

**ENGINEERING COUNCIL OF SOUTH AFRICA**

**REQUEST FOR PROPOSAL [RFP]**

**RFP NUMBER:** ECSA/RFP07/2019

**RFP DESCRIPTION:** Request to submit proposals for the provision of internal auditing services for the Engineering Council of South Africa (ECSA) for a period of three (3) years.

**COMPANY NAME**: Engineering Council of South Africa (ECSA)

**ADDRESS:** Engineering Council of South Africa

1st floor, Waterview Corner

No. 2 Ernest Oppenheimer Avenue

Bruma Lake

2198

**CONTACT PERSON (TECHNICAL ENQUIRY):**

Name: Zola Khoza

Tel: 011 607 9573

E-mail: zola@ecsa.co.za

**CONTACT PERSON (SUPPLY CHAIN MANAGEMENT):**

Name: Victor Leshiba

Tel: 011 607 9559

E-mail: victor@ecsa.co.za

Table of Contents

1. DEFINITIONS……………………………………………………………………………….3

2. ABBREVIATIONS…………………………………………………………………………..4

3. BACKGROUND/INTRODUCTION…………………………...…………………………..4

4. PURPOSE/OBJECTIVE OF RFP………………………………………………………...5

5. SCOPE OF WORK……………………………………………………..……………….....5

6. PRIMARY ASSIGMENT OBJECTIVE………………………………………..………….5

7. SCOPE OF SERVICES……………………………………………..…………….………5

8. EXPERIENCE/SKILLS/TEAM COMPOSITION/PAST PERFORMANCE….………..6

9. SUBMISSION REQUIREMENTS AND TIMEFRAMES……….……………………….7

10. TENDER SPECIFICATIONS….………………………………………………………….8

11. CERTIFICATE OF AUTHORITY FOR SIGNATORY………….………………………9

12. TAX CLEARANCE CERTIFICATE REQUIREMENTS……………………………….10

13. DECLARATION OF INTEREST………………..……………………………….…10 - 11

14. PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT (PPPFA)..…….12

15. POINTS AWARDED FOR PRICE………………………………………………………13

16. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTION….……13

17. BID DECLARATION…………………………………………………………………......14

18. B-BBEE STATUS LEVEL OF CONTRIBUTION CLIMAED IN PARAGRAPH 9.1..14

19. SUB-CONTRACTING……………………………………………………………….......14

20. DECLARATION WITH REGARDS TO COMPANY/FIRM………………………14 - 15

21. DECLARATION OF BIDDER’S PAST SCM PRACTICES……………………...16 - 18

22. CERTIFCATE OF INCORPORATION OR REGISTRATION CERTIFICATE/AGREEMENT/ID DOCUMENTS………………………………..…………19

23. GENERAL REQUIREMENTS……………………………….…………...……………...20

24. LEGAL ASPECTS………..…………………………………….…………………………20

25. REQUIREMENTS FOR A SUCCESSFUL TENDERER………………..…….………20

26. TENDER OVERVIEW…………………………………………………………………....21

27. PROPOSAL EVALUATION……………………………………………………………...21

28. SPECIAL CONDITIONS……………………………………………….………………...22

1. **DEFINITIONS**

**1.1 “all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;

**1.2 “B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

**1.3 “bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;

**1.4 “Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

**1.5 “comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;

**1.6 “consortium or joint venture”** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract;

**1.7 “contract”** means the agreement that results from the acceptance of a bid by an organ of state;

**1.8 “Firm price”** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;

**1.9 “functionality”** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;

**1.10 “non-firm prices”** means all prices other than “firm” prices;

**1.11 “person”** includes a juristic person;

**1.12 “rand value”** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;

***1.13 “sub-contract”*** *means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;*

**1.14 “total revenue”** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;

**1.15 “trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and

**1.16 “trustee”** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

1. **ABBREVIATIONS**

**2.1 “B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

**2.2 “EME”** means an Exempted Micro Enterprise as defines by Codes of Good Practice under section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

**2.3 “QSE”** means a Qualifying Small EEnterprise as defines by Codes of Good Practice under section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

1. **BACKGROUND / INTRODUCTION**

The Engineering Council of South Africa (ECSA) is a statutory body established in terms of the Engineering Profession Act (EPA), 46 of 2000. Its primary role is to regulate the engineering profession. Its core functions includes, accreditation of engineering programs, evaluation of engineering qualifications, registration of persons as professionals and in specified categories, maintenance of registration through Continuing Professional Development (CPD) and the regulation of the conduct of registered persons.

ECSA Business Approach and Values

* Our approach is to meet and exceed stakeholder requirements by ensuring that:
* All applicable laws and regulations are observed;
* There is a risk based approach in the development and management of business processes and systems;
* We continually improve our processes and systems in line with changing environments; and
* Our values are embedded in all that we do. `
* Our business approach is a license to provide services and/or products to ECSA.

It is therefore required of our external providers to observe, embrace and uphold ECSA value system.

1. **PURPOSE/OBJECTIVE OF THE RFP:**

This Request for Proposal (RFP) seeks to request service providers to submit proposals for the provision of internal auditing services for the Engineering Council of South Africa (ECSA) for a period of three (3) years.

1. **SCOPE OF WORK**

ECSA is seeking the services of an Internal Auditor to assess, review and evaluate the effectiveness of controls on its core business functions, which are: research, policy and standards development to enable the accreditation of engineering programs, evaluation of engineering qualifications, registration of persons as professionals and in specified categories, maintenance of registration through Continuing Professional Development (CPD), the regulation of the conduct of registered persons and its supporting business units, which includes Finance, Supply Chain Management, Information Communication Technology, Human Resources, etc. The service provider must always follow a risk-based approach.

1. **PRIMARY ASSIGNMENT OBJECTIVE**

The objective of internal audits is to identify organisational risks and to ensure that there are controls in place to mitigate and manage the risks, and to monitor the effectiveness of implemented controls.

1. **SCOPE OF SERVICES**

Tasks include but may not be limited to the following criteria:

* Develop the organisation’s internal audit plan in line with the strategic risk register and annual business performance plan risk register for consideration by Management and approval by the Audit and Risk Compliance (ARC) Committee.
* Conduct audits according to the approved internal audit plan and provide assurance on the effectiveness of existing organisation’s controls.
* Present the audit report to ECSA Management and ARC committee, and attend meetings with the ARC committee as requested,
* Provide copies of audit assignment and summary reports, if requested
* Risk management services
* Liaise with ECSA’s external auditors and any other assurance providers as directed by ECSA
* Provide copies of audit assignment and summary reports, if requested.
* Any additional services not covered on the audit service scope, upon such terms and conditions are mutually agreed between ECSA and the Service Provider
* Provide ECSA Management with comments and to report breakdowns, failures or weaknesses of internal control systems together with recommendations for remedial action
* Provide an overarching report on the organisation’s risk profile based on the internal audits conducted for the reporting period
* Conduct the quarterly and annual performance information audits as requested

The successful service provider will be expected to provide the services in accordance with:

* Internal auditing Ethics and Standards;
* Applicable industry and other professional standards; and
* Proprietary internal audit methodology and practice standards.

1. **EXPERIENCE /SKILLS/TEAM COMPOSITION/PAST PERFORMANCE**

**8.1 Company and Team composition**

**8.1.1 Company Experience**

Minimum five (5) years company experience in Internal Audit, Financial Audits, Operational Audits, Compliance Audits, Governance Risk, Fraud Audit and Information Communication Technology (ICT) Audits;

Evidence of adequate and dedicated resources available to conduct the assignments for the duration of the contract; attach cv’s for qualification and experience of such resource;

1. Profile of the firm, including the qualification profile of the company;
2. Appropriate evidence of statutory registration requirements,
3. Professional memberships and associations must be provided;

Bidders must demonstrate adequate capacities, competencies and experience in the various audit assignments to be undertaken. The template below must be used to summarise roles, qualifications and experience.

|  |  |  |
| --- | --- | --- |
| ***Roles (Position)*** | ***Qualifications*** | ***Experience*** |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

**8.2 Confirmed Experience, qualification and availability**

The following must be submitted for each of the proposed team members:

8.2.1 Detailed CV indicating qualifications, previous experience, as well as letters of reference (references must be contactable);

8.2.2 Copies of certified qualifications.

**8.3 Past Performance**

The past performance of bidders in executing similar projects will be evaluated using reference supplied by bidders as well as any other information available to the panel.

ECSA reserves the right to reject the bid if the service provided failed to perform satisfactorily on similar projects.

1. **SUBMISSION REQUIREMENTS AND TIME FRAMES**

**9.1 Bid documentation**

1. Ensure that the submitted documents are completed and signed where applicable;
2. Use the prescribed sequence in attaching the annexes that complete the Bid Document;
3. All the bid documentation should be indexed and paginated.

Should you fail to submit required bid documentation or if any part of the bid document is not fully-completed, the bidder may be disqualified on the basis of non­compliance/ non-responsiveness.

**9.1.1 Checklist of Returnable Documents and Attachments**

Tick the relevant block below:

|  |  |  |  |
| --- | --- | --- | --- |
| **Item No.** | **Required Documentation** | **YES** | **NO** |
| *1* | *Invitation to Bid* |  |  |
| *2* | *BBBEE certificate issued* |  |  |
| *3* | *Tax clearance certificate* |  |  |
| *4* | *Pricing Schedule – Firm Prices* |  |  |
| *5* | *Declaration of Interest form* |  |  |
| *6* | *A Joint Venture Agreement in case of a Joint Venture* |  |  |
| *7* | *Proof of registration with the National Treasury’s Central Supplier* |  |  |
| *8* | *Database* |  |  |
| *9* | *Company Profile* |  |  |

**9.1.2 Delivery of Bid Documents**

Engineering Council of South Africa

1st floor, Waterview Corner

No. 2 Ernest Oppenheimer Avenue

Bruma Lake

2198

**FOR ATTENTION:**

Mr Victor Leshiba

Tel: 011 607 9559

**9.1.3 SBD1 Form Cover Page**

**9.1.3.1 Please ensure to use SBD1 Form Cover Page attached hereto.**

**Closing Date:** 25 September 2019

**Closing Time:** 12:00pm

Service Providers must submit two sets of their proposals to ECSA’s Offices before the closing date and time. The proposals should be submitted in sealed envelopes marked “quality/technical” and the other “pricing” or suitable covers on which the name and address of the bidder, the proposal reference number and the closing date must be clearly endorsed and must be submitted or placed in the:

ECSA Tender Box at the Reception, which is open during weekdays between 08h00 – 16h00 from Monday to Friday.

* 1. Submissions should be made in two separate envelopes/case, one for **technical proposal** and the other for **pricing proposal**. Each envelope/case should be marked and contain an original and four (4) copies of the original.

1. **TENDER SPECIFICATIONS**

The following aspects will be required from the successful tenderer.

1. **Fees and Payment**

10.1.1 Tenderers must be prepared to tender and work at Auditor-General’s rates. (Engineering Council of SA reserves the right not to accept the lowest tender).

10.1.2 Tenderers will be required to submit separate cost estimates or fixed price quotations for each audit project, here is the sample on how to quote as:

Table 1 Annexure A

|  |  |  |  |
| --- | --- | --- | --- |
| **Position/Level** | **Rate charged 2019/20** | **Rate charged 2020/21** | **Rate charged 2021/22** |
| Director |  |  |  |
| Senior Manager |  |  |  |
| Manager |  |  |  |
| Assistant Manager |  |  |  |
| Senior Consultant |  |  |  |
| Consultant |  |  |  |

10.1.3 All prices quoted must include VAT and should be valid until the contract expires

10.1.4 In the case of poor or non-performance of any portion of the work as described in the contract, Engineering Council of SA reserves the right to award any aspect of that task to a third party, whether obtained by additional tender or not, at any time. Engineering Council of SA also reserves the right to call for assistance or advice from any third party at any time.

10.1.5 Should Engineering Council of SA and the successful tenderer not reach agreement on the scope and cost of the project to be undertaken, Engineering Council of SA reserves the right to contact any of the other tendering parties, without re-issuing a tender, after obtaining approval.

**11. CERTIFICATE OF AUTHORITY FOR SIGNATORY**

Indicate the status of the tenderer/proposer by ticking the appropriate box hereunder. The tenderer/proposer must complete the certificate set out below for the relevant category, **and attach their Registration Certificates for Companies, Close Corporations and Partnerships, or Agreements and Powers of Attorney for Joint Ventures, or ID documents to the page provided at the end of this form.**

|  |  |
| --- | --- |
| **(I)**  **INCORPORARED COMPANY** | **(II)**  **JOINT VENTURE** |
|  |  |

1. **CERTIFICATE FOR INCORPORATED COMPANY**

I,…………………………….chairperson of the Board of Directors of …………………..........

hereby confirm that by resolution of the Board taken on …………2017, Mr/Adv./Dr/Ms/Prof acting in the capacity of……………………………. , was authorized to sign all documents in connection with the tender for Contract No…………………………and any contract resulting from it, on behalf of the company.

1. **CERTIFICATE FOR JOINT VENTURE**

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorize Mr/Ms/…………………..authorized signatory of the company, acting in the capacity of lead partner, to sign all documents in connection with the tender offer for Contract No…………… and any contract resulting from it, on our behalf. This authorization is evidenced by the legally authorized signatories of all the partners to the Joint Venture below:

1……………………………………

2…………………………………….

3…………………………………….

4……………………………………..

**12. TAX CLEARANCE CERTFICATE REQUIREMENTS**

**12.1** It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder’s tax obligations.

**12.2** A valid Tax Clearance Certificate must be submitted together with the bid. Failure to submit a valid Tax Clearance Certificate shall result in the invalidation of the bid.

**12.3** In bids where Consortia / Joint Ventures / subcontractors are involved, each party must submit a separate Tax Clearance Certificate.

**13. DECLARATION OF INTEREST**

**13.1** Persons **having a kinship with persons employed by ECSA** or **serving in ECSA structures**, including a blood relationship, may **not** make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal) without declaring that fact. In view of possible allegations of favoritism, it is required that such bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

**13.2** The legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

**13.3 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

13.3.1. Full Name of bidder or his or her representative:

13.3.2. Identity Number:

13.3.3. Position occupied in the Company (director, trustee, shareholder2):

13.3.4. Company Registration Number:

13.3.5. Tax Reference Number:

13.3.6. VAT Registration Number:

13.3.7 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference   
numbers.

|  |  |  |  |
| --- | --- | --- | --- |
| **Item** | **Question** | **Yes** | **No** |
| 13.3.8 | Are you or any person connected with the bidder presently employed by ECSA or serving on any of its structures? |  |  |
| 13.3.8.1 | If so, furnish the following particulars: |  | |
| 13.3.8.2 | Name of person / director / trustee / shareholder/ member |  | |
| 13.3.8.3 | Any other particulars: |  | |
| 13.4 | Did you or your spouse, or any of the company’s directors /trustees /shareholders /members or their spouses conduct business with ECSA in the previous twelve months? |  |  |
| 13.4.1 | If so, furnish particulars: |  | |
| 13.5 | Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by ECSA and who may be involved with the evaluation and/ or adjudication of this bid, or serving on any of its structures? |  |  |
| 13.5.1 | If so, furnish particulars. |  | |
| 13.6 | Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by ECSA who may be involved with the evaluation and or adjudication of this bid, or serving on any of its structures? |  |  |
| 13.6.1 | If so, please furnish particulars |  | |

**I, THE UNDERSIGNED (NAME) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**CERTIFY THAT THE INFORMATION FURNISHED ABOVE IS CORRECT. I FURTHER ACCEPT THAT ECSA MAY REJECT THE BID OR ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

**14 PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT CLAIM FORM (PPPFA)**

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution.

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.**

**14.1. GENERAL CONDITIONS**

14.1.1. The following preference point system are applicable to all bids:

* The 80/20 system for requirements with a Rand value above R500 000 (all applicable taxes included).

14.1.2. The value of this bid is estimated to **exceed** R500 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable.

14.1.3. Preference points for this bid shall be awarded for:

* Price; and
* B-BBEE Status Level of Contribution.

14.1.4. The maximum preference points for this bid are allocated as per the Table below:

|  |  |
| --- | --- |
|  | **POINTS** |
| **PRICE** | **80** |
| **BEE STATUS LEVEL OF CONTRIBUTION** | **20** |
| **TOTAL POINTS FOR PRICE AND BEE MUST NOT BE EXCEEDED** | **100** |

14.1.5. Failure on the part of a bidder to submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS), or a sworn affidavit confirming annual turnover and level of black ownership in case of an EME and QSE together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

14.1.6. The purchaser (ECSA) reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by ECSA.

**15 POINTS AWARDED FOR PRICE**

A maximum of 80 points is allocated for price on the basis of the 80/20 Preference Point system.

**16 POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTION**

16.1 BBBEE verification in respect of this tender will be conducted in accordance with the generic scorecard under the amended Codes of Good Practice

|  |  |
| --- | --- |
| **B-BBEE Status Level of  Contributor** | **Number of points  (80/20 system)** |
| 1 | 20 |
| 2 | 18 |
| 3 | 14 |
| 4 | 12 |
| 5 | 8 |
| 6 | 6 |
| 7 | 4 |
| 8 | 2 |
| Non-compliant contributor | 0 |

16.2 A bidder who qualifies as an EME or QSE in terms of the B-BBEE Act must submit a sworn affidavit confirming Annual Total Revenue and Level of Black Ownership.

16.3 Points claimed must be in accordance with the table reflected in paragraph 8.1 and must be substantiated by means of a B-BBEE certificate issued in accordance to the new sector codes in line with SAICA’s requirements

16.4 A joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.

16.5 A joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.

16.6 A firm awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

**17 BID DECLARATION**

Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

**18 B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPH 9.1**

**19 SUB-CONTRACTING**

|  |  |  |  |
| --- | --- | --- | --- |
| **Item** | **Question** | **Yes** | **No** |
| **19.1** | Will any portion of the contract be sub-contracted? |  |  |
| **19.1.1** | If yes, indicate: |  | |
| **19.1.2** | What percentage of the contract will be sub-contracted % |  | |
| **19.1.3** | The name of the sub-contractor |  | |
| **19.1.4** | The B-BBEE status level of the sub-contractor |  | |
| **19.1.5** | Whether the sub-contractor is an EME. |  |  |

**20 DECLARATION WITH REGARD TO COMPANY/FIRM**

20.1 Name of company/firm:

20.2 VAT registration number:

20.3 Company registration number:

20.4 Type of Company/ Firm

20.5 Describe Principal Business Activities

……………………………………………………………………………………………………………

……………………………………………………………………………………………………………

……………………………………………………………………………………………………………

……………………………………………………………………………………………………………

20.6 ENTITY CLASSIFICATION **(Please tick the appropriate box)**

|  |  |
| --- | --- |
| Manufacturer |  |
| Supplier |  |
| Professional service provider |  |
| Other service providers, e.g. transporter, etc. |  |

20.7 Total number of years the company/firm has been in business:----------

20.8 **I/we, the undersigned**, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 6 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

1. The information furnished is true and correct;
2. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
3. In the event of a contract being awarded as a result of points claimed as shown in paragraph 6, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
4. If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have:

* Disqualify the person from the bidding process;

* Recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
* Cancel the contract and claim any damages which it has suffered as a result of having to make less favorable arrangements due to such cancellation; and
* Restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and forward the matter for criminal prosecution.

**SIGNATURE: ………………………… DATE: …………….…………………………..**

**POSITION: …………………………… NAME OF BIDDER: ………………………….**

**Name & Signature of witnesses……………………………………………………………**

**Name & Signature of Bidder/s……………………………………………………………..**

***[The tenderers BEE Verification Certificate must be inserted here]***

**21 DECLARATION OF BIDDER’S PAST SCM PRACTICES**

* This Standard Bidding Document must form part of all bids invited.
* It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
* The bid of any bidder may be disregarded if that bidder, or any of its directors have-

1. abused the other institution’s supply chain management system;
2. committed fraud or any other improper conduct in relation to such system; or
3. failed to perform on any previous contract.

**In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

|  |  |  |  |
| --- | --- | --- | --- |
| **Item** | **Question** | **Yes** | **No** |
| 21.1 | Is the bidder or any of its directors listed on the National Treasury’s Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?  (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the *audi alteram partem* rule was applied).  The Database of Restricted Suppliers now resides on the National Treasury’s website ([www.treasury.gov.za](http://www.treasury.gov.za)) and can be accessed by clicking on its link at the bottom of the home page |  |  |
| 21.1.1 | If so, furnish particulars: | | |
| 21.2 | Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?  The Register for Tender Defaulters can be accessed on the National Treasury’s website ([www.treasury.gov.za](http://www.treasury.gov.za)) by clicking on its link at the bottom of the home page |  |  |
| 21.2.1 | If so, furnish particulars: | | |
| 21.3 | Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years? |  |  |
| 21.3.1 | If so, furnish particulars: | | |
| 21.4 | Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract? |  |  |
| 21.4.1 | If so, furnish particulars: | | |

**CERTIFICATION**

**I, THE UNDERSIGNED (FULL NAME):\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.

I FURTHER ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

**SIGNATURE: ………………………… DATE: …………………………………..**

**POSITION: …………………………… NAME OF BIDDER: ……………………**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, ……………………………………………the undersigned, in submitting the accompanying bid: **ECSA/RFP10/2018**, do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of:………………………………………………………………………………………..that:

**(Name of Bidding Company)**

1. I have read and I understand the contents of this Certificate;

2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;

3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;

4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;

5. For the purposes of this Certificate and the accompanying bid, I understand that the word “competitor” shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:

1. has been requested to submit a bid in response to this bid invitation;
2. could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
3. provides the same services as the bidder and/or is in the same line of business as the bidder.

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium3 will not be construed as collusive bidding.

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:

1. prices;
2. geographical area where product or service will be rendered (market allocation)
3. methods, factors or formulas used to calculate prices;
4. the intention or decision to submit or not to submit, a bid;
5. the submission of a bid which does not meet the specifications and conditions of the bid; or
6. bidding with the intention not to win the bid.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.

9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

**SIGNATURE: ……………………… DATE: ……………………………………………..**

**POSITION: ………………………… NAME OF BIDDER: ………………………………**

**22. CERTIFICATE OF INCORPORATION OR REGISTRATION CERTIFICATE/ AGREEMENT / ID DOCUMENT (in a case of a Sole Proprietor)**

***[Important note to Tenderer: Registration Certificates for Companies, or Agreements and Powers of Attorney for Joint Ventures, all as referred to in the List of Compulsory Returnable Schedules and Documents, must be inserted here]***

**COMPANY PROFILE (PLEASE ATTACH YOUR COMPANY PROFILE HERE)**

**SIGNATURE: ………………………… DATE:……………………………………..**

**POSITION: ………………………… NAME OF BIDDER…...……………………**

**PRICING DATA AND INSTRUCTIONS**

1. The Bidder/ Proposer must price ALL items contained in the Pricing Schedule
2. Professional rates of remuneration must be indicated separate from disbursement and any other fees chargeable.
3. Professional rates of remuneration are to include all costs with **no unspecified cost to arise e.g. office, telephone, postage etc.**
4. Professional rates of remuneration will be subject to negotiation.
5. Interim payments will be made monthly against proven progress in terms of the agreed monthly work plan and signed off- time sheets (if applicable).
6. Payment will only be made on the basis of valid tax invoices provided.
7. Travel expenses must be factored in as disbursements
8. Below is the pricing schedule to be completed as the breakdown of the bidder’s offer.
9. Indicate prices for each financial year

|  |  |  |
| --- | --- | --- |
| **NAME OF HUMAN RESOURCE** | **ROLE** | **RATE PER HOUR(including VAT)** |
|  |  |  |
|  |  |  |
|  |  |  |
| **TOTAL(including VAT)** | |  |

|  |  |  |
| --- | --- | --- |
| **Question** | **Yes** | **No** |
| Will the prices/ rates firm for the duration of the contract |  |  |

**23 GENERAL REQUIREMENTS**

ECSA reserves the right, in its sole discretion, to call for additional information from the bidders. In its discretion, ECSA may call for any clarification, amplification and/or further details relating to the rates, margins or other information reflected in the proposal, as well as details concerning the method and manner in which the bidder intends to perform the work and the bidder’s capabilities in that regard.

**24 LEGAL ASPECTS**

**24.1** The laws of the Republic of South Africa shall be applicable to each contract created by the acceptance of a proposal and each service provider shall indicate a place in the Republic of South Africa and specify it in its proposal as its *domicilium citandi et executandi* (permanent physical business address) where any legal process may be served on it.

**24.2** The service provider shall undertake to accept the jurisdiction of the courts of the Republic of South Africa.

The following aspects will be required from the bidders.

**25 REQUIREMENTS FOR A SUCCESSFUL TENDERER**

25.1. Proposals are to be prepared taking into account all requirements outlined in this document and presented in a format consistent with the following outline:

25.1.1. An outline of the Service Provider’s ability and approach to deliver the service:

25.1.2. A summary of the likely issues involved in the service to be provided;

25.1.3. Information on the Service Provider’s ability to meet the requirements inclusive of the organisations ’profile, size and structure, and the profiles of the team members directly involved in the provision of the service.

25.1.4 A least 3 contactable references of corporate clients, (listing contact name, address, telephone, fax and email address) where the same services were rendered in the last 36 months;

25.1.5. The Service Provider’s proposed methodology, which takes into consideration customer focus;

25.1.6 The proposed timelines for the delivery and an indication of how the Service Provider will stage their work to meet these timelines [or confirmation of the ability to meet the timeline or milestones nominated].

25.1.7 An outline of the Service Provider’s relevant expertise and experience in the provision of internal audit

25.1.8 Confirmation of no conflict of interest or details of any potential conflict of interest and strategies to manage.

25.1.9 An estimate of the service fees;

25.1.10 Address any Special Conditions of the service to be provided.

**26** **TENDERER OVERVIEW**

A comprehensive company profile of the tenderer should be attached in an addendum to the response. The profile shall contain at least the following information:

26.1 Company size and structure.

26.2 A list of reference organisations (listing contact name, address, telephone, fax and e-mail address) of at least 3 public organisations where the tenderer has worked in the last 36 months (either as individual firms or as the tendering consortium). Engineering Council of SA reserves the right to contact or visit any of the persons on the list in order to obtain information regarding the quality of services provided by the tenderer (as individual firms or as a tendering consortium).

26.3. Tenderers are required to submit the following details:

(a) List of organisations that utilising your internal audit with your organisation;

(b) Indicate the number of years and experience in the Internal Audit field;

(c) Indicate the number of officials, including their qualifications and skills that will be assigned for the whole Project.

**27** **PROPOSAL EVALUATION**

**27.1 Broad Based Black Economic Empowerment (BBBEE)**

ECSA is committed to encouraging black economic empowerment through providing opportunities to historically disadvantages individuals. In order to claim for BBBEE preference points a valid BEE certificate needs to be submitted.

**27.2. Evaluation process**

The proposals will be evaluated in two stages**.**

**Stage 1: Quality/Technical**

Bidders that score 60 or less out of 100 points for functionality/technical will be considered as submitting a non-responsive bid and will be disqualified.

|  |  |  |  |
| --- | --- | --- | --- |
| **No** | **Description of functional/quality area** | **Maximum Weight** | **Minimum Weight** |
| 1 | Relevant experience on similar projects (audit service in public sector) | 20 Points | 10 Points |
| 2 | Expertise of the Project Team: Qualifications and competency-–demonstrate capacity to deliver (certified copies of qualifications) | 20 Points | 10 Points |
| 3 | Comprehensive proposed audit methodology: understanding of ECSA’s requirement | 40 Points | 30 Points |
| 4 | Deliverables and work programme: plan to execute the work & timelines | 20 Points | 10 Points |
| 5 | TOTAL | 100 Points | 60 Points |

**Stage 2: Price & BBBEE Preference points**

|  |  |
| --- | --- |
|  | **Points** |
| The 90/10 principle will be applied in terms of the Preferential Procurement Policy Framework Act. | |
| Price | 80 Points |
| Preference (BBBEE) | 20 Points |
| Total | 100 Points |

**Two sets of submissions (marked original and copy-duplicate of original) are required.** Separate envelopes for **quality/technical proposal** and for **pricing**, which include completed SBD forms, valid tax clearance & BBBEE certificates should be submitted, and clearly marked as such**.**

**28. SPECIAL CONDITIONS**

* All prices quoted must be VAT inclusive.
* ECSA will not provide upfront payments.
* The successful Service Provider shall provide the service required based on the agreed set timelines with ECSA.
* ECSA may request clarification or further information regarding any aspect of the Service Provider.
* The validity period for the quotation is to be 60 days.
* ECSA reserves the right not to proceed with the project or not to appoint any of the Service Providers invited to submit proposals.
* Service Providers will not be remunerated for submitting proposals and proposals remain the property of the authors.
* A Valid Tax clearance certificate must be submitted with the proposal.
* A comprehensive company profile of the bidder shall be attached as an addendum to the response. The profile shall contain at least the following:
* Company size and structure
* Submission of a list of contactable references of corporate clients, (listing contact name, address, telephone, fax and email address)

**Note: Service Providers** **that fail to comply with the above mentioned special requirements may be disqualified.**

**-End-**