (c) **“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (d) **“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 services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- (e) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (f) **“comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- (g) **“consortium or joint venture”** 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;
- (h) **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- (i) **“EME”** means an Exempted Micro Enterprise as defines by Codes of Good Practice under section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (j) **“Firm price”** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- (k) **“functionality”** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- (l) **“non-firm prices”** means all prices other than “firm” prices;
- (m) **“person”** includes a juristic person;
- (n) **“QSE”** means a Qualifying Small Enterprise as defines by Codes of Good Practice under

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section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

- (o) **“rand value”** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- (p) **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- (q) **“total revenue”** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- (r) **“trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- (s) **“trustee”** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ADJUDICATION USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;.
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

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

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

80/20 or 90/10

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration



Preference Points Claim for Bids: PA-16

P_{min} = Comparative price of lowest acceptable bid

5. Points awarded for B-BBEE Status Level of Contribution

5.1 In terms of Regulation 6(2) and /or 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

- 5.2 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.3 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.4 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.5 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

6. BID DECLARATION

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

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

7.1 B-BBEE Status Level of Contribution: =(maximum of 10 or 20 points)



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(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or Sworn Affidavit for EME's and QSE's.

8 SUB-CONTRACTING (relates to 5.5)

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 If yes, 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/ a QSE? YES / NO (delete which is not applicable)

Designated Group: An EME or QSE which is at least 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		

9 DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of company/firm

9.2 VAT registration number :

9.3 Company registration number

9.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]



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5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....
.....
.....

9.6 COMPANY CLASSIFICATION

- Manufacturer
 - Supplier
 - Professional service provider
 - Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]

9.7 Total number of years the company/firm has been in business?

9.8 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 contribution indicated in paragraph 7 of the foregoing certificate/ Sworn Affidavit, 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 paragraph 7, 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 contribution 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 favourable arrangements due to such cancellation;
 - (d) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, 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.
- 2.

[Signature box]

SIGNATURE(S) OF BIDDER(S)

DATE:.....

ADDRESS:.....

PA- 29: CERTIFICATION OF INDEPENDENT BID DETERMINATION

Project title:			
Bid no:		Reference no:	

INTRODUCTION

1. This PA-29 [Certificate of Independent Bid Determination] must form part of all bids¹ invited.
2. Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
3. Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. 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.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
4. This form (PA-29) serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
5. In order to give effect to the above, the attached Certificate of Bid Determination (PA-29) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

Certification of Independent Bid Determination: PA-29

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate.
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect.
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder.
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder.
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:

Certification of Independent Bid Determination: PA-29

- (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder.
6. 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 consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
- (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. 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.

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

Certification of Independent Bid Determination: PA-29

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

³ 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.

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.

Name of Bidder	Signature	Date	Position

TERMS OF REFERENCE

Request for Information for the planning and design or manufacturing, transporting, decommissioning, installation, commissioning, documentation and handover of the Integrated Security System of the RSA Borderlines (Border vehicles and pedestrian physical barriers, patrol/access roads, surveillance detection systems and monitoring projects).



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1. Background

Border Control Operational Coordinating Committee (BCOCC), formerly responsible for coordinating between departments and other institutions had a mandate of stemming irregular migration, illicit trade and cross-border criminality. In December 2014, Cabinet resolved that the BCOCC responsibilities be relocated from the South African Revenue Services (SARS) to the Department of Home Affairs (DHA).

The DHA as the new lead department was tasked by Cabinet to establish the Border Management Authority (BMA). In July 2020, President Cyril Ramaphosa signed into law the Border Management Authority (BMA) Act No. 2 of 2020. The new law seeks to ensure collaboration with relevant stakeholders for an integrated and coordinated border management service. The BMA Act enables the establishment of the BMA as a single implementation public entity for effective and efficient border law enforcement functions at the South African Ports of Entry (Land, Sea and Air). These include the non-military functions and responsibilities of border control and border management, which are primarily focussed on the management and facilitation of the cross-border movement of people and goods.

In August 2020, the BMA Project Office affirmed that the Department of Defence (DOD) and in particular the South African National Defence Force (SANDF) will retain its exclusive mandate regarding border protection and will (*where applicable*) cooperate with and complement the BMA. The former is accentuated by the exclusion of the SANDF in the BMA Act from Border Management Authority decisions at Ports of Entry. Likewise, the BMA is excluded in the Defence Act from Border Security decision at the Borderline.

The BMA through the DHA has identified six (06) main land ports of entry to be targeted as a blue print for future ports of entry Infrastructure improvement. The state of these ports of entry has a huge negative impact on the economies of the participating countries in Southern Africa Development Community (SADC).

South Africa has stretches of mostly porous borderlines. The state of these borderlines has a huge negative impact on the security and economies of the participating countries in the Southern Africa Development Community (SADC).

To address the above-mentioned state, the DOD through the Department of Public Works and Infrastructure has identified three priority borderlines (RSA/ Zimbabwe, RSA/ Lesotho and RSA/ Eswatini & Mozambique) to be targeted as a blue print for future borderline infrastructure improvement.

To realise the latter, the DPWI has started the Town planning pre-planning work and will soon enhance it with the most effective and efficient integrated borderline solution and best practice that will emanating from the Request For Information (RFI) process.

The DPWI, as the appointed functionary to construct and maintain the borderline infrastructure, requests information from competent and reputable companies with extensive expertise and experience relevant to the development, implementation and maintenance of integrated security infrastructure solutions including security systems to be constructed and maintained along South Africa's borderline.



2. Proposal

This document is a Terms of Reference (TOR) in line with a Request for Information (RFI) from reputable companies with extensive expertise and experience relevant to integrated security infrastructure solutions. The intention of the RFI is to gather information on potential technical solutions in this regard and enable the potential identification of effective and efficient technical proposals.

The objective of this TOR is to establish the scope of the potential technical solutions, associated time frames, deliverables and establish the context within which the proposals are framed.

This RFI will be focused on border protection required, using a physical barrier, support infrastructure and integrated systems with central control centres as an integrated borderline infrastructure solution, to assist with the following functions:

1. Prevent illegal crossing of borders away from border control-points
2. Deter, delay, detect, allow for timeous response, monitor, verify and report upon attempted breaches of the border-line
3. Accessibility for Border Patrol, Border Control, Reaction and Maintenance
4. Low to no light visual verification and detections where applicable
5. High speed visual verification of detections and alarms where applicable
6. Animal disease control
7. The fight against spread of the Covid-19 pandemic

3. Problem statement

Typical international border challenges experienced along South African borders are:

3.1 International Border Threats

A border threat can be seen as an event that can lead to a breach in a border fence/structure. It is important to note that the breach may come from outside the border as well as from the inside of the border.

Border threats can be categorized as follows (International context):

Invasion

Cross-border Terrorism

Criminal Networks

Unauthorized Immigration

The following categories are implicit to the African context:

Wildlife

Sickness / Plagues

Famine

Genocide / Factional fighting

Raids

The categories differ between parts of the world, and even between sections or areas of the same border. The categories are normally assessed on a risk basis. The risks associated with these diverse



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types of threats may be modelled as a function of (1) the likelihood that the threat will be realized, and (2) the potential consequences of a given threat.

3.2 A short summary of the categories in a South African context:

- **Invasion**
This is not seen as a threat in South Africa and will not be discussed further.
- **Cross-border Terrorism**
This is normally not seen as a threat in South Africa, but the following is defined as terrorism:
 - **Hijacking**
Frequent occurrence in South Africa, but few reports of hijacking of vehicles or kidnapping for ideological or political reasons.
 - **Sabotaging**
Most reports of cross-border sabotage are on water pumps in rivers on borders, farm equipment and electrical installations. This is merely reported as criminal activities.
 - **Assassination**
Assassinations in South Africa are mostly gang related or political rivalry and cannot be associated with cross-border terrorism.
 - **Propaganda**
This activity has decreased since 1994.
- **Criminal Networks**
There is overlapping with terrorism, the main difference is that these activities are done with financial gain in mind and are not ideologically driven.
 - **Smuggling**
All types of contraband are smuggled across the South African borders. This can be illegal substances such as drugs, but legal goods are also smuggled across the border to evade import duties.
 - **Poaching**
Wildlife are poached for meat and ivory.
 - **Human Trafficking**
Slavery in the sex industry is a big problem
 - **Stealing**
Common thievery across the border is common in South Africa.
- **Unauthorized Immigration**
This is normally seen as a person crossing a border without a valid passport or visa with the intention of a prolonged stay for whatever reason. In the African context illegal border crossings are also observed when people attend schools or clinics on the other side of the border, or to do shopping, or merely visiting friends or family. This is encouraged by the porous nature of African borders and the absence of official border gates.
- **Wildlife**
Apart from poaching, wildlife itself is a threat to border structures. Humans have closed of



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natural wildlife routes and bigger game like elephants break fences regularly.

- **Sickness / Plagues**
The latest outbreaks of Ebola and Congo fever has shown that people flee from such areas and borders do not stop them. Borders are also regularly crossed to reach medical care that does not exist on their side of the border.
- **Famine**
East and North Africa experience huge influx from famine struck areas. The famine is not always because of natural disasters, but economic conditions drive people across borders to look for food.
- **Genocide**
The colonial borders in Africa forced people of different tribes or factions to live in the same country. Civil wars between these parties sometimes lead to genocide.
- **Raids**
Raids by groups of people across borders to steal cattle or sheep are still happening in South Africa. The Lesotho border raids on South African famers are examples of this.

4. Assumptions, limitations and delimitations

4.1 Conditions and influences on the project that cannot be controlled (limitation).

For the purpose of this RFI the assumption is that existing border line infrastructure is not fit for its purpose, limits patrols and no security systems exist, thereby compromising the safety of the country.

4.2 Pre-set conditions set to define the boundaries of the project (delimitations)

- Technical solutions must be aimed at providing for integrated infrastructure development, taking into account all relevant elements applicable to specific border security requirements.
- Technical solutions must address all aspect taking into account that staff resources of operational response and monitoring will be provided for by state organs.
- Technical solutions must be aimed at providing for innovative and comprehensive Infrastructure interventions that speaks to the full variety of security challenges along South African borders and not be aimed at one specific scenario.
- Expropriation and alignment are being provided for and should be in place during future phases of the project.

4.3 Reference to systems, policies, procedures, legislation, etc.

- All the proposals for an integrated borderline infrastructure solution must adhere to national, provincial and local government legislation, policies and statutes In all regards.

5. Specific issues to be addressed

5.1 The following objectives should be addressed within proposed solutions:

- Design, Installation, Maintenance of borderline infrastructure between these critical RSA borderlines: RSA/ Zimbabwe, RSA/ Lesotho and RSA/ Eswatini & Mozambique

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- The establishment of a stronger, more robust integrated border infrastructure solution as an appropriate defence and disease control mechanism.
- Conceptualise a solution that effectively deters, delays, detects and provide for patrol infrastructure.
- Provide for the ability of the visible monitoring of perimeters under low light and no light conditions, where appropriate and applicable.
- Ensure that risks, attempts and breaches are recorded with playback functionality where relevant.
- Include detection systems for early warnings when there is an attempt at a breach where relevant.
- Provide for the ability to relay all alarms and early warnings to a central command point that can be used as a command-and-control centre.
- Strategy and specifics for digital Standard Operating Procedures, automated alarms, training, improving and enabling of organs of state to effectively manage border protection.
- Maintenance plan and service

5.2 The proposed solutions could encapsulate the following elements:

- Service deliverables(Surveys, analysis, design, supply, build)
- Physical Barrier(s)
- Patrol Road(s)
- Detection System(s)
- Monitoring System(s)
- New technologies, ie. Drone and Thermal Imaging System(s) etc.
- Maintenance and management program as well as potential service contracts that may be required (minimum 10 years).

5.3 The proposed solutions should take the following conceptual design principles and methodologies into account:

- Preparation and availability.
 - It is important to demonstrate that the proposed infrastructure could be prepared and or acquired prior to implementation. This strategy includes a review of materials, hardware, software, systems, etc.
- Phased approach:
 - The proposal must include and address the phased sign-off as part of the implementation and hand over process at the hand of pre-determined baseline criteria. Implement the signed-off solution. Ensuring that all facets of the solutions are in-line with the operational requirements using the required outcome as a baseline.
- Implementation plan, benchmarks and compliance.
 - During and after implementation certain benchmarks are required such as sign-off from key stakeholders. The proposal must provide for a detailed implementation plan inclusive of the projected time frames, allowing for the sequential role out of the



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integrated infrastructure system. Demonstrating process bench marks and compliance review.

- **Coordination:**
 - Coordinate with stakeholders (departmental and public), clients and end users involved in implementation and management. This may be as simple as communicating to your client community and/or stakeholders. Part of the implementation work is to coordinate the work of any other groups that have a role to play. Stakeholder engagement and management will ensure a positive potential implementation of the project.
- **Public Infrastructure:**
 - Proposals may be reliant upon the availability of public infrastructure/ services provision and therefore should provide for a clear indication of the proposal's reliance thereupon.
 - Alternative sourcing methods to be indicated.
 - Water extraction from riverine systems to be excluded as far as possible.
- **Skills development:**
 - All skills development program (Local, provincial and national skills development programs) as may be applicable should be evident in all aspects of the project. Implement training. Local community involvement is crucial in social development process and made effective through the implementation of the project. Training will need to be provided and illustrated in line with the proposal. Further training will need to be provided to the end user client in terms of the operation and management of proposed solutions.
- **Environmental**
 - Environmental considerations regarding material selection infrastructure solutions construction methods and processes, construction site management, energy requirements, natural systems ecology, rehabilitation, vegetation growth control/denudation, erosion control and other applicable environmental aspects should be included to the proposal.
- **Heritage, archaeology etc.**
 - The proposal should be accompanied by a management strategy where the infrastructure solution may have impact that trigger legislation etc.

5.4 The following should be covered regarding expertise:

- Provide a breakdown of the type of work in relation to processes involved in the integrated solutions.
- At the hand of the above provide a description and recruitment strategy of the types of skills and abilities required inclusive of specialists, professionals, artisans etc., in relation to the design/development, roll out, operation and maintenance phases.



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- Define the foreseen number of individuals involved per skill type and per project stage.
- Describe the duties and responsibility per skill type.

5.5 The following proposed classes of integrated infrastructure solutions should form the basis of drafting proposals:

Proposals should indicate a clear understanding of the different scenarios along borderlines that have retrospectively contributed to the effectiveness, management and maintenance of border infrastructure.

Proposals should demonstrate performance requirements as described below. The following should however be regarded as incremental elements applicable to all the classes below and should be included to the technical solution.

- Inner fence consisting of game fence to keep small game crawlers, large game jumpers and stock from entering neutral zone.
- Approximately 33m wide neutral zone with patrol road infrastructure.

The following security classes and performance descriptions are applicable to outer fence infrastructure proposals. At least one hypothetical development of a technical solution, for each class, should be included:

	Class 1 Security	Class 2 Security	Class 3 Security	Class 4 Security
Position/proximity to land port of entry	0-2km radius from Border posts	2-10km radius from Border posts	10-20km radius from Border posts	Beyond 20km radius from border posts
Infrastructure performance				
Pedestrian Breaches	Deter, detect and delay	Deter, detect and delay	Deter, detect and delay	Deter and delay
Pedestrian egress	Prevent	Prevent	Prevent	Delay
Pedestrian scaling	Non scalable	Non scalable	Non scalable	N/A
Pedestrian tampering	Prevent	Prevent	Prevent	Prevent
Infrastructure removal	Prevent	Prevent	Prevent	Prevent
Other to be proposed In addition or as alternative				
Deter, Delay and Detect – performance requirements				
Deter	Highest	High	Medium	Low
Delay	High	High	Medium	Low
Detect	High	High	Medium	Low

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Surveillance System feeding via substations towards a central nerve centre allowing for immediate monitoring and recording of breaches	Yes	Yes	Yes	Yes
Other to be proposed in addition or as alternative				
Response solutions performance (personnel to be provided by organs of state)				
Patrol Infrastructure	High speed patrol	High Speed patrol	Medium Speed patrol	Low Speed Patrol
Response time	High	High	Medium	Low
Response Infrastructure	High	High	High	Low
Other to be proposed in addition or as alternative				
Ancillary Infrastructure performance				
Animal Control Inner Fence –fence preventing small, large jumper game and stock from entering the neutral zone	Yes	Yes	Yes	Yes
Operational sub stations (Acting as control rooms and sub monitoring stations and sleeping quarters) <ul style="list-style-type: none"> • Small building/storage • Electricity (specify source) • Ablutions (serviceable) • Potable water (specify source) 	<p>Base for border patrol.</p> <p>Detect and respond to breaches.</p> <p>Housing of detection system inclusive of specialist operator.</p> <p>Accommodation of up to 5 response personnel.</p>	<p>Base for border patrol.</p> <p>Detect and respond to breaches.</p> <p>Housing of detection system Inclusive of specialist operator.</p> <p>Accommodation of up to 5 response personnel.</p>	<p>Base for border patrol.</p> <p>Detect and respond to breaches.</p> <p>Housing of detection system Inclusive of specialist operator.</p> <p>Accommodation of up to 3 response personnel.</p>	<p>Base for border patrol.</p> <p>Detect and respond to breaches.</p> <p>Accommodation of up to 3 response personnel.</p>



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<ul style="list-style-type: none"> No food preparation facilities required <p>Note: Interval/frequency and accommodation requirement dependant on proposed means of patrolling (Equestrian, per foot, drones, vehicles etc. – to be integrated in the proposal)</p>				
<p>Paddock for temporary holding of stray and repossessed stock animals Appr. 200sq meter, water trough, feeding trough, integrated loading facility. Typically at 30km intervals in specific regions</p>	Yes	Yes	Yes	Yes
<p>Other to be proposed in addition or as alternative</p>				

5.6 All solution elements (physical/hardware/software/civil works etc.) need to be clearly explained in the technical submission. The following should be covered per system element:

- Overview of Element
- Dimensions
- Location
- Material Makeup
- Power Requirements
- Locally or Internationally Manufactured / Developed
- Letter of Recommendation / Accreditation / Certificate for Element
- Proof of Previous Implementation of Element

The aim of these integrated solutions is to deter, delay, detect and allow decision making (protocols for response). Provision should be made for all components to be effective, functional and manageable in a holistic and sustainable fashion.

5.7 The proposal should include design approaches (Including professional teams/skills needed) toward addressing natural features or unique specific challenges such as the following:

- Rivers dissecting borderline
- Difficult/mountainous terrain
- Riparian zones and flood plains
- Vehicle trafficking hotspots
- Elephant egress hotspots
- Goods trafficking over shared resources such as rivers.
- Access to Shared resources

5.8 Management plan, inclusive of maintenance activities

GIAMA requires the Custodian (NDPWI) to have a management plan of each immovable asset throughout its life cycle.

- GIAMA section 7 refers. "A custodian immovable asset management plan must consist of at least—
 - a portfolio strategy and management plan;
 - a management plan for each immovable asset throughout its life cycle;
 - a performance assessment of the immovable asset;
 - subject to section 13(l)(d)(iii), a condition assessment of the immovable asset;
 - the maintenance activities required and the total and true cost of the maintenance activities identified; and
 - a disposal strategy and management plan."
- Provide an indication of foreseen compliance in relation to each aspect of the act listed above
- Provide for elemental breakdown of the proposal's performance and requirements in each regard

6. Desired outcomes/outputs

6.1 Format of submission

- Submissions should be submitted digitally in pdf file format (25 copies required)
- Include a well-structured table of content
- Be organized and structured understandably/ comprehensibly in line with the evaluation criteria below
- Documentation to be in a printable A4/ letter size format
- Font sizes not smaller than a 10 point font size

6.2 Estimate costing

Proposals must include a well-structured and detailed costing that is based on current market prices.

Costing should address, amongst others:

- all aspects relating to planning, design, and implementation;
- all elements incremental to the integrated solution;



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- systems hardware and software;
- skills development and training;
- full maintenance and replacement required for a first 10 year time span in line with the management plan

7. Invitation/ Request to Submit Information (RFI)

Information is hereby requested for Solution Proposals to Secure and Maintain the Border (in line with the Project Scope).

The RFI process will be co-ordinated by Department of Public Works Supply Chain Management (SCM) section at the following address:

Deputy Director: Supply Chain Management (SCM),
Mr Billy Lebetha

8. General Terms

All documents submitted in response to this RFI must be written in English.

Any enquiries in connection with this RFI shall be submitted in writing to Mr Billy Lebetha at the following e-mail address: Billy.Lebetha@dpw.gov.za, or Tel: 012 406 1753

1. The aim of the RFI is to gather information and test its effectiveness and efficiency, i.e. proposals that most efficiently and effectively address the objectives at the hand of the evaluation criteria below, through a process of review.
2. There will be no remuneration at stake for proposals submitted.
3. Submitters may provide additional information to the required where appropriate and applicable
4. The aim is to enhance preplanning outcomes with the most effective and efficient integrated borderline solutions and best practice, which will be emanating from the RFI process.
5. NDPWI retain the right to potentially engage with and/ or procure services of submitters in the final drafting of specifications and designs and/or implementation and/ or maintenance in part or as a whole in ensuing phases.
6. NDPWI may choose to not make use of proposals submitted in part or as a whole.
7. Submitting proposals and outcomes of reviews, provide no confirmation or surety that proposals/ services will be included to/ inform ensuing procurement processes.
8. The NDPWI will not be liable in any way, including usage of information, in terms of all information submitted.
9. The NDPWI reserves the right to gain/ gather further information, from submitters or through additional processes for clarification purposes, as it may deem appropriate and necessary.



9. Evaluation Criteria

Proposals submitted in line with this Request for Information (RFI) will be evaluated according to the criteria listed in the table below. Costing is viewed as instrumental to the viability of proposals and is therefore included to the evaluation criteria in order to determine effectiveness and efficiency.

Criteria
<p>Service Provider/ Consortium to indicate their experience in number of years in planning, design installation and maintenance management of Fencing, Detection Systems, Surveillance Systems, Integrated Software Systems, Construction, Civil Works and Maintenance as per the Terms of Reference (TOR). The lowest number of years' indicated for any one of the above will apply, should experience vary in the different fields.</p>
<p>Number of High Security Sites that were planned, designed and maintained by the Service Provider/ Consortium and implemented, that include Fencing, Detection Systems, Surveillance Systems, Integrated Software Systems, Construction, Civil Works and Maintenance as per the TOR.</p>
<p>Provide a detailed Organogram that sets out the roles and responsibilities of each proposed team member in relation to the planning, design, implementation and maintenance required for proposal/ s.</p>
<p>Detailed technical proposals for an integrated borderline infrastructure solution, including security systems and supportive infrastructure, that demonstrate compliance with the objectives as set out in Item 5.1 and 5.2, at the hand of item 5.3 to 5.7. as per the TOR.</p> <ul style="list-style-type: none"> • (TOR item 5.6) solution elements (physical/hardware/software/civils) • (TOR item 5.7) unique specific challenges
<p>Detailed management plan, inclusive of maintenance activities, for an integrated borderline infrastructure solution that demonstrate compliance with the objectives as set out in Item 5.1 and 5.2, at the hand of Item 5.8 as per the TOR.</p> <ul style="list-style-type: none"> • a portfolio strategy and management plan • a management plan for each immovable asset throughout its life cycle • a performance assessment of the immovable asset • a condition assessment of the immovable asset • the maintenance activities required and the total and true cost of the maintenance activities identified • a disposal strategy and management plan
<p>Demonstrate a well-structured and detailed estimated costing for an integrated borderline infrastructure solution, including security systems and supportive infrastructure, as stated and described in the TOR under Item 6.2:</p>



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<ul style="list-style-type: none">• All aspects relating to planning, design, and implementation• All elements incremental to the integrated solution• Systems hardware and software• Training and skill development cost etc.• Full maintenance and replacement required over a 10 year time span in line with the management plan
Total

10. Confidentiality

Any or all information made available to the Submitter by the NDPWI shall be regarded as confidential and shall not be made available to third parties without the prior written consent of the NDPWI, where and if applicable.

11. Preparation of Proposal

The National Department of Public Works and Infrastructure shall not be held liable for any cost that has been incurred by the submitting entity in the preparation of the proposal, the obtaining of certificates or any other cost that might be incurred in submitting the proposal.

12. Purpose of Costing

The submitted proposal must encapsulate all costs as may be foreseeable and applicable to the future construction and maintenance phases of the project. Costing should be market related and will serve to evaluate the effectiveness and efficiency of the proposals as a pre-emptive aspect.

13. Submission of proposals

Proposals can be submitted in the tender box located in the CGO, Vnor of Bosman and Madiba Streets (256 Madiba Street), Pretoria CBD, during office hours (08:00 – 16:00).

NB. All documents must be clearly labelled.

Closing date for submissions is: 11:00 on XXX.

Note: E-mailed, posted and faxed submissions will not be accepted. Late submissions will be disqualified.

14. Exclusivity

Whether or not information of Submitters of proposals are used in any way, Submitters are not guaranteed of any business from the National Department of Public Works and Infrastructure. The submitter may be entitled to compete on an equitable basis for any such business on a quotation or tender basis during future phases of the project.



15. Responsibilities of the Submitter

The Submitter will be responsible for:

- Being available should engagement be required.
- Submitting reports/ additional information as and if required.

16. Responsibilities of the Employer

The Employer will be responsible for:

- Organisation of logistics for workshops and briefing/ question and answer sessions as may be required and deemed appropriate.

