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TERMS OF REFERENCE:

RFQ 1060 INTERNAL AUDIT SERVICES

RFQ 1060 (23/24) - APPOINTMENT OF A SERVICE PROVIDER FOR PROVISION OF INTERNAL AUDIT SERVICES FOR A PERIOD OF THREE (3) YEARS

Closing date: 15 February 2024

NB: On the last page of this document the bidder needs to declare and indicate that they have read and understood the document in full.

Faxed and/or emailed bids will not be accepted, only hand delivered and couriered original proposals will be accepted.

1.INVITATION

The Companies Tribunal is inviting service providers to submit proposals to provide internal audit services for the Companies Tribunal for a period of 3 years.

2. BACKGROUND

2.1 The Companies Tribunal is the agency of the dtic established in terms of the Companies Act 71 of 2008. The Tribunal's mandate is to adjudicate applications made in terms of the Act by reviewing decisions made by the Companies and Intellectual Property Commission (CIPC) and serve as a forum for alternative dispute resolution in any matter arising under the Act. It has jurisdiction throughout the Republic and is independent and subject only to the Constitution and law.

2.2 The Tribunal comprises of 9 independent members appointed by the Minister of Trade and Industry on a part time and full-time basis to adjudicate applications in terms of the Companies Act.

2.3 The Tribunal is a schedule 3A entity in terms of the Public Finance Management Act,1999 (PFMA). The PFMA prescribes requirements for accountable and transparent financial management.

2.4 Companies Tribunal has a staff establishment of 28 people in terms of an approved organisational structure. Currently 12 posts have been filled.

2.5 The Tribunal has limited financial transactions; most of its transactions comprise of salaries and Tribunal members fees. The Tribunal's current operating budget is approximately R3,5m per annum.

3. SCOPE OF WORK

3.1 The service provider is required to render internal audit services for the Tribunal with inline General Recognise Accounting Practice (GRAP) which include performing the following functions:

3.1.1 Risk based internal audit plans

The service provider must review and prepare a 3-year risk based internal audit plan.

3.1.2 Audit of performance information (AOPO)

The service provider must undertake an audit of performance information as well as performance audit.

3.1.3 Review of Organizational Risk Management

The service provider must audit the risk management processes.

3.1.4 Undertake IT audit

The service provider must undertake an IT compliance audit as well as review of the IT governance framework

3.1.5 Undertake compliance/ operation audit including financial audit and Human Resource Management

The service provider must audit compliance with SCM rules and regulations, budget management and overall financial management processes and human resource management.

3.1.6 Review of Annual Report

The service provider must review the annual report in terms of accuracy and reliability of performance information provided as well as of financial information.

3.1.7 Follow up review

The service provider must undertake follow-up reviews.

3.1.8 Forensic Audits

Maybe required to undertake forensic audits where necessary.

3.1.9 Ad hoc audit assignments

The service provider must undertake other ad hoc audit assignments as determined by the Accounting Authority, e.g. forensic audits.

4. DELIVERABLES

- 4.1 The service provider must provide the Tribunal with an Internal Audit Coverage plan for the 3-year period
- 4.2 Performance must be done in line with the institute or internal audits standard for professional practice of internal auditing
- 4.3 Quarterly Internal Audit reports relating to the above-mentioned audits
- 4.4 Review of the Annual Reports including financial reports
- 4.5 Presentation of reports to the Accounting Authority and management team, Audit and Risk Committee, the dtic as well as the External Auditors.
- 4.6 Undertake follow-up reviews
- 4.7 Forensic audit report when necessary
- 4.8 Undertake ad hoc audit assignments as determined by the accounting authority, Accounting Officer and Audit and Risk Committee
- 4.9 Review and develop internal audit charter

5. Evaluation and Selection process

CT will evaluate all proposals in terms of the Preferential Procurement Policy Framework Act. No. 5 of 2000 (PPPFA). 3 phase evaluation criteria will be considered in evaluating the bid as follows:

5.1 Phase 1: Pre-Qualification Criteria (Mandatory requirements)

This stage checks and validates the bidder's compliance with legal requirements to conduct business with the government of South Africa.

All proposals duly lodged will be examined to determine compliance with bidding requirements and conditions (completion and attachment of compulsory documents). NB: No points will be allocated to this stage; however, bidders that do not comply with the

mandatory requirements below will be disqualified and will not advance to the next stage of evaluation.

| Pre- Qualification Requirements | Check List / Tick each box |
|-----------------------------------------------------------------------------------|-------------------------------------------|
| SBD1: Completed, attached and signed | |
| SBD3.3: Completed, attached and signed | |
| SBD4: Completed, attached and signed | |
| SBD 6.1: Completed, attached and signed | |
| SBD8: Completed, attached and signed | |
| SBD9: Completed, attached and signed | |
| Proof of registration on Central Supplier Database (managed by National Treasury) | |
| Proof of firm registration with the Institute of internal auditors | |
| Proof of firm Registration with SAICA | |
| Proof of firm Registration with IRBA | |

Note: All SBD forms must be submitted (signed) noting where it is not applicable. If any specific SBD form is not submitted, documentary proof clearly stating the reasons must be attached.

Bidders must also supply the following documents (where applicable).

| Other Requirements | Check List / Tick each box |
|--------------------------------------------------------------------------|-------------------------------------------|
| Valid B-BBEE Certificate or attached (certified copy) or Sworn Affidavit | |
| Tax Compliance on CSD | |
| Company Registration Documents | |

5.2 Phase 2: Functional/Technical Evaluation

Only bidders that have met the pre-qualification criteria will be evaluated for functional evaluation. In this phase the evaluation will be based on the bidder's responses in respect of the bid proposal. Prospective bidders who score a minimum of 65 points or more will be considered for the next phase, phase 3 (Price and B-BBEE status level of contributor).

All proposals will be evaluated for functionality as follows:

| Technical (Functional) proposal | | Maximum points to be awarded |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| 1 | Company Information and relevant experience: | |
| 1.1 | History/background of the bidding firm including the minimum number of years in operation: 1- 4 years = 5 points 5 – 10 years = 10 points 11 years and above = 15 points | 10 |
| 2 | Technical requirement | |
| 2.1 | Methodology to undertake the scope of work as mentioned under point 3 above | 15 |
| 2.2 | Project plan | 10 |
| 2.3 | Human resources - Qualification of all individual/s proposed for this proposal (certified copies of qualifications to be attached) reflecting experience in the following areas: Undertaking of internal audit work Audit reviews Engagement Director: | 45 |

| | | |
|--------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| | <p>Qualifications in internal auditing /related registration with 11A or SAICA(proof) 10year experience as an audit manager</p> <p>Team Leader:</p> <p>Qualifications in internal auditing/related Registration with 11A or SAICA(proof) 5year as a team leader</p> <p>Audit Team</p> <p>Qualifications in internal auditing/related 2 years experience in auditing environment</p> | <p>15</p> <p>15</p> |
| 2.4 | Track record I experience of individuals proposed for this function in handling an assignment of a similar nature and working experience and proven independence of the individual from the Tribunal. | 10 |
| 3 | Reference | |
| 3.1 | A minimum of five (5) written reference letters from clients where an internal audit service is/ was being rendered for by the bidding firm | 10 |
| Total Technical Points | | 100 |
| Minimum Threshold for Technical (functionality) | | 65 |

Phase 3: Price and Specific goals

The 80/20 preference points system will be applicable to this RFQ

The following formula would be applied:

$$Ps = 80[1 - \frac{Pt - Pmin}{Pmin}]$$

Where:

Ps = Points scored for price of bid under consideration

Pt = Rand value of bid under consideration

Pmin = Rand value of lowest acceptable bid

Points awarded for specific goal contribution

A maximum of 20 points will be awarded for specific goal contributor.

| Specific Goal | 80/20 |
|---------------------------------------|-------|
| 100% Black Owned | 6 |
| 51% - 99% Black Owned | 4 |
| 100% Black Women Owned | 6 |
| 51% - 99% Black Women Owned | 4 |
| 5% Youth Owned | 2 |
| 2% Owned by Persons with Disabilities | 1 |
| Exempt Micro Enterprise (EME) | 5 |
| Qualifying Small Enterprise (QSE) | 3 |

6. Validity of proposals

- The supplier is required to confirm that it will hold its proposal valid for 90 days from the closing date of the submission of proposal.
- In exceptional circumstances, CT may solicit the bidder's consent to an extension of the period of the validity of the bid. The request and responses thereto shall be made in writing.

7. SUBMISSION OF PROPOSALS

- a. Proposals must be submitted to email scm@companiestribunal.org.z
- b. Proposals must be submitted to the address below:

**Companies Tribunal,
Block E, 3rd Floor, the dtic Campus,
77 Meintjies Street,
Sunnyside, Pretoria**

- Bidders must submit their proposals at the above address on/before the closing date.

8.PRICING

- Only a firm pricing schedule will be accepted for this tender
- The quoted price should be in South African Currency and must include all taxes.
- The quoted price must be valid for a period of 90 days from the closing date of the bid.
- The Tribunal will not be liable for any cost incurred in the preparation of proposals.
- Payment will be made within 30 days after receipt of the valid original tax invoice.

9.DISCLAIMER

The Tribunal reserves the right to

- Award the contract or any part thereof to one or more service providers
- Reject all bids
- Decline to consider any bids that do not conform to any aspect of the bidding process
- Request further information from any service provider after the closing date, for clarification purpose
- Any false declaration of information will result in the exclusion of the bid proposal from consideration.

10. NOTES TO BIDDERS

This section outlines basic requirements that must be met. Failure to meet these requirements or part thereof may result in your proposal being excluded from the evaluation process:

- Proposal documents must be submitted to the Tribunal
- The Tribunal will not be liable for any cost incurred by the bidder in the preparation of proposals
- Evaluation of proposals will be carried out by the Tribunal. The Bid Evaluation Committee will, if necessary, contact bidders to seek clarification on any aspect of the proposals.
- Service providers must sign the register at the reception when the proposal is submitted

11. ENQUIRIES

Technical: Solly Mahlabane (012) 394 5670 OR e-mail to

SMahlabane@companiestribunal.org.za

Supply Chain Management: Dikeledi Rathlogo (012) 394 3680 OR e-mail

DRathlogo@companiestribunal.org.za



Compiled by: Solly Mahlabane

Acting CFO

Date: 24/01/2024



Approved by: Selby Magwasha

Acting Chief Operating Officer

Date:

12. DECLARATION

I, the undersigned

(full name)

Certify that the information provided is true and correct, and understood the above document

in full.

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SIGNATURE

