



SOUTH AFRICAN BROADCASTING CORPORATION SOC LIMITED
("the SABC")

REQUEST FOR PROPOSALS (RFP)

RFP NUMBER: **S3 DRA TELE**

RFP TITLE: **SABC 3 DRAMA TELENVELA**



S3 DRAMA TELENVELA - September 2020

EXPECTED TIMEFRAMES

BID PROCESS	EXPECTED DATES
Bid Advertisement Date	Friday 11 September 2020
Bid documents Available From	<ul style="list-style-type: none">National Treasury's tender portal (http://www.etenders.gov.za) SABC websites: http://www.sabc.co.za/sabc/tenders/ https://www.sabc.co.za/sabc/category/commissioning-briefs/tv-content
Briefing Session (Non-Compulsory)	Friday 18 September 2020 at 1100hrs To participate RSVP to collinss@sabc.co.za
Bid Closing Date & Time	12 midnight on the 21 October 2020

N.B. Late bid submissions will not be accepted for consideration by the SABC.

SABC TELEVISION REQUEST FOR PROPOSALS SUBMISSION GUIDELINES

1. HOW TO SUBMIT PROPOSALS TO THE SABC TV DIVISION

- 1.1 The guiding principles for all programmes commissioned by SABC TV are shaped by the SABC'S various Broadcasting Policies and SABC Board policy, goals and objectives and the respective positioning of the Channels.
- 1.2 Producers must submit their proposals **electronically** to the SABC using the following email address: commissioning@sabc.co.za. The subject line should read **S3 DRA TELENVELA**. Due to COVID-19, no physical and/or hard copies will be accepted.
- 1.3 ONLY **PDF** versions of proposals will be considered. Any other format will be rejected.
- 1.4 The requirements of the proposal are detailed in the Brief document (Document A)
- 1.5 All proposals must include the complete and signed submission forms scanned as a single document. The submission forms are contained in Document B.
- 1.6 All proposals must contain the completed SABC supply chain management documents contained in Document C.
- 1.7 Any questions regarding submissions must be emailed to katiyobt@sabc.co.za. **Such questions will be shared with all parties making submissions.** No telephonic queries will be dealt with.
- 1.8 All proposals that DO NOT contain all required submissions will face the risk of being rejected.
- 1.9 Please use the checklist, indicated as Document D, to ensure all requirements for your submission are met.
- 1.10 All submissions must be typed and must be in English.

2 BROAD-BASED BLACK ECONOMIC EMPOWERMENT

The submission of a B-BBEE Certificate or a signed Sworn Affidavit is mandatory for your company to qualify for the final stage evaluation as per the PPPFA. Ensure this is part of your submission.

3 COSTS/RIGHTS

Please submit a detailed development and production budget with your proposal using the SABC's budget pack. The SABC is open to negotiation for co-financing options. The budget that you submit should be in line with your proposed concept, but should also take into consideration the conditions in which the broadcaster generally operates within a particular genre and format. The SABC applies the Copyright Act and all Amendments with regards to commissions. The cost per minute and number of episodes stated in the Brief is a guide price and subject to change by the SABC depending on market, CPI and broadcast variables.

4 APPLICABLE REGULATIONS

As an organ of State, the SABC's procurement, supply chain management and commissioning activities are regulated by the Preferential Procurement Policy Framework Act and the Public Finance Management Act. Proposing parties should familiarize themselves with the requirements thereof.

5 HOW WE EVALUATE PROPOSALS

In addition to the SABC's policies for procurement, proposals will be evaluated in a three-phased approach:

5.1 Phase 1: Creative evaluation of proposal by the editorial team. Proposals that meet the functionality scoring will move to the second phase. The Drama department and the needs of SABC 3 determine the creative evaluation as indicated below:

CRITERIA	SCORE
<p>a) FIT TO CHANNEL Does the concept and idea fit with the channel strategy and positioning? Will this idea be effective in achieving the channel's targets?</p>	20
<p>b) AUDIENCE APPEAL</p> <ul style="list-style-type: none"> • Audience understanding: Will this idea work for our audiences in this prime slot and will it strengthen the channel's relationship to its viewers? (10) • Does the concept allow content to live on multiple platforms beyond television? (10) 	20
<p>c) UNIQUE VALUE What is the quality and value of the content being offered? Is it mandate, branding, financial or competitive value?</p> <ul style="list-style-type: none"> • We will be looking for a drama concept that has strong and clear dramatic issues that are expressed through the characters and the story. Does the proposal have qualities that lift it above the mediocre, that make this a unique property for SABC 3? Is this concept on brand? (10) • We seek proposals that are original in that they have not been seen on television and are not reversioned copies of other international or local properties. What competitive value does this property offer in the TV landscape? And here we would like to see an understanding of where our target audiences are sitting. What are they watching? What will draw them to this series? (10) • Does the writer innovate and take risks with the story structure? Does the idea and execution thereof excite the imagination? Has the writer demonstrated the narrative style expected for that genre? Has the writer enriched the proposal by mixing genres or subverting them to create a more interesting and complex story? (10) 	30
<p>d) CAPACITY Is there capacity to execute the idea?</p> <ul style="list-style-type: none"> • What is the company's previous experience in long form drama? Please reference 2 projects. (10) • Who is the author/head writer? Please reference at least 2 projects? (5) • Who are the suggested key HODs including post production? (5) 	20

<p>e) FINANCIAL FEASIBILITY</p> <ul style="list-style-type: none"> • Can the concept be realized as per the proposed budget? (5) • Are there exploitation opportunities such as licensing, OTT, merchandising etc.? (5) 	10
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5.2 Phase 2: Successful producers will be invited to a pitch either physically at the SABC’s Auckland Park headquarters or through virtual meetings. The pitching will be evaluated on concept realization, ability of team to deliver and understanding of the SABC’s creative needs to the audience.

CRITERIA	SCORE
<p>CONCEPT:</p> <ul style="list-style-type: none"> • Innovation and cutting edge? (4) • South African context, originality and currency? (8) • Clear dramatic proposition for the series? (4) • Is the episodic structure clear? (4) • Are the characters believable and appealing? (4) • Does the creative treatment, the style of shooting, production design and location suit and support the concept? (4) • Is the series structure sustainable and achievable? (4) • Are the stakes high, will it carry through the series? (4) • Are the characters appealing to the proposed channel’s target audience and the channel’s identity? (4) 	40
<p>AUDIENCE APPEAL:</p> <ul style="list-style-type: none"> • Will the programme drive cross-consumption on various platforms?(5) • Will the show appeal to a progressive millennial audience in the 6-10 SEMs? (10) • Does the concept, world of the story and characters have audience appeal? (5) • Are there marketing opportunities in terms of casting, location? (5) • Does the concept have the potential to drive appointment viewing? (5) 	30
<p>VISUAL REALIZATION</p> <ul style="list-style-type: none"> • Is the set/location appropriate? (5) • Has the producer demonstrated the capacity to realize the story concept to final delivery? (10) • What is the treatment in terms of production design, cinematography, etc? (10) 	25
<p>REVENUE DRIVER</p> <ul style="list-style-type: none"> • Has the producer demonstrated an understanding of the commercial elements of programming and broadcasting? 	5

5.3 Phase 3: The last phase will see the bidders who surpass the Phase 2 threshold being ranked against Price and B-BBEE. This will determine the successful bidders.

5.4 The tender responses will be evaluated on 90/10 preference point system.

6. THRESHOLDS

1. Phase 1 threshold – 70%
2. Phase 2 threshold – 75%
3. Phase 3 threshold – 90/10 preference point system

DOCUMENT A – Proposal Requirements

RFP NO.:	S3 DRA TELE
BRIEF TITLE	S3 DRAMA Telenovela
CHANNEL	SABC 3
GENRE	DRAMA
SUB-GENRE	Long Form Drama (dramedy, melodrama and realism)
SERIES	2 x 22 minutes x 260 episodes SCRIPT 2 x 23 minutes x 260 episodes PRODUCTION
LANGUAGE OF SUBMISSION	English
SCHEDULE	Prime Time
COMMISSIONING DEPARTMENT	SABC TV Drama
CONTRACT REQUIREMENTS <i>(if successful)</i>	<ul style="list-style-type: none"> Central Supplier Database Registration (CSD) Tax Compliant SABC Vendor Registered Up-to-date TV Licence compliancy
COST PER MINUTE <i>(Guide Price excluding 15% VAT)</i>	<ul style="list-style-type: none"> R1 000 Cost Per Minute for SCRIPT R15 500 Cost Per Minute for PRODUCTION (including subtitling, OTT and M&E)
ACQUISITION METHOD	<p>SABC 3 invites proposals within the following acquisition model:</p> <ul style="list-style-type: none"> 100% Commission (SABC retains 100% copyright) <p><i>Note: The SABC reserves the right to seek funding from other stakeholders post the award.</i></p>
BRIEF CLOSING DATE	21 October 2020 at midnight
<p>SABC 3 invites proposals for the development and production of 2 stand-alone 23 min x 260 episodes of Long Form Drama Series that will be set in the world of the millennials (25-35-years-old). The series will interrogate, reflect and profile this generation within their contemporary worlds.</p>	
CHANNEL BRAND POSITIONING	<p>SABC 3 is a locally grounded <i>Afropolitan</i> channel on the Public Broadcasting Bouquet. SABC 3's target audiences are locally loyal, socially-conscious, active and progressive in outlook. They are aiming to be future fit and live in a world with a healthy environment that is good for business, comfortable and can offer the best in life's available experiences. They are critical and value the truth about reality and will be active in creating a world that they can enjoy life in. The target market is 25-35-year olds and the SEM target is 6-10.</p> <p>SABC 3 is looking for two separate long running series set in the world of the millennials, their work, relationships, community and ambitions – including their fervent criticisms of wrongs and the obstacles that may stand</p>

	<p>in their way of success and becoming future fit.</p>
<p>EDITORIAL GUIDE</p>	<p>“Woke” is a political term that refers to a perceived awareness of issues concerning social, racial, economic and environmental justice. It is an attitude, a state of mind, a way of being in the modern world. It is a yearning to be unshackled from the constraints of the past, to rebuild the architecture of the present and to forge a future better world.”</p> <p>SABC 3 is seeking to acquire two long form dramas that introduce a “new” world with progressive, compelling and dynamic themes and characters The channel will consider two telenovelas: one which will lean toward drama and the other more comedy in tone and perhaps even satirizing the melodramatic form.</p> <p>The concepts should align with the SABC 3 brand positioning and should be able to be realized within the stipulated guide price.</p> <p><i>Your telenovela should:</i></p> <ul style="list-style-type: none"> • Clearly demonstrate the creative ability to bring a rich understanding of the socio psychological, political and cultural context of the story, world and plot • A well-defined ‘world’ where the stories take place, with clear rules that impact directly on the characters’ journeys • Well-defined characters that are complex, real characters with clear wants, needs, flaws and goals for the series • Clear character journeys that have distinct turning points – inciting incidents, first act climax, mid-point, second act climax, climax, and resolution • Series structure through episode plots and story arc
<p>CREATIVE SUBMISSION REQUIREMENTS</p>	<p>Your proposal should contain the following creative documents:</p> <ul style="list-style-type: none"> • A Brief synopsis of the whole series with an indication of the beginning, middle and end. • Controlling idea, dramatic question, premise, logline and a statement of intent • Outline of main story arcs • Character outlines and a clear description of the relationship between characters and their position to the controlling idea • 10 pages of a sample dialogue/script • Series creative treatment and visual approach • Cast suggestions aligned to SABC 3 brand positioning and core target audience
<p>PRODUCTION SUBMISSION REQUIREMENTS</p>	<ul style="list-style-type: none"> • Completed SABC budget pack for development, script and production. The pack includes line budget and schedule • Key Creatives must demonstrate relevant experience in the scripting and production of long form drama series • Production company must prove capacity to produce the series as captured in the evaluation criteria.

	<ul style="list-style-type: none"> • The SABC reserves the right to approve all creatives and key technical crew on the production • List of key creatives • Biography of producing team and filmographies • Comprehensive Company Profile
TECHNICAL	Please refer to the SABC's standard technical requirements on https://www.sabc.co.za/sabc/category/commissioning-briefs/tv-content/
FURTHER INFORMATION	<p>Please log on to https://www.sabc.co.za/sabc/category/commissioning-briefs/tv-content/</p> <p>To get information on how to get vendor registered with the SABC, email vendormaster@sabc.co.za. Please note this is not a prerequisite for submission but if you are successful you would need to be vendor registered with the SABC</p>

DOCUMENT B – Commissioning Submission Forms

B.1 TV DIVISION PROPOSAL SUBMISSION FORM

<i>BRIEF NO.:</i>	S3 DRA TELE	<i>Genre:</i>	Drama	<i>Channel:</i>	SABC 3
<i>Working Title:</i>					
<i>Company Name:</i>					
<i>Contact Name:</i>		<i>Position:</i>			
<i>Telephone :</i>		<i>Cell:</i>			
<i>E-mail:</i>					
<i>Postal Address:</i>					
PROPOSAL SYNOPSIS:					
<i>No. of Episodes:</i>	260	<i>Minutes per Episode:</i>	23	<i>Total Minutes:</i>	5,980
<i>Cost per Episode:</i>			<i>Total Budget:</i>		
<i>Cost per Minute:</i>					
SYNOPSIS OF COMPANY PROFILE:					
<i>(A) Number of Permanent Employees</i>					
<i>(B) Number of Permanent Black (African, Indian, Coloured) Male Employees</i>					
<i>(C) Number of Permanent Black (African, Indian, Coloured) Female Employees</i>					
<i>(D) % of Shareholders Equity owned by Black Males (African, Indian, Coloured)</i>					
<i>(E) % of Shareholders Equity owned by Black Females (African, Indian, Coloured)</i>					
<i>(F) % of Shareholders Equity owned by White Male</i>					
<i>(G) % of Shareholders Equity owned by White Female</i>					
<i>(H) Number of Black Creatives (African, Indian, Coloured)</i>					
<i>(I) Number of disabled employees</i>					
<i>Company Registration Number:</i>					
<i>Central Supplier Database (CSD) Registration Number</i>					
<i>Name:</i>				<i>Date:</i>	
<i>Signature:</i>				<i>Receipt Number:</i>	

B.2 PROPOSAL SUBMISSION AGREEMENT

1. OWNER OF NEW IDEA

SABC will only accept submitted material that is embodied in written form and in PDF format. Only email submissions of the **PDF** proposal will be accepted. SABC will consider your submission only at your request and only with your assurance that to the best of your knowledge you are the sole originator of the idea and that you have the legal right to submit it to SABC for evaluation.

2. CONCEPTION BY SABC

SABC and its employees have many ideas of their own for the development of programs, some of which may be similar to yours. An idea that is new to you may be old to SABC, or similar, or identical ideas may be conceived independently. Accordingly, you hereby waive any claim that SABC misappropriated any ideas or portions of your submission in any activities in which SABC may engage in the future.

3. DISCLOSURE NOT CONFIDENTIAL

You acknowledge that SABC may disclose the idea to its employees, including freelance readers, to determine the value of the idea to the channel. It is understood that no confidential relationship is entered into by any reason of the consideration of your submission to SABC or by reason of any oral discussions between the SABC and yourself. The SABC however undertakes not to share your proposals with other independent producers.

4. MODIFICATION

The foregoing conditions may not be modified or waived except in writing signed by an officer of SABC.

5. LITIGATION

The SABC will not consider proposals from companies or individuals who are litigants against the corporation until those matters are finalized. It will still remain the SABC's right to determine whether or not to do business with such entities in future.

6. TERM

This Release shall be valid for a period of five (5) years from the date of signature and shall apply to any further ideas submitted by you to SABC during such Term.

7. NOTIFICATION

The SABC endeavors to timeously inform all tenderers of the outcome of the evaluation and tender. But given resources, not all tenderers will be informed timeously. If you have not received communication from the SABC three months after the closing date, your submission must be noted as rejected.

I HAVE READ THE SUBMISSION AGREEMENT, AND I AGREE TO THE CONDITIONS CONTAINED THEREIN:

Print Name

Signature

Date:

B.3**SUBMISSION LABEL (PDF)****IDENTIFICATION LABEL****(FRONT PAGE OF THE PDF PROPOSAL SUBMISSION)**

<i>BRIEF NO.:</i>	S3 DRA TELE	<i>Genre:</i>	<i>Drama</i>	<i>Channel:</i>	SABC 3
<i>Receipt no:</i>	<i>(To be provided by SABC Staff once your submission is accepted)</i>				
<i>Working title:</i>					
<i>Company name:</i>					
<i>Co-production company</i> <i>(if applicable)</i>					
<i>Contact name:</i>		<i>Position:</i>			
<i>Telephone:</i>		<i>Cell:</i>			
<i>e-mail:</i>		<i>Fax:</i>			
<i>Postal address:</i>					

DOCUMENT C – Supply Chain Management Forms

C.1 QUESTIONNAIRE TO BE COMPLETED WHEN SUBMITTING A BRIEF

If the information required in respect of each item cannot be inserted in the space provided, additional information may be provided on a separate sheet of paper with a suitable reference to the questionnaire number concerned.

1. Company's Treasury CSD unique registration reference number.	
2. Have your company been issued with a SARS Compliance Status PIN.	
3. If yes, please provide PIN number. The provision of the PIN will be construed as your permission to SABC Procurement to access your tax status on-line.	
4. Are you registered in terms of section 23(1) or 23(3) of the Value-added Tax Act, 1991 (Act 89 of 1991)?	
5. If so, state your VAT registration number and original current tax clearance certificate to be submitted	

C2

**SBD-4
DECLARATION OF INTEREST**

1.0 Any legal person, including persons employed by the state, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

2.0 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

2.1 Full Name of bidder or his or her representative:

.....

2.2 Identity Number:

.....

2.3 Position occupied in the Company (director, trustee, shareholder²):

.....

2.4 Company Registration Number:

.....

2.5 Tax Reference Number:

.....

2.6 VAT Registration Number:

.....

2.6.1. The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / personnel numbers must be indicated in paragraph 3 below.

¹“State” means –

- a. any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999)
- b. any municipality or municipal entity;
- c. provincial legislature;
- d. national Assembly or the national Council of provinces; or
- e. Parliament.

²“Shareholder” means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

2.7 Are you or any person connected with the bidder **YES / NO**
presently employed by the state?

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:

.....
...

Name of state institution at which you or the person connected to the bidder is employed

.....
...

Position occupied in the state institution:

.....
...

Any other particulars:

.....
...

.....
...

.....
...

2.7.2 If you are presently employed by the state, did you obtain **YES/NO** the appropriate authority to undertake remunerative work outside employment in the state?

2.7.2.1 If yes, did you attached proof of such authority to the bid **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid).

2.7.2.2 If no, furnish reasons for non-submission of such proof:

.....
.....

.....
.....

.....
.....

2.8 Did you or your spouse, or any of the company's directors / **YES /NO** trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months?

2.8.1 If so, furnish particulars:

.....
.....

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.....

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.....

2.9 Do you, or any person connected with the bidder, have **YES / NO** any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid?

2.9.1 If so, furnish particulars.

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.....

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.....

2.10 Are you, or any person connected with the bidder, **YES/NO**
aware of any relationship (family, friend, other) between
any other bidder and any person employed by the state
who may be involved with the evaluation and or adjudication
of this bid?

2.10.1 If so, furnish particulars.

.....
.....
.....

2.11 Do you or any of the directors / trustees / shareholders / members **YES/NO**
of the company have any interest in any other related companies
whether or not they are bidding for this contract?

2.11.1 If so, furnish particulars:

.....
.....

3.0 Full details of directors / trustees / members / shareholders.

Full Name	Identity Number	Personal Reference Number	Tax	State Number	Employee / Pers. Number

4.0 DECLARATION

I, THE UNDERSIGNED (NAME)

.....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT. I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

C.4

SBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1.0 GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the **80/20** system for requirements with a Rand value above R30 000 (all applicable taxes included).

1.2 The value of this bid is estimated to exceed R30 000 (all applicable taxes included) and therefore the.....**80/20**.....system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contribution.

1.3.1 The maximum points for this bid are allocated as follows:

	POINTS
1.3.1.1 PRICE	80
1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION	20

- 1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
- 1.5 The SABC 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 SABC.

1.0 DEFINITIONS

- 1.1 **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- 1.2 **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad -Based Black Economic Empowerment Act;
- 1.3 **“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 1.4 **“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 services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 1.5 **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 1.6 **“comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 1.7 **“consortium or joint venture”** 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;

- 1.8 “**contract**” means the agreement that results from the acceptance of a bid by an organ of state;
- 1.9 “**EME**” means any enterprise with an annual total revenue of R10 million or less as per the Amended Codes of Good Practice (COGP).
- 1.10 “**Firm price**” means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 1.11 “**functionality**” means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 1.12 “**non-firm prices**” means all prices other than “firm” prices;
- 1.13 “**person**” includes a juristic person;
- 1.14 “**rand value**” means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 1.15 “**sub-contract**” means the primary contractor’s assigning, leasing, 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;
- 1.16 “**total revenue**” bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 1.17 “**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; and
- 1.18 “**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.

2.0 ADJUDICATION USING A POINT SYSTEM

- 2.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 2.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;
- 2.3 Points scored must be rounded off to the nearest 2 decimal places.
- 2.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 2.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 2.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

3.0 AWARDED FOR PRICE

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

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

80/20 or 90/10

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

P_{\min} = Comparative price of lowest acceptable bid

4.0 Points awarded for B-BBEE Status Level of Contribution

1.1 In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5.0 BID DECLARATION

5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

6.0 B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

6.1 B-BBEE Status Level of Contribution:..... =(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE affidavit or certificate issued by a Verification Agency accredited by SANAS.

7.0 SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

7.1.1 If yes, indicate:

(i) What percentage of the contract will be subcontracted?
.....%

(ii) The name of the sub-contractor?
.....

(iii) The B-BBEE status level of the sub-contractor?
.....

(iv) Whether the sub-contractor is an EME? YES / NO (delete which is not applicable)

8.0 DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:
.....

8.2 VAT registration number:
.....

8.3 Company registration number
.....

- 8.4 Type Of Company/ Firm
- Partnership/Joint Venture / Consortium
 - One person business/sole propriety
 - Close corporation
 - Company
 - (Pty) Limited
- [TICK APPLICABLE BOX]

8.5 Describe Principal Business Activities
.....

.....

.....

.....

8.6 Company Classification

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.
[TICK APPLICABLE BOX]

8.7 Total number of years the company/firm has been in business?
.....

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- (i) The information furnished is true and correct;
- (ii) The preference points claimed are 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 7, the contractor may be required to furnish documentary proof to the satisfaction of the SABC that the claims are correct;
- (iv) If the B-BBE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the SABC may, in addition to any other remedy it may have;
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) 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;
 - (d) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and

(e) forward the matter for criminal prosecution

WITNESSES:

1.
.....

SIGNATURE OF BIDDER

2.

DATE:

ADDRESS:

.....
....
.....
.....
.....
.....
.....
.....

SBD 8

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1.0 This Standard Bidding Document must form part of all bids invited.
- 2.0 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3.0 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
- a. abused the institution's supply chain management system;
 - b. committed fraud or any other improper conduct in relation to such system; or
 - c. failed to perform on any previous contract.
- 4.0 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		

4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

CERTIFICATION

**I, THE UNDERSIGNED (FULL NAME).....
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION
FORM IS TRUE AND CORRECT.**

**I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT,
ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE
TO BE FALSE.**

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

SBD 9
CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1.0 This Standard Bidding Document (SBD) must form part of all bids¹ invited.
- 2.0 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3.0 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4.0 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5.0 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for SABCs who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid in response to the invitation for the bid made by: **South African Broadcasting Corporation SOC Limited**
“SABC”

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of:

_____ that:
(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word “competitor” shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. 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 consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)

- (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
 9. 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 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.

10. 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.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

ACCEPTANCE OF CONDITIONS OF BID

By signing the BID document, the Bidder is deemed to acknowledge and accept that all the conditions governing this BID, including those contained in any printed form stated to form part thereof and SABC Limited will recognize no claim for relief based on an allegation that the Bidder overlooked any such condition or failed properly to take it into account for the purpose of calculating bided prices or otherwise.

SIGNED atthis _____ day
of _____ 2020

NAME OF COMPANY

NAME OF THE SIGNATORY

(IES) _____

CAPACITY: _____

Are you authorised to sign on behalf of the company (YES/NO)

WITNESSES:

1. _____

2. _____

END OF THE REQUEST FOR PROPOSAL DOCUMENT

DOCUMENT D – Submission Checklist

Document	Yes	No
Signed Proposal Submission Forms		
Full Proposal		
Full Production Budget on the SABC TV Budget Pack Template		
Signed Declaration of Interest		
Signed Supply Chain Management Forms		
Copies of B-BBEE Certificate or Sworn Affidavit		
Copies of TV Licences for the company and its shareholders		