



11th Floor, The Marine Building,
22 Dorothy Nyembe (Gardiner) Street, Durban, 4001
Private Bag X54322, Durban, 4000
Tel: 031 365 7800 Fax: 031 365 7858
Website: <http://www.portsregulator.org>

REQUEST FOR QUOTATION (RFQ)

COMPLIANCE MONITORING TRAINING FOR MEMBERS OF THE LEGAL DEPARTMENT

RFQ	RFQ/2022/23-91
RFQ ISSUE DATE	10 March 2023
BRIEFING SESSION	N/A
RFQ DESCRIPTION	COMPLIANCE MONITORING TRAINING
CLOSING DATE & TIME	20 March 2023
LOCATION FOR SUBMISSIONS	quotations@portsregulator.org

Bidders must submit responses via e-mail at: quotations@portsregulator.org before or on the stipulated date and time. For any queries or questions, please use above mentioned email address.

The Ports Regulator of South Africa requests your quotation on the services listed above. Please furnish us with all the information as requested and return your quotation on or before the date and time stipulated above. **Late and incomplete submissions will invalidate the quote submitted.**

SUPPLIER NAME: _____

POSTAL ADDRESS: _____

MAAA NUMBER (CSD NO): _____

TELEPHONE NO: _____

FAX NO: _____

E MAIL ADDRESS: _____

CONTACT PERSON: _____

CELL NO: _____

SIGNATURE OF BIDDER: _____

DETAILED SPECIFICATION
COMPLIANCE MONITORING TRAINING

1. BACKGROUND

- 1.1 The Ports Regulator of South Africa (“the Regulator”) is a Schedule 3A public entity in terms of the Public Finance Management Act, 1 of 1999 (“PFMA”). The Regulator must fully comply with all the requirements of the PFMA.
- 1.2 The Regulator is the independent National Regulator for the South African ports, governed by the National Ports Act, 2005 (Act No. 12 of 2005) (“the National Ports Act”).
- 1.3 In terms of section 30 (1) and (2) of the National Ports Act, the main function of the Regulator is to:
- Exercise economic regulation of the ports system in line with government’s objectives;
 - Promote equity of access of ports and facilities and service provider by ports.
 - Monitor the activities of the National Ports Authority to ensure that it performs its functions in accordance with the act; and
 - Hear appeals and complaints contemplated in terms of Section 48 of the National Ports Act.
- 1.4 Section 51(1)(h) of the Public Finance Management Act 1 of 1999 provides that that “*An Accounting Authority for a public entity must comply and ensure compliance by the public entity with the provisions of this Act and any other legislation applicable to the public entity.*”
- 1.5 Principle 13 of the King IV Report on Corporate Governance provides that a governing body should govern compliance with applicable laws and adopted, non-binding rules, codes and standards in a way that supports the organisation being ethical and a good corporate citizen.
- 1.6 In order to properly monitor the activities of the National Ports Authority and ensure Regulator’s compliance with applicable legislation, the legal department must be knowledgeable on process and techniques utilised in monitoring of compliance risks. This will enable the Legal Department to effectively report on compliance issues and identify areas of improvement .

2. PURPOSE

- 2.1 The Ports Regulator requires an experienced service provider to train members of the Legal Department on compliance monitoring.
- 2.2 The purpose is to equip the Legal Department with:
- Knowledge on management compliance risks; and

- Knowledge on Compliance Risk Management Plans and other compliance risk monitoring tools.

3. SCOPE OF WORK

- 3.1 The Regulator requires an experienced and reputable service provider to train the Legal Department on compliance monitoring.
- 3.2 The service provider is required to provide sufficient training material and conduct a virtual training course/session for the duration of the course.
- 3.3 The training should cover, *inter alia*, the following topics:
- The methodology for the monitoring of compliance by regulators;
 - The methodology for compliance monitoring by management;
 - The methodology for compliance monitoring by the compliance officers;
 - The starting point of compliance monitoring;
 - Independent monitoring;
 - Effectiveness reviews;
 - Materiality Sampling;
 - Statistical sampling and non-statistical sampling;
 - Working papers;
 - Compliance reports;
 - Recommendations that should be addressed in the compliance report; and
 - The review process to evaluate the implementation of the Compliance Risk Management.

The **Compliance monitoring** must equip the members of the Legal Department with monitoring skills and techniques to apply to their monitoring functions.

4 EVALUATION CRITERIA

4.1 SCM Administrative (Phase 1)

- 4.1.1 The bidder must submit proof of registration on CSD (Central Supplier Database).
- 4.1.2 The SBD forms must be completed, signed by the authorised company representative.

Failure to provide this mandatory information will lead to bidder's proposal not being considered further on mandatory.

4.2 Mandatory Requirements (Phase 2)

- 4.2.1 The facilitator must be a CPrac (SA)/ CProf (SA) – Compliance Practitioner (SA)
- 4.2.2 The facilitator must be a member of the International Federation of Compliance Associations (IFCA).
- 4.2.3 The course must be SAQA accredited.

Failure to provide this mandatory information will lead to bidder's proposal not being considered further on price.

4.3 Price - Phase 3

4.4 Pricing Considerations:

- 4.4.1 Bidders' price quotations must be inclusive of all applicable taxes **(including VAT)**.
- 4.4.2 The quotation will be adjudicated on price only.

Quantity	Product Description	Unit Price	Quantity	Total
2	Training on compliance monitoring		2	
Sub-Total				
15% VAT				
Grand Total				

NB: Tax matter for the recommended bidder will be verified on Central Supplier Database (CSD) or SARS Efilling prior to awarding. If the bidders' tax matters are non-compliant in terms of clause 4.2 & 4.3 will be exercised from National Treasury Instruction No. 09 of 2017/2018 (Tax Compliance Status Verification).

5. COMMUNICATION

All enquiries relating to this RFQ should be sent via email: quotations@portsregulator.org

6. CONDITIONS TO BE OBSERVED WHEN RFQING

No RFQ shall be deemed to have been accepted unless and until a formal contract / letter of award / order form is prepared and executed. Quotation shall remain open for acceptance by the Ports Regulator for a period of **90 days** from the closing date of the RFQ Enquiry.

7. Cost of Bidding

The bidder shall bear all costs and expenses associated with preparation and submission of its RFQ, and the Ports Regulator of South Africa shall under no circumstances be responsible or liable for any such costs, regardless of, without limitation, the conduct or outcome of the bidding, evaluation, and selection process.

END OF RFQ DOCUMENT

Annexed to this document for completion and return with the document:

- Quotation on a letterhead
- Declaration of Interest (SBD 4),
- National Treasury CSD Report
- Proof that the bidder:
 - Is a CPrac (SA)/ CProf (SA) – Compliance Practitioner (SA); and
 - Is a member of the International Federation of Compliance Associations (IFCA).
- Evidence that the course is SAQA accredited.
- B-BBEE Certificate / Affidavit