

Ombud Council

Ensuring an accessible and trusted
financial sector ombud system

NAME OF BID	PROVISION OF EXTERNAL AUDIT SERVICES
BID NO.	OC2024/25-T001
CLOSING DATE	17 FEBRUARY 2025
CLOSING TIME	11h00 (South African Standard Time, obtained from Telkom SA SOC Limited by dialling 1026)

BIDDER NAME	
ID/REGISTRATION NUMBER	
CSD NUMBER	
CONTACT PERSON	
EMAIL ADDRESS	
TELEPHONE NUMBER	

Ground Floor, Mac Mac Building
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Ensuring an accessible and trusted financial sector ombud system

Board of Directors:

Chairperson: Ms E. Meyer, Deputy Chairperson: Ms D. Chabedi, Mr A. Horowitz, Mr E. Lekgau, Ms C. Soobramoney, Ms L. Senne
Ex Officio: FSCA Commissioner - Mr U. Kamlana, Chief Ombud - Ms L. Jackson

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A. INTRODUCTION TO BID

1. Introduction

- 1.1 The Ombud Council was established in terms of Chapter 14 of the Financial Sector Regulation (FSR Act) Act No. 9 of 2017 (FSR Act). The objective of the Ombud Council is to assist in ensuring that financial customers have access to, and are able to use, affordable, effective, independent and fair alternative dispute resolution processes for complaints about financial institutions. To this end, the Ombud Council exercises oversight over statutory and recognised industry ombud schemes in the financial sector, using a range of regulatory, supervisory and enforcement powers conferred on it by the FSR Act. In effect, the Ombud Council is the regulator of financial ombud schemes and the financial ombud system. Visit the Ombud Council's website, www.ombudcouncil.org.za for further information about the Ombud Council.
- 1.2 The Ombud Council operates from offices in Midrand at ground floor, Mac Mac Building, Maxwell office park, Magawa crescent, Gauteng, 2090.
- 1.3 Bidders are hereby invited for appointment of a service provider to provide external audit services for a period of five (5) years and will be subject to annual approval of reappointment by the Ombud Council Board and the Auditor General for each financial year. The contract will commence on 01 April 2025 or earlier.
- 1.4 This bid is subject to the Preferential Procurement Policy Framework Act No. 5 of 2000 and the Preferential Procurement Regulations, 2022, Broad-Based Black Economic Empowerment Act, the General Conditions of Contract (GCC) and, if applicable, any other special conditions of contract. Where, however, the special conditions of contract conflict with the general conditions of contract, the special conditions of contract prevail.

2. Bid enquiries and questions

- 2.1 Enquiries relating to the contents of the bid (conditions, rules, terms of reference etc.) or administrative issues with reference to the bid may be directed by not later than 03 February 2025 to:

Thato Maleka
Finance Department
Tel no.: +27 12 253 9727
Email: quotations@ombudconcil.org.za

- 2.2 Questions received after this date will not be entertained.
- 2.3 All questions must reference specific paragraph numbers, where applicable.

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2.4 All questions (received on or before the closing date for questions) will be consolidated and the Ombud Council will send out one response document within three (3) working days after closing date.

2.5 No requests for information shall be made to any other person or place.

3. Bid submission

3.1 Bid documents must only be submitted electronically and emailed to:
quotations@ombudcouncil.org.za.

3.2 Email subject must stipulate bid number and name below:

Bid No	OC2024/25-T001
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3.3 Bid documents will only be considered if received by the OC on or before the closing date and time.

3.4 **Late submissions will not be accepted.**

3.5 Bidders must initial each page of the bid document on the bottom right hand corner.

4. Pricing schedule

4.1 Only one quote and fixed prices will be accepted.

4.2 A pricing schedule must be submitted on a separate sheet from the technical proposal for ease of evaluation. The pricing schedule must be submitted adjacent to the SBD3.3 form in the bid proposal.

B. DEFINITIONS

5. Definitions

5.1 Unless inconsistent with or expressly indicated otherwise by the context.

5.1.1 **OC** shall mean the Ombud Council or any successor in title.

5.1.2 **Contractor** shall mean the successful bidder whose bid has been accepted by the OC and shall include the bidders's personal representatives.

5.1.3 **Contract** shall include the General Conditions of Contract and Special Conditions of Contract, the specifications including any schedules attached to the specifications, and any agreement entered into in terms of these Special Conditions of Contract.

5.1.4 **Service** shall mean the provision of external audit services for a period of five (5) years.

5.1.5 **Person** includes any company incorporated or registered as such under any law, any body of persons corporate or unincorporated, any trust. Person, firm or company shall include an authorised employee or agent of such person.

5.2 Except where the context indicate otherwise, in this document the singular includes the plural, and with reference to gender, the one includes the other.

C. BID RULES

6. Capabilities and experience of bidders

6.1 Bidders are required to provide all information as necessary to demonstrate their capabilities and experience with regard to the requested services.

7. Form of bid

7.1 The bid shall be signed and witnessed on the form of bid incorporated herein. The schedule of services shall be fully priced in South African Rand to show the total amount of the bid, and shall be signed. The certificates, schedules and forms contained in this document shall be completed and signed by the bidder.

8. Signing of bid

8.1 The bid must be signed by a person who is duly authorised to do so.

9. Bid all inclusive

9.1 The bidder must provide an all-inclusive fee statement in the bid.

10. Alterations to bid documents

10.1 No unauthorised alteration or addition shall be made to the form of bid, to the schedule of quantities of services to be rendered or to any other part of the bid documents. If any such alteration or addition is made or if the schedule of quantities of services to be rendered, or other schedules or certificates are not properly completed, such submission may be disqualified.

11. Qualifications on bid

11.1 Bids submitted in accordance with this bid document shall be without any qualifications.

12. OC'S rights

12.1 The OC is entitled to amend any bid conditions, bid validity period, bid specifications, or extend the bid's closing date, all before the bid closing date. The OC reserves a right to extend the bid validity period before its expiry period. All bidders, to whom the

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bid documents have been issued and where the OC have record of such bidders, may be advised in writing of such amendments in good time and any such changes will also be posted on the OC's website under the relevant bid 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.

- 12.2 The OC reserves the right not to accept the lowest priced bid or any bid in part or in whole.
- 12.3 The OC reserves the right to award this bid as a whole or in part.
- 12.4 The OC reserves the right to conduct site visits at bidder's corporate offices and/or at client sites if so required.
- 12.5 The OC reserves the right to consider the guidelines and prescribed hourly remuneration rates for consultants as provided in the National Treasury Instruction Note 03 of 2017/2018: Cost Containment Measures, where relevant.
- 12.6 The OC 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 OC to conduct background checks on the bidding entity and any of its directors/trustees/shareholders/members.

13. Undertaking by bidder

- 13.1 By submitting a bid in response to this bid, the bidder will be taken to have offered to render all or any of the services described in the bid response submitted by it to the OC on the terms and conditions and in accordance with the specifications stipulated in this bid document.
- 13.2 The bidder shall prepare for a possible presentation should the OC require such and the bidder shall be notified thereof in good time before the actual presentation date. Such presentation may include a practical demonstration of products or services as called for in this bid.
- 13.3 The bidder agrees that the offer contained in its bid shall remain binding upon him and receptive for acceptance by the OC during the bid validity period indicated in this document and calculated from the bid closing date. Its acceptance shall be subject to the terms and conditions contained in this bid document read with the bid.
- 13.4 The bidder furthermore confirms that they have satisfied themselves as to the correctness and validity of their bid response; that the price(s) and rate(s) quoted cover all the work/item(s) specified in the bid response documents; and that the price(s) and rate(s) cover all their obligations under a resulting contract for the services contemplated in this bid; and that they accepts that any mistakes regarding price(s) and calculations will be at their risk.

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13.5 The successful bidder accepts full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on them under the supply agreement and Service Level Agreement (SLA) to be concluded with the OC, as the principal(s) liable for the due fulfilment of such contract.

13.6 The bidder accepts that all costs incurred in the preparation, presentation and demonstration of the solution offered by it shall be for the account of the bidder. All supporting documentation and manuals submitted with this bid will become OC property unless otherwise stated by the bidder/s at the time of submission.

14. Central supplier database

14.1 The OC will not award any bid to a supplier who is not registered as a prospective supplier on the Central Supplier Database (CSD) as required in terms of National Treasury Circular No. 3 of 2015/2016 and National Treasury SCM Instruction Note 4A of 2016/2017.

14.2 The supplier is responsible to continuously update their information, including personal information on the CSD to ensure that it is complete, accurate and not misleading.

15. Supplier performance management

15.1 Supplier Performance Management is viewed by the OC as a critical component in ensuring it acquires value for money and maintains good supplier relations between the OC and all its suppliers.

15.2 The successful bidder shall upon receipt of written notification of an award, be required to conclude an SLA with the OC (where applicable), which will form an integral part of the supply agreement. The OC will serve as a tool to measure, monitor and assess the supplier's performance and ensure effective delivery of service, quality and value-add to the OC's business.

15.3 The successful bidder will be required to comply with the above conditions, and also provide a scorecard on how their product/service offering is being measured to achieve the objectives of this condition.

16. Cancellation of contract

16.1 If the OC becomes aware or is satisfied that any person (including an employee, partner, director or shareholder of the bidder or a person acting on behalf of or with the knowledge of the bidder), firm or company; amongst others:

16.1.1 is executing a contract with the OC unsatisfactorily,

16.1.2 has in any manner been involved in a corrupt act or provided a gift or remuneration in relation to any officer or employee of the OC, in connection with obtaining or executing a contract,

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- 16.1.3 has acted in bad faith, in a fraudulent manner or committed an offence in obtaining or executing a contract,
- 16.1.4 has in any manner influenced or attempted to influence the awarding of an OC's bid,
- 16.1.5 has when advised that his bid has been accepted, given notice of his inability to execute or sign the contract or to furnish any security required,
- 16.1.6 has engaged in any anti-competitive behaviour, including having entered into any agreement or arrangement, whether legally binding or not, with any other person, firm or company to refrain from bidding for this contract, or relating to the bid price to be submitted by either party,
- 16.1.7 has disclosed to any other person, any information relating to this bid, except where disclosure, in confidence, was necessary to obtain quotations required for the preparation of the bid,

the OC may, in addition to any other legal recourse, which it may have, cancel the contract between the OC and such a person, firm or company and/or resolve that no bid from such a person will be favourably considered for a period, as prescribed by the National Treasury.

- 16.2 Any restriction imposed upon any person shall apply to any other person with which such a person is actively associated.

17. Applicable laws

- 17.1 The laws of the Republic of South Africa shall be applicable to each contract created by the acceptance of a bid and each bidder shall indicate an address in the Republic and specify it in the bid as his *domicilium citandi et executandi* where any legal process may be served on him.
- 17.2 Each bidder shall accept the jurisdiction of the courts of the Republic of South Africa.

18. Reasons for disqualification of bid

- 18.1 The OC reserves the right to disqualify any unacceptable bid as defined in the PPPFA Act and such disqualification may take place without prior notice to the offending bidder. The grounds for disqualification amongst others could include the following:
 - 18.1.1 bidders who submit incomplete information and documentation as specified in the requirements of this bid document;
 - 18.1.2 bidders who submit information that is fraudulent, factually untrue or inaccurate;

- 18.1.3 bidders who receive information not available to other potential bidders through any means;
- 18.1.4 bidders who do not comply with mandatory requirements, if stipulated in the bid document;
- 18.1.5 bidders who fail to attend a compulsory briefing session and sign bid register, if stipulated in the bid advert and/ or in this bid document; and/or
- 18.1.6 bidders who fail to comply with FICA (Financial Intelligence Centre Act) requirements (where applicable).

19. Delegation of authority

- 19.1 The OC may delegate any power vested in it by virtue of these Terms of Reference to an officer or employee of the OC.

20. Bid rules are binding

- 20.1 The bid rules as well as the instructions given in the official bid notice shall be binding on all bidders submitting bid applications for the service or services set out in the bid document.

21. Language of contract

- 21.1 The bid documents are drafted in English and any contract, which originates from the acceptance of the bid, will be interpreted and construed in English.

D. TERMS OF REFERENCE

22. Purpose

- 22.1 The purpose of this request is to invite service providers to submit quotations to perform the external audit of the Ombud Council for the period of five (5) years.

23. Background

- 23.1 The Ombud Council is a small public entity for purposes of the Public Finance Management Act (PFMA) and was formally listed as such effective 1 April 2023 and external auditors were appointed for a short period to perform the audit of the 2023/24 financial year and the Ombud Council received a clean audit opinion.
- 23.2 The Ombud Council’s governance body is a Board, with members appointed by the Minister of Finance. The Ombud Council currently has two governance committees which are the Audit and Risk Committee; and the Remuneration and HR Committee.
- 23.3 In terms of section 178 of the FSR Act, the overall governance objective of the Ombud Council is to manage its affairs in an efficient and effective way; and to establish and

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implement appropriate and effective governance systems and processes. Part 1 of Chapter 14 of the FSR Act (sections 175 to 193) sets out the functions of the Ombud Council; the role and duties of its Board; and a range of other prescripts regarding the Ombud Council's governance structures and processes. The Ombud Council is also a Schedule 3A public entity for purposes of the Public Finance Management Act (PFMA), and was formally listed as such effective 1 April 2023.

- 23.4 The AGSA has notified the Ombud Council on 6 February 2024 that it has decided to opt out of auditing the Council in accordance with section 25(1)(a) of the Public Audit Act. The Council must therefore commence a process to procure audit services from a person registered in terms of the Auditing Professions Act.
- 23.5 The Ombud Council therefore requires the services of a suitably qualified and experienced external audit service provider to carry out the external audit function of the Ombud Council of the 2024/25, 2025/26, 2026/27, 2027/28 and 2028/29 financial years.
- 23.6 The Ombud Council requires the bidder to have the necessary skills, knowledge, capacity to carry out their obligations, including the availability of Finance and Supply Chain audit skills and tools. The bidder must also have knowledge and a comprehensive understanding of the public sector; and an understanding of the Ombud Council's enabling legislation.
- 23.7 Knowledge and experience of working with entities similar to the Ombud Council, knowledge and practical understanding and implementation of the Generally Recognised Accounting Practice (GRAP) and King IV regulations is a prerequisite.

24. Scope of work

- 24.1 The appointed audit firm will be required to perform all statutory audit work for the Ombud Council as outlined below:
- 24.1.1 Conduct an independent external audit of the Ombud Council in accordance with International Standards on Auditing before of financial year period.
- 24.1.2 Express an audit opinion on the Annual Financial Statements, including Annual Performance Reports and compliance with applicable legislation, of the Ombud Council before the end of every financial year end period and to issue audit reports that include audit opinions and recommendations.
- 24.1.3 The external auditor must adhere and meet all statutory requirements of the Public Audit Act, the International Auditing Standards, and requirements as may be set by the Auditor-General of South Africa.
- 24.1.4 Required outputs would include (but will not be limited to) the following:

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- 24.1.4.1 Determine the scope, methodology and approach of audit in terms of the respective legislative requirements.
- 24.1.4.2 The external auditors will be required to submit annually a detailed Audit Planning Memorandum and detailed budget in line with the Audit Planning Memorandum for every audit.
- 24.1.4.3 Identify the risks of material misstatement on the annual financial statements, and where they occur, whether it is due to fraud or error, and design and perform audit procedures responsive to those risks and obtain audit evidence that is sufficient and appropriate to provide an opinion.
- 24.1.4.4 Perform a year end audit on the audit of performance against predetermined objectives.
- 24.1.4.5 Perform a review and express an opinion on the National Treasury financial statements template.
- 24.1.4.6 Evaluate compliance with applicable legislation relating to financial management and other related matters.
- 24.1.4.7 Perform any additional audit work as required by the Auditor General of South Africa.
- 24.1.4.8 Obtain an understanding of internal controls including application system controls.
- 24.1.4.9 Determine that the financial statements of the Ombud Council are prepared in all material respects in accordance with the accounting principle set out in the annual financial statements.
- 24.1.4.10 Evaluate the appropriateness of accounting policies used.
- 24.1.4.11 Evaluate the reasonableness of accounting estimates used.
- 24.1.4.12 Determine whether the annual financial statements provide adequate disclosure.
- 24.1.4.13 Communicate audit findings and make recommendations to Management.
- 24.1.4.14 Draft and issue the management and audit reports upon completion of the audit assignment within timelines agreed with Management.
- 24.1.4.15 Submit the signed audit report to the Ombud Council by 31 July each year for a period of five (5) years.

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- 24.1.4.16 Provide a final report with management responses on corrective actions and the presentation thereof to the Audit and Risk Committee, where necessary.
- 24.1.4.17 Review the financials in the annual report prior to publishing.
- 24.1.4.18 Attend quarterly Audit and Risk Committee meetings, and any other relevant meetings as required.
- 24.1.4.19 Present the external audit report to the Audit and Risk Committee.
- 24.1.4.20 Adhere to statutory deadlines (PFMA and other deadlines).

25. Contract Condition

- 25.1 Should there be changes to the core team members of the appointed bidder during the contract period, the Ombud Council must be notified timeously, and appropriate replacements of an equivalent level of seniority and skill must be provided.

26. Bid evaluation

- 26.1 The proposals will be evaluated as follows.

26.1.1 Evaluation Stage One: Compliance

Compliance with administrative requirements stated in the Standard Bidding Documents and the mandatory requirements as listed in paragraph 27. In this evaluation stage, all bidders that fail to provide the required information and documentation may be disqualified from further evaluation.

26.1.2 Evaluation Stage Two: Functional evaluation (Desktop evaluation)

In this evaluation stage, bidders are expected to obtain a minimum of 80 out of 100 points to proceed to the next evaluation stage. Failure to obtain the prescribed minimum points will automatically disqualify the bid offer from proceeding to the next evaluation stage.

26.1.3 Evaluation Stage Three: Preference Point System

The 80/20 preference point system shall be applicable to this phase, where 80 points represent maximum obtainable points for the lowest acceptable price, and 20 points represents specific goals. Points will be awarded to a bidder for attaining the specific goal points in accordance with the table as listed in the bid documentation.

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27. Functional evaluation (Desktop)

27.1 The bid/proposal will be evaluated for functionality and be rated as follows:

Table 1

No	ITEM	DESCRIPTION	DETAILED DESCRIPTION	RATING	WEIGHT
	A. Organisational Profile	A.1. The bidder must submit the company's profile which indicates the number of years of experience in providing external audit services including providing these services in the public sector as per the scope of work.	A.1.1. The bidder did not submit the company profile or does not have one year experience in providing external audit services including providing these services in the public sector which meets the requirements.	0	25
			A.1.2. The bidder submitted the company profile with 1 to 2 years' experience in providing external audit services including providing these services in the public sector which meets the requirements.	1	
			A.1.3. The bidder submitted the company profile with 3 to 5 years' experience in providing external audit services	2-3	

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No	ITEM	DESCRIPTION	DETAILED DESCRIPTION	RATING	WEIGHT
			including providing these services in the public sector which meets the requirements.		
			A.1.4. The bidder submitted the company profile with over 6 years' experience in providing external audit services including providing these services in the public sector which meets the requirements	4-5	
	B. Audit Team/ Engagement Partner and Team	B.1. The bidder must submit detailed CVs of the core team members including that of Engagement Partner, indicating external audits that were completed. The CV of all team members must reference to certification/qualifications obtained as follows: i. The engagement partner/s CV must demonstrate at least 7 or more years' experience in rendering external audit services and	B.1.1. The bidder did not submit CVs.	0	35
			B.1.2. The bidder submitted CVs which did not meet all the requirements.	1-3	
			B.1.3. The bidder submitted CVs which meets or exceeds all the requirements.	4-5	

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No	ITEM	DESCRIPTION	DETAILED DESCRIPTION	RATING	WEIGHT
		must be registered with IRBA and be a qualified CA(SA) or equivalent. ii. The team lead/manager CV must demonstrate at least 5-years' experience in leading and managing an external audit team. iii. The audit senior CV must demonstrate at least 3-years' experience in leading and managing an external audit team. iv. The CV of all team members must reference to certification/qualifications obtained.			
	C. Audit plan methodology	C.1. The bidder must submit a detailed proposed external audit plan methodology as per the scope of work outlined and clearly demonstrating how the audit deliverables will be achieved.	C.1.1. The bidder did not submit the external audit plan methodology.	0	25
			C.1.2. The bidder submitted an external audit plan methodology which does not meet all the requirements.	1-3	
			C.1.3. The bidder submitted a detailed external audit plan	4-5	

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No	ITEM	DESCRIPTION	DETAILED DESCRIPTION	RATING	WEIGHT
			methodology which meets or exceeds all the requirements		
D. Track Record		D. 1. The bidder must submit client reference letters on the client's company letterhead where external audit services were successfully rendered (relevant to the scope of work) by the bidder. Some of the reference letters provided should be for work done over the past six years and must include services done in the public sector. For a reference letter to be considered complete, it must contain at minimum the following details: • Client company name. • Client contact person and/or email address. • Description of project. • Project duration.	D.1.1. The bidder did not submit reference letters.	0	15
			D.1.2. The bidder submitted one (1) to three (3) reference letter which meets all the requirements.	1-3	
			D.1.3. The bidder submitted four (4) or more reference letters which meet all the requirements.	4-5	
TOTAL					100

28. Preference point system**29. General conditions**

29.1 The following preference point systems are applicable to invitations to bidders:

the 80/20 system for requirements with a Rand value from R30 000 up to R50 000 000 (all applicable taxes included); and

29.2 The applicable preference point system for this tender is the 80/20 preference point system.

29.3 Points for this bid (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

29.4 The maximum points for this bid are allocated as follows:

Table 2

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

29.5 Failure on the part of a bidder to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

29.6 The organ of state reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

30. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES**30.1 POINTS AWARDED FOR PRICE****30.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS**

A maximum of 80 or 90 points is allocated for price on the following basis:

80/20 or 90/10

$$P_s = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_m}{P_{min}} \right)$$

Where

P_s = Points scored for price of bid under consideration

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Pt = Price of bid under consideration
Pmin = Price of lowest acceptable tender

31. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

31.1 POINTS AWARDED FOR PRICE

A maximum of 80 or 90 points is allocated for price on the following basis

80/20 or 90/10

$$Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right) \quad \text{or} \quad Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)$$

Where

Ps = Points scored for price of bid under consideration
Pt = Price of tender under consideration
Pmax = Price of highest acceptable bid

31.2 POINTS AWARDED FOR SPECIFIC GOALS

31.2.1 In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the bid. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this bid.

31.2.2 In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the bid documents, stipulate in the case of—:

- (a) an invitation for bidder for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable bid will be used to determine the applicable preference point system; or
- (b) any other invitation for bids, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Specific goals for the tender and points claimed are indicated per the table below.

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Table 3

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system)
QSE (Qualifying Small Enterprise R10-R50 million annual revenue) OR EME (Exempted Micro Enterprise < R10 million annual turnover) per the definitions in the PPPFA.	(a)
Women ownership of 51% or more of the enterprise shareholding.	(b)
Enterprises owned by 51% or more black people	(c)

Criteria	80/20
(a) only	5
(b) only	10
(c) only	10
(b) + (c)	12
(a) + (b)	15
(a) + (c)	15
(a) + (b) + (c)	20

Note: In the event that the bidder is claiming specific goals, the Ombud Council will allocate points claimed, provided that proof of evidence such as valid BBBEE Certificates/sworn affidavits, CIPC etc. is attached. Failure to submit the acceptable verifiable proof will result in an allocation of 0 points.

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

32. Standard bidding documents

32.1 The following compulsory additional information are required. Failure to complete, and supply any of these documents might lead to disqualification from this bid:

Table 4

Invitation to bid	SBD 1
Pricing Schedule	SBD 3.1
Bidder's Disclosure	SBD 4
Preference Points Claim Form for Preferential Procurement Regulations 2022 Should a bidder not complete and sign the SBD6.1, the bidder will be allocated 0.00 points for specific goals	SBD 6.1

33. Timeline of the bid process

- 33.1 The period of validity of the tender and the withdrawal of offers, after the closing date and time are 90 days, expiring on 26 April 2025. The project timeframes of this bid are set out below:

Table 5

STAGE	DESCRIPTION OF STAGE	TIMELINES
1.	Advertisement of bid on Government e-tender portal / print media / Tender Bulletin	27 January 2025
2.	Questions relating to bid from bidder(s)	03 February 2025
3.	Bid closing date	17 February 2025
4.	Compliance: Bid Evaluation Committee	21 February 2025
5.	Functional Evaluation: (Desktop evaluation)	21 February 2025
6.	Preference Point System: Bid Evaluation Committee	21 February 2025
7.	Bid Adjudication Committee	28 February 2025
8.	Bid Award: Accounting Authority	10 March 2025
9.	Notification of the outcome to the bidders	13 March 2025

- 33.2 All dates and times in this tender are South African Standard Time.

- 33.3 Any time or date in this tender is subject to change at the OC's discretion. The establishment of a time or date in this bid does not create an obligation on the part of the OC to take any action or create any right in any way for any bidder to demand that any action be taken on the date established. The bidder accepts that, if the OC extends the deadline for bid submission (the Closing Date) for any reason, the requirements of this bid otherwise apply equally to the extended deadline.

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E. APPLICABLE STANDARD BIDDING DOCUMENTS

SBD 1

INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF OMBUD COUNCIL

BID NUMBER:	OC2024/25-T001	CLOSING DATE:	17 FEBRUARY 2024	CLOSING TIME:	11h00
DESCRIPTION:	PROVISION OF EXTERNAL AUDIT SERVICES				
BIDDING PROCEDURE AND TECHNICAL ENQUIRIES MAY BE DIRECTED TO					
DEPARTMENT	Finance Department				
E-MAIL ADDRESS	quotations@ombucouncil.org.za/thato.maleka@ombudcouncil.org.za				
TELEPHONE NUMBER	+27 71 253 9727				
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER					
CELLPHONE NUMBER					
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	

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ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
---	---	--	--

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 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 SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.

SBD 3.3

PRICING SCHEDULE
(Professional Services)

NAME OF BIDDER:.....	BID NO: OC2024/25-T001
CLOSING TIME: 11:00	CLOSING DATE: 17 FEBRAURY 2025

OFFER TO BE VALID FOR xx DAYS FROM THE CLOSING DATE OF BID.

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)
---------	-------------	--

1. The accompanying information must be used for the formulation of proposals.
2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project.

R.....
3. PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)
4. PERSON AND POSITION

HOURLY RATE DAILY RATE

R-----

R-----

R-----

R-----
5. PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT

R-----

----- days

R-----

----- days

R-----

----- days

R-----

----- days

5.1 Travel expenses (specify, for example rate/km and total km, class of air travel, etc.). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
.....			R.....
.....			R.....
.....			R.....
TOTAL: R.....			

** "all applicable taxes" includes value- added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

SBD 4

BIDDER'S DISCLOSURE

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 interest¹ 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 table below.

Full Name	Identity Number	Name of State institution

¹ the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

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,
 (name)..... 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 consortium² 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 intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 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.
- 3.5 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.
- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any

² Joint venture or Consortium 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.

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.
 I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....	
Signature	Date
.....	
Position	Name of bidder

SBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL
PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 **To be completed by the organ of state**

(delete whichever is not applicable for this tender).

a) The applicable preference point system for this tender is the 80/20 preference point system.

b) Either the 80/20 preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (c) Price; and
- (d) Specific Goals.

1.4 **To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	

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SPECIFIC GOALS

Total points for Price and SPECIFIC GOALS

100

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

80/20

or

90/10

$$P_s = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right) \text{ or } P_s = 90 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$$

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Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{min} = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

A maximum of 80 or 90 points is allocated for price on the following basis:

80/20

or

90/10

$$P_s = 80 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right) \text{ or } P_s = 90 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right)$$

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{max} = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

(c) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or

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(d) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system)																
QSE (Qualifying Small Enterprise R10-R50 million annual revenue) OR EME (Exempted Micro Enterprise < R10 million annual turnover) per the definitions in the PPPFA.	(a)																
Women ownership of 51% or more of the enterprise shareholding.	(b)																
Enterprises owned by 51% or more black people	(c)																
<table> <tr> <th>Criteria</th><th>80/20</th></tr> <tr> <td>(a) only</td><td>5</td></tr> <tr> <td>(b) only</td><td>10</td></tr> <tr> <td>(c) only</td><td>10</td></tr> <tr> <td>(b) + (c)</td><td>12</td></tr> <tr> <td>(a) + (b)</td><td>15</td></tr> <tr> <td>(a) + (c)</td><td>15</td></tr> <tr> <td>(a) + (b) + (c)</td><td>20</td></tr> </table>		Criteria	80/20	(a) only	5	(b) only	10	(c) only	10	(b) + (c)	12	(a) + (b)	15	(a) + (c)	15	(a) + (b) + (c)	20
Criteria	80/20																
(a) only	5																
(b) only	10																
(c) only	10																
(b) + (c)	12																
(a) + (b)	15																
(a) + (c)	15																
(a) + (b) + (c)	20																

DECLARATION WITH REGARD TO COMPANY/FIRM

- 4.3. Name of company/firm.....
- 4.4. Company registration number:
- 4.5. TYPE OF COMPANY/ FIRM
- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety

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- ☐ Close corporation
☐ Public Company
☐ Personal Liability Company
☐ (Pty) Limited
☐ Non-Profit Company
☐ State Owned Company
 [TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

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SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

.....

.....

.....

F. ADMINISTRATIVE CHECKLIST

Hereunder is a checklist to ensure that the bid document is complete in terms of administrative compliance. Please ensure that the following forms have been completed and signed and that all documents, as requested, are attached to the tender document.

ITEM	DOCUMENT REFERENCE		ACTION TO BE TAKEN	YES/NO
1.	SBD 1	Invitation to bid	Is the form duly competed and signed?	
2.	SBD 3.3	Pricing Schedule	Is the form duly competed and signed?	
3.	SBD 4	Declaration of Interest form	Is the form duly competed and signed?	
4.	SBD 6.1	Preference Points Claim Form for Preferential Procurement Regulations 2022	Is the form duly competed, specific goals points claimed, and form signed?	

I, the undersigned (name) certify
that the information furnished on this checklist is true and correct.

.....
Signature

.....
Date

.....