



BID NUMBER: SACU/008/2025/PB

**SACU STUDY ON THE UTILISATION OF THE CONCLUDED AGREEMENT AND
POSSIBLE FUTURE TRADE RELATIONS**

CLOSING DATE & TIME

20 NOVEMBER 2024 @ 17H00

PRE-BID MEETING

12 NOVEMBER 2024 @ 15H00

POSTAL & PHYSICAL ADDRESS

Southern African Customs Union (SACU) - Secretariat
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Submit the Bid electronically to: procurement@sacu.int

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1. INTRODUCTION/BACKGROUND

- 1.1 The Southern African Customs Union (SACU), comprising five Member States: Botswana, Eswatini, Lesotho, Namibia, and South Africa, has been contemplating on conducting a comprehensive study on the utilisation of the concluded Agreements which the region collectively negotiated and implemented as a bloc.
- 1.2 This study is meant to be part of monitoring and evaluation (post-assessment exercise) that measures the performance of these agreements in terms of the impact they had in promoting international trade for SACU Member States. In addition, the study is expected to provide a useful insight into the subsequent cycles of public policy formulation including the possible review/expansion of the existing agreements or peer learning for future engagement in trade negotiations with new partners.
- 1.3 The need to undertake this type of assessment arises from the fact that SACU Member States concluded and implemented several trade Agreements in line with Article 31 of the SACU 2022 Agreement (SACUA 2022). However, there has never been a comprehensive assessment undertaken to evaluate the utilization of these agreements nor has there ever been an analysis of the socio-economic impacts of these agreements on SACU. This study is therefore regarded as a pioneering attempt in this regard.
- 1.4 As per Article 31 of the SACUA, the SACU Member States pursued a unified approach to trade negotiations with third parties resulting in the conclusion of the following Agreements:
 - (a) the Preferential Trade Agreement (PTA) with the Southern Common Market (MERCOSUR) consisting of Argentina, Brazil, Venezuela, Uruguay, and Paraguay which came into force on 1st April 2016;
 - (b) the Free Trade Area (FTA) with the European Free Trade Association (EFTA) consisting of Norway, Switzerland, Iceland, and Liechtenstein which came into force on 1st May 2008. The Agreement is currently under review as per Article 38;

- (c) the Economic Partnership Agreement (EPA) between the European Union (EU)¹ and Southern African Development Community Group (SADC)²³ Group signed on 10th June 2016 and provisionally applied since 10th October 2016, except for Mozambique, for which provisional application started on 4th February 2018;
- (d) the Economic Partnership Agreement (EPA) between SACU Member States and Mozambique, and the UK which entered into force on 1st January 2021.
- (e) the Agreement establishing the Continental Free Trade Areas (AfCFTA) and its subsidiary Protocols which entered force on 30th May 2019; and
- (f) the Common Market for Eastern and Southern Africa (COMESA), the East African Community (EAC), and the Southern African Development Community (SADC) Tripartite Free Trade Area (COMESA-EAC-SADC TFTA)⁴. The TFTA was officially opened for signature on 10th June 2015 and entered into force on 25th July 2024.

1.5 In addition to the assessment on the utilisation of the concluded agreements, the 49th Meeting of the SACU Council of Ministers directed the Secretariat to commission an assessment that would inform SACU of the type, scope, and partners that SACU should consider negotiating new trade agreements. This directive follows the Council's decision to lift the moratorium on trade negotiations, to facilitate the consideration of engaging with countries who expressed interest in negotiating trade agreements with SACU. The moratorium on trade negotiations was initially put in place to allow Member States to focus on concluding the negotiations of the AfCFTA.

1.6 Both the assessments are deemed as the key deliverables under Pillars 3 and 4 of the SACU Strategic Plan 2022-2027. The SACU Senior Trade Officials found that the two assessments are complementary, hence it is deemed prudent to conduct an overarching study that analyses the utilisation of the concluded Trade Agreements and provide an assessment of the future relations that SACU may wish to establish.

¹ The EU countries are: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.

² SADC EPA group comprises countries such as Botswana, Eswatini, Lesotho, Mozambique, and Namibia.

³ SADC EPA group comprises countries such as Botswana, Eswatini, Lesotho, Mozambique, and Namibia.

⁴ There are twenty-nine (29) Member States across the three Regional Economic Communities (RECs) namely: COMESA, EAC, and SADC.

The work has been approved to be undertaken in two (2) Financial Years, covering 2024/25 and 2025/26 Financial Years.

2. PURPOSE AND OBJECTIVES OF THE STUDY

2.1 This study aims to provide a comprehensive analysis of the utilisation of trade agreements negotiated by SACU with third parties and undertake an assessment to provide information on the potential future trading partners that SACU could consider negotiating new trade agreements with. Essentially, the objectives of the study are two-pronged, namely:

- (a) to assess the utilisation of the concluded agreements by SACU Member States by, examining the extent to which such agreements have benefited the region. This assessment would also inform SACU on how to approach the review process of these Agreements. In this regard, the focus will be on the SADC Trade Protocol, SACU-MERCOSUR PTA, the SACU-EFTA FTA, the EU-SADC EPA and the SACUM-UK EPA. The AfCFTA and the TFTA may not be covered by the study as these instruments are yet to be fully implemented in SACU; and
- (b) to assess and provide advice on the type, scope, and potential partners that SACU should consider for negotiating new trade agreements.

3. SPECIFIC TERMS OF REFERENCE

3.1 Regarding the utilisation of the concluded agreements, the study will examine the utilisation of agreements concluded by SACU, focusing on the following:

- 3.1.1 trade performance between SACU Member States and trading partners with whom SACU has trade agreements, including the volume of trade conducted under preferential terms including trade under tariff rate quotas where applicable, by-products and sectors;
- 3.1.2 demonstrate whether the utilisation rate varies across partners, sectors, and product groups, assessing for movements on both trade flows (exports and imports);
- 3.1.3 identify the challenges faced by Member States in implementing the Agreements and propose remedial action, including:

- (a) possible challenges relating to rules of origin;
- (b) possible challenges relating to customs cooperation and transit issues; and
- (c) any other challenges that were identified or reported by importers/exporters concerning the implementation of this Agreement; and

3.1.4 Identify areas where the SACU Member States individually and collectively could improve or better facilitate trade under each agreement;

3.2 In terms of the assessment to determine SACU's engagement with possible future trading partners, the study is expected to:

3.2.1 Identifying potential gains for SACU, including increased market access, improved trade volumes, and enhanced economic growth, by assessing the competitiveness of key sectors/industries in SACU, to identify the products with the highest export potential;

3.2.2 Provide an analysis of the potential trading partners economic profile including their size, buying power, and market access potential;

3.2.3 Map out the production capacity and trade patterns of the potential trading partners. In this regard, the study must indicate the competitive landscape of the potential trading partner and deduce the market opportunities (the potential gains) and threats for each Member State and SACU as a region;

3.2.4 Provide an analysis of the tariff structure, the trade policy, and the non-tariff barriers that the potential trading partners apply, and how trade policy is determined and applied and how it may affect SACU;

3.2.5 Identify the rules of origin regimes which the potential trading partners apply;

3.2.6 Provide a summary overview of the type, scope, and product coverage of the trade agreements signed between the potential trading partners and other parties (both multilateral and bilateral);

3.2.7 Analyse the overall impact (trade creation and trade diversion) on SACU that may result from the conclusion of a trade agreement with new partners; This will enable SACU to assess the possible benefits to its Member States, which may result from the establishment of a preferential arrangement;

3.2.8 analyses potential revenue loss and the implications thereof on the SACU Common revenue pool;

3.2.9 analyses the overall implication of concluding a Trade Agreement on the continental integration agenda, taking into account Article 18 ([Continental Preferences](#)) of the AfCFTA and Article 4(2) ([Most-Favoured-Nation Treatment](#)) of the AfCFTA's Protocol on Trade in Goods; and

3.2.10 Recommend which trading partners SACU can consider engaging in trade negotiations, their order of priority, and develop scenarios on how SACU should participate in the negotiations taking into account the experiences SACU gained in the negotiations of similar agreements.

3.3 Other Issues

3.3.1 The Consultant(s) should also analyse and/or make recommendations on any other aspects that they may find relevant to this study.

4. SCOPE, APPROACH, AND METHODOLOGY

4.1 The scope of the assessment of the utilisation of the concluded Agreements will be limited to the SADC, SACU-MERCOSUR PTA, EU-SADC EPA, SACU-EFTA FTA, and SACUM-UK EPA. This study does not cover the AfCFTA and TFTA as they are not yet fully implemented by all SACU Member States. Regarding the assessment of future trade relations, the scope will be based on the countries that expressed interest in negotiating preferential/free trade agreements with SACU. The lists of these countries will be pronounced upon consultation with the Secretariat and Member States.

4.2 The study should use qualitative and quantitative analytical approaches utilising both secondary and primary sources of information. In this regard, the Consultant(s) is expected to review trade statistics before and after the implementation of the Agreements, policies, agreements, and other publications. However, this may need to be complemented with primary sources of information that can be gathered through interviews with academia, experts, government officials, and traders during visits to Member States. The Consultant(s) will also be required to consult with the relevant stakeholders in all SACU Member States to gauge their perspectives on various issues covered by the study. In summary, the study will:

- (a) assess the trade performance of SACU Member States individually and collectively pre and post implementations of the concluded agreements by reviewing the data from SACU Member States or the Secretariat website,
- (b) assess the level of preferential trade (considering the value and volume) that SACU Member States have undertaken, including predictive analysis of potential future levels of preferential trade;
- (c) review the Agreements, and regulatory, and institutional frameworks to check for any impediments to the implementation of the agreements.

- (d) assess the level of compliance by Member States in implementing Agreements.

the extent to which the relevant Ministries and other stakeholders in SACU promote the Agreement.

- (e) assess the level of awareness (from the business perspective) of the benefits both in terms of imports and exports provided under the different agreements that SACU concluded; and
- (f) Undertake analysis through interviews or survey questionnaires to gauge the experience at the firm level of trading businesses under each agreement, with a particular focus on *SMMEs* including women in trade and youth.

4.3 The same approach/methodology described in section 4.2 may also be used to determine SACU's engagement with possible future trading partners. In this regard, the Consultant(s) is also expected to gather data through desktop research coupled with interviews with key stakeholders including the private sector. The data to be covered includes trade statistics, tariff structure, non-tariff measures and other indicators such as GDP, population, etc. The study may also use economic modelling to determine potential revenue loss and the overall economic impact on SACU including trade creation or diversion that is likely to occur.

5. DURATION

- 5.1 It is anticipated that the study will be conducted in two phases. The first phase is expected to be completed by 2024/2025 FY and will produce the inception report and set the stage for the next phase.
- 5.2 The second phase will be expected to commence in the 2025/2026 FY to carry out the actual study. The overall duration of the study will be **31 weeks**.

6. DELIVERABLES

- 6.1 During 2024/2025, the Consultant(s) will be expected to produce the Inception Report. The Draft Report, and Final Report shall be delivered during the 2025/2026FY. All the work shall be produced in English, the official language of SACU. Structure and format of the reports, in line with the SACU Secretariat's standards and practices; technical terminology that should be defined.

7. DELIVERABLES SCHEDULE

7.1 Inception Report

- 7.1.2 The Secretariat will arrange a Pre-implementation Meeting before the 15th December 2024 to discuss the Technical Proposal and Terms of Reference on which the award was based and agree on modalities to implement the research work. The Consultant(s) is expected to present their understanding of the key Objective and scope of work; the research methodology, map out key stakeholders, assess the data quality, conduct a full literature review and preliminary case studies, and firm up timelines and information requirements.
- 7.1.3 Inception Report should be submitted to the Secretariat within **three (3) weeks** from the commencement of the assignment, outlining a clear understanding of the Terms of Reference, the methodology to be used, and how information will be obtained from various stakeholders. The Inception Report should also indicate the implementation time for each activity in the Terms of Reference; a detailed project plan for undertaking the study and should follow precisely the timeframe set out in the Request for Tenders.
- 7.1.4 The Secretariat will arrange an Inception Meeting where the Inception Report will be discussed and the way forward in implementing the Study will be agreed upon. The target is to complete the inception phase by 2nd Week of March 2024. Following that, the Secretariat will share written comments with the Consultant(s) within **2 (two) weeks**.

7.2 Draft Report

- 7.2.1 Following approval of the Inception Report, the Consultant(s) will have **15 (fifteen) weeks** to produce a Draft Report, covering all aspects of the Terms of Reference.
- 7.2.2 On receipt of the Draft Report, the Secretariat will provide comments and inputs to the Consultant(s) after **two (2) weeks** of receiving the Draft Report; and
- 7.2.3 The Consultant(s) will address the comments and inputs within a further **3 (three) weeks**, culminating in a draft Final Report.

7.3 Draft Final Report

- 7.3.1 The Consultant(s) will be requested to present the draft Final Report to SACU Member States at a workshop to be arranged by the Secretariat, highlighting the findings, major outcomes, and recommendations. Should there be any additional

comments and inputs in relation to the ToRs of the study, these should be incorporated into a Final Report.

7.4 Final Report

7.3.2 The Consultant(s) will produce a Final Report within **2 (two) weeks** of the presentation.

7.3.3 An electronic copy of all the reports shall be supplied to the Secretariat for appropriate distribution.

8. REQUIRED SKILLS AND EXPERTISE

8.1 The bidders shall demonstrate competence in the following areas:

- (a) a minimum master's degree in economics, International Trade, Trade Law, or any other related field.
- (b) Proven experience in undertaking extensive research in the field of international trade, and regional integration and in particular review of the utilisation of trade agreements including experience in running economic models.
- (c) Proven experience in mapping new export market potentials for SACU countries and enhancing efficiency in existing markets
- (d) Extensive knowledge of the SACU markets and other regional economic communities.
- (e) Proven analytical skills and research on trade policy and implementation of firm-level utilisation of trade agreements.
- (f) Exceptional report writing skills in research, policy analysis, and recommendations.

9. SUBMISSION OF BID PROPOSALS

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

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

9.3 The deadline for submission of bids is **17H00pm**, Namibian time, **on the 20th of November 2024**.

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

10. BID FORMAT: TECHNICAL AND FINANCIAL PROPOSAL

- 10.1 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.

- 10.2 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 to 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.

11. EVALUATION OF BIDS

- 11.1 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.

11.2 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 bind 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 |

11.3 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 the 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 demonstrate 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 were 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.

11.4 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.

12. PRIME CONTRACTOR RELATIONSHIP

- 12.1 The SACU Secretariat will enter into a contract with only one successful bidder.
- 12.2 The selected bidder shall be solely responsible for the deliverables as specified in this document.

13. FINANCIAL ARRANGEMENT

- 13.1 Bidders are solely responsible for their own costs in preparing the Bid.
- 13.2 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.
- 13.3 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.

14. CONFIDENTIALITY

- 14.1 Bids submitted will not be revealed to any other bidders and will be treated as contractually binding.
- 14.2 The SACU Secretariat reserves the right to seek clarification or verification of any information in the Bids.
- 14.3 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.
- 14.4 The SACU Secretariat reserves the right to undertake a full background check on all references submitted prior to awarding the contract.

15. OWNERSHIP OF BIDS

- 15.1 All Bids, including supporting documents, submitted to the SACU Secretariat become the property of the SACU Secretariat.
- 15.2 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.

16. MODIFICATION OF TERMS

- 16.1 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.

17. CONTRACT ADMINISTRATION

- 17.1 The award will be subject to the successful conclusion of a Service Level Agreement (SLA).
- 17.2 The SACU Secretariat reserves the right to negotiate the terms of the proposal and the value of any financial proposal submitted.

18. 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. 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. | | |
| 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. | | |

| Have you submitted the following required information? | YES | NO |
|--|-----|----|
| Technical Proposal to complete the assignment with: <ul style="list-style-type: none"> • Proof of qualifications and experience of the team that will carry out the assignment. • A detailed methodology that will be used to complete the assignment. • 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 follows⁵:

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)

⁵ Delete this section if not applicable.