



National Empowerment Fund

RFQ No: NEF SCM ADVERT LEGAL

**REQUEST FOR QUOTE: PROVISION OF WEBSITE
MAINTENANCE**

CLOSING DATE: 12 December 2022
TIME: 14H00

CONDITIONS AND UNDERTAKINGS BY TENDERERS IN RESPECT OF THIS RFQ

1. **Proprietary Information:**

The National Empowerment Fund (NEF) considers this **RFQ** and all related information, either written or verbal, which is provided to the tenderers, to be proprietary to the NEF. It shall be kept confidential by the tenderers and its officers, employees, agents and representatives. The tenderers 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 these tenders should be channeled to names provided below:

Contact person (all questions should be in writing)

Enquiries can be directed to:

Name: Nthoto Khalema

Telephone Number Office: +27 11 305 8000

Email address: khaleman@nefcorp.co.za

Technical Enquiries can be directed to:

Name: Xolile Tofile

Telephone Number Office: +27 11 305 8000

E-mail address: tofilex@nefcorp.co.za

3. **Medium of Communication**

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

CONDITIONS AND UNDERTAKINGS BY TENDERERS IN RESPECT OF THIS RFQ

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 Quote received from Bidders will be valid for a period of **30 days**, calculated from the closing date.

6. Submission of Quotes

6.1 N.B In view of the levels of lockdown and to comply with the COVID-19 Regulations, particularly on movement and social distancing, only properly filled and signed documents in line with the RFQ requirements must be submitted on PDF format via email to the email address, tofilex@nefcorp.co.za no later than 14h00 on **12 December 2022**. No proposals will be accepted after cut-off date and time.

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

6.3 Where a RFQ document is not received at the time of the RFQ closing, such a RFQ document will be regarded as a late bid. Late bids will not be considered.

6.4 The Bidder 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 2) with contact details must be included in the RFQ 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 bidder be successful must be attached to the proposal.

6.7 The following information also needs to be provided with the RFQ 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
- Percentage of ownership by profit share of:
 - Black ownership
 - Black women ownership

- 6.8 An original valid Tax Clearance certificate must be included in the bid document. Failure to submit a certificate would render your bid 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 RFQ conditions, validity period, specifications, or extend the closing date of bids before the closing date. All Bidders, to whom the RFQ 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 bid or any bid in part or in whole.
- 6.12 The NEF reserves the right to award this bid to a black empowered firm.
- 6.13 The NEF also reserves the right to award this bid to any party whom it decides as a whole or in part without furnishing reasons. The NEF reserves the right to withdraw this RFQ at any stage with or without giving reasons.
- 6.14 The Bidders hereby offers to render all or any of the services described in this RFQ document to the NEF on the terms and conditions and in accordance with the specifications stipulated in this RFQ document. This RFQ document and the bidder's response thereto shall form part of any service level agreement that may be concluded between the NEF and the bidder. In the event of conflict between such documents, the service level agreement shall take precedence over all other documents.
- 6.15 Bids 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 Bidders shall prepare for a possible presentation should NEF require such and the Bidders shall be notified thereof no later than 4 (four) days before the actual presentation date.

6.17 The Bidders 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 Bidders furthermore confirms that he/she has satisfied himself/herself as to the correctness and validity of his/her RFQ response, that the price(s) and rate(s) quoted cover all the work/item(s) specified in the RFQ 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 Bidders hereby accepts full responsibility for the proper execution and fulfillment of all obligations and conditions devolving on him/her under this tender as the principal(s) liable for the due fulfillment 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 RFQ document, the bidder hereby consents to the use of their personal information which forms part of the bid process and as may be discovered by the NEF and confirm that the information is supplied voluntarily without undue influence from any party. Bidders 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 RFQ

Name of your Company (in block letters)	
Signature(s) of the tenderers 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.

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 and Industry (**the dti**) and is committed to the implementation of the Broad Based Black Economic Empowerment Act, Act 53 of 2003, and the Codes of Good Practice.

SCOPE OF WORK

Please quote us for uploading the tender document and advert for the Legal Services Tender onto the NEF website

SECTION: 3

Pricing Schedule

(VAT should be included in the total cost of the proposal where applicable)

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 RETURNABLES

- Original valid Tax Clearance Certificate
- Declaration of Interest form
- Declaration of tenderer's past supply chain management practices
- BEE credentials / rating certificate
- Completed and signed RFQ document
- References (minimum of 2) with contact details
- A copy/ies of any professional bodies that you are affiliated to
- The following information also needs to be provided with the tender document:
 - Names and details of Senior Management.
 - Shareholders Certificate.
 - Details of employees at an Operational Level.
 - Percentage of ownership by:
 1. Black Shareholders
 2. Black Women
 3. White Women

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

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

Declaration of bidder’s past supply chain management practices

- 1 This RFQ may be disregarded if the bidder, 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.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) 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) CERITFY
 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 DECLARTION 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 or 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.
.....

4 DECLARATION

I, THE UNDERSIGNED (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....

Signature

Date

.....

Position

Name of bidder