COEGA DEVELOPMENT CORPORATION

Request for Proposals:

FRAMEWORK CONTRACTS FOR SERVICE PROVIDERS TO CONDUCT FINANCIAL, TECHNICAL, INTEGRITY, AND REPUTATIONAL RISK DUE DILIGENCE ON BID SUBMISSIONS

Document Nº

CDC-IPD-RFP-002-24

Contract Nº

CDC/167/24

Classification: Public

28 June 2024

NAME OF BIDDER: ________________________________

Closing Date: 22 July 2024 at 12:00

DOCUMENT INFORMATION SHEET

Title of Document	:	*Framework Contract for Service Providers to Conduct Financial, Technical, Integrity, and Reputational Risk Due Diligence on Bid Submissions*
Type of Document	:	*Request for Proposal*
Document Number	:	*CDC-IPD-RFP-002-24*
Prepared by	:	*Nyameka Salayi*
Typed by	:	*Nyameka Salayi*
Business Unit	:	*Infrastructure Planning & Development*
Prepared for	:	*Bids Specification Committee*
Date of Issue	:	*28 June 2024*

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DOCUMENT CONTROL SHEET

The purpose of this form is to ensure that documents are reviewed and approved prior to issue. The form is to be bound into the front of all documents released by the CDC.

PROJECT NAME	**:**	*Coega SEZ and Non-SEZ Programmes*
DOCUMENT TITLE	**:**	*Request for Proposals: Framework Contract for Service Providers to Conduct Financial, Technical, Integrity, and Reputational Risk Due Diligence on Bid Submissions*
DOCUMENT No.	**:**	*CDC-IPD-RFP-002-24*

SIGNING OF THE ORIGINAL DOCUMENT

We, the undersigned, accept this document as a stable work product to be placed under formal change control as described by the Change Control Procedure document.

ORIGINAL	**Prepared by**	**Reviewed by**	**Approved by**
Date: **06 June 2024**	Name: **Nyameka Salayi**	Name: **Bongani Zimba**	Name: **Bekani Madyibi**
	Signature:	Signature:	Signature:

Distribution:	***Bid Specification Committee & Bidders***

REVISION CHART

REVISION 1	Name: **Nyameka Salayi**	Name: **Bongani Zimba**	Name: **Bekani Madyibi**
Date: **20 June 2024**	Signature:	Signature:	Signature:

REVISION 2	Name: **Nyameka Salayi**	Name: **Bongani Zimba**	Name: **Bekani Madyibi**
Date: **24 June 2024**	Signature: Digitally Signed by: **Nyameka Salayi** *Project Manager* **294fa33a-4641-4392-8cd5-560eeb3e2297** IP Address: 10.0.122.81 Date: 2024/06/26 1:24:06 PM	Signature: Digitally Signed by: **Bongani Zimba** *Project Manager* **d8eac13d-72f4-4809-a36d-e4b4c5e43ed5** IP Address: 10.0.122.68 Date: 2024/06/26 1:28:59 PM	Signature: Digitally Signed by: **Bekani Madyibi** *Programme Director* **37af1fb8-02ab-44a3-a99f-e3366cb5a082** IP Address: 10.0.122.80 Date: 2024/06/26 1:34:50 PM

REVISION 3	**Name:**	**Name:**	**Name:**
Date:	Signature:	Signature:	Signature:

FRAMEWORK CONTRACT FOR SERVICE PROVIDERS TO CONDUCT FINANCIAL, TECHNICAL, INTEGRITY, AND REPUTATIONAL RISK DUE DILIGENCE ON BID SUBMISSIONS

Contract No. CDC/167/24

The Coega Development Corporation is headquartered in the City of Gqeberha, Nelson Mandela Bay Municipality, South Africa, with a strategic operational footprint in South Africa and beyond the borders on the African continent. Coega's vision is to be the leading catalyst for the championing of socio-economic development. This it seeks to achieve through the development and operation of the 9 003-hectare Coega Special Economic Zone (SEZ), a transshipment hub and a leading investment destination in Africa, providing highly skilled competence and capacity for the execution of complex infrastructure and related projects throughout South Africa and selected markets on the African continent, and advisory on the development of industrialisation and logistics zones. Coega's advanced capabilities are successful enablers in sustainable economic zone development and management, real assets management, infrastructure planning and development, technology integration while realising related socio-economic impact areas such as skills and SMME development. Coega's high-performance ethos is grounded in its commitment to sustainable development, the protection of its people and the planet, and the delivery of infrastructure solutions that support a just social and economic transition to a low-carbon, resource efficient, and climate resilient future. The foundational culture of Coega's approach, backed by its core values, is innovation and continuous improvement.

The CDC has been appointed by various Clientele to provide Implementing Agency Services on the processes leading to the implementation of their projects. The services of Service Provider/s to conduct financial, technical, integrity, and reputational risk due diligence form part of these services.

INVITATION TO TENDER

The CDC is inviting capable, experienced, and competent multi-disciplinary Service Providers to submit tender offers in terms of rates for the CDC to establish a Framework Contract for provisioning of financial, technical, integrity and reputational risk due diligence on submitted Bid Documents. The CDC seeks to appoint ten (10) preferred Service Providers who will be utilised on a rotational basis as and when required, based on availability, performance, and competitive rates. The successful Service Providers will be placed in the CDC's Framework Contract for a period of 24 months.

The Scope of Services entails the following:

Successful Due Diligence Service Providers will be required to perform the following services:

(a) Assessment of the following documents as would be submitted by various Bidders:
   (i) Audited / compiled financial statements;
   (ii) Two-year cashflow forecast / cash budget;
   (iii) Founding documentation/ annual reports/websites;
   (iv) Bank statements/ confirmation of balances used in cash forecast/budget;
   (v) Prior period cash forecast/budget;
   (vi) Confirmation of available resources;
   (vii) Internet searches for write ups in favour or against the service provider;
   (viii) Detailed reference checks;

(b) Evaluation of Tenderer managerial and technical ability and available resources in relation to the project they are tendering for;

(c) Conducting integrity risk evaluation of the Tenderer and its directors (i.e., checking any previous & / or current court cases).

(d) Evaluation of reputational risk to the Client should the Tenderer be appointed.

(e) Evaluate Tenderers operations, activities, locations, and key customers.

(f) Review reference checks from previous clients (including contacting the references to confirm past performance and involvement on previous / current projects); and

(g) Produce a comprehensive Due Diligence Audit Report complete with a Risk Register with risk rating on Financial Risk, Managerial and Technical ability, Integrity and Reputational Risk. A template DD-Audit Report is attached to this RfP as **Annexure AD-1.** The weightings for each of the criteria needs to be considered in terms of the importance placed on each of these elements e.g. it would be assumed that the financial risk would carry a higher proportion than reputational risk

As a minimum, Service Providers are required to comprise of the following key personnel:

(a) The Lead Auditor who is a Charted Accountant CA (SA) registered with the South African Institute of Chartered Accountants (SAICA).

(b) Professionally Registered Civil & Structural Engineer (Pr. Tech Eng / Pr. Eng.) with the Engineering Council of South Africa (ECSA).

(c) Certified Internal Auditor who is a professionally Registered Auditor in terms of Section 37 of the Auditing Profession Act (Act No. 26 of 2005) and would abide and comply with the Code of Conduct for Registered Auditors, 2023 issued by the Independent Regulatory Board for Auditors (IRBA).

(d) Forensic Auditor registered with either the Association of Certified Fraud Examiners (ACFE) or the Institute of Commercial Forensic Practitioners (ICFP).

The term of the framework contract during which an order may be issued will be **24 months**.

CONDITIONS OF TENDER

(a) The CDC's Procurement Policy and Procedures shall apply.

(b) The following legislation shall apply:

- (i) Public Finance Management Act (Act No. 1 of 1999) (PFMA).
- (ii) National Treasury Regulations.
- (iii) Framework for Infrastructure Delivery and Procurement Management.
- (iv) The Preferential Procurement Regulations of 2022 (PPR – 2022).
- (v) Preferential Procurement Policy Framework Act (Act No. 5 of 2000) (PPPFA).
- (vi) Broad-based Black Economic Empowerment Act (Act No. 53 of 2003, as amended by Act No. 46 of 2013) (BBBEE Act).
- (vii) Occupational Health and Safety Act and Regulations, Act (Act No. 85 of 1993).
- (viii) Compensation for Occupational injuries and Disease Act (Act No. 130 of 1993). and
- (ix) Any other applicable Acts related to the built environment including all Municipal Bylaws.

(c) The Bidders **must** provide all the required mandatory information to enable fair and equitable evaluation of the submitted Bids. Failure to submit such information will render the Bid deemed as being non-responsive and not be considered further.

(d) The 80/20 Preferential Point System shall apply.

(e) The allocation of preferential points will apply as follows:

- (i) Price – 80.00;
- (ii) Specific goal (B-BBEE Level of Contributor) – 20.00.

(f) The Preference Point System will be applied for evaluation purposes. The basis of the points for price will be the summation of the rates as detailed in the pricing instructions under item 4.2 of this RfP. Bidder(s) will be appointed based on the fee hourly rates.

(g) Bidders are required to confirm their Company registration with Companies and Intellectual Property Commission (CIPC) (formerly CIPRO) as the CDC will not award any bid to any business that appears on the CIPC List of de-registered businesses. The CDC may verify company registration with CIPC through BizPortal.

(h) No competitive bids will be awarded to a person or entity that fails to provide proof of Tax Compliance status (as would be verified through the CSD) within the timeframe given to do so.

(i) Bidder(s) must submit a proof of registration with National Treasury's Centralized Supplier Database (CSD) or provide a National Treasury CSD registration number e.g MAAA0….

(j) The CDC will only award the tender to a Bidder(s) or will enter into Framework Contracts with Bidder(s) that is tax compliant. The tax compliance status of the bidder(s) will be verified through CSD and SARS website, therefore prospective Bidder(s) must ensure that they are Tax Compliant throughout the validity period of the bid in review.

(k) Bidder(s) with less than 51% black shareholding (QSEs & Generics) are to submit a valid SANAS Accredited B-BBEE Verification Certificate (with the full applicable B-BBEE elements). Bidders with more that 51% black shareholding (EMEs & QSEs) are to submit a sworn affidavit stamped and signed by the Commissioner of Oaths as per the DTIC B-BBEE template.

(l) The CDC will not award more than five (5) active projects to one bidder, unless one project has reached 80% completion stage and beyond. Capacity assessment may be conducted in an event that the recommended DD-SP is the only responsive bidder and has already been awarded two contracts so as to be considered for a third contract at the sole discretion of the CDC and subject to their performance on the active two contracts.

(m) The CDC will appoint a maximum number of ten (10) Service Provider(s) based on negotiated fees that are within the market related rate, the maximum limit and within the same fee hourly rates range which will be accepted;

(n) The past and present performance of the Bidders in conducting due diligence auditing on tenderers that were awarded contracts above **R 500 million** shall be reviewed and evaluated on an on-going basis by the CDC Project Manager. Poor performance on awarded projects may result in a bidder not being awarded future projects by the CDC as per the CDC Service Provider Performance Management System (SPPMS).

(o) As a condition of award, in addition to the Form of Contract Contractual Obligations, the successful bidders will be required to confirm the Key Personnel in writing including the need to confirm replaced resources with same experience, qualifications and professional registration status (where required).

(p) Bidders must complete and sign the POPI Act Consent Form. In case of Joint Venture/Consortium, a separate form in respect of each party to the JV must be completed.

(q) Public servants are prohibited from conducting any form of business with any Organ of State whether in their own capacity as individuals or through companies in which they are directors. Verification will be done and bidders will be disqualified should they be found to be in contravention with the regulations.

(r) The successful bidder will be required to comply with the Occupational Health and Safety Act and Regulations, Act (85 of 1993); Compensation for Occupational Injuries and Disease Act, Act (130 of 1993), National Environmental Management Act, Act (107 of 1998) and Disaster Management Act, Act (57 of 2002) and, all relevant legislations throughout the duration of the contract. Upon appointment of the successful bidder, the service provider will be required to develop Occupational Health, Safety and Environmental Management Systems in compliance to the CDC Norms and Standards.

(s) Any misrepresentation of information will lead to immediate disqualification of the Bidder's Submission. It is imperative that the duly authorised person conducts quality control on all the documentation to be submitted to the CDC as part of this RFP and signs the submission as a correct and sound documentation that the CDC could put its reliance on.

(t) Tender Validity Period shall be twelve (12) weeks from the date of Closure of Bids.

(u) **All the enquiries regarding this Bid must be in writing only, and must be directed to:**

 (i) Ms Zine Mtanda, Unit Head: Supply Chain Management.

 (ii) E-mail address: tenderscdc16724@coega.co.za

(v) No telephonic or any other form of communication relating to this bid with any other CDC member of the staff will be permitted other than the designated individual.

(w) Bidder(s) shall be disqualified in the event that they include a Joint Venture / Consortium Partner or Key Person participating in more than 1 (one) tender.

The tender will be advertised on **Friday, 28 June 2024.** The RFP Document will be available the same day for free download from the CDC website. It is incumbent upon and the responsibility of the Prospective Bidder(s) to submit their full and correct contact details when they download the RFP Document to enable any communication that the CDC might need to issue to all the Prospective Bidders during the tender period The CDC will not be accountable for any such omission or failure by the Prospective Bidder(s).

Non-Mandatory Briefing Meetings will be held virtually via Microsoft teams on **Friday, 05 July 2024 at 10:00 am.** Join the meeting by using the link below:

Join the meeting now

Queries relating to this RFP may be addressed to Ms. Zine Mtanda, Unit Head: Supply Chain Management strictly via e-mail: tenderscdc16724@coega.co.za between the period of 28 June 2024 to 15 July 2024. No new queries received after 15 July 2024 will be considered**.**

One original completed Bid document shall be placed in a sealed envelope clearly marked and mentioning contract number: "**Contract No: CDC/167/24: FRAMEWORK CONTRACTS FOR SERVICE PROVIDERS TO CONDUCT FINANCIAL, TECHNICAL, INTEGRITY, AND REPUTATIONAL RISK DUE DILIGENCE ON BID SUBMISSIONS.**

The closing date and time for the receipt of completed bids is on **Monday, 22 July 2024 at 12:00 pm.** Bids must be submitted in the tender box at the **Document Control Office on the Ground Floor at the CDC's Main Office in the Coega Business Center, Cnr Alcyon Road and Zibuko Street, Zone 1, Coega SEZ, GQEBERHA**. No late submission will be considered.

Bids will not be opened in public.

Failure to provide mandatory information required in this bid will result in the submissions being deemed null and void and shall be considered non-responsive.

Telegraphic, telexed, tippexed, facsimiled or e-mailed submissions will not be accepted.

The CDC reserves the right not to accept the lowest priced proposal in part or in whole, or any proposal.

SBD1: PART A INVITATION TO BID

<table>
<tr><td colspan="6">YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE COEGA DEVELOPMENT CORPORATION</td></tr>
<tr><td>BID NUMBER:</td><td>CDC/167/24</td><td>CLOSING DATE:</td><td>22 July 2024</td><td>CLOSING</td><td>12h00</td></tr>
<tr><td>DESCRIPTION</td><td colspan="5">FRAMEWORK CONTRACT FOR THE APPOINTMENT OF SERVICE PROVIDERS TO CONDUCT FINANCIAL, TECHNICAL, INTEGRITY, AND REPUTATIONAL RISK DUE DILIGENCE ON SANRAL TENDERERS</td></tr>
<tr><td colspan="6">BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</td></tr>
<tr><td colspan="6">COEGA BUSINESS CENTRE</td></tr>
<tr><td colspan="6">CORNER ALCYON ROAD & ZIBUKO STREET</td></tr>
<tr><td colspan="6">COEGA SEZ, ZONE 1</td></tr>
<tr><td colspan="6">GQEBERHA (PORT ELIZABETH)</td></tr>
</table>

<table>
<tr><td colspan="2">BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</td><td colspan="2">TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</td></tr>
<tr><td>CONTACT PERSON</td><td>Ms. Zine Mtanda</td><td>CONTACT PERSON</td><td>Ms. Zine Mtanda</td></tr>
<tr><td>TELEPHONE NUMBER</td><td>N/A</td><td>TELEPHONE NUMBER</td><td>N/A</td></tr>
<tr><td>FACSIMILE NUMBER</td><td>N/A</td><td>FACSIMILE NUMBER</td><td>N/A</td></tr>
<tr><td>E-MAIL ADDRESS</td><td>tenderscdc16724@coega.co.za</td><td>E-MAIL ADDRESS</td><td>tenderscdc16724@coega.co.za</td></tr>
</table>

<table>
<tr><td colspan="5">SUPPLIER INFORMATION</td></tr>
<tr><td>NAME OF BIDDER</td><td colspan="4"></td></tr>
<tr><td>POSTAL ADDRESS</td><td colspan="4"></td></tr>
<tr><td>STREET ADDRESS</td><td colspan="4"></td></tr>
<tr><td>TELEPHONE NUMBER</td><td>CODE</td><td></td><td>NUMBER</td><td></td></tr>
<tr><td>CELLPHONE NUMBER</td><td colspan="4"></td></tr>
<tr><td>FACSIMILE NUMBER</td><td>CODE</td><td></td><td>NUMBER</td><td></td></tr>
<tr><td>E-MAIL ADDRESS</td><td colspan="4"></td></tr>
<tr><td>VAT REGISTRATION NUMBER</td><td colspan="4"></td></tr>
</table>

<table>
<tr><td>SUPPLIER COMPLIANCE STATUS</td><td>TAX COMPLIANCE SYSTEM PIN:</td><td></td><td>OR</td><td>CENTRAL SUPPLIER DATABASE No:</td><td>MAAA</td></tr>
<tr><td>B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE</td><td colspan="2">☐Yes ☐No
[IF YES ENCLOSE PROOF]</td><td colspan="2">B-BBEE STATUS LEVEL SWORN AFFIDAVIT</td><td>[TICK APPLICABLE BOX]
☐Yes ☐No</td></tr>
<tr><td colspan="6">[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</td></tr>
<tr><td>ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</td><td colspan="2">☐Yes ☐No
[IF YES ENCLOSE PROOF]</td><td colspan="2">ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</td><td>☐Yes ☐No
[IF YES, ANSWER PART B:3]</td></tr>
<tr><td colspan="6">QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</td></tr>
</table>

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

SBD1: PART B

TERMS AND CONDITIONS FOR BIDDING

1.	BID SUBMISSION:
1.1.	BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2.	**ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
1.3.	THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4.	**THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**

2.	TAX COMPLIANCE REQUIREMENTS
2.1	BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2	BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3	APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
2.4	BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6	WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7	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."

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER: ……………………………………………

CAPACITY UNDER WHICH THIS BID IS SIGNED: ……………………………………………

(Proof of authority must be submitted e.g., company resolution)

DATE: ……………………………………………

TABLE OF CONTENTS

LIST OF ACRONYMS AND ABBREVIATIONS

ACFE	**:**	Association of Certified Fraud Examiners
B-BBEE	**:**	*Broad-based Black Economic Empowerment*
CDC	**:**	*Coega Development Corporation*
CIPC	**:**	*Companies and Intellectual Property Commission*
CSD	**:**	*National Treasury's Central Supplier Database*
DD	**:**	*Due Diligence*
DPSA	**:**	*Department of Public Service and Administration*
ECSA	**:**	*Engineering Council of South Africa*
IA	**:**	*Implementing Agent*
ICFP	**:**	*Institute of Commercial Forensic Practitioners*
POPIA	**:**	*Protection of Personal Information Act*
SP	**:**	*Service Provider*
QSE	**:**	*Qualifying Small Enterprise*
RFP	**:**	*Request for Proposals*
SABS	**:**	*South African Bureau of Standards*
SAICA	**:**	*South African Institute of Charted Accountants*
SANS	**:**	*South African National Standards*
SANRAL	**:**	*South African National Road Agency (SOC) Limited*
SEZ	**:**	*Special Economic Zone*
SME	**:**	*Small and Medium Enterprise*
VAT	**:**	*Value Added Tax*

1 BACKGROUND AND INTRODUCTION

The CDC is appointed by various Clientele to provide Implementing Agency Services on the processes leading to the implementation of their projects. The services of a Service Provider/s to conduct financial, technical, integrity, and reputational risk due diligence form part of these services.

This Request for Proposal (RfP) is for the establishment of Framework Contracts for appointing Service Providers to conduct financial, technical, integrity, and reputational risk due diligence on submitted tenderers of R 500 million and above. The successful Service Providers will be placed in the CDC's Framework Contract for a period of 24 months.

2 STRUCTURE OF THE DOCUMENT

This RFP Document is structured as follows:

(a) **Section 1** provides an **introduction** to this RfP.

(b) **Section 2** defines the **structure** of this RfP Document.

(c) **Section 3** provides **Project Description**, **Project / Site Location**; **available Data**, and detailed **Scope of Services** to assist the Bidders in putting together their Proposals.

(d) **Section 4** covers the **Conditions of the Contract, Pricing Instructions**, the **Schedule of Rates,** and **Criteria for Selection of Due Diligence Service Providers in the Framework Contract** requirements.

(e) **Section 5** provides information on the **Tender Conditions** of this RFP process, which essentially covers the procurement conditions and what would lead to immediate disqualification of the Prequalified Bidders

(f) **Section 6** provides information on how the submitted Bids would be evaluated, where this includes:

  (i) Stage 1: Timeous Submission

  (ii) Stage 2: Responsiveness Assessment,

  (iii) Stage 3: Quantitative Assessment, and

  (iv) Stage 4: Qualitative Assessment.

(g) **Section 7** provides details about ownership of the bid documents.

(h) **Section 8** provides the list of Annexures with **Available Data (AD)** and **Returnable Documents (RD)** that need to be furnished in full by the Bidders, initialled, signed by the duly authorised person and returned to the CDC when the Bids are submitted.

3 BROAD DESCRIPTION OF THE PROJECTS

3.1 The Nature of Project Description

The successful Bidders to be placed on the Framework Contract would be required to carry out financial, technical, integrity, and reputational risk due diligence on roads construction-related projects or any other specialist project that might be identified by the CDC from time to time. The value of projects on which the DD work would be carried out is R 500 million and above.

3.2 Project / Site Location

These projects on which the Due Diligence would be carried out are located across the Republic of South Africa, and so also the entities / Bidders that would be assessed as part of the DD work.

3.3 Available Data

Specific details on the submitted Tenderers on which DD would be carried out and the names of the respective entities will be made available to successful Service Providers whenever an instruction to perform work is issued by the CDC. To enable Due Diligence Service Providers to price for this RfP, the template Audit Report is attached herewith as **Annexure AD-1**.

3.4 Scope of Services to be performed by Successful Due Diligence Service Providers

Successful Due Diligence Service Providers will be required to perform the following services:

(h) Assessment of the following documents as would be submitted by various Bidders:
   (i) Audited / compiled financial statements;
   (ii) Two-year cashflow forecast / cash budgets;
   (iii) Founding documentation/ annual reports/websites;
   (iv) Bank statements/ confirmation of balances used in cash forecast/budget;
   (v) Prior period cash forecast/budget;
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   (vii) Internet searches for write ups in favour or against the service provider;
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(j) Conducting integrity risk evaluation of the Tenderer and its directors (i.e., checking any previous & / or current court cases).

(k) Evaluation of reputational risk to the Client should the Tenderer be appointed.

(l) Evaluate Tenderers operations, activities, locations, and key customers.

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(n) Produce a comprehensive Due Diligence Audit Report complete with a Risk Register with risk rating on Financial Risk, Managerial and Technical ability, Integrity and Reputational Risk. A template DD-Audit Report is attached to this RfP as **Annexure AD-1.** The weightings for each of the criteria needs to be considered in terms of the importance placed on each of these elements e.g. it would be assumed that the financial risk would carry a higher proportion than reputational risk.

4 CONDITIONS OF CONTRACT

4.1. Contract Arrangement with the Successful Service Providers

The CDC will enter into a Service Level Agreement with each successful Due Diligence Service Providers.

4.2. Pricing Instructions

(a) The term of the Framework Contract during which an order may be issued will be 24 months. Therefore, Bidders are required to provide rates that would be applicable from month 1 till month 12 under **Table 1** below, and hourly rates that would be applicable from month 13 till month 24 under **Table 2** below.

(b) The total tendered amount is for evaluation purposes.

(c) Due Diligence Service Providers to provide a Rate per Hour for each proposed key resource.

(d) A full signature by the duly authorised signatory is to be provided at the end of the schedule of rates (see **Annexure RD-8**).

(e) **The total tendered amount is for evaluation purposes only as this bid is for the approval of rates only.**

(f) Tendered Rates include all other costs such as Disbursements.

4.3. Schedule of Rates

Table 2: *Schedule of Rates*

Item No.	Professional Fees	Number of Hours per assignment (Indicative Quantity)	Rate/Hour (incl VAT) Year 1	1st Year (1-12 months)	Rate/Hour (incl VAT) Year 2	2nd Year (13-24 months)	TOTAL
1.	The Lead Auditor who is a CA (SA) registered with (SAICA), min. seven (7) years' work experience	**40**	**R**	**R**		**R**	**R**
2.	ECSA Professionally Registered Civil & Structural Engineer (Pr. Tech Eng / Pr. Eng.), min. seven (7) years' work experience	**40**	**R**	**R**		**R**	**R**
3.	Registered & Certified Internal Auditor, min. seven (7) years' work experience	**40**	**R**	**R**		**R**	**R**
4.	Forensic Auditor registered with (ACFE) or (ICFP) min. seven (7) years' work experience	**40**	**R**	**R**		**R**	**R**
5.	**Total tendered amount (Incl VAT)**						

Name & Designation of Bidder: ____________________________________

Signature & Date: ____

4.4. Criteria for Selection of Due Diligence Service Providers in the Framework Contract

(a) Due Diligence Service Providers that are considered for inclusion on the Framework Contract will be those who will be deemed responsive in the evaluation stages and ranked top ten (10) in terms of preference point system.

(b) The 80/20 preference point system will be used for evaluation purposes. The basis of the points for price will be the summation of the rates as detailed in the pricing instructions under item 4.2 of this RfP. Bidder(s) will be appointed based on the fee hourly rates.

(c) The successful Due Diligence Service Providers will enter into the Framework Contracts with the CDC based on the fee hourly rates submitted.

(d) Fee rate may be negotiated to be within the market-related rate, maximum limit and within same fee hourly rate range. The maximum limit regarded as the market-related rate is as per the latest Auditor-General South Africa (AGSA) hourly rand value fees for Auditors, and Engineering Council of South Africa (ECSA) Fee Guidelines for Engineers.

(e) The approved rates shall be fixed for the duration of the contract.

(f) The appointed service providers will be utilized on a rotating basis, based on the following procedure:
   (i) Competitive rates;
   (ii) Availability to undertake the work;
   (iii) Performance on previous work allocated;
   (iv) A maximum of two (2) projects would be awarded to each Service Provider on the first round of rotation.

(g) However, in a case where there are no other service provider/s available to undertake the work, the service provider may be awarded a minimum of two (2) to a maximum of five (5) contracts..

(h) Final project values can only be determined when the scope is finalized and will be measured against the approved or agreed schedule of rates.

(i) The intended purpose for the Framework system is to:
   (i) Increase Procurement Efficiencies,
   (ii) Provide value for money, competitive prices for clients, and
   (iii) Ensure distribution of work on an equitable basis.

(j) The onus is on the Due Diligence Service Providers to be compliant throughout the duration of this Framework Contract with Tax, and BBBEE.

5. PROCUREMENT CONDITIONS OF THE BID

5.1 Procurement Conditions

(a) The CDC's Procurement Policy and Procedures shall apply.

(b) The following legislation shall apply:

(i) Public Finance Management Act (Act No. 1 of 1999) (PFMA).

(ii) National Treasury Regulations.

(iii) Framework for Infrastructure Delivery and Procurement Management.

(iv) The Preferential Procurement Regulations of 2022 (PPR – 2022).

(v) Preferential Procurement Policy Framework Act (Act No. 5 of 2000) (PPPFA).

(vi) Broad-based Black Economic Empowerment Act (Act No. 53 of 2003, as amended by Act No. 46 of 2013) (BBBEE Act).

(vii) Occupational Health and Safety Act and Regulations, Act (Act No. 85 of 1993).

(viii) Compensation for Occupational injuries and Disease Act (Act No. 130 of 1993). and

(ix) Any other applicable Acts related to the built environment including all Municipal Bylaws.

(c) The Bidders **must** provide all the required mandatory information to enable fair and equitable evaluation of the submitted Bids. Failure to submit such information will render the Bid deemed as being non-responsive and not be considered further.

(d) The 80/20 Preferential Point System shall apply.

(e) The allocation of preferential points will apply as follows:

(i) Price – 80.00.

(ii) Specific goal (B-BBEE Level of Contributor) – 20.00.

(f) The Preference Point System will be applied for evaluation purposes. The basis of the points for price will be the summation of the rates and as detailed in the pricing instructions under item 4.2 of this RfP. Bidder(s) will be appointed based on the fee hourly rates.

(g) Bidders are required to confirm their Company registration with Companies and Intellectual Property Commission (CIPC) (formerly CIPRO) as CDC will not award any bid to any business that appears on the CIPC List of de-registered businesses. The CDC may verify company registration with CIPC through BizPortal.

(h) No competitive bids will be awarded to a person or entity that fails to provide proof of Tax Compliance status (as would be verified through the CSD) within the timeframe given to do so.

(i) Bidder(s) must submit a proof of registration with National Treasury's Centralized Supplier Database (CSD) or provide a National Treasury CSD registration number e.g MAAA0….;

(j) CDC will only award the tender to a Bidder(s) or will enter into Framework Contracts with Bidder(s) that are tax compliant. The tax compliance status of the bidder(s) will be verified through CSD and SARS website, therefore prospective Bidder(s) must ensure that they are Tax Compliant throughout the validity period of the bid in review.

(k) Bidder(s) with less than 51% black shareholding (QSEs & Generics) are to submit a valid SANAS Accredited B-BBEE Verification Certificate (with the full applicable B-BBEE elements). Bidders with more that 51% black shareholding (EMEs & QSEs) are to submit a sworn affidavit stamped and signed by the Commissioner of Oaths as per the DTIC B-BBEE template.

(l) The CDC will not award more than five (5) active projects to one bidder, unless one project has reached 80% completion stage and beyond. Capacity assessment may be conducted in an event that the recommended DD-SP is the only responsive bidder and has already been awarded two contracts so as to be considered for a third contract at the sole discretion of the CDC and subject to their performance on the active two contracts.

(m) The CDC will appoint a maximum number of ten (10) Service Provider(s) based on negotiated fees that are within the market related rates the maximum limit and within the same fee hourly rates range which will be accepted.

(n) The past and present performance of the Bidders in conducting due diligence auditing on tenderers that are above **R 500 million** shall be reviewed and evaluated on an on-going basis by the CDC Project Manager. Poor performance on awarded projects may result in a bidder not being awarded future projects by the CDC as per the CDC Service Provider Performance Management System (SPPMS).

(o) As a condition of award, in addition to the Form of Contract Contractual Obligations, the successful bidders will be required to confirm the Key Personnel in writing including the need to confirm replaced resources with same experience, qualifications and professional registration status (where required).

(p) Bidders must complete and sign the POPI Act Consent Form. In case of Joint Venture/Consortium, a separate form in respect of each party to the JV must be completed.

(q) Public servants are prohibited from conducting any form of business with any Organ of State whether in their own capacity as individuals or through companies in which they are directors. Verification will be done and bidders will be disqualified should they be found to be in contravention with the regulations.

(r) The successful bidder will be required to comply with the Occupational Health and Safety Act and Regulations, Act (85 of 1993); Compensation for Occupational Injuries and Disease Act, Act (130 of 1993), National Environmental Management Act, Act (107 of 1998) and Disaster Management Act, Act (57 of 2002) and, all relevant legislations throughout the duration of the contract. Upon appointment of the successful bidder, the service provider will be required to develop Occupational Health, Safety and Environmental Management Systems in compliance to the CDC Norms and Standards.

(s) Any misrepresentation of information will lead to immediate disqualification of the Bidder's Submission. It is imperative that the duly authorised person conducts quality control on all the documentation to be submitted to the CDC as part of this RFP and signs the submission as a correct and sound documentation that the CDC could put its reliance on.

(t) Tender Validity Period shall be twelve (12) weeks from the date of Closure of Bids.

(u) All the **enquiries regarding this Bid must be in writing only, and must be directed to:**

(i) Ms Zine Mtanda, Unit Head: Supply Chain Management.

(ii) E-mail address: tenderscdc16724@coega.co.za

(v) No telephonic or any other form of communication relating to this bid with any other CDC member of the staff will be permitted other than the designated individual.

(w) Bidder(s) shall be disqualified in the event that they include a Joint Venture / Consortium Partner or Key Person participating in more than 1 (one) tender.

5.2 Disqualification of Bidders

Potential Bidders will be disqualified immediately during the tendering stage or during the tender evaluation and adjudication stage or after the contract has been awarded if they are found to have conducted or committed any of the following:

(a) The bidder has failed to meet the tender conditions and/or requirements and deemed non-responsive:

(b) There has been an effort by the bidder, representatives of the bidder or acquaintances of the bidder to influence the process of submissions which may be interpreted as a corrupt or fraudulent act or improper conduct;

(c) The bidder has communicated with CDC or its Clientele Members or CDC or its Clientele Agent about the contact other than the specified person;

(d) The bidder has misrepresentation the information submitted;

(e) There is an evidence of Fraud, fronting, etc.;

(f) The bid document is faxed or emailed or not on original document;

(g) The bid document has been filled in pencil and /or have corrections fluid markings or not duly signed where changes are made;

(h) Bidder appears on the NT register of restricted or NT list of defaulters

6. EVALUATION OF SUBMITTED BIDS

The assessment of the submissions from the Bidders will be carried out in four (4) stages as indicated in the **Table 1** below.

Table 1: *Stages and areas of Assessment of Bidders' Submissions to this RfP.*

Stage of Assessment	Area of Assessment	Requirements
Stage 1	Timeous Submission	• All the submissions must be received on time before the closing date and time reflected on the **RFP Invitation** (First page of this RFP Document). • Bids must be submitted in a sealed envelope clearly marked and bid document securely packed. **Refer to Section 6.1 below**
Stage 2	Responsiveness Assessment	Submissions will be considered as being non-responsive if the required documentation/information has: • Not been provided or submitted partially complete; • Correcting fluid used to alter some information; • Not meeting the requirements of this RFP Document; • Has not been signed by the duly authorised Bidder's Representative. **Refer to Section 6.2 and Table 2 below.**
Stage 3	Quantitative Assessment	• This is aimed at assessing if the Bidder(s) that have gone through the Responsiveness Assessment in Stage 2; and will be further evaluated on Price and Specific Goals (B-BBEE). • 80/20 preference point system will be applied for evaluation purposes only. **Refer to the Section 6.3**
Stage 4	Qualitative Assessment	• This is aimed at assessing if the Bidders that have gone through the Quantitative Assessment in Stage 3 pose any commercial risks. • This stage will not be scored but intended to ensure that all the aspects of the Projects have been covered sufficiently by the Bidders. • Any Bid that poses Commercial Risks will not be recommended regardless of the overall procurement scores. **Refer to the Qualitative Assessment in Section 6.4**

6.1 Stage 1: Timeous Submission of Bids

(a) All the bids must reach the CDC before the stated date and time of closure of this RFP Process.

(b) Bids must be submitted in a sealed envelope clearly marked and bid document securely packed.

(c) Any late submission will be returned unopened to the respective bidder.

6.2 Stage 2: Responsiveness Assessment

(a) In order for the Bidder to be considered as being responsive and eligible for the next stage of assessment, it has to pass the Responsiveness Assessment Stage. This will be determined from the submitted Bid and Returnable Documents that are listed in **Table 2** below.

(b) If any of the items reflected in **Table 2 below** is not provided and furnished partially, then the submitted Bid will be considered as null and void and shall be considered as non-responsive and will therefore not be assessed further.

Table 2: *Responsiveness Assessment.*

Responsiveness Assessment Criteria – Mandatory Requirements	
1.	Completed and signed **Invitation to Bid (SBD 1) Form**. In bids where consortia / joint ventures are involved, each party must submit a separate CSD number on SBD1 (see page vii to ix of this RfP).
2.	Completed and signed **Bidder's Disclosure Form (SBD 4) (Annexure RD-1 of the RfP)**. In case of a Joint Venture/Consortium, a separate Bidder's Disclosure Form in respect of each party to the JV must be completed and submitted.
3.	Completed and Signed Certificate of Authority of Signatory (**Annexure RD-2 of the RfP**)
4.	Letter of intent to enter into a JV/Consortium Agreement signed by all parties who wish to enter into that JV/Consortium Agreement (**Annexure RD-3 of the RfP**)
5.	Fully Completed and Priced Schedule of Rates (**Annexure RD-8 of the RfP**)
6.	Bidders must submit at least one (1) contactable reference letter for work of similar nature (CAPEX) completed in the last 7 years.
7.	Bidders must complete and sign the list of proposed Key Personnel form, **Annexure RD-5 of the RfP,** and provide proof of qualifications in the form of Certificates, provide reference letters from past Client and proof of professional Registration in good standing. The key personnel must comprise of the following:

	(a) The Lead Auditor who is a Charted Accountant CA (SA) registered with the South African Institute of Charted Accountants (SAICA) with a minimum work experience of seven (7) years conducting Audits, (b) ECSA Professionally Registered Civil & Structural Engineer (Pr. Tech Eng / Pr. Eng.) with a minimum experience of seven (7) years performing Engineering duties for projects of similar nature. Only fully registered professionals will be considered. Candidate Engineers OR Candidate Technologists will not be considered, (c) Professionally Registered Internal Auditor with a minimum work experience of seven (7) years conducting Audits, (d) Forensic Auditor registered with either the Association of Certified Fraud Examiners (ACFE) or the Institute of Commercial Forensic Practitioners (ICFP) with a minimum work experience of seven (7) years. Bidders must provide detailed CVs of the proposed key personnel indicating past project experience.
8.	Confirmation Letter/ cover from any financial institution that demonstrate that the Successful Bidder will provide Professional Indemnity Insurance (PII) for a minimum value of R 500 000.00

Table 3: Additional requirements

No.	DESCRIPTION
1	Bidder(s) with less than 51% black shareholding (QSEs & Generics) are to submit a valid SANAS Accredited B-BBEE Verification Certificate (with the full applicable B-BBEE elements). Bidders with more that 51% black shareholding (EMEs & QSEs) are to submit a sworn affidavit stamped and signed by the Commissioner of Oaths as per the DTIC B-BBEE template**.**
2	Company Registration documents (Biz Portal).
3	Completed and signed Form **SBD 6.1** Preference Points Claim Form in terms of the Preferential Procurement Regulations 2022.
4	All returnable documents per **item 8** of this RfP Document.
5	Bidders must submit a completed and signed POPIA Consent Form.

6.3 Stage 3: Quantitative Analysis

Bids will be evaluated according to the Preferential Procurement Policy Framework Act, 2000: Preferential Procurement Regulations, 2022. 80/20 preferential point system will be used to evaluate Price and Specific Goals (B-BBEE). The points matrix is provided in **Annexure RD-7**.

The allocation of tender adjudication points for this Contract shall be as follows:

Area of Adjudication	Maximum Points
Tendered Price (S_P)	80.00
Specific Goals (S_E)	20.00
Total Points (S)	**100.00**

PREFERENCE POINT SYSTEMS

A maximum of 80.00 points is allocated for price on the following basis:

The formula to calculate points for price will be as follows:

80/20

$$Ps = 80\left(1 - \frac{Pt - P\,min}{P\,min}\right)$$

Where

Ps = Points scored for comparative price of bid under consideration

Pt = Comparative price of bid under consideration

Pmin = Comparative price of lowest acceptable bid

6.4 Stage 4: Qualitative Assessment

(a) All responsive bidders will be assessed on Qualitative Assessment

(b) The past performance of the Bidders will be assessed based on the information to be provided by the Bidders as **Annexure RD-5** and any Past Performance Reports that the CDC and Client might have in their possession.

(c) The bidders will be assessed on their procurement integrity to establish whether the bidder or any of its directors has been convicted of a corrupt or fraudulent act in competing for or executing any contract, whether the bidder or any of its directors is currently government employees and whether there is conflict of interests and/or collusion.

(d) The bidders will also be checked if they do not appear on the National Treasury's Database of Restricted Suppliers and the Register for Tender Defaulters.

6.5 Final Outcomes of the Procurement Process

(a) Once the bid evaluation of bids is complete, a recommendation for award of the successful bidder(s) will be made to the delegated bid adjudication committee for approval of award.

(b) Unsuccessful bidders will be advised of the outcome of their bids in the procurement process.

7. OWNERSHIP OF DELIVERABLES AND INTELLECTUAL PROPERTY

(a) All the submissions and subsequent information received by the CDC as part of this bidding process shall become the property of the CDC and will not be returned to any Bidder.

(b) Any deliverables (documents, drawings, etc.) prepared by the successful Bidder and submitted to the CDC during the execution of the contract arising from this RFP shall become the property of the CDC as its Intellectual Property including its Copyrights.

(c) The deliverables from the successful Bidder to the CDC during the execution of the contract would be both in printed and in electronic format, and no PDF will be accepted. The CDC will advise the successful Bidder of the specific format in which the electronic deliverables should be submitted.

(d) All the Copyrights on the work carried out by the successful Bidder, following this Bid, shall become the CDC's as its Intellectual Property.

8. ANNEXURES

(a) This section provides information about:

(i) The details of the Project Information (PI) that has been compiled by the CDC to assist the Bidders in putting together their Proposals; and

(ii) Details about the Returnable Documents (RD) that need to be furnished fully, initialled and signed by the duly authorised person of the Bidding Team to sign these documents and any correspondence associated with this Bid.

(b) The details of the information referred to above is included as Annexures as reflected in the subsections that follow.

(c) The Annexures referred to above are contained in two separate Folders to this Bid Document and will be issued out to the Prequalified Bidders. Such Folders are titled:

(i) Annexures with Available Data (AD); and

(ii) Annexures with Returnable Documents (RD).

(d) Only Annexures for Returnable Documents (RD) need to be returned when the Bid is submitted.

8.1 List of Annexures with Available Data

Bidders are to note the following Project Information:

(a) Annexure AD-1: Due Diligence Audit Report (template).

8.2 List of Annexures with Returnable Documents

The list of Returnable Documents is the following:

(a) SBD 1 Invitation to Bid

(b) Annexure RD-1 : SBD 4 Form, **Bidder's Disclosure Form (must)**.

(c) Annexure RD-2 : Certificate of Authority of Signatory (where applicable). ***To be developed and submitted by the bidder*.**

(d) Annexure RD-3 : Copy of Unsigned Joint Venture / Consortium Agreement (where applicable). ***To be developed and submitted by the bidder*.**

(e)	Annexure RD-4	:	B-BBEE Certificates/ Sworn Affidavit Template.
(f)	Annexure RD-5	:	Proposed Key Personnel.
(g)	Annexure RD-6	:	Protection of Personal Data Form.
(h)	Annexure RD-7	:	SBD6.1, Preference Points Claim Form in Terms of the Preferential Procurement Regulations, 2022

Annexure RD-1

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 interest[1] 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

2.2. Do you, or any person connected with the bidder, have a relationship 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. Full Name Identity Number Name of State institution SBD4 with any person who is employed by the procuring institution?

YES/NO

[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.*

2.2.1. 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 consortium[2] 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.

[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.

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 Joint venture[1] 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. SBD4 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.

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 ENHANCING COMPLIANCE, TRANSPARENCY AND ACCOUNTABILITY IN SUPPLY CHAIN MANAGEMENT SHOULD THIS DECLARATION PROVE TO BE FALSE.

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

Annexure RD-2

Certificate of Authority of Signatory (where applicable)

Annexure RD-3

Copy of Unsigned Joint Venture / Consortium Agreement (where applicable)

Annexure RD-4

B-BBEE Certificate(s)/ Sworn Affidavit

SWORN AFFIDAVIT – B-BBEE EXEMPTED MICRO ENTERPRISE - GENERAL

I, the undersigned,

Full name & Surname	
Identity number	

Hereby declare under oath as follows:

1. The contents of this statement are to the best of my knowledge a true reflection of the facts.

2. I am a Member / Director / Owner (**Select one**) of the following enterprise and am duly authorised to act on its behalf:

Enterprise Name:	
Trading Name (If Applicable):	
Registration Number:	
Vat Number (If applicable)	
Enterprise Physical Address:	
Type of Entity (CC, (Pty) Ltd, Sole Prop etc.):	
Nature of Business:	
Definition of "Black People"	As per the Broad-Based Black Economic Empowerment Act 53 of 2003 as Amended by Act No 46 of 2013 "Black People" is a generic term which means Africans, Coloureds and Indians – (a) who are citizens of the Republic of South Africa by birth or descent; or (b) who became citizens of the Republic of South Africa by naturalisation- i. before 27 April 1994; or ii. on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalization prior to that date;"

Definition of "Black Designated Groups"	"Black Designated Groups means: (a) unemployed black people not attending and not required by law to attend an educational institution and not awaiting admission to an educational institution; (b) Black people who are youth as defined in the National Youth Commission Act of 1996; (c) Black people who are persons with disabilities as defined in the Code of Good Practice on employment of people with disabilities issued under the Employment Equity Act; (d) Black people living in rural and under developed areas; (e) Black military veterans who qualifies to be called a military veteran in terms of the Military Veterans Act 18 of 2011;"

3. I hereby declare under Oath that:

- The Enterprise is______________% Black Owned using the flow-through principle as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 (1) of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013,
- The Enterprise is______________% Black Female Owned as per Amended Code Series 100of the Amended Codes of Good Practice issued under section 9 (1) of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013,
- The Enterprise is______________% Black Designated Group Owned as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 (1) of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013,
- Black Designated Group Owned % Breakdown as per the definition stated above:
  - Black Youth % =______________%
  - Black Disabled % =______________%
  - Black Unemployed % =______________%
  - Black People living in Rural areas % =______________%
  - Black Military Veterans % =______________%

- Based on the Audited Financial Statements/Financial Statements and other information available on the latest financial year-end of____________________(DD/MM/YYYY), the annual Total Revenue was R10,000,000.00 (Ten Million Rands) or less
- Please Confirm on the below table the B-BBEE Level Contributor, **by ticking the applicable box.**

100% Black Owned	**Level One** (135% B-BBEE procurement recognition level)	
At least 51% Black Owned	**Level Two** (125% B-BBEE procurement recognition level)	

Less than 51% Black Owned	**Level Four** (100% B-BBEE procurement recognition level)	

4. I know and understand the contents of this affidavit and I have no objection to take the prescribed oath and consider the oath binding on my conscience and on the Owners of the Enterprise which I represent in this matter.

5. The sworn affidavit will be valid for a period of 12 months from the date signed by commissioner.

Deponent Signature:______

Date :______

____

Commissioner of Oaths
Signature & stamp
Date:

Annexure RD-5
List of Key Personnel

Title, Name, Surname and Proposed Role	Qualification(s)	Professional Body Registered with and Registration Number	Experience Reflected on List of Projects with Start and End Date	Role Played in on each Project of Similar Nature
The Lead Auditor				
ECSA Professionally Registered Civil & Structural Engineer				
Certified Internal Auditor				
Forensic Auditor				
Bidding Service Provider (Organisation) **Experience Reflected on List of Projects of Similar Nature with Start and End Date**				

Note:

1. Attach detailed Curriculum Vitae for all Key Personnel.

SIGNATURE OF THE BIDDER: ....

NAME AND SURNAME OF THE TENDERER: ....

DATE: ....

Annexure RD-6
Protection of Personal Information: CONSENT

The introduction of The Protection of Personal Information Act (POPIA) ensures the regulation of personal information through its entire life cycle of collection, transfer, storing and deletion.

As part of its business activities, the Coega Development Corporation (CDC) obtains and requires access to personal data from a wide range of internal and external parties, including without limitation bidders who respond to requests for proposals that are published by the CDC from time to time. The CDC confirms that it shall process the information disclosed by Bidders for the purpose of evaluating and subsequently awarding/appointing a successful Bidder.

In order to comply with procurement principles, set out in Section 217 of the Constitution and national procurement legislative prescripts, the names of all entities that submitted a bid, the tendered price thereof and the subsequent award will be made public.

The CDC hereby states that it does not and will never modify, amend, or alter any personal information submitted to it by a Bidder. Unless directed to do so by an order of court, the CDC does not disclose or permit the disclosure of any personal information to any Third Party without the prior written consent of the owner of the information.

Similarly, Bidders will from time-to-time access and will be seized with information of a personal nature pertaining to the CDC. Some of the information may, because of legislative compliances be available in the public domain, whilst some is uniquely provided to bidders in pursuit of procurement or other business-related activities. In this regard, the CDC requires that Bidders which receive or have access to its personal information, process any such information in a manner compliant with the requirements of the POPIA.

AGREEMENT

1. The CDC and the Bidder (the Parties) agree and undertake that upon obtaining and having access to personal information relating to either of them, they shall always ensure that:
   (a) They process the information only for the express purpose for which it was obtained.

(b) Information is provided only to designated and authorized personnel who require the personal information to carry out the Parties' respective obligations in terms of the Procurement processes.

(c) They will introduce, and implement all reasonable measures ensure the protection of all personal information from unauthorized access and/or use.

(d) They have taken appropriate measures to safeguard the security, integrity, and authenticity of all personal information in its possession or under its control.

(e) The Parties agree that if personal information will be processed for any other purpose other than the one for which the accessing of the information was intended, explicit written consent will be obtained prior to the execution of such reason. and

(f) The Parties shall carry out regular assessments to identify all reasonably foreseeable internal and external risks to the interception of personal information in its possession or under its control and shall implement and maintain appropriate controls in mitigation of such risks.

2. The Parties agree that if personal information will be processed for any other purpose other than the one for which the accessing of the information was intended, explicit written consent will be obtained prior to the execution of such reason. f) The Parties shall carry out regular assessments to identify all reasonably foreseeable internal and external risks to the interception of personal information in its possession or under its control and shall implement and maintain appropriate controls in mitigation of such risks.

3. Bidder's Obligations:

(a) The Bidder is required to notify the Information Officer of CDC, in writing as soon as possible after it becomes aware of or suspects any loss, unauthorised access or unlawful use of any of the CDC's personal information.

(b) The Bidder shall, at its own cost, promptly and without delay take all necessary steps to mitigate the extent of the loss or compromise of personal data.

(c) The Bidder shall be required to provide the CDC with details of the persons affected by the compromise and the nature and extent of the compromise, including details of the identity (if known) of the unauthorized person who may have accessed or acquired the personal data. d) The Bidder undertakes to co-operate with any investigation relating to security breach which is carried out by or on behalf of CDC.

On behalf of the Bidder:

………………………………..	..…………………………………………….
Signature	Date
……………………………….	……………………………………………….
Position	Name of the Bidder

On behalf of the Client:

………………………………..	…………………………………………….
Signature	Date
……………………………….	……………………………………………….
Position	Name of Client Representative

ANNEXURE RD-7

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).

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

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

1.3 Points for this tender shall be awarded for:

a) Price; and
b) Specific Goals.

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

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80.00
SPECIFIC GOALS	20.00
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; and

(d) **“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 PREFERENCE POINT SYSTEMS

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

80/20

$$Ps = 80\left(1 - \frac{Pt - P\,min}{P\,min}\right)$$

Where

Ps	=	Points scored for price of tender under consideration
Pt	=	Price of tender under consideration
Pmin	=	Price of lowest 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:

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

***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)**	**Number of points claimed (80/20 system) (To be completed by the tenderer)**
B-BBEE Status Level of Contributor 1	20	
B-BBEE Status Level of Contributor 2	18	
B-BBEE Status Level of Contributor 3	14	
B-BBEE Status Level of Contributor 4	12	
B-BBEE Status Level of Contributor 5	8	
B-BBEE Status Level of Contributor 6	6	
B-BBEE Status Level of Contributor 7	4	
B-BBEE Status Level of Contributor 8	2	
Non-compliant contributor	0	

DECLARATION WITH REGARD TO COMPANY/FIRM

4.2. Name of company/firm…………………………………………………………………….

4.3. Company registration number: …………………………………………………………..

4.4. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety
- ☐ Close corporation
- ☐ Public Company
- ☐ Personal Liability Company
- ☐ (Pty) Limited
- ☐ Non-Profit Company
- ☐ State Owned Company

[TICK APPLICABLE BOX]

4.5. 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.

………………………………………

SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME: ………………………………………………………

DATE: ………………………………………………………

ADDRESS: ………………………………………………………

………………………………………………………

………………………………………………………

………………………………………………………