



CAPE ACTION FOR PEOPLE AND THE ENVIRONMENT

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FACILITATOR FOR 'CONSERVATION CONNECTIONS' C.A.P.E. PARTNERS' CONFERENCE, 13 – 14 May 2009

CLOSING DATE: 23 February 2009

Cape Action for People and the Environment (C.A.P.E.) is a partnership of government and civil society aimed at conserving and restoring the biodiversity of the Cape Floristic Region and the adjacent marine environment, while delivering significant benefits to the people of the region.

The C.A.P.E. Coordination Unit, located within the South African National Biodiversity Institute (SANBI), requires the services of a skilled facilitator to assist with its C.A.P.E. Partners Conference themed **Conservation Connections** to be held in Cape Town in May 2009. The C.A.P.E. Partners' Conference is an annual event that aims to:

- showcase innovative and successful biodiversity conservation projects within the broad partnership; and
- enable partners to share lessons learnt through field trips to selected project sites and through presentations that identify and analyse progress as well as challenges.

The conference is characterized by the following components:

- The joint C.A.P.E. and SKEP **Conservation Marketplace** on 12 May showcasing innovative project ideas and providing a platform for NGOs and CBOs to engage with donors.
- The **Conservation Connections** conference day on 13 May showcasing networks and partnerships that benefit conservation and people.
- The **Fynbos Conservation Awards** following on from the conference on the evening of 13 May
- A **Field Trip** day on 14 May providing conference participants with the opportunity to share learning in the field. It is anticipated that there would be at least 5 field trip destinations.

SCOPE OF SERVICES REQUIRED

A facilitator is required to support the conference and field trip days on 13 and 14 May 2009. The conference programme allows for a minimum of sixteen "presentations" (each approximately 10 minutes long) where project partners will have the opportunity to highlight project achievements with regard to the six strategic objectives of the C.A.P.E. programme as well as stakeholder participation and involvement. A list of potential projects will be identified and these projects invited to present at the conference.

More specifically, the facilitator will be required to:

1. Support the projects - from developing their concept into a presentation, to acting as a sounding board for the project in tightening up its presentation;
2. Provide assistance either electronically, by telephone or through visits to the projects as appropriate; and
3. Convene and attend at least one session with participants (in the run up to the Conference) for presentation run-through and refinement;
4. Collate all presentations and be present on 13 May to ensure that the presentations run smoothly and to assist with facilitation where necessary;
5. Work with the approximately 5 field trip hosts telephonically or by email to plan the field trip learning process and itinerary.

It is envisaged that no more than 4 hours of direct support per project will be required, and no more than 2 hours per field trip.

A list of potential project presenters will be provided.

MINIMUM CRITERIA FOR SELECTION

Potential service providers must have a proven track record in facilitation, with a range of stakeholders from diverse backgrounds. Some knowledge of the Cape Floristic Region would be an advantage. Service providers should be available to travel across the CFR and need to be available to work with potential project presenters from the end of March through to the conference in May 2009.

In addition, the Preferential Procurement Policy Framework Act (No. 5 of 2000) and SANBI procurement process applies to these Terms of Reference. Note that service providers are required to comply with the processes outlined here. Failure to comply will result in disqualification of proposals:

1. *Service providers are required to submit a valid tax clearance certificate with their proposals. In the case that the service provider is not in possession of a valid tax clearance certificate, this should be applied for in good time ahead of the proposal deadline.*
2. *The Standard Bidding Forms (included in the bid documentation) must be completed and submitted with this proposal.*
3. *The 80/20 point system will be applied in evaluating proposals, where technical merit and price constitute 80 points and ownership by formerly disenfranchised individuals, women and disabled people constitutes 20 points. Evaluation of proposals will be done according to the following criteria. Sufficient information should be provided to allow for evaluation according to these criteria:*

Criteria	Points
Technical merit of proposal (approach, time and deliverables)	30
Qualification, expertise and competencies of service provider	30
Employment Equity	20
Price	20
TOTAL	100

4. *Service providers who fail to score a minimum of 30 points out of a possible 60 points on technical merit and qualification criteria will not be eligible for further consideration.*

APPLICATIONS

Interested consultants are invited to submit applications via e-mail to Azisa Parker, C.A.P.E. Programme Developer, South African National Biodiversity Institute, to parkera@sanbi.org **on or before 10.00am on 23 February 2009.**

Proposals should include:

- Details of the service provider including the consultant's profile (or Curriculum Vitae) outlining relevant skills, experience and track record.
- Proposed work programme including timeframes for activities.
- A detailed and complete budget for the proposed work (indicating VAT separately).

Enquiries can be directed to:

Azisa Parker

Programme Developer

SANBI Fynbos Programme/ C.A.P.E. Coordination Unit

Email: parkera@sanbi.org

Phone: 021 799 8866

TAX CLEARANCE REQUIREMENTS

IT IS A CONDITION OF BID THAT -

The taxes of the successful bidder **must** be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

1. In order to meet this requirement bidders are required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
2. SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
3. The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
4. In bids where Consortia / Joint Ventures / Sub-contractors are involved each party must submit a separate Tax Clearance Certificate.
5. Copies of the TCC001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on website www.sars.gov.za

Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2001

1. PURCHASES

This preference form must form part of all bids invited. It contains general information and serves as a claim form for Historically Disadvantaged Individual (HDI) preference points as well as a summary for preference points claimed for attainment of other specified goals

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF EQUITY OWNERSHIP BY HISTORICALLY DISADVANTAGED INDIVIDUALS (HDIs), AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2001.

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 R500 000; and
- the 90/10 system for requirements with a Rand value above R500 000.

1.2 The value of this bid is estimated to not exceed R500 000 and therefore the 80/20 system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) Specific contract participation goals, as specified in the attached forms.

1.3.1 The points for this bid are allocated as follows:

	POINTS
1.3.1.1 PRICE	80
1.3.1.2 SPECIFIC CONTRACT PARTICIPATION GOALS	
(a) Historically Disadvantaged Individuals:	
(i) who had no franchise in national elections before the 1983 and 1993 Constitutions	14
(ii) who is a female	4
(iii) who has a disability	2
(b) Other specific goals (goals of the RDP- plus local manufacture)	
(i)
(ii)
(iii)
(iv)
Total points for Price, HDIs and other RDP-goals must not exceed	100

Separate Preference Points Claim Forms will be used for the promotion of the specific goals for which points have been allocated in paragraph 1.3.1.2 (b) above.

1.4 Failure on the part of a bidder to fill in and/or to sign this form may be interpreted to mean that preference points are not claimed.

1.5. 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.

2. GENERAL DEFINITIONS

2.1 “**Acceptable bid**” means any bid which, in all respects, complies with the specifications and conditions of bid as set out in the bid document.

2.2 “**Bid**” means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods, works or services.

2.3 “**Comparative price**” means the price after the factors of a non-firm price and all unconditional discounts that can be utilised have been taken into consideration.

2.4 “**Consortium or joint venture**” means an association of persons for the purpose of combining their expertise, property, capital, efforts, skills and knowledge in an activity for the execution of a contract.

2.5 “**Contract**” means the agreement that results from the acceptance of a bid by an organ of state.

2.6 “**Specific contract participation goals**” means the goals as stipulated in the Preferential Procurement Regulations 2001.

2.6.1 In addition to above-mentioned goals, the Regulations [12.(1)] also make provision for organs of state to give particular consideration to procuring locally manufactured products.

2.7 “**Control**” means the possession and exercise of legal authority and power to manage the assets, goodwill and daily operations of a business and the active and continuous exercise of appropriate managerial authority and power in determining the policies and directing the operations of the business.

2.8 “**Disability**” means, in respect of a person, a permanent impairment of a physical, intellectual, or sensory function, which results in restricted, or lack of, ability to perform an activity in the manner, or within the range, considered normal for a human being.

2.9 “**Equity Ownership**” means the percentage ownership and control, exercised by individuals within an enterprise.

2.10 “**Historically Disadvantaged Individual (HDI)**” means a South African citizen

(1) who, due to the apartheid policy that had been in place, had no franchise in national elections prior to the introduction of the Constitution of the Republic of South Africa, 1983 (Act No 110 of 1983) or the Constitution of the Republic of South Africa, 1993, (Act No 200 of 1993) (“the interim Constitution”); and/or

(2) who is a female; and/or

(3) who has a disability:

provided that a person who obtained South African citizenship on or after the coming to effect of the Interim Constitution, is deemed not to be a HDI;

2.11 “**Management**” means an activity inclusive of control and performed on a daily basis, by any person who is a principal executive officer of the company, by whatever name that person may be designated, and whether or not that person is a director.

- 2.12 “**Owned**” means having all the customary elements of ownership, including the right of decision-making and sharing all the risks and profits commensurate with the degree of ownership interests as demonstrated by an examination of the substance, rather than the form of ownership arrangements.
- 2.13 “**Person**” includes reference to a juristic person.
- 2.14 “**Rand value**” means the total estimated value of a contract in Rand denomination that is calculated at the time of bid invitations and includes all applicable taxes and excise duties.
- 2.15 “**Small, Medium and Micro Enterprises (SMMEs)** bears the same meaning assigned to this expression in the National Small Business Act, 1996 (No 102 of 1996).
- 2.16 “**Sub-contracting**” means the primary contractor’s assigning or leasing or 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.
- 2.17 “**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.
- 2.18 “**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. ESTABLISHMENT OF HDI EQUITY OWNERSHIP IN AN ENTERPRISE

- 3.1 Equity ownership shall be equated to the percentage of an enterprise which is owned by individuals classified as HDIs, or in the case of a company, the percentage shares that are owned by individuals classified as HDIs, who are actively involved in the management and daily business operations of the enterprise and exercise control over the enterprise, commensurate with their degree of ownership.
- 3.2 Where individuals are not actively involved in the management and daily business operations and do not exercise control over the enterprise commensurate with their degree of ownership, equity ownership may not be claimed.

4. ADJUDICATION USING A POINT SYSTEM

- 4.1 The bidder obtaining the highest number of points will be awarded the contract.
- 4.2 Preference points shall be calculated after prices have been brought to a comparative basis.
- 4.3 Points scored will be rounded off to 2 decimal places.
- 4.4 In the event of equal points scored, the bid will be awarded to the bidder scoring the highest number of points for specified goals.

5. POINTS AWARDED FOR PRICE

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

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \\
 P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) & \mathbf{or} & P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)
 \end{array}$$

Where

Ps = Points scored for price of bid under consideration

Pt = Rand value of bid under consideration

Pmin = Rand value of lowest acceptable bid

6. Points awarded for historically disadvantaged individuals

6.1 In terms of Regulation 13 (2) preference points for HDI's are calculated on their percentage shareholding in a business, provided that they are actively involved in and exercise control over the enterprise. The following formula is prescribed in Regulation 13 (5) (c):

$$NEP = NOP \times \frac{EP}{100}$$

Where

NEP = Points awarded for equity ownership by an HDI

NOP = The maximum number of points awarded for equity ownership by an HDI in that specific category

EP = The percentage of equity ownership by an HDI within the enterprise or business, determined in accordance with the definition of HDI's.

6.2 Equity claims for a trust will only be allowed in respect of those persons who are both trustees and beneficiaries and who are actively involved in the management of the trust.

6.3 Documentation to substantiate the validity of the credentials of the trustees contemplated above must be submitted.

6.4 Listed companies and tertiary institutions do not qualify for HDI preference points.

6.5 A consortium or joint venture may, based on the percentage of the contract value managed or executed by their HDI-members, be entitled to preference points in respect of an HDI.

6.6 A person awarded a contract as a result of preference for contracting with, or providing equity ownership to an HDI, may not subcontract more than 25% of the value of the contract to a person who is not an HDI or does not qualify for the same number or more preference for equity ownership.

7. BID DECLARATION

7.1 Bidders who claim points in respect of equity ownership must complete the Bid Declaration at the end of this form.

8. EQUITY OWNERSHIP CLAIMED IN TERMS OF PARAGRAPH 2.10 ABOVE. POINTS TO BE CALCULATED FROM INFORMATION FURNISHED IN PARAGRAPH 9.8.

	Ownership	Percentage owned	Points claimed
8.1	Equity ownership by persons who had no franchise in the national elections	%	
8.2	Equity ownership by women	%
8.3	Equity ownership by disabled persons*	%

9.10 I/we, the undersigned, who warrants that he/she is duly authorised to do so on behalf of the firm certify that points claimed, based on the equity ownership, indicated in paragraph 8 of the foregoing certificate, qualifies the firm for the preference(s) shown and I / we acknowledge that:

- (i) The information furnished is true and correct.
- (ii) The Equity ownership claimed is 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 8, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct.
- (iv) If the claims are found to be incorrect, the purchaser may, in addition to any other remedy it may have -
 - (a) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (b) 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;
 - (c) impose a financial penalty more severe than the theoretical financial preference associated with the claim which was made in the bid; and

WITNESSES:

1.

.....
SIGNATURE(S) OF BIDDER(S)

2.

DATE:.....

ADDRESS:.....

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