

## DBE 176 QUESTIONS AND ANSWERS

### MAILTRONIC

Can you kindly confirm if the minutes/ answers to the questions of the briefing session will be uploaded on the eTenders portal and the DBE website?

Response: Yes these will be published

### MAILTRONIC

1. Is it mandatory that all bidders must submit a price for the entire project for all work in all provinces?

Response: Yes it is mandatory for bidders to submit a price for the entire project for all work in all provinces.

2. Can a bidder submit pricing only for particular provinces?

Response: No, the project is a national project.

3. Can a bidder submit pricing only for 1 province

Response: No, the project is a national project.

4. Can a bidder submit pricing only for one workbook type or grade type e.g. Can a bidder submit pricing only for all volumes of workbook for Grade R only

Response: The bidder must submit a price for the entire project for Grades R – 9.

5. How many printers is DBE looking to award the whole contract to?

Response: The Department is looking to award the contract to a single service provider or a consortium of service providers or a joint venture as contained in the Terms of Reference.

6. For the lease agreements for space of 30000 sqm and 1000sqm x 8 provinces is DBE requiring a letter confirming provisional space has been secured in the event of a contract award or is DBE requiring confirmed leases already in place for work the bidder has not yet been awarded?

Response: Paragraph 6.5 states "Submit proof of ownership of (or of hiring) a dedicated and verifiable central warehouse space of a minimum of 30 000 m<sup>2</sup> located in any of the nine (9) provinces as well as 1000 m<sup>2</sup> for the other provinces. The proof, in the case of ownership must be a title deed or bond documents and in the case of hiring the proof must be in the form of a lease agreement (s) or a letter of commitment for the full duration of the contract from the owner to hire such a property accompanied by proof of ownership by the lessor. "

7. When is the DBE expecting the successful bidder/s to be ready to begin the commencement of the project?

Response: The Department is anticipating that the projects will commence on 01 April 2022

8. Can we please request samples of all work outlined within the bid document prior to bid submission for perusal

Response: The samples are contained in the Scope of work.

The links to the workbooks are as follows:

Workbook 1:

[https://www.education.gov.za/Curriculum/LearningandTeachingSupportMaterials\(LTSM\)/Workbooks/2021Workbook1.aspx](https://www.education.gov.za/Curriculum/LearningandTeachingSupportMaterials(LTSM)/Workbooks/2021Workbook1.aspx)

Workbook 2:

[https://www.education.gov.za/Curriculum/LearningandTeachingSupportMaterials\(LTSM\)/Workbooks/2021Workbook2.aspx](https://www.education.gov.za/Curriculum/LearningandTeachingSupportMaterials(LTSM)/Workbooks/2021Workbook2.aspx)

**BONGANI RAINMAKER CONSORTIUM (“THE RAINMAKER CONSORTIUM”)**

Item no/ Question no.	ToR Reference/ Queries raised at the Briefing Session	Question	DBE Response
1.	<p><b>Clause 1.1</b> states- “<b>the project</b> seeks to provide all Grades R to 9 in public schools with learner workbooks...”</p> <p><b>Clause 1.3</b> of ToR refers to the requirement to distribute workbooks as indicated in Annexure A- Scope of Work para 5. In turn, Annexure A- Scope of Work para 1 is headed “PURPOSE OF THE PROJECT “ and state s-</p> <p>“The purpose of <b>this project</b> is to appoint a suitable service provider...</p>	<p><i>Can bidders accept that where the term “<b>the project</b>” is used in the Bid documents, as illustrated above- “<b>the project</b>” can reasonably be construed as a reference to the subject matter of the tender, namely printing and distribution of workbooks to public schools in South Africa?</i></p>	<p>It is evident from the Terms of Reference (“ToR”) that the term “project” or “the project” is the description given for the printing, storage, packaging and distribution of Workbooks for the DBE. From the context in which the term is used, it is obviously clear what is referred to.</p>

	<p>to print, store, package and distribute learner workbooks in two volumes to learners from Grade R -9 to all public schools ... in the 9 provinces for a period of three years..."</p> <p>The Mandatory Requirements - ToR para 6- refers to "<b>the project</b>" on no less than 10 occasions for example-</p> <p>"The Bidder is required to submit their LED strategy on how SMME's, designated groups and local communities will benefit from <b>the project</b> in all province."</p>		
2.	<p>The Mandatory Requirements in the 2016 tender RT22- 2016 were set out in para 20- namely</p> <ul style="list-style-type: none"> <li>(i) attendance of the bid information session;</li> <li>(ii) <b>paper stockpile or guarantees of 30 000 tons;</b></li> <li>(iii) <b>warehousing requirements of 30 000 m/2 in one province with 1 000m/2 warehouses in other provinces which are all</b></li> </ul>	<p><i>Will parties that did not non-attend at the briefing session in the same capacity as described in their bid submissions be disqualified and can the DBE publish the list of attendees?</i></p>	<p>In the ToR published by the DBE it is stated that a compulsory briefing session will be held on 29 November 2021. All bidders must attend the briefing session. Bidders who did not attend will not be eligible to submit their bids. The capacity in which the party or entity attended the briefing session is irrelevant. As long as the entity attended the compulsory briefing session such entity will be eligible to submit a bid.</p>

	<p><b>equipped with necessary facilities and IT systems (plus documentary proof).</b></p> <p>In 2021 the Mandatory Requirements have increased to attendance of the bid information session and 18 items of which (ii) and (iii) items are included and 16 new items are added.</p>		<p>The list of names of persons and the entities they represented will be published by the DBE on its website.</p> <p>The DBE points out that the 2016 ToR is of no relevance.</p>
		<p><i>Will non-compliance with each of the additional 16 new items be strictly assessed and will partial but non-material non-compliance result in disqualification?</i></p> <p><i>Will disqualification for non-compliance still apply if any of the 16 new items are also required to be assessed and marked in terms of the Functionality Evaluation?</i></p>	<p>If a bidder does not meet the mandatory requirements (Phase I), the bidder will not proceed to Phase II of the Evaluation process.</p>

3.	The Functionality Evaluation Criteria require a score of 90%, up from 80% in the previous tender. The mandatory requirements contain 16 additional items	<i>What will happen if no bidders score 90%, or if all bidders fail to meet all the Mandatory Requirements?</i>	The tender will be re-advertised.
		<i>Will a new tender process take place, or will the contract with the incumbent be extended on an emergency procurement basis?</i>	Yes, the tender will be re-advertised.  Because there is no need at present to make a decision regarding an emergency procurement process, no such decision has been made by the DBE.
4.	The functionality threshold appears to be at an unprecedented high level. Many bidders at the briefing objected on the basis that the requirements were unreasonable	<i>Why was it necessary to impose such a high functionality threshold?</i>	Yes, the functionality threshold is set at a high level. The high level is commensurate with the requirements of the project and the fact that the DBE has a responsibility to provide quality workbooks in the correct quantities and correct languages to Public schools on time. The magnitude of the project requires a service provider or a consortium of service providers that has the necessary capacity to successfully deliver all deliverables in terms of the project. Late, incorrect or non-delivery is not an

			option. Hence the high functionality threshold.
		<i>Has any other DBE tender had such a high threshold?</i>	No, The DBE never issued a tender with such a high functionality threshold before.
		<i>Does the DBE accept that taken at face value, this threshold appears to be very high and favours the incumbent and may be regarded as substantially unfair?</i>	No. The functionality criteria and threshold have been designed to ensure that only service providers or consortia of service providers that will be able to successfully deliver in terms of the project, will proceed to the next phase of the evaluation.  The DBE strongly disagrees that the threshold has been designed to favour the incumbent service provider, or that it is unfair.
5.	The marking for the Functionality Evaluation Criteria is set out in <b>TOR Clause 9</b> . There is no scoring matrix graded on a 1 to 3 scale or a 1-5 scale or a 1-10 scale or even a raw score marking approach. Instead, the evaluation appears to be binary in many instances- in other words either a bidder scores full marks for	<i>Will the marking occur strictly in accordance with the functionality marking table in the TOR or will there be marking with graded points?</i>	The ToR has been amended, refer to pages 11 - 18

	<p>an item or zero. There is no provision for graded scoring. This needs to be clarified, given the issues encountered in the last workbook tender by the BEC when the 1-3 scoring matrix was found to be unfair for a 80% threshold. Where 90% is the threshold, only a 1-10 scoring matrix would be equitable. The DBE officials at the briefing contradicted each other in answering this question.</p>		
		<p><i>How is this possible without a scoring matrix?</i></p>	<p>The ToR has been amended, refer to pages 11 - 18</p>
		<p><i>What scoring matrix will be applied. If raw scores are to be awarded, how will this be applied fairly and uniformly.</i></p>	<p>The ToR has been amended, refer to pages 11 - 18</p>
6.	<p><b>Leading from Question 5, Item No.1</b> in the Functionality Evaluation is LED for 15 marks.</p> <p>On Designated Groups for example, there are 5 points for a bidder that submits</p>	<p><i>Will the LED strategy be evaluated on the basis of its merits and quality (subjective view of the evaluators),</i></p>	<p>Yes, it will be possible to allocate a score, where the maximum points that may be allocated are 5 points, anywhere from 0-5, in terms of the amended ToR.</p>

	<p>“an LED strategy that demonstrate how designated groups will benefit from the project in more than 1 province” and zero points for a bidder “that does not demonstrate how designated groups will benefit from the project in more than 1 province”.</p>	<p><i>ie. is it possible to score 4, 3, 2 or 1 points for a partial demonstration of benefit, where the evaluators are not completely satisfied?</i></p>	
		<p><i>If the benefits are demonstrated for say 3 provinces, as opposed to all 9 provinces, will that still score 5 points or a pro rata proportion?</i></p> <p><i>If there is a demonstration of a benefit in more than 1 province, even if the benefit is minimal, will the bidder score full marks-on the basis the marking is binary (5 or 0)?</i></p>	<p>The ToR, page 11 has now been changed from “<b>more than one province</b>” to “<b>in all provinces</b>” to be in line with paragraph 6.2 of the mandatory requirements.</p> <p>The ToR has been amended, refer to pages 11 - 18</p>
		<p><i>Do the answers to the foregoing sub-questions apply equally to the principles applicable to the marking of Item 2 (Experience and reference letters); Item 3 (Artwork,</i></p>	<p>All the criteria will be assessed as set out in the amended ToR.</p>

		<p><i>Printing, die cutting and binding); Item 4 (Labour Capacity); Item 5 (Fleet availability); and Item 6 (Warehousing)?</i></p>	
7.	<p><b>Leading from Question 5, Item No 7 (Project Plan)</b> for 15 points must clearly detail the process of printing, storage , packaging and distribution of workbooks including milestones , deliverables and timeframes</p>	<p><i>Will a bidders Project Plan be subject to a quality review, or will it be accepted by the evaluators at face value?</i></p> <p><i>Will a Project Plan be able to score 14/15 or 1/15 or an in-between score, or is it a binary outcome, i.e. either 15 marks or zero marks”</i></p> <p><i>If the latter applies, will a Project Plan be rejected in its entirety if the evaluators are dissatisfied with only one or other minor aspect, such as milestones, thereby resulting in the complete disqualification of the bid (because it</i></p>	<p>The Project Plan will be subjected to a quality review and a qualitative assessment will be done in this regard.</p> <p>Assessment. As stated on pages 11 – 18, the TOR has been revised.</p>

		<i>will not be possible to score 90)?</i>	
		<i>If there is a qualitative assessment of this item, why is there no scoring matrix?</i>	The criteria has been amended and a qualitative assessment will be done in this regard.
		<i>Will a bidder's strategy be stress tested and evaluated qualitatively by the evaluators? Will it be marked on a graded basis ie between 1 and 10, or marked at either 10 or zero? If the evaluators feel a minor risk has been missed or an inadequate strategy is proposed, will the item score zero- for example the risk of a chalk down strike is overlooked, and no strategy is proposed and the evaluators feel this is important, will this result in a loss of 10 points?</i>	Yes, a qualitative assessment will be done and the score will therefore be allocated from anywhere between 0 and 10.
8.	Leading from Question 5, <b>Item 8 (Risk Management Strategy)</b> for 10 points,		The criteria has been amended and a qualitative

	must submit a comprehensive risk management strategy and each risk must be accompanied by a mitigating strategy. Zero points are scored if the strategy is not associated with the project or each risk is not accompanied by a mitigating strategy		assessment will be done in this regard.
9.	ToR-Para 5	<i>Given the existence of a prescribed pricing schedule- Annexure B- does SBD3.1 as referred to in ToR-Para 5 still apply- please confirm as per the briefing session?</i>	The pricing schedule should be in accordance to annexure B. The SBD 3.1 has been taken out of other SBD forms that should be completed. The forms to be completed are SBD1, SBD4, SBD6.1, SBD8 and SBD9. Bidders must complete the documents uploaded / published with the tender documents and not present any other SBD forms e.g generic SBD forms.
10.	<b>ToR Item 6.</b> Page 17 of 23	<i>Warehouse- Must the 30 000m/2 warehouse be one building or can it be two contiguous buildings adding up to 30 000 m/2 in aggregate?</i>	The warehouse must be situated in one building. The picking and packing must take place at one centralised place.
11.	<b>ToR Item 6.</b> Page 17 of 23	<i>Does the term of the contract run for three years or five years?  Where contractual proof is required, ie for</i>	The contract will be for a period of 3 years and the proof required is therefore for a period of 3 years.

		<i>warehouse leases, must this be for the three year guaranteed period only or also for the possible 2 year option period?</i>	
<b>MANDATORY REQUIREMENTS</b>			
12.	General	<i>Is substantial compliance sufficient for all the items- except for warehouse and paper stock where there must be 100% compliance?</i>	All mandatory requirements must be complied with in full.
12.2.	Item 6.2 LED strategy	<i>What does it mean that signed agreements in the case of sub-contracting must be included, which agreements must outline roles of parties etc?</i>	Where the bidder is subcontracting, these contracts or agreements must be submitted. The details are outlined in paragraph 6.2 of the mandatory requirements.
		<i>Must all agreements be finalized in advance if the strategy is to outsource LED, even if the bidder commits to this in the bid?</i>	Yes, where the bidder is subcontracting, the agreements or contracts must be submitted.
		<i>Is it possible to sign agreements if</i>	The agreements or contracts are required only

		<i>the community beneficiaries and SMMEs and youth and disabled people are not yet identified?</i>	in the instance of subcontracting.
		<i>What must a bidder do if the two weeks window till bid submission is insufficient time to identify specific beneficiary organisations and conclude contracts?</i>	Where the bidder is subcontracting, these contracts or agreements must be submitted. The details are outlined in paragraph 6.2 of the mandatory requirements.
		<i>Will the contracts be evaluated, and if so, on what basis?</i>	Where the bidder is subcontracting, these contracts or agreements must be submitted. The details of these contract must be outlined as explained in paragraph 6.2 and will be assessed for BB-BEE requirements.
		<i>How can a new bidder implement this requirement in advance if it has not yet won the bid?</i>	Where the bidder is subcontracting, these contracts or agreements must be submitted. The details of these contract must be outlined as explained in paragraph 6.2.  These contracts can of course be entered into on the basis that it will only be binding and effective

			should the bidder be awarded the bid.
12.3.	Item 6.3- References from clients in relation to the project	<i>Only the incumbent has the ability to get client references from the DBE and different provinces in relation to <b>the project</b>, as that term is used <b>per 1</b> above, so how can new bidders get references for <b>the project</b> when they have not been involved in <b>the project</b>?</i>	It is evident that the projects referred to herein, refer to any project in which the bidder has been involved, which constitutes relevant experience as set out in the ToR. It is not only the project for the printing, storage, packing and distribution of the workbooks. These reference letters should be from the clients where the bidder has done projects either in printing/storage/packaging and distribution / a combination. Evaluation criteria no 2 is further providing clarity on this item.
		<i>Will the incumbent get credit for 1 reference for the project from the DBE or a credit for each province?</i>	If the incumbent service provider requests a reference letter the DBE will only provide one letter which will be one reference only.
		<i>If the meaning of <b>project</b> in this item is different from the rest of the documents, can the DBE</i>	These reference letters should be from the clients where the bidder has done projects either in printing/storage/packaging and distribution / a combination. Evaluation criteria no 2 is further

		<i>clarify what is meant.</i>	providing clarity on this item.
		<i>Does the DBE intend that client of bidders must provide confidential information of their commercial contracts with bidders relating to pricing, volumes and components of the contracts?</i>	Yes, as set out in the amended ToR. Bid documents are treated as confidential and DBE will take the necessary steps to protect the information contained in these documents.
		<i>If reference letters are old- (say 4 years and ten months)- but the client is no longer in existence or cannot be contacted, what should happen in this event?</i>	Failure to submit a reference letter will result in that the bid cannot be considered during the evaluation process. Reference is made to paragraph 6.3 of the amended ToR.
		<i>Who will contact the clients of bidders and how will such contacts be recorded and evaluated?</i>	The DBE will conduct its own due diligence and enquiries, and the assessment will be done on the basis of the information collected.
		<i>How must the work done for a client by a bidder a long time ago be audited by an external auditor?</i>	The Auditor will have to confirm on the basis of the information and documentation presented by the bidder.
12.4.	Item 6.4- Project Plan	<i>Why is this a mandatory</i>	The bidder must submit a Project Plan as part of

		<i>requirement when it is also part of the functionality evaluation for 15 points?</i>	mandatory requirements and the Project plan will be evaluated during the functionality evaluation phase.
		<i>Who will determine whether the Project Plan is compliant for the purpose of meeting the mandatory requirement and what criteria will be used?</i>	To comply with the mandatory requirements, the Project plan must be submitted.  The plan will thereafter be evaluated for functionality during the functionality evaluation stage.
12.5.	Item 6.5- Warehouse	<i>Where the bidder is not the incumbent, is it expected by the DBE that there must be a binding agreement, even if the bidder has not yet won the bid?</i>	Paragraph 6.5 of the amended ToR provides for different options to comply with the requirement. A contract for the warehouse can always be entered into subject thereto that the bidder is successful with its bid.
		<i>Is the duration of the contract for three years or three years plus the two years option period?</i>	The duration of the contract is 3 years
		<i>Does the warehouse have to be a single warehouse or can it be two</i>	The warehouse must be a single warehouse.

		<i>warehouses with a combined space of 30 000 m/2?</i>	
		<i>What warehouse equipment must be in the provincial warehouse, if the project plan is that picking, packing and sorting only occurs at the central warehouse and the provincial warehouses only dispatch pallets and complete orders by school?</i>	This is not specified as part of the mandatory requirements, but it will be evaluated in terms of paragraph 6(c) of the evaluation criteria as contained in the amended ToR.
12.6.	Item 6.6- Occupational Health and Safety (“OHS”) documents	<i>What OHS documents specifically are required?</i>	As is set out in the relevant OHS legislation.
		<i>What relevant authorities are referred to?</i>	As is set out in the relevant OHS legislation.
		<i>What steps must be taken in respect of as yet unidentified facilities which new bidders may require?</i>	It is required that at the time when the bid is submitted that the facilities must be in place, and the lessor / owner must provide these documents to the bidder for submission.
		<i>Why does the DBE consider it necessary to enforce the</i>	Firstly, to ensure compliance with the

		<i>generally applicable laws of South Africa, such as OHS, as a mandatory tender requirement?</i>	<p>applicable laws of South Africa.</p> <p>Secondly, if the bidder does not comply with the necessary safety standards it may impact upon the ability to do the work, and thereby jeopardise the project.</p>
12.7.	Item 6.7- Proof of Insurance	<i>What additional risks must be covered if a bidder already has comprehensive business insurance?</i>	Paragraph 6.7 requires bidders to submit proof of insurance for printing, storing, packaging and distribution of the workbooks.
		<i>What criteria will be applied in assessing insurance cover?</i>	This is part of the mandatory requirements and, if not submitted the bidder will be disqualified. A bidder either has or does not have the insurance.
		<i>The General Terms of contract require the goods to be insured until delivery- is Goods in Transit insurance sufficient?</i>	No. Paragraph 6.7 amended ToR requires bidders to submit proof of insurance for the printing, storage, packaging and distribution of the workbooks.
		<i>Why is this a mandatory requirement for bidders that have not yet been awarded the tender and can it be put in place as</i>	Paragraph 6.7 of the amended ToR states that a letter of intent will suffice.

		<i>a condition of contract?</i>	
12.8.	Item 6.9 - Fleet of vehicles	<i>Where it is impractical to supply proof of ownership and RWC in respect of vehicles used in owner driver schemes for last mile delivery, can a general undertaking be given to employ only owner-drivers with valid driver's licenses and vehicle licenses?</i>	No, paragraph 6.9 is mandatory and the failure to comply therewith will lead to disqualification.
		<i>Will fleet guarantees from nationally established truck rental and logistics entities for unlimited fleet availability be acceptable to comply with functionality thresholds.</i>	No, paragraph 6.9 is mandatory and the failure to comply therewith will lead to disqualification.
12.9.	Item 6.10- Unit Price and Ceiling Price	<i>Please clarify why specifications per workbook differ from actual paginations on the website?</i>	The scope of work referred to average number of pages. The bidder is referred to the website links provided for actual number of pages. The bid must be prepared on the

			basis of the actual pages of the workbooks.
12.10.	Item 6.12- Sub-contracting	Is there a limit to sub-contracting percentage of any specified tasks.	In terms of Regulation 12 of the Preferential Procurement Regulations, R32 of 20 January 2017 a maximum of 25% of the value of the contract may be subcontracted.
		In the case of owner drivers, can generic sub-contracting be specified, as opposed to identified sub-contractors.	The bidder is referred to Paragraphs 6.2 and 6.12 of the amended ToR, and the sub-contractors must therefore be specified.
		Why is this a mandatory requirement, given that sub-contracting is optional.	Subcontracting is not mandatory. However if the bidder is subcontracting, agreements and contracts must be submitted. The bidder is referred to Paragraph 6.2 and 6.12
		Does the DBE support sub-contracting with SMME printers who attended the briefing session and who feel they are excluded by the process.  How can sub-contractors be sub-contracted	The DBE does not support or oppose it. It is for each bidder to decide.  Subcontracting arrangements can be entered into on the basis that they will only be binding and effective

		before the tender is awarded?	should the bidder be awarded the bid.
12.11.	Item 6.13- External auditor letter for references	<i>What is the standard of verification required by an auditor and what verification procedures must be applied?</i>	The Auditor will have to confirm on the basis of the information and documentation presented by the bidder.
12.12.	Item 6.14- SLA's for the project	<i>The <b>project</b> relates to the DBE workbooks, so how can new bidders comply with this requirement?</i>	The project referred to herein, refers to any project in which the bidder has been involved.
		<i>Is it sufficient to provide orders only and how will third party confidentiality be protected?</i>	It will depend on what the bidder has available, and it is for the bidder to decide. Bid documents are treated as confidential and DBE will take the necessary steps to protect the information on these documents.
		<i>How will this criteria be evaluated?</i>	The bidder is referred to the evaluation criteria no 2 of the amended ToR.
12.13.	Item 6.15- Proof of Paper stockpile availability	<i>Is a written commitment from a major paper supplier to supply paper sufficient?</i>	Yes.
12.14.	Item 6.16- Letter from bank demonstrating	<i>Is this a form of performance security as</i>	No.

	financial viability of 50% of project in year one	<i>covered by the General Conditions of Contract?</i>	
		<i>If this is performance security, can the DBE stipulate a value as a separate term?</i>	Not applicable.
		<i>What does "demonstration of financial viability" mean- does this relate to the viability of the bidder or viability of the <b>project</b>?</i>	It is the financial viability of the bidder.
		<i>Demonstration of financial viability is not the same as guaranteeing a financial commitment.  How can a bank demonstrate the viability of 50% of the project?</i>	It is required of the bidder to set out the estimated total expenditure for year 1, and then furnish proof of funds or access to funds for at least 50% thereof.
		<i>If the project must be viable, is it the DBE intention that the bidder must build in a sufficient profit margin by</i>	Of course the project must be viable, otherwise the successful bidder will not be able to comply with its obligations for the duration of the contract.

		<i>charging a sufficient price that must be certified as viable by a bank?</i>	
		<i>Is it intended for the letter to operate as a bank guarantee?</i>	No.
		<i>What is the intention of this requirement- in its current form, it is impossible to know what is required?</i>	The DBE has to assess and ascertain whether the bidder has the necessary financial capability to execute the project.
12.15.	Item 6.17- Audited financial statements	<i>Do the last three financial years relate to the last three financial years for which statements are available in order to cater for bidders that are still undergoing audits for the latest financial year- such as September year end companies?</i>	The bidder is required to submit audited financial statements for the past three financial years of the bidder, irrespective of when the financial year ended.
12.16.	Item 6.18- Auditor's letter guaranteeing that the entity(s) are a going concern for the duration of the project.	<i>Is this for three years or five years?</i>	No. Paragraph 6.18, page 7 of the amended ToR has removed the words " <b>for the duration of the project</b> ". It therefore the Auditor's letter should certify that the bidder is a going concern at

			the time when the bid is submitted.
		<i>Is it intended that a third party auditor must guarantee the future of its client?</i>	See amended ToR
		<i>Is it intended that the going concern status of the bidding entities must be predicted by the auditors, going into the future?</i>	See amended ToR
		<i>Does the DBE intend that the auditors will be held liable if the guarantee is not fulfilled in say three years' time, because a bidder is affected by an unforeseen catastrophe?</i>	See amended ToR
		<i>Will liability be joint and several between auditors who certify different consortium members?</i>	See amended ToR
		<i>Will a bidder be disqualified if it</i>	It is reiterated that the certification by the auditor

		<i>cannot find an auditor to provide the envisaged guarantee?</i>	must be that the bidder is a going concern at the time when the bid is submitted. Should such a certificate not be provided the bidder will be disqualified.
		<i>What will happen if this mandatory condition is incapable of being fulfilled by any bidder?</i>	All bidders who do not comply with this mandatory condition will be disqualified. If no bidder complies herewith the tender will be re-advertised.
		<i>This condition is so unreasonable as to render it impossible to comply- will this be removed?</i>	The condition has been amended in that the auditor only has to certify that the bidder is a going concern as at the time of submission of the bid. Therefore, the condition is not unreasonable.
13.	<b>Evaluation Process Clause 8- ToR</b>		
13.2.		Why has the functionality evaluation threshold been increased to 90%?	The Department has a responsibility to provide quality workbooks in the correct quantities and correct languages to Public schools on time. The size of the project requires a service provider or a consortium of a service providers that has the capacity to manage the project. The DBE is of the view that a 90% threshold is required to ensure that

			the bidder will be able to execute the project.
13.3.		Does the Minister of Basic Education approve of the 90% threshold?	The Minister has no responsibility or input in respect of the bid specifications nor the evaluation and award of tenders.
13.4.		Does the Director General of the DBE approve of the 90% threshold?	The ToR are approved by the Accounting Officer of the DBE, namely the Director-General.
13.5.		Which is the highest entity or most senior person that has approved the 90% functionality bid requirement?	The Director-General.
13.6.		<i>Have the bid requirements holistically been submitted to an independent legal counsel for advice and approval, and confirmation that they comply with the applicable tender regulations?</i>	The ToR are approved by the Director-General, but advice was obtained from counsel in respect of certain aspects thereof.
13.7.		<i>Have the bid requirements been approved by Treasury and transversal</i>	No, because it is not necessary. The ToR are approved by the Director-General.

		<i>contracting or similar authority?</i>	
14.	<b>Functionality</b>		
14.2.		<i>Where clause 9.1 and 9.2 require supporting documentation as proof, why are such documents similarly required to be submitted as part of the mandatory requirements as well?</i>	Refer them to 9.2 in the amended ToR.
14.3.	Only the incumbent will have employed the full required staff complement for the project. New bidders cannot now employ persons for jobs that do not yet exist, but will only come into existence if successful. New bidders will still have to employ additional staff members. It is unfair and unreasonable to expect a business to have all the staff already employed and identified by name and position for such a large contract.	<i>Where lists of staff members are required to be submitted, does this refer to the positions and numbers of staff members who will be deployed on the project (but not specific names)? If not, what is required?</i>	Reference is made to the amended ToR, from which it is evident that it is not required of bidders to have the names and identities of the staff members at the time when submitting the bid.
		<i>Commitments given to employ specified numbers of women and disabled and</i>	See the amended ToR.

		<i>youth if awarded the tender can be continuously evaluated- will such a commitment be acceptable?</i>	
		<i>Where outsourced specialist labour services are provided by third parties, can these positions be included?</i>	Yes, but <i>curriculum vitae</i> must be submitted as required in criteria 3(a).
		<i>Where the YES youth initiative is implemented, may this be included in calculations?</i>	The bidder is referred to the evaluation criteria set out in paragraph 4(b) as amended in the amended ToR.
15.	Cost components and proportions Clause 12.2.3	<i>Why has the printing component been omitted from the table?</i>	The CPA tables are as obtained from National Treasury.  CPA only becomes applicable in year 2 and further on. The DBE will assess the actual changes and thereafter assess and decide on the request by the successful bidder for a CPA.
		<i>How does the DBE envisage dealing with duties on bond paper currently</i>	It is not relevant at this stage.

		<i>submitted to ITAC by Mondi?</i>	
		<i>Where printing costs change in future years due to raw material duties and paper import costs, how may these be adjusted?</i>	Through the CPA processes.
16.	General	<i>How many copies of the bid must be submitted- and can the submission be electronic?</i>	The bidder is required to submit one original hard copy.
		<i>Where may supporting documents run into thousands of pages- what format does the DBE prefer?</i>	The bidder is required to submit one original hard copy.
		<i>When will the tender be awarded- given critical lead times for paper orders?</i>	The tender will be awarded as soon as practicable after the closing date and evaluation of all the bids received, provided that an award must be made preferably before or by 01 April 2022.

## LEBONELITHO

Kindly confirm if we only submit one original of the bid response document, or does the department need us to submit also the copy of the original perhaps in a CD format on in a hard copy?

The bidder is required to submit one original hard copy.

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## RENFORM

1. With respect to Mandatory Requirements clause 6.15, you require a stockpile of 30 000 tons of paper – No single Company has the capacity to store such a large amount of paper yet alone the cost thereof exceeding R500 million plus. We request that this restrictive requirement be waived.

Response: It does not necessarily mean that one must have that kind of stock at hand but a guarantee that proves that you can have access to that paper.

2. With respect to Mandatory Requirements clause 6.16, you require financial viability of at least 50% of the project in year one. Again this is very restrictive and even an average size bidder will not be able to comply. This would require bank guarantees of around R 1 billion. We request that this restrictive requirement be waived or as an alternative, bidders are to provide a performance bond upon order award.

Response: The bidder must demonstrate that they can carry the cost of the project in the first year as the DBE will not do upfront payments.

3. In accordance with the NIP, job creation, etc., we request the tender be restructured into LOTS – EG, Grade R Lot1, Grade 1 Lot 2 etc., or alternatively into individual titles (300 titles). In this way the scope of work can be extended to the vast majority of printing companies.

Response: The terms of reference makes provision for collaboration between companies in the form of subcontracting, joint ventures as well as consortia to ensure same. The LED strategy is also intended to do the same.

4. For an average size printing company, if our capacity allows us to print say up to 3 grades, can we submit a quote on this basis or do we price on all grades and limit our capacity to the maximum number of grades that we are able to do?

Response: The terms of reference makes provision for collaboration between companies in the form of subcontracting, joint ventures as well as consortia to ensure same. The LED strategy is also intended to do the same.

5. Can you please forward to us the list as well as contact details of all the bidders that attended the compulsory briefing?

Response: The list will be published as required.

6. If we are forced to enter into a consortium with other companies, there will not be enough time to complete the tender. We hereby request an extension to the closing date by at least 2 weeks.

The DBE does not force bidders to enter into a consortium with other companies, but provides different options to bidders whilst ensuring that quality workbooks in the correct quantities and correct languages to Public schools are provided on time.

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## **STFRANCISPRODUCTIONS**

This correspondence serves to inform the Department of Basic Education that the links to the workbooks as provided in the tender documents for bid number DBE 176 do not show any information. This matter was reported during the compulsory briefing session held on the 29th of November 2021 at the offices of the Department of Basic Education. There was a commitment from the departmental officials that the matter would be resolved but the problem persists. The absence of all requisite information at this stage of the bidding process deprives prospective bidders of fair and transparent opportunity to submit properly worked out bids.

Response: The bidders were explicitly informed upfront at the Briefing session that they must copy the link and paste it in the in the URL space to access these workbooks

The above-mentioned challenges are tantamount to the reduction of the prescribed running period of the tender advertisement with possible adverse impact on the prospective bidders and their businesses.

Response: The bidders were explicitly informed upfront at the Briefing session that they must copy the link and paste it in the in the URL space to access these workbooks

An expectation was raised during the briefing session that a consolidated response to some of the queries which could not be addressed comprehensively would be posted on a DBE portal. Our attempts to access them have been unsuccessful. We would like to kindly be advised as to whether the responses have been placed on the portal or not. If the answer is in the affirmative, we would kindly request you to direct us to the right portal at your earliest convenience.

Response: The Reponses will be uploaded.

Based on issues highlighted above, I wish to request that:

1. dedicated support be offered regarding other means by which the specifications of individual workbooks can be obtained.

Response: The bidders were explicitly informed upfront at the Briefing session that they must copy the link and paste it in the in the URL space to access these workbooks.

2. the closing date be extended from 14 December 2021 to a later date.

The closing date has been extended to 10 January 2021