



SBD 1
INVITATION TO BID

**YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE
MINE HEALTH AND SAFETY COUNCIL**

RFP NUMBER:	MHSC006/2022-23
CLOSING DATE:	12 December 2022
CLOSING TIME:	11:00 AM
BRIEFING SESSION:	N/A
BID VALIDITY PERIOD:	90 days (commencing from the RFP Closing Date)
DESCRIPTION OF BID:	Appointment of a service provider to provide internal audit service for a period of three (3) years.
PHYSICAL ADDRESS	MHSC OFFICES SITUATED AT B7; MAPLE NORTH; 145 WESTERN SERVICE ROAD; WESTWOOD BUSINESS PARK; WOODMEAD.
BID DOCUMENTS DELIVERY ADDRESS	SAME AS ABOVE
ENQUIRIES	tenders@mhsc.org.za
For Attention:	THE SCM MANAGER
NB: Bidders must ensure that they sign the register at the reception when submitting the bids.	

The successful bidder will be required to fill in and sign a written Contract Form (SBD 7).

Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.

The bid box is generally open 8 hours a day, 5 days a week.

ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – (NOT TO BE RE-TYPED)

THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT

THE FOLLOWING PARTICULARS MUST BE FURNISHED (FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)

NAME OF BIDDER

POSTAL ADDRESS

STREET ADDRESS

Invitation to Bid/ Appointment of a service provider to provide internal audit service for a period of three (3) years. RFP MHSC006/2022-23.

TELEPHONE NUMBER CODE.....NUMBER.....
CELLPHONE NUMBER
FACSIMILE NUMBER CODE.....NUMBER.....
E-MAIL ADDRESS
VAT REGISTRATION NUMBER

HAS AN ORIGINAL AND VALID TAX CLEARANCE CERTIFICATE BEEN SUBMITTED? (SBD 2)
YES or NO

HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE BEEN SUBMITTED? (SBD 6.1) YES
or NO

IF YES, WHO WAS THE CERTIFICATE ISSUED BY?

A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS); OR.....☐
A SWON AFFIDAVIT☐

[TICK APPLICABLE BOX]

(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE 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?

YES or NO [IF YES ENCLOSE PROOF]

SIGNATURE OF BIDDER

DATE

CAPACITY UNDER WHICH THIS BID IS SINED

TOTAL BID PRICE: R..... (Total bid price including VAT and any other charges)

ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:

Department: Supply Chain Management

Tel: 011 656 1797

E-mail address: tenders@mhsc.org.za

CONDITIONS AND UNDERTAKINGS BY BIDDER

- 1.1 **The Bid forms should not be retyped or redrafted but photocopies may be prepared and used.**
However, only documents with the original signature in black ink shall be accepted. Additional offers against any item should be made on a photocopy of the page in question.
- 1.1.1 Black ink should be used when completing Bid documents.
- 1.1.2 Bidders should check the numbers of the pages to satisfy themselves that none is missing or duplicated. MHSC will accept NO liability in regard to anything arising from the fact that pages are missing or duplicated.
- 1.2 I/We hereby Bid to supply all or any of the supplies and/or to procure all or any of the services described in the attached documents to MHSC on the terms and conditions and in accordance with the specifications stipulated in the Bid documents (and which shall be taken as part of, and incorporated into, this Bid) at the prices inserted therein.
- 1.3 I/We agree that -
- 1.3.1 The offer herein shall remain binding upon me/us and open for acceptance by MHSC during the validity period indicated and calculated from the closing hour and date of the Bid;
- 1.3.2 the laws of the Republic of South Africa shall govern the contract created by the acceptance of my/our Bid and that I/we choose domicilium citandi et executandi in the Republic as indicated below; and
- 1.4 **NB: BIDDERS TERMS AND CONDITIONS ARE NOT ACCEPTABLE.**
- 1.5 I/We furthermore confirm that I/we have satisfied myself/ourselves as to the correctness and validity of my/our Bid that the price(s) and rate(s) quoted cover all the work/item(s) specified in the Bid documents and that the price(s) and rate(s) cover all my/our obligations under a resulting contract and that I/we accept that any mistakes regarding price(s) and calculations will be at my/our risk.
- 1.6 I/We hereby accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me/us under this Bid as the Principal(s) liable for the due fulfilment of this contract.

Signature(s) of Bidder or assignee(s)	Date
Name of signing person (in block letters)	
Capacity	
Are you duly authorized to sign this bid?	
Name of Bidder [company name] (in block letters)	
Postal address (in block letters)	
Domicilium citandi et executandi in the RSA (full street address of this place) (in block letters)	
.....	
.....	
.....	
.....	
Telephone Number:.....	Fax Number
Cell Number:	Email Address

INSTRUCTIONS TO BIDDER

1 Confidential information disclosure notice

- 1.1 This document may contain confidential information that is the property of Mine Health and Safety Council (MHSC).
- 1.2 No part of the contents may be used, copied, disclosed or conveyed in whole or in part to any party in any manner whatsoever other than for preparing a proposal in response to this Bid, without prior written permission from MHSC.
- 1.3 All copyright and Intellectual Property herein vests with MHSC.

2 Introduction

2.1 Purpose

- 2.1.1 The purpose of this Request for Bid (RFP) is an invitation to potential suppliers (hereinafter referred to as "Bidders") to submit Bids for the items/products/solutions as detailed under Annex A: Technical/solution specification.

2.2 Objectives

- 2.2.1 The following objectives must be achieved with the implementation of the above required solution:
 - 2.2.1.1 Based on the Bids submitted and the outcome of the evaluation process according to the set evaluation criteria, MHSC intends to select a preferred bidder/s with the view of concluding a service level agreement (SLA) where applicable with such successful bidder. The Bid shall be evaluated in terms of the PPPFA (80/20).

2.3 Queries

- 2.3.1 Should it be necessary for a bidder to obtain clarity on any matter arising from or referred to in this RFP document, please refer queries, in writing, to the contact person(s) listed below. Under no circumstances may any other employee within MHSC be approached for any information. Any such action may result to disqualification of a response submitted in response to the RFP. MHSC reserves the right to place responses to such queries on the website.

Name	Type of Query	Email address
Molau Ramabu	Bid Queries	tenders@mhsc.org.za

Enquiries should reference specific paragraph numbers, where appropriate.

All questions/enquiries must be forwarded in writing not later than **08 December 2022 at 11h00**.

Questions/enquiries received after 11h00 on **08 December 2022** will not be considered.

Bidders are not allowed to contact any other MHSC staff in the context of this tender other than the indicated official under 2.3.1.

2.4 Bid Documents

- 2.4.1 Bids must be **hand delivered or (if couriered)** reach to **MHSC** by **24** hours before closing date and time.
- 2.4.2 Bid documents must contain **one original document, initialled on each page**, and **signed where required** and **02 (Two)** copies thereof. (Separate envelopes: one for financials (Pricing), one original for Technical document and two copies).

3 General rules and instructions

3.1 Confidentiality

- 3.1.1 The information contained in this document is of a confidential nature, and must only be used for purposes of responding to this RFP. This confidentiality clause extends to Bidder partners and/or implementation agents, whom the Bidder may decide to involve in preparing a response to this RFP.
- 3.1.2 For purposes of this process, the term “Confidential Information” shall include all technical and business information, including, without limiting the generality of the foregoing, all secret knowledge and information (including any and all financial, commercial, market, technical, functional and scientific information, and information relating to a party’s strategic objectives and planning and its past, present and future research and development), technical, functional and scientific requirements and specifications, data concerning business relationships, demonstrations, processes, machinery, know-how, architectural information, information contained in a party’s software and associated material and documentation, plans, designs and drawings and all material of whatever description, whether subject to or protected by copyright, patent or trademark, registered or un-registered, or otherwise disclosed or communicated before or after the date of this process.
- 3.1.3 The receiving party shall not, during the period of validity of this process, or at any time thereafter, use or disclose, directly or indirectly, the confidential information of MHSC (even if received before the date of this process) to any person whether in the employment of the receiving party or not, who does not take part in the performance of this process.
- 3.1.4 The receiving party shall take all such steps as may be reasonably necessary to prevent MHSC’ confidential information coming into the possession of unauthorised third parties. In protecting the receiving party’s confidential information, MHSC shall use the same degree of care, which does not amount to less than a reasonable degree of care, to prevent the unauthorised use or disclosure of the confidential information as the receiving party uses to protect its own confidential information.
- 3.1.5 Any documentation, software or records relating to confidential information of MHSC, which comes into the possession of the receiving party during the period of validity of this process or at any time thereafter or which has so come into its possession before the period of validity of this process:
- 3.1.5.1 Shall be deemed to form part of the confidential information of MHSC;
 - 3.1.5.2 Shall be deemed to be the property of MHSC;
 - 3.1.5.3 shall not be copied, reproduced, published or circulated by the receiving party unless and to the extent that such copying is necessary for the performance of this process and all other processes as contemplated in; and
 - 3.1.5.4 Shall be surrendered to MHSC on demand, and in any event on the termination of the investigations and negotiations, and the receiving party shall not retain any extracts.

3.2 News and press releases

- 3.2.1 Bidders or their agents shall not make any news releases concerning this RFP or the awarding of the same or any resulting agreement(s) without the consent of, and then only in co-ordination with MHSC.

3.3 Precedence of documents

- 3.3.1 This RFP consists of a number of sections (see list). Where there is a contradiction in terms between the clauses, phrases, words, stipulations or terms and herein referred to generally as stipulations in this RFP and

the stipulations in any other document attached hereto, or the RFP submitted hereto, the relevant stipulations in this RFP shall take precedence.

3.3.2 Where this RFP is silent on any matter, the relevant stipulations addressing such matter and which appears in the PPPFA shall take precedence. Bidders shall refrain from incorporating any additional stipulations in its proposal submitted in terms hereof other than in the form of a clearly marked recommendation that MHSC may in its sole discretion elect to import or to ignore. Any such inclusion shall not be used for any purpose of interpretation unless it has been so imported or acknowledged by MHSC.

3.3.3 It is acknowledged that all stipulations in the PPPFA are not equally applicable to all matters addressed in this RFP. It however remains the exclusive domain and election of MHSC as to which of these stipulations are applicable and to what extent. Bidders are hereby acknowledging that the decision of the MHSC in this regard is final and binding. The onus to enquire and obtain clarity in this regard rests with the vendor(s). The vendor(s) shall take care to restrict its enquiries in this regard to the most reasonable interpretations required to ensure the necessary consensus.

3.4 Preferential Procurement Reform

3.4.1 MHSC supports Black Economic Empowerment as an essential ingredient of its business. In accordance with government policy, MHSC insists that the private sector demonstrates its commitment and track record to Black Economic Empowerment in the areas of ownership (shareholding), skills transfer, employment equity and procurement practices (SMME Development) etc.

3.4.2 MHSC shall apply the principles of the Preferential Procurement Policy Framework Act, (Act No. 5 of 2000) with its Preferential Procurement Regulation 2017 to this proposal.

3.4.3 Bidders shall complete the preference certificate attached to this proposal. In the case of a consortium and subcontractors, the preference certificate must be completed for each legal entity (Annex C).

3.5 Security clearances

3.5.1 Employees and subcontractors of the Bidders **may** be required to be in possession of valid security clearances to the level determined by NIA or/and MHSC commensurate with the nature of the project activities they are involved in. The cost of obtaining suitable clearances is for the account of the bidders. The Bidders shall supply and maintain a list of personnel involved on the project indicating their clearance status.

3.6 Occupational Injuries and Diseases Act 13 of 1993

3.6.1 The Bidder warrants that all its employees (including the employees of any sub-contractor that may be appointed) are covered in terms of the Compensation for Occupational Injuries and Diseases Act 13 of 1993 ("COIDA") and that the cover shall remain in force for the duration of the adjudication of this bid and/ or subsequent agreement. MHSC reserves the right to request the Bidder to submit documentary proof of the Bidder's registration and "good standing" with the Compensation Fund, or similar proof acceptable to MHSC.

3.7 Instructions for submitting a proposal

3.7.1 One (1) original, two (2) hard copies of the Bid shall be submitted on the date of closure of the Bid.

3.7.1.1 The original copy must be signed in black ink by an authorised employee, agent or representative of the bidder and each and every page of the proposal shall contain the initials of same signatories.

3.7.2 Bidders shall submit proposal responses in accordance with the prescribed manner of submissions as specified above.

3.7.3 Bid must be submitted in a prescribed response format herewith reflected as **Response Format**, and be sealed in an envelope. The envelope must be marked clearly (on the outside) with the Bid Number and be addressed to **The SCM Manager**.

- 3.7.4 Bid must be submitted on or before **12 December 2022 not later than 11h00**. The bids must be dropped in the tender box at the **MHSC Offices; B7; Maple North; 145 Western Service Road Westwood Business Park; Wood mead**, MHSC receives a lot of correspondence on a daily basis. Bidders are therefore urged to ensure that they clearly mark their bids with the Bid Number; register their bids and sign the register that will be provided at the reception. Failure to sign the register will lead to the bid being disqualified. Failure to submitted sealed bids could result to disqualification of bids. The onus is on the bidder to ensure that their bids get registered in the bids received register. Bidders must advise their courier companies of this instruction.
- 3.7.5 All Bids in this regard shall only be accepted if they have been registered on the bids received register before or on the closing date and stipulated time.
- 3.7.6 Bids received after the time stipulated shall not be considered.
- 3.7.7 Bid responses sent by courier must reach this office at least **24 hours** before the closing date to be registered on the bids received register. Failure to comply with this requirement shall result in your proposal being treated as a "late proposal" and shall not be entertained. Such proposal shall be returned to the respective Bidders.
- 3.7.8 **No proposal shall be accepted by MHSC if submitted in any manner other than as prescribed above.**

4 Reasons for disqualification

- 4.1 MHSC reserves the right to disqualify any bidder which does any one or more of the following, and such disqualification may take place without prior notice to the offending bidder, however the bidder shall be notified in writing of such disqualification:
- 4.1.2 Bidders who submitted incomplete information and documentation according to the requirements of this RFP;
- 4.1.3 Bidders who submitted information that is fraudulent, factually untrue or inaccurate, for example memberships that do not exist, BEE credentials, experience, etc.
- 4.1.4 Bidders who received information not available to other bidders through fraudulent means;
- 4.1.5 Bidders who do not comply with *mandatory requirements* as stipulated in this RFP.
- 4.1.6 Bidders who made false declarations on the Standard Bidding Documents, or misrepresent facts; and/or
- 4.1.7 Bidders who are listed on the National Treasury's database of restricted suppliers

5 Closing of Bid

- 5.1 There shall be no **public opening** of the Bids received on request. There shall be no discussions with any enterprise until evaluation of the proposal has been complete. Any subsequent discussions shall be at the discretion of MHSC. Unless specifically provided for in the proposal document, bids submitted by means of telegram, telex, facsimile or similar means shall not be considered.
- 5.2 No Bids from any bidder with offices within the RSA shall be accepted if sent via the Internet or e-mail. However Bids from international bidders with no office or representation in the RSA shall be accepted if received via the Internet or e-mail before the closing date and time.
- 5.2.1 Such Bids shall not be made available for evaluation until the original signed documentation is received within three (3) working days after the closing date, otherwise the proposal shall be disqualified. International bidders must submit proof that they do not have any offices or representation in South Africa.

6 Bid preparation

- 6.1 All additions to the proposal documents i.e. annexes, supporting documentation pamphlets, photographs, technical specifications and other support documentation covering the solution offered etc. shall be neatly bound as part of the schedule concerned.
- 6.2 All responses regarding questions posed in the annexes attached herewith shall be answered in accordance with the prescribed **RFP Response Format**.

7 Oral presentations and briefing sessions

- 7.1 Bidders who submit Bids in response to this RFP may be required to give an oral presentation, which may include, but is not limited to, an equipment/service demonstration of their proposal to MHSC. This provides an opportunity for the vendor to clarify or elaborate on the proposal. This is a fact finding and explanation session only and does not include negotiation. MHSC shall schedule the time and location of these presentations. Oral presentations are an option of MHSC and may or may not be conducted.

8 Evaluation Criteria for BEE

- 8.1 Points awarded for B-BBEE Status Level of Contribution
- 8.2 The value of this bid is estimated not to exceed R 50 000 000 00 (all applicable taxes included) and therefore the **80/20** system shall be applicable.
- 8.3 In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:
- 8.4 Preference points for this bid shall be awarded for:
- (a) Price; and
 - (b) B-BBEE Status Level of Contribution.

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	16
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

- 8.5 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by a Verification Agency accredited by SANAS or.
- 8.6 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Verification Agency accredited by SANAS.
- 8.7 A trust, consortium or 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.
- 8.8 A trust, consortium or 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.
- 8.9 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 8.10 A person 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 EME that has the capability and ability to execute the sub-contract.

- 8.11 A person 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.

9 Evaluation criteria and methodology

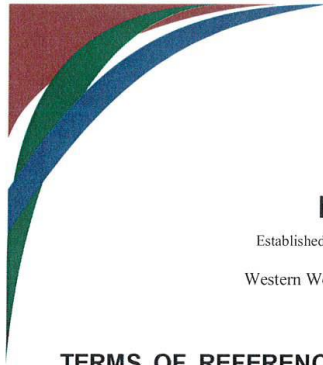
9.1 Functional evaluation criteria

“Functionality” means the measurement according to predetermined norms of a service or commodity designed to be practical and useful, working or operating, taking into account quality, reliability, viability and durability of a service or commodity.

The need to invite and evaluate bids on the basis of functionality depends on the nature of the required commodity or service.

When inviting bids, MHSC indicates: -

- (i) Whether the bids will be evaluated on functionality;
- (ii) The evaluation criteria for measuring functionality;
- (iii) The weight of each criterion; and
- (iv) The applicable values as well as the minimum threshold for functionality



MHSC

Mine Health and Safety Council

Established in terms of Section 41(1) of the Mine Health and Safety Act, 1996 (Act 29 of 1996)

Western Woods Office Park, B7 Maple North, 145 Western Service Road, Wood mead
Tel. No. (011) 656 1797 I Fax: (011) 656 1796

**TERMS OF REFERENCE FOR APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE
INTERNAL AUDIT SERVICE FOR A PERIOD OF THREE (3) YEARS**

1. BACKGROUND

The Mine Health and Safety Council (MHSC) is a national public entity (Schedule 3A) established in terms of the Mine Health and Safety Act, No 29. of 1996, as amended. The MHSC is mandated to advise the Minister of Mineral Resources and Energy (DMRE) on Occupational Health and Safety (OHS) issues in the South African Mining Industry (SAMI), relating to the development and implementation of the MHSC annual OHS research programme, reviewing and development of mining OHS legislation and dissemination (knowledge and technology transfer) of MHSC research outcomes to improve OHS conditions in the SAMI.

The MHSC outsources its Internal Audit (IA) function which reports to the Audit and Risk Committee (ARC). The outsourced internal audit services forms part of the combined assurance model and is expected to conduct the audits in line with the International Professional Practices Framework (IPPF) and must at all times adhere to the code of conduct of the Institute of Internal Auditors (IIA).

The service provider should therefore, provide a solution that will fully adhere to the Institute of Internal Auditors (IIA) standards and leading best practice. An outline encompassing all requirements of the International Standards for the Professional Practice of Internal Auditing (Standards): will be required as part of the response.

The internal auditors are also expected to demonstrate how they will support MHSC in the implementation of King IV and the Ethics Handbook.

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2. REQUIREMENTS

The Mine Health and Safety Council (MHSC) is seeking to appoint the services of a qualified and experienced service provider to assist in rendering internal audit services on an outsourcing basis for specific assignments for a period of three (3) years.

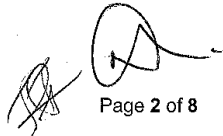
3. SCOPE OF WORK

The MHSC requires the service provider to provide Internal Audit function which must include amongst other duties:

- 3.1. Facilitation of the internal audit strategic session.
- 3.2. Compilation of internal audit three (3) years rolling plan and yearly operational plans indicating the objective and the scope of each audit in the internal audit plan; finalisation and sign off of the engagement letter (incl. scope), compilation of an audit programme (system/process description and audit procedure, draft report, presentation of draft report to MANCO, finalisation and presentation to ARC and Council (as and when required) for each audit assignment.
- 3.3. Executing audits in the Internal Audit plan for the 2022/23 to 2024/25 financial year.
- 3.4. Preparation of internal audit reports for each audit and quarterly reports to the Audit and Risk Committee.
- 3.5. Perform review and benchmarking of policies and SOPs (as and when required).
- 3.6. Conduct ICT audits, Performance Audits, Control Self-Assessment (CSA), quality assurance reviews, Combined Assurance (part of the team).
- 3.7. Perform forensic investigations as and when required.
- 3.8. Perform special investigations on request of EXCO, ARC and Council within the Delegation Framework.
- 3.9. Conduct reviews on quarterly management reports before submission to the Audit and Risk Committee every quarter.
- 3.10. Perform reviews of risk management processes and reports quarterly;
- 3.11. Attending the Risk and Compliance Management Committee (RCMC) and Audit and Risk Committee meetings.
- 3.12. Annual meeting with the Chairperson of the ARC.
- 3.13. Annual meeting with the Chairperson of Council; and
- 3.14. Attend and present the all reports before tabling at ARC to MANCO.

4. OUTPUTS

- 4.1. Performance of audits according to the International Standards for the Professional Practice of Internal Auditing (Standards):
 - 4.1.1 Close out report for IA strategic session.



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- 4.1.2 Audit programmes for each audit assignment.
- 4.1.3 Signed off Engagement letter for each audit assignment/ review.
- 4.1.4 Signed off working papers on audit file by the preparer and reviewer as per Internal Audit phases i.e. Planning, Execution and Reporting; and
- 4.1.5 Final reports of all the assignments performed timeously with value adding and practical recommendations within specified time frames.

5. EVALUATION PROCESS

The evaluation process will comprise of the following phases:

- (a) **Phase 1:** Mandatory Evaluation.
- (b) **Phase 2:** Functionality Evaluation.
- (c) **Phase 3:** Pricing and BBBEE Evaluation.

5.1. MANDATORY EVALUATION

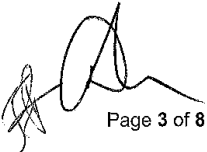
REQUIREMENT	COMPLY	NOT COMPLYING
IIA Membership or IRBA Membership of the team leader (Director). (Please provide certificate as proof)		

Only bidders who comply with the above mandatory requirement will proceed to the next stage of evaluation.

5.2. FUNCTIONAL EVALUATION

The tender will be evaluated in accordance with PPPFA in line with the following functional criteria on 80/20 principle.

No.	CRITERIA	WEIGHT
1.	CONTENT, METHODOLOGY TECHNICAL APPROACH IN EXECUTING AUDIT PROJECTS: <ul style="list-style-type: none"> • The methodology and technical approach and project plan is comprehensive and address the entire requirements in detail and the service provider has aligned the approach with the ToR and include innovative ideas = 5 points • The methodology and technical approach and project plan is standard and address the entire requirements in detail and the service provider has aligned the approach with the ToR = 3 points 	30


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No.	CRITERIA	WEIGHT
	<ul style="list-style-type: none"> The methodology and technical approach and project plan that does not meet the entire requirements = 1 point No methodology, no technical approach, no project plan to address the entire requirements = 0 point 	
2.	SIGNED AND VERIFIABLE REFERENCE LETTERS ON VALID LETTER HEADS WITH CONTACTABLE DETAILS FROM ORGANISATIONS WHERE SIMILAR WORK WAS CONDUCTED (ATTACH VERIFIABLE REFERENCE LETTERS): <ul style="list-style-type: none"> 7 and above reference letters = 5 points 4 - 6 reference letters = 3 points 2 - 3 reference letters = 1 point 1 or less reference letter = 0 point 	20
3.	QUALIFICATION OF THE DIRECTOR WHO WILL BE ASSIGNED TO THE PROJECT (PROOF OF QUALIFICATIONS ATTACHED): <ul style="list-style-type: none"> CA (SA), CIA and Master's Degree or above in Internal Audit/ Accounting or MBA/MBL = 5 points CA (SA), CIA and Honours Degree in internal audit/ Accounting (or equivalent in related field) = 3 points Honours Degree and in internal audit/ Accounting = 1 point Any certificate / qualification below honours Degree in internal audit/ Accounting = 0 point 	10
4.	QUALIFICATION OF THE MANAGER WHO WILL BE ASSIGNED TO THE PROJECT (PROOF OF QUALIFICATIONS ATTACHED): <ul style="list-style-type: none"> CA (SA), CIA or CISA and Honours Degree in Internal Audit/ Accounting (or equivalent in related field) = 5 points Honours Degree in internal audit/ Accounting and completed part (s) of CIA = 3 points Degree in internal audit/ Accounting = 1 point Any certificate / qualification below Degree in internal audit/ Accounting = 0 point 	15
5.	QUALIFICATION OF THE SENIOR AUDITOR WHO WILL BE ASSIGNED TO THE PROJECT (PROOF OF QUALIFICATIONS ATTACHED): <ul style="list-style-type: none"> Honours Degree in Internal Audit/ Accounting (or equivalent in related field) and CIA = 5 points Honours Degree in Internal Audit/ Accounting (or equivalent in related field) = 3 points 	15

No.	CRITERIA	WEIGHT
	<ul style="list-style-type: none"> Degree in internal audit/ Accounting (or equivalent in related field) = 1 point Any certificate / qualification below Degree in internal audit/ Accounting (or equivalent in related field) = 0 point 	
6.	QUALIFICATION OF ALL AUDITORS WHO WILL BE ASSIGNED TO THE PROJECT (PROOF OF QUALIFICATIONS ATTACHED): <ul style="list-style-type: none"> All team members with Honours Degree or above in Internal Audit/ Accounting and Information technology = 5 points All team members with Degree in Internal Audit/ Accounting and Information technology = 3 points All team members with Diploma in Internal Audit/ Accounting and Information technology = 1 point All team members with no qualification or any qualification below diploma = 0 point 	10
TOTAL		100

Note:

Bidders must score a minimum of 70% overall, in order to proceed to the BBBEE and pricing evaluation.


5.3. PRICING SCHEDULE

- 6.1. Pricing schedule for team members (Inclusive of VAT).
- 6.2. Service Provider must include the hourly rate as per the table below and also include any **disbursements** failing which the MHSC will not reimburse the service provider:

Description	Proposed hours	Cost (R)	Costing									
			Director		Manager		Senior Auditor		Auditor		Specialist	
			Rate per hour	Total hours	Rate per hour	Total hours	Rate per hour	Total hours	Rate per hour	Total hours	Rate per hour	Total hours
Year 1 (2022/23)	1 600											
Year 2 (2023/24)	1 500											
Year 3 (2024/25)	1 400											
Sub - Total	4 500											
Disbursements												
Total												

The hours above include the following:

- 6.3. Attendance of ARC committee meetings by the **Director** (Additional person will be at the cost of service provider).

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6.4. Attendance of management meetings and RCMC meetings as and when required by the **Internal Audit Manager**.

6.5. Ad hoc hours are as follows:

PERIOD	HOURS
Year 1 (2022/23)	220 hours
Year 2 (2023/24)	220 hours
Year 3 (2024/25)	220 hours
TOTAL	660 hours

6.6. Project management which includes preparation of audit plans.

6. SPECIAL CONDITIONS OF THE BIDS

- 6.1. MHSC reserve the right to request a presentation.
- 6.2. MHSC may conduct the reference checks based on the references provided.
- 6.3. The MHSC reserves the right to terminate the contract during the first week after work has commenced should the appointed service provider have misrepresented themselves and/or their product and will not be in a position to fulfil the requirements as contained in the contract, which might result in the MHSC failing to deliver on its mandate timeously.
- 6.4. The preferred service provider may be required to go through the vetting process by State Security Agency. The appointment is subject to the outcome of the vetting process.



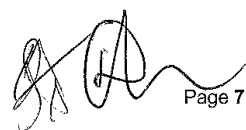
Page 6 of 8

7. STANDARD CONDITIONS OF THE BIDS

- 7.1. Bidders must complete and sign all the SBD forms.
- 7.2. Only suppliers who are registered with the Central Supplier Database (**CSD**) will be considered for this bid.
- 7.3. It is the responsibility of prospective bidders to ensure that all bid documents are submitted before the closing time and date of the tender.
- 7.4. The MHSC reserves the right to award or not to award this bid.
- 7.5. The MHSC reserves the right to terminate the contract should the performance of the service provider be unsatisfactory.
- 7.6. Bids received after closing time and date will be classified as **LATE** and will not be considered.
- 7.7. Although adequate thought has been given in the drafting of this document, errors may occur which the MHSC will not be responsible for.
- 7.8. Any change of information provided in the tender document that may affect delivery of the service should be brought to the MHSC's attention as soon as possible. Failure to comply with this may result in the contract being terminated.
- 7.9. Service providers presenting information intentionally incorrectly or fraudulently will be disqualified.
- 7.10. Service providers who have been declared insolvent and wish to do business with the MHSC must have been rehabilitated and provide the necessary proof thereof.
- 7.11. The MHSC reserves the right to award, cancel or partially award this contract.
- 7.12. The National Treasury General Conditions of Contract will be applicable to this tender (available on the National Treasury website).
- 7.13. **All prices quoted must be VAT inclusive.**
- 7.14. Only those bidders who have met the minimum functional criteria, as stipulated above, may be invited to present their proposal as required. Please note that bidders who may be invited for presentations, may have their technical scores re-evaluated.
- 7.15. For those bidders who have met the minimum functional criteria, as stipulated above, the MHSC has the right to visit the business premises to verify the information provided in the tender documents.
- 7.16. The price as per the proposal submitted will form part of the contract for the successful bidder.
- 7.17. All prices must be valid for 90 days from date of closing.

8. ADVERTISING

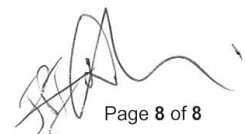
- The bid will be advertised in the MHSC website and Newspaper.
- The closing date and time for the tender will be communicated through an advert.



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9. ENQUIRIES

- For any technical enquiries and commercial enquiries please contact: the MHSC Supply Chain Unit at tenders@mhsc.org.za



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ANNEX A: SCOPE OF WORK: APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE INTERNAL AUDIT SERVICE FOR A PERIOD OF THREE (3) YEARS.

1. Special instructions to Bidders

- 1.1 Scope of work shall form part of the contract.
- 1.2 Should a vendor have reasons to believe that the Technical Specification is not open and/or is written for a particular service or work; the vendor shall notify Procurement Services within seven (07) days after publication of the bid.
- 1.2 All documents as indicated must be supplied as part of the submission.

2. Requirements Background

2.1. BACKGROUND

The Mine Health and Safety Council is a national public entity (Schedule 3A) established in terms of the Mine Health and Safety Act, No 29 of 1996, as amended. The entity comprises a tripartite board represented by State, Employer, and Labour members under chairmanship of the Chief Inspector of Mines. The MHSC is funded by public revenue and is accountable to Parliament.

The main task of the Council is to advise the Minister of Mineral Resources on occupational health and safety legislation and research outcomes focused on improving and promoting occupational health and safety in South African mines. The Council also oversees the activities of its committees; promotes a culture of health and safety in the mining industry; arranges a summit every two years to review the state of occupational health and safety at mines; and liaises with the Mining Qualifications Authority and any other statutory bodies about mining health and safety.

A competitive bidding process will be embarked upon. It is also important for MHSC to assist Government in its key objective of socio-economic development, especially in rural areas, where many of the national parks are located.

10. SUBMISSION OF BIDS

Bidders are required to submit **One (01)** original plus **Two (02)** copies of the bid document and a disc.

MHSC may request clarification or further information regarding any aspect of the bid. The bidder must supply the requested information within 48 hours or unless otherwise indicated after the request has been made.

11.EVALUATION PHASES

The received bid proposals will be evaluated in different phases in order to arrive to the final phase of bid award, and the phases will be as follows:

11.1 PHASE ONE (01): MINIMUM REQUIREMENTS SCREENING

*In this phase All bids received will be verified for **compliance** and **completeness** of the submitted proposal per the below set of requirements. Bidders will progress to functional evaluation and those who meet the minimum threshold of 70% will be considered in the next phase of price and BBBEE points evaluation.*

- Bid forms must be properly received on the bid closing date and time specified on the invitation, fully completed, dated and signed in ink.
- Bid forms must be properly fully completed, dated, signed in ink and initial every page of the bid.
- Submission of the bid document must be **binded** and is without tearing any pages off.
- Invitation to Bid (SBD 1) must be fully completed,
- Submission of an CSD to verify Tax Status (SBD 2) – Bidders whom their Tax matters are not in order and no proper arrangements have been made with SARS to meet their tax obligations will not be considered for this bid. *7 days from the bid closing date is afforded to any bidder who already made necessary arrangements with SARS (attached proof as obtained from SARS Branch) of when the necessary arrangements have been made to meet your Tax obligation and be issued with Tax certificate. Failure to submit a valid and original Tax Clearance within 7 days after the bid closing date, your submitted bid proposal will be considered non-responsive and shall be invalidated or disqualified and not considered for further evaluation.*
- Submission of fully completed Pricing Schedule (Purchases – Goods - SBD 3.1), (Professional Services – SBD 3.3). In case of purchases of goods other than services, bidders should complete and sign SBD 3.1 of the Firm price only. In case of professional services, bidders should complete and sign SBD 3.3 for services only.
- Submission of fully completed SBD 4 (Declaration of Interest),
- Submission of fully completed SBD 6.1 (Preference Claim Certificate), accompanied by the original or certified B-BBEE Status Level Verification Certificate as issued by SANAS accredited service providers, or an affidavit shall be accepted.
- Submission of fully completed SBD 6.2 (Declaration Certificate for Local Production and Content for Designated Sectors).
- Submission of fully completed Contract Form (Purchases – Goods/Works - SBD 7.1), (Rendering of Services – SBD 7.2). In case of purchases of goods other than services, bidders should complete and sign SBD 7.1 of the Firm price only. In case of rendering of services, bidders should complete and sign SBD 7.2 for services only. Bidders to complete and sign PART ONE (01) only.
- Submission of fully completed SBD8 (Declaration of Bidders Past SCM Practice),
- Submission of fully completed SBD9 (Certificate of Independent Bid Determination),
- Business Registration Certificate e.g. CK 1, certificate of incorporation
- Familiarise yourself and Initial every page of the General Condition of Contract

NB: Any bidder who did not declare and submit any of the requested documents may be disqualified.

11.2 PHASE TWO (02): DETAIL EVALUATION CRITERIA AND POINT ALLOCATION

*In this phase All bids received will be verified for **compliance** and **completeness** of the submitted proposal per the below set of requirements. Bidders who fails to comply with the below requirements will be eliminated and bidders who comply with the below will be evaluated further on price and BBEE points.*

12. QUALIFICATION THRESHOLD TO PROGRESS TO THE NEXT PHASE OF EVALUATION

Threshold – Bidders must achieve 70% an average score for consideration to the final stage evaluation of price and preference – B-BBEE claim point's information.

NB: Bidder who obtains highest total points on PRICE and B-BBEE claimed points shall be awarded the contract. MHSC reserves the right to appoint one or more service providers for this project.

Invitation to Bid/ Appointment of a service provider to provide internal audit service for a period of three (3) years. RFP MHSC006/2022-23.

13. EVALUATION CRITERIA AND WEIGHTING:

The RFB stipulated that the responses to be evaluated using the **80/20** preference points system in accordance with the PPPFA guidelines. Based on this system the points will be allocated as follows:

Criteria	Points
Price	80
Participation Goals/BBBEE	20
Total	100

EVALUATION FORMULA

The following formula will be applied to calculate the scores:

Price Formula

The following PPPFA formula was used to evaluate the price proposals submitted by bidders, this formula was used because price was the only criterion that was scored i.e. the whole 80 points were allocated to price as per par. 10.1 of this submission.

$$PS = 80 (1 - \frac{Pt - Pmin}{Pmax - Pmin})$$

Pmin

Ps = Points scored for price of the bid under consideration.

Pt = Rand value of bid under consideration.

Pmin = Rand value of lowest acceptable bid

14. FINAL AWARD

Bidder who obtains highest total points on PRICE and B-BBEE claimed points shall be awarded the contract. MHSC reserves the right to appoint one or more service providers for this project.

BIDDER'S DISCLOSURE

SBD 4

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state? **YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

¹ the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

I, the undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 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 consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 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.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 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.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

² 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.

..... Position Name of bidder
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ANNEX K: BBBEE CERTIFICATES

NB: Bidder (s) is requested to attach their valid and original or certified B-BBEE Preferential point claim certificate to be eligible for points claimed. Certificate must be issued by SANAS Accredited agency.

ANNEX K: BBBEE CERTIFICATES

NB: Bidder (s) is requested to attach their valid and original or certified B-BBEE Preferential point claim certificate to be eligible for points claimed. Certificate must be issued by SANAS Accredited agency.

SBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

1..1.1

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 systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 The value of this bid is estimated not to exceed R50 000 000 (all applicable taxes included) and therefore the80/20..... preference point system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

- (c) Price; and
- (d) B-BBEE Status Level of Contribution.

1.4 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTION	20
Total points for Price and B-BBEE must not exceed	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 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 the purchaser.

2. DEFINITIONS

- (a) **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- (b) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

- (c) **“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;
- (d) **“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;
- (e) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (f) **“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;
- (g) **“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;
- (h) **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- (i) **“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);
- (j) **“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;
- (k) **“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;
- (l) **“non-firm prices”** means all prices other than “firm” prices;
- (m) **“person”** includes a juristic person;
- (n) **“QSE”** means a Qualifying Small 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);
- (o) **“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;
- (p) **“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;
- (q) **“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;
- (r) **“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
- (s) **“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.

3. ADJUDICATION USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts.
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

4.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

80/20

or

90/10

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

P_{min} = Comparative price of lowest acceptable bid

5. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTION

- 5.1 In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	8	16
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

- 5.2 A bidder who qualifies as a EME in terms of the B-BBEE Act must submit a sworn affidavit confirming Annual Total Revenue and Level of Black Ownership.
- 5.3 A Bidder other than EME or QSE must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.

- 5.4 A trust, consortium or 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.
- 5.5 A trust, consortium or 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.
- 5.6 Tertiary Institutions and Public Entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person 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 EME that has the capability and ability to execute the sub-contract.
- 5.8 A person 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.

6. BID DECLARATION

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

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 5.1

- 7.1 B-BBEE Status Level of Contribution: . =(maximum of 10 or 20 points)
- (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or a sworn affidavit.

8. SUB-CONTRACTING

- 8.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

YES		NO	
-----	--	----	--

- 8.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....?.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME.

(Tick applicable box)

YES		NO	
-----	--	----	--

9. DECLARATION WITH REGARD TO COMPANY/FIRM

- 9.1 Name of company/firm:.....
- 9.2 VAT registration number:.....
- 9.3 Company registration number.....
- 9.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....

9.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

9.7 Total number of years the company/firm has been in business.....

9.8 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 7 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;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) 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 –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) 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;
 - (d) 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
 - (e) forward the matter for criminal prosecution.

WITNESSES

1.

2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:.....

ADDRESS.....
.....
.....

ANNEX O: COMPANY REGISTRATION DOCUMENTS (CIPC/CIPRO)

- Certified copies (**copy with original stamp**) of your CIPC (CIPRO) company registration documents listing all members with percentages, in case of close corporation
- Certified copies (**copy with original stamp**) of all latest share certificates, in case of a company

ANNEX U: GENERAL CONDITIONS OF CONTRACT

PLEASE INITIAL EACH PAGE OF THE GENERAL CONDITIONS OF CONTRACT

General conditions of bid and conditions of contract

Bidders shall provide full and accurate answers to all (including mandatory) questions posed in this document, and, are required to explicitly state "Comply/Accept" or "Do not comply/Do not accept" (with a ✓ or an X) regarding compliance with the requirements. Where necessary, the bidders shall substantiate their response to a specific question.

NOTE: It is mandatory for bidders to complete or answer this part fully; failure to do so result to their bid to be treated as incomplete and shall be disqualified. Refer to paragraph 4 of this document (reasons for disqualification).

1.

This bid is subject to the General Conditions of Contract stipulated below.	Accept	Do not accept

2.

The laws of the Republic of South Africa shall govern this RFP and the bidders hereby accept that the courts of the Republic of South Africa shall have the jurisdiction.	Accept	Do not accept

3.

MHSC shall not be liable for any costs incurred by the bidder in the preparation of response to this RFP. The preparation of response shall be made without obligation to acquire any of the items included in any bidder's proposal or to select any proposal, or to discuss the reasons why such vendor's or any other proposal was accepted or rejected.	Accept	Do not accept

4.

MHSC may request written clarification or further information regarding any aspect of this proposal. The bidders must supply the requested information in writing within twenty four (24) hours after the request has been made, otherwise the proposal may be disqualified.	Accept	Do not accept

5.

In the case of Consortium, Joint Venture or subcontractors, bidders are required to provide copies of signed agreements stipulating the work split and Rand value.	Accept	Do not accept

6

In the case of Consortium, Joint Venture or subcontractors, all bidders are required to provide mandatory documents as stipulated in schedule 1 of the Response format.	Accept	Do not accept

7

MHSC reserves the right to; cancel or reject any proposal and not to award the proposal to the lowest bidder or award parts of the proposal to different bidders, or not to award the proposal at all.	Accept	Do not accept

8

Where applicable, bidders who are distributors, resellers and installers of network equipment are required to submit back-to-back agreements and service level agreements with their principals.	Accept	Do not accept

9

By submitting a proposal in response to this RFP, the bidders accept the evaluation criteria as it stands.	Accept	Do not accept

10

Where applicable, MHSC reserves the right to run benchmarks on the requirements equipment during the evaluation and after the evaluation.	Accept	Do not accept

11

MHSC reserves the right to conduct a pre-award survey during the source selection process to evaluate contractors' capabilities to meet the requirements specified in the RFP and supporting documents.	Accept	Do not accept

12

Only the solution commercially available at the proposal closing date shall be considered. No Bids for future solutions shall be accepted.	Accept	Do not accept

13

The bidder should not qualify the proposal with own conditions. Caution: If the bidder does not specifically withdraw its own conditions of proposal when called upon to do so, the proposal response shall be declared invalid.	Accept	Do not accept

14

Should the bidder withdraw the proposal before the proposal validity period expires, MHSC reserves the right to recover any additional expense incurred by MHSC having to accept any less favourable proposal or the additional expenditure incurred by MHSC in the preparation of a new RFP and by the subsequent acceptance of any less favourable proposal.	Accept	Do not accept

15

Delivery of and acceptance of correspondence between the MSHC and the bidder sent by prepaid registered post (by air mail if appropriate) in a correctly addressed envelope to either party's postal address or address for service of legal documents shall be deemed to have been received and accepted after (2) two days from the date of postage to the South African Post Office Ltd.	Accept	Do not accept

16

Should the parties at any time before and/or after the award of the proposal and prior to, and-or after conclusion of the contract fail to agree on any significant product price or service price adjustments, change in technical specification, change in services, etc. MHSC shall be entitled within 14 (fourteen) days of such failure to agree, to recall the letter of award and cancel the proposal by giving the bidder not less than 90 (ninety) days written notice of such cancellation, in which event all fees on which the parties failed to agree increases or decreases shall, for the duration of such notice period, remain fixed on those fee/price applicable prior to the negotiations. Such cancellation shall mean that MHSC reserves the right to award the same proposal to next best bidders as it deems fit.	Accept	Do not accept

17

In the case of a consortium or JV, each of the authorised enterprise's members and/or partners of the different enterprises must co-sign this document.	Accept	Do not accept

18

Any amendment or change of any nature made to this RFP shall only be of force and effect if it is in writing, signed by MHSC signatory and added to this RFP as an addendum.	Accept	Do not accept

19

Failure or neglect by either party to (at any time) enforce any of the provisions of this proposal shall not, in any manner, be construed to be a waiver of any of that party's right in that regard and in terms of this proposal. Such failure or neglect shall not, in any manner, affect the continued, unaltered validity of this proposal, or prejudice the right of that party to institute subsequent action.	Accept	Do not accept

20

<p>Bidders who make use of subcontractors.</p> <p>A person 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 EME that has the capability and ability to execute the sub-contract</p>	Accept	Do not accept

21

All services supplied in accordance with this proposal must be certified to all legal requirements as per the South African law.	Accept	Do not accept

22

No interest shall be payable on accounts due to the successful vendor in an event of a dispute arising on any stipulation in the contract.	Accept	Do not accept

23

<p>Evaluation of Bids shall be performed by an evaluation panel established by MHSC.</p> <p>Bids shall be evaluated on the basis of conformance to the required specifications as outlined in the RFP. Points shall be allocated to each bidder, on the basis that the maximum number of points that may be scored for price is 80, and the maximum number of preference points that may be claimed for BBBEE (according to the PPPFA) is 20.</p>	Accept	Do not accept

24

If the successful bidder disregards contractual specifications, this action may result in the termination of the contract.	Accept	Do not accept

25

The bidders' response to this Bid, or parts of the response, shall be included as a whole or by reference in the final contract.	Accept	Do not accept

26

Should the evaluation of this bid not be completed within the validity period of the bid, MHSC has discretion to extend the validity period.	Accept	Do not accept

27

Upon receipt of the request to extend the validity period of the bid, the bidder must respond within the required time frames and in writing on whether or not he agrees to hold his original bid response valid under the same terms and conditions for a further period.	Accept	Do not accept

28

Should the bidder change any wording or phrase in this document, the bid shall be evaluated as though no change has been effected and the original wording or phrasing shall be used.	Accept	Do not accept

ANNEX Q: JOINT VENTURE AGREEMENT

- To provide Joint Venture Agreement signed under Commissioner of Oath.
- To provide above documentation for both companies that form the JV.

NB: Joint venture agreement and performing the work

The primary bidder needs to have major responsibilities in this project and both parties need to state their percentage interest in this joint venture. Joint venture is encouraged mainly for developmental purposes.

ANNEX S: LIST OF REFERENCE OF RELEVANT SERVICES (PROJECTS)

PARTICULARS OF COMMITMENTS WHICH THE TENDERER HAS PREVIOUSLY COMPLETED AND PRESENTLY ENGAGED WITH. ANNEXURE R OR 18

Current and Previous Projects

No	Project/Company name	Extent of contract/relationships			Contact person	Contact number	Contract amount	Date of commencement	Scheduled date of completion	Contract period (No of years)
		National	No of Provinces	Other						
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										
13										
14										

