



UNIVERSITY OF THE  
WITWATERSRAND,  
JOHANNESBURG

## PROCUREMENT DOCUMENT

FOR

### RFP – SURVEY SYSTEM FOR EVALUATING TEACHING, COURSES, AND STUDENTS’ LEARNING EXPERIENCE

<b>Reference No.:</b>	Wits Tender / 2023:15	
<b>Description:</b>	Survey System for Evaluating Teaching, Courses, and Students’ learning experience	
<b>Issue Date:</b>	25 June 2023	
<b>Issued by:</b>	CLTD & WITS ICT	
<b>Submission Date and Time:</b>	Date: 24 July 2023	Time: 23h59 (Before Midnight)
<b>Important Information:</b>	Non-Compulsory Briefing Session	Date: 04 July 2023 @ 11h00

## TABLE OF CONTENTS

1	TENDER OUTLINE.....	3
2	TENDER TIMELINE.....	4
3	INTENT TO SUBMIT A TENDER SUBMISSION .....	5
4	UNIVERSITY CONTACT INFORMATION.....	5
5	DEVELOPING YOUR TENDER SUBMISSION.....	5
6	SUBMITTING YOUR TENDER SUBMISSION.....	5
7	EVALUATION METHODOLOGY .....	6
8	EVALUATION CRITERIA.....	6
9	SCOPE OF WORK .....	9
10	THE SUBMISSION OF RETURNABLE SCHEDULES & DOCUMENTS .....	9
11	PRICING INSTRUCTIONS .....	9
12	INSURANCE REQUIREMENTS.....	10
13	THE CONTRACT.....	10

## ATTACHMENTS:

List of Annexures	Description of Annexures
Annexure A	Scope of Work
Annexure B	Returnable Schedules and Documents
Annexure C	Pricing
Annexure D	Draft Contract
Schedule 4	Compliance Schedule

## PART A: TENDER OVERVIEW

### 1 TENDER OUTLINE

#### 1.1 University's Background

The University of the Witwatersrand, Johannesburg (the “**University**”) is a leading university in Africa, as reflected by its international standing and the quality of its graduates, many of whom have played a major role in founding industries in South Africa, including sectors such as mining, financial services and information technology. The University prepares students for managerial, professional and leadership positions in the public, private and non-governmental sectors. The University has more than 30000 students and approximately 6500 staff and is one of the biggest sources of skills in Africa.

#### 1.2 Tender Background

The University's Information Communication and Technology and Centre for Learning Teaching and Development invites Tenderers to supply and implement a consistent online institutional-wide teaching and course evaluation system for the University for a period of 5 (five) years.

#### 1.3 Tender Description

1.3.1 The primary operational objective of the tender is to appoint a reputable service provider to provide the specified requirements, as described in Annexure A: Scope of Work.

#### 1.4 Procurement Strategy

1.4.1 This is an open, competitive tender process.

1.4.2 A single service provider will be appointed for this request. The University will consider the submissions, delivery timeframes, price and BBBEE to select a provider. Therefore, the University does not agree to use a successful service provider exclusively, nor does the University agree to offer any minimum amount of work to the successful service provider.

1.4.3 **No** joint ventures/partnerships and/or sub-contracting is permitted.

#### 1.5 Pre-qualification Criteria

1.5.1 Tenderers who have suitable experience and demonstrated capacity in the required work activities in supply and implement a consistent online institutional-wide teaching and course evaluation system may be eligible to partake in this Tender.

1.5.2 Only Tenderers who satisfy the pre-qualification criteria as set out in the table below should submit a Tender Submission, failure to do so will result in disqualification.

No.	Procurement Mandatory Criteria
	It is compulsory that the Tenderer:
1.	provides Schedule 1: Signed Submission which must be signed by a duly authorised representative
2.	must provide proof of your legal entity's registration documentation (e.g., CIPC) indicating the date of registration/incorporation, list of directors, partners, and members or equivalent for non-South African entities.
3.	must provide proof of valid SARS Tax Pin for local entities or equivalent for non-South African entities
4.	if applicable, provide VAT Registration Certificate for local entities or equivalent for non-South African entities. Provide rationale if VAT is not applicable.
5.	must provide audited company financial statements for the past 3 (three) years, in line with the Companies Act in South Africa or equivalent if a non-South African entity.
6.	provides a current Letter of Good Standing from its bankers and/or bank confirmation letter.
No.	Functionality (including Technical) Mandatory Criteria
	It is compulsory that the Tenderer:
7.	must have a track record/experience of a minimum of 3 (three) years of delivering and implementing lecturer evaluation system(s).
8.	must have at minimum two acceptable English-speaking references (local or international), where a lecturer evaluation system has been implemented. The references must be for the lecturer evaluation system that they are proposing for this tender. References must be for implementations conducted within the last three years. No more than one of the implementation included as reference should have been implemented within the last 12 months. References may be confirmed and will be

	assessed for acceptability.
9.	must submit the project and implementation plan of the lecturer evaluation system that they are proposing for the University. The university reserves the right to amend the project and implementation plan to suit the Wits context.
10.	must propose a solution which is cloud-based and offered as Software as a Service (SaaS) preferably hosted on one of the following service providers' cloud platforms: AWS, Microsoft Azure, Oracle Cloud Infrastructure, Google.
11.	must propose a solution which meets all mandatory requirements as listed in the compliance schedule and 70% of the preferred requirements and must be able to demonstrate this if required.
12.	must propose a solution which has been in the marketplace for at least two years.

- 1.5.3 The Tenderer's attention is drawn to the pre-qualification criteria which requires the Tenderer to provide the necessary evidence (please refer to Annexure B: Returnable Schedules and Documents) in order to be eligible, failure to do so will result in disqualification.
- 1.5.4 Tenderers who fail to provide the required schedules and documents will not have their Tender Submissions evaluated further.
- 1.5.5 Despite the above, the University reserves the right to request additional information (which must be responded to and/or provided to the University within the period as determined and communicated by the University) where the information provided yields insufficient detail and Tenderer differentiation.

## 1.6 Tender Terms and Conditions

- 1.6.1 The [Tender Terms & Conditions](#) apply to and form an integral part of this Tender.  
Full link: <https://www.wits.ac.za/media/wits-university/footer/about-wits/procurement/Tender%20Terms%20%20Conditions%2015.08.2020.pdf>
- 1.6.2 Words and phrases defined in the Tender Terms & Conditions shall also apply in the interpretation of the same words and phrases in this Tender, save where specifically otherwise indicated.

## PART B: KEY INFORMATION

## 2 TENDER TIMELINE

- 2.1 The table below lists key events, dates and periods applicable to this Tender:

No.	Description	Date / Period
1.	Invitation to Tender notice release via print media	25 June 2023
2.	Publication of Tender available on the University's Procurement website	26 June 2023
3.	It is recommended that the Tenderer's submit their intention to respond. <b>Note that any amendments or additional information related to this tender will be made available on the University's website and tender page. Ensure that you check the site on a regular basis for updates.</b>	30 June 2023
4.	Non-Compulsory Online Briefing Session Date and time: 04 July 2023   11h00 Microsoft Teams: <a href="#">Click here to join the meeting</a> Meeting ID: 329 976 179 540 Passcode: K46riP <a href="#">Download Teams</a>   <a href="#">Join on the web</a> <a href="#">Learn More</a>   <a href="#">Meeting options</a>	
5.	Submission Date and Time	24 July 2023   23h59 (Before Midnight)
6.	Presentation Date and Time	August 2023 TBC

- 2.2 These dates and times do not create an obligation on the part of the University to take any action or create any right for a Tenderer to demand that the University executes a certain action on a specific date at a



certain time.

- 2.3 In accordance with section 6 of the Tender Terms and Conditions, the University may issue amendments until 3 (three) Business Days before the Submission Date and Time.

### 3 INTENT TO SUBMIT A TENDER SUBMISSION

Prior to the submission of any returnable schedules, documents or other information as set out in the Tender Documents, it is recommended that the Tenderer submit to the University's Procurement Representative (see section 4) in a single email, on or before the time indicated in section 2.1, the Tenderer's written statement of intention to partake in the Tender.

### 4 UNIVERSITY CONTACT INFORMATION

Queries relating to the issue of the Tender Documents must be addressed to the Tender Administrator at [admin.tenders@wits.ac.za](mailto:admin.tenders@wits.ac.za) and Nkhumeleni Nethavhani (**Procurement Representative**) via e-mail: [nkhumeleni.nethavhani@wits.ac.za](mailto:nkhumeleni.nethavhani@wits.ac.za).

### 5 DEVELOPING YOUR TENDER SUBMISSION

- 5.1 The Tender Documents set out the step-by-step process and conditions that apply.
- 5.2 Tenderers should take time to read and understand the Tender Documents, in particular:
- 5.2.1 the Tender Terms & Conditions.
  - 5.2.2 the Tender Submission protocol (please refer to section 6).
  - 5.2.3 develop a strong understanding of the University's Scope of Work detailed in Annexure A.
  - 5.2.4 in structuring your Tender Submission consider how it will be evaluated, Part C: The Evaluation Process of this document describes the evaluation approach.
  - 5.2.5 important checklists are included in Annexure B: Returnable Schedules and Documents to assist Tenderers with the completion of their Tender Submission. Tenderers are required to tick the relevant boxes for verification purposes. Where information is not applicable, the symbols N/A must be inserted in the space provided.
- 5.3 Tenderers are advised to check the number of pages, and should any be missing or duplicated, or the reproduction indistinct, or any descriptions ambiguous, or this document contain any obvious errors they shall inform the parties indicated in section 4 above.
- 5.4 The University will respond to requests for clarification received up to 5 (five) Business Days before the Submission Date and Time. Queries should be by e-mailed to the parties indicated in section 4 above. Please note that additional information supplied to anyone Tenderer may also be provided to other Tenderers via e-mail.
- 5.5 It must be noted that the University shall not be held liable for any loss or damage incurred to the Tenderer should the Tenderer fail to fulfil the requirements of the Tender.

### 6 SUBMITTING YOUR TENDER SUBMISSION

- 6.1 The mode of delivery for submission is set out below and will apply to this Tender:
- 6.2 Electronic Submissions:
- 6.2.1 The [Electronic Submission Protocol](#) will apply to this Tender.  
Full Link: <https://www.wits.ac.za/media/wits-university/footer/about-wits/procurement/Electronic%20Submission%20Protocol%2015.08.2020.pdf>
  - 6.2.2 Tenderers must submit Annexure C: Pricing in an editable xls - Microsoft Excel file and a .pdf - PDF file.
- 6.3 Tenderers are urged to contact the University's Procurement Representative if unsure which mode of delivery applies to the Tender. The University will not be held responsible where the Tenderer incorrectly interprets the mode of delivery.
- 6.4 For the avoidance of don't, please note that telegraphic, telephonic, telex, facsimile, physical submissions, and late submissions will not be accepted by the University.



## PART C: THE EVALUATION PROCESS

### 7 EVALUATION METHODOLOGY

- 7.1 The University will apply a multi-criteria approach in evaluating the prospective Tender Submissions. It is envisaged that the following core criteria (not complete and in order of preference) will amongst others form the basis of the tender evaluation:
- 7.1.1 The financial offer.
  - 7.1.2 The Tenderer's ability to match service requirements as set out in Annexure A: Scope of Work and adequate client liaison.
  - 7.1.3 The type of organisation and the number of years in operation in the industry.
  - 7.1.4 The track record and experience of the Tenderer.
  - 7.1.5 The Tenderer's contactable client references.
  - 7.1.6 The competence of the proposed management, project managers and staff of the Tenderer.
  - 7.1.7 Accuracy and presentation of the calculations which must be sufficient for comparison purposes.
  - 7.1.8 Financial ability of the Tenderer to provide the goods and/or services and to meet its contractual obligations.
  - 7.1.9 Adequate insurance coverage regarding the goods and/or services.
- 7.2 **Evaluation Procedure:**
- 7.2.1 The University may request additional information, clarification, or verification in respect of any information contained in or omitted from a Tenderer's Tender Submission and this information will be requested in writing.
  - 7.2.2 The University may enforce whatever measures it considers necessary to ensure the confidentiality and integrity of the contents of the Tender.
  - 7.2.3 The University will evaluate the proposals with reference to the University's set and approved evaluation criteria as indicated in these Tender Documents.

### 8 EVALUATION CRITERIA

#### 8.1 **Stage 1: Pre-qualification Stage (Procurement Mandatory Criteria & Functionality Criteria)**

- 8.1.1 The University has a defined minimum pre-qualification listed in the table under section 1.5 that must be met by the Tenderer for the University to accept the Tender Submission for evaluation.
- 8.1.2 The pre-qualification evaluation will be carried out by the University's tender evaluation committee members to determine which Tender Submissions are compliant or non-compliant with the requirements issued by the University as part of this tender process.
- 8.1.3 Where there is failure to comply with the pre-qualification criteria as set out in section 1.5 or the University is for any reason unable to verify whether the pre-qualification criteria are fully complied with, the University may disqualify the Tender Submission.
- 8.1.4 Tenderers that do not meet the pre-qualification criteria may not advance to the next stage of evaluation.
- 8.1.5 Please note that no points are allocated at this stage.
- 8.1.6 **Note:** Documents submitted in support of this Tender must be documents of the Tenderer's entity. It is not permitted that documents submitted pertain to different companies or business units within a group.

#### 8.2 **Stage 2: Functional including Technical Evaluation**

- 8.2.1 In this stage, the Tenderer must get a minimum of **75%**, in order to move on to the next stage of evaluation.
- 8.2.2 The evaluation of the Functionality Criteria of the Tender Submission will be based on the following criteria:

No.	Criteria	Weight
<b>1</b>	<b>Track Record /Experience: Tenderer</b>	<b>Maximum 10 Points</b>
1.1	Provide evidence of the history of delivering lecturer evaluation Implementations/Solutions and support of lecturer evaluation solutions in organizations comparable to Wits with a minimum of 35 000 internal users and a minimum concurrency of 15%.  <b>Provide this information in Schedule 5A</b>	<b>10 Points</b>
<b>2.</b>	<b>Track Record / Experience: Solution</b>	<b>Maximum 5 Points</b>
2.1	Provide evidence of the history of delivering the proposed lecturer evaluation solution and support of lecturer evaluation solutions preferably in organizations comparable to Wits. The system should be capable of supporting a minimum of 35 000 internal users, with minimum concurrency at 15%. The volume and scale of your implementations may be assessed.  <b>Provide this information in Schedule 5B</b>	<b>5 Points</b>
<b>3</b>	<b>References:</b>	<b>Maximum 10 Points</b>
3.1	References for the proposed solution will be assessed. It is preferred that at a minimum you provide two confirmed local or international client references (local implementation companies preferred).  <b>Provide this information in Schedule 5C</b>	<b>10 Points</b>
<b>4</b>	<b>Staff Capacity &amp; Implementation Competence:</b>	<b>Maximum 15 Points</b>
4.1	Indicate the relevant technical skills of key staff members, including years of experience in lecturer evaluation system provision, implementation, and end-user support. The proposed team organogram and size need to be detailed incl. the role the individual would be fulfilling.  <b>Provide your information in Schedule 5D</b>	<b>15 Points</b>
<b>5</b>	<b>Relevant Experience of Project Manager:</b>	<b>Maximum 10 Points</b>
5.1	It is required that the project management has at minimum 2yr <b>IT</b> project management experience with a minimum of 3 years <b>general</b> project management exp. (IT and/or other). At minimum a project manager should have a formal project management qualification such PMP, Prince 2 and Agile or equivalent.  <b>Provide your information for this section in Schedule 5E.</b>	<b>10 Points</b>
<b>6</b>	<b>Comprehensive project implementation plan.</b>	<b>Maximum 20 Points</b>
6.1	Clear project plan detailing milestones across look and feel design, installation & configuration, integration, testing, data migration and user training, training the trainer and technical training.  <b>Provide your information for this section in Schedule 5F</b>	<b>20 Points</b>
<b>7</b>	<b>Training Plan/Roadmap</b>	<b>Maximum 10 Points</b>
7.1	Clear comprehensive training plan covering User Training, Train the Trainer, Technical training  <b>Provide your information for this section in Schedule 5G</b>	<b>10 Points</b>
<b>8</b>	<b>Risk/Assumptions/Dependencies/Exclusions (RADE)</b>	<b>Maximum 10 Points</b>
8.1	Backup and contingency plans for key technical team members should be included.  <b>Provide your information in Schedule 5H.</b>	<b>10 Points</b>
	<b>Total</b>	<b>90%</b>
	<b>Threshold</b>	<b>75%</b>

### 8.3 Stage 3: Presentation, Site Visits, Demonstrations, or other due diligence

8.3.1 This phase of assessment is the final stage in the evaluation process and only successful Tenders that have met the minimum requirements in the technical/functionality stage will be considered.

8.3.2 **Presentations:**

8.3.2.1 The University will require short-listed Tenderers to make presentations to University the evaluation team on the date and at the place in section 2.1.

8.3.2.2 Presentations are designed to allow Tenderers to present their solution and various aspects as identified by the University. A question-and-answer session is part of the presentation phase. A threshold of **75%** will apply to the presentation phase. Client Site visits may be required as part of the process.

8.4 **Stage 4: Price, Preference (B-BBEE) Evaluation and where applicable Consideration of Previous Stages**

8.4.1 Tenderers who scored a minimum of **75** points in stage 3 will be considered for stage 4 (final stage).

8.4.2 In this final stage the criteria elements below will be considered. Therefore, a Tenderer's Tender Submission will be evaluated based on the weightings set out below:

Price and B-BBEE and Consideration of Previous Stages	Documents Required	Weighting %
Price	Annexure C: Pricing to be completed	70%
Functionality		15%
Presentation		5%
B-BBEE	Please submit a current, valid B-BBEE certificate issued by a SANAS accredited verification agency unless the Tenderer is an exempted micro enterprise (EME) or a qualifying small enterprise (QSE), in which case the Tenderer may submit a sworn affidavit in accordance with the B-BBEE Act: Codes of Good Practice published in Government Gazette No. 36928. Note the B-BBEE score will consider the certification level (10%).	10%
<b>Total</b>		<b>100%</b>

8.4.3 **B-BBEE Score Card**

B-BBEE Status Level Contributor	Number of Points (10% B-BBEE)
Level 1 contributor	10
Level 2 contributor	9
Level 3 contributor	6
Level 4 contributor	5
Level 5 contributor	4
Level 6 contributor	3
Level 7 contributor	2
Level 8 contributor	1
Non-Compliant contributor	0

**Note:** Non-compliant contributors or failure to provide certification substantiating the B-BBEE status level of contribution will result in the Tenderer being awarded zero (0) points for the preference point system.

8.5 **Price Points Calculation**

A maximum of **70 = X** points is allocated for price on the following basis:

$$PS = X \left\{ \frac{1 - \frac{Pt - Pmin}{Pmin}}{Pmin} \right\}$$

Where:

- Ps = Points scored for comparative price of Tender Submission under consideration;
- X = Ratio allocated to pricing for scoring purposes;
- Pt = Comparative price of the Tender Submission under consideration; and





Pmin = Comparative price of the lowest acceptable Tender Submission.

## 8.6 Other Information

- 8.6.1 All Tenderers will be formally notified (successful or not) after the evaluation process has been completed and are requested not to contact the University in this regard.
- 8.6.2 The detailed evaluation results and Tenderer ratings will not be published or made available to anyone.

## PART D: SCOPE OF WORK

### 9 SCOPE OF WORK

- 9.1 The detailed scope of work is attached to the Tender Documents and marked as Annexure A: Scope of Work.
- 9.2 Tenderers must carefully review Annexure A: Scope of Work and confirm their ability to meet all the requirements outlined therein before submitting a Tender Submission.
- 9.3 The University strictly prohibits any material variation to Annexure A: Scope of Work. This prohibition encompasses but is not limited to changes in the products, services, and service levels specified in the scope of work. Any Tender Submission that deviates materially from the requirements stated in Annexure A will not be accepted by the University.
- 9.4 Tenderers explicitly and unequivocally confirm that the pricing submitted encompasses all activities outlined within Annexure A: Scope of Work, and includes any associated costs, materials, and services required for the successful completion of the Contract. The Tenderer acknowledges and agrees that the pricing provided is comprehensive and accounts for all foreseeable expenses related to the specified activities. Any additional costs incurred due to incomplete or inaccurate pricing will be the sole responsibility of the Tenderer, and no claims for reimbursement will be entertained by the University.

## PART E: RETURNABLE SCHEDULES & DOCUMENTS

### 10 THE SUBMISSION OF RETURNABLE SCHEDULES & DOCUMENTS

- 10.1 The Tender Submission will be evaluated based on the information submitted as instructed through the returnable schedules and documents.
- 10.2 The Tenderer's Tender Submission must be composed according to, and in the sequence as set out in Annexure B: Returnable Schedules and Documents. Additional instructions are contained under the applicable sections per Annexure B: Returnable Schedules and Documents.
- 10.3 Tenderers must complete the returnable schedules in type-written format and submit them in PDF and/or Excel compatible (.xlsx) (where indicated).
- 10.4 Tenderers must ensure that all returnable schedules, documents, and certificates are legible, current, legally compliant and valid.

## PART F: PRICING

### 11 PRICING INSTRUCTIONS

- 11.1 The pricing that the Tenderer submits will be considered the Tenderer's final pricing which will be included in the Contract. The Excel spreadsheet that is Annexure C: Pricing must be used to submit the applicable pricing as indicated in these Tender Documents.
- 11.2 Tenderers must show their pricing information using the pricing template contained in Annexure C: Pricing and ensure that their pricing addresses the full scope of work.
- 11.3 Pricing must be submitted in editable and printable softcopy in both the original Excel compatible (.xlsx) and .pdf formats.
- 11.4 Tenderers hereby acknowledge and agree that in the event of their failure to specify a fee or price for a particular item within their submission, said item(s) will be deemed to be encompassed within the overall fees and/or prices submitted by the Tenderer.
- 11.5 Tenderers must carefully consider the provisions as set out in sections 11.6, 11.7, and 11.8 when providing

provisions

**11.6 Annual Escalation Adjustments:**

11.6.1 The prices for the goods and/or services specified in Annexure A: Scope of Work will remain unchanged for the first 12 (twelve) months of the Contract. Thereafter, such amounts may be adjusted provided that the relevant supporting documentation is supplied in accordance with CPI on the first and each subsequent annual anniversary of the effective date (the successful service provider is required to give 1 (one) month's prior written notice of such adjustment). The prices for the goods and/or services must include VAT, all other taxes (insofar as they are applicable) and insurance as required.

11.6.2 **Note:** CPI means the average annual rate of change (expressed as a percentage) in the Consumer Price Index for all metropolitan areas as published by Statistics South Africa (or such other index reflecting the official rate of inflation in the Republic of South Africa as may replace it), which annual change shall be determined by comparing the most recently published index with the average index published over the 12 (twelve) months preceding the anniversary of the start date of the awarded Contract, and applying the lower of the 2 (two) compared indices.

**11.7 Exchange Rate Fluctuations:**

11.7.1 Should there be an increase in exchange rate post tender award, the University and successful service provider will bear the increase in the exchange rate fluctuations ("ROE") equally amongst themselves.

**11.8 Cost Savings:**

11.8.1 The University expects the Tenderer to be an active partner in generating ideas to reduce costs beyond only price reductions. Alternative cost reduction methods must be included in a separate spread sheet in Annexure C: Pricing.

**PART G: INSURANCE**

**12 INSURANCE REQUIREMENTS**

12.1 A Tenderer must demonstrate that it has adequate insurance cover to meet the minimum requirements as set out in the Scope of Work or obtain a letter of confirmation from its insurers indicating that the Tenderer will qualify for adequate insurance cover to satisfy the minimum requirements, or they need to agree to have insurance in place and not add any additional cost by stating in the tender document with tick boxes in the returnable schedule. The Tenderer will have to establish its standard company insurance (please refer to Annexure B: Returnable Schedules and Documents) and details of:

12.1.1 public liability to the value of at minimum R8 million to R12 million; and/or

12.1.2 professional indemnity insurance to the value of at minimum R8 million to R12 million; and/or

12.2 Tenderers agree that should it be awarded as a successful service provider that it shall at all times maintain insurance coverage satisfactory to the University's insurance brokers. Proof of payment of premium for the respective policy shall be furnished annually to the University in the event the Tenderer is the successful service provider. This should not have an impact on the Tenderer's submitted pricing.

**PART H: THE CONTRACT**

**13 THE CONTRACT**

13.1 Tenderers must please take note of the following important contractual terms:

Indicative Contract Dates:	Start Date – End Date (TBC) Target from November 2023
Indicative Contract Duration:	5 (five) years
Classification and Type of Contract:	Memorandum of Agreement
Insert any other important terms, if applicable	

13.2 Any award made as a result of this Tender process will be governed by the regents of the Contract.

13.3 In the event that a Contract has been included in the Tender Documents (see Annexure D: Draft Contract) and if a Tenderer takes exception or wishes to propose a deviation to any term or condition in the Contract, it must be done clearly and conspicuously by referencing the specific clause number or the term or condition and by describing the exception or deviation in Annexure B under the Contract Deviation Schedule. If a



Tenderer does not clearly and conspicuously take an exception or propose a deviation to a specific term or condition, the Tenderer shall be bound by such term or condition in the event the award is made to it. The University reserves the right in each instance to:

- 13.3.1 Accept the deviations or exceptions; or
- 13.3.2 Negotiate the deviations or exceptions; or
- 13.3.3 Reject a proposal with deviations or exceptions deemed unacceptable by the University at its option and in the exercise of its sole discretion.
- 13.4 The rejection or amendment by the Tenderer of any terms and conditions contained in the Contract may increase the risk to the University and will thus be taken into consideration when assessing the Tenderer's Tender Submission.
- 13.5 Tenderers should not provide or include their contract, service level agreement or '*reserve the right to negotiate if the Tenderer is selected as the preferred service provider*' statement (the University will not consider this type of documentation). Tenderers must ensure that they follow the protocol as set out in section 13.3.
- 13.6 The Tender awarded will be conditional and subject to successful negotiations and the signing of a written contract, failing which the University reserves the right to withdraw the Tender and to award another Tenderer without the need to repeat the same Tender process.
- 13.7 Should final contract negotiations with the preferred Tenderer not be concluded within 4 (four) weeks of the tender award or the preferred Tenderer takes exception to certain terms in the Contract that the parties cannot agree to, the University reserves the right to cancel the award and select an alternative Tenderer.