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SACU
SOUTHERN AFRICAN CUSTOMS UNION

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## BID NUMBER: SACU/042/2027/PB

## TERMS OF REFERENCE

# SHORT-TERM CONSULTANCY TO REVIEW THE BASELINE ASSESSMENT OF THE ADMINISTRATION OF SANITARY AND PHYTOSANITARY (SPS) MEASURES, TECHNICAL BARRIERS TO TRADE (TBT), AND NON-TARIFF BARRIERS (NTBS), AND TO PROPOSE TOOLS AND FRAMEWORKS FOR STREAMLINING THEIR ADMINISTRATION WITHIN SACU

## CLOSING DATE & TIME

**30 OCTOBER 2026**

**16:00 hrs**

### POSTAL & PHYSICAL ADDRESS FOR QUOTE SUBMISSION

Southern African Customs Union (SACU) - Secretariat
Private Bag 13285
Corner Julius K. Nyerere and Sir Seretse Khama Street
Windhoek, Namibia, 9000

### COMMERCIAL ENQUIRIES

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**Submit the Bid electronically to: procurement@sacu.int**

## 1. INTRODUCTION/BACKGROUND

1.1 The Southern African Customs Union (SACU) comprises five (5) Member States, namely Botswana, Eswatini, Lesotho, Namibia and South Africa. The SACU Secretariat, established in 2004, is mandated to administer and coordinate SACU activities. Further information is available on the official website: (http://www.sacu.int).

1.2 SACU is implementing the Trade Facilitation and Logistics Programme as part of the SACU Strategic Plan (2022–2027). The Strategic Plan is accessible on https://www.sacu.int/what-we-do/strategic-priorities. The Programme seeks to enhance regional trade competitiveness by improving the efficiency of cross-border trade processes and logistics systems within the SACU Common Customs Area.

1.3 The Trade Facilitation and Logistics Programme has six (6) focus areas including (i) Customs Cooperation; (ii) Border Coordination; (iii) Behind the Border Measures; (iv) Coordinated implementation of Trade Agreements; (v) Transport and Logistics; and (vi) Cross-Cutting Imperatives inclusive of Legal Frameworks, Policy and Procedures, and Standard Operating Procedures;

1.4 The six focus areas for the SACU Trade Facilitation and Logistics Programme are supported through: (i) Capacity Building (schools of Excellence, Exchange of Experts, and Training and Technical Assistance); (ii) Gender Mainstreaming (Gender Mainstreaming Plan and Initiatives Inclusivity Plans for Women and those with Disability); (iii) Legal & Policy Frameworks (Border level cooperation frameworks, Standard Operating Procedures, Service Level Agreements, Guidelines, Manuals and other frameworks that might be required for collaboration); (iv) Operational Resilience (Regional Business Continuity Plan, Regional Redundancy Plan (cross-border operations), and Change Management Plan)

1.5 An Operational Plan was developed to support operationalisation of the Trade Facilitation and Logistics Programme. It is envisaged that the collaboration between the government and private sector will be strengthened as part of implementation of the SACU Trade Facilitation and Logistics Programme. As outlined in the Operational Plan, Government is expected to improve efficiencies by reducing paper transactions, automation, digitalization, streamlining documentary requirements, avail trade information and resolve queries expeditiously. The Private Sector is expected to ensure compliance, with all government rules and regulations, ensure safety and security of the supply chain and train employees to comply with government regulations. Both government and Private Sector are expected to collaborate to co-train personnel about government regulations and private sector

specialties required by government officials, and to work together to improve efficiency, compliance and security of the supply chain.

1.6 Efficient trade logistics and infrastructure are essential for supporting regional value chains, reducing trade costs, and enhancing the competitiveness of firms operating within the SACU Common Customs Area. The SACU Trade Facilitation and Logistics Programme seeks to address bottlenecks affecting cross-border trade through coordinated interventions across several areas, including regulatory procedures, border management systems, digital trade systems, infrastructure development, and institutional cooperation.

1.7 The Programme identifies several constraints affecting cross-border trade, including:

(a) Administrative inefficiencies associated with paper-based trade processes;

(b) Limited coordination among government agencies responsible for facilitating trade;

(c) Insufficient digitalisation of trade systems; and

(d) Inadequate infrastructure at border posts and along transport corridors.

1.8 To address these challenges, the Operational Plan for the Trade Facilitation and Logistics Programme identifies three major projects for implementation:

(a) **Trade Digitalisation and Digital Transformation Project** – focusing on automation, connectivity, and digitalisation of the agreed administrative, procedural and documentation processes;

(b) **Risk Management, Compliance, and Enforcement Project** – focusing on identification, management, and mitigation of common regional risks associated with trade facilitation and logistics. The key initiatives under this Project are development of the Risk Management Strategy for Trade Facilitation and Logistics, development and implementation of the SACU Single Government Regional AEO Programme, and conducting Joint Enforcement Operations to respond to identified risks; and

(c) **Infrastructure Development Project** – focusing on hard and soft infrastructure initiatives such as One Stop Border Posts, development of Single Windows, Regional Cargo Conveyancer Decontamination Centres, and Rehabilitation of ailing road infrastructure.

1.9 The SACU Strategic Plan 2022-2027 envisaged results from implementation of the SACU Trade Facilitation and Logistics Programme are:

(a) improved administrative efficiencies through digitisation, as well as automation of data exchange;

(b) reduction of time and cost associated with cross-border trade;

(c) improved compliance and security of the supply chain; and

(d) enhanced competitiveness of the SACU Member States.

1.10 Building on the background outlined above and the initiatives contained in the SACU Trade Facilitation and Logistics Operational Plan, SACU intends to commission a study to support the development of practical tools and frameworks aimed at streamlining the administration of sanitary and phytosanitary (SPS) measures, technical barriers to trade (TBT) measures, and non-tariff barriers (NTBs) across the Common Customs Area. The study will be implemented in two phases. The first phase will focus on undertaking a comprehensive baseline assessment to document the current status on administration of SPS, TBT, and NTB measures in SACU. The findings from this baseline assessment will inform the development of tools and frameworks required to streamline the administration of SPS, TBT and NTB measures in the region. A separate procurement process will be undertaken for the second phase of the work, which will focus on the development and operationalisation of the proposed tools, systems and frameworks based on the outcomes of the baseline study.

1.11 At present, SACU does not possess a regional level baseline assessment or consolidated dataset that maps the administration and implementation of sanitary and phytosanitary (SPS) measures, technical barriers to trade (TBT) measures, and non-tariff barriers (NTBs) across the Common Customs Area. While Member States administer SPS, TBT, and other regulatory controls through their respective national authorities, information on permit application procedures, documentary requirements, fees, timelines, and border clearance processes remains fragmented and largely undocumented at the regional level. As a result, SACU currently lacks a systematic evidence base to identify operational inefficiencies, regulatory overlaps, procedural bottlenecks, and other pain points affecting traders, regulators, and border management agencies in the administration of these measures.

1.12 In order to advance SACU's trade facilitation and logistics agenda and operationalise initiatives outlined in the approved Operational Plan, it is necessary to establish a comprehensive baseline of existing SPS, TBT, and NTB administrative processes within the Common Customs Area. This baseline will document end-to-end permit application processes and regulatory procedures applicable to trade transactions, including inland regulatory approvals, border post procedures, and clearance requirements. It will also consolidate information on documentary requirements, regulatory procedures, applicable fees, and institutional responsibilities across Member States. The baseline will therefore provide the analytical foundation required to identify gaps and inconsistencies in current systems and to inform the

design of practical tools and frameworks aimed at improving transparency, predictability, and efficiency in the administration of SPS, TBT, and NTB measures.

1.13 Building on the baseline assessment, SACU intends to develop and implement a set of regional tools and frameworks to streamline the administration of SPS, TBT, and NTB measures across the Common Customs Area. These include the *(a) development of a consolidated booklet and digital repository outlining documentary requirements, procedures, and applicable fees; (b) simplified administrative regimes to facilitate the implementation of trade agreements; (c) automated systems for monitoring and reporting non-tariff barriers; and digitalised trade information platforms to improve access to regulatory information by traders and regulatory agencies*. The baseline will therefore serve as a critical diagnostic exercise to guide the design, sequencing, and implementation of these initiatives, ensuring that the proposed tools and frameworks effectively address the operational constraints currently affecting the movement of goods within SACU and across its borders.

1.14 SACU is thus seeking the services of short-term consultancy to provide technical support to review the draft Baseline Assessment, and the proposed Tools and Frameworks to streamline the administration of SPS, TBT, and NTB measures across the Common Customs Area.

1.15 These Terms of Reference set out the purpose, objectives, scope of services, key deliverables, and timelines that will guide the provision of technical support for the assignment.

## 2. PURPOSE AND OBJECTIVES OF THE BASELINE ASSESSMENT, AND PROPOSALS FOR TOOLS AND FRAMEWORKS TO STREAMLINE THE ADMINISTRATION OF SANITARY AND PHYTOSANITARY (SPS) MEASURES, TECHNICAL BARRIERS TO TRADE (TBT), AND NON-TARIFF BARRIERS (NTBS) IN THE SACU REGION

2.1 The purpose of the baseline study is to assess the existing systems, procedures, tools, and institutional frameworks used across SACU Member States for the administration and implementation of Sanitary and Phytosanitary (SPS) measures, Technical Barriers to Trade (TBT), and Non-Tariff Barriers (NTBs). The study will identify gaps, challenges, and opportunities for improvement, develop evidence-based recommendations to streamline and modernise the administration of SPS, TBT, and NTB measures, and design harmonised tools and frameworks that enhance efficiency, strengthen regulatory coordination, and facilitate cross-border trade within the SACU region. The key objectives of the study are, to:

(a) Assess the current systems, procedures, tools, and institutional arrangements used by SACU Member States to administer SPS, TBT, and NTB measures.

(b) Identify operational gaps, inefficiencies, duplications, and inconsistencies that increase trade costs and cause delays across borders.

(c) Evaluate the level of harmonisation and interoperability with SACU instruments, international standards, and regional trade agreements.

(d) Determine readiness for digitalisation, including automated workflows, risk-based controls, and electronic SPS/TBT certification.

(e) Recommend tools, frameworks, and a phased implementation roadmap to streamline administrative and implementation processes and improve border efficiency.

## 3. SCOPE, APPROACH AND METHODOLOGY FOR THE CONSULTANT(S)

### A. SCOPE

3.1 The Consultant shall provide independent technical and quality assurance support to the SACU Secretariat in reviewing the baseline assessment and the proposals for the tools and frameworks for the administration and implementation of Sanitary and Phytosanitary (SPS) Measures, Technical Barriers to Trade (TBT), and Non-Tariff Barriers (NTBs) within SACU Member States. The assignment will focus on ensuring that the draft report is technically sound, evidence-based, coherent, and aligned with the objectives of the study.

Specifically, the Consultant will:

- Assess the adequacy, accuracy, and completeness of the findings, analysis, recommendations, proposed tools, frameworks, and implementation roadmap.
- Evaluate whether the report adequately reflects the legal, institutional, operational, and technological realities of SPS, TBT, and NTB administration and implementation across SACU Member States.
- Assess the alignment of the proposed tools and frameworks with regional integration objectives, international best practices, and relevant standards and obligations under regional and international trade agreements.
- Identify any gaps, inconsistencies, risks, or areas requiring further analysis, clarification, or strengthening.
- Provide practical recommendations to enhance the usability, sustainability, and implementability of the proposed tools and frameworks.

- Support the Secretariat in incorporating comments and feedback from Member States and stakeholders during the validation process.
- Prepare a consolidated technical review report outlining key observations, recommended revisions, and actions required to strengthen the final deliverable.
- Provide technical advice to the Secretariat during the finalization of the report to ensure that the document meets the expected quality standards and objectives of the assignment.

**B. Methodological Approach**

3.2 The methodology will comprise the following components:

**(a) Document Review and Technical Assessment**

Undertake a comprehensive review of all relevant project documentation, including the draft report, background studies, legal and policy documents, process maps, diagnostic assessments, and supporting annexures. The review will assess the technical accuracy, analytical rigor, completeness, and consistency of the report.

**(b) Quality Assurance**

Conduct a systematic quality assurance assessment of the draft report to determine whether the findings are adequately supported by evidence and whether recommendations effectively address the identified challenges. This process will identify gaps, overlaps, inconsistencies, and areas requiring further refinement.

**(c) Benchmarking and Best Practice Validation**

Review the proposed tools, frameworks, and implementation arrangements against relevant international standards, regional integration practices, and comparable customs and trade facilitation initiatives. This assessment will ensure that the proposed solutions are practical, scalable, and aligned with global best practices.

**(d) Stakeholder Feedback Analysis**

Review comments and inputs received from SACU Member States, SPS authorities, standards bodies, NTB focal points, Customs administrations, Other Government Agencies (OGAs), and private sector stakeholders. The Consultant will assess the adequacy of responses to stakeholder concerns and recommend adjustments where necessary.

**(e) Validation Support**

Provide technical support during validation workshops, technical meetings, or review sessions convened by the Secretariat. This will include presenting key observations, facilitating technical discussions where required, and advising on the incorporation of stakeholder feedback into the revised report.

**(f) Consolidation of Recommendations**

Develop a structured set of technical recommendations to strengthen the draft report, improve the proposed tools and frameworks, and enhance the practicality of the implementation roadmap. Recommendations should be prioritised according to their strategic importance, feasibility, and potential impact.

**(g) Final Quality Review**

Undertake a final review of the revised report to confirm that all substantive comments have been adequately addressed and that the final document is coherent, technically robust, and ready for submission to the SACU governance structures.

## 4. DELIVERABLES AND EXPECTED OUTPUTS

4.1 The Consultant's primary role is not to duplicate the work of the SACU Secretariat, but rather to augment the Secretariat team by providing independent technical expertise, quality assurance, and advisory support to review and strengthen the Baseline Assessment and the proposed tools and frameworks for streamlining the administration of Sanitary and Phytosanitary (SPS) Measures, Technical Barriers to Trade (TBT), and Non-Tariff Barriers (NTBs) within the SACU Common Customs Area.

4.2 The key deliverable shall be an independently reviewed and quality-assured Final Baseline Assessment and Proposed Tools and Frameworks Report that is technically sound, evidence-based, practical, implementable, and aligned with SACU priorities, regional integration objectives, and international best practices. The Consultant shall review, validate, and strengthen the draft report prepared by the Secretariat to ensure its technical quality, strategic relevance, and readiness for consideration by SACU governance structures.

4.3 The outputs at the conclusion of the assignment, the Consultant shall have submitted:

(a) Inception Report and Work Plan;

(b) technical Review and Gap Analysis Report;

(c) consolidated Comments and Recommendations Matrix;

(d) final Technical Review and Quality Assurance Report;

(e) reviewed and Quality-Assured Final Baseline Assessment and Proposed Tools and Frameworks Report; and

(f) presentation to the Secretariat summarising key findings, recommended revisions, priority actions, and implementation considerations for presentation to SACU governance structures.

4.4 The following criteria shall guide the Consultant's overall focus during the review of the Baseline Assessment and the proposed tools and frameworks:

| *SUCCESS AREA* | *MEASURE OF SUCCESS* |
|---|---|
| *Baseline Assessment Quality* | The final report presents a comprehensive, evidence-based, and technically robust assessment of the administration of SPS, TBT, and NTB measures across SACU Member States. |
| *Identification of Gaps and Bottlenecks* | The report clearly identifies regulatory, procedural, institutional, operational, and technological bottlenecks affecting the administration of SPS, TBT, and NTB measures and cross-border trade. |
| *Data Integrity and Accuracy* | The findings, conclusions, and recommendations are supported by credible evidence and accurately reflect the operating environment within SACU Member States. |
| *Regional Comparability and Harmonisation* | The report provides a comparative analysis of Member State practices and identifies opportunities for harmonisation, simplification, and regional cooperation. |
| *Alignment with International Standards* | The proposed tools and frameworks are aligned with relevant WTO SPS and TBT Agreements, AfCFTA, SADC, SACU instruments, and applicable international best practices. |
| *Digitalisation Readiness* | The report adequately assesses opportunities for digitalisation, automation, electronic certification, data exchange, and integration with |

| | |
|---|---|
| | trade information systems and Single Window environments. |
| *Proposed Tools and Frameworks* | The final report contains practical and implementable tools, frameworks, guidelines, procedures, and institutional arrangements aimed at streamlining the administration of SPS, TBT, and NTB measures. |
| *Usability and Sustainability* | The proposed tools and frameworks are practical, user-friendly, capable of long-term implementation, and responsive to the operational realities of SACU Member States. |
| *Implementation Roadmap* | A clear and prioritised roadmap is provided outlining short-, medium-, and long-term actions, institutional responsibilities, resource requirements, and sequencing for implementation. |
| *Stakeholder Validation* | Comments and inputs from Member States, regulatory agencies, Customs administrations, border agencies, and private sector stakeholders are adequately considered and incorporated into the final report. |
| *Quality Assurance* | The final report demonstrates internal consistency, technical coherence, analytical rigor, and readiness for consideration by SACU governance structures. |

## 5. DELIVERABLE SCHEDULE

| *Deliverable* | *Expected Output* | *Timeline* |
|---|---|---|
| *Deliverable 1: Inception Report* | Detailed review methodology, work plan, quality assurance framework, and stakeholder engagement approach. | **Week 1** |
| *Deliverable 2: Technical Review and Gap Analysis Report* | Assessment of the draft Baseline Assessment, identification of gaps, | **Week2** |

| | | |
|---|---|---|
| | inconsistencies, risks, and areas requiring strengthening. | |
| ***Deliverable 3: Consolidated Review Matrix and Recommendations Report*** | Consolidated comments, recommended revisions, benchmarking findings, and prioritised recommendations. | **Week 3** |
| ***Deliverable 4: Final Technical Review and Quality Assurance Report*** | Final reviewed and quality-assured Baseline Assessment and Proposed Tools and Frameworks Report, validation of revisions, and implementation recommendations. | **Week 4** |

## 6. EXPERTISE AND QUALIFICATION REQUIRED

6.1 The Consultant should possess:

**(a) Qualifications**

- A Master's Degree in International Trade, Trade Policy, Public Policy, Agricultural Economics, or a related field.
- At least 10 years of relevant professional experience in trade facilitation, SPS, TBT, NTB management, or regional integration.

**(b) Technical Expertise**

- Strong knowledge of SPS, TBT, and NTB regulatory frameworks and related international agreements.
- Experience in trade policy analysis, institutional assessments, and regulatory reform programmes.
- Proven expertise in reviewing technical reports, policy documents, and implementation frameworks.
- Familiarity with SACU, SADC, AfCFTA, WTO, and other regional and international multilaterals' SPS, TBT, and NTB regimes.

- Experience working with governments, regional economic communities, and development partners.

**(c) Competencies**

- Excellent analytical and quality assurance skills.
- Strong report writing and communication abilities.
- Ability to identify gaps and provide practical, implementable recommendations.
- Strong stakeholder engagement and facilitation skills.

## 7. SUBMISSION OF BID PROPOSALS

7.1 All bidding proposals must be submitted electronically to: procurement@sacu.int.

7.2 The SACU Secretariat requires one (1) electronic copy of the bidding proposal, comprising of a Technical and Financial Proposal in PDF format, to be attached separately to the submission.

7.3 The deadline for submission of bids is 4:00 pm, Namibian time, 30 October 2026.

7.4 The SACU Secretariat will schedule a pre-bid meeting to clarify the requirements of the bid submission. Bidders should submit their email contact details electronically to: procurement@sacu.int for the SACU Secretariat to make the arrangements.

## 8. BID FORMAT: TECHNICAL AND FINANCIAL PROPOSAL

1.1 The Technical Proposal should be arranged and referenced in a format as per the following categories:

a) Title (Cover) Page;

b) Letter of Introduction (See Appendix A);

c) Compliance Documents (e.g., Good Standing Certificate, Registration, etc);

d) Audited Annual Financial Statements, where applicable;

e) Legal agreement for partnerships, consortiums and joint ventures, where applicable; and

f) Profile of bidder;

g) Technical Proposal for the assignment; and

h) References of similar work previously undertaken.

1.2 The Financial Proposal should contain all costs and must be quoted in **South African Rands (ZAR)**. The schedule must take the following format:

a) The total cost of the proposal;

b) A full breakdown of the cost/price and any assumptions made, where necessary;

c) An itemised breakdown of the cost of any options being proposed beyond that specified Request for Bid;

d) The applicable rate of VAT in respect of each product and service being proposed;

e) Details of any other costs or reimbursables, taxes or duties which may be incurred; and

f) Confirmation that the Financial Proposal remains valid for 90 (ninety) days from the Bid Closing date.

## 9. EVALUATION OF BIDS

The evaluation of the bidding proposal shall comprise three sequential parts where the following specific criteria must be met:

(a) Eligibility – all the required documents, as listed in Section 9.2 below must be submitted. This will ensure a consistent standard and comparable basis for evaluation;

(b) Qualification – the compliance documents are assessed to ensure that the bidder is legally registered within one of the SACU Member States, majority owned by SACU citizens, compliant with the relevant regulatory authorities, free of any conflict of interest, financially stable and adequately capacitated to undertake the assignment; and

(c) Award – the technical aspects of the bid demonstrate an understanding of the scope of works and the proposed resources have the necessary technical specifications or skills and competence to deliver the work on time. In this regard, the bidder's profile and reputation, as well as similar work previously undertaken, will be considered. The latter will be verified through references.

## 10. ELIGIBILITY CRITERIA

(a) The Technical and Financial Proposals should be submitted digitally as an email attachment or a link to a cloud storage or file-sharing service, in PDF format (or as a zip archive containing the PDF file).

(b) The Technical Proposal should contain a:

(i) Title (Cover) Page listing the Bid Number, Bid Description, Bid Closing Date, Bidding Organisation Name, Postal Address, Physical Address, Telephone No., Fax No., Mobile No., Email Address, Website and Full Names of two Contact Persons;

(ii) One page Letter of Introduction that identifies the bidder with a corporate letterhead. This Letter of Introduction (See Appendix A) should also contain:

aa. A signature by the person(s) authorised to bid the organisation to statements made in the proposal;

bb. Confirmation of the name of the bidder and acceptance by the bidder and any third parties of the conditions of the Request for Bid;

cc. Written declaration that the bidder's current or past corporate or other interests does not give rise to a conflict of interest in connection with this Request for Bid;

dd. Full Contact Details of any third-party involved in the proposal; and

ee. Description of the role or element of proposal to be fulfilled by any third-party;

(iii) Profile of the bidder or consortium;

(iv) Certified copy of the Certificate of Registration or Incorporation with the relevant national authorities;

(v) Certified copy of identity cards/documents or passports showing that the majority owner(s) or shareholders of the organisation or consortium are citizens of a SACU Member State. If the shareholder is not a natural person, then an official letter from the external auditors or duly appointed company secretary confirming that the ultimate holding company is majority (51%) owned by SACU citizens;

(vi) Certified copy of a current Good Standing Certificate or Tax Clearance Certificate from the relevant national authorities, or exemption thereof;

(vii) Certified copy of a current Good Standing Certificate with Social Security (Namibia), registration with Unemployment Insurance (South Africa only), where applicable, or exemption thereof;

(viii) Certified copy of the latest audited Annual Financial Statements in the case of private or public companies, or for close corporations the latest Annual Financial Statements. In either case, the reporting date is within 20 months from the Bid Closing Date. The audit report on the Annual Financial Statements should be issued by a current member of the applicable regulatory authority in any SACU Member State and quote the membership number. For close corporations, the latest Annual Financial Statements should be submitted and prepared by a current member of the applicable regulatory authority in any SACU Member State and quote the membership number;

(ix) Certified copy of a legal agreement for partnerships, consortiums and joint ventures, where applicable; and

(c) In the case of partnerships, consortiums and joint ventures, all documents required in Section 9.2 above, for each party in the arrangement and legal entities, must be submitted.

(d) The Technical Proposal should provide a schedule of:

(i) Three (3) or more clients (contact names, physical addresses and telephone numbers) who may be contacted for references in connection with the proposed assignment; and

*For example:*

| CLIENT | CONTACT NAME | TELEPHONE | PHYSICAL ADDRESS |
|---|---|---|---|
| *ABC Corporation* | *Mr J. Doe* | *061-999 9999* | *20 ABC Street, Windhoek* |

(ii) Three (3) or more clients where similar assignments were recently undertaken by the bidder. This schedule must indicate the client, the assignment that was undertaken, the year, the client's geographical location and the financial value.

*For example:*

| CLIENT | SERVICES PROVIDED | YEAR | LOCATION | FINANCIAL VALUE |
|---|---|---|---|---|
| *ABC Corporation* | *Development of BCP* | *2011* | *Windhoek* | *R49,950* |

## 11. QUALIFYING CRITERIA

(a) The Technical Proposal will then be assessed and disqualified if any of the eligibility criteria are not complied with, such as:

(i) The Proposal is not emailed or submitted in PDF format;

(ii) Any document requested above is omitted from the bid submission;

(iii) Any Eligibility Criteria content in the one-page Letter of Introduction is omitted;

(iv) Any document under 9.2 above ((iv) to (ix) is not certified within six (6) months of the Bid Closing Date;

(v) Less than three (3) references are provided to be contacted;

(vi) Less than three (3) clients where similar assignments were recently undertaken by the bidder were provided;

(vii) The Good Standing Certificate or Tax Clearance Certificate from the relevant national authorities, is not valid at the Bid Closing Date;

(viii) The Good Standing Certificate with Social Security (Namibia), registration with Unemployment Insurance (South Africa), where applicable, or exemption thereof, is not valid at the Bid Closing Date;

(ix) The bidder, or third party if a consortium, is not majority (51%) owned by citizen(s) of a SACU Member State (with proof of shareholding) and registered within a SACU Member State. Proof of majority SACU Citizen ownership may be proven by any of the following methods:

aa. A certified copy of each shareholding certificate currently in issue (the total shareholding certificates must aggregate 100% of all issued share capital); and proof of SACU citizenship by providing a certified copy of shareholders national identity card document or valid passport; or

bb. A certified copy of the shareholder register issued by the duly appointed Company Secretary or external auditors; and proof of SACU citizenship by

providing a certified copy of shareholders national identity card/document or valid passport; or

cc. An official letter from the external auditors or company secretary, describing the group structure and confirming that the ultimate holding company is majority (51%) owned by SACU citizens. This is only required where any shareholder is not a natural person;

(x) The latest audited Annual Financial Statements, or for close corporations the latest Annual Financial Statements has a:

aa. reporting date that exceeds 20 months from the Bid Closing Date; or

bb. qualified audit opinion (related to the audited Annual Financial Statements);

(xi) The latest audited Annual Financial Statements, or for close corporations the latest Annual Financial Statements also demonstrates that the organisation may be:

aa. a going concern risk (the organisation may not be able to operate in the foreseeable future) through reducing revenue or incurring operating losses; or

bb. factually insolvent where the liabilities exceed the assets, and it is not able to settle debts; or

cc. commercially insolvent and unable to pay debts or liabilities as they arise in the ordinary course of business; or

dd. limited with the financial capacity to complete the assignment due to the size of the organisation; or

(xii) The latest audited Annual Financial Statements or for close corporations the latest Annual Financial Statements was not prepared by a current member of the applicable regulatory authority in any SACU Member State. In this regard, the membership number will validate the status of the practitioner with the applicable regulatory authority in the relevant SACU Member State.

## 12. AWARD CRITERIA

(a) After the bidder has met the eligibility and qualifying criteria, the technical evaluation is undertaken and awarded on the basis of the most economically

advantageous proposal applying the following award criteria, listed in order of priority:

(i) Proof of understanding the scope, approach and methodology to undertake the assignment;

(ii) Proof of qualifications, technical knowledge, relevant previous experience and the skills composition of the team who will undertake the assignment;

(iii) Project Plan demonstrating how the deliverables and targets will be met; and

(iv) Company Profile and Reputation of the bidder.

(b) The allocation and weighting of the award criteria is pre-determined by the Bid Leader when drafting the Request for Bid.

## 13. PRIME CONTRACTOR RELATIONSHIP

13.1 The SACU Secretariat will enter into a contract with only one successful bidder.

13.2 The selected bidder shall be solely responsible for the deliverables as specified in this document.

## 14. FINANCIAL ARRANGEMENT

14.1 Bidders are solely responsible for their own costs in preparing the Bid.

14.2 Payments for all services covered by this bid shall be made within 30 (thirty) days subject to receipt of appropriate invoices, the satisfactory completion of work, and adherence to the SACU Secretariat's Financial Policies and Guidelines.

14.3 SACU shall not be liable for any losses, damages, costs, charges or expenses caused by injuries to the bidder's personnel during the execution of their duties.

## 15. CONFIDENTIALITY

15.1 Bids submitted will not be revealed to any other bidders and will be treated as contractually binding.

15.2 The SACU Secretariat reserves the right to seek clarification or verification of any information in the Bids.

15.3 All information pertaining to the SACU Secretariat obtained by the bidder as a result of participation in this Request for Bid is confidential and must not be disclosed without written authorisation from the Executive Secretary of the SACU.

15.4 The SACU Secretariat reserves the right to undertake a full background check on all references submitted prior to awarding the contract.

## 16. OWNERSHIP OF BIDS

16.1 All Bids, including supporting documents, submitted to the SACU Secretariat become the property of the SACU Secretariat.

16.2 Ownership of all data belonging to SACU whether under its control or the bidder's control shall continue to vest in SACU. Any data of whatever nature resulting from the provision of the Products and Services shall be the property of SACU and may be used by SACU without restriction. All data or information that may be shared with the successful bidder during the provision of the Products and Services shall upon termination of the contract, be returned to the SACU Secretariat.

## 17. MODIFICATION OF TERMS

17.1 The SACU Secretariat reserves the right to add, modify or omit certain portions of the Bids' scope at any time at its sole discretion. This includes the right to cancel this Request for Bid at any time prior to entering into a contract with the successful bidder.

## 18. CONTRACT ADMINISTRATION

18.1 The award will be subject to the successful conclusion of a Service Level Agreement (SLA).

18.2 The SACU Secretariat reserves the right to negotiate the terms of the proposal and the value of any financial proposal submitted.

## 19. DOCUMENTATION CHECKLIST

| Have you submitted the following required information? | YES | NO |
|---|---|---|
| The Technical and Financial Proposals are emailed as one PDF file. | | |
| Title (Cover) Page listing the Bid Number, Bid Description, Bid Closing Date, Bidding Organisation Name, Postal Address, Physical Address, Telephone No., Fax No., Mobile No., Email Address, Website and Full Names of two Contact Persons. | | |
| One page Letter of Introduction identifying the bidder with a corporate letterhead. It is signed by the person(s) authorised to bind the organisation to statements made in the proposal.<br><br>This Letter should also contain a confirmation of acceptance by the bidder and any third parties of the conditions of the Request for Bid; written declaration that the bidder's current or past corporate or other interests does not give rise to a conflict of interest in connection with this Request for Bid; full contact details of any third-party involved in the proposal and a description of the role or element of proposal to be fulfilled by any third-party. | | |
| Profile of the bidder or consortium. | | |
| Certified copy of the Certificate of Registration or Incorporation with the relevant national authorities. | | |
| Certified copy of identity cards/documents or passports showing that the majority owner(s) or shareholders of the organisation or consortium are citizens of a SACU Member State. If the shareholder is not a natural person, then an official letter from the external auditors or company secretary confirming that the ultimate holding company is majority (51%) owned by SACU citizens. | | |
| Certified copy of a current Good Standing Certificate or Tax Clearance Certificate from the relevant national authorities, or exemption thereof. | | |
| Certified copy of a current Good Standing Certificate with Social Security (Namibia), registration with Unemployment Insurance (South Africa), where applicable, or exemption thereof. | | |

| **Have you submitted the following required information?** | **YES** | **NO** |
|---|---|---|
| Certified copy of the latest audited Annual Financial Statements in the case of private or public companies, or for close corporations the latest Annual Financial Statements. | | |
| Certified copy of a legal agreement for partnerships, consortiums and joint ventures, where applicable; and all documents of each party in the arrangement and legal entities, must be submitted. | | |
| Technical Proposal to complete the assignment with:<br>• Proof of qualifications and experience of the team that will carry out the assignment.<br>• A detailed methodology that will be used to complete the assignment.<br>• Project Plan demonstrating how the deliverables and targets will be met. | | |
| A schedule of three (3) references that are contactable. | | |
| A schedule of three (3) clients where similar assignments were recently undertaken by the bidder. | | |
| The Financial Proposal is quoted in South African Rand (ZAR). | | |
| Written confirmation that the Financial Proposal remains valid for 90 days. | | |

| **Additional documents required from Consortiums or Partnerships** | **YES** | **NO** |
|---|---|---|
| Written identification of the Primary Contracting Party. | | |
| Full details and eligibility criteria documents of all legal entities involved in the bid. | | |
| Certified copy of a legally binding partnership or consortium agreement. | | |
| Certified Proof that the majority owner(s) of the company or consortium are citizens of a SACU Member State (copy of ID's or Passports will suffice). | | |
| Description of the role or element fulfilled by each legal entity. | | |

## APPENDIX A: LETTER OF INTRODUCTION TEMPLATE

Private and confidential

**TITLE OF THE ASSIGNMENT | BID NUMBER: SACU/001/20XX/PB**

Name of Bidder (and Partner, if applicable) is pleased to submit this proposal. We believe we are uniquely equipped to assist the Southern African Customs Union (SACU) Secretariat with the provision of xxx.

*Provide a brief motivation or summary of the assignment and the Bidder's skills, experience and track record.*

Name of Bidder (and Partner, if applicable) hereby:

1. confirms acceptance of the terms and conditions of this Request for Bid.
2. declares that our current or past corporate or other interests do not give rise to a conflict of interest on this assignment.

The contact details, role and any work to be undertaken by any third party involved in the proposal are as follows[1]:

1. xxx
2. xxx
3. xxx

I hereby declare that I am authorised to bind the organisation to statements made in this proposal.

Should you wish to discuss any aspect of this proposal or require any clarification, you are most welcome to contact me directly.

Yours sincerely,

(Name and Position)

[1] Delete this section if not applicable.