



REQUEST FOR QUOTATION

You are hereby invited to submit quotation for the requirements of the Financial and Fiscal Commission

RFQ Number:	RFQ: 210904	RFQ validity period:	30 days from closing date
Date Issued:	28 September 2021	Submission (Email only):	procurement@ffc.co.za
Closing date:	04 October 2021	Enquiries only:	Ms Buhle Ngidi buhle.ngidi@ffc.co.za Ms Lethabo Bilangolo lethabo.bilangolo@ffc.co.za
Closing time:	12h00		
Services Required:	See Terms of Reference		
Delivery address for goods and/or services:	2 nd Floor, Montrose Place, Waterfall Park, Bekker Street, Vorna Valley, Midrand.		

PLACEMENT OF A LEGAL ANALYST: INSTITUTIONS COMPLIANCE ON A FOUR (4) MONTHS FIXED TERM CONTRACT.

1 PURPOSE

The Financial and Fiscal Commission (FFC) intends to appoint a recruitment agency to provide CVs of candidates for recruitment and/ or placement of Legal Analyst: Institutional Compliance position on a temporary contract of four (4) months.

These Terms of Reference invite potential Service Providers that possess the necessary experience and capabilities to submit a proposal. Request for quotation documents can be downloaded from the FFC's website: www@ffc.co.za/ **Bid Number: RFQ210904.**

2 FUNCTIONS OF THE FFC

The FFC is an independent constitutional institution established in terms of section 220 of the Constitution of the Republic South Africa, 1996, read with the Financial and Fiscal Commission Act, 1997(as amended) (FFC Act). The mandate of the FFC is to make recommendations to Organs of State on financial and fiscal matters in accordance with the Constitution and the FFC Act. The Commission's primary role is to ensure the creation and maintenance of an effective, equitable and sustainable financial, fiscal and system of Intergovernmental fiscal relations in South Africa.



3 SCOPE OF WORK

The recruitment agency's terms of reference for placement of a Legal Analyst: Institutional Compliance on a four (4) months fixed term contract are as follows:

- Please submit a minimum of 2 (two) and a maximum of three (3) candidates who meet the minimum requirements per Annexure A.
- For each candidate, please submit a curriculum vitae (CV) which clearly mentions the qualification and experience of the candidate.
- The pricing schedule must be completed and signed by the service provider
- The successful agent is expected to conduct background checks of the submitted candidates.
- The ultimately appointed individual will be on the FFC payroll.
- The temporal requirement is for a period not exceeding **4 months** starting as soon as possible.
- The candidate should be available for interviews on the **06 October 2021** and to start on **07 October 2021**.

4 PRICING SCHEDULE

- 7.2.1 A detailed itemized budget quoted in South African currency (ZAR).
- 7.2.2 The financial proposal for the work to be carried out must be inclusive of VAT.
- 7.2.3 The quotation must be valid for a minimum of thirty (30) days.

5 EVALUATION

- i) State the criteria that will specify whether the service provider has the sufficient capacity or capability.

Functionality Criteria:

- RFQs will be evaluated based on the functionality as detailed on below table:



EVALUATION CRITERIA	WEIGHTING	POINTS SCORED
Submitted Candidate assessment	30	
Candidate has meets minimum requirements per Annexure A, coupled with proven experience in providing comprehensive governance, risk and compliance solutions, minimising the risk of non-compliance and ensuring the achievement of a sound ethical environment in a similar size organisation as the FFC.	30	
Candidate meets Qualification requirements and experience requirements per Annexure A	20	
Candidate meets Qualification requirements but not experience requirements per Annexure A	15	
Candidates do not meet minimum requirements	0	
Candidate background checks	20	
Candidate reference checks exceed expectation	20	
Candidate reference checks satisfactory	10	
Candidate reference checks below satisfactory	0	
Interview process (to take place on the 06 October 2021)	50	
Exceed expectation in Compliance, Governance and Risk related matters (Scores 85% or more in interview score)	50	
Meets expectation in Compliance, Governance and Risk matters related matters (Scores 80% or more in interview score)	45	
Meets expectation in Compliance, Governance and Risk related matters (Scores 75% or more in interview score)	40	
Meets expectation in Compliance, Governance and Risk related matters (Scores 70% or more in interview score)	35	
Meets expectation in Compliance, Governance and Risk related matters (Scores 65% or more in interview score)	30	
Below expectation in Compliance, Governance and Risk related matters (Scores 50% or more in interview score)	15	
Below expectation in Compliance, Governance and Risk related matters (Scores less than 50% in interview score)	0	
Maximum possible score for quality	100	
Minimum number of total evaluation points required for functionality	70	



REFERENCE SCHEDULE

Suppliers are to provide details of similar work/services, which have recently been successfully completed. The information shall include a description of the type of work, the contract value, and contactable references.

No.	Previous employer	Nature of Work	Reference check attached (Yes/No)	Details of Contactable References		
				Name	Telephone Number	Email
1.						
2.						
3.						
4.						



5.						
6.						
7.						
8.						
9.						



PLEASE NOTE THAT DUE TO STRICT COVID-19 REGULATIONS WILL ONLY ACCEPT EMAILED PROPOSALS

6 EMAIL SUBMISSION

The naming convention of the submission (subject) of the bid shall be as follows to ensure easy retrieval of the bid submissions:

RFQ210904 PLACEMENT OF A LEGAL ANALYST: INSTITUTIONS COMPLIANCE ON A FOUR (4) MONTHS FIXED TERM CONTRACT – Bidder name

E.G. RFQ210904 – PLACEMENT OF A LEGAL ANALYST: INSTITUTIONS COMPLIANCE ON A FOUR (4) MONTHS FIXED TERM CONTRACT – FFC (PTY) LTD

The naming conversion is critical as it allows for easy retrieval of submission by the FFC.

7 TIMEFRAMES

Closing Date: 04 October 2021

Closing Time: 12h00

COMPULSORY RETURNABLE DOCUMENTS:

STANDARD BIDDING DOCUMENTS AND OTHER ELGIBILITY CRITERIA:

- SBD 1 – Suppliers details
- SBD 4 – Declaration of Interest
- SBD 6.1 – Preference points claim form in terms of the preferential procurement regulations 2017.
- SBD 8 – Declaration of bidders past Supply Chain Management Practices
- SBD 9 – Certificate of independent bid determination
- Annexure 1 – POPIA Compliance
- Pricing schedule completed and signed
- Candidate fully meets the qualification criteria as per Annexure A



Documents to be submitted	Y/N
Certified Copy B-BBEE Certificate/ Sworn Affidavit	
Copies of any Shareholders agreement (If any)	
Valid Tax Clearance Certificate. Bids where consortium /joint-ventures/sub-contractors / partners are involved, each party must submit a separate proof of Tax Clearance Certificate / unique PIN.	
ID copies of Shareholder/Directors	
Proof of Company Registration	
Signed and Completed Standard Bid Documents (SBD) Forms	
Annexure 1 POPIA Compliance	

TERMS AND CONDITIONS OF REQUEST FOR QUOTATION (RFQ)

The FFC's standard conditions of purchase shall apply.

Late and incomplete submissions will not be accepted.

Bidders are required to be tax compliant for all price quotations exceeding the value of R30 000 (VAT included). It is the responsibility of the bidder to ensure that the FFC is in possession of the bidder's Central Suppliers Database Supplier number. Validation of tax status will be confirmed through the CSD.

The bidder is required to submit a valid certified B-BBBEE certificate or an affidavit.

No services may be rendered, or goods delivered before an official FFC Purchase Order has been issued and received.

The successful bidder will be expected to sign a service level agreement (SLA) soon after the Purchase Order is issued and received (where applicable).

This RFQ will be evaluated in terms of the 80/20 system as prescribed by the Preferential Procurement Regulations, 2017.

Nothing in the RFQ or in the actions of FFC officials or employees must be construed as creating any expectation, legitimate or otherwise, regarding matters dealt with in the RFQ or any other matters not raised in the RFQ.

BIDDER DETAILS:

Bidder/Company name	
CSD Supplier Number:	
Contact person:	
Contact number:	



I, the undersigned (NAME)... ..certify that:

I have read and understood the conditions of this RFQ.
I have supplied the required information and the information submitted as part of this RFQ is true and correct.

.....		
Signature	Date	Capacity

8 PRICE AND PREFERENCE

Preference points for this bid shall be awarded for:
Price; and
B-BBEE Status Level of Contribution.

The maximum points for this bid are allocated as follows:

<u>Points</u>	
Price	80
B-BBEE Status Level of Contribution	20
Total points for Price and B-BBEE must not exceed	100

Failure on the part of a bidder to submit a valid certified B-BBEE certificate or signed affidavit will be interpreted to mean that preference points for B-BBEE status level of contribution are not awarded.

The price and preference scoring will be in line with the Preferential Procurement Regulations of 2017.



Pricing Schedule:

Successful candidate monthly costs:	Unit Price (R)	Quantity (months)	Total Amount (R)
Total Monthly CTC for Legal Analyst: Compliance (calculated as a percentage of candidate all-inclusive salary package)		4	
Administrative and management fee		4	
Subtotal			
VAT (15%)			
Total			

Pricing schedule note:

The pricing will be calculated based on All-inclusive Salary Package offered to the candidate. The cost is inclusive of disbursements for all phases.

.....
Signature

.....
Date

.....
Capacity



SBD1

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE)					
BID NUMBER:	RFQ210904	CLOSING DATE:	04 October 2021	CLOSING TIME:	12h00
DESCRIPTION	PLACEMENT OF A LEGAL ANALYST: INSTITUTIONS COMPLIANCE ON A FOUR (4) MONTHS FIXED TERM CONTRACT.				
Submission of proposals: proposals must be emailed to procurement@ffc.co.za					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Buhle Ngidi		CONTACT PERSON	Lethabo Bilangolo	
TELEPHONE NUMBER			TELEPHONE NUMBER		
FACSIMILE NUMBER	N/A		FACSIMILE NUMBER	N/A	
E-MAIL ADDRESS	buhle.ngidi@ffc.co.za		E-MAIL ADDRESS	lethabo.bilangolo@ffc.co.za	
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] ☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT ☐ Yes ☐ No		[TICK APPLICABLE BOX] ☐ Yes ☐ No
[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]					
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 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.



PART B

TERMS AND CONDITIONS FOR BIDDING

BID SUBMISSION:

BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.

ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.

THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).

TAX COMPLIANCE REQUIREMENTS

BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.

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.

APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.

BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.

IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.

WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

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:

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.



SBD 4

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

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

2.1 Full Name of bidder or his or her representative:

.....

Identity Number:

.....

Position occupied in the Company (director, trustee, shareholder²):

.....

Company Registration Number:

.....

Tax Reference Number:

.....

VAT Registration Number:

.....

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

¹“State” means –



(a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);

(b) any municipality or municipal entity;

(c) provincial legislature;

(d) national Assembly or the national Council of provinces; or

(e) Parliament.

²"Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

2.7 Are you or any person connected with the bidder presently employed by the state?

YES / NO

If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:

.....

Name of state institution at which you or the person

connected to the bidder is employed:

.....

Position occupied in the state institution:

.....

Any other particulars:

.....

.....

.....

If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector?

YES / NO



If yes, did you attach proof of such authority to the bid document?

YES / NO

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

If no, furnish reasons for non-submission of such proof:

.....
.....
.....

Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months?

YES / NO

If so, furnish particulars:

.....
.....
.....

Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid?

YES / NO

2.9.1If so, furnish particulars.

.....
.....
.....



2.10 Are you, or any person connected with the bidder,
YES/NO

aware of any relationship (family, friend, other) between
any other bidder and any person employed by the state
who may be involved with the evaluation and or adjudication
of this bid?

2.10.1 If so, furnish particulars.

.....
.....
.....

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

2.11.1 If so, furnish particulars:

.....
.....
.....

Full details of directors / trustees / members / shareholders.

Full Name	Identity Number	Personal Tax Reference Number	State Employee Number / Persal Number



4 DECLARATION

I, THE UNDERSIGNED
 (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT 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 2017

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

GENERAL CONDITIONS

The following preference point systems are applicable to all bids:

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).

a) The value of this bid is estimated to ~~exceed~~/not exceed R50 000 000 (all applicable Applicable; or

b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

Points for this bid shall be awarded for:

Price; and

B-BBEE Status Level of Contributor.

The maximum points for this bid are allocated as follows:

	POINTS
PRICE	
B-BBEE STATUS LEVEL OF CONTRIBUTOR	
Total points for Price and B-BBEE must not exceed	100



Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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

DEFINITIONS

“B-BBEE” means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act.

“B-BBEE status level of contributor” means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act.

“bid” means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals.

“Broad-Based Black Economic Empowerment Act” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003).

“EME” means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act.

“functionality” means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.

“prices” includes all applicable taxes less all unconditional discounts.

“proof of B-BBEE status level of contributor” means:

B-BBEE Status level certificate issued by an authorized body or person.

An affidavit as prescribed by the B-BBEE Codes of Good Practice.

Any other requirement prescribed in terms of the B-BBEE Act.

“QSE” means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act.

“rand value” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes.



POINTS AWARDED FOR PRICE

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

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

$P_{\min}$ = Price of lowest acceptable bid

POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

BID DECLARATION

Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:



B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

B-BBEE Status Level of Contributor: . = (maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

SUB-CONTRACTING

Will any portion of the contract be sub-contracted?

(Tick applicable box)

YES	☐	NO	☐
-----	--------------------------	----	--------------------------

If yes, indicate:

What percentage of the contract will be subcontracted.....%

The name of the sub-contractor.....

The B-BBEE status level of the sub-contractor.....

Whether the sub-contractor is an EME or QSE

(Tick applicable box)

YES	☐	NO	☐
-----	--------------------------	----	--------------------------

Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

Designated Group: An EME or QSE which is at last 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		



DECLARATION WITH REGARD TO COMPANY/FIRM

Name of
company/firm:.....

VAT registration number:.....

Company registration number:.....

TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

[TICK APPLICABLE BOX]

DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....
.....
.....
.....

COMPANY CLASSIFICATION

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

Total number of years the company/firm has been in business:.....

I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in



paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

The information furnished is true and correct;

The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;

In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;

If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

disqualify the person from the bidding process;

recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;

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;

recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury 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

forward the matter for criminal prosecution.

WITNESSES

1.
2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....

.....

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

This Standard Bidding Document must form part of all bids invited.

It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.

The bid of any bidder may be disregarded if that bidder, or any of its directors have-

abused the institution's supply chain management system;
committed fraud or any other improper conduct in relation to such system; or
failed to perform on any previous contract.

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

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
4.1.1	If so, furnish particulars:		



4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes ☐	No ☐
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes ☐	No ☐
4.4.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME)

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.



.....
Signature

.....
Date

.....
Position

.....
Name of Bidder



SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.

This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging. In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.



SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

RFQ:210904 PLACEMENT OF A LEGAL ANALYST: INSTITUTIONS COMPLIANCE ON A FOUR (4) MONTHS FIXED TERM CONTRACT.

in response to the invitation for the bid made by:

(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of:

that:

(Name of Bidder)

I have read and I understand the contents of this Certificate;

I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;

I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;

Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;

For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether affiliated with the bidder, who:

- (a) has been requested to submit a bid in response to this bid invitation;
- (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
- (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder



SBD 9

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 consortium³ will not be construed as collusive bidding.

In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:

prices;

geographical area where product or service will be rendered (market allocation)

(c) methods, factors or formulas used to calculate prices;

(d) the intention or decision to submit or not to submit, a bid;

(e) the submission of a bid which does not meet the specifications and conditions of the bid; or

(f) bidding with the intention not to win the bid.

In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.

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.

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.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

³ 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.



Annexure 1: POPIA Compliance

CONSENT TO PROCESS PERSONAL INFORMATION IN TERMS OF THE PROTECTION OF INFORMATION ACT, 4 OF 2013 (POPIA), FOR STAKEHOLDERS EXTERNAL TO THE FFC

For use by:

THE FINANCIAL AND FISCAL COMMISSION including all its divisions (“FFC”)

1. INTRODUCTION

The Protection of Personal Information Act, 4 of 2013, (POPIA) regulates and controls the collection, storage, use, transfer, and processing of a person’s (in some instances a juristic person’s) Personal Information. ***In terms of the POPI Act, the Financial and Fiscal Commission (FFC) has a legal duty to process a person’s Personal Information in a lawful, legitimate and responsible manner.***

The FFC does and will from time-to-time process Personal Information. In terms of POPIA all persons, including any FFC employee and/or partner who collects, manages, processes, transfers, stores and/or retains such Personal Information, whether held under a document, recording or in any other format, has a responsibility to process such information in accordance with the provisions under POPIA.

In order to discharge this duty, the FFC as the responsible party requires your express and informed permission to process your Personal Information for the purpose of procurement activities.

2. DEFINITIONS

Take note of the following definitions which will be used throughout this document, and which are used in the POPIA.

"biometrics" means a technique of personal identification that is based on physical, physiological, or behavioural characterisation including blood typing, fingerprinting, DNA
"child" means a natural person under the age of 18 years who is not legally competent, without the assistance of a competent person, to take any action or decision in respect of any matter concerning him-or herself;
"competent person" means any person who is legally competent to consent to any action or decision being taken in respect of any matter concerning a child;
"consent" means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of Personal Information;
"data subject" means the person to whom Personal Information relates;
"operator" means a person who processes Personal Information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party;
"person" means a natural person or a juristic person;
"Personal Information" means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to—
(a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
(b) information relating to the education or the medical, financial, criminal or employment history of the person;
(c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier, or other particular assignment to the person;
(d) the biometric information of the person;
(e) the personal opinions, views, or preferences of the person;
(f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original

(g) the views or opinions of another individual about the person; and
(h) the name of the person if it appears with other Personal Information relating to the person or if the disclosure of the name itself would reveal information about the person.
"processing" means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including—
(a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
(b) dissemination by means of transmission, distribution or making available in any other form; or
(c) merging, linking, as well as restriction, degradation, erasure or destruction of information;
"record" means any recorded information—
(a) regardless of form or medium, including any of the following:
(i) Writing on any material;
(ii) information produced, recorded or stored by means of any tape-recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored;
(iii) label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means;
(iv) book, map, plan, graph or drawing;
(v) photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced;
(b) in the possession or under the control of a responsible party;
(c) whether or not it was created by a responsible party; and
(d) regardless of when it came into existence;
"responsible party" means a public or private body or any other person who, alone or in conjunction with others, determines the purpose of and means for processing personal information;



Examples of Personal Information include
A person's name and address (postal and email)
Date of birth
Statements of fact (factual statements)
Any expression or opinion communicated about an individual
Minutes of meetings, reports
Emails, file notes, handwritten notes, sticky notes
Photographs and virtual meeting and CCTV footage if an individual can be identified by the footage
Employment and student applications
Spreadsheets and/or databases with any list of people set up by code or student/staff
Employment number
Employment or education history
Special Personal Information Includes:
Any information relating to an individual's:
Ethnicity
Gender
Religious or other beliefs
Political opinions
Membership of a trade union
Sexual orientation
Medical history
Offences committed or alleged to have been committed by that individual
Biometric details
Children's details

3. PURPOSE FOR THE COLLECTION

3.1 The purpose for the collection of your Personal Information and the reason why FFC requires your Personal Information is to enable FFC to:

- 3.1.1 comply with lawful obligations, including all applicable labour, tax and financial legislation and/or the B-BBEE laws;
- 3.1.2 to give effect to a contractual relationship as between you and FFC and in order to ensure the correct administration of the relationship;
- 3.1.3 for operational reasons including the conducting of research;



3.1.4 to protect the legitimate interests of FFC, yourself or a third party;

3.2 All Personal Information which you provide to FFC will only be used for the purposes for which it is collected.

4. CONSEQUENCES OF WITHOLDING CONSENT OR PERSONAL INFORMATION

Should you refuse to provide FFC with your Personal Information which is required by FFC for the purposes indicated above, and the required consent to process the aforementioned Personal Information, then FFC will be unable to engage with you or enter into an agreement or relationship with you.

5. STORAGE AND RETENTION AND DESTRUCTION OF INFORMATION

5.1 All Personal Information which you provide to FFC will be held and/or stored securely and held for the purpose for which it was collected, as reflected above.

5.2 Your Personal Information will be stored electronically in a centralised data base, which, for operational reasons, will be accessible to authorised persons within FFC.

5.3 Where appropriate, some information may be retained in hard copy.

5.4 In either event, storage will be secure and audited regularly regarding the safety and the security of the information.

5.5 Once your Personal Information is no longer required due to the fact that the purpose for which the information was held has expired, such Personal Information will be safely and securely archived for a period of 5 years or longer, especially should this



be required by any other law applicable in South Africa. Thereafter, all your Personal Information will be permanently destroyed.

6. ACCESS BY OTHERS

The FFC may from time to time have to disclose your Personal Information to other parties, and entities regulators and/or governmental officials but such disclosure will always be subject to an agreement which will be concluded between FFC and the party to whom it is disclosing your Personal Information, which contractually obliges the recipient of the Personal Information to comply with strict confidentiality and data security conditions.

7. RIGHT TO OBJECT

In terms of section 11(3) of POPIA you have the right to object in the prescribed manner to FFC processing your Personal Information. On receipt of your objection FFC will place a hold on any further processing until the cause of the objection has been resolved.

8. ACCURACY OF INFORMATION AND ONUS

POPIA requires that all your Personal Information and related details, as supplied are complete, accurate and up-to-date. Whilst FFC will always use its best endeavours to ensure that your Personal Information is reliable, it will be your responsibility to advise FFC of any changes to your Personal Information, as and when these may occur.

9. ACCESS TO THE INFORMATION BY THE DATA SUBJECT

You have the right at any time to ask the FFC to provide you with the details of any of your Personal Information which the FFC holds on your behalf; and the details as to what FFC has done with that Personal Information, **Provided that such request is made using the standard section 51 PAIA process**, which procedure can be accessed by downloading and completing the standard request for information form, housed under section 51 of the PAIA Manuals which can be found on our website at



www.ffc.co.za.

10. COMPLAINTS

You have the right to address any complaints regarding the processing of your Personal Information to the FFC Information Officer at info@ffc.co.za or you may approach to the Information Regulator (complaints.IR@justice.gov.za)

11. DECLARATION AND INFORMED CONSENT

I declare that all Personal Information supplied to FFC is accurate, up to date, is not misleading and that it is complete in all respects.

I undertake to immediately advise FFC of any changes to my Personal Information should any of these details change.

By providing FFC with my Personal Information, I consent and give the FFC permission to process and further process my Personal Information as and where required and acknowledge that I understand the purposes for which it is required and for which it will be used.

Sign: _____

Date: _____



JOB PROFILE: LEGAL ANALYST: INSTITUTIONAL COMPLIANCE

SECTION A: JOB INFORMATION SUMMARY

Job Title:	Legal Analyst: Institutional Compliance
Job Level:	13
Salary Range:	1 057 326 – 1 245 495
Position Reports to:	Chief Executive Officer
Department:	Office of the CEO
Location:	Montrose Place, 2 nd floor, Waterfall Park, Bekker Street, Vorna Valley, Midrand, 1685.
Position in the Organisation	As per the organogram

SECTION B

PRIMARY PURPOSE OF THE JOB <i>Why the job exists (purpose and overall responsibility) in a sentence or two. This should be unique to this job and not generic so that it fits other jobs in the organisation.</i>	The purpose of the Legal Analyst: Institutional Compliance position is to provide comprehensive governance, risk and compliance solutions to the FFC, which include implementing interventions that are aimed at effectively resolving institutional challenges, minimising the risk of non-compliance and ensuring the achievement of a sound ethical environment.
TECHNICAL COMPETENCIES <i>(Knowledge/Systems/Regulations)</i>	• Analytical Skills • Good judgment • Decisiveness • Monitoring • Strong Stakeholder Relations • Planning and Organising; and management of projects • Report Writing
BEHAVIOURAL COMPETENCIES <i>(Skills/Attributes/Values)</i>	• Managerial Skills • Well-developed problem-solving skills. • Follow-up • Initiative • Attention to Detail • Perseverance / Tenacity • Stress Tolerance • Assertiveness • Cultural Diversity • Influencing Skills • Strong communication skills

	• Presentation Skills • Teamwork • Strategic thinking and advising
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SECTION C: DESCRIPTION OF TASKS

KEY RESPONSIBILITIES

- Ensure the alignment of FFC's recommendations to the Appropriation Act, Division of Revenue Act, and applicable financial related legislation, bills and regulations;
- Draft FFC's compliance reports and documents, (e.g. Monthly and Quarterly institutional reports, Annual Performance Report, Annual Report, Strategic Plan, Annual Performance and Operational plans etc);
- Ensure the FFC's Institutional governance, risk and compliance maturation;
- Guide the FFC on how to best achieve operational legislative compliance with rules and regulations;
- Perform corporate secretary duties;
- Undertake operational duties as the Manager in the Office of the CEO;
- Perform all tasks related to managing the staff within the Division and representing the Division at the Executive Management and Commissioners' meetings;
- Inform, advise and support the CEO in terms of Governance and Compliance;
- Provide strategic support to the CEO;
- Project manage prioritised FFC initiatives;
- Ensure that the FFC complies with the FFC Act; interpret the of PFMA, Division of Revenue Act, MFMA, Intergovernmental Relations Acts, and other legislation and regulations pertaining to the FFC.
- Understanding of founding legislation, bills and regulations framing the FFC compliance universe;
- Compile all legal contracts on behalf of the FFC to ensure compliance with all statutory and legal requirements of the FFC;
- Review and negotiate contracts on behalf of the FFC and advise on its rights and obligations;
- Manage associated legal risks;
- Handle and provide advice on all legal matters; with assistance of the State Attorney (outsourced) if required;
- Develop the FFC's policy and position on external legal matters; and
- Policy drafting, review and maintenance

SECTION D: KEY RELATIONSHIP INTERFACES

<i>Internal Relationships with key parties on work related issues</i>	<i>External Relationships with key parties on work related issues</i>
Executives, all staff of the FFC Secretariat and Commissioners.	Contacts / visitors of the Chief Executive / Chairperson. National Treasury and the Auditor General. National, Provincial and Local Governments. Other relevant organs of state. Relevant organs of civil society. Research and Policy Organisations. Service Provider organisations. Academic Institutions, Public Service institutions and all other relevant stakeholders.

SECTION E: SPECIFIC REQUIREMENTS

Such as required to work overtime, travel, work in dangerous conditions, etc.

Work hours may need to be increased in order to meet institutional compliance deadline requirements. On some days, FFC employees need to work from home, as opposed to the office premises.

SECTION F: DELEGATED FREEDOM TO ACT

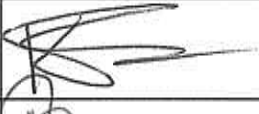
Indicate the limits and controls on this position's authority regarding expenditure, personnel decisions, changing policies or methods, etc. Indicate what types of decisions are typically referred to immediate management for resolution or approval.

Authority to act within the parameters of the agreed Work Plan / Budget or in line with delegated tasks and functions. Refer to Chief Executive Officer / Head: Office of the Commission for decisions not covered in the work plan / budget / delegated duties.

SECTION G: PERSON SPECIFICATION

List of qualifications, experience, training and characteristics required for the job

Qualifications	Minimum:	Ideal:
	Possession of CGISA, CSSA or Company Secretarial qualification OR relevant 4-year tertiary qualification with preference for Internal Auditing & Legal.	
Experience	Minimum:	Ideal:
	- Legislative Knowledge and interpretation - Knowledge of applicable financial legislation, PFMA, MFMA, Division of Revenue bills and regulations - Authoring policies and other documents - Minimum 10 years' work experience, 5 years of management experience which must be in the governance, risk and compliance role - The management and implementation of Compliance Frameworks, - Experience with the implementation and delivery of Compliance within the public sector institutional environment - Experience in management, review and identification of compliance risk - Experience in Compliance Monitoring as well as in tracking and monitoring of Compliance Monitoring findings and recommendations - Management of staff - Experience in Research, ICT, data privacy compliance would be an advantage	

SIGNATURES	
Employee (Job Incumbent)	
Line Manager / Chief Executive Officer:	
Head: Corporate Services	
Date:	23/09/21