



REFERENCE: RFP 001-2023

REQUEST FOR PROPOSAL

DESCRIPTION:

APPOINTMENT OF SKILLS DEVELOPMENT AND TRAINING IMPLEMENTATION PARTNER

DATE ISSUED: 29 MARCH 2023

CLOSING DATE: 12 APRIL 2023

TENDER SUBMISSION:

Main Office at Magwa Enterprise Tea
Procurement Department
1 Mbotyi
Lusikisiki Rural District
4820

OR

send via email to tenderoffice@magwatea.com.

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1. INTRODUCTION

Established in 1961, Magwa Enterprise Tea sprawls across 2008 hectares of prime tea-growing land in Magwa estate tea (1703ha) situated in Lusikisiki and the Majola estate (305ha) in Port St. Johns. It is the single largest employer in a region hit hard by poverty and unemployment.

In addition to the direct benefits Magwa estate brings to the region, it has significant untapped tourism potential due to its prime location – apart from the three spectacular waterfalls, the estate also offers number of breath-taking sea views.

Magwa Enterprise tea is a wholly owned subsidiary of The Eastern Cape Rural Development Agency (ECRDA)

2. OVERVIEW OF MAGWA ENETPRISE TEA

Our Business

- Production, processing, selling of bulk tea and value added teabag

Our Strategic Objectives

- Increased tea production VOLUMES and QUALITY
- Increased revenue and shift from bulk to teabag REVENUE Channel.
- Facilitate INVESTMENT towards enterprise diversification in high value commodities, Eco-tourism and Mechanisation and Modernisation of the tea production including value addition tea bag.
- Develop a high PERFORMING, diverse, agile, engaged, and evolved workforce.
- Use of DATA within a comprehensive knowledge management framework to ensure accurate planning, integrity, drive insight and improve outcome.
- Demonstrate effective stewardship of our RESOURCES to ensure efficiency and effectiveness in the delivery of quality outcome.
- Work with and through stakeholders to improve and build TRUST and CONFIDENCE within the Community

3. PURPOSE OF THIS REQUEST FOR PROPOSAL (RFP)

The purpose of this Request for Proposal (RFP) is to solicit proposals from Institutions of Training and Skills development (here-in referred to as Bidders) with accreditation by Sector Education and Training Authority (SETA) and other recognised accreditation bodies, to partner with Magwa Enterprise Tea (Pty) Ltd (here-in referred to as MET) in application and raising of funding for training and skills development from Government State Organs Including customisation and implementation of three (3) training Programmes.

MET contribute towards Skills Development Levy and would want to make use of its contribution to support its workplace skills plan (WSP) to train its workers, ensuring that it has a skilled agricultural workforce with the requisite expertise that matches the current and future needs of our business, technological changes, applicable international standards and best practices.

For the purpose of this RFP, The three (3) training programmes are:

- Category A : Mechanisation and Motorisation of tea fields operations.
- Category B : Food and Beverage production and Safety Standards.
- Category C: Infrastructure (Building maintenance, Diesel Mechanics, Electrical, Boiler Machine)

Bidders may submit proposals in respect of any of the programme they qualify for and not limited to one..

This RFP document details and incorporates, as far as possible, the tasks and responsibilities of the potential bidder(s) required by MET. This RFP merely serves as an invitation to Bidders to facilitate a requirements-based decision process.

4. LEGISLATION

4.1 PROCUREMENT LEGISLATION

MET has a detailed evaluation methodology premised on Treasury Regulation 16A3 promulgated under Section 76 of the Public Finance Management Act, 1999 (Act No. 1 of 1999), the Preferential Procurement Policy Framework Act, 2000 (Act No.5 of 2000) and the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003).

4.2 TECHNICAL LEGISLATION AND/OR STANDARDS

Bidder(s) should be cognisant of the following legislation and/or standards specifically applicable to the services, including but not limited to:

Acts (This list is not exhaustive)

- 4.3.1 Adult Basic Education and Training Act, 2000 (Act No. 52 of 2000)
- 4.3.2 Further Education and Training Colleges Act, 2006 (Act No. 16 of 2006)
- 4.3.3 General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001)
- 4.3.4 Higher Education Act, 1997 (Act No. 101 of 1997)
- 4.3.5 National Qualification Methodology Act, 2008 (Act No. 67 of 2008)
- 4.3.6 Skills Development Levies Act, 1999 (Act No. 9 of 1999)
- 4.3.7 Skills Development Act, 1998 (Act No. 97 of 1998)
- 4.3.8 South African Qualifications Authority Act, 1995 (Act No. 58 of 1995)
- 4.3.9 Basic Conditions of Employment Act, 1997 (Act No.75 of 1997)
- 4.3.10 Further Education and Training Act, 1998 (Act No. 98 of 1998)

5. BRIFEFING SESSION

None

6. DURATION OF THE CONTRACTS

The successful bidder will be appointed for a period of thirty-six (36) months

7. TIMELINE OF THE BID PROCESS

The **validity period** of the tender and the withdrawal of offers, after the closing date and time, is one hundred and eighty (180) days.

Uploading of Bid documents on MET website	29 March 2023
Bid Closing date	12 April 2023 (15H00)
Notice to bidder (s)*	April 2023

*Dates subjected to change

Any time or date in this bid is subject to change at MET sole discretion. The establishment of a time or date in this bid does not create an obligation on the part of MET to take any action, or create any right in any way for any bidder to demand that any action be taken on the date established. The bidder accepts that, if MET extends the deadline (the Closing Date) for bid submissions for any reason, the requirements of this bid otherwise apply equally to the extended deadline.

8. CONTACTS

A nominated official of the potential bidder(s) can make enquiries in writing to the specified person, Ms. Yolani Feke (Procurement Office) via email at tenderoffice@magwatea.com and Cc professionalservices@magwatea.com. Potential bidder(s) must reduce all telephonic enquiries to writing and send them to the above email addresses.

9. SCOPE OF WORK and DOCUMENTATION REQUIRED

9.1 BACKGROUND AND OBEJECTIVES

In line with the Magwa Enterprise Tea (MET) Strategic Plan 2019/20 to 2024/25, the Human Capital and Development strategy strives to create a learning and transforming organisation.

In achieving the same, MET seeks to build a leadership and management, workforce bench strength that is capable of and is competent to:

- (a) Manage and operate in a highly competitive tea industry characterised by **mechanisation, motorisation** and **technology**.
- (b) Build capabilities for food and beverage production, safety standards and quality control.

(c) Maintain and sustain the enterprise infrastructure – production, processing and value addition.

MET has identified three (3) key transformation activities /project to support its overall strategy. The transformation framework's success and sustainability is dependent on the enterprise human capital being trained and ready to operate in the new environment. The enterprise transformation has been aligned to existing staff progressive developmental paths and the levels of their work with gaps identified where new recruits will be trained and absorbed into the enterprise.

9.2 SCOPE OF SERVICES

Bidders may submit proposals on either one or any of programmes in respect of the following Categories:

9.2.1 CATEGORY A : MECHANISATION AND MOTORISATION OF TEA FIELDS OPERATIONS

Mechanisation and Motorisation in the MET context refers to modernisation of maintenance & harvesting activities functions performed in the tea fields. Activities in this category are responsible to drive the enterprise performance and profitability.

The successful bidder will be required to provide an existing NQF aligned and credit bearing Programme. The successful bidder must:

- 9.2.1.1 Provide the necessary equipment's & tools for training i.e. Tea Pruning & harvesting machines
- 9.2.1.2 Ensure that the programme is aligned and customised to MET strategic context.
- 9.2.1.3 Ensure that the programme is aligned to a specific **National Qualifications Framework (NQF) level.**
- 9.2.1.4 Ensure that the programme is aligned and meets the principles of ABET.
- 9.2.1.5 Provide criteria that will be applied to evaluate the learning outcomes of the programme i.e. formative and summative assessments.
- 9.2.1.6 Ensure relevant SETA quality assurance and sign-off of all learning materials.
- 9.2.1.7 Structure, align and deliver the Mechanisation over a period of ten (10) to twelve (12) months each year
- 9.2.1.8 Structure and propose the roll-out of the programme on a block-release i.e. contact sessions per month.
- 9.2.1.9 The expected commencement date of the programme for the first enrolment and in-take in Year 1 is September 2023 to align with harvesting season. Subsequently, the intakes will be enrolled in advance to ensure the roll-out at the beginning of February in Year 2 and Year 3.
- 9.2.1.10 The methodology for delivery will be a workplace integration learning and classroom training.
- 9.2.1.11 Provide participants learning material such as books including all materials required for successful completion of the programme.

9.2.2 CATEGORY B : FOOD AND BEVERAGE PRODUCTION and SAFETY STANDARDS.

- 9.2.2.1** Provide the necessary equipment & tools for training including utilities for the facility to be compliant.
- 9.2.2.2** Provide criteria that will be applied to evaluate the learning outcomes of the programme i.e. formative and summative assessments.
- 9.2.2.3** Ensure quality assurance and sign-off of all learning materials for both food and beverage.
- 9.2.2.4** Structure, align and deliver the over a period of twelve (12) months.
- 9.2.2.5** Structure and propose the roll-out of the programme on a block-release i.e. contact sessions per month.
- 9.2.2.6** The methodology for delivery will be a workplace integration learning and classroom training.
- 9.2.2.7** Award a certificate of competence to delegates.
- 9.2.2.8** Provide participants learning material such as books including all materials required for successful completion of the programme.

9.2.3 CATEGORY C: INFRASTRUCTURE (BUILDING,DEISEL MACHANIC,ELECTRICAL AND BOILER MACHINE ETC) MAINTENANCE.

- 9.2.3.1** Provide the necessary equipment's & tools for training including utilities for facility to be compliant i.e. Tea Prunning & harvesting machines
- 9.2.3.2** Provide criteria that will be applied to evaluate the learning outcomes of the programme i.e. formative and summative assessments.
- 9.2.3.3** Ensure quality assurance and sign-off of all learning materials.
- 9.2.3.4** Structure, align and deliver the over a period of twelve (12) months.
- 9.2.3.5** Structure and propose the roll-out of the programme on a block-release i.e. contact sessions per month.
- 9.2.3.6** The methodology for delivery will be a workplace integration learning and classroom training.
- 9.2.3.7** Award a certificate of competence to delegates.
- 9.2.3.8** Provide participants learning material such as books including all materials required for successful completion of the programme.

9.3 TRAINING VENUE

- 9.3.1.1** Provide all workplace learning and training at MET location.
- 9.3.1.2** Provide classroom training at the MET or Bidder's location in regions.

9.4 POST TENDER AWARD

Ensure that within two (2) weeks from the award date that programmes are customised and ready for submission for funding request application.

9.5 DOCUMENTATION REQUIRED

Each category will be evaluated independently from each other. It is important that the bidders who intend to bid in all categories should submit the required information separately i.e. per Category.

9.5.1. BIDDERS PROPOSAL SHOULD INCLUDE

9.5.1.1 Bidder's profile in rendering customised training programmes, organisational structure and infrastructure to render the services. The profile must include but should not be limited to: staff compliment (including lecturers and Course Convener) for the programme; Level of expertise of key personnel who will be customising the programme (their accessibility, qualifications and experience and full contact details of the key contact person / Accounts Manager).

9.5.1.2 A comprehensive programme outline of the Bidder's existing foundational / entry level training programme that will be customised to meet MET requirements. The information provided must include but not limited to: Programme overview, Entry requirements, Key focus areas, Module objectives, Learning outcomes, Duration of the programme, Venue for contact learning, NQF alignment, Credits (where applicable) and Certificate.

9.5.1.3 Clear demonstration on how the Bidder's existing training Programme can be customised and aligned to MET requirements. Bidders must also clearly outline any shortcomings on their programme course content that may require customisation to align to MET competency requirements.

9.5.1.4 Provide three (3) testimonial letters from current and recent clients not older than 5 years where a customised training programme was implemented. The client reference letter must be on a company letter head and include the following: company name, contact name, address, phone number, and duration of contract, a brief description of the services and the level of customer satisfaction.

9.6 TECHNICAL COMPLIANCE CHECKLIST

Bidder(s) are required to complete the compliance checklist as outlined in **Annexure** order to guide the MET evaluators where to find their technical responses.

9.7 CENTRAL SUPPLIER DATABASE (CSD) AND SETA REGISTRATION

9.7.1 Service providers and suppliers who wish to render services to MET will no longer register at MET directly. Suppliers will have to register on the National Treasury Central Supplier Database (CSD) as per National Circular No 3 of 2015/6 – Central Supplier Database;

9.7.2 Registration and Accreditation with The SETA at minimum (**AgriSETA ,FoodBev SETA and MERSETA**)

10. INSTRUCTION TO BIDDER (S)

Bids must be properly packaged and deposited in the below mentioned tender box on or before Closing Date and time at the MAGWA Tender Office situated at OR Email:

1 Mbotyi Road
 Lusikisiki Rural District
 Lusikisiki
 4820

OR

tenderoffice@magwatea.com / CC _ professionalservices@magwatea.com

- 10.1** Bid documents will only be considered if received by MET before the Closing Date and time, regardless of the method used to send or deliver such documents to MET.
- 10.2** Late bids will not be accepted and shall be returned to bidder(s).
- 10.3** Information should be submitted in the following format.

FILE 1 (ONLY TECHNICAL PROPOSAL)	
Exhibit 1 <ul style="list-style-type: none"> Pre-qualification documents (SBD documents) 	Exhibit 2 <ul style="list-style-type: none"> Response to Technical Requirements as per paragraph 9.2 of the RFP document. Supporting documents for the technical responses as per paragraph 9.5 of the RFP document.
Exhibit 3 <ul style="list-style-type: none"> Institution's profile Any supplementary / additional information as part of technical response Bidder proposed contract 	Exhibit 4 <ul style="list-style-type: none"> General Conditions of Contract (GCC)
FILE 2 (ONLY PRICE AND B-BBEE PROPOSAL)	
Exhibit 1 <ul style="list-style-type: none"> SBD 6.1 Preference Point Claim Form B-BBEE Certificate 	Exhibit 2 <ul style="list-style-type: none"> Pricing Schedule

11. EVALUATION AND SELECTION CRITERIA

MET has set minimum standards (Gates) that Service Provider(s) must meet in order to be evaluated and selected as a successful Service Provider.

- **Pre-Qualification Criteria (Gate 0)** – Service Provider(s) must submit all documents, as outlined in paragraph 11.1 below.
- **Technical Evaluation Criteria (Gate 1)** – Service Provider(s) will be evaluated out of 100 points for functionality. The detailed process for the technical evaluation is outlined in paragraph 11.2 below
- **Price and B-BBEE Evaluation (Gate 2)** – This will be evaluated out of 100 points. Price will be evaluated out of 80 and B-BBEE 20 points. The process is outlined in paragraph 9.3 below.

11.1 PRE-QUALIFICATION CRITERIA – GATE 0

Without limiting to the generality of MAGWA TEA other critical requirements for this bid, a Service Provider(s) must submit the documents listed in **Table 11A** below. All documents must be completed and signed by the duly authorised representative of the prospective Service Provider(s). A Service Provider’s proposal may be disqualified for non-submission of any of the documents.

Table 11A: Documents that must be submitted for Pre-qualification

Name of the document that must be submitted	Non-submission may result in disqualification
Central Registration Report (Central Database System) from National Treasury.	YES – Service Providers must register on Central Database System and submit the Report as confirmation of registration.
Registration and Accreditation with Sector Education and Training Authority (SETA) is Mandatory.	YES – Service Providers must be registered and accredited with Agri SETA, FoodBev SETA and MERSETA Bidders. Bidders may submit proof of accreditation in either one of the following formats: <ul style="list-style-type: none"> • Certificate; or • Accreditation number and professional body on a letter head of the bidding entity.
Tax Compliance status pin	YES – Submit a valid Tax Compliance status pin.
Invitation to Bid – SBD 1	YES – Complete and sign the supplied pro forma document.
Pricing Schedule	YES – Submit full details of the pricing proposal to MAGWA in Annexure B.

Reference Point Claim Form – SBD 6.1	YES – Non-submission will lead to a zero score on B-BBEE.
A complete set of audited / reviewed annual financial statements for three (3) most recent financial periods in the name of the bidding entity	YES – Please submit

11.2 TECHNICAL EVALUATION (GATE 1) = 100 POINTS

Only bidders that have met the Pre-Qualification Criteria in Gate 0 and mandatory requirements in Gate 1 will be evaluated in Gate 2 for functionality / technical.

Bidders will be required to meet a minimum threshold of **70** points out of **100** points for the technical evaluation.

The criterion is outlined Annexure A: Technical Evaluation Criteria.

Bidders that achieve a minimum threshold of **70** points out of **100** points for the technical evaluation will proceed to Gate 3: Price and BEE evaluations.

11.2.1. TECHNICAL EVALUATION CRITERIA FOR ALL CATEGORY

#	Technical Evaluation Criterion	Weight	RFP Doc. Reference
1	Profile, Resources & Infrastructure	20	
1.1	Bidder's profile in rendering customised training programmes, their organisational structure and infrastructure to render the services. The profile must include but should not be limited to: staff compliment (including lecturers and Course Convener) for the programme; Level of expertise of key personnel who will be customising the programme (their accessibility, qualifications and experience and full contact details of the key contact person / Accounts Manager.		Refer to Section to Section 9.2.1,9.2.2 & 9.2.3
2	Capability	35	
2.1	A comprehensive programme outline of the Bidder's existing foundational / entry level training programme that will be customised to meet MET requirements. The information provided must include but not limited to: Programme overview, Entry requirements, Key focus areas, Module objectives, Learning outcomes, Duration of the programme, Venue for contact learning, NQF alignment, Credits (where applicable) and Certificate.		Refer to Section to Section 9.2.1,9.2.2 & 9.2.3

3	Methodology and Approach	35	
3.1	Clear demonstration on how the Bidder's Training Programme can be customised and aligned to MET requirements as outlined in paragraph. Bidders must also clearly outline any shortcomings on their programme course content that may require customisation to MET competency requirements.		Refer to Section to Section 9.2.1,9.2.2 & 9.2.3
3.2	Propose a high-level project plan with clearly defined deliverables and timelines for the customisation and implementation of the Training Programme. The plan must make provision for quality management. Bidders must take into account all MET key requirements as outlined in paragraph 9.		Refer to Section to Section 9.2.1,9.2.2 & 9.2.3
4	Testimonials	10	
4.1	Provide three (3) testimonial letters from current/recent clients, (not older than 5 years) to whom customisation or provision of a foundational / entry-level training programmes were rendered. The reference letter must be on a company letter head and include the following: company name, contact name, address, phone number, and duration of contract, a brief description of the services and the level of customer satisfaction.		Refer to Section to Section 9.2.1,9.2.2 & 9.2.3

11.3 PRICE AND B-BBEE EVALUATION (GATE 2) (80 + 20) = 100 POINTS

The bidders' information will be scored according to the following points system:

11.3.1. STAGE 1 – PRICE EVALUATION (80 POINTS)

Adjudication Criteria	Maximum Points
Price Evaluation $P_s = 80(1 - (P_t - P_{min})/P_{min})$	80

Where

P_s = Points scored for price of Bid under consideration

P_t = Rand value of Bid under consideration

P_{min} = Rand value of lowest acceptable Bid

11.3.2. STAGE 2 – B-BBEE EVALUATION (20 POINTS)

a) B-BBEE Requirements

In line with the requirements of the Preferential Procurement Regulations, 2017 (Government Gazette No. 40553) to the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000) [the “PPPFA”] tenders that have achieved the minimum qualifying score for functionality will be evaluated further in terms of the prescribed preference point systems:

- i) Regulation 6 - 80/20: A maximum of 20 points may be allocated to a bidder; or
- ii) Regulation 7 - 90/10: A maximum of 10 points may be allocated to a bidder

The checklist below indicates the B-BBEE documents that must be submitted for this bid. Failure to submit the required documents will result in bidder(s) scoring zero (0) for B-BBEE.

B-BBEE points may be allocated to bidders on submission of the following documentation or evidence:

Adjudication Criteria	Maximum Points
A duly completed Preference Point Claim Form: Standard Bidding Document (SBD 6.1), including paragraphs thereof relating to the subcontracting of the services, and a B-BBEE certificate	20

12. FINANCIAL STATEMENTS

Bidders are required to submit complete sets of audited / reviewed annual financial statements for the three (3) most recent financial periods in the name of the bidding entity. The financial statement analysis will be conducted on the shortlisted bidders.

12.1. The annual financial statements must contain:

- Statement of Profit and Loss and Other Comprehensive Income.
- Statement of Financial Position.
- Statement of Cash Flows.
- Statement of changes in equity / net assets and
- Accompanying Notes

12.2. Entities which are trading for less than three (3) financial periods should provide:

- A letter detailing that fact, signed by a duly authorised representative of the entity and,
- The annual financial statements that it is able to provide, taking into account the period it has been trading and,
- Any other information or documentation which would provide more clarity on the financial history of the bidder

13. AGREEMENTS**13.1. General Conditions of Contract**

Any award made to a Service Provider under this bid is conditional, amongst others, upon:

- 13.1.1. The Service Provider accepting the terms and conditions contained in the General Conditions of Contract as the minimum terms and conditions upon which MET is prepared to enter a contract with the successful bidder.
- 13.1.2. The Service Provider submitting the General Conditions of Contract to MET together with its bid, duly signed by an authorised representative of the Service Provider.

13.2. Bidders are requested to:

- 13.2.1. Comment on the terms and conditions set out in the GCC and where necessary, make proposals to the terms and conditions.
- 13.2.2. Each comment and/or amendment must be explained; and
- 13.2.3. MAGWA TEA reserves the right to accept or reject any or all amendments or additions proposed by the successful bidder if such amendments or additions are unacceptable to MAGWA TEA or pose a risk to the organisation.

14. SPECIAL CONDITIONS OF THIS BID**14.1. Magwa reserves the right:**

- 14.1.1. Not to award or cancel this bid at any time and shall not be bound to accept the lowest or any bid.
- 14.1.2. To negotiate with one or more preferred Service Provider(s) identified in the evaluation process, regarding any terms and conditions, including price without offering the same opportunity to any other Service Provider(s) who has not been awarded the status of the preferred Service Provider(s).
- 14.1.3. To accept part of a bid rather than the whole bid.

- 14.1.4. To cancel and/or terminate the bid process at any stage, including after the Closing Date and/or after presentations have been made, and/or after Bids have been evaluated and/or after the preferred Service Provider(s) have been notified of their status as such.
- 14.1.5. To carry out site inspections, product evaluations or explanatory meetings in order to verify the nature and quality of the services offered by the Service Provider(s), whether before or after adjudication of the bid.
- 14.1.6. To correct any errors at any stage of the bid that may have been in the bid documents or occurred at any stage of the bid process.
- 14.1.7. To disqualify a bidder whose bid contains a misrepresentation which is materially incorrect or misleading

14.2. Preparation and Pricing costs

14.2.1. Preparation cost

The bidder will bear all its costs in preparing, submitting and presenting any response or tender to this bid and all other costs incurred by the bidder throughout the bid process. Furthermore, no statement in this bid will be construed as placing MAGWA ENTERPRISE TEA, its employees or agents under any obligation whatsoever, including in respect of costs, expenses or losses incurred by the Service Providers in the preparation of their response to this bid

14.2.2 Pricing

The bidder will bear and include all its costs of implementation for the tender to this bid and all other costs incurred by the bidder throughout the implementation process. Bidder will cover all the costs towards the project funding application. Furthermore, Project management and implementation cost should be covered on the funding application. No statement in this bid will be construed as placing MAGWA ENTERPRISE TEA, its employees or agents under any obligation whatsoever, including in respect of costs, expenses or losses incurred by the Service Providers in the implementation of this bid

14.3. Limitation of Liability

A Service Provider participates in this bid process entirely at its own risk and cost. MAGWA TEA shall not be liable to compensate a Service Provider on any grounds whatsoever for any costs incurred or any damages suffered as a result of the Service Provider's participation in this bid process

14.4. Conflict of Interest, Corruption and Fraud

MET reserves a right to disqualify any bidder who either through itself or any of its members:

- a) engages in any collusive tendering, anti-competitive conduct, or any other similar conduct, including but not limited to any collusion with any other bidder in respect of the subject matter of this bid;
- b) seeks any assistance, other than assistance from mandated officials provided by MET from any employee, advisor or other representative of MET in order to obtain any unlawful advantage in relation to procurement or services provided or to be provided to MET;
- c) makes or offers any gift, gratuity, anything of any value or other inducement, to any MET's officers, directors, employees, advisors or other representatives in order to obtain any unlawful advantage in relation to procurement or services provided or to be provided to MET;
- d) pays or agrees to pay to any person any fee, commission, percentage, brokerage fee, gift or any other consideration, that is contingent upon or results from, the award of any tender, contract, right or entitlement which is in any way related to procurement or the rendering of any services to MET;
- e) has been found guilty in a court of law on charges of fraud and/or forgery, regardless of whether or not a prison term was imposed and despite such bidder, member or director's name not specifically appearing on the List of Tender Defaulters kept at National Treasury.

14.5. Tax Compliance

No tender shall be awarded to a Service Provider who is not tax compliant. MET reserves the right to withdraw an award made, or cancel a contract concluded with a successful Service Provider in the event that it is established that such Service Provider was in fact not tax compliant at the time of the award. MET further reserves the right to cancel a contract with a successful Service Provider in the event that such Service Provider does not remain tax compliant for the full term of the contract.

14.6. National Treasury

No tender shall be awarded to a Service Provider whose name (or any of its members, directors, partners or trustees) appears on the Register of Tender Defaulters kept by National Treasury, or who have been placed on National Treasury's List of Restricted Suppliers. MET reserves the right to withdraw an award, or cancel a contract concluded with a Service Provider should it be established, at any time, that a Service Provider has been blacklisted with National Treasury by another government institution.

15. ANNEXURE A - TECHNICAL EVALUATION CRITERIA AND SCORECARD**ANNEXURE A1 - TECHNICAL COMPLIANCE CHECKLIST****16. ANNEXURE B – PRICING SCHEDULE**