

REQUEST FOR PROPOSALS

PANEL OF INTERNAL AUDIT SERVICE PROVIDERS (MBDA IAS 10/22)

NAME OF BIDDER	:
CSD SUPPLIER NO.	:	MAAA.....
NMBM SUPPLIER NO	:
CONTACT PERSON	:
TELEPHONE NO.	:
EMAIL ADDRESS	:
PHYSICAL ADDRESS	:
	
	
	
	

Bid Advertisement

REQUEST FOR PROPOSALS (RFP)**PANEL OF INTERNAL AUDIT SERVICE PROVIDERS (MBDA IAS 10/22)**

The Mandela Bay Development Agency (MBDA), a Municipal Entity of the Nelson Mandela Bay Metropolitan Municipality (NMBMM), hereby calls for interested parties to submit proposals for Internal Audit Services for the MBDA.

The purpose of this tender is to identify and appoint suitable qualified Bidders to form part of a panel of Service Providers for the Provision of Internal Audit Services.

1. AREAS OF SERVICES

- 1.1 The prospective service providers should specify the category (ies) in which they will provide the audit services as outlined below and submit the relevant technical approach and methodologies for each category:

Category

- A. Risk based audits**
- B. Information and Communication Technology (ICT) Audits**
- C. Forensic Audit or investigations**

- 1.2 Bidders may only bid as follows:

- 1.2.1 Category A and B only
- 1.2.2 Category A, B, and C
- 1.2.3 Category C only

- 1.3 Bidders seeking to submit proposals under risk-based internal audit category must have ICT audit capabilities/experience, failure to adhere to the above will be considered non-responsive.

The electronic RFP document, outlining the requirements is available for download by prospective bidders from the MBDA website. Alternatively, the electronic RFP document, outlining the requirements will be provided to interested bidders upon an emailed request to publictenders@mbda.co.za quoting (MBDA IAS 10/22) in the subject line as well as company contact details, from Friday 30 September 2022. The last date for queries on this tender shall be Monday 10 October 2022. No further queries shall be responded to after this date.

The closing date and time is Monday 17 October 2022 at 12h00; where after tenders will be publicly opened via Microsoft Teams. Proposals **MUST** be submitted on one (1) original hard copy placed in a sealed envelope and clearly marked with "PANEL OF INTERNAL AUDIT SERVICE PROVIDERS (MBDA IAS 10/22)". One (1) electronic copy must be uploaded onto the MBDA Vendor Portal by Monday 17 October 2022 by 12h00.

FAILURE TO SUBMIT AN ORIGINAL HARD COPY AND UPLOAD THE ELECTRONIC COPY ON THE MBDA VENDOR PORTAL WILL DEEM THE BID NON-RESPONSIVE. All responses must be placed in the MBDA tender box marked MBDA IAS 10/22 on the 1st Floor, Tramways Building, Corner Lower Valley Road & South Union Street, Central, Port Elizabeth. Bids may only be submitted on bid documentation provided by the MBDA.

MBDA Office hours are Monday to Friday 08h00 to 16h30.

No late, incomplete or facsimile bids will be accepted for consideration. The only or lowest bid received shall not necessarily be accepted. MBDA reserves the right to accept part or the full bid.

For further information contact Pamela Govender during office hours at tel. 041 811 8200 or email publictenders@mbda.co.za (please quote reference number MBDA IAS 10/22 on subject line).

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INVITATION TO BID (MBD 1)

YOU ARE HEREBY INVITED TO SUBMIT PROPOSAL FOR PANEL OF INTERNAL AUDIT SERVICE PROVIDERS
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BID NUMBER: MBDA IAS 10/22 **CLOSING DATE:** 17 October 2022 **CLOSING TIME:** 12H00

THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM

BID DOCUMENTS TOGETHER WITH THE ELECTRONIC COPY MUST BE DEPOSITED IN THE CORRECT BID BOX SITUATED AT:

MBDA tender box on the 1st Floor, Tramways Building, Corner Lower Valley Road & South Union Street, Central, Port Elizabeth

THE ELECTRONIC BID DOCUMENT MUST BE UPLOADED ON THE MBDA VENDOR PORTAL VIA <https://remote.mbda.co.za/>

Bidders should ensure that bids are delivered timeously to the correct address and placed in the **CLEARLY MARKED** MBDA IAS 10/22 bid box. If the bid is late, or if it is deposited in the incorrect bid box it will not be accepted for consideration.

The physical bids may be submitted during office hours, namely 08H00 to 16H30 Monday to Friday.

ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL TENDER DOCUMENTATION PROVIDED BY THE MBDA.

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
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NB: NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE (*as defined in Regulation 1 of the Local Government: Municipal Supply Chain Management Regulations*)

PART 1

INTERPRETATION AND DEFINITIONS:

- 2.1 In this Request for Proposals–
 - 2.1.1 Clause headings are for convenience and are not to be used in its interpretation;
 - 2.1.2 unless the context indicates a contrary intention and expression which denotes –
 - 2.1.2.1 Any gender includes the other genders;
 - 2.1.2.2 a natural person includes a juristic person and visa versa;
 - 2.1.2.3 the singular includes the plural and visa versa.
- 2.2 Unless the context clearly indicates otherwise, the following words shall have the following meanings in this Agreement –
 - 2.2.1 **“Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000)
 - 2.2.2 **“Applicable Legislation”** means any other legislation applicable to municipal supply chain management, including –
 - 2.2.2.1 the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000) and the Preferential Procurement Regulations, 2017 promulgated thereunder;
 - 2.2.2.2 the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
 - 2.2.2.3 the Construction Industry Development Board Act, 2000 (Act No.38 of 2000);
 - 2.2.2.4 the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);
 - 2.2.2.5 the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) and the Municipal Supply Chain Management Regulations promulgated thereunder;
 - 2.2.3 **“Applicant”** means any person or entity, who receives and/or responds to this Request for Proposals;
 - 2.2.4 **“B-BBEE”** means broad-based black economic empowerment as defined in Section 1 of the Broad-Based Black Economic Empowerment Act;

- 2.2.5 **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment issued in terms of Section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.2.6 **“black people”** has the meaning assigned to it in Section 1 of the Broad-Based Black Economic Empowerment Act namely Africans, Coloureds and Indians:
- 2.2.6.1 who are citizens of the Republic of South Africa by birth or decent; or
 - 2.2.6.2 who became citizens of the Republic of South Africa by naturalization before 27 April 1994, or on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalization prior to that date;
- 2.2.7 **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.2.8 **“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;
- 2.2.9 **“EME”** means an exempted micro-enterprise in terms of a code of good practice on black economic empowerment issued in terms of Section 9(1) of the Broad-Based Black Economic Empowerment Act and, for the purposes hereof, an enterprise with an annual Total Revenue of R10 million or less;
- 2.2.10 **“in the service of the state”** means to be –
- 2.2.10.1 a member of –
 - 2.2.10.1.1 any municipal council;
 - 2.2.10.1.2 any provincial legislature; or
 - 2.2.10.1.3 the National Assembly or the National Council of Provinces.
 - 2.2.10.2 a member of the board of directors of any municipal entity;
 - 2.2.10.3 an official of any municipality or municipal entity;
 - 2.2.10.4 an employee of 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);

- 2.2.10.5 an executive member of the accounting authority of any national or provincial public entity; or
- 2.2.10.6 an employee of Parliament or a provincial legislature;
- 2.2.11 **“Request for Proposals”** means this Request for Proposals;
- 2.2.12 **“MBDA”** means the Mandela Bay Development Agency and all its managed sites as a municipal entity established by the NMBMM;
- 2.2.13 **“NMBMM”** means the Nelson Mandela Bay Metropolitan Municipality;
- 2.2.14 **“proof of B-BBEE status level of contributor”** means:
 - 2.2.14.1 The B-BBEE status level certificate issued by an authorised body or person; or
 - 2.2.14.2 A sworn Affidavit as prescribed in the B-BBEE Codes of Good Practice in respect of an EME or QSE.
- 2.2.15 **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of Section 9(1) of the Broad-Based Black Economic Empowerment Act and, for the purposes hereof, a Measured Entity with an annual Total Revenue of between R10 million and R50 million;
- 2.2.16 **“SCMP”** means the Supply Chain Management Policy of the MBDA;
- 2.2.17 **“Services”** means the services reflected on Annexure “A” hereto.
- 2.2.18 **“accredited authority”** means the South African National Accreditation System established by section 3 of the Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act, 2006 (Act No. 19 of 2006);

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

NAME OF BIDDER.....

POSTAL ADDRESS

STREET ADDRESS.....

CONTACT NAME:

TELEPHONE NUMBER:

CELL PHONE NUMBER:

FACSIMILE:

E-MAIL ADDRESS:

VAT REGISTRATION NUMBER.....

CENTRAL SUPPLIER DATABASE (CSD) NUMBER: MAAA

NELSON MANDELA BAY SUPPLIER DATABASE REFERENCE NUMBER:

**BIDDERS MUST BE SUCCESSFULLY REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD)
PRIOR TO SUBMITTING THE BID.**

FOR REGISTRATION ON THE CSD BIDDERS CAN GO TO THE FOLLOWING WEBSITE:

www.csd.gov.za.

1. HAS A VALID MUNICIPAL BILLING CLEARANCE BEEN ATTACHED **YES / NO**

2. HAS PROOF OF REGISTRATION WITH THE CONSTRUCTION INDUSTRY DEVELOPMENT
BOARD BEEN ATTACHED? **YES / NA**

3. HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE OR SWORN
AFFIDAVIT BEEN ATTACHED? **YES / NO**

IF YES, WHO WAS THE CERTIFICATE ISSUED BY?

- ☐ ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)
- ☐ A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN NATIONAL
ACCREDITATION SYSTEM (SANAS)
- ☐ A REGISTERED AUDITOR
- ☐ COMMISSIONER OF OATH

(Tick applicable box)

A CERTIFIED VALID COPY OF A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE OR SWORN AFFIDAVIT MUST BE SUBMITTED. FAILURE TO SUBMIT WILL RESULT IN ZERO (0) POINTS SCORED.

5. BIDS WITH A VALUE OF MORE THAN R10 MILLION (VAT INCLUDED) ARE REQUIRED TO SUBMIT FINANCIAL STATEMENTS FOR THE PAST THREE YEARS OR SINCE ESTABLISHMENT, IF ESTABLISHED DURING THE PAST THREE YEARS.
6. BIDS MAY BE CONSIDERED NON-RESPONSIVE IF THE BID HAS NOT BEEN COMPLETED IN FULL. BIDS SHALL BE CONSIDERED NON-RESPONSIVE IF ALL THE COMPULSORY DOCUMENTS HAVE NOT BEEN INCLUDED IN THE BID SUBMITTED.
7. ALL PAGES OF THE BID DOCUMENT MUST BE INITIALED BY THE BIDDER.
8. ALL PRICES WILL BE EVALUATED EXCLUSIVE OF VAT.

SIGNATURE OF BIDDER

DATE

CAPACITY UNDER WHICH THIS BID IS SIGNED

.....

TOTAL BID PRICE – PLEASE REFER TO THE PRICING SCHEDULE (SCHEDULE C)

ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:

Department: Supply Chain Management

Contact Person: Mrs Pamela Govender

Tel: 041 811 8200

Email: publictenders@mbda.co.za

PROJECT MANAGER:

Mr. Zimbali Khwela

PART 2 - CONDITIONS OF BID

1. GENERAL REQUIREMENTS

- 1.1 The MBDA wishes to invite service providers to submit proposals for the **PANEL OF INTERNAL AUDIT SERVICE PROVIDERS**.
- 1.2 The bidder is required to furnish full details requested on the bid forms. All prices shall be exclusive of Value Added Tax.
- 1.3 The bidder is requested to furnish all relevant information not entertained on the form of bids under separate cover which shall form part of the bid.

2. CONTACT PERSON FOR QUERIES

Name : Mrs. Pamela Govender
Telephone: 041 811 8200
Email : publictenders@mbda.co.za

3. TERMS AND CONDITIONS

3.1 Confidentiality

All materials, specifications, service level requirements detailed information and everything else supplied with this request for the bid remains the property of the MBDA and may be recalled if deemed necessary.

With reference to the POPI Act that came into effect, please note MBDA is in the process of ensuring compliance to the POPI Act. At this point, any and all personal information will be treated with the strictest confidentiality and will not be used for any unnecessary processing not related to the tender in question. All information is stored in a locked and access-controlled room with access to a few staff. The premises are monitored by cameras.

3.2 Contractual obligations

The request for bid does not constitute a contract nor does it create an obligation on the part of the MBDA to purchase services, products or equipment from any vendor submitting a bid.

3.4 Response to Questions

Where appropriate, questions should be answered explicitly by providing specific details requested. Bidders selecting to omit any of the required information or who do not follow the specified format will be disqualified from the bid process.

Should additional information be required by MBDA, bidders may be approached to provide more details, including aspects not specifically covered in this request for bids.

Please ensure that the documentation required is completed in full and signed, **failure to complete the RFP document in full, placement of signature where required and commissioning may render the bid non-responsive.**

3.5 Ambiguities

It must be noted that if there are any ambiguities found in this bid document, it is the responsibility of the Main Applicant to clarify any such ambiguities before the closing of queries.

PART 3

THE REQUIRED SERVICES AND SCOPE OF WORK

The Mandela Bay Development Agency (MBDA), a Municipal Entity of the Nelson Mandela Bay Metropolitan Municipality (NMBMM), hereby calls for interested parties to submit proposals for Internal Audit Services for the MBDA.

1. BACKGROUND

- 1.1 The Mandela Bay Development Agency (MBDA) was formed in 2003 with its initial objective, i.e. the urban regeneration of the Central Business District (CBD). It commenced with its work through the development of an Inner-city Local Spatial Development Framework Plan (LSDF) in 2006. During this period, the company evolved from an inner-city Mandate Area focus, extending to other emerging and developing nodes and precincts which now includes township areas.
- 1.2 In terms of Section 165 of the Local Government: Municipal Finance Management Act No 56 of 2003, as amended, MBDA is required to establish and operate an Internal Audit Unit. The Internal Audit Department is required to advise the Accounting Officer and report to the Audit and Risk Committee on the implementation of the internal audit plan and matters relating to:
 - a) Internal Control and Internal Audits;
 - b) Risk and risk Management;
 - c) Performance Management;
 - d) Loss Control;
 - e) Accounting Procedures and Practices;
 - f) Compliance with Applicable Legislation;
 - g) The Adequacy, Reliability and Accuracy of Financial Reporting and Information;
 - h) Effective Governance; and
 - i) Asset Management.

2. PURPOSE

- 2.1 The purpose of this tender is to identify and appoint suitable qualified Bidders to form part of a panel of Service Providers for the Provision of Internal Audit Services.
- 2.2 It is the intention of this request to appoint a panel of Service Providers to supplement/assist the internal resources.

3. SCOPE OF THE WORK

- 3.1 The broad scope of work:
 - a) Provide objective assurance to Board and Executive Management regarding the effectiveness of the Agency's risk management and internal control processes.
 - b) Preparation of a three (3) year rolling strategic Internal Audit plan for the 2022-2025 financial years, based on the risk assessment of key areas for the Agency, having regard to

its current operations, the proposed operations in its strategic plan and its risk management strategy.

- c) Development of the annual internal audit plan including specified assignments for the period first year.
- d) Implementation of the annual internal audit plan for the first year of the rolling plan.
- e) Develop plans indicating the scope of each audit in the annual internal audit plan.
- f) Prepare reports to the audit committee detailing performance against the internal audit plan, to allow effective monitoring and evaluation as well as intervention as and when necessary.
- g) All reviews must meet the International Standards for the Professional Practice of Internal Auditing and Code Ethics of the Institute of Internal Auditors.
- h) The internal audit function must report directly to the Audit Committee. All internal audit reports prepared must be submitted to this committee. A senior level of the project team must attend all scheduled Audit Committee meetings.

4. AREAS OF SERVICES

4.1 The prospective service providers should specify the category(ies) in which they will provide the audit services as outlined below and submit the relevant technical approach and methodologies for each category:

<u>Category</u>	<u>Description</u>
A. Risk based audits	<p>This includes, but are not limited to, audits on the</p> <ol style="list-style-type: none"> 1. Financial Auditing (All accounting cycle); 2. Performance Auditing (including performance information reviews); 3. Operational audits; 4. Audit of supply chain and compliance; 5. Compliance Auditing; 6. Risk management; 7. Follow-up audits; 8. Project Assurance; 9. Combined Assurance Audits; 10. HR Audits; 11. Whistleblowing hotline; 12. Ad-hoc project and consulting services as requested by governance structures; and 13. Other internal audit areas as might be necessary.
B. Information and Communication Technology (ICT) Audits	<ol style="list-style-type: none"> 1. Computer (IT) Auditing including General IT Control reviews, Application Control reviews; 2. Computer Aided Auditing Technique (CAATs) reviews, cyber security and business continuity reviews;

<u>Category</u>	<u>Description</u>
C. Forensic Audit or investigations	1. Forensic Auditing/Investigations;

4.2 Bidders may only bid as follows:

- a) Category A and B only
- b) Category A, B, and C
- c) Category C only

4.3 Bidders seeking to submit proposals under risk-based internal audit category must have ICT audit capabilities/experience, failure to adhere to the above will be considered non-responsive.

5. STRUCTURE OF PROPOSAL

5.1 The bid must be structured in the following sequence when submitted. Each section/heading must be clearly marked for ease of reference. The headings required are:

- i. Company Profile/s
- ii. Understanding of the Scope
- iii. Methodology
- iv. Proposed Implementation Plan
- v. Proposed Team Organogram
- vi. Team Curriculum Vitaes
- vii. Project Experience (with Portfolio of Evidence)
- viii. Demonstration of response to Functionality assessment (with relevant references)
- ix. Pricing Schedule

5.2 NB: Bidders not adhering strictly to this format will lose points on the functionality criteria relating to the proposal.

6. CONTRACT PERIOD

6.1 The contract period shall be for a period of twelve (12) months from the date of award. The award will be subject to renewal for a further two (2) twelve (12) month periods at the sole discretion of the MBDA.

7. LOCATION

7.1 The MBDA offices are located in Gqeberha, Eastern Cape.

8. TENDER EVALUATION

8.1 It must be noted that this bid will be evaluated on compliance with the scope of works and functionality.

**FUNCTIONALITY CRITERIA SCORE SHEET
PANEL OF INTERNAL AUDIT SERVICE PROVIDERS**

Bidders must score at least **70 out of 100** in respect of functionality in order to qualify for Appointment to the panel. A bidder that scores less than 70 out of 100 will be regarded as submitting a non-responsive bid and will be disqualified.

Criteria	Points
1. Relevant experience	30
Experience of service provider in the public sector relevant to the category bidding for, as indicated in section 4 (above) and all proposals will be evaluated in line with the below criteria:	
a) Traceable reference letter(s) confirming 9 or more accumulated years of experience = 30 points	30
b) Traceable reference letter(s) confirming 7 to 8 accumulated years of experience = 20 points	20
c) Traceable reference letter(s) confirming 5 to 6 accumulated years of experience = 15 points	15
d) Traceable reference letter(s) confirming 3 to 4 accumulated years of experience = 10 points	10
Traceable reference letter (s) of accumulated experience; and client contact details must be provided failing which this functionality criteria will not be considered, and zero points scored.	
In order to claim points for the relevant number of years' experience, appointment or reference letters must clearly indicate the start date and end date of services rendered per reference for each year claimed.	
2. Proposal submitted is in line with Scope of Works clause 5.1 (A-C)	30
a) Comprehensive	30
b) Acceptable	20
c) Poor proposal submitted	5
d) Unacceptable proposal submitted	0
Bidders must submit a methodology for each area per clause 5.1 (A-C) for which they are bidding for. Bidder must refer to clause 6.1 and utilize this as a guide in the structuring of the methodology.	
BREAKDOWN OF POINT ALLOCATION:	
2.1 THE BIDDER COMPLIED OF THE STRUCTURE OF PROPOSAL – MAXIMUM 10 POINTS	
2.2 THE BIDDER SUBMITTED A METHODOLOGY FOR RISK BASED, ICT AND/OR INVESTIGATION – MAXIMUM 5 POINTS	

Criteria	Points
2.3 THE METHODOLOGY FOR RISK BASED, ICT AND/OR INVESTIGATION, SUBMITTED IN LINE WITH THE SCOPE REQUIREMENTS – MAXIMUM 15 POINTS	
3. Team Capabilities	40
3.1 Project Director/Partner: The project director should be a qualified Certified Internal Auditor (CIA) or Chartered accountant (CA/SA) by designation with the following years of experience in overseeing internal audit related projects in the local government sector. Only completed year/s will be considered. Please include the resume.	20
a) More than 10 years relevant experience =10	10
b) 7 to 10 years relevant experience =8	8
c) 4 to 6 years relevant experience = 5	5
d) 1 to 3 years relevant experience =3	3
3.2 Internal Audit Manager: The project manager/senior manager should be a qualified Certified Internal Auditor (CIA) or Chartered accountant (CA/SA) by designation with the following years of experience in overseeing internal audit related projects in the local government sector. Only completed year/s will be considered. Please include the resume.	10
a) More than 7 years relevant experience =10	10
b) 5 to 7 years relevant experience =5	5
c) 2 to 4 years relevant experience =3	3
3.3 Internal Auditor: The Minimum qualification is a Bachelor's or equivalent (NQF Level 7) in internal audit/accounting with the following years of experience in performing internal audits in the local government sector. Only completed year/s will be considered. Please include the resume.	10
a) More than 5 years relevant experience =10	10
b) 4 to 3 years relevant experience =5	5
c) 1 to 2 years relevant experience =3	3
3.4 Information System Auditor: The information system auditor should be registered as an information system auditor (CISA) with the following number years' experience in performing IT audits in the public sector. Only completed year/s will be considered. Please include the resume.	10
a) More than 7 years relevant experience =10	10
b) 5 to 7 years relevant experience =5	5
c) 2 to 4 years relevant experience =3	3
3.5 The Lead Investigator to have a minimum of 10 years of experience in forensic investigation with BCom Degree NQF 7 or Equivalent. Only completed year/s will be considered. Please include the resume.	40

Criteria	Points
a) Lead Investigator with 10 years' experience, each team member must have at least three (3) years' experience in conducting forensic investigations with Bachelors Degree NQF 7 or Equivalent, ACFE certification or relevant professional body. = 40	40
b) Lead Investigator with less than 10 years' experience, each team member must have at least three (3) years' experience in conducting forensic investigations with BCom Degree NQF 7 or Equivalent. =20	20
c) Lead Investigator with less than 10 years' experience, each team member must have at least three (3) years' experience in conducting forensic investigations with BCom Degree NQF 7 or Equivalent, no ACFE certification or relevant professional body. =10	10
Relevant CV's and certificates must be attached. Bidders are requested to only attach information that is relevant to the criteria, information over and above the criteria is strongly discouraged in order to expedite the evaluation processes.	
TOTAL	100

PLEASE NOTE:

1. In terms of criterion 3 - Team Capabilities, bidders will be evaluated as follows:
 - 1.1 Category A and B only – $[(3.1 + 3.2 + 3.3) / 4 * 3] + [3.4] = 40$
 - 1.2 Category A, B, and C - $[(3.1 + 3.2 + 3.3 + 3.4) / 5 * 3] + [3.5/4] = 40$
 - 1.3 Category C only - $[3.5] = 40$

INFORMATION REQUIRED FOR FUNCTIONALITY EVALUATION
















The information required must be submitted in the following format:

COMPANY EXPERIENCE:

1. Number of years' service provider has been operating and providing similar services in respect of Internal Audit Services as requested by the MBDA

No of years

2. List of relevant or similar of a similar nature in respect of Internal Audit Services rendered by the Main Applicant

	Project Name and Description of services provided	Project Value in R	Contract period (Start – end date)	Institution	Contact person and number for reference purposes
RELATED SERVICES RENDERED: INTERNAL AUDIT SERVICES					
1.					  
2.					  
3.					  
4.					  
5.					  

1. **Where more space is required, the Applicant to provide additional information on a separate page, using the above format, with their proposal and reference it accordingly.**

AUTHORITY FOR SIGNATORY

Indicate the status of the tenderer by ticking the appropriate box hereunder. The tenderer must complete the certificate set out below for the relevant category.

A Company	B Partnership	C Joint Venture	D Sole Proprietor	E Close Corporation	F Other (Specify)

A. CERTIFICATE FOR COMPANY

I,, Chairperson of the board of directors of hereby confirm that by resolution of the board (copy attached) taken on, Mr/Ms

acting in the capacity of (Position in the Enterprise), and who will sign as follows: be, and is hereby, authorized to sign the Bid/Tender, and any and all documents and/or correspondence in connection with this tender and any contract resulting from it on behalf of the company.

Witness 1 Signature:

Witness 2 Signature:

Chairperson's Signature:

Date:

Name	Capacity	Signature	Date

Note:

This resolution must be signed by all the Directors/Members/Partners of the Bidding Enterprise.

Should the number of Directors/Members/Partners exceed the space available above, additional names and signatures must be supplied on a separate page.

B. CERTIFICATE FOR PARTNERSHIP

We, the undersigned, being the key partners in the business trading as:
 hereby authorize
 Mr/Ms, acting in the capacity of
 (Position in the Enterprise), and who will sign as follows: be, and
 is hereby, authorized to sign the Bid/Tender, and any and all documents and/or correspondence in
 connection with this tender and any contract resulting from it on behalf of the partnership.

Name	Capacity	Signature	Date

Note:

This resolution must be signed by all the Directors/Members/Partners of the Bidding Enterprise.

Should the number of Directors/Members/Partners exceed the space available above, additional names and signatures must be supplied on a separate page.

C. CERTIFICATE FOR JOINT VENTURE OR CONSORTIA

We, the undersigned, are submitting this tender offer in Joint Venture/Consortium and hereby authorize Mr/Ms, acting in the capacity of (Position in the Enterprise), and who will sign as follows: be, and is hereby, authorized to sign the Bid/Tender, and any and all documents and/or correspondence in connection with this tender and any contract resulting from it on behalf of the Joint Venture/Consortium.

This authorisation is evidenced by the **attached power of attorney** signed by legally authorized signatories of all the partners to the Joint Venture/Consortium.

Name of firm	Address	Percentage of contract value	Authorising signature, name and capacity

D. CERTIFICATE FOR SOLE PROPRIETOR

I,, hereby confirm that I am the sole owner of the business trading as:

Witness 1 signature: _____

Witness 2 signature: _____

Sole proprietor's signature: _____

Date: _____

E. CERTIFICATE FOR CLOSE CORPORATION

We, the undersigned, being the key members in the business trading as: hereby authorize Mr/Ms acting in the capacity of (Position in the Enterprise), and who will sign as follows: be, and is hereby, authorized to sign the Bid/Tender, and any and all documents and/or correspondence in connection with this tender and any contract resulting from it on behalf of the Close Corporation.

Name:	Address:	Signature:	Date:

NOTE:

This resolution must be signed by all the Directors/Members/Partners of the Bidding Enterprise.

Should the number of Directors/Members/Partners exceed the space available above, additional names and signatures must be supplied on a separate page.

F. OTHER (SPECIFY)

We, the undersigned, being the key members in the business trading as:

..... hereby authorize

Mr/Ms acting in the capacity of

..... (Position in the Enterprise), and who will sign as follows:

..... be, and is hereby, authorized to sign the Bid/Tender, and

any and all documents and/or correspondence in connection with this tender and any contract

resulting from it on behalf of the _____.

Name:	Address:	Signature:	Date:

NOTE:

This resolution must be signed by all the Directors/Members/Partners/Other of the Bidding Enterprise.

Should the number of Directors/Members/Partners/Other exceed the space available above, additional names and signatures must be supplied on a separate page.

**PART 4 –PRICING SCHEDULE
FIRM PRICES (PURCHASES) (MBD 3.1)**

Name of Bidder:	Closing Time: 12:00 (NOON)
Bid Number: MBDA IAS 10/22	Closing Date: 17 October 2022

TENDER WILL BE VALID FOR 120 DAYS

BID PRICE IN RSA CURRENCY

** (ALL APPLICABLE TAXES INCLUDED)

Please include the detailed cost breakdown as part of your proposal.

***BIDDERS SHALL INCLUDE INDICATIVE HOURLY RATE AS LISTED BELOW:**

Bidders are required to include indicative rates that may not exceed the rates per "CIRCULAR 1/2022/23 - GUIDELINE ON FEES FOR AUDITS PERFORMED BY PRIVATE FIRMS ON BEHALF OF THE AUDITOR-GENERAL OF SOUTH AFRICA (AGSA)."

Category A:

PROFESSIONAL LEVEL	Indicative Rates
Director	
Senior Manager	
Manager	
Assistant Manager	
Senior Auditor	
Auditor	

Category B:

PROFESSIONAL LEVEL	Indicative Rates
Director	
Senior Manager	
Manager	
Assistant Manager	
Senior Auditor	
Auditor	

Category C:

PROFESSIONAL LEVEL	Indicative Rates
Director	
Senior Manager	
Manager	
Assistant Manager	
Senior Auditor	
Auditor	

PLEASE NOTE:

1. Costing must not exceed the rates per CIRCULAR 1/2022/23 - GUIDELINE ON FEES FOR AUDITS PERFORMED BY PRIVATE FIRMS ON BEHALF OF THE AUDITOR-GENERAL OF SOUTH AFRICA (AGSA).
2. Payment of invoices shall be made within 30 days of receipt of a valid invoice.
3. Rates are to be quoted exclusive of VAT.
4. The successful Applicant shall on a quarterly basis undergo a performance review by the MBDA that will assess the service provider's performance. If the successful Applicant is underperforming on a continuous basis, or not meeting the service level required as per the contract, the service provider will be issued with a written notification of such poor service. The MBDA shall be entitled to retain 10% of the monthly cost and only once the service

delivery levels are as per the required standards set by the MBDA, will the MBDA release the retained 10%. Continued poor performance could result in the termination of the contract.

5. All work done will be issued on a quotation and purchase order basis as and when required.
6. Any services shall be formally requested and authorised through a quotation and purchase order basis.

ANNEXURE "D"

**PROOF OF B-BBEE STATUS LEVEL OF CONTRIBUTOR
FAILURE TO SUBMIT WILL RESULT IN ZERO (0) POINTS SCORED.**

**THE SUCCESSFUL APPLICANT WILL BE REQUIRED TO SUBMIT THE FOLLOWING
DOCUMENTATION PRIOR TO AWARD**

- 1. Municipal Billing Clearance Certificate OR Lease agreement OR Statement of account**
- 2. Valid Tax Clearance Compliance Status**
- 3. CSD Report**
- 4. NMBM Supplier registration Certificate**
- 5. MBDA e-tender supplier registration – www.mbda.co.za. Click on “Tenders”, Formal and scroll down to register on portal.**
- 6. Relevant Declarations and affidavits**

CENTRAL SUPPLIER DATABASE & MBDA VENDOR PORTAL**REGISTRATION INSTRUCTIONS**

In accordance with NMBM Supply Chain Management policy a Business, that wishes to do business with NMBM/MBDA, must register on the National Treasury Central Supplier Database (CSD) & NMBM Supplier Database. Follow these steps:

Download the “NMBM Suppliers Verification Form” from the Forms Repository at <http://www.nelsonmandelabay.gov.za/documentslist?catID=8>

1. Electronic Option**1.1 Scan the following documents into one file:**

- a. Completed NMBM Supplier Verification Form (for listing on the NMBM database)
- b. Certified ID copy of the signatory - certified at a SA Police Station
- c. Certified BBBEE / Affidavit - certified at a SA Police Station
- d. Certified NHBRC (for building) - certified at a SA Police Station
- e. CIDB grading (for building)

1.2 Rename this scan file by the name of the Business**1.3 Email this scanned file to SCMdatabase@mandelametro.gov.za**

1.4 When the Service Provider receives their Verification Letter, the Originals must be delivered to the Compliance Box at the Security Office at:

NMBM Depot / SCM Harrower Road, Kensington.

OR**2. Normal Option (this option will incur an additional 2-day turnaround time)**

- 2.1 Deliver or Courier physical documents, in a clearly marked envelope, to the above address.**

This office is closed to the public due to Covid-19. For Queries, call 041-506 3274 / 3266.

REGISTER FOR E-TENDERS AND GET DOWN TO BUSINESS

Introducing the MBDA E-Tender system. A safe, convenient, and easily accessible opportunity to do business. The tender process is now pandemic proof!

Follow these steps to get started:



Go to **www.mbda.co.za** to register and view available tenders.



Once you have completed and submitted your tender you will receive a tracking number and confirmation. It's that simple.

For more info email publictenders@mbda.co.za or call 041 811 8200.

Take advantage of online E-Tenders for safe and secure access to the latest business opportunities in Nelson Mandela Bay.



AFFIDAVIT – NATURAL PERSON

I, the undersigned,

Identity Number:

do hereby make oath and state that:

1. I am the Applicant in respect of the attached Application and all information/documentation submitted on behalf of the Applicant in connection with the Application is true and correct.
2. I am not aware of any actual or likely conflict of interest which I may have in respect of the transaction to which the response pertains nor am I in the Service of the State as referred to in the MBDA's Supply Chain Management Policy. (delete if not applicable and furnish details of such conflict of interest)
3. My SARS Income Tax Reference Number is

4. My SARS VAT Registration Number is

5. I have no outstanding tax obligations, or I have made arrangements to meet my outstanding tax obligations to the South African Revenue Services and a certificate of the South African Revenue Services is attached hereto in this regard.
6. I have not been convicted for fraud or corruption within a 5 (five) year period prior to date hereof.
7. I am / am not **(delete whichever is not applicable)** engaged in any Government or Local Government contract awarded within 5 (five) years prior to date hereof.
8. I am / am not **(delete whichever is not applicable)** in arrears in respect of any charges payable in terms of Section 118 of the Municipal Systems Act. (If in arrears, a copy of a document evidencing satisfactory arrangements made with the NMBMM is to be annexed).
9. ***I acknowledge that should any information attested to herein be false, such false statement shall entitle the MBDA to terminate any agreement to which this submission relates.***

- 10. *The Applicant acknowledges that should any information attested to herein be false, such false statement shall entitle the MBDA to terminate any agreement to which this submission relates.***

APPLICANTS SIGNATURE

DATE

I CERTIFY that the Deponent has acknowledged that he/she knows and understands the contents of this Affidavit which was signed and sworn to before me at _____ this _____ day of _____ 20____.

COMMISSIONER OF OATHS

NOTE: ANY STATEMENT WHICH IS NOT APPLICABLE IS TO BE DELETED.

AFFIDAVIT – JURISTIC PERSON

I, the undersigned,

Identity Number:

do hereby make oath and state that:

I am a duly authorized representative of:

Entity Name: _____

Entity Registration No.: _____

the Applicant in respect of the attached Application.

1. All information/documentation submitted on behalf of the Applicant in connection with the Application is true and correct.
2. The Applicant's registered office is

3. The Applicant's principal place of business is

4. The Applicant has no actual or likely conflict of interest in respect of the transaction for which the response pertains nor is the Applicant in the Service of the State as referred to in the MBDA's Supply Chain Management Policy. (delete if not applicable and furnish details of such conflict of interest)
5. The Applicant's SARS Income Tax Reference Number is

6. The Applicant's SARS VAT Registration Number is

7. The Applicant has no outstanding tax obligations, or the Applicant has made arrangements to meet its outstanding tax obligations to the South African Revenue Services and a certificate of the South African Revenue Services is attached hereto in this regard.
8. The Applicant and/or its officials have not been convicted for fraud or corruption within a 5 (five) year period prior hereto.
9. The Applicant is / is not **(delete whichever is not applicable)** engaged in any Government or Local Government contract awarded within 5 (five) years prior to date hereof.
10. The Applicant is / is not **(delete whichever is not applicable)** in arrears in respect of any charges payable in terms of Section 118 of the Municipal Systems Act. (If in arrears, a copy

of a document evidencing satisfactory arrangements made with the NMBMM is to be annexed)

- 11. *The Applicant acknowledges that should any information attested to herein be false, such false statement shall entitle the MBDA to terminate any agreement to which this submission relates.***

APPLICANT SIGNATURE

DATE

I CERTIFY that the Deponent has acknowledged that he/she knows and understands the contents of this Affidavit which was signed and sworn to before me at _____ this _____ day of _____ 20____.

COMMISSIONER OF OATHS

NOTE: ANY STATEMENT WHICH IS NOT APPLICABLE IS TO BE DELETED.

Declaration of Interest (MBD4)

1. No Bid will be accepted from persons in the service of the state¹.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to Bid. In view of possible allegations of favouritism, should the resulting Bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the Bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.
3. **In order to give effect to the above, the following questionnaire must be completed and submitted with the Bid.**

3.1. Full Name of Bidder or his or her representative:

3.2. Identity Number:

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

3.4. Company Registration Number:

3.5. Tax Reference Number:

3.6. VAT Registration Number:

3.7. The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.

3.8. Are you presently in the service of the state? **YES / NO**

3.8.1. If yes, furnish particulars.

.....

¹MSCM Regulations: "in the service of the state" means to be –

(a) a member of –

- (i) any municipal council;
- (ii) any provincial legislature; or
- (iii) the national Assembly or the national Council of provinces;

(b) a member of the board of directors of any municipal entity;

(c) an official of any municipality or municipal entity;

(d) an employee of 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);

- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

² Shareholder” means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.

3.9. Have you been in the service of the state for the past twelve months? **YES / NO**

3.9.1 If yes, furnish particulars.....

3.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this Bid? **YES / NO**

3.10.1 If yes, furnish particulars.....

.....

3.11 Are you, aware of any relationship (family, friend, other) between any other Bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this Bid? **YES / NO**

3.11.1 If yes, furnish particulars

.....

3.12 Are any of the company’s directors, trustees, managers, principle shareholders or stakeholders in service of the state? **YES / NO**

3.12.1 If yes, furnish particulars.....

.....

3.13 Are any spouse, child or parent of the company’s directors trustees, managers, principle shareholders or stakeholders in service of the state? **YES / NO**

3.13.1 If yes, furnish particulars.....

.....

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are Bidding for this contract. **YES / NO**

3.14.1 If yes, furnish particulars.....

- 3.15 Are you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company an advisor or consultant contracted with the NMBMM or the MBDA **YES / NO**

3.14.1 If yes, furnish particulars.....

.....

4. Full details of directors / trustees / members / shareholders.

Full Name	Identity Number	State Employee Number

.....
Signature

.....
Date

In the presence of:

1.

2.

CERTIFICATION OF CORRECTNESS

I, THE UNDERSIGNED (NAME)

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

I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE

Signature.....

Date.....

.....
Position

.....
Name of Bidder

DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES (MBD 8)

- 1 This Municipal Bid Document must form part of all Bid invited.
- 2 It serves as a declaration to be used by municipalities and municipal entities 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 rejected if that Bidder, or any of its directors have:
 - a. abused the municipality’s / municipal entity’s supply chain management system or committed any improper conduct in relation to such system;
 - b. been convicted for fraud or corruption during the past five years;
 - c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - d. been listed in the Register for Bid Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the Bid.**

Item	Question	Yes	No
4.1	Is the Bidder or any of its directors listed on the National Treasury’s Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury’s website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the Bidder or any of its directors listed on the Register for Bid Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Bid Defaulters can be accessed on the National Treasury’s website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>

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 of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	Does the Bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the Bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME)

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM 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

CERTIFICATE OF INDEPENDENT BID DETERMINATION (MBD9)

I, the undersigned, in submitting the accompanying Proposal in relation to GARDEN AND MAINTENANCE SERVICES DAILY SERVICES AT MBDA MANAGED SITES hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: _____ that:
(Name of Applicant)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying Proposal will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the Applicant to sign this Certificate, and to submit the accompanying proposal, on behalf of the Applicant;
4. Each person whose signature appears on the accompanying Proposal has been authorized by the Applicant to determine the terms of, and to sign, the Proposal, on behalf of the Applicant;
5. For the purposes of this Certificate and the accompanying Proposal, I understand that the word "competitor" shall include any individual or organization, other than the Applicant, whether or not affiliated with the Applicant, who:
 - (a) has been requested to submit a Proposal in response to this RFP;
 - (b) could potentially submit a proposal in response to this RFP, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the Applicant and/or is in the same line of business as the Applicant.
6. The Applicant has arrived at the accompanying Proposal independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium 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) methods, factors or formulas used to calculate prices;
 - (c) the intention or decision to submit or not to submit, a Proposal;
 - (d) the submission of a Proposal which does not meet the specifications and conditions of the Proposal; or

- (e) submitting a Proposal with the intention not to win the award.
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 improvements to which this Proposal relates.
 9. The terms of the accompanying Proposal have not been, and will not be, disclosed by the Applicant, directly or indirectly, to any competitor, prior to the date and time of the official opening of proposals or the awarding of the contract.
 10. The Applicant (including any individual Applicant), and no member of the Applicant (if the Applicant is a Close Corporation), and no director and/or shareholder of the Applicant (if the Applicant is a Company), and no Trustee and/or beneficiary of the Applicant (if the Applicant is a Trust), and no person, including juristic persons (and including such juristic person's members, directors and/or shareholders, trustees and/or beneficiaries) having an interest in any Joint Venture Vehicle or Consortium constituting the Applicant has any interest in any competitor.
 11. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids, proposals and contracts, proposals 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

Name of Applicant

PART 5

GENERAL REQUIREMENTS

1. The service provider is required to furnish full details requested on the tender forms. All rates tendered shall be inclusive of Value Added Tax at the prevalent rate but will be evaluated exclusive of VAT.

1.1. The company should employ suitably trained and qualified personnel, with proof of their qualifications.

1.2. The bidder is requested to furnish all the relevant information not entertained on the form of bid under separate cover which shall form part of the bid.

2. COMPETENCY REQUIREMENTS

The service provider should have expertise and experience in conducting studies of a similar nature to the services requested by the MBDA.

3. COMPLETENESS OF THE BID INFORMATION

The MBDA may request clarification or additional information regarding any aspect of the bid. The applicant must supply the requested information within 48 hours after the request has been made.

4. TERMINATION FOR DEFAULT

The client, without prejudice to any other remedy for breach of contract, by written notice of default sent to the service provider, may terminate this contract in whole or in part:

- a) if the service provider fails to deliver any or all of the goods within the period(s) specified in the contract, or within any extension thereof granted by the client;
- b) if the service provider fails to perform any other obligation(s) under the contract; or
- c) If the service provider, in the judgement of the client, has engaged in corrupt or fraudulent practices in competing for or in executing the contract.

In the event the client terminates the contract in whole or in part, the client may procure, upon such terms and in such manner as it deems appropriate, goods, works or services similar to those undelivered, and the service provider shall be liable to the client for any excess costs for such similar goods, works or services. However, the service provider shall continue performance of the contract to the extent not terminated.

5. EVALUATION CRITERIA

The evaluation of this Bid will be conducted in the following:

5.1 Assessment of functionality

The assessment of functionality will be done in terms of the evaluation criteria. A Bid will be disqualified if it fails to meet the minimum threshold of for functionality as per the Bid invitation and will not proceed to the 2nd stage of evaluation. All responses to this Request for Proposals shall be evaluated in terms of the Functionality Criteria Score Sheet annexed hereto marked Annexure

“B” which is to be completed by all Applicants and, documentation supporting each criteria in the relevant Annexure must be supplied.

Functionality Criteria

Criteria	Score
Relevant Experience	30
Proposal submitted is in line with Scope of Works points (A-C)	30
Team Capabilities	40
TOTAL	100 (MPS)

The minimum functionality criteria is 70/100.

5.1 Preference points systems – note that there will be no evaluation on preference and price for placement on this panel

Only those qualifying Bids will be evaluated in terms of the 80/20 preference points systems, where the 80 will be used for price (VAT inclusive) and the 20 for points awarded for B-BBEE status level of contribution as follows:

The following formula shall be used to calculate the points out of 80 for price inclusive of all applicable taxes:

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

Where

P_s = Points scored for price of tender under consideration;
 P_t = price of tender under consideration; and
 P_{min} = price of lowest acceptable tender.

Points awarded for B-BBEE Status Level of Contribution

B-BBEE Status Level of Contributor	Number of Points
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-Compliant Contributor	0

NB: In order to claim for these points, Bidders are required to submit an original and valid B-BBEE

Status level Verification Certificates or certified copies thereof OR Sworn Affidavits together with their Bids to substantiate their B-BBEE rating claims.

- 5.1.1 Or, in respect of an Exempted Micro Enterprises where the generic Code of Good Practice issued in terms of the Broad-Based Black Economic Empowerment Act applies:

such Exempted Micro Enterprise shall be deemed to have a B-BBEE status of “Level Four Contributor” which qualifies for twelve points; or

the following Enhanced B-BBEE levels of recognition shall apply to Exempted Micro Enterprises having an Enhanced B-BBEE level of recognition:

Black Ownership of EME	Deemed B-BBEE Status Level of Contributor	Number of Preference Points
100% black owned	1	20
At least 51% black owned	2	18

- 5.1.2 Or, in respect of a Qualifying Small Enterprise having an Enhanced B-BBEE recognition level where the generic Code of Good Practice issued in terms of the Broad-Based Black Economic Empowerment Act applies, the following Enhanced B-BBEE level of recognition shall apply to such Qualifying Small Enterprise:

Black Ownership of QSE	Deemed B-BBEE Status Level of Contributor	Number of Preference Points
100% black owned	1	20
At least 51% black owned	2	18

- 5.2 An Applicant must submit proof of its B-BBEE status level of contributor as Annexure “D” hereto which:

In the instance of an EME shall be in the form of an Affidavit or a Certificate issued by the Companies and Intellectual Property Commission (CIPC) on an annual basis, confirming the following:

- 5.2.1 Annual Total Revenue of R10 million or less; and
5.2.2 Level of Black ownership.

- 5.3 In the instance of an QSE shall be in the form of an Affidavit on an annual basis, confirming the following:

- 5.3.1 Annual Total Revenue of R50 million or less; and
5.3.2 Level of Black ownership.

- 5.4 An Applicant failing to submit proof of B-BBEE status level of contributor will score zero(0).

- 5.5 An Applicant will not be awarded points for B-BBEE status level of contributor if the response indicates that the Applicant intends subcontracting more than 25% of the value of the contract to any other person not qualifying for at least the points that the Applicant qualifies for, unless the intended subcontractor is an EME that has the capability to execute

the subcontract.

- 5.6 The points scored by an Applicant for B-BBEE in terms of Sub-paragraph 10.5 will be added to the points scored for price.
- 5.7 The points scored will be rounded off to the nearest two decimal places.
- 5.8 Subject to Sub-paragraph 10.15, the contract must be awarded to the Applicant scoring the highest points.
- 5.9 If the price offered by an Applicant scoring the highest points is not market related, the MBDA may not award the contract to that Applicant.
- 5.10 The MBDA may:
 - 5.10.1 negotiate a market related price with the Applicant scoring the highest points or cancel the RFP;
 - 5.10.2 if the Applicant does not agree to a market related price, negotiate a market related price with the Applicant scoring the second highest points or cancel the RFP;
 - 5.10.3 if the Applicant scoring the second highest points does not agree to a market related price, negotiate a market related price with the Applicant scoring the third highest points or cancel the RFP.
 - 5.10.4 If a market related price is not agreed as envisaged in sub-paragraph 10.15.1, the MBDA will cancel the RFP.

6 COMPULSORY SUB-CONTRACTING

This Request for Proposals is not subject to subcontracting as a condition of tender as referred to in Regulation 9 of the Preferential Procurement Regulations, 2017.

7 SUBMISSION OF PROPOSALS

Proposals should be submitted in a sealed envelope, clearly marked **“PANEL OF INTERNAL AUDIT SERVICE PROVIDERS (MBDA IAS 10/22)”**. **One (1) electronic copy must be uploaded onto the MBDA Vendor Portal by Monday 17 October 2022 by 12h00. Proposals are to be placed in the MBDA tender box on the 1st Floor, Tramways Building, Corner Lower Valley Road & South Union Street, Central**, where after, Bids will be opened via Microsoft Teams. Late, telephonic, faxed and electronic bids will not be accepted.

8 RETURNABLES:

The following documents must be submitted with the Applicant's Application:

- 8.1 Applications to be signed by an agent or consortium/joint venture member must be accompanied by a duly authorized power of attorney/resolution and those signed on behalf of a Company, Close Corporation or Trust, must be accompanied by a certified extract of the Company's, Close Corporation's or Trust's minutes in terms of which such signature is authorized.

8.2 Applications to be submitted by a Company require certified copies of:

8.2.1 The Company's Memorandum and Articles/MOI;

8.2.2 The Company's current CIPC Certificate reflecting the Company's current Directors;

8.3 Applications to be submitted by a Close Corporation require certified copies of:

8.3.1 The Close Corporation's Founding Statement and all amending Founding Statements; or

8.3.2 A currently dated CIPC Certificate reflecting the Members of the Close Corporation;

8.4 Applications to be submitted by a Trust require certified copies of:

8.4.1 The Trust Deed and any amendments thereto;

8.4.2 The Trust's Letters of Authority and endorsements thereto;

8.5 Applications to be submitted by a Partnership require certified copies of:

8.5.1 The applicable Partnership Agreement;

8.5.2 The Identity Document or Registration Document of each partner.

8.6 Applications to be submitted by a Natural Person require a certified copy of the person's ID.

8.6.1 Each Applicant shall note the functionality criteria score sheet annexed hereto marked Annexure "B" read with "B.1" and, where applicable, documentation supporting each criteria in the relevant Annexure must be supplied. Failure to submit Annexure "B" and "B.1" and such proof shall render an Application unacceptable.

8.6.2 Each Applicant will not be required to complete Annexures "C" hereto.

8.7 Each Applicant shall submit a certified copy of its proof of B-BBEE status level of contributor which shall be marked Annexure "D". Failure to submit will result in zero (0) points scored.

8.8 Each Applicant shall submit a sworn statement in accordance with either Annexure "E" (for natural persons) or "F" (for Juristic persons) hereto.

8.9 Each Applicant must complete and submit either Annexure "G" hereto given Paragraph 44 of the Supply Chain Management Policy of the MBDA which provides that:

8.9.1 Irrespective of the procurement process followed, no award may be made to a person:

- 8.9.2 who is in the service of the state;
 - 8.9.3 if that person is not a natural person, of which any director, manager, principal shareholder or stakeholder is a person in the service of the state; or
 - 8.9.4 a person who is an advisor or consultant contracted with the MBDA.
- 8.10 Each Applicant shall complete and submit the Certificate of Independent Bid Determination annexed hereto marked Annexure I.
 - 8.11 Each Applicant shall submit proof that it is registered on the National Treasury Central Supplier Database (CSD) and verification that its information has been noted by the Supply Chain Management Unit of the NMBMM which is located in Harrower Road, Port Elizabeth.
 - 8.12 Each Applicant shall submit a valid SARS Tax Clearance Certificate issued in respect of Good Standing.
 - 8.13 Proof of its VAT registration number.
 - 8.14 All Applicants should furnish proof that all amounts due to the Nelson Mandela Bay Metropolitan Municipality by the Applicant, it's Directors, Members, Trustees or Partners are up to date or that arrangements have been made in respect thereof. Applicants whose address or registered office is not within the jurisdiction of the Nelson Mandela Bay Metropolitan Municipality should furnish proof that all amounts due to the local authority in whose jurisdiction their address or registered office is situated are up to date or that arrangements have been made in respect.
 - 8.15 Have proof of registration of its SANAS/ The inspection body accreditation of South Africa, if applicable.
 - 8.16 Have a certificate of registration in terms of the Compensation for Occupational Injuries and Diseases Act 130 of 1993.
 - 8.17 Details of services provided by the Applicant to any organ of state in the last five (5) years.

Part 6
Bid Form and Important Conditions

- 1 I/We hereby Bid to supply all of the supplies and/or to render all or any of the services described in the attached documents to the MANDELA BAY DEVELOPMENT AGENCY 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 and on the terms regarding time for delivery and/or execution inserted therein.

- 2 I/We agree that:
 - (a) the offer herein shall remain binding upon me/us and open for acceptance by the Bid Adjudication Committee during the validity period indicated and calculated from the closing time of the Bid;

 - (b) this Bid and its acceptance shall be subject to the terms and conditions contained in the General Conditions of contract and Preference Certificate with which I am/we are fully acquainted;

 - (c) if I/we withdraw my/our Bid within the period for which I/we have agreed that the Bid should remain open for acceptance, or fail to fulfill the contract when called upon to do so, the MBDA may without prejudice to its other rights, agree to the withdrawal of my/or Bid or cancel the contract that may have been entered into between me/us and the MBDA and I/we will then pay to the MBDA any additional expense incurred either to accept any less favorable Bid or fresh Bidders have to be invited, the additional expenditure incurred by the invitation of fresh Bid and by the subsequent acceptance of any less favorable Bid, the MBDA shall also have the right to recover such additional expenditure by set-off against moneys which may be due or become to me/us under this or any other Bid or contract or against any guarantee or deposit that have been furnished by me/us or on my/our behalf for the due fulfillment of this or any other Bid or contract and pending the ascertainment of the amount of such additional expenditure to retain such moneys, guarantee or deposit as security for any loss the MBDA may sustain by reason of my/our default;

 - (d) the law 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 (full address).

- 3 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/items(s) in these documents; and that the price(s) and rate(s) cover all my/our obligations under a resulting contract. I/we accept that any mistakes regarding price(s) and calculations will be at my/our risk.

- 4 I/we hereby accept full responsibility for the proper execution and fulfillment of all obligations and conditions devolving on me/us under this agreement as the Principal(s) liable for the due fulfillment of this contract.

5 I/We agree that any action from this contract in all respects be instituted against me/us and I/we hereby undertake to satisfy fully any sentence or judgment which may be pronounced against me/us as a result of such action.

6 I/We declare that I/we have participation / no participation in the submission of any other offer for the supplies/service described in the attached documents. If in the affirmative, state name(s) or Bid (s) involved.

.....

7 Are you duly authorized to sign the Bid?

***YES / NO**

8 Has the Declaration of Interest been duly completed and included with the other Bid forms?

***YES / NO**

****Delete whichever is not applicable***

SIGNATURE (S) OF BIDDER OR ASSIGNEE(S)

DATE:.....

Please complete the following in block letters

Capacity and particulars of the authority
under which this Bid is signed

.....

Name of Bidder

.....

Postal Address

.....

Telephone number(s)

.....

Facsimile number(s)

.....

Bid Number

.....

Name of contact person

.....

IMPORTANT CONDITIONS

1. Failure on the part of the Bidder to sign this Bid form and thus to acknowledge and accept the conditions in writing or to complete the attached forms, questionnaires and specifications in all respects, may invalidate the Bid.
2. Bids should be submitted on the official forms and should not be qualified by the Bidder's own conditions of Bid. Failure to comply with these requirements or to renounce specifically the Bidder's own conditions of Bid, when called upon to do so may invalidate the Bid.
3. If any of the conditions on this Bid form are in conflict with any special conditions, stipulations or provisions incorporated in the Bid, such special conditions, stipulations or provisions shall apply.
4. This Bid is subject to the Supply Chain Management Regulations and the General Conditions and Procedures and subsequent amendments thereto and re-issues thereof.
5. This Request for Proposals forms part of the official Supply Chain Management Processes of the MBDA and in the event of any conflict between the SCMP and the Applicable Legislation, the provisions of the Applicable Legislation shall prevail.
6. Late and incomplete Proposals will not be accepted. The only or lowest Proposal will not necessarily be accepted and the MBDA reserves the right to accept the whole or any portion of a Proposal, or not to make an award.
7. **Posted, e-mailed, or faxed applications will not be accepted.**
8. Receipt by the MBDA of the Applicant's response shall not in any manner whatsoever oblige the MBDA to enter into any negotiations or to enter into any contract with the Applicant and any award made in terms of this RFP shall be subject to an agreement being concluded between the Applicant and the MBDA on terms and conditions acceptable to the Accounting Officer of the MBDA.
9. MBDA accepts no liability for any loss incurred by any person(s) due to events or actions taken as a consequence of the preparation and dissemination of this Request for Proposals.
10. Any costs and/or expenses incurred by any Applicant in submitting its response shall be for the exclusive account of the Applicant and the MBDA shall not be liable in this respect whatsoever.
11. The Applicant acknowledges and agrees that it shall have no claim or claims whatsoever against the MBDA and/or the NMBMM, including claims for damages whether direct, indirect or consequential, arising from and/or pursuant to and/or in relation to the submission by the Applicant of its response pursuant to the Applicant having been invited

to submit same in terms of this documentation.

12. Any Applicant:

having a conflict of interest in respect of the transaction for which the response is submitted or in the Service of the State; and/or

having been convicted for fraud or corruption within a five-year period prior to the submission of its response; and/or

who has willfully neglected, reneged on or has failed to comply with a government or local government contract within a five-year period of the submission of its response; and/or

has outstanding tax obligations to the South African Revenue Services in respect of which arrangements have not been made; and/or

is in arrear in respect of charges payable to the NMBMM in terms of Section 118 of the Municipal Systems Act and has failed to make suitable arrangements to settle such arrears;

shall be barred from applying.

13. Failure to provide all information required in this Request for Proposals will result in the application not being considered.

14. The Applicant acknowledges that this Request for Proposals for it to submit a response to the MBDA as constituted by this document, does not confer on the Applicant any legal right or entitlement or legitimate expectation in relation to the MBDA and the Applicant acknowledges that this Request for Proposals similarly does not impose or create any obligation on the MBDA to be discharged in favour of the Applicant.

15. **No verbal and / or telephonic queries and clarifications will be entertained by the MBDA and must be made in writing and will be responded to accordingly. The MBDA reserves the right to circulate the questions and answers to all registered Applicants in the form of a bulletin. All queries and clarifications are to be addressed to publictenders@mbda.co.za, the tender reference number MBDA IAS 10/22 must clearly be stated subject line. The cut - off date for such queries and clarifications will be close of business on Monday 10 October 2022.**

Bid Check List

MBDA Individual bid documents will have the typical bid check list as an attachment. This list is to assist all bidders to submit complete bids.

Bidders are to check the following points before the submission of their bid:

Tick

- | | |
|---|--------------------------|
| 1. All pages of the bid document have been read and initialed by the bidder. | <input type="checkbox"/> |
| 2. All pages requiring information have been completed in black ink. | <input type="checkbox"/> |
| 3. The Pricing Schedule has been checked for arithmetic correctness. | <input type="checkbox"/> |
| 4. All sections requiring information have been completed. | <input type="checkbox"/> |
| 5. The bidder has submitted the following documentation, e.g. | |
| - BBBEE Certificate or Sworn Affidavit (original or certified copy) | <input type="checkbox"/> |
| - Valid Tax clearance certificate | <input type="checkbox"/> |
| - Full CSD supplier report | <input type="checkbox"/> |
| - Registration on NMBM Supplier database | <input type="checkbox"/> |
| - Valid Municipal Billing Clearance Certificate (original or certified copy) | <input type="checkbox"/> |
| - CIDB Certificate (if applicable) | <input type="checkbox"/> |
| - Bids with a value of more than R10 million (VAT Incl.) are required to submit the financial statements for the past three years or since establishment, if established during the past three years. | <input type="checkbox"/> |
| - MBDA e-tender supplier registration | <input type="checkbox"/> |