



Takeover
Regulation
Panel

a member of the dtic group



BID NO: TRP 001/09/24

REQUEST FOR PROPOSAL (RFP)

**APPOINTMENT OF A SERVICE
PROVIDER TO RENDER EXTERNAL
AUDIT SERVICES FOR FIVE (5) YEARS**

18 SEPTEMBER 2024

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SECTION 1: GENERAL CONDITIONS OF BID

The Panel considers the Request for Proposal (RFP) to be the proprietary of the Panel. The respondent shall not publish or advertise this RFP to any third party.

1. ENQUIRIES

- 1.1. Bidding procedure enquiries may be directed to:
Khuthadzo Tshivhilinge: e-mail to khuthadzot@trpanel.co.za
- 1.2. Technical enquiries may be directed to:
Margaret Motsoahae: e-mail to margaretm@trpanel.co.za
- 1.3. There will be no briefing session.

2. BID VALIDITY PERIOD

Responses to this RFP received from bidders will be valid for a period of **120** calendar days counted from the bid closing date.

3. INSTRUCTION ON SUBMISSION OF BIDS

- 3.1. A two (2) envelope system will apply. Both proposals must be submitted at the same time.
 - 3.1.1 **Envelope/Package 1 – Technical Proposal:** 1 original plus 5 copies of the original technical proposal; and
 - 3.1.2 **Envelope/Package 2 – Financial Proposal:** 1 original plus 5 copies of the original financial proposal.
- 3.2. Bid proposals must be submitted to: Takeover Regulation Panel, 1st Floor Block 2, Freestone Park, 135 Patricia Road, Atholl, 2196.
- 3.3. Bids must be delivered between 08h30 and 16h00, Mondays to Fridays, prior to the closing date, and between 08h30 and 11h00 on the closing date.
- 3.4. Closing date for submission of bids is **18 October 2024 not later than 12h00**. No late bids will be considered.
- 3.5. Only bids submitted directly to the Panel on/before the closing date as indicated above shall be accepted (no faxes or emailed bids will be accepted).

4. PREPARATION OF BID RESPONSE

All the documentation submitted in response to this RFP must be in English.

5. SUPPLIER PERFORMANCE MANAGEMENT

- 5.1. Supplier Performance Management is viewed by the Panel as a critical component in ensuring value for money acquisition and good supplier relations between the Panel and all its suppliers.

- 5.2. The successful bidder shall upon receipt of written notification of an award, be required to conclude a Service Level Agreement (SLA) with the Panel. The SLA will serve as a tool to measure, monitor, and assess the supplier performance and ensure effective delivery of service, quality and value-add to the Panel.

6. PANEL'S RIGHTS

- 6.1. The Panel is entitled to amend any bid condition, bid validity period, RFP specification, or extend the bid closing date, all before the bid closing date. All bidders to whom the RFP have been received and where the Panel has record of such bidders, may be advised in writing of such amendments within 5 business days. Any such changes will also be posted on the Panel's website under the relevant tender information. All prospective bidders should therefore ensure that they visit the website regularly and before they submit their bid response to ensure that they are kept updated on any amendments in this regard.
- 6.2. The Panel reserves the right not to accept the lowest priced bid or any bid in part or in whole. It normally awards the contract to the bidder who proves to be fully capable of handling the contract and whose bid is functionally acceptable and financially advantageous to the Panel.
- 6.3. The Panel reserves the right to consider the guidelines and prescribed hourly rates for consultants as provided in the National Treasury Instruction on cost containment measures, where relevant.
- 6.4. The Panel reserves the right to request all relevant information, agreements, and other documents to verify information supplied in the bid response. The bidder hereby gives consent to the Panel to conduct background checks, including FICA verification, on the bidding entity and any of its Directors.
- 6.5. The Panel reserves the right of final decision on the interpretation of its tender requirements and responses thereto.

7. UNDERTAKINGS BY THE BIDDER

- 7.1. By submitting a bid in response to the RFP, the bidder will be taken to offer to render all or any of the services described in the bid response submitted by it to the Panel on the terms and conditions and in accordance with the specifications stipulated in this RFP.
- 7.2. The bidder shall prepare for a presentation and the bidder will be required to make such presentation within five (5) days from the date the bidder is notified of the presentation.
- 7.3. The bidder agrees that the offer contained in its bid shall remain binding and receptive for acceptance by the Panel during the bid validity period as indicated in this RFP and its acceptance shall be subject to the terms and conditions contained in this RFP read with the bid.

- 7.4. The bidder furthermore confirms that he/she has satisfied himself/herself as to the correctness and validity of his/her bid response; that the price(s) and rate(s) quoted cover all the work specified in the bid response documents; and that he/she accepts that any mistakes regarding price(s) and calculations will be at his/her risk.
- 7.5. The successful bidder accepts full responsibility for the proper execution and fulfilment of all obligations and conditions under the SLA to be concluded with Panel, as the principal(s) liable for the due fulfilment of such contract.

8. REASONS FOR DISQUALIFICATIONS

- 8.1. The Panel reserves the right to disqualify any bidder who does any one or more of the following, and such disqualification may take place without prior notice to the offending bidder:
 - 8.1.1. bidder whose tax status is non-compliant, after they have been notified accordingly and still remain non-compliant;
 - 8.1.2. bidder who receives information not available to other potential bidders through fraudulent means;
 - 8.1.3. bidder who submits information that is fraudulent, factually untrue, or inaccurate information;
 - 8.1.4. bidder who submits incomplete information and documentation according to the requirements of this RFP;
 - 8.1.5. bidder who does not comply with any of the mandatory requirements as stipulated in the RFP; and
 - 8.1.6. bidder who fails to comply with Privacy & Protection of Personal Information Act 4 of 2013 requirements as listed herein.

9. RETURNABLE SCHEDULES

Bidders shall submit their bid responses in accordance with the returnable schedules specified below (each schedule must be clearly marked):

- 9.1. Cover Page:** (the cover page must clearly indicate the RFP reference number, bid description and the bidder's name)
- 9.2. Schedule 1:**
 - 9.2.1. Annexure 1 of this RFP (duly completed and signed).
 - 9.2.2. Annexure 2 of this RFP (duly completed and signed).
- 9.3. Schedule 2**

Response to Section 2 of this document in line with the format indicated in this RFP.
- 9.4. Schedule 3**
 - 9.4.1. Annexure 3 of this RFP (duly completed and signed).
 - 9.4.2. Annexure 4 of this RFP (duly completed and signed).

- 9.4.3. Annexure 5 of this RFP (duly completed and signed).
- 9.4.4. Annexure 6 of this RFP (duly completed and signed).
- 9.4.5. Annexure 7 of this RFP (duly completed and signed).
- 9.4.6. Annexure 8 of the RFP (duly completed and signed).
- 9.4.7. Copy of B-BBEE Certificate.

9.5. Schedule 4

Financial Proposal

NOTE: Financial proposal must be submitted as a separate envelope marked schedule 4: Financial Proposal.

10. EVALUATION CRITERIA AND WEIGHTINGS

Bids shall be evaluated in terms of the following process:

10.1. Phase 1: Initial Screening Process

During this phase, bid responses will be reviewed for purposes of assessing compliance with RFP requirements which include the following:

- 10.1.1 Panel will make use of the Central Supplier Database (CSD) to access key information which is required to conduct supplier vetting including Company Registration status, Tax compliance status and any other relevant checks conducted on CSD;
- 10.1.2. Submission of Qualifications and ID copies of the audit team;
- 10.1.3. B-BBEE Certificate; and
- 10.1.4 Completion of all Bidding Documents and other requirements, as reflected in this RFP, which covers the following:
 - Section 2:
 - Section 3:
 - Section 4:

Note: Failure to comply with the requirements assessed in Phase 1 (compliance), may lead to disqualification of bids.

10.2. Phase 2: Technical/Functionality Evaluation

Bid responses will be evaluated in accordance with the functional criteria as follows:

10.2.1. Mandatory Functional/Technical Requirements

All bid responses that do not meet the mandatory functional requirements will be disqualified and will not be considered for further evaluation. The mandatory functional requirements are stated in section 2 of this RFP.

Note: Failure to comply with the mandatory functional/technical requirements assessed in this phase will lead to disqualification of bids.

10.2.2. Other Functional/ Technical Requirements

With regards to the other functional requirements, the following criteria (set out in more detail in section 2 of this RFP) and the associated weightings will be applicable:

ELEMENT	WEIGHT
Bidder's Governance Structures	30
Public Sector Experience on Schedule 3A listed entities	20
Experience, Skills, and Qualifications of the key personnel of the audit Team	20
Bidder's Proposed Methodology	30
TOTAL	100

Note: The minimum qualifying score for functionality is 70%. All bidders that fail to achieve the minimum qualifying score on functionality shall not be considered for further evaluation on Price and Specific Goals.

10.3. Phase 3: Preference Point system

All bids that achieve the minimum qualifying score for Functionality (acceptable bids) will be evaluated further in terms of the applicable preference point system, as follows:

CRITERIA	POINTS
Price	80
B-BBEE	20
TOTAL	100

10.4. Adjudication of bids and final reward

SECTION 2: FUNCTIONAL REQUIREMENTS SPECIFICATIONS

1. SPECIAL INSTRUCTIONS TO BIDDERS

Should the bidder have a reason to believe that the functional requirements are not open/fair, the bidder must notify the Panel within five (5) days of the publication of the RFP.

2. ABOUT THE PANEL

- 2.1. The Takeover Regulation Panel (the Panel) is established in terms of section 196 of the Companies Act No 71 of 2008 (the Act) as a juristic person. The Panel reports to the Minister of the Department of Trade, Industry and Competition (the dtic). It functions as an organ of state within the public administration, but as an institution outside the public service.
- 2.2. The mandate of the Panel is to regulate takeovers (referred to as affected transactions in the Act), with the primary focus on protection of minority shareholders' interests and the maintenance of the market integrity.
- 2.3. The Panel is listed as a Schedule 3A public entity in the Public Finance Management Act, 1999 (Act 1 of 1999).

3. OBJECTIVE OF THE RFP

- 3.1. The objective of this RFP is to invite suitably qualified service providers to submit proposals to render external audit services to the Panel for a period of five (5) years.
- 3.2. The service provider must adhere to and meet all the statutory requirements of the Public Audit Act, and the International Auditing Standards (ISA), and such requirements as may be set by the Auditor-General South Africa (AGSA).

4. TERMS OF REFERENCE

- 4.1. The Panel would like to appoint an audit firm in line with the AGSA rule which stipulates that an auditor may not audit for a period greater than five (5) years.
- 4.2. The appointed external audit firm will be required to perform audit functions in terms of the Public Audit Act and in accordance with the directives of the AGSA.
- 4.3. The appointed external auditor will be required to adhere to the following during the annual audit cycle:
 - Submit detailed Audit Plan;
 - Submit detailed audit fees in line with the approved financial proposal and Audit Plan;
 - Draft and issue audit reports upon completion of audit assignments;
 - Attend Audit and Risk Committee (ARC) meetings; and any other relevant meetings as required; and
 - Present external audit report to the ARC.

- 4.4. Audit work will be performed at the Panel's premises and it is expected that the appointed audit firm will work under the direction of the Audit and Risk Committee (ARC).

Note: The latest Panel audited financial statements are available on the Panel website for reference purposes.

5. TERM OF ENGAGEMENT

- 5.1. The Panel seeks to appoint external auditors for a period of five (5) years subject to the approval by shareholder and in consultation with the AGSA.

- 5.2. The appointment is subject to the annual concurrence approval by the AGSA.

6. TECHNICAL EVALUATION CRITERIA

6.1. Mandatory Technical Requirements

The service provider must indicate their compliance/non-compliance to the following requirements and to substantiate as required. The bidder must respond in the format below, where additional information is provided/ attached somewhere else; such information must be clearly referenced.

6.1.1. IRBA Registration	Comply	Not Comply
The bidder and the proposed Engagement Partner/ Director must be registered with the Independent Regulatory Board for Auditors (IRBA). Bidders must attach the following documents as part of this proposal: • IRBA letter of confirmation of registration to practice for the audit firm and the Partners/ Directors linked to the firm. • IRBA certificate of registration or letter confirming registration for the proposed Engagement Partner/Director.		
Substantiate/Comments		

6.1.2. IRBA Inspection for the Engagement Partner	Comply	Not Comply
The bidder proposed Engagement Partner/Director must have been reviewed by IRBA and the review outcome must not have material findings. As part of this proposal, the bidder must submit the latest IRBA engagement inspection letter and the complete formal inspection report for the proposed Engagement Partner/Director. The report must include but not limited to the following: • Inspection findings; and • Improvements and conclusion. The bidder must further provide a detailed account of actions taken to address the gaps identified in the review report. Note: The Panel will assess the review report to determine the risks associated with the findings of the IRBA Inspection.		
Substantiate/Comments		

6.1.3. AGSA Mandatory Audit Firm Rotation	Comply	Not Comply
In compliance with the AGSA regulations on audits by auditors in the private practice, an auditor shall serve as the appointed auditor of a public entity for a period not exceeding five (5) years from the date of first appointment. The bidder is thus required to provide a letter certifying that they have not performed audit services to the Panel for more than 5 consecutive financial years.		
Substantiate/Comments		

6.1.4. Non-Audit Services	Comply	Not Comply
The Panel accepts that there are occasions when the external auditors are requested to undertake non-audit services on behalf of the Panel, the costs thereof are to be monitored and should not exceed 15% of the total audit fees applied each year by the external auditors. The bidder is thus required to provide a letter certifying that they do not intend to perform non-audit services for Panel which will exceed 15% of the total audit fees applied each year by the external auditors.		
Substantiate/Comments		

6.1.5. Conflict of Interest	Comply	Not Comply
The bidder is required to certify that they are independent of the Panel employees and Panel Members. The bidder must complete the declaration of interest template (Annexure 8) of this bid document) which includes provisions of any business transactions which the bidder and/or its Directors and /or its shareholders may have with the Panel. Note: The Panel will assess the responses submitted and reserves the right to disqualify bidders based on the Panel's assessment concerning the conflict of interest.		
Substantiate/Comments		

6.1.6. PFMA Schedule 3A Entities Experience	Comply	Not Comply
The bidder must demonstrate experience in providing external audit services for PFMA Schedule 3A entities. The bidder must provide minimum of three (3) contactable references of relevant audits done in the past 5 (five) years.		
Substantiate/Comments		

6.1.7. Critical Timelines for Auditing		Comply	Not Comply														
The bidder must commit and confirm compliance to the following critical timelines.																	
<table><tr><th>Deliverable</th><th>Due Date</th></tr><tr><td>Audit work opening balances</td><td>April 2025</td></tr><tr><td>Audit work</td><td>May 2025</td></tr><tr><td>Draft audited financial statements for ARC approval</td><td>June 2025</td></tr><tr><td>Audited financial statements for Panel Members approval</td><td>July 2025</td></tr><tr><td>Audited financial statements submission to the shareholder</td><td>July 2025</td></tr><tr><td>National Treasury Template submission</td><td>July 2025</td></tr></table>		Deliverable	Due Date	Audit work opening balances	April 2025	Audit work	May 2025	Draft audited financial statements for ARC approval	June 2025	Audited financial statements for Panel Members approval	July 2025	Audited financial statements submission to the shareholder	July 2025	National Treasury Template submission	July 2025		
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Substantiate/Comments																	

6.1.8. Bidders Proposed Methodology		Comply	Not Comply
The bidder must demonstrate a thorough understanding of the objectives and deliverables of this audit; AGSA requirements and applicable regulatory framework. The bidder must provide a detailed proposal of the methodology/ approach to be used to carry out the scope of work outlined above and clearly demonstrate how the audit deliverables will be achieved.			
Substantiate/Comments			

SECTION 3: FINANCIAL PROPOSAL

Request for Proposal No: _____

Name of Company: _____

- 1. NOTE: All prices must be VAT inclusive (where applicable) and must be quoted in South African Rand (ZAR).**

PROPOSED AUDIT FEES

Resource(s)	Hourly Rate per resource	Number of hours	Total Cost (VAT Excl.)
Engagement Partner/Director			
Senior Manager			
Manager/Supervisor			
Audit Staff			
Sub-Total Annual Audit Fees Year 1 (VAT Excl.)			
Sub-Total Annual Audit Fees Year 2 (VAT Excl.)			
Sub-Total Annual Audit Fees Year 3 (VAT Excl.)			
Sub-Total Annual Audit Fees Year 4 (VAT Excl.)			
Sub-Total Annual Audit Fees Year 5 (VAT Excl.)			
Total excluding VAT			
VAT 15%			
Total including VAT			

Price Declaration Form

Dear Sir/Madam,

Having read through and examined the Request for Proposal (RFP) Document, **TRP 001/09/24** the General Conditions, and all other Annexures to the RFP, we offer to provide external audit services to the Panel for a period of five (5) years at the following total amount:

R..... (Including VAT) In words

We confirm that this price covers all activities associated with the service, as called for in the RFP. We confirm that Panel will incur no additional costs whatsoever over and above this amount in connection with the provision of this service.

We undertake to hold this offer open for acceptance for a period of 120 calendar days from the date of submission of offers. We further undertake that upon final acceptance of our offer, we will commence with the provision of the required service when required to do so by the Panel.

We understand that you are not bound to accept the lowest or any offer, and that we must bear all costs which we have incurred in connection with preparing and submitting this bid.

We hereby undertake for the period during which this bid remains open for acceptance, not to divulge to any persons, other than the persons to whom the bid is submitted, any information relating to the submission of this bid or the details therein except where such is necessary for the submission of this bid

I, the undersigned _____ certify that the information furnished above is true and correct.

Signature _____ Date _____

Designation _____

FOR AND ON BEHALF OF: Company Name: _____

Tel No.: _____

Cell No.: _____

Email: _____

ACCEPTANCE OF BID CONDITIONS AND BIDDER DETAILS

Request for Proposal No: _____

Name of Bidder: _____

CENTRAL SUPPLIER DATABASE (CSD) INFORMATION	
Supplier Number	

SUPPLIER INFORMATION				
Name of Company				
Registration Number				
VAT Number				
Contract Person				
Telephone Number	Code		Number	
Cell Number				
E-mail Address				
Street Address				

Attach Company Profile

I, the undersigned _____ certify that the information furnished above is true and correct.

Signature _____ Date _____

Designation _____

AUDIT TEAM

Request for Proposal No: _____

Name of Bidder: _____

TEAM MEMBER	EXPERIENCE	POSITION AND ROLE IN THE ENGAGEMENT	QUALIFICATIONS

Note: The following documents must be attached to this document :

1. Qualifications; and
2. ID copies

I, the undersigned _____
 certify that the information furnished above is true and correct.

Signature _____ Date _____

Designation _____

TAX COMPLIANCE REQUIREMENTS

Request for Proposal No: _____

Name of Bidder: _____

1. Tax compliance requirements	
1.1.	Bidders must ensure compliance with their tax obligations.
1.2.	Bidders are required to submit their unique personal identification number (pin) issued by SARS for verification of tax status.
1.3.	Bidders may also submit a printed Tax Compliance Certificate together with the bid.
1.4.	No bids will be considered from persons in the service of the state, companies with directors who are persons in the service of the state, or close corporations with members persons in the service of the state."
2. Questionnaire to bidding foreign suppliers	
Is the entity a resident of the Republic of South Africa (RSA)?	☐ yes ☐ no
Does the entity have a branch in the RSA?	☐ yes ☐ no
Does the entity have a permanent establishment in the RSA?	☐ yes ☐ no
Does the entity have any source of income in the RSA?	☐ yes ☐ no
Is the entity liable in the RSA for any form of taxation?	☐ yes ☐ no
If the answer is "no" to all of the above, then it is not a requirement to register for a tax compliance status system pin code from the SARS and if not register as per above 1.3.	

BIDDERS DISCLOSURE

Request for Proposal No: _____

Name of Bidder: _____

1. PURPOSE OF THE FORM

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

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

2. BIDDER'S DECLARATION

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

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

Full Name	Identity Number	Name of Institution

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

- 2.2.1 If so, furnish particulars:

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

- 2.3.1 If so, furnish particulars: _____

3. DECLARATION

I, the undersigned, _____, in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect

- 3.1. I have read and I understand the contents of this disclosure.
- 3.2. I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect.
- 3.3. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium will not be construed as collusive bidding.
- 3.4. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the to which this bid invitation relates.
- 3.5. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.6. There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.7. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

I certify that the information furnished in paragraphs 1, 2 and 3 above is correct.

ANNEXURE 4

I accept that the Panel may reject the bid or act against me in terms of paragraph 6 of PFMA SCM Instruction No. 03 of 2021/22 on preventing and combating abuse in the Supply Chain Management system should this declaration prove to be false.

I, the undersigned _____
certify that the information furnished above is true and correct.

Signature _____ Date _____

Designation _____

SHAREHOLDERS AND DIRECTORS' INFORMATION

Request for Proposal No: _____

Name of Bidder: _____

Name of the Shareholder	ID Number	Race	Gender	% Shares
Total Black Shareholding % as per the current and valid B-BBEE Certificate				

Name of the Director	ID Number	Race	Gender

I, the undersigned _____
 certify that the information furnished above is true and correct.

Signature _____ Date _____

Designation _____

DISCLOSURE STATEMENT

Request for Proposal No: _____

Name of Bidder: _____

In terms of the condition 6.4 which allows the Panel to conduct background checks on bidders and its Shareholders and Directors, the Panel hereby requires bidders to provide the following additional information.

1. The Panel considers the integrity of its appointed service provider to be of critical importance. The Panel reserves the right to award to any bidders whose integrity, based on past conduct it considers questionable.
2. To this end, the Panel requires each bidder to include in its bid, a disclosure statement that details the following:
 - 2.1. any criminal charges made against the bidder or any of its Directors, Shareholders and Management regarding their professional conduct; and
 - 2.2. any civil proceedings initiated against the bidder or any of its Directors, Shareholders, or Management officials regarding their professional conduct.
3. In the event that the bidder's circumstances change, after submission of its bid, regarding any matter referred in the above the bidder must submit a written notification to the Panel indicating the nature and extent of such changed circumstances.
4. The Panel reserves the right to seek such additional information from any bidder, in respect of the disclosure statement as it may, in its sole discretion, determine, whether such information has been requested under this RFP or otherwise, and may require the bidder to make oral presentations for clarification purposes or to present supplementary information, in respect of the disclosure statement if so, required by the Panel.
5. Based on its own assessment of the contents of the bidder's disclosure statement, the Panel in its sole discretion have the right not to award a contract.

I, the undersigned _____
 certify that the information furnished above is true and correct.

Signature _____ Date _____

Designation _____

PRIVACY & PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013 REQUIREMENTS

Request for Proposal No: _____

Name of Bidder: _____

Protecting personal information is important to the Takeover Regulation Panel **(the Panel)**. To do so, the Panel follows general principles in accordance with applicable privacy laws and the Protection of Personal Information Act 4 of 2013 **(POPIA)**.

The Panel's role as a responsible party, is amongst others to process personal information for the intended purpose for which it was obtained and in line with legal agreements with its respective/ prospective clients, third parties, suppliers, and operators.

Who is an Operator? A person or body/ entity which processes personal information for the Panel in terms of a contract or mandate.

Who is a Supplier? a natural or juristic person that provides a product or renders a service to the Panel. A supplier could also be considered as an operator, an independent responsible party or (together with the Panel) a joint responsible party.

If the supplier or business partner provides the Panel with its related persons' personal information, the supplier or business partner warrants that the related persons are aware of and have consented to the sharing and processing of their personal information with/by the Panel. The Panel will process the personal information of related persons as stated under a contractual agreement or as required by any related legislation.

Examples of the personal information of the supplier or business partner where relevant may include (but are not limited to): financial information, including bank statements provided to the Panel; invoices issued by the supplier or business partner; the contract/ legal agreement between the Panel and the supplier or business partner; other identifying information, which includes and not limited to; company registration number, ID Number, VAT number, tax number, contact details; nationality.

Example of special personal information is personal information about the following: criminal behavior, or any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings; religious and philosophical beliefs; trade union membership; political beliefs; health, including physical or mental health, disability, and medical history; or biometric information (e.g. to verify identity).

RESPONSIBILITIES OF SUPPLIERS AND BUSINESS PARTNERS WHO ARE OPERATORS UNDER POPIA

Where a supplier, in terms of a contract or mandate, processes personal information for the Panel and is considered an operator of the Panel, the supplier will be required to adhere to the obligations set out in the Panel data privacy or POPIA policy. This policy sets out the rules of engagement in relation to how personal information is processed by supplier on behalf of the Panel as well as the minimum legal requirements that the Panel requires the supplier to adhere to, including compliance with POPIA as summarised in the below table.

ITEM	GUIDING CONDITIONS FOR PROCESSING PERSONAL INFORMATION	YES	NO
1.	Accountability The respective clients, third parties, suppliers and operators and its members will ensure that the provisions of POPIA, the guiding principles outlined in the policy and all the measures that give effect to such provisions are complied with at the time of the determination of the purpose and means of the processing and during the processing itself. In the event that an employee of the Panel or any person acting on behalf of the Panel who through their intentional or negligent actions and/or omissions fail to comply with the principles and responsibilities outlined, proper corrective measures will be applied.	Yes ☐	No ☐
2.	Processing Limitation The respective clients, third parties, suppliers and operators and its members will ensure that information is only processed for the justifiable reason and processing is compatible with the purpose of the collection.	Yes ☐	No ☐
3.	Purpose Specification All respective clients, third parties, suppliers and operators and its members will process personal information only for specific, explicitly defined, and legitimate reasons. The respective clients, third parties, suppliers and operators will inform the Panel of reasons prior to collecting or recording their personal information.	Yes ☐	No ☐
4.	Further Processing Limitation Personal information will not be processed for a secondary purpose unless that processing is compatible with the original purpose. Thus, where the respective clients, third parties, suppliers and operators seek to process personal information it holds for a purpose for which it was originally collected, and where this secondary purpose is not compatible with the original purpose, respective clients, third parties, suppliers and operators will first obtain additional consent from the Panel.	Yes ☐	No ☐
5.	Information Quality The respective clients, third parties, suppliers and operators will take reasonable steps to ensure that all personal information collected is complete, accurate and not misleading. Where PI is collected or received from third parties, the respective clients, third parties, suppliers and operators will take reasonable steps to confirm that the information is correct by verifying the accuracy of the information directly with the data subject or by way of independent sources.	Yes ☐	No ☐
6.	Open Communication Reasonable steps will be taken by the respective clients, third parties, suppliers and operators to ensure that the Panel is notified of the purpose for which the information is being collected, used, and processed.	Yes ☐	No ☐

7.	Security Safeguards It is a requirement of POPIA for responsible parties, business partners and operators to adequately protect personal information. The Panel will need to review suppliers or business partner security controls and processes to ensure that personal information is compliant with the conditions of the lawful processing of personal information as set out in the POPIA. This would be a continuous monitoring and review that will be conducted by the Panel at its discretion.	Yes ☐	No ☐
8.	Data Subject Participation A data subject whose PI has been collected, stored, and processed by the respective clients, third parties, suppliers and operators must have communication channels to attend to may request for the correction or deletion of such information.	Yes ☐	No ☐

I, the undersigned _____ certify that the information furnished above is true and correct.

Signature _____ Date _____

Designation _____

DECLARATION OF INTEREST

Request for Proposal No: _____

Name of Bidder: _____

1. The bidder is required to certify that they are independent of the Panel employees and Members, and that nothing would compromise their independence during the conduct of the audit as required by the Public Audit Act.

2. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

2.1. Full Name of bidder or his or her representative: _____

2.2. Identity Number: _____

2.3. Position occupied in the Company (director, trustee, shareholder): _____

2.4. Company Registration Number: _____

2.5. Tax Reference Number: _____

2.6. VAT Registration Number: _____

2.7. Are you or any person connected with the bidder presently employed by the Panel? **YES / NO**

2.7.1. If so, furnish the following particulars:

Name of person / director / shareholder/ member: _____

Name of the business partner related to the Panel: _____

Position occupied in the business partner: _____

Any other particulars: _____

2.8. Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the Panel and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

2.8.1. If so, furnish particulars

- 2.9. Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between the bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid?
YES / NO

2.9.1. If so, furnish particulars

- 2.10. Do you or any of the directors /shareholders/ members of the company have any interest in any other related companies whether or not they are bidding for this contract?
YES / NO

2.10.1. If so, furnish particulars

I, the undersigned _____, certify that the information furnished above is true and correct.

I accept that the Panel may act against me should this declaration prove to be false.

Signature _____ Date _____

Designation _____