



# REQUEST FOR PROPOSAL (“RFP”)

## PROVISION OF INTERNAL AUDIT SERVICES



<b>Bid Number</b>	<b>EWSETA/RFP/01/2020</b>
<b>Bid Scope</b>	<b>PROVISION OF INTERNAL AUDIT SERVICES FOR A PERIOD OF THREE (3) YEARS</b>
<b>Issue Date</b>	<b>FRIDAY 12 JUNE 2020</b>
<b>Closing Date for submission of bids</b>	<b>MONDAY 13 JULY 2020 @11:00HRS</b>
<b>Inquiries</b> (all inquiries should be in writing)	<a href="mailto:scmadmin@ewseta.org.za">scmadmin@ewseta.org.za</a> ;

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## **1. BACKGROUND INFORMATION**

The Energy and Water Sector Education and Training Authority (“EWSETA”) is a statutory body established through the Skills Development Act of 1998 to enable its stakeholders to advance the national and global position of the energy and water sectors in the large, medium, small levy-paying and non-levy-paying companies across the sector.

This was as a result of Government commitment to promote active labour market policies and is demonstrated in the Skills Development Act of 1998 and the Skills Development Levies Act of 1999. As guided by its mandate, the EWSETA is an agent of transformation by promoting employment equity and broad-based black economic empowerment (B-BBEE) through skills development. In this context, the EWSETA is keen to form sustainable partnerships and/or collaborations that will further promote its support for transformation.

## **2. ROLE AND OBJECTIVES OF INTERNAL AUDIT**

2.1 Internal Audit Function should be a proactive and independent appraisal function within the EWSETA conducting its activities in terms of standards set by the Institute of Internal Audit (IIA), PFMA and relevant Treasury Regulations applicable to Public Entities. It must be fully acquainted with and understand the importance of corporate governance systems, risk management, and performance auditing. It should be making use of current and appropriate internal audit methodologies and techniques in providing the Accounting Authority and Management with a systematic review and evaluation of operations for determining efficiency, economy, and effectiveness of policies, practices, and control.

2.2 The objective of internal auditing is to add value by assisting the Audit and Risk Committee and Management in the application of principles of Good Governance, the development, and implementation of effective systems of internal control and risk management in discharging their responsibilities at a reasonable cost.

## **3. ORGANISATIONAL STATUS OF INTERNAL AUDIT**

3.1 The Internal Audit unit reports, functionally, to the Audit and Risk Committee and administratively to the Chief Executive Officer of EWSETA.

## **4. SCOPE OF INTERNAL AUDIT WORK**

The internal audit must be conducted in accordance with the standards for the Professional Practices of Internal Auditing and the Code of Ethics set by the Institute of Internal Auditors (IIA).

The scope of the Internal Audit function shall consist of, but not limited to the following work:

4.1 The evaluation of the adequacy and effectiveness of the organisation’s corporate governance processes, risk management, and internal control systems.

4.2 Review and update the internal audit charter for approval.

4.3 The internal auditors, in consultation with the Audit and Risk Committee and the CEO, no later than two (2) months prior to the date the work is due to commence, will prepare:

4.3.1 A rolling three-year strategic Internal Audit Plan and Annual Internal Audit Plan, plans must indicate the scope, cost, and timelines of each audit; and

- 4.3.2 Audit reports directed to the Audit Committee detailing its performance against the plan, to allow effective monitoring and intervention when necessary.
- 4.4 Reviewing the policies and systems established by management to ensure compliance with the PFMA, Treasury Regulations and any other law pertaining to the operations of the organisation.
- 4.5 Reviewing the means of safeguarding assets and verifying the existence of assets.
- 4.6 Appraising the economy and efficiency with which resources are employed and, where appropriate, recommend suggestions for improved operating performance.
- 4.7 Reviewing operations or programmes to ascertain whether results are consistent with established objectives and goals and whether the operations or programmes are being carried out as planned.
- 4.8 Reviewing the planning, design, development, implementation, and operation of major computer-based systems to determine whether:
  - 4.8.1 Adequate controls are incorporated into systems.
  - 4.8.2 Thorough systems testing is performed at appropriate stages.
  - 4.8.3 System documentation is complete and accurate.
  - 4.8.4 The needs of users are met, and
  - 4.8.5 That adequate I.T. governance systems are in place.
- 4.9 Perform risk-based audit assignments in line with the standards and guidelines set by the IIA.
- 4.10 Reporting the results of the audits to Audit and Risk Committee and management for their response.
- 4.11 Perform any *ad hoc* investigations into any matter or activity affecting the probity, interest and operating efficiency of EWSETA on request by the Audit and Risk Committee, and in conjunction with CEO, before work is due to commence.
- 4.12 Liaise with the external auditors for purposes of aligning the respective work programmes so that, where applicable, the latter may place reliance on the I.A. work output.
- 4.13 Performance of audit assignments.

The Internal Audit Function must apply due care and professionalism during the performance of audits to identify serious defects in the internal controls, which might result in possible malpractice. Any such defects must be reported immediately to the Accounting Authority or the Audit Committee, without disclosing these to any other staff. This also applies to instances where serious fraud and Irregularity is uncovered. In addition to the above, the scope includes but is not limited to the following;

  - 4.13.1 Audit preparation
  - 4.13.2 Preliminary survey
  - 4.13.3 Review of internal controls
  - 4.13.4 Audit testing
  - 4.13.5 Development of findings and recommendations
  - 4.13.6 Obtaining management responses, and
  - 4.13.7 Reporting
- 4.14 Quality assurance reviews of the work  
The Successful Bidder shall ensure that all work conforms to the Standards for the Professional Practice of Internal Auditing.
- 4.15 Independence and Objectivity of audit staff.  
In carrying out the audit work, the auditor must ensure that audit staff maintains their objectivity by remaining independent of the activities they audit. The audit consultant shall;
  - 4.15.1 Have no executive or managerial powers, functions or duties except those relating to Internal Audit work.
  - 4.15.2 Not be involved in the day to day operations of EWSETA; and,
  - 4.15.3 Not be responsible for the detailed development or implementation of new systems and procedures.

#### 4.16 Monitoring progress of assignments

On a quarterly basis, the Successful Bidder shall meet with the Audit and Risk Committee to report on the progress of work accomplished.

#### 4.17 Report of audit results

The report(s) on findings and recommendations should be sent to the relevant EWSETA Executive, as the case may be, (auditee) responsible for implementing those recommendations for their review and comment. Within ten (10) working days of sending the report(s), the Successful Bidder shall meet with EWSETA management to discuss the findings and obtain written responses to recommendations together with implementation dates. If the findings have not been addressed these shall then be incorporated into the relevant report.

The structure of the report is to be as follows:

- Introduction
- Background
- Executive summary
- Audit objective and scope
- Findings, recommendations and management response (including implementation dates)
- Conclusion, and
- Action plan

#### 4.18 Fraud and irregularities

In planning and conducting its work, the successful bidder should seek to identify serious irregularities, which might result in possible fraud; any such irregularities must be reported immediately to the Chief Executive Officer of EWSETA as well as the Chairperson of the Audit and Risk Committee without disclosing these to any other members of the staff.

## 5. EVALUATION CRITERIA

### 5.1 Stage 1: Pre-Qualification Criteria

#### 5.1.1 Submission of Compulsory Documents:

**Prospective bidders must comply with the requirements and submit all required document(s) indicated hereunder with the bid documents at the closing date and time of bid. This phase is not scored and bidders who fail to comply with all the mandatory criteria will be disqualified.**

5.1.1.1 Prospective bidders are required to provide proof of registration with the Central Supplier Database by submitting the CSD report not older than three (3) months. In case of a Joint Venture, each party must provide proof of registration with CSD.

5.1.1.2 Completed and signed Standard Bidding Documents attached to the bid.

5.1.1.3 In case of a Joint Venture, a written agreement between the parties which must clearly set out the roles and responsibilities of each member and include a resolution of each company of the Joint Venture together with a resolution by its members authorizing a member of the Joint Venture to sign the documents on behalf of the Joint Venture.

5.1.1.4 Proof of registration with a professional body like IIA(SA), CISA, SAICA for the prospective bidder.

## 5.1.2 Non-compulsory documents

**Prospective bidders must comply with the requirements and submit all required document(s) indicated hereunder with the bid documents at the closing date and time of bid. This phase is not scored and bidders who fail to comply with all the mandatory criteria may be disqualified.**

5.1.2.1 Submit a valid Tax Clearance Certificate/ Tax Pin

5.1.2.2 Certified copy of B-BBEE Certificate. A Joint Venture will qualify for the B-BBEE status level as a legal entity, provided that the legal entity submits their B-BBEE status level certificate. Failure on the part of the bidder to comply with the above will be deemed that preference points for B-BBEE status level of contribution are not claimed and will therefore be allocated a zero (0) points.

## 5.2 Stage 2: Technical/Functionality

An assessment of Functionality will be based on the evaluation criteria noted in the table below. Each of the evaluation criteria in the table will carry a weighting as indicated, and the bidder will be required to score a minimum of **75 points** (out of the 100 points), i.e. 75%, for Functionality in order to qualify to proceed to Stage 3 of the evaluation process.

### CRITERIA

Criteria	Scoring	Weighted score
<p>Methodology and project approach: Proposal on methodology and project approach indicating a practical framework to demonstrate adequate understanding of Internal Audit services in line with the scope of work.</p> <p>This plan should cover short, medium, and long term objectives.</p> <ul style="list-style-type: none"> <li>• Methodology and project plan linked to the milestones and timeframes;</li> <li>• Programme structure with clear timelines and outputs;</li> <li>• Quality assurance steps indicated;</li> <li>• Clear reporting mechanisms and</li> <li>• Indicators and means of verifying progress</li> </ul>	<p>The methodology is innovative, the timeframes and project plan are suited and tailored to the project needs. = <b>20 – 30 points</b>.</p> <p>Approach is specifically tailored to suit the requirements and needs of EWSETA. The project plan does not fully meet EWSETA requirements and lacks innovation = <b>10 – 19 points</b>.</p> <p>Methodology approach is generic and will not meet projects requirements. The project plan does not meet all requirements. = <b>1 – 9 points</b>.</p> <p>Non-submission = <b>0 points</b></p>	<b>30</b>
<p>Reference letters from different organisations as evidence of related internal audit work previously conducted.</p> <p>NB: The Reference Letter(s) must not be older than 5 years, must be on the letterhead of the previously serviced client and should reflect at least name of the client, title of the related work</p>	<p>5 Reference letters or more including performance information Letters attached = <b>15 points</b></p> <p>4 Reference letters or more including performance information attached = <b>10 points</b></p> <p>3 Reference Letter attached = <b>9 points</b></p> <p>2 Reference Letter attached = <b>6 points</b></p> <p>1 Reference Letter attached = <b>3 points</b></p>	<b>15</b>

<p>conducted, year(s) conducted and completed, contactable reference name and contact details and signed by the appropriate delegate. The Reference Letter should indicate the quality of the service rendered.</p>	<p>No/unsatisfactory/incomplete Reference Letters attached = <b>0 points</b></p>	
<p>Experience in working with SETAs (Submit relevant Reference Letters of the SETA experience)</p> <p>NB: The Reference Letter(s) must not be older than 5 years, must be on the letterhead of the previously serviced client and should reflect at least name of the client, title of the related work conducted, year(s) conducted and completed, contactable reference name and contact details and signed by the appropriate delegate. The Reference Letter should indicate the quality of the service rendered.</p>	<p>2 SETA Reference Letters attached = <b>10 points</b>          1 SETA Reference Letter attached = <b>5 points</b>          No/unsatisfactory/incomplete Reference Letters attached = <b>0 points</b></p>	<b>10</b>
<p><b>Experience and Qualifications of a Lead Partner / Director</b></p> <p><b>Qualifications:</b>          Must be accredited with an appropriate professional body (e.g. <sup>1</sup>CIA, CA(SA), ACCA) and proof of accreditation must be provided.</p> <p><b>NB. Bidders must attach certified copies</b> not older than 3 months of the <b>qualifications</b></p> <p><b>Experience:</b>          Must have at least 8 years of experience in related work.</p>	<p><b>Qualifications:</b>          Proof of relevant professional accreditation is provided = <b>5 points</b>          No proof of professional accreditation attached/irrelevant professional accreditation = <b>0 points</b></p>	<b>5</b>
	<p><b>Experience:</b>          Has at least 10 years of experience in related work = <b>5 points</b>          Has less than 10 years of experience in related work = <b>0 points</b></p>	<b>5</b>
<p><b>Curriculum Vitae(s) and qualifications of each of the core team members</b></p> <p>Bidders must attach relevant certified copies of highest qualifications/professional certificate.</p>	<ul style="list-style-type: none"> <li>Internal Audit Manager in possession of professional accreditation (CIA/CISA/CA) <u>and</u> 5 years post articles experience = <b>10 points</b></li> </ul>	<b>30</b>

<sup>1</sup> CIA – certified Internal Auditor, CA(SA) – Chartered Accountant (South Africa), CISA – Certified Information Systems Auditor)



<p>Certification may not be older than 3 months prior to submission and preferably in Accounting / Internal Auditing. Uncertified qualification/professional certificates will not be accepted as authentic. Foreign qualifications are required to be accompanied by a SAQA evaluation certificate.</p> <p>The potential bidder must attach brief CVs and proof of registration of 3 core management team members consisting of Internal Audit and ICT Specialist.</p>	<ul style="list-style-type: none"> <li>IT Specialist in possession of professional accreditation (CISA) <u>and</u> 5years experience = <b>5 points</b></li> <li>Proposed support team registered with a professional body like IIA(SA) = <b>5 points</b></li> <li>Each team member has minimum BTech in Internal Auditing (proof of qualification must be submitted = <b>5 points</b></li> <li>Each team member has minimum 2 years post articles experience = <b>5 points</b></li> </ul> <p>No CV and/or certified copies of qualifications attached for the respective team member = <b>0 points</b></p>	
<p>Company profile</p>	<p>Company profile should indicate the following elements: Services rendered by the service provider = <b>1 point</b> Company's years of experience (at least 5 years) = <b>2 points</b> Geographical location = <b>2 points</b> (awarded only to those companies located and/or have operations within Gauteng Province) No profile attached = <b>0 points</b></p>	<b>5</b>
<p>TOTAL</p>		100

### 5.3 Pricing and preference points Stage

#### 5.3.1 Preference Points

For purpose of evaluating preference points, the following preference point systems will be applicable to all bids whereby preference points shall be awarded for Price; and B-BBEE Status Level of Contribution.

- The points scored in respect of B-BBEE contribution will be added to the points scored for price.
- The following formula will be used to calculate the points for Price:

$$P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where



Ps = Points scored for comparative price of proposal or quotation

Pt = Comparative price of proposal or offer

P min = Comparative price of lowest acceptable proposal or offer

The following table must be used to calculate the score out of 20 for BBEE

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

Bidders are required to submit original and valid B-BBEE Status Level Verification Certificates or certified copies thereof together with their bids, to substantiate their B-BBEE rating claims;

A tenderer failing to submit proof of B-BBEE status level of contributor or is a non-compliant contributor to B-BBEE may not be disqualified, but may only score points out of 80 for price; and scores 0 points out of 20 for B-BBEE.

A trust, consortium or joint venture must submit a consolidated B-BBEE Status Level Verification Certificate for every separate bid;

A bidder will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an Exempted Micro Enterprise (EME) that has the capability and ability to execute the sub-contract.

### 5.3.2 Financial Proposal

It is understood that internal audits are based on hourly rates and that budgets are compiled once the appointed auditor has assessed the likely extent of the work. Financial proposals will be compared on the basis of average hourly rates. Firms are required to submit hourly rates as per the table below. Rates should be inclusive of overheads and VAT

NB: Please note the costing should be as per the below schedule only, where naming is different indicate.

Position Title Category (where applicable)	Rate Hour / Year 1	Rate Hour / Year 2	Rate / Hour Year 3	Typical Percentage of Total Hours on Project
Director/Partner Level (or equivalent)	R	R	R	%
Senior Manager (or equivalent)	R	R	R	%
Manager (or equivalent)	R	R	R	
Audit Senior / Supervisor (or equivalent)	R	R	R	%
Auditor (or equivalent)	R	R	R	%
Junior Auditor / Trainee (or equivalent)	R	R	R	%
IT specialist (or equivalent)	R	R	R	%
<b>Total sum of rates excl. of VAT</b>	<b>R</b>	<b>R</b>	<b>R</b>	
<b>Total sum of rates incl. of VAT</b>	<b>R</b>	<b>R</b>	<b>R</b>	
<b>Total Sum of rates inc. of vat for the 3 years</b>			<b>R</b>	

If a particular category does not exist for the firm, it can be omitted. The rate quoted excludes costs that relate to travelling and accommodation.

It is recognised that it is difficult for a prospective bidder to be firm about the extent of the work based solely on the terms of reference. However, to assist with assessments, a firm must provide a typical distribution of time for members of the audit team. This should be expressed in percentages of the total person-hours billed on a typical engagement.

The total project cost shall be agreed upon signing of contact.

Any possible staff changes during the course of the engagement must be done in consultation and approval of the EWSETA. To this end, bidders must give an outline of the size and depth of the practice with regard to the number of partners, managers, specialists and assistants with their brief CV's, that could be tapped into, should the need arise, during the course of the engagement.

The EWSETA shall not be obliged to accept the lowest of the average hourly tariff.

Annual cost escalation must be factored into account in year 2 and year 3.

## 6. NOTES TO BIDDERS

Outlined below are basic requirements that each bid must comply with. Failure of any bid to meet any or all of these requirements may disqualify such a bid from the evaluation process:

- 6.1 A prospective bidders must ensure that that their tax matters are in order in line with the Treasury Regulations and reflect accordingly on CSD. It is therefore a condition of this bid that the tax matters of the bidder be in order at the time of award. Failure of the bidder for not complying with their tax matters at the time of award will result in the bidder being disqualified.
- 6.2 The EWSETA will not be liable to reimburse any costs incurred by applicants in preparing their proposals.
- 6.3 Bids received late shall not be considered under any circumstances. A bid will be considered late if it arrives after **11:00 o'clock** on/after the closing date.
- 6.4 EWSETA does not bind itself into making an appointment from proposals and offers received.
- 6.5 EWSETA reserves the right, at its sole discretion, to cancel this request for proposals, presentations and price or not to make any appointment at all.
- 6.6 EWSETA will not make upfront payments.
- 6.7 Successful bidder must undertake to abide by the confidentiality undertakings contained in the agreement to be concluded;
- 6.8 The successful bidder will be informed of the outcome. A contract will only be deemed to be concluded when reduced to writing and signed by the designated responsible person of both parties (duly authorised). The designated responsible person of the EWSETA is the Chief Executive Officer or his written authorised delegate.
- 6.9 A probation period of 90 days will apply to the agreement and a penalty regime system in the maintenance addressing recourse by the supplier or EWSETA will be implemented.
- 6.10 The EWSETA undertakes to pay valid invoices in full within 30 (thirty) days if all supporting documents are submitted.
- 6.11 The service level agreement will be reviewed annually upon anniversary date.
- 6.12 Please note that any plagiarism of any sort contained within any bid or any other documents submitted to the EWSETA by any bidder will result in the disqualification of the respective bidder and may potentially have legal ramifications.
- 6.13 EWSETA may request clarification or further information regarding any aspect of the bidder. The bidder must provide the requested information within forty-eight (48) hours after the request has been made; otherwise the bidder may be disqualified.
- 6.14 Nothing, as stipulated in these Terms of Reference may be amended without the written confirmation of the Chief Executive Officer of EWSETA or the appointed party.
- 6.15 Professional body membership is mandatory from South African Institute of Chartered Accountants or Institute of Internal Audit or any other recognizable accounting or auditing body, (please attach proof).

## 7. SUB-CONTRACTING

A tenderer will not be awarded points for B-BBEE status level if it is indicated in the tender documents that such a tenderer intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a tenderer qualifies for unless the intended sub-contractor is an exempted micro-enterprise that has the capability and ability to execute the sub-contract.

## 8. SUBMISSION OF BIDS

Bidders are required to submit **ONE original plus two copies** of the bid document which should be hand delivered to the following address;

EWSETA, Building B, Ground Floor – reception  
32 Princess of Wales Terrace, Sunnyside Office Park, Parktown, 2193

The following information must be endorsed on the envelope:

- Bid number
- Title of the bid
- Name of bidder

Bidders are required to submit their proposals in two (2) sealed envelopes in the following format:

### Envelope 1: Technical Proposal

Marked with the name of the bidder, contact details, company address, closing date, and Titled: Technical Proposal for EWSETA Tender No: **EWSETA/RFP/01/2020**

#### Section 1 : Compliance Documents

#### Section 2 : Technical proposal

- a. Methodology and project approach
- b. Reference letters of previous related work performed
- c. Experience in working within the SETA environment
- d. Experience and qualifications of lead Partner / Director
- e. Experience and qualifications of core team members
- f. Company Profile

### Envelope 2: Price and valid BEE Certificate Proposal:

Marked with name of bidder, contact details, company address closing date, and clearly titled indicating tender number **EWSETA/RFP/01/2020**

It must contain the price proposal and valid BEE certificate for EWSETA Tender No:

## 9. CLOSING DATE OF PROPOSAL

A comprehensive proposal together with pricing schedule must reach EWSETA by no later than **MONDAY 13 JULY 2020 not later than 11H00**. Please note that no late proposals will be considered.

## 10. TENDER VALIDITY

This RFP shall be valid for 90 days calculated from Bid closing date.

## 11. NEGOTIATION

EWSETA has the right to enter into negotiation with a prospective contractor regarding any terms and conditions, including price(s), of a proposed contract.

EWSETA shall not be obliged to accept the lowest of any quotation, offer or proposal.

The successful bidder will be informed. A contract will only be deemed to be concluded when reduced to writing in a contract form signed by the designated responsible person of both



parties. The designated responsible person of EWSETA is the Chief Executive Officer or his/her written authorised delegate.

## **12. PAYMENTS**

EWSETA will pay the Contractor the Fee as set out in the final contract. No additional amounts will be payable by EWSETA to the Contractor.

The Contractor shall, from time to time during the currency of the contract, invoice EWSETA for the services rendered. No payment will be made to the contractor unless an invoice complying with section 20 of the VAT Act No 89 of 1991 has been submitted to EWSETA.

Payment shall be made into the bidder's bank account normally 30 days after receipt of an acceptable valid invoice and all supporting documents.

The contractor shall be responsible for accounting to the appropriate authorities for its Income Tax, VAT or other moneys required to be paid in terms of applicable law.

## **13. FRAUD HOT-LINE**

EWSETA subscribes to fair and just administrative processes. EWSETA, therefore, urges its clients, suppliers and the general public to report any fraud or corruption to:

EWSETA TIP-OFFS ANONYMOUS

Free Call: 0800 611 205

Email: [ewseta@tip-offs.com](mailto:ewseta@tip-offs.com)

Or visit their website [www.tip-offs.com](http://www.tip-offs.com)



**14. ANNEXURE 1 - SBD1  
PART A**

**INVITATION TO BID**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE ENERGY &amp; WATER SECTOR EDUCATION AND TRAINING AUTHORITY</b>					
BID NUMBER:	EWSETA/RFP/01/2020	CLOSING DATE:	13 July 2020	CLOSING TIME:	11:00HOURS
DESCRIPTION	PROVISION OF INTERNAL AUDIT SERVICES FOR A PERIOD OF THREE YEARS				
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b>					

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX  
SITUATED AT (STREET ADDRESS)

<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
		TCS PIN:		OR	CSD No:
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]		<input type="checkbox"/> Yes  <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT  <input type="checkbox"/> Yes  <input type="checkbox"/> No	
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX		<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)		
		<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)		
		<input type="checkbox"/>	A REGISTERED AUDITOR		
			NAME:		

**[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT (FOR EMEs & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]**



ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No  [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No  [IF YES ANSWER PART B:3 BELOW]
<b>SIGNATURE OF BIDDER</b>	.....	<b>DATE</b>	
<b>CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)</b>			
<b>TOTAL NUMBER OF ITEMS OFFERED</b>		<b>TOTAL BID PRICE (ALL INCLUSIVE)</b>	
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>		<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>	
DEPARTMENT/ PUBLIC ENTITY	EWSETA	CONTACT PERSON	MS. THANDEKA SIBISI
CONTACT PERSON	DICKSON KUTSAWA	TELEPHONE NUMBER	011 274 4700
TELEPHONE NUMBER	011 274 4700	FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	thandekas@ewseta.org.za
E-MAIL ADDRESS	<a href="mailto:scmadmin@ewseta.org.za">scmadmin@ewseta.org.za</a>		



## PART B

### TERMS AND CONDITIONS FOR BIDDING

<b>1. BID SUBMISSION:</b>	
1.1.	BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2.	ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED– (NOT TO BE RE-TYPED) OR ONLINE
1.3.	BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
1.4.	WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
1.5.	THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.
<b>2. TAX COMPLIANCE REQUIREMENTS</b>	
2.1	BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2	BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3	APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
2.4	BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
2.5	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.
2.6	WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
<b>3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>	
3.1.	IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.2.	DOES THE BIDDER HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.3.	DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.4.	DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.	

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.**

## **15. ANNEXURE 2: EWSETA GENERAL CONDITIONS OF PURCHASE**

### **General**

EWSETA and the Supplier enter into an order/contract on these conditions to supply the items (goods/services/works) as described in the order/contract.

### **Conditions**

These conditions form the basis of the contract between EWSETA and the Supplier. Notwithstanding anything to the contrary in any document issued or sent by the Supplier, these conditions apply except as expressly agreed in writing by EWSETA. No servant or agent of EWSETA has the authority to vary these conditions orally. These general conditions of purchase are subject to such further special conditions as may be prescribed in writing by EWSETA in the order/contract.

### **Price and payment**

The price or rates for the items stated in the order/contract may include an amount for price adjustment, which is calculated in accordance with the formula stated in the order/contract. The Supplier may be paid in one currency other than South African Rand. Only one exchange rate is used to convert from this currency to South African Rand. Payment to the Supplier in this currency other than South African Rand, does not exceed the amounts stated in the order/contract. EWSETA pays for the item within 30 days of receipt of the Supplier's correct tax invoice.

### **Delivery and documents**

The Supplier's obligation is to deliver the items on or before the date stated in the order/contract. Late deliveries or late completion of the items may be subject to a penalty if this is imposed in the order/contract. No payment is made if the Supplier does not provide the item as stated in order/contract.

### **Where items are to be delivered to the Supplier:**

Clearly marks the outside of each consignment or package with the Supplier's name and full details of the destination in accordance with the order and includes a packing note stating the contents thereof; On dispatch of each consignment, sends to EWSETA at the address for delivery of the items, an advice note specifying the means of transport, weight, number of volume as appropriate and the point and date of dispatch; Sends to EWSETA a detailed priced invoice as soon as is reasonably practical after dispatch of the items, and states on all communications in respect of the order number and code number (if any).

### **Containers/packing material**

Unless otherwise stated in the order/contract, no payment is made for containers or packing materials or return to the Supplier.

### **Title and risk**

Without prejudice to rights of rejection under these conditions, title to and risk in the items passes to EWSETA when accepted by EWSETA.

### **Rejection**



If the Supplier fails to comply with his obligations under the order/contract, EWSETA may reject any part of the items by giving written notice to the Supplier specifying the reason for rejection and whether and within what period replacement of items or re-work are required.

In the case of items delivered, EWSETA may return the rejected items to the Supplier at the Supplier's risk and expense. Any money paid to the Supplier in respect of the items not replaced within the time required, together with the costs of returning rejected items to the Supplier and obtaining replacement items from a third party, are paid by the Supplier to EWSETA.

In the case of service, the Supplier corrects non-conformances as indicated by EWSETA.

### **Warranty**

Without prejudice to any other rights of EWSETA under these conditions, the Supplier warrants that the items are in accordance with EWSETA's requirements, and fit for the purpose for which they are intended, and will remain free from defects for a period of one year (unless another period is stated in the Order) from acceptance of the items by EWSETA.

### **Indemnity**

The Supplier indemnifies EWSETA against all actions, suits, claims, demands, costs, charges and expenses arising in connection therewith arising from the negligence, infringement of intellectual or legal rights or breach of statutory duty of the Supplier, his subcontractors, agents or servants, or from the Supplier's defective design, materials or workmanship.

The Supplier indemnifies EWSETA against claims, proceedings, compensation and costs payable arising out of infringement by the Supplier of the rights of others, except an infringement that arose out of the use by the Supplier of things provided by EWSETA.

#### **Assignment and sub-contracting**

The Supplier may not assign or subcontract any part of this order/contract without the written consent of EWSETA.

### **Termination**

EWSETA may terminate the order/contract at any time (without prejudice to any right of action or remedy which has accrued or thereafter accrues to EWSETA):

If the Supplier defaults in due performance of the order/contract, or if the Supplier becomes bankrupt or otherwise is, in the opinion of EWSETA, in such financial circumstances as to prejudice the proper performance of the order/contract, or for any other reason in which case the Supplier will be compensated for all costs incurred.

### **Governing law**

The order/contract is governed by the law of the Republic of South Africa and the parties hereby submit to the non-exclusive jurisdiction of the South African courts.

## 16. ANNEXURE 3: SBD4

### DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state\*, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest, where-

- the bidder is employed by the state; and/or
- 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.

2.1 Full Name of bidder or his or her representative:

.....

2.2 Identity Number:

.....

2.3 Position occupied in the Company (director, shareholder, etc):

.....

2.4 Company Registration Number:

.....

2.5 Tax Reference Number:

.....

2.6 VAT Registration Number:

.....

\* "State" means –

(a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);



## 17. ANNEXURE 4: SBD 8

### DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

The order/contract is governed by the law of the Republic of South Africa and the parties hereby submit to the non-exclusive jurisdiction of the South African courts.

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-
  - a. abused the institution's supply chain management system;
  - b. committed fraud or any other improper conduct in relation to such system; or
  - c. 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	<p>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?</p> <p>(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 <i>audi alteram partem</i> rule was applied).</p> <p><b><i>The Database of Restricted Suppliers now resides on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</i></b></p>	Yes	No
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)? <b><i>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</i></b>	Yes	No
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?	Yes	No
4.3.1	If so, furnish particulars: <input type="checkbox"/> <input type="checkbox"/>		
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?	Yes	No
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 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**



## 18. ANNEXURE 5: SBD 9

### CERTIFICATE OF INDEPENDENT BID DETERMINATION

1. This Standard Bidding Document (SBD) must form part of all bids<sup>1</sup> invited.
2. Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).<sup>2</sup> Collusive bidding is a pe se prohibition meaning that it cannot be justified under any grounds.
3. Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
  - a. disregard the bid of any bidder if that bidder or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such a system.
  - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
4. This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
5. In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.



## CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

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(Bid Number and Description)

in response to the invitation for the bid made by:

---

(Name of Institution)

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 Bidder)

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:
  - a. has been requested to submit a bid in response to this bid invitation;
  - b. could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - c. provides the same goods and 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 consortium<sup>3</sup> 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:
  - a. prices;
  - b. the geographical area where product or service will be rendered (market allocation)

- c. methods, factors or formulas used to calculate prices;
  - d. the intention or decision to submit or not to submit, a bid;
  - e. the submission of a bid which does not meet the specifications and conditions of the bid; or
  - f. 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.
- <sup>3</sup> JOINT VENTURE OR CONSORTIUM 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.
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