



# **GOVERNMENT OF THE KINGDOM OF SWAZILAND**

## **Pre-Qualification Document**

Procuring Entity	Ministry of Finance
Subject of Pre-Qualification:	Promotional Items
Pre-qualification Reference No:	<i>244 of 2024/2025</i>
Date of Issue of Document:	<i>04<sup>th</sup> November 2024</i>

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**PART I: GENERAL**

**1.1 Background**

- 1.1.1 Ministry of Finance intends to pre-qualify suppliers with the objective of selecting and shortlist potential suppliers to participate in framework tenders for **the supply and delivery of Promotional Material Items for Government Ministries and Departments under framework contracts for 12 Months**.
- 1.1.2 The main purpose of the program is to improve the procurement performance through identifying suppliers who are eligible and qualified with adequate capabilities, resources and experience to supply government with quality **Promotional Items for Government Ministries and Departments**
- 1.1.3 Ministry of Finance will evaluate and short list all eligible and qualified firms for the provision of **Promotional Material Items** for one Financial Year. Once a firm has been short listed, it will be invited, during the financial year, to submit tenders for the provision of Promotional Material Items Services for a specific category they are eligible and qualified for. Tenders will therefore be issued to shortlisted firms to obtain competitive prices for all the items concerned.
- 1.1.4 This Pre-qualification document, the response thereof and the physical inspection of the applicant's premises shall be the basis for pre-qualification as a supplier in a specified category.

**1.2 Scope of Application**

- 1.1.1 Ministry of Finance invites applications for pre-qualification for the requirements stated in Annex B of this document.
- 1.1.2 Throughout this document:
- (a) the "Applicant" means the firm, Supplier submitting an application for pre-qualification; and
  - (b) the "Application" means the submission for pre-qualification.

as defined in the Public Procurement Regulations, 2020 of the Kingdom of Eswatini.

**1.3 Corrupt Practices**

- 1.3.1 It is the Government of Eswatini's policy to require that Ministry of Finance, as well as Applicants, Suppliers and Service providers, to observe the highest standards of ethics during procurement and the execution of contracts. In pursuit of this policy, the Government of Eswatini:
- (a) defines, for the purposes of this provision, the terms set forth below as follows:
    - (i) "corrupt practice" includes the offering, giving, receiving, or soliciting of anything of value to influence the action of a public official in the procurement process or in contract execution; and
    - (ii) "fraudulent practice" includes a misrepresentation of facts in order to influence a pre-qualification or procurement process, or the execution of a contract to the detriment of Government Central Stores or the Procuring Entity, and includes collusive practices among firms, Suppliers or Providers prior to or after submission of applications designed to establish prices at artificial, non competitive levels and to

deprive the Procuring Entity of the benefits of free and open competition;

- (b) will reject a recommendation for pre-qualification if it determines that the Applicant recommended has engaged in corrupt or fraudulent practices; and
- (c) will suspend a firm, Supplier or Service Provider from engaging in any public procurement proceeding for a stated period of time, if it at any time determines that either has engaged in corrupt or fraudulent practices in pre-qualifying, competing for, or in executing, a Government contract.

1.3.2 In pursuit of the policy, the Government of Eswatini requires representatives of both the Ministry of Finance, Procuring Entities and of Suppliers and Providers to adhere to the relevant codes of ethical conduct. The Code of Ethical Conduct for Suppliers and Service Providers is available from the Public Procurement Regulatory Agency and Applicants are required to indicate their acceptance of this code through the declarations in the Application Submission Sheet.

## **PART II: INSTRUCTIONS TO APPLICANTS**

### **2.1 Introduction**

The Ministry of Finance will evaluate and short list all eligible and qualified companies for the provision of Promotional Material Items for Government Ministries and Departments for the Financial Years [2025/2026]. Once a firm has been short listed, it will be invited, several times during the financial year, to submit a proposal for the provision of some or all of the supplies or services.

### **2.2 Objectives**

The Ministry of Finance invites sealed Applications from Suppliers for

**Promotional Items for Government Ministries and Departments** for the Financial Years indicated in 2.1 above.

### **2.3 Eligible Applicants**

2.3.1 An Applicant, and all parties constituting the Applicant, shall meet the following criteria to be eligible to participate in public procurement:

- (a) the applicant has the legal capacity to enter into a contract;
- (b) the applicant is not:
  - (i) insolvent;
  - (ii) in receivership;
  - (iii) bankrupt; or
  - (iv) being wound up
- (c) the applicant's business activities have not been suspended from public procurement;
- (d) the applicant is not the subject of legal proceedings for any of the circumstances in (b); and

- (e) the applicant has fulfilled his or her obligations to pay taxes and social security contributions.
- (f) Neither the applicant nor any of its directors or officers has been convicted of any criminal offence related to their professional conduct or the making of false statements or misrepresentations as to their qualifications to enter into a contract within a period of five years preceding the commencement of the procurement proceedings.
- (g) The applicant does not have a conflict of interest in relation to the pre-qualification or the procurement requirement.

2.3.2 An Applicant shall be a natural person, private entity, government-owned entity, subject to 2.3.6, or any combination of them with the formal intent to enter into an agreement or under an existing agreement in the form of a joint venture, consortium or association. In the case of a joint venture, consortium or association, unless otherwise specified in the **Application Submission Sheet**, all parties shall be jointly and severally liable.

2.3.3 Applicants shall not have a conflict of interest. All Applicants found to be in conflict of interest shall be ineligible from the pre-qualification process under consideration for which the conflict of interests relates.

2.3.4 A firm shall submit only one application for the same pre-qualification process, either individually as a firm or as a partner of a joint venture. No firm can be a subcontractor while submitting an application individually or as a party of a joint venture in the same pre-qualification process.

2.3.5 A firm that is under a declaration of suspension by the Public Procurement Regulatory Agency at the date of submission of the application or thereafter, shall be disqualified.

## 2.4 **Cost of Applying**

The Applicant shall bear all costs associated with the preparation and submission of its Application, and Ministry of Finance will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the pre-qualification process.

## 2.5 **Clarification of Pre-Qualification Documents**

A prospective Applicant requiring any clarification of the Pre-Qualification documents may notify the Ministry of Finance or the nominated Lead Procuring Organization in writing by letter, e-mail or facsimile at the client's address indicated below. The Ministry of Finance or the nominated Lead Procuring Organization will respond in writing to any request for clarification which it receives no later than seven (7) days prior to the deadline for the submission of Applications. Written copies of the response (including an explanation of the query but without identifying the source of inquiry) will be sent to all prospective Applicants that have received the short listing documents.

For clarification purposes only, should be sent in writing to The Ministry of Finance email address is: **shongwenok@gov.sz or nokuthulasd@gmail.com**

## **2.6 Amendment of Pre-Qualification Document**

- 2.6.1 At any time prior to the deadline for submission of applications, The Ministry of Finance may amend the Pre-Qualification Document by issuing addenda.
- 2.6.2 Any addendum issued shall be part of the Pre-Qualification Document and shall be communicated in writing to all who have obtained the short listing document from The Ministry of Finance or the nominated Lead Procuring Organization.
- 2.6.3 To give prospective Applicants reasonable time to take an addendum into account in preparing their applications, Ministry of Finance, at its discretion, extend the deadline for the submission of applications.

## **PART III: PREPARATION OF APPLICATIONS**

### **3.1 Language of Application**

The Application prepared by the Applicant, as well as all correspondence and documents relating to the Application exchanged by the Applicant and the Ministry of Finance, shall be written in English. Accurate translations of any supporting documents and printed literature in another language must be provided in English, in which case the translation shall govern.

### **3.2 Documents Establishing Applicant's Eligibility and Qualifications**

The Applicant shall provide as part of its Application, the documentary evidence of the Applicant's legal status, financial, technical and production capability to provide the supplies or services

### **3.3 Format and Signing of Applications**

- 3.3.1 The Applicant is requested to submit its Pre-Qualification Application (included in Annex A) in one envelope marked: "Application for Pre-Qualification Promotional Material Items. The envelope shall contain one (1) original and three (3) copies.
- 3.3.2 The original and the copies of the Application shall be typed or written in indelible ink, and shall be signed by the Applicant or a person or persons duly authorized to sign the Application documents. All pages of the Application, except for un-amended printed literature, shall be initialed by the person or persons signing the Application and each page numbered.
- 3.3.3 Any interlineations, erasures, or overwriting shall be valid only if they are initialed by the person or persons signing the Application.
- 3.3.4 All Pages of the proposal must be numbered sequentially starting with the cover page.

## PART IV: SUBMISSION OF APPLICATIONS

### 4.1 Sealing and Labelling of Applications

- 4.1.1 The Pre-Qualification Application shall be composed of one envelope marked **Tender No. 244 of 2024/2025: “Pre-Qualification Document for the Promotional Material Items”**. It shall contain one (1) original (marked “Original”) and three (3) copies (marked “Copy”).
- 4.1.2 For application submission purposes only,

**The Secretary to  
Eswatini  
Government Tender  
Board  
  
Treasury Building,  
Mhlambanyatsi  
Road,  
MBABANE**

The deadline for application submission is:

Date: **06<sup>th</sup> December, 2024**

Time (local time): **0900hrs**

- 4.1.3 The envelope shall also indicate the name and address of the Applicant to enable the Application to be returned unopened in case it is declared “late”.
- 4.1.4 **If the envelope is not sealed and marked as required by Clause 4.1, the Ministry of Finance will reject and return the envelope unopened and assume no responsibility for the Applications misplacement.**

### 4.2 Deadline for Submission of Applications

Applications must be received by Ministry of Finance at the address and by the date and time specified under Clause 4.1.2.

### 4.3 Late Applications

Any Application received after the deadline for submission of Applications will be rejected and returned unopened to the Applicant.

## **PART V: OPENING AND EVALUATION OF APPLICATIONS**

### **5.1 Opening of Applications by the [Procuring and Disposing Entity]**

- 5.1.1 At the Opening Applicants' particulars will be read out in the presence of Applicants' representatives who choose to attend the Opening. The Applicants' representatives who are present shall sign a register as evidence for their attendance.
- 5.1.2 No Application shall be rejected at Application opening, except for late Applications, which shall be returned unopened to the Applicants.
- 5.1.3 The Ministry of Finance will prepare minutes for the Opening of Applications.

### **5.2 Evaluation of Applications:**

- (a) The Ministry of Finance will nominate an Evaluation Committee to carry out the evaluation of Applications on the basis of the Applicant's:
- Professional and technical qualifications of Company;
  - Financial resources and condition of Company;
  - Capacity (production, stock, personnel, and managerial capacity (where applicable) of Company;
  - Company experience and experience in subject field;
  - Legal and tax status, (registration/licensing as required);
  - Eligibility;
  - Conflict of Interests/Suspension from public procurement
  - Historical contract performance and scope and similarity of required experience;
  - Specific evaluation criteria for each category as given in **Annex C**.
- (b) Any application that fails to meet the requirements in 5.2 (a) will be considered unsuitable and shall be rejected at this stage. The Ministry of Finance shall notify the Applicant of the rejection of their application.

### **5.3 Clarification of Applications**

- 5.3.1 During evaluation of the Applications, the Ministry of Finance may, at its discretion, ask the Applicant for clarification(s) of any aspect of its Application. A request for clarification shall be signed and sent to the Applicant by the chairperson of the evaluation committee and noted in the evaluation report.
- 5.3.2 An Applicant shall be instructed to reply to clarifications in writing within a specified time, addressing their responses to the chairperson of the evaluation committee.
- 5.3.3 Failure of an Applicant to respond to a request for clarification may result in the rejection of its bid.

### **5.4 Contacting Ministry of Finance**

- 5.4.1 No Applicant shall contact unsolicited, the Ministry of Finance or the chairperson of the evaluation committee on any matter relating to its Application from the time of Application opening to the short listing of Applicants.



5.4.2 Any effort by the Applicant to influence the Ministry of Finance or the evaluation Committee members in its decisions on the Application evaluation may result in the rejection of the applicable Application.

## **5.5 Confidentiality**

5.5.1 Information relating to the evaluation of applications, and recommendation for pre-qualification, shall not be disclosed to Applicants or any other persons not officially concerned with such process until the notification of short listing is made to all Applicants.

## **PART VI: PRE-QUALIFICATION AND SHORT-LISTING**

### **6.1 Notification to the Short Listed Applicants**

6.1.1. The Ministry of Finance will notify all Applicants in writing, that they have been short listed to provide certain categories of supplies or services for the Financial Years indicated.

### **6.2 Inspection**

6.2.1. The Ministry of Finance reserves the right to conduct a physical inspection of the premises of the Applicant at its own cost and discretion. If, after the inspection, it is deemed that the physical structure and quality of service equipment is unsatisfactory, then the Application will be rejected. The Ministry of Finance reserves the right to verify all information submitted.

### **6.3 Changes in Qualifications of Applicants**

6.3.1 Applicants and those subsequently short listed or conditionally short listed, shall inform Ministry of Finance of any material change in information that might affect their qualification status.

6.3.2 Prior to award of any resulting contract, the best evaluated bidder will be required to confirm its continued qualified status in a post-qualification review process.

### **6.4 Tendering for Supply and Delivery of Promotional Material Items for Government Ministries and Departments**

6.4.1 Only short-listed Applicants will be invited to tender **for Supply and Delivery of Promotional Material Items for Government Ministries and Departments**

6.4.2 Suppliers shall be required to update key short listing information at the time of tendering.

## ANNEX A: FORM A1: APPLICATION SUBMISSION SHEET

Date: {insert day, month, year}

To: {insert name of **Ministry of Finance**}

We, the undersigned declare that:

- (a) We have examined and have no reservations to the Pre-Qualification document, including Addenda No:....., {insert the number and issuing date of each Addenda};
- (b) We hereby apply to be Pre-Qualified for the Supply and Delivery of Promotional Material Items for Government Ministries and Departments:
- (c) We, including any subcontractors or providers for any part of this applications, are eligible to participate in public procurement;
- (d) We, our affiliates or subsidiaries, including any subcontractors for any part of the contract or contracts resulting from this Pre-Qualification process, have not been suspended by the Government of Eswatini from participating in public procurement;
- (e) We undertake to abide by the Code of Ethical Conduct for Suppliers and Providers during the procurement process and the execution of any resulting contract;
- (f) We understand that you may amend the scope or cancel the Pre-Qualification process at any time and that you are neither bound to accept any application that you may receive nor to invite the short listed applicants to tender for the contract or contracts, which are the subject of this Pre-Qualification, without incurring any liability to the Applicants;
- (g) We understand that qualification information will be subject to verification. We also understand that any changes to the Pre-Qualification data and information supplied within this submission will be notified to Ministry of Finance during any tendering process for which they may be shortlisted;
- (h) We hereby authorise you and your authorised representatives, to conduct any enquiries or investigations to verify the statements, documents and information submitted in connection with this application and to seek clarification from our bankers and clients regarding any financial and technical aspects. This Application Submission Sheet will also serve as authorisation to any individual or authorised representative of any institution referred to in the supporting information to provide such information deemed necessary and as requested by yourselves to verify statements and information provided in this application.

Signed:	.....{signature of person whose name and capacity are shown below}
Name:	.....{insert complete name of person signing the application}
In the capacity of	.....{insert legal capacity of person signing the application}

Duly authorized to sign	for and on behalf of ..... ..... <i>{insert complete name of Applicant/Joint Venture}</i>
Date:	..... day of ....., 20.... <i>{insert date of signing}</i>

## FORM A2:            APPLICANT INFORMATION SHEET

<b>1</b>	Name of Company:	..... {insert full legal name}	
<b>1a</b>	Type of Organization {tick as appropriate}	i) Public Limited Company	
		ii) Public listed company	
		iii) Proprietary limited company (Pty Ltd)	
		iv) Other (Specify)	
<b>1b</b>	Please indicate here or attach an organization chart showing the company structure including key personnel		
<b>1c</b>	Physical address:	{insert street/ number/ town or city/ country}	
<b>1d</b>	Postal address:	{insert postal address}	
<b>1e</b>	Registered address if different from 1b or 1d above	.....{insert postal address}	
<b>1f</b>	Telephone number:	{insert all telephones numbers of organization's Departments}	
<b>1g</b>	Telefax number:	..... {insert all telefax numbers of organization}	
<b>1h</b>	Email:	..... {insert email address(es) for the organization}	
<b>1i</b>	Website address	..... {insert website address for the organization}	
<b>1j</b>	Date of Registration	{Insert details}	
<b>1k</b>	Company registration Number	{Insert details}	
<b>1l</b>	Trading License Number	{Insert details}	
<b>1m</b>	Company Tax Identification Number	{Insert details}	
<b>1n</b>	VAT Registration Number if applicable)	{Insert details}	
<b>1o</b>	Description of the Company's main business activities: (ie, manufacturer, Assembler, Distributor, Retailer, Wholesaler, etc)	{Full nature and description of Company's business activities}	

<b>1p</b>	Names of Directors, (shareholders & partners):	..... {attach details/supporting documents}
<b>1q</b>	Associated Companies (if any)	..... {attach details/supporting documents}
<b>1r</b>	Name of certified auditors/secretary	..... {attach details/supporting documents}
<b>1s</b>	Date of most recent tax return	..... {Attach most recent}
<b>1t</b>	Name of Holding Company (if any)	..... {Insert and attach supporting documents}
<b>1u</b>	Company registration number of Holding Company	..... {Insert details}
<b>1v</b>	If a Consortium is expressing interest, provide separately the full name and details of all other organizations (Paras 1a to 1s above)	.....{Include a Power of Attorney of the signatory(ies) of the Consortium Applicants on behalf of the joint venture; & a certified copy of the Joint Venture Agreement, (which is legally binding on all partners, showing that all partners shall be jointly and severally liable) and one of the partners will be nominated as being in charge, authorised to incur liabilities, and receive instructions for and on behalf of any and all partners of the joint venture}.
<b>1w</b>	Contact person within organization/Consortium to whom enquiries of this application should be directed	Name: .....
		Title: .....
		Tel: .....
		Fax: .....
		Email: .....

{The Applicant should accurately complete this information expanding the table and/or format as required or appending further information sheets as required}

## FORM A5: APPLICANT RECENT EXPERIENCE INFORMATION SHEET:

<b>EXPERIENCE: RECENT RELEVANT CONTRACTS</b>			
Number of years of experience in the provision of the Promotional Material Items <b>(Minimum 2 Years)</b>	..... {Insert number of years in business and years of experience}		
Provide information about <b>recent</b> relevant contracts completed over the past <b>two years</b> to support the areas for which pre-qualification is sought in.  {The applicant must attach evidence of relevant contracts performed below in the form of reference letters from the clients or purchase order}			
<i>Name Employer</i>	<i>Description of Contract</i>	<i>Total Contract Price (&amp; currency)</i>	<i>Date of Completion</i>

{The Applicant should accurately complete this information expanding the table and/or format as required or appending further information sheets as required}

## FORM A6: APPLICANT LEGAL STATUS

### LEGAL STATUS

1. A copy of any joint venture agreement should be attached where applicable;
2. Enclose a copy of the Power of Attorney of the signatory of the Pre-Qualification document registered by the Registrar of Companies or written authorization to submit the application where applicable;
3. Enclose a current copy of Form J (Register of Directors) certified by the Registrar of Companies;
4. Enclose a current copy of Form C (Authorized Share Capital);
5. Enclose a copy of the Certificate of Incorporation certified by the Registrar of Companies;
6. Enclose an **Original** of the Applicants Tax Compliance (**For Government Tender**);
7. Enclose a copy of a **Relevant, certified and Valid** Trading License.
8. Enclose a **Valid and certified** Labour Compliance Certificate.
9. Enclose Police Clearance Certificate for all directors (**Exclude Figure Prints**) or an Affidavit for all directors.
10. Enclose Signed Declaration of eligibility
11. Enclose VAT Certificate
12. Enclose a **Relevant, certified and Valid** copy of Eswatini National Provident Fund Compliance Certificate;
13. Enclose Government of Eswatini Labour Compliance Certificate (**Valid**) and certified;
14. Original General Receipt of E300.00

{The Applicant should accurately complete this information expanding the table and/or format as required or appending further information sheets as required} Certified **Copies must be not more than two months old from the date of submission.**

## FORM A8: DECLARATION OF ELIGIBILITY

In accordance with the requirements of the Procurement Regulations issued in accordance with the terms of Section 26 of the Finance and Audit Act No. 18 of 1967 all Tenderers must meet the following criteria, to be eligible to participate in public procurement

[Tenderers must provide a signed declaration on their company letterhead in the following format. If the Tender is being presented by a joint venture or consortium all members must sign each their declaration. ]

Dear Sirs

Re Tender Reference [ >>>>> ]

In accordance with the eligibility requirements of the tender documents we hereby declare that:

- (a) We, including any joint venture partners or consortium partners, are a legal entity and have the legal capacity to enter into the contract;
- (b) We are not insolvent, in receivership, bankrupt or being wound up, our affairs are not being administered by a court or a judicial officer, our business activities have not been suspended, and we not the subject of legal proceedings for any of the foregoing;
- (c) We have fulfilled our obligations to pay taxes and social security contributions;
- (d) We have not, and our directors or officers have not, been convicted of any criminal offence related to our/their professional conduct or the making of false statements or misrepresentations as to their qualifications to enter into a contract within a period of five years preceding the commencement of the procurement proceedings; and
- (e) That we do not have a **conflict of interest** (1) in relation to the procurement requirement.

Signed: .....

Date: .....



**ANNEX B: STATEMENT OF REQUIREMENTS: SUPPLIES**

List and codes of supplies or services to be provided include but are not restricted to the following:

Item Code	Group, category of items
244 of 2024/2025	Supply and delivery of Promotional Items to All Government Ministry's

### **ANNEX C: ADDITIONAL EVALUATION CRITERIA**

Applications shall be evaluated by an evaluation committee and shall be on a pass/fail basis against criteria based on criteria detailed in paragraph 5.2 in addition to the criteria annotated below:

- **Suppliers must have Minimum 2 years' experience in** Promotional Material Items Services.
- Failure to duly complete the above forms and comply with the requirements will results in to a disqualification.