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| **ENGINEERING COUNCIL OF SOUTH AFRICA** |  |
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| **REQUEST FOR PROPOSAL (RFP) FOR THE APPOINTMENT OF A SUITABLY-QUALIFIED AUDIT FIRM TO UNDERTAKE ANNUAL REGULATORY AUDIT IN TERMS OF THE PUBLIC AUDIT ACT (ACT NO. 25 of 2004) ON THE FINANCIAL RECORDS OF THE ENGINEERING COUNCIL OF SOUTH AFRICA FOR A 3 YEAR PERIOD COMMENCING ON 2021/22 TO 2023/24 FINANCIAL YEARS** |
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| **Unique Identifier: ECSA/RFP04/2021** |  | **Date: 16 August 2021** |

***(PRIVATE & CONFIDENTIAL)***

REFERENCE NUMBER: **ECSA/RFP04/2021**

Issue date: **16 August 2021**

Submission closing/due date: **03 September 2021 (FRIDAY) Time**: **12H00**

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 include, 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.

# INRODUCTION

The Engineering Council of South Africa (ECSA) is a statutory body established in terms section two of the Engineering Professions Act,46 of 2000. ECSA is required in terms of the Act to prepare an Annual Report and financial statement and present to the Minister of Public Works and Infrastructure (DPWI) and the Council for the Built Environment (CBE). Accordingly, ECSA seeks to appoint a service provider for the full production of the annual report for the three financial years. The intended audience for the Annual Reports includes but is not limited to Government, the Minister of Public Works and Infrastructure, the Portfolio Committee on Public Works, CBE, engineering practitioners, industry, members of the public and Institutions of Higher Learning

**CONTENTS**

Tender notice and invitation to tender 1

Checklist of returnable documents and attachments 3

Invitation to Bid 4

Certificate of Authority 5

Tax Clearance Certificate Requirements 5

Declaration of Interest 6

PPPFA Claim Form 7

Points awarded for B-BBEE 8

Declaration: Bidder’s Past Practices 10

Certificate of Independent Bid Determination 11

Certificate of Incorporation 12

Company Profile 12

Performance of Similar Work 12

Pricing 12

Scope of Service/ Terms of Reference 13-16

**CHECKLIST OF RETURNABLE DOCUMENTS AND ATTACHMENTS**

**Please adhere to the following instructions**

* **Tick in the relevant block below, the documents and schedules that form part of your response**
* **Ensure that the documents are completed and signed where applicable.**
* **Use the prescribed sequence in attaching the annexes that complete the Bid Document**
* **Should all of these documents not be included or any part of the bid document not fully-completed, the bidder may be disqualified on the basis of non­compliance/ non-responsiveness**
* **Please index and paginate your bid documentation**

**CHECKLIST- THE BID / REQUEST FOR QUOTATION RETURNABLE DOCUMENTS AND ATTACHMENTS (encircle applicable)**

Invitation to Bid **YES/NO**

IRBA registration number of both the attest audit partner and the private firm they belong to **YES/NO**

BB**BEE** certificate issued in accordance to the new sector codes in line with SAICA’s requirements **YES/NO**

The private audit firm’s valid tax clearance certificate **YES/NO**

The physical address of the firm, confirmation that the firm is registered by SAICA and the name(s) of resident partners **YES/NO**

Abridged curriculum vitae of the attest audit partner to be responsible for the regularity audit clearly indicating all public sector experience **YES/NO**

A declaration that all members are members in good standing with their professional bodies such as IRBA, SAICA etc **YES/NO**

Pricing Schedule – Firm Prices **YES/NO** Declaration of Interest form **YES/NO**

A Joint Venture Agreement in case of a Joint Venture **YES/NO**

Proof of registration with the National Treasury’s Central Supplier Database **YES/NO**

Company Profile **YES/NO**

**INVITATION TO BID**

**The Engineering Council of South Africa (ECSA) is a Statutory Body established in terms of section 2 of the Engineering Professions Act No. 46 of 2000. This Council operates within the ambit of the Built Environment Profession.**

**Experienced, suitable and interested service providers/ bidders are hereby invited to bid for the following:**

|  |  |
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|  **Bid No** | **ECSA/RFP04/2021**  |
| **Bid****Description** | **THE APPOINTMENT OF A SUITABLY-QUALIFIED AUDIT FIRM TO UNDERTAKE ANNUAL REGULATORY AUDIT IN TERMS OF THE PUBLIC AUDIT ACT (ACT NO. 25 of 2004) ON THE FINANCIAL RECORDS OF THE ENGINEERING COUNCIL OF SOUTH AFRICA FOR A 3 YEAR PERIOD COMMENCING ON 2021/22 TO 2023/24 FINANCIAL YEARS** |
| **Evaluation Method** | **Two-staged bidding process [1. Functionality 2. Price and BEE(80/20)]** |
| **Functionality Evaluation Criteria** | * Functionality will be evaluated and scored out of 100 points.
* Bidders shall score a minimum of 70 evaluation points on functionality in order to move on to the next stage where they will be evaluated on Price and B-BBEE
 |
| **QUALITY CRITERIA** | **SUB-CRITERIA** | **MAXIMUM NUMBER OF POINTS** |
| **CRITERIA**Experience and expertise of the service provider*Maximum points will be awarded to audit firms who have 10 years and more experience, and firms that have been in existence for more than five (5) years* | IRBA registration and SAICA membershipE | 20 | 100 |
| Practical Experience and exposure to the public sector audits. Expertise of the audit team: Qualifications and competency   | 30 |
| Understanding of the PFMA and relevant Treasury Regulations. Develop a work plan to execute the work within the PFMA timelines | 30 |
| Proposed methodology that demonstrate an in-depth understanding of the assignment  | 20 |  |
|  |
| **B-BBEE** | Failure to submit BBBEE certificate or Sworn Affidavit and the accompanying, fully completed and signed Bidding Document will result in the bidder not qualifying for claiming for preferential points. |
| **Pre-****qualification Criteria** | **Bidders must submit all the documents listed in the checklist above, and any other additional information/ document required in the body of the bid document.** |
| **For enquiries on technical matters** | Name: Victor LeshibaEmail: Victor@ecsa.co.za Tel: +27 (0)11 607 9559Fax: +27 (0)86 212 2218 |
| **For enquiries to request the tender document** | Name: Otto Mabugana Email: Otto@ecsa.co.za Tel: +27 (0)11 607 9505Fax: +27 (0)86 212 2218 |
| **Bid Closing** | Date:  **03 SEPTEMBER 2021** Time: 12:00 PMPlace of Submission: ECSA Head Office; 1st Floor Waterview Corner, 2 Ernst Oppenheimer Ave, Bruma Lake at the Tender Box situated at reception. |

**NOTE**

* **Abridged curriculum vitae of the attest audit partner to be responsible for the regularity audit clearly indicating all public sector experience**
* **Blacklisted companies appearing on the National Treasury database and prohibited from conducting business with public entities, shall not be considered.**
* **For verification, ECSA reserves the right to conduct site visits and interview people whose CVs have been submitted as part of this bid.**
* **Late, Faxed or emailed bids or part thereof, shall not be considered.**

**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.

**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…………………………………...

**TAX CLEARANCE CERTFICATE REQUIREMENTS**

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

**DECLARATION OF INTEREST**

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 favouritism, it is required that such bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-
	1. 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.
	2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

2.2.1 Full Name of bidder or his or her representative: ………….

2.2.2 Identity Number:

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

2.2.4 Company Registration Number:

2.2.5Tax Reference Number:

2.3 VAT Registration Number:

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

2.5 Are you or any person connected with the bidder presently employed by ECSA or serving on any of its structures? **YES / NO**

 2.5.1 If so, furnish the following particulars………………………………………….

 2.5.2 Name of person / director / trustee / shareholder/ member:
 2.5.3 Any other particulars:

 2.6 Did you or your spouse, or any of the company’s directors /trustees /shareholders /members **YES / NO** or their spouses conduct business with ECSA in the previous twelve months?

 2.6.1 If so, furnish particulars:

2.7 Do you, or any person connected with the bidder, have any relationship (family, friend, other) **YES/NO** 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?

 2.7.1 If so, furnish particulars.

2.8 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) **YES/NO** 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?

 2.8.1 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.

**PPPFA CLAIM FORM**

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.**

 **1. GENERAL CONDITIONS**

 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).

 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.

 1.3 Preference points for this bid shall be awarded for:

1. Price; and
2. B-BBEE Status Level of Contribution.

 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** |

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 Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) 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.

 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.

 **2. DEFINITIONS**

1. **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
2. **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
3. **“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;
4. **“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;
5. **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
6. **“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;
7. **“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;
8. **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
9. **“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);
10. **“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;
11. **“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;
12. **“non-firm prices”** means all prices other than “firm” prices;
13. **“person”** includes a juristic person;
14. **“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);
15. **“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;
16. ***“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;*
17. **“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;
18. **“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
19. **“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.
20. **POINTS AWARDED FOR PRICE**

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

1. **POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTION**
	* + - 1. 3.1 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 |

3.2 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.

3.3 Points claimed must be in accordance with the table reflected in paragraph 4.1 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.

 3.4 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.

 3.5 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.

3.5 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.

 **4. BID DECLARATION**

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

 **4.1. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPH 4.1**

5**. SUB-CONTRACTING**

5.1 Will any portion of the contract be sub-contracted? **Yes/No**
5.1.1 If yes, indicate:

1. What percentage of the contract will be sub-contracted %?
2. The name of the sub-contractor
3. The B-BBEE status level of the sub-contractor
4. Whether the sub-contractor is an EME. **Yes/No**

**6.** **DECLARATION WITH REGARD TO COMPANY/FIRM**

 6.1 Name of company/firm: ……………………………………………………….

 6.2 VAT registration number: ………………………………………………………

 6.3 Company registration number: ………………………………………………

6.4 TYPE OF COMPANY/ FIRM: …………………………………………………….

6.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES: …………………………………………………………………………….…

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

 □ Manufacturer

 □ Supplier

 □ Professional service provider

 □ Other service providers, e.g. transporter, etc.

 6.7 Total number of years the company/firm has been in business: ………………………………………..

 6.8 **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:

i) The information furnished is true and correct;

1. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
2. 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;
3. 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 favourable 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.

WITNESSES: SIGNATURE OF BIDDER/S

……………………………………………. ……………………………………

……………………………………………. …………………………………….

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

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

1 This Standard Bidding Document must form part of all bids invited.

2 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.

3 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.

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

|  |  |  |  |
| --- | --- | --- | --- |
| Item | Question | Yes | No |
| 4.1 | 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 |  |  |
| 4.1.1 | If so, furnish particulars: |
| 4.2 | 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 |  |  |
| 4.2.1 | If so, furnish particulars: |
| 4.3 | 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? |  |  |
| 4.3.1  | If so, furnish particulars: |
| 4.4  | 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? |  |  |
| 4.4.1  | 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/RFP04/2021**, 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:
6. has been requested to submit a bid in response to this bid invitation;
7. could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
8. 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: ……………………………..…………………**

**CERTIFICATE OF INCORPORATION OR REGISTRATION CERTIFICATE / AGREEMENT / ID DOCUMENT (in a case of 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)** |  |

**Will the prices/rates firm for the duration of the contract YES/NO**

**SCOPE OF SERVICES/ TERMS OF REFERENCE (ToRs)**

**To carry out a regularity audit of ECSA in terms of the Public Audit Act in accordance with the requirements of the Office of the Auditor General (OAG) of the Republic of South Africa**

1. **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.

1. **LEGAL ASPECTS**
	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.
	2. The service provider shall undertake to accept the jurisdiction of the courts of the Republic of South Africa.
2. **SUBMISSION OF PROPOSALS**
	1. The quotation and supporting documents shall be submitted strictly in accordance with the instructions given in these ToRs.
	2. The quotation/ proposal should be hand-delivery and deposited into the tender box within ECSA premises:

**SCM**

**Engineering Council of South Africa**

**1st Floor, Waterview Corner Building**

**2 Ernest Oppenheimer Avenue**

**Bruma Lake Office Park, Bruma**

**2198**

**Tel: 27 (0)11 607 9500**

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

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| 1. The following aspects will be required from the bidders.

**Fees and Payment:**4.1. 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.) 4.2. 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: Annexure A

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| --- | --- | --- | --- | --- |
| **Position/Level** | **Rate charged 2021/22** | **Rate charged 2022/23** | **Rate charged 2023/24** |  |
| Director |  |  |  |
| Senior Manager |  |  |  |
| Manager |  |  |  |
| Assistant Manager |  |  |  |
| Senior Consultant |  |  |  |
| Consultant |  |  |  |

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|  |  |  |  |
| Other related costs e.g |  |  |  |
| Estimated percentage on disbursements |  |  |  |
| Project management |  |  |  |
| others |  |  |  |
|  |  |  |  |
|  |  |  |  |

 4.3 All prices quoted must include VAT.  |
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| 4.4 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.4.5 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.**5. COMPETENCIES OF THE SUCCESFUL TENDERER**5.1. Should have proven auditing specialists. Please provide examples  of audit capability and experience and more specifically the number and size of audits in specific sectors (public and private) and areas of expertise (procurement, asset management, human resources, Finance, Performance Management, Information Technology etc.). * 1. A detailed CV of the firm is required. It should specifically indicate the capabilities and details of staff (numbers and qualifications) available to perform the various audits.
	2. Should possess knowledge of public sector activities, PFMA requirements and also be able to provide other corporate governance assistance to ECSA.
	3. Should have the ability to carry out specialised audits.
	4. Should have the ability to provide compatible electronic systems that are able to interface with the Engineering Council of SA (financial management systems and other systems) to enable electronic interrogation of data.
	5. Should be willing to undertake certain tasks with individuals from Engineering Council of SA.
	6. The tenderers give permission, that previous organisations where the tenderers have provided an audit service be contacted to obtain reference regarding the expertise and general standard of work of the tenderer.
	7. Engineering Council of SA is not responsible for costs relating to the further training of personnel of the successful tenderer.
	8. The awarding of this tender would be to a single firm.
	9. The tenderers should present their pricing and payment strategies as part of their response to the tender and should include a detailed pricing for the services they recommend in their response.
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| 6. TENDERER OVERVIEWA comprehensive company profile of the tenderer should be attached in an addendum to the response. The profile shall contain at least the following information:* 1. Company size and structure.
	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).
	3. **Tenderers are required to submit the following details:**

 (a) List of organisations where specialised audits were carried out in the last three years. (b) Indicate the number of years and experience in the audit Field. (c) Indicate the number of officials that will be assigned for the whole Project. |

**7. SPECIAL CONDITIONS**

* 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.
* 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.

**-End-**