

Date: 12 June 2024

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**RFP086/2024 - APPOINTMENT OF A SERVICE PROVIDER FOR THE
IMPLEMENTATION AND SUPPORT OF AN ENTERPRISE GOVERNANCE, RISK
& COMPLIANCE SOLUTION FOR A PERIOD OF 36 MONTHS (3 YEARS)**

ADDENDUM NO.1

**AMENDMENT TO THE TENDER DOCUMENT:
THESE CLARIFICATIONS MUST BE READ TO FORM PART OF TENDER NO.
RFP086/2024**

- 1. Please be informed that the section “Legal Compliance/Regulatory Requirements” (Page 31, bullet point 4.1.2.1) in the published tender document, it requires the solution to provide access to laws (legislation), including Regulations, Board Notices, Circulars, Directives, and Case Law studies.**
- 2. In respect of bullet 6 “Ensuring legal and regulatory compliance requirements“, here is a list of the Compliance Risk Management Plans (CRMPs) that guides the IPP Office to navigate through important pieces of legislation. They provide key risk considerations and minimum compliance standards:**
 - a) Constitution of the Republic of South Africa, 1996** - principles of fairness, equity, transparency, competitiveness, and cost-effectiveness as outlined in Section 217
 - b) Public Finance Management Act (PFMA), 1999 (Act No. 1 of 1999)** - financial management to maximize service delivery through the effective and efficient use of resources
 - c) Municipal Finance Management Act (MFMA), 2003 (Act No. 56 of 2003)** - regulates the financial management of municipalities and municipal entities
 - d) Preferential Procurement Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000)** - aims to advance persons or categories of persons disadvantaged by unfair discrimination.
 - e) Broad-Based Black Economic Empowerment Act (B-BBEE), 2003 (Act No. 53 of 2003)** - Promotes the economic empowerment of black people, including women, workers, youth, people with disabilities, and people living in rural areas, through diverse but integrated socio-economic strategies
 - f) Electricity Regulation Act, 2006 (Act No. 4 of 2006)** - provides the legal framework for the licensing and



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operation of electricity infrastructure

- g) **National Energy Act, 2008 (Act No. 34 of 2008)** – ensures that energy resources are used efficiently and contributes to the reduction of greenhouse gas emissions
- h) **Integrated Resource Plan (IRP) Guidelines** - outlines South Africa's electricity demand and supply scenarios
- i) **National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998)** - requires environmental impact assessments (EIAs) for projects that may significantly affect the environment
- j) **Labour Relations Act, 1995 (Act No. 66 of 1995)** - ensures fair labour practices and promotes collective bargaining in the energy sector
- k) **Occupational Health and Safety Act (OHSA), 1993 (Act No. 85 of 1993)** - health and safety of employees on projects or IPPs
- l) **Promotion of Administrative Justice Act (PAJA), 2000 (Act No. 3 of 2000)** - administrative actions taken by government departments and public bodies are lawful, reasonable, and procedurally fair
- m) **Promotion of Access to Information Act (PAIA), 2000 (Act No. 2 of 2000)** - Promotes transparency and accountability by providing the public with the right to access
- n) **The Sub-division of Agricultural Land Act (SALA) requirements** - aim is to regulate the subdivision and use of agricultural land to ensure that it remains productive and to prevent fragmentation that could impact its agricultural value and sustainability
- o) **Companies Act, 2008 (Act No. 71 of 2008)** – act includes requirements for risk management, particularly for large companies, including the establishment of audit committees and risk committees
- p) **Protection of Personal Information Act (POPIA), 2013 (Act No. 4 of 2013)** - promote the protection of personal information processed by public and private bodies
- q) **Consumer Protection Act, 2008 (Act No. 68 of 2008)** - promote a fair, accessible, and sustainable marketplace for consumer products and services
- r) **National Treasury Regulations (Instruction Notes)** - Includes specific regulations on risk management, internal controls, and financial reporting, ensuring that financial risks are identified and managed appropriately
- s) **Competition Act, 1998 (Act No. 89 of 1998)** - managing risks related to market competition and regulatory compliance
- t) **National Development Plan (NDP)** - Guides the development of infrastructure and energy projects, aligning with national priorities and managing strategic and socio-economic risks
- u) **Public Audit Act, 2004 (Act No. 25 of 2004)** - promote accountability and transparency, helping to identify and mitigate financial and operational risks
- v) **Infrastructure Development Act, 2014 (Act No. 23 of 2014)** - Promotes efficient and effective planning, management, and implementation of infrastructure projects, including risk management strategies
- w) **Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002)** - provisions for cybersecurity, electronic signatures, and data protection, managing risks related to digital transactions and information security



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- x) **King IV Report on Corporate Governance for South Africa** - Recommends practices for risk governance, including the establishment of risk committees and integrated reporting.

3. The tender closing date remains the 21st of June 2024

All other information submitted as per invitation received, apart from those stated above, remains unchanged and should be utilized accordingly.

Signed:



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Mpumi Tjikane

Head: Supply Chain Management (Lending)



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