

SOUTH AFRICAN HUMAN RIGHTS COMMISSION

27 Stiemens Street
JD House
Braamfontein
2017

Private Bag X 2700
Houghton
2041

Tel.: 011 877 3600



Bid Specifications for an enterprise resource planning system implementation and licenses – SAP S/4 Hana Cloud

BID NUMBER: SAHRC 4-2022

1. BACKGROUND

The South African Human Rights Commission (SAHRC) is a Constitutional body established in terms chapter 9 of the Constitution of South Africa, 1996 as well as the South African Human Rights Commission Act, 40 of 2013. The SAHRC is under the executive authority and strategic leadership of Commissioners. The administration of SAHRC is overseen by a Chief Executive Officer (CEO).

The South African Human Rights Commission (the Commission) is currently running its General Ledger and related modules through the Pastel Evolution system. The current system is proving to be unable to cater for the flexibility required for the ongoing customization of functions in the modules as well as reporting requirements.

2. KEY OBJECTIVE OF THE PROJECT

The purpose of this document is to request proposals from qualifying service providers to provide the following:

- Implementation of an integrated enterprise resource planning system, specifically SAP S/4 Hana Cloud including licenses
- Customization where required
- The system should be web based and secured

The Commission requires the services of SAP Business Partners for the implementation of an integrated Enterprise Resource Planning system – SAP S4 Hana Cloud and licenses. The system should be aligned to the Commission's business processes requirements.

The Commission expects the service provider to perform the related professional services (eg best practices guidance, training, project management, implementation, integration and report customization) in Transforming society. Securing rights. Restoring dignity.

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a timely and professional manner. Services should be provided by experienced ERP experts who have successfully implemented solutions with similar requirements for the modules in scope, including Financial Management, Supply Chain Management etc.

3. SCOPE OF SERVICES

3.1 System requirements

- The system should be cloud based and secured
- Set controls at the account (user) and field level
- Appropriately segregate duties with user roles
- The number of licenses should be 50 users who can use it simultaneously.
- Licenses for a period of 36 months

3.2 Financial Management

- Accounts Payable
- Accounts Receivable
- Budgeting / Forecasting
- Cash and Bank Management
- Fixed Assets
- General Ledger, trial balance, income statement, balance sheet etc
- Inventory
- Business Intelligence - including system generated monthly financial reports/statements with monthly/ annual budget and actual comparatives in various formats.
- Age analysis reports from requisitions, RFQ's, purchase orders and all other forms for accounts payable.

3.3 Fixed Assets

- Automated assets register
- Automated calculation of depreciation
- Capability to recalculate depreciation based on restated useful lives in line with GRAP 17
- Reporting of assets nearing the end of their useful lives
- Asset procurement planning

3.4 Budget Management

- Budget monitoring for all expenditure, capex, other assets and liabilities
- Reporting of monthly and annual expenditure against budgets
- Capability of cost centre budget owners to view their actual costs and budgets, and to provide comments on budget variances

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- Reporting of consolidated comments on budget variances per the above bullet

3.5 Business Intelligence

- System generated monthly financial reports/statements with monthly/ annual budget and actual comparatives in various formats.
- BBBEE Report
- Deviation Report
- Requisition / Tender Register Status
- Contracts Register and commitments Schedule
- Clear audit trails from Requisition up until invoice

3.6 Supply Chain Management

- Procurement (Demand management)
- Travel Management
- Vendor Management
- Contract Management
- Project Management
- Tender Management

3.7 Procurement

The system should be able to perform the following functions:

- Allow users to capture requisitions and upload their specifications
- Approval of requisitions by delegated official
- Receiving of requisitions by the SCM unit
- Allocation of requisitions for Procurement
- Populate a list of potential service providers under the specific commodity/area (Database)
- Select potential suppliers to be utilized on that commodity and area
- Ability to rotate suppliers for Procurement
- Ability to upload the standard Requests for Quotations (RFQ) templates
- To generate system based RFQ's and send the RFQ's request to the selected service providers via the system
- The system to send Terms of Reference to service providers as part of RFQ's.
- Allowing users to upload and attach supporting documents e.g. quotations, Standard Bidding Documents (SBD) etc.
- Allow SCM officials to evaluate quotations and provide comments / recommendations
- Ability to verify and confirm available budget

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- Allow end-user to reject / support / recommend
- Allow delegated official/s to approve the recommendation
- Allow SCM to create full detailed purchase orders (PO's) and send the approved PO's via the system.
- System should have an automated approval for all requested initiated via the system
- Requisition process tracking capabilities
- Approval of Purchase Order to be approved as per delegation of authority
- Allow SCM to create full detailed purchase orders (PO's) created from the approved requisition.
- The system should produce audit trail report of procurement process.
- The system should be linked to the National Treasury Central Supplier Database.
- Documentation should be stored on the system for ease of reference with a clear audit trail

3.8 Travel Management

- System capability to capture travel requests and uploading of supporting documents for approval before the initiation of SCM procurement
- Integration of travel management module with general ledger and automatic update of staff debtors where advances have been paid
- Integration of Travel Management Company system with the ERP system

3.9 Project Management

- Project creation with work breakdown structure and network
- Project Accounting and Invoicing
- Project Cost Control
- Work Breakdown Structures (Receive and consolidate Costs and Revenue in WBS manner)
- Act as planning tool for project schedule
- Records management capabilities
- Project Management customizable reports capabilities
- Dashboard capabilities
- Splitting of project workflows to raise different requisitions for different needs for the specific project.

3.10 Vendor Management

- System should have a capability for integration / interlinked with CSD
- System should allow SCM officials to capture and approve supplier's information on the database automatically.
- System should be able to generate report for all suppliers with expired BBBEE Status and send notifications to suppliers
- System should be able to generate reports for all suppliers with non- tax compliant status and send notification to suppliers.

- System must validate supplier's information e.g. tax status, active / non active on CSD, blacklisted or restricted suppliers.

3.11 Contract Management

- System shall provide platform to upload all approved contracts and.
- The System shall have the capability to capture contracts amounts and track spending (payments) and reflect remaining amounts or commitments.
- The System shall have the capability for contract end users to perform supplier's performance evaluation (within set timelines) and provide notifications to non-evaluated service providers.
- The system should be able to capture contract milestones and related amount allocations.
- Ability to amend contract changes (e.g. through Variations, Extensions etc.)
- The system should have the capability to generate an up to date contract register and commitments schedule.

4. MINIMUM REQUIREMENTS

- The bidder must be a registered SAP OSM or registered SAP OSM partner whereby certification will be required.
- The SAP OSM partner must have at least 5 years of experience of implementation of the SAP product.
- The successful bidder will be bound by the government procurement: General Conditions of Contract (GCC) which will form part of the signed contract.

5. DELIVERABLES

- Successful implementation SAP S/4 Hana Cloud including maintenance, licenses and support for a period of thirty six (36) months from date of inception.
- Successful data migration from the current ERP system to SAP S/4 Hana Cloud.

6. PRICING

Pricing requirements must be inclusive of all applicable taxes (VAT) and consideration should be given to the following:

- Data migration costs from the current systems to the proposed systems.
- Costs and quality of ongoing maintenance and support of the ERP system SAP S/4 Hana Cloud must be provided.
- Licenses for a period of 36 months from date of inception

7. INDEPENDENCE AND OBJECTIVITY OF STAFF

In carrying out the work, the service provider must ensure that its staff maintains their objectivity by remaining independent of the activities they execute.

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8. CONFIDENTIALITY

The service provider will hold material and information exchanged in the course of the implementation of this assignment in the strictest confidence, and will take all steps necessary to prevent dissemination of this information to any third party, without the prior written agreement of the Commission. To ensure that at all times compliance with legal obligations including recent laws such as POPIA.

9. PROJECT TIMELINE

The duration is for a period of thirty six (36) months starting on the date of signature of the contract by both parties, subject to adjustments as required and mutually agreed upon.

The proposed implementation and use of the full system needs to be from the 1st of April 2023

10. EVALUATION CRITERIA

South African Human Rights Commission has set minimum standards (Gates) that a bidder needs to meet to be evaluated and selected as a successful bidder. The minimum standards consist of the following:

Pre-qualification Criteria (Gate 0)	Technical Evaluation Criteria (Gate 1)	Price and B-BBEE Evaluation (Gate 2)
Bidders must submit all documents as outlined in (Table 1) below. Only bidders that comply with ALL these criteria will proceed to Gate 1.	Bidder(s) are required to achieve a minimum threshold of 70 points to proceed to Gate 2 (Price and BEE).	Bidder(s) who have successfully progressed through gate 1 will be evaluated in accordance with the 80/20 preference point system contemplated in the Preferential Procurement Policy Framework Act, 2017. 80 points will be awarded for price whilst 20 points will be allocated for preference points for BBEE as prescribed in the regulations.

10.1 Gate 0: Pre-qualification Criteria

Without limiting the generality of South African Human Rights Commission's other critical requirements for this Bid, bidder(s) must submit the documents listed in **Table 1** below. All documents must be completed and signed by the duly authorised representative of the prospective bidder(s). During this phase Bidders' responses will be evaluated based on compliance with the listed administration and mandatory bid requirements. The bidder(s) proposal will be disqualified for non-submission of any of the documents.

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Table 1: Documents to be submitted for Pre-qualification

Document that must be submitted	Non-submission will result in disqualification	
Invitation to Bid – SBD 1	YES	Complete and sign the supplied pro forma document
Declaration of Interest – SBD 4	YES	Complete and sign the new supplied pro forma document
Registration on Central Supplier Database (CSD)	YES	The service provider must be on the Central Supplier Database (CSD). If you are not registered proceed to complete the registration of your company prior to submitting your proposal. Visit https://secure.csd.gov.za/ to obtain your vendor number. Submit your CSD report as part of the proposal
Pricing Schedule SBD 3.3	YES	Submit full details including totals of the pricing proposal, additional annexures are welcomed with detailed costing breakdown.
Bidder certification/Affiliation requirements	YES	The bidder must be a SAP OSM, or registered SAP OSM partner. Documentation that will be considered is (valid certificate, licence, letter or an affidavit with contactable references from SAP) that the bidder is a registered SAP OSM or SAP OSM Partner.
Submit 1 hard copy and 1 soft copy of the proposal	YES	All bidders are required to submit one (1) hard copy of the proposal in the tender box and one (1) soft copy on a USB flash drive or portable hard drive. CD's and DVD's will not result as a soft copy. Failure to submit either will result in disqualification.

10.2 Gate 1: Technical Evaluation Criteria = 100 points

Only Bidders that have met the Pre-Qualification Criteria in (Gate 0) will be evaluated in Gate 1 for functionality. Functionality will be evaluated as follows:

- i. Technical Evaluation – Bidders will be evaluated out of 100 points and are required to achieve minimum threshold of 70 points
- ii. The overall score must be equal or above 70 points to proceed to Gate 2 for Price and BBBEE evaluations.

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

Functionality	Maximum Percentage Achievable	Minimum Threshold
Technical (functionality)Evaluation	100	70 points

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Table 1: Functionality evaluation

Criteria	Guidelines	Scoring	Maximum score
Bidder's experience	Bidders must demonstrate a minimum of 5-year experience in having successfully customized and implemented an Enterprise resource planning system The company profile and when the company was registered will form part of the scoring.	No experience submitted = 0 Less than 1 year = 5 Greater than 1 but less than or equal to 3 = 10 More than or equal to 4 years = 20 More than or equal to 5 = 25	25
Price	Breakdown of the price and total amount for the duration of the contract together with being cost effective.	No costing breakdown = 0 Total amount for the duration of the contract = 10 Detailed breakdown for services to be rendered = 10	20
Proven track record	Proven track record with reference letters of public and private sector organisations with experience in implementation of SAP. Letters must be on the letterhead of the company, signed, dated and when the services were rendered. Non submission or if any of the above is omitted will not be considered as a valid reference letter.	0 letters = 0 1 letter = 8 2 letters = 15 3 or more valid letters = 30	30
Projected timelines	Bidders must provide a detailed comprehensive project plan and duration of the implementation and migration of the Enterprise Resource Planning system - SAP S/4 Hana Cloud	Phased approached - 10 Skills transfer - 10 Duration - 5	25
TOTAL			100

10.3 Gate 2: Price and BBBEE Evaluation (80+20) = 100 points

Only Bidders that have met the 70 points thresholds in Gate 1 will be evaluated in Gate 2 for price and BBBEE. Price and BBBEE will be evaluated as follows:

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In terms of regulation 6 of the Preferential Procurement Regulations pertaining to the Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000), responsive bids will be adjudicated on the 80/20-preference point system in terms of which points are awarded to bidders based on:

- The bid price (maximum 80 points)
- B-BBEE status level of contributor (maximum 20 points)

i. Stage 1 – Price Evaluation (80 Points)

Criteria	Points
Price Evaluation $P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$	80

The following formula will be used to calculate the points for price:

Where

- Ps = Points scored for comparative price of bid under consideration
- Pt = Comparative price of bid under consideration
- Pmin = Comparative price of lowest acceptable bid

ii. Stage 2 – BBEE Evaluation (20 Points)

a. BBEE Points allocation

A maximum of 20 points may be allocated to a bidder for attaining their B-BBEE status level of contributor in accordance with the table below:

B-BBEE Status Level of Contributor	Number of Points
1	20
2	18
3	14
4	12

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5	8
6	6
7	4
8	2
Non-compliant contributor	0

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

- A duly completed Preference Point Claim Form: Standard Bidding Document (SBD 6.1); and
- B-BBEE Certificate

11. Submission Requirements and Contact Details

To be considered as a possible service provider, kindly submit the following:

- 11.1 Proposal
- 11.2 Valid Tax Clearance Certificate
- 11.3 BBBEE Certificate.
- 11.4 Company Profile
- 11.5 SBD 1
- 11.6 SBD 3.3
- 11.7 SBD 4 document
- 11.8 CSD report at time of tender
- 11.9 SBD 6.1
- 11.10 SBD 7.2

12. Contact and communication

Activity	Due Date
Advertisement of bid on SAHRC website/ eTender portal	24 November 2022
Briefing session	Not applicable
Questions relating to the bid from bidder(s) must be emailed	ARassool@sahrc.org.za
Bid closing date	15 December 2022

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Validity period	120 days
Notice to bidder(s)	South African Human Rights Commission will endeavour to inform bidders of the progress until conclusion of the tender.

- **Please submit all tender documents at Head Office by Thursday 15 December 2022, before 11h00.**

- The delegated office of South African Human Rights Commission may communicate with Bidder(s) where clarity is sought in the bid proposal. For any SCM related issues kindly contact Tenderoffice@sahrc.org.za

Any communication to an official or a person acting in an advisory capacity for South African Human Rights Commission in respect of the bid between the closing date and the award of the bid by the Bidder(s) is discouraged.

- All communication between the Bidder(s) and South African Human Rights Commission must be done in writing.
- Whilst all due care has been taken in connection with the preparation of this bid, South African Human Rights Commission makes no representations or warranties that the content of the bid or any information communicated to or provided to Bidder(s) during the bidding process is, or will be, accurate, current, or complete. South African Human Rights Commission and its employees and advisors will not be liable with respect to any information communicated which may not accurate, current, or complete.
- If Bidder(s) finds or reasonably believes it has found any discrepancy, ambiguity, error or inconsistency in this bid or any other information provided by South African Human Rights Commission (other than minor clerical matters), the Bidder(s) must promptly notify South African Human Rights Commission in writing of such discrepancy, ambiguity, error, or inconsistency in order to afford South African Human Rights Commission an opportunity to consider what corrective action is necessary (if any).
- Any actual discrepancy, ambiguity, error or inconsistency in the bid or any other information provided by South African Human Rights Commission will, if possible, be corrected and provided to all Bidder(s) without attribution to the Bidder(s) who provided the written notice.
- All persons (including Bidder(s)) obtaining or receiving the bid and any other information in connection with the Bid, or the Tendering process must keep the contents of the Bid and other such information confidential, and not disclose or use the information except as required for the purpose of developing a proposal in response to this Bid.

13. LATE BIDS

Bids received after the closing date and time, at the address indicated in the bid documents, will not be accepted for consideration and where practicable, be returned unopened to the Bidder(s).

14. COUNTER CONDITIONS

Bidders' attention is drawn to the fact that amendments to any of the Bid Conditions or setting of counter conditions by Bidders or qualifying any Bid Conditions will result in the invalidation of such bids.

15. FRONTING

- Government supports the spirit of broad based black economic empowerment and recognizes that real empowerment can only be achieved through individuals and businesses conducting themselves in accordance with the Constitution and in an honest, fair, equitable, transparent, and legally compliant manner. Against this background the Government condemn any form of fronting.
- The Government, in ensuring that Bidders conduct themselves in an honest manner will, as part of the bid evaluation processes, conduct, or initiate the necessary enquiries/investigations to determine the accuracy of the representation made in bid documents. Should any of the fronting indicators as contained in the Guidelines on Complex Structures and Transactions and Fronting, issued by the Department of Trade and Industry, be established during such enquiry / investigation, the onus will be on the Bidder / contractor to prove that fronting does not exist. Failure to do so within a period of 14 days from date of notification may invalidate the bid / contract and may also result in the restriction of the Bidder /contractor to conduct business with the public sector for a period not exceeding ten years, in addition to any other remedies South African Human Rights Commission may have against the Bidder / contractor concerned.

16. SUPPLIER DUE DILIGENCE

South African Human Rights Commission reserves the right to conduct supplier due diligence prior to final award or at any time during the contract period. This may include site visits and requests for additional information.

17. SUBMISSION OF PROPOSALS

- Bid documents may be placed in the tender box in the aforesaid address on or before the closing date and time.

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- Bid documents will only be considered if received by South African Human Rights Commission before the closing date and time.
- **The bidder(s) are required to submit one (1) copy of the proposal and one (1) memory stick / USB flash drive with content of each file by the closing date, 15 December 2022 at 11:00. Each file and memory stick / USB flash drive must be marked correctly and sealed separately for ease of reference during the evaluation process.**

18. PRESENTATION / DEMONSTRATION

South African Human Rights Commission reserves the right to request presentations/demonstrations from the short-listed Bidders as part of the bid evaluation process.

19. GENERAL CONDITIONS OF CONTRACT

Any award made to a bidder(s) under this bid is conditional, amongst others, upon –

- The bidder(s) accepting the terms and conditions contained in the General Conditions of Contract as the minimum terms and conditions upon which South African Human Rights Commission is prepared to enter a contract with the successful Bidder(s).
- The bidder submitting the General Conditions of Contract to South African Human Rights Commission together with its bid, duly signed by an authorised representative of the bidder.

20. CONTRACT PRICE ADJUSTMENT

Contract price adjustments will be done annually on the anniversary of the contract start date. The price adjustment will be based on the Consumer Price Index Headline Inflation

STATS SA P0141 (CPI), Table E	Table E - All Items
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21. SERVICE LEVEL AGREEMENT

- Upon award South African Human Rights Commission and the successful bidder will conclude a Service Level Agreement regulating the specific terms and conditions applicable to the services being procured by South African Human Rights Commission
- South African Human Rights Commission reserves the right to accept or reject any or all amendments or additions proposed by a bidder if such amendments or additions are unacceptable to South African Human Rights Commission or pose a risk to the organisation.

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22. SPECIAL CONDITIONS OF THIS BID

South African Human Rights Commission reserves the right:

- a. To award this tender to a bidder that did not score the highest total number of points, only in accordance with section 2(1)(f) of the PPPFA (Act 5 of 2000)
- b. To negotiate with one or more preferred bidder(s) identified in the evaluation process, regarding any terms and conditions, including price without offering the same opportunity to any other bidder(s) who has not been awarded the status of the preferred bidder(s).
- c. To accept part of a tender rather than the whole tender.
- d. To carry out site inspections, product evaluations or explanatory meetings to verify the nature and quality of the services offered by the bidder(s), whether before or after adjudication of the Bid.
- e. To correct any mistakes at any stage of the tender that may have been in the Bid documents or occurred at any stage of the tender process.
- f. To cancel and/or terminate the tender process at any stage, including after the Closing Date and/or after presentations have been made, and/or after tenders have been evaluated and/or after the preferred bidder(s) have been notified of their status as such.
- g. Award to multiple bidders based either on size or geographic considerations.

23. SOUTH AFRICAN HUMAN RIGHTS COMMISSION REQUIRES BIDDER(S) TO DECLARE

In the Bidder's Technical response, bidder(s) are required to declare the following:

- h. Confirm that the bidder(s) is to: –
 - a. Act honestly, fairly, and with due skill, care, and diligence, in the interests of South African Human Rights Commission
 - b. Have and effectively employ the resources, procedures, and appropriate technological systems for the proper performance of the services.
 - c. Act with circumspection and treat South African Human Rights Commission fairly in a situation of conflicting interests.
 - d. Comply with all applicable statutory or common law requirements applicable to the conduct of business.
 - e. Make adequate disclosures of relevant material information including disclosures of actual or potential own interests, in relation to dealings with South African Human Rights Commission.
 - f. Avoidance of fraudulent and misleading advertising, canvassing, and marketing.

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- g. To conduct their business activities with transparency and consistently uphold the interests and needs of South African Human Rights Commission as a client before any other consideration; and
- h. To ensure that any information acquired by the bidder(s) from South African Human Rights Commission will not be used or disclosed unless the written consent of the client has been obtained to do so.

24. CONFLICT OF INTEREST, CORRUPTION AND FRAUD

- i. South African Human Rights Commission reserves its right to disqualify any bidder who either itself or any of whose members (save for such members who hold a minority interest in the bidder through shares listed on any recognised stock exchange), indirect members (being any person or entity who indirectly holds at least a 15% interest in the bidder other than in the context of shares listed on a recognised stock exchange), directors or members of senior management, whether in respect of South African Human Rights Commission or any other government organ or entity and whether from the Republic of South Africa or otherwise ("Government Entity")
 - 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 officially provided by a Government Entity, from any employee, advisor, or other representative of a Government Entity to obtain any unlawful advantage in relation to procurement or services provided or to be provided to a Government Entity.
 - c. makes or offers any gift, gratuity, anything of value or other inducement, whether lawful or unlawful, to any of South African Human Rights Commission's officers, directors, employees, advisors, or other representatives.
 - d. makes or offers any gift, gratuity, anything of any value or other inducement, to any Government Entity's officers, directors, employees, advisors, or other representatives to obtain any unlawful advantage in relation to procurement or services provided or to be provided to a Government Entity.
 - e. accepts anything of value or an inducement that would or may provide financial gain, advantage, or benefit in relation to procurement or services provided or to be provided to a Government Entity.
 - f. 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 a Government Entity.

- g. has in the past engaged in any matter referred to above; or
- h. has been found guilty in a court of law on charges of fraud and/or forgery, regardless of whether 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.

25. MISREPRESENTATION DURING THE LIFECYCLE OF THE CONTRACT

- j. The bidder should note that the terms of its Tender will be incorporated in the proposed contract by reference and that South African Human Rights Commission relies upon the bidder's Tender as a material representation in making an award to a successful bidder and in concluding an agreement with the bidder.
- k. It follows therefore that misrepresentations in a Tender may give rise to service termination and a claim by South African Human Rights Commission against the bidder notwithstanding the conclusion of the Service Level Agreement between South African Human Rights Commission and the bidder for the provision of the Service in question. In the event of a conflict between the bidder's proposal and the Service Level Agreement concluded between the parties, the Service Level Agreement will prevail.

26. PREPARATION COSTS

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 it throughout the bid process. Furthermore, no statement in this bid will be construed as placing South African Human Rights Commission, its employees, or agents under any obligation whatsoever, including in respect of costs, expenses or losses incurred by the bidder(s) in the preparation of their response to this bid.

27. INDEMNITY

If a bidder breaches the conditions of this bid and, as a result of that breach South African Human Rights Commission incurs costs or damages (including, without limitation, the cost of any investigations, procedural impairment, repetition of all or part of the bid process and/or enforcement of intellectual property rights or confidentiality obligations), then the bidder indemnifies and holds South African Human Rights Commission harmless from any and all such costs which South African Human Rights Commission may incur and for any damages or losses South African Human Rights Commission may suffer.

28. PRECEDENCE

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This document will prevail over any information provided during any briefing session whether oral or written, unless such written information provided, expressly amends this document by reference.

29. LIMITATION OF LIABILITY

A bidder participates in this bid process entirely at its own risk and cost. South African Human Rights Commission shall not be liable to compensate a bidder on any grounds whatsoever for any costs incurred or any damages suffered because of the Bidder's participation in this Bid process.

30. TAX COMPLIANCE

No tender shall be awarded to a bidder who is not tax compliant. South African Human Rights Commission reserves the right to withdraw an award made, or cancel a contract concluded with a successful bidder if it is established that such bidder was in fact not tax compliant at the time of the award or has submitted a fraudulent Tax Clearance Certificate to South African Human Rights Commission, or whose verification against the Central Supplier Database (CSD) proves non-compliant. South African Human Rights Commission further reserves the right to cancel a contract with a successful bidder if such bidder does not remain tax compliant for the full term of the contract.

31. TENDER DEFAULTERS AND RESTRICTED SUPPLIERS

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

32. GOVERNING LAW

South African law governs this bid and the bid response process. The bidder agrees to submit to the exclusive jurisdiction of the South African courts in any dispute of any kind that may arise out of or in connection with the subject matter of this bid, the bid itself and all processes associated with the bid.

33. RESPONSIBILITY FOR SUB-CONTRACTORS AND BIDDER'S PERSONNEL

A bidder is responsible for ensuring that its personnel (including agents, officers, directors, employees, advisors, and other representatives), its sub-contractors (if any) and personnel of its sub-contractors comply with all terms and conditions of this bid. If South African Human Rights Commission allows a bidder to make use of sub-contractors, such sub-contractors will always remain the responsibility of the bidder and South African Human Rights Commission will not under any circumstances be liable for any losses or damages incurred by or caused by such sub-contractors.

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Commissioners (Part-Time): A C Nissen, J B Sibanyoni; **Chief Executive Officer (Acting):** C Kisoorn

34. CONFIDENTIALITY

Except as may be required by operation of law, by a court or by a regulatory authority having appropriate jurisdiction, no information contained in or relating to this bid or a bidder's tender(s) will be disclosed by any bidder or other person not officially involved with South African Human Rights Commission's examination and evaluation of a Tender.

No part of the bid may be distributed, reproduced, stored, or transmitted, in any form or by any means, electronic, photocopying, recording or otherwise, in whole or in part except for the purpose of preparing a Tender. This bid and any other documents supplied by South African Human Rights Commission remain proprietary to South African Human Rights Commission and must be promptly returned to South African Human Rights Commission upon request together with all copies, electronic versions, excerpts, or summaries thereof or work derived there from.

Throughout this bid process and thereafter, bidder(s) must secure South African Human Rights Commission's written approval prior to the release of any information that pertains to (i) the potential work or activities to which this bid relates; or (ii) the process which follows this bid. Failure to adhere to this requirement may result in disqualification from the bid process and civil action.

35. SOUTH AFRICAN HUMAN RIGHTS COMMISSION PROPRIETARY INFORMATION

Bidder will on their bid cover letter make declaration that they did not have access to any South African Human Rights Commission proprietary information or any other matter that may have unfairly placed that bidder in a preferential position in relation to any of the other bidder(s).

36. AVAILABILITY OF FUNDS

Should funds no longer be available to pay for the execution of the responsibilities of this bid, the South African Human Rights Commission may terminate the Agreement at its own discretion or temporarily suspend all or part of the services by notice to the successful bidder who shall immediately make arrangements to stop the performance of the services and minimize further expenditure: Provided that the successful bidder shall thereupon be entitled to payment in full for the services delivered, up to the date of cancellation or suspension.