



public enterprises

Department:
Public Enterprises
REPUBLIC OF SOUTH AFRICA

**REQUEST FOR PROPOSALS (RFP)
RFP SCM 93/2022-2023**

**REQUEST FOR PROPOSAL (RFP): APPOINTMENT OF
A SERVICE PROVIDER TO ASSIST THE DEPARTMENT
WITH DUE DILIGENCE FOR A PREFERRED PURCHASER
OF MANGO**

CLOSING DATE: 28 SEPTEMBER 2022

TIME: 11:00

**QUOTATION TO BE VALID FOR 90 DAYS
RESPONSES TO BE EMAILED**

1. BACKGROUND

The Department of Public Enterprises is the shareholder representative for Government with oversight responsibility over seven State Owned Companies (SOC) that operate in core sectors of the economy such as mining, defence, energy, logistics, aviation, and forestry.

The SOC in the DPE portfolio are namely: Eskom, Transnet, Denel, South African Airways (SAA), South African Forestry Company Limited (SAFCOL), Alexkor and SA Express.

These SOCs play a key role in enabling economic growth, creating jobs and promoting the industrialization and the transformation of the economy. The Department is the primary interface between Government and the SOCs concerned and, in addition to oversight, provides input to the formulation of policy, legislation and regulation.

2. OUR VISION

To create an enabling environment in which SOCs add real economic value by focusing on operational excellence, commercial viability, and fiscal prudence. This will drive developmental objectives, industrialization, job creation and skills development.

3. OUR MISSION

To provide clear strategic direction and oversight to the Department's SOCs, seeking to ensure that:

- They are financially sustainable, adequately funded and operationally robust.
- Their operating models keep pace with global development and innovation.
- They provide reliable, high-quality, and cost-effective services and infrastructure to industry and our citizens.
- They secure investment and funding for strategic industrial development; and they align with national developmental objectives.

4. PROJECT OBJECTIVES

4.1 The objectives for this project are:

4.1.1 The Department of Public Enterprises seeks to conduct a due diligence on the preferred purchaser of Mango Airlines SOC Ltd (Mango);

4.1.2 The Department also requires the service provider to assess and report on the process followed in identifying the preferred purchaser of Mango Airlines SOC Ltd; and

4.1.2 It has become necessary for the DPE to undertake a procurement exercise to solicit proposals from attorneys. The Service provider will be required to provide its services through a dedicated team of qualified attorneys and any other specific expertise that will be required, based on the nature of the mandate.

5. SCOPE OF WORK

- 5.1 The Service Provider will be expected to conduct on the potential Mango shares purchaser a due diligence in the form of background checks and other screening to ensure that they are properly risk-assessed before being onboarded. This will include assessment of Anti-Money Laundering (AML), Know Your Customer (KYC) and pre-screening on Anti-Bribery and Corruption (ABC) due diligence on the preferred purchaser of Mango. The service provider will perform the following activities amongst other on Directors, Management and Shareholders of the purchaser:
- 5.1.1 Identify on a red-flag basis, and conducted by way of a review of populated questionnaire and accompanying documents, coupled with open source information;
 - 5.1.2 Conducted Politically Exposed Persons (PEP) and sanction screenings searches;
 - 5.1.3 Review registration on the Companies and Intellectual Property Commission website;
 - 5.1.4 Conducted open-source, online media searches; and
 - 5.1.5 Assess whether the potential purchaser of Mango has been the subject of a forensic investigation and what was the outcome.
- 5.2 The Service Provider will also be required to assess the process undertaken by the Mango Business Rescue Practitioners to select the potential share purchaser of Mango.
- 5.3 This Report is confined to the identification of ABC, KYC and AML risks and Report on process followed in identifying the preferred purchaser of Mango Airlines

6. DELIVERABLES

- 6.1 The appointed Service Provider will be expected to provide a Report that is confined to the identification of ABC, AML and KYC risks.
- 6.2 Report on the process followed in selecting the preferred purchaser for Mango Airlines.

7. PROJECT MANAGEMENT

- 7.1. Legal Unit within the DPE will take responsibility for the operation management of the project and the Service Provider. Service provider will report back the Director: Legal weekly;
- 7.2. Conclude the relevant Project Documents (including entering into a service level agreement (SLA) with the Department prior to commencing with the services required;
- 7.3. Be required to sign confidentiality and indemnity agreements; and
- 7.4. The Service Provider will only be paid for acceptable work done as defined in the scope for the Project.

8. DURATION AND TIMELINES

- 8.1. The estimated duration for the project will be for the duration of a month and the Department reserves the right to assess and review performance as it dims fit and to terminate it subject to contractual performance.

9. EVALUATION CRITERIA

- 9.1. To facilitate a transparent selection process that allows equal opportunity to all bidders, DPE has a Supply Chain Management policy that will be adhered to. Proposals will be evaluated in terms of the prevailing Supply Chain Management policy applicable to DPE and it should be noted that proposals will be evaluated in three (3) phases namely, mandatory evaluation, Technical Evaluation and price and B-BBEE using the 80/20 formula (preference points system) for Price and B-BBEE as per the PPPFA Act.

9.1. Phase 1: Mandatory Evaluation

Bidders who comply with all mandatory requirements will qualify to Phase 2 for Technical Evaluation those who failed will be disqualified to the Price and B-BBEE evaluation.

Criteria	Comply	Not comply	Comments
B-BBEE Level 1-4			

Criteria	Comply	Not comply	Comments
Valid relevant professional membership from professional body. Attach certified copy not older than three (3) Months			

9.2. Phase 2: Technical Evaluation

Bidders will be disqualified to phase 3 for price and B-BBEE if fails to meet the minimum threshold of **367.5 points (70%)** for functionality as per criteria above.

Functionality	Score according to the score value's	Weight	Total weight points	Maximum points 525
Content and methodology of the services Due Diligence	<ul style="list-style-type: none"> • Demonstrate detailed approach, methodology and process. • Demonstrate detailed project plan and timelines 	5	40	200
Qualification of key personnel in the field of Law/ Risk Management / other related qualifications (Attach certified copies not older than three (3) months).	Master's degree (NQF 9)	5	20	100
	Honours Degree (NQF8)	4		
	Bachelor's Degree (NQF7)	3		
	National Diploma (NQF6)	2		
	National Higher Certificate (NQF5)	1		
	No qualifications	0		
Demonstrate experience of the key personnel who will be assigned to the project in the field of Law/ Legal, Due Diligent. Attach recent CVs	10 and more years of relevant experience	5	20	100
	6-9 years of relevant experience	4		
	3-5 years of relevant experience	3		
	Less than 3 years of relevant experience	1		
	No relevant experience	0		
Company Experience: experience in Public / Private sector consulting or in an outsourced basis for any Due diligent. Indicate number of	7 and more projects	5	20	100
	6 Projects	4		
	5 Projects	3		
	4 Projects	2		
	3 projects	1		

similar projects undertaken.	No Projects	0		
Minimum of three (3) Contactable References related to this project or testimonial letters from similar previous projects must be submitted. Reference letter/s should be within five (5) years for similar or relevant project. NB: List of projects on the table without supporting letters or testimonials not acceptable	3 Relevant Reference letters/ Testimonials	5	5	25
	Less than 3 Relevant Reference letters/ Testimonials	2		
	No Relevant Reference letters/ Testimonials	0		
TOTAL POINTS: 525	MINIMUM THRESHOLD: 367,50		70%	

Those who qualify will be assessed using the 80/20 preference points system for Price and B-BBEE as per the PPPFA 2017.

9.3. Phase 3- Price and B-BBEE

9.4 B-BBEE points will be allocated according to the following table only if a valid B-BBEE Status Level Verification Certificate or sworn affidavits by the commissioner of oaths

9.5 A bidder who meets the minimum threshold points of 367 or 70% in the third stage will then be evaluated in the fourth stage where price and B-BBEE status level contribution will be considered:

CRITERIA	SUB-CRITERIA	WEIGHTING/ POINTS
Price	Detailed budget breakdown	80
B-BBEE (Status Level Verification Certificate)	B-BBEE Level Contributor	20
TOTAL		100

9.6 80/20 principle

B-BBEE status level of Contributor	Number of points
10	20
9	18
6	14
5	12
4	8
3	6
2	4
1	2
No information	0

10. INSTRUCTIONS TO BIDDERS

10.1. Terms and Conditions

DPE reserves, under exceptional circumstances, the rights to extend the closing date. All proposals and all subsequent information received from bidders will not be returned.

The adjudication process does not represent a commitment on the part of the DPE to proceed further with that proposal or of any other bidder.

10.2. Changes to this RFQ /RFP document

DPE reserves the right to make changes on this RFQ/RFP Document. All changes will be communicated to those bidders that have responded to the RFQ/ RFP. No reliance shall be placed on other information or comment from any other person.

10.3. Confidentiality

Any information relating to the submissions, through the process or otherwise shall be treated in strict confidence.

10.3.1. Other matters

- a) DPE reserves the right not to enter any relationship and no correspondence pertaining to submissions will be entered.

- b) If DPE does not accept any proposal, it will declare this RFQ/ RFP call process closed and may then elect to:
 - i. Proceed on a completely different basis; and
 - ii. Not to appoint any respondent in the event it deems proposals not appropriate.

10.3.2. DPE will not accept any responsibility for costs incurred by bidders in preparing and submitting proposals.

10.3.3. DPE reserves the right to engage in processes to validate all claims made in the proposal.

10.3.4. DPE reserves the right to cancel the award if it is determined that the supplier/service provider recommended for award, has engaged in corrupt or fraudulent activities in competing for the contract in question. For the purposes of this RFQ/ RFP, "fraudulent practice" means a misrepresentation of facts in order to influence a selection process or the execution of a contract to the detriment of the accounting officer/authority and includes collusive practices among bidders/contractors (prior to or after submission of proposals) designed to establish prices at artificial, non-competitive levels and to deprive the accounting officer/authority of the benefits of free and open competition.

11. PAYMENT STRUCTURE

11.1. DPE undertakes to pay in full within thirty (30) days, all valid claims for work done to its satisfaction upon presentation of a substantiated claim/invoice.

11.2. Payments will only be made on the basis of the work completed (milestones/ deliverables) as per the project implementation plan to be agreed at the inception of the project.

12. GENERAL

12.1. Below are compulsory requirements for this service:

- a. It is important to note that the successful bidder will work under the supervision of a DPE representative, abide by DPE's Code of Conduct, and other organizational guidelines.
- b. Kindly submit the following document:

- a) Valid B-BBEE Level of contribution or Sworn Affidavit Certificate issued by the following agencies SANAS, IRBA or CCA (Failure to attach certificate will lead to non- allocation of points)
- b) Proof that tax matters with SARS are in order (SARS Pin Number/ Tax Clearance Certificate)
- c) National Treasury Central Supplier Database Report (CSD)
- d) Completed and signed SBD forms

13. CONTACT DETAILS FOR TECHNICAL INFORMATION

- a. Clarity information regarding the technical requirements should be directed to Project Leader (Mr James Dlamini) through e-mail james.dlamini@dpe.gov.za or at telephone number: 012 431-1074

12.2. CONTACT DETAILS FOR TECHNICAL INFORMATION

- b. Further information regarding supply chain matters can be send via email to: Quotations@dpe.gov.za or at telephone number: 012 431-1030

14. SUBMISSIONS OF PROPOSALS

- c. Proposals should be submitted on or before **28 September 2022** by no later than 11:00 to the following email address: Quotations@dpe.gov.za

The selection of the qualifying bid/quotations will be at Department of Public Enterprise's sole discretion. Department of Public Enterprise does not bind itself to accept any bid/quotations and reserves the right not to appoint the bidder.

PRICING SCHEDULE
(Professional Services)

NAME OF BIDDER:	BID NO.: RFP SCM 93/2022-20223
CLOSING TIME 11:00	CLOSING DATE: 28 SEPTEMBER 2022

OFFER TO BE VALID FOR 90 DAYS FROM THE CLOSING DATE OF BID.

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED
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1. The accompanying information must be used for the formulation of proposals.

2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project.

R.....
(TOTAL 1 & 2)

3. PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)

4. PERSON AND POSITION

HOURLY RATE DAILY RATE

.....	R-----	-----
.....	R-----	-----
.....	R-----	-----

5. PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT

-----	R-----	----- days
-----	R-----	----- days
-----	R-----	----- days

5.1 Travel expenses (specify, for example rate/km and total km, class of airtravel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
-----	R.....
-----	R.....
-----	R.....
TOTAL (1): R.....			

All applicable taxes" includes value- added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

Name of Bidder:

5.2 Other expenses, for example accommodation (specify, eg. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
.....	R.....
.....	R.....
.....	R.....
.....	R.....
TOTAL (2): R.....			

- 6. Period required for commencement with project after acceptance of bid
.....
- 7. Estimated man-days for completion of project
.....
- 8. Are the rates quoted firm for the full period of contract? *YES/NO
- 9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index.
.....
.....
.....

***[DELETE IF NOT APPLICABLE]**

Any enquiries regarding bidding procedures or technical information may be directed to-

Technical information:
James Dlamini
Tel; (012) 431-1074

Supply Chain Management
Zandarine Theron
Tel: (012) 431-1030

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state? **YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

2.2 Do you, or any person connected with the bidder, have a relationship

¹ the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

with any person who is employed by the procuring institution? YES/NO

2.2.1 If so, furnish particulars:

.....
.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? YES/NO

2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

I, _____ the _____ undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 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 consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 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.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring

² 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.

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institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

- 3.6 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 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 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.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature Date

.....
Position Name of bidder