



National Empowerment Fund

RFP No: NEF 06/2022/23

**REQUEST FOR PROPOSAL: PROVISION FOR
RFP 06 2022 23 - BUSINESS TURNAROUND
SPECIALISTS AND VALUATION SERVICES
PANEL FOR THE NEF**

**CLOSING DATE: 04/10/2022
TIME: 14H00**

CONDITIONS AND UNDERTAKINGS BY BIDDERS IN RESPECT OF THIS TENDER**1. Proprietary Information:**

The National Empowerment Fund (NEF) considers this tender and all related information, either written or verbal, which is provided to the Bidders, to be proprietary of the NEF. It shall be kept confidential by the Bidders and its officers, employees, agents and representatives. The Bidders shall not disclose, publish, or advertise this specification or related information in part or as a whole to any third party without the prior written consent of NEF.

2. Enquiries

All communication and attempts to solicit information of any kind relative to this tender should be channeled to names provided below:

Contact person (all questions should be in writing)

Enquiries can be directed to:

Name: Ms. Kedibone Mboweni

Head: Supply Chain Management

Telephone Number Office: +27 11 305 8000

Email address: mbowenik@nefcorp.co.za

Technical Enquiries can be directed to:

Name: Ms. Karishma Maharaj

Turnaround, Workouts and Restructuring
Manager

Telephone Number Office: +27 11 305 8000

Email address: maharajk@nefcorp.co.za

CONDITIONS AND UNDERTAKINGS BY BIDDERS IN RESPECT OF THIS TENDER

3. Medium of Communication

All the documentation submitted in response to this tender must be in English.

4. Verification of Documents

Bidders should check the numbers of the pages to satisfy themselves that none are missing or duplicated. The NEF will not be liable for any loss which may occur as a result of any pages or information missing or duplicated from or within the submission.

5. Validity Period

Responses to this Request for Proposal received from Bidders will be valid for a period of **150 days**, calculated from the closing date of the tender.

6. Submission of Tenders

6.1 TENDER RFP NEF 06/2022/23, RFP 06 2022 23 - Business Turnaround Specialists and Valuation Services Panel must be emailed to tenders@nefcorp.co.za by no later than **14h00** on **04 October 2022**. All enquiries regarding this RFP should also be directed to the following email addresses, tenders@nefcorp.co.za; maharajk@nefcorp.co.za; mbowenik@nefcorp.co.za and tofilex@nefcorp.co.za. All proposals must be clearly marked with “**(TENDER NEF 06/2022/23 PROVISION FOR RFP 06 2022 23 - BUSINESS TURNAROUND SPECIALISTS AND VALUATION SERVICES FOR THE NEF)**” by no later than **14h00** on **04 October 2022**. No tenders for will be accepted after the cut-off date and time.

6.2 No tender received by telegram, telex, facsimile or similar medium will be considered.

- 6.3 Where a tender document is not received at the time of the tender closing, such a tender document will be regarded as a late tender. Late tenders will not be considered.
- 6.4 The tenderer is responsible for all the costs that shall be incurred in relation to the preparation and submission of the tender document.
- 6.5 A list of all references (minimum 3) with contact details must be included in the tender document.
- 6.6 Copies of qualifications, identity documents (IDs) and the curricula vitae (CVs) of persons who will be involved in the execution of this tender should the tenderer be successful must be attached to the proposal.
- 6.7 The following information also needs to be provided with the tender document:
- Names and details of senior management
- Employment equity details of employees at an operational level Percentage of ownership by number of:
- Black ownership
 - Black women ownership
 - Youth ownership
- Percentage of ownership by profit share of:
- Black ownership
 - Black women ownership
 - Youth ownership
- 6.8 An original valid SARS Tax Compliance Status PIN must be included in the tender document. Failure to submit a certificate would render your tender invalid.
- 6.9 Copy/ies of any affiliations that you may have must be attached to the response to this tender.
- 6.10 Kindly note that the NEF is entitled to amend any tender conditions, validity

period, specifications, or extend the closing date of tenders before the closing date. All tenderers, to whom the tender documents have been issued, will be advised in writing of such amendments within reasonable time after they are made.

- 6.11 The NEF reserves the right not to accept the lowest tender or any tender in part or in whole.
- 6.12 The NEF reserves the right to award this tender to a black empowered firm.
- 6.13 The NEF also reserves the right to award this tender to any party whom it decides as a whole or in part without furnishing reasons. The NEF reserves the right to withdraw this tender at any stage with or without giving reasons.
- 6.14 The tenderer hereby offers to render all or any of the services described in this tender document to the NEF on the terms and conditions and in accordance with the specifications stipulated in this tender document. This tender document and the tenderer's response thereto shall form part of any service level agreement that may be concluded between the NEF and the tenderer. In the event of conflict between such documents, the service level agreement shall take precedence over all other documents.
- 6.15 Tenders submitted by juristic persons or partnerships must be signed by a person or persons duly authorized thereto by a resolution of a board of such juristic person, a copy of which resolution, duly certified be submitted with the tender.
- 6.16 The tenderer shall prepare for a possible presentation should NEF require such and the tenderer shall be notified thereof no later than 4 (four) days before the actual presentation date.
- 6.17 The tenderer hereby agrees that the offer herein shall remain binding upon him/her and will be open for acceptance by the NEF during the validity period indicated herein.
- 6.18 The tenderer furthermore confirms that he/she has satisfied himself/herself as to the correctness and validity of his/her tender response, that the price(s) and rate(s) quoted cover all the work/item(s) specified in the tender response documents and that the price(s) and rate(s) cover all his/her obligations under a

resulting contract and that he/she accepts that any mistakes regarding price(s) and calculations will be at his/her risk.

6.19 The tenderer hereby accepts full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on him/her under this tender as the principal(s) liable for the due fulfilment of this tender and any contract that might be concluded pursuant hereto.

6.20 The NEF will treat your personal information as confidential and take all necessary steps to protect your information as required by the Protection of Personal Information Act of 2013. The NEF will only process your information (which involves but is not limited to collecting, collating, organising, disseminating and destroying) in the following circumstances:

- where you have granted the necessary consent;
- where we are required to do so by law;
- where processing is necessary to protect our legitimate interests;
- where it is necessary for the conclusion or performance of a contract to which you are party; or
- where it is in the public interest to do so.

6.21 By signing this tender document (RFP), the bidder hereby consents to the use of their personal information which forms part of the tender process and as may be discovered by the NEF and confirm that the information is supplied voluntarily without undue influence from any party. Tenderers acknowledge that they are aware of their right to access the information at a reasonable time for purposes of rectification or object to the processing of the information.

6.22. ***Bidders are required to register on the National Treasury Database as per National Treasury Circular No 3 of 2015/2016 – Central Supplier Database (CSD).***

CONDITIONS AND UNDERTAKINGS BY BIDDERS IN RESPECT OF THIS TENDER

Name of your Company (in block letters)	
Signature(s) of the Bidders or assignee(s)	
Name of person signing (in block letters)	
Capacity	
Are you duly authorized to sign this tender?	
Company Registration Number	
VAT Registration Number	
Postal address (in block letters)	
Physical address (in block letters)	
Domicillium citandi et executandi in RSA	(full) street address) (in block letters)
Contact Person	
Telephone Number	
Fax Number	
Cell Number	
E-mail	

***Failure to comply with any of the terms and conditions as set out above will invalidate the tender.**

7. EVALUATION CRITERIA

Phase 1: Technical: Bidders will need to score a minimum of **70 points in technical** in order to qualify for further evaluation (Phase 2).

0 = Did not submit 1 = poor, 2 = below satisfactory, 3 = satisfactory, 4 = good, 5 = excellent

Technical	100 Points
Turnaround, workouts and restructuring experience (Including portfolio of project involvement)	45
<ul style="list-style-type: none"> ✓ 8 years and above - 5 points ✓ 6 years to 7 years - 4 points ✓ 4 years to 5 years - 3 points ✓ 2 years to 3 years - 2 points ✓ 1 year - 1 point 	
Qualifications and demonstrated skills	25
Industry Specific Knowledge (Industry specialization)	15
Knowledge of the DFI environment	5
Contactable references	5
Geographical spread	5

Phase 2: 80/20 Preference Point System

All tenders that will achieve the minimum qualifying score for technical will be evaluated further in terms of the preference point system as follows:

CRITERIA	POINTS
Price	80
BEE	20
TOTAL	100 points

SECTION: 2

TERMS OF REFERENCE / SCOPE OF SERVICE

2.1 Preamble

The National Empowerment Fund Act No.105 of 1998 established the National Empowerment Fund Trust (NEF), for the purpose of promoting and facilitating economic equality and transformation, by providing development finance for Black empowered South African businesses and by designing investment products in promoting savings and investment activity amongst Black South Africans. The NEF is an agency of the Department of Trade Industry and Competition (**the Dtic**) and is committed to the implementation of the Broad Based Black Economic Empowerment Act, Act 55 of 2003, and the Codes of Good Practice.

2.2 Scope of the Services

The panel shall provide the following services to NEF:

- Performing independent business reviews on NEF investee companies;
- Drafting turnaround plans and restructuring reports
- Management of turnaround and business recovery processes;
- Interim management of businesses in distress;
- Provision of business strategy and support to executive management of NEF investees;
- Business rescue appointments or business rescue support;
- General advisory services to the TWR team on the specialist matters; and
- Valuation services over all classes of assets.
- Industrial Engineering expertise

2.3 Duration

The appointment of the successful service provider(s) will be subject to a contract period of three (03) years.

SECTION: 3

Pricing Schedule

(A separate pricing sheet must be attached)

**Provide a breakdown of the total bid price inclusive
of VAT**

SECTION: 4 BLACK ECONOMIC EMPOWERMENT

BBBEE Supplier Assessment Form

Trading name of entity

Contact person

Physical Address

Contact telephone number

Fax number

Cell phone

Email address

Percentage black shareholding (where applicable)

Percentage black women shareholding

Percentage white women shareholding

Do you fall within a gazetted industry charter?

Are you a Qualifying Small Enterprise?

(Annual turnover between R10 million
and R50 million)

Are you an Exempt Micro Enterprise?

(Annual turnover less than R10 million)

Please attach the BBBEE rating / scorecard certificate.

I, the undersigned, certify that the information contained in this document is accurate and correct. I am fully responsible for any misrepresentation in this document and am aware of the repercussions that may arise as a result of such a misrepresentation.

Name: _____ ID Number/Passport Number: _____

Signed: _____ Date: _____

Position: _____

LIST OF TENDER RETURNABLE

- Cover Page: (the cover page must clearly indicate the RFP reference number, bid description and the bidder's name)
- RFP document (duly completed and signed)
- Declaration of Interest form (duly completed and signed)
- Declaration of tenderer's past supply chain management practices (duly completed and signed)
- Original valid SARS Tax Compliance Status document
- Proof of registration on the National Treasury Central Supplier Database
- A copy/ies of any professional bodies that you are affiliated to
- B-BBEE credentials / rating certificate

Bidders must submit a B-BBEE verification certificate indicating the contribution level of the bidding entity. For Exempted Micro Enterprises (EME) with an annual revenue of less than R10 million and Qualifying Small Enterprises (QSE) with an annual revenue of between R10 million and R50 million per annum, a sworn affidavit confirming the annual total revenue and level of black ownership may be submitted. Any misrepresentation in terms of the declaration constitutes a criminal offence as set out in the B-BBEE Act as amended.

Note: If a bidder is a Consortium, Joint Venture or Prime Contractor with Subcontractor(s), the documents listed above must be submitted for each Consortium/ JV member or Prime Contractor and Subcontractor(s)

- Copy of Joint Venture/ Consortium/ Subcontracting Agreement duly signed by all parties (if applicable)
- The following information also needs to be provided with the tender document:
 - Names and details of Senior Management.
 - Details of employees at an Operational Level
 - Shareholders Certificate.
 - Breakdown of shareholders as per the below:
 1. Shareholder's name
 2. Identity Number
 3. Race
 4. Gender
 5. % Shares

Failure to submit the required documents will result in the proposal being non-compliant and will be disqualified.

Declaration of tenderer's past supply chain management practices

- 1 This tender may be disregarded if the tenderer, or any of its directors have:
- Abused the institutions supply chain management systems;
 - Committed fraud or any other improper conduct in relation to such a system; or
 - Failed to perform on any previous contract
- 2 In order to give effect to the above, the following questionnaire may be completed and submitted with the tender

Item	Question	Yes	No
4.1	Is the 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 <i>audi alteram partem</i> rule was applied).		
4.1.1	If so, furnish particulars		
4.2	Is the 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.treasuy.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) 326 5445		
4.2.1	If so, furnish particulars		
4.3	Was the 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?		
4.3.1	If so, furnish particulars		
4.4.	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?		
4.4.1	If so, furnish particulars		

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.

.....
Signature

Date

.....
Position

Name of bidder

SBD 4**DECLARATION OF INTEREST**

1. 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 an advertised competitive bid, a limited bid, a proposal or written price quotation). 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 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.

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

2.1 Full Name of bidder or his or her representative:

2.2 Identity Number:.....

2.3 Position occupied in the Company (director, trustee, shareholder², member):
.....

2.4 Registration number of company, enterprise, close corporation, partnership agreement or trust:
.....

2.5 Tax Reference Number:

2.6 VAT Registration Number:

2.6.1 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 of the national Council of provinces; or
- (e) Parliament.

²"Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

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

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:
Name of state institution at which you or the person connected to the bidder is employed :
Position occupied in the state institution:

Any other particulars:
.....
.....
.....

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

2.7.2.1 If yes, did you attach proof of such authority to the bid document? **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:

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

2.8 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**

2.8.1 If so, furnish particulars:
.....
.....
.....

2.9 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**

2.9.1 If so, furnish particulars.
.....

