



REQUEST FOR PROPOSAL

ECIC02P-2023/24

TITLE: PERFORM AN INDEPENDENT REVIEW OF ORSA FOR A PERIOD OF THREE YEARS

CLOSING DATE: 14 JUNE 2023

CLOSING TIME: 11H00 (SAST, OBTAINABLE FROM TELKOM BY DIALLING 1026)

CONTRACT NUMBER: SLA001-2023/24

REQUEST FOR PROPOSAL: PERFORM AN INDEPENDENT REVIEW OF ORSA FOR A PERIOD OF THREE YEARS

Terms of Reference

CONTENTS

| | |
|--|----|
| 1. Introduction..... | 3 |
| 2. Background..... | 3 |
| 3. Purpose | 3 |
| 4. ORSA Review | 4 |
| 5. Scope of work | 5 |
| 6. Duration of contract | 5 |
| 7. Bid/contract conditions..... | 5 |
| 8. Due diligence/ site inspection | 5 |
| 9. Bid evaluation | 6 |
| 10. Evaluation Phase Two: Functional..... | 7 |
| 11. Evaluation Phase Three: Proof of concept (Presentation)..... | 10 |
| 12. Evaluation Phase Four: Preference point system | 11 |
| 13. Document(s) required to substantiate claims for Specific Goal..... | 11 |
| 14. Phase Five: Objective criteria..... | 12 |
| 15. Instructions to respondents | 12 |
| 16. Timeline of the bid process | 14 |
| 17. Bid rules | 15 |
| Annexures..... | 20 |
| Annexure A: Format for fee proposal..... | 20 |
| Annexure C: Protection of personal information | 21 |
| Annexure D: Applicable Standard Bidding Documents | 23 |
| SBD 1 | 23 |
| SBD 4 | 25 |
| SBD 6.1 | 29 |

REQUEST FOR PROPOSAL: PERFORM AN INDEPENDENT REVIEW OF ORSA FOR A PERIOD OF THREE YEARS

Terms of Reference

1. Introduction

- 1.1 The Export Credit Insurance Corporation of South Africa (SOC) LTD (ECIC or Corporation)¹ is a self-sustained state-owned entity listed under Schedule 3B of the Public Finance Management Act 1 of 1999 (as amended) and established in terms of the Export Credit and Foreign Investments Insurance Act 78 of 1957 (as amended).
- 1.2 The mandate of ECIC is to facilitate and encourage South African export trade, by underwriting export credit loans and investments outside the country, to enable South African contractors to win goods and services contracts in countries outside South Africa. ECIC is a registered Financial Service Provider and is regulated by the Financial Sector Conduct Authority and Prudential Authority (FSP No: 30656). Currently exempted in terms of FAIS Notice 78 of 2019.
- 1.3 ECIC currently operates from offices at Block C7 Eco Origins Office Park, 349 Witch Hazel Avenue, Highveld Ext 79, Centurion, 0157, South Africa. ECIC has acquired new offices situated in Centurion which are 4 kilometres away from the current offices.

2. Background

- 2.1 The Own Risk and Solvency Assessment (ORSA) process is an integral element of ECIC's risk governance system and strategic planning. Though subject to regulatory requirements, the ORSA is designed primarily to satisfy the internal need to manage all material risks that the Corporation is exposed to and ensure that there is enough capital to meet the solvency and business requirements.
- 2.2 In order to achieve this, the ORSA aims to ensure the following:
- 2.2.1 Processes and systems are in place that can adequately assess, monitor and measure the Corporation's risk profile and solvency requirements.
- 2.2.2 The risk management system accurately assesses the Corporation's risk profile and the amount of capital required to cover the risks.
- 2.2.3 The results from the ORSA process are embedded into the Corporation's decision making processes.

3. Purpose

- 3.1 The purpose of this Request for Proposal is to appoint a service provider to perform an independent review of ECIC's Own Risk and Solvency Assessment (ORSA) for a period of three (3) years.

¹ Further information on the ECIC can be found at www.ecic.co.za

REQUEST FOR PROPOSAL: PERFORM AN INDEPENDENT REVIEW OF ORSA FOR A PERIOD OF THREE YEARS

Terms of Reference

4. ORSA Review

- 4.1 The ORSA process is defined as the entirety of the processes and procedures employed to identify, assess, monitor, manage, and report the short and long term risks an insurance undertaking face or may face and to determine the own funds necessary to ensure that the overall solvency needs are met at all times and are sufficient to achieve its business strategy.
- 4.2 ECIC's ORSA process is governed by the principles and guidance in its ORSA Policy (the Policy). The Policy aims to:
- 4.2.1 Describe the principles underlying the ORSA process.
- 4.2.2 Ensure the proper governance of the ORSA process by describing the requirements and minimum standards by which the ORSA should be performed.
- 4.3 The ORSA report should evidence an effective level of enterprise risk management and provide a perspective on capital management.
- 4.4 The Prudential Authority's Governance and Operational Standard for Insurers (GOI 3.1)² require an insurer to ensure that an assessment and validation of the process whereby the ORSA has been performed is carried out. This should be done by an independent and appropriately qualified person who is operationally independent of the ORSA process. The independent person must also provide assurance to the board of directors that the ORSA policy has been complied with.
- 4.5 ECIC achieved this required review through a combination of assurance providers, with a review cycle of three years (meaning that all components will be reviewed at least every three years even though some might be reviewed annually or even more frequent for out of cycle ORSAs).
- 4.6 The ECIC's actuarial function is responsible for the independent review of and expressing an opinion on the reliability and adequacy of the Corporation's calculation of technical provisions and its minimum and solvency capital requirements. The actuarial function's responsibilities include independent review of appropriate policies and providing an opinion to the board of directors on its independent review. The scope of the actuarial function are not included in the scope of the independent review of the ORSA.

REQUEST FOR PROPOSAL: PERFORM AN INDEPENDENT REVIEW OF ORSA FOR A PERIOD OF THREE YEARS

Terms of Reference

5. Scope of work

5.1 The appointed bidder will be required to perform an independent review on the ORSA outcomes as indicated in Table 1:

Table 1

| Review component | Review section | Details of required independent review |
|------------------|----------------------|---|
| Component 1 | ORSA review outcomes | <ul style="list-style-type: none">Review the ORSA conclusions and determine if it supports and complies with the risk appetite, tolerances, and limits.Review capital management activities related to ORSA. |

5.2 The appointed bidder will also be required to:

5.2.1 Provide a review/assurance report setting out the review process followed, findings and recommendations.

5.2.2 Present any report(s) to ECIC management and the Risk Committee of the Board of Directors, to provide the necessary assurance that an independent assessment and validation of the ORSA process has been performed as required per the GOI 3.1 Standard.

6. Duration of contract

6.1 The bidder will be appointed to render services for a period of three (3) years, covering independent ORSA review for three (3) ORSAs.

7. Bid/contract conditions

7.1 ECIC will enter into an agreement with successful bidder which will detail the terms of engagement. The appointment will be subject to an annual review for continued service.

7.2 The agreement may be terminated by the ECIC if it has reasonable grounds to do so, with not less than 30 days' prior written notice. A termination clause will form part of the agreement and may include events such as unsatisfactory performance, defining events, departure of key personnel, governance and ownership issues and reputational risks.

8. Due diligence/ site inspection

8.1 At the ECIC's discretion, a due diligence and/or site inspection may be conducted on the identified bidder (*the due diligence site visit may take place remotely*). ECIC will visit the identified bidders' premises with the objective of verifying information as contained in their bid documents.

REQUEST FOR PROPOSAL: PERFORM AN INDEPENDENT REVIEW OF ORSA FOR A PERIOD OF THREE YEARS

Terms of Reference

8.2 Where applicable, the ECIC will issue criteria for the due diligence review or site inspection beforehand to the applicable bidder(s). Should it be discovered during a due diligence visit or site inspection that the information submitted by the identified bidder is inconsistent with what is on their current premises of business, ECIC reserves the right to disqualify such bidder.

8.3 ECIC may identify another bidder using the next highest points obtained in the evaluation phase as stipulated in paragraph 9.1.4, taking into consideration the process followed under paragraphs 8.1 and 8.2.

9. Bid evaluation

9.1 The proposals will be evaluated in phases as highlighted below and detailed in paragraphs 10 to 14 of this document:

9.1.1 Phase One: Compliance

Verifying if the submitted documents are in line with the requirements of this bid.

9.1.2 Phase Two: Functional evaluation (desktop evaluation)

In this evaluation phase, bidders are expected to obtain a minimum of 80.00 out of 100 points to proceed to the next evaluation stage of the evaluation. Failure to obtain the prescribed minimum points will automatically disqualify the bid offer from proceeding to the next evaluation phase.

9.1.3 Phase Three: Proof of concept evaluation (Demonstration)

In this evaluation phase, bidders are expected to obtain a minimum of 80.00 out of 100 points to proceed to the next evaluation stage of the evaluation. Failure to obtain the prescribed minimum points will automatically disqualify the bid offer from proceeding to the next evaluation phase.

9.1.4 Phase Four: Preference point system

The 80/20 preference points system shall be applicable to this phase, where 80.00 points represent maximum obtainable points for the lowest acceptable price and 20.00 points represents maximum obtainable points for the Specific Goals (to be evaluated using provisions under paragraph 12). Points will be awarded to a bidder for attaining the Specific Goals in accordance with the table as listed in the bid documentation (refer to paragraph 12.3).

9.1.5 Phase Five: Objective criteria

ECIC will apply objective criteria as detailed in paragraph 14.

REQUEST FOR PROPOSAL: PERFORM AN INDEPENDENT REVIEW OF ORSA FOR A PERIOD OF THREE YEARS

Terms of Reference

10. Evaluation Phase Two: Functional

10.1 The proposal submitted by the bidder will be evaluated by the ECIC based on the following criteria and be rated as the factor score over 5 multiplied by the applicable points:

Factor scores: 0=Poor, 1=Below average, 2=Average, 3=Good, 4=Very Good, 5=Excellent

Table 2

| EVALUATION CRITERIA | DESCRIPTION | FURTHER DETAIL | SUB | | POINTS |
|---------------------------|---|---|--------|--------|--------|
| | | | FACTOR | POINTS | |
| 1. Capacity of the bidder | 1.1. Bidder's profile/Corporate information. | | | | |
| | 1.1.1. Bidder must provide a profile/corporate information which details service offerings to the South African insurance industry, with specific focus related to ORSA. It should also reflect the size and capacity of the firm to deliver on the engagement. | 1.1.1.1. No profile submitted and/or the bidder has not more than three years' experience in performing an independent review of ORSA in South Africa. | 0 | 10 | 30 |
| | | 1.1.1.2. Bidder provided a profile/corporate information that is not comprehensive (meets less than 80% of ECICs requirements as set out in Scope of Works and the bidder has between three and five years' experience in performing an independent review of ORSA in South Africa. | 1-2 | | |
| | | 1.1.1.3. Bidder provided a profile/corporate information that is comprehensive (meets at least 80% of ECICs requirements as set out in Table1) and the bidder has at least five years' experience in performing an independent review of ORSA in South Africa. | 3-5 | | |

REQUEST FOR PROPOSAL: PERFORM AN INDEPENDENT REVIEW OF ORSA FOR A PERIOD OF THREE YEARS

Terms of Reference

| EVALUATION CRITERIA | DESCRIPTION | FURTHER DETAIL | SUB | | POINTS |
|---------------------|---|--|--------|--------|--------|
| | | | FACTOR | POINTS | |
| | 1.1.2. Detail the bidder's experience in similar engagements, 3 contactable references for similar ORSA related engagements to South African insurance companies. The detail for each engagement could include duration of the engagement and the scope of work. | 1.1.2.1. No information provided or the information provided is not similar to the services required for this bid. | 0 | 15 | |
| | | 1.1.2.2. Bidder provided part of the information required or the information provided is for two or less clients. | 1-3 | | |
| | | 1.1.2.3. Bidder provided all the required information, and the information covers at least three clients. All information is relevant to the requirements of this bid. | 4-5 | | |
| | 1.2. Experience of the bidder. | | | | |
| | 1.2.1. Bidder must demonstrate experience and capability of the firm, specifically considering experience in risk management and ORSA within the South African insurance industry. | 1.2.1.1. Bidder provided a list with less than five clients and the list is for either risk management or ORSA experience in the insurance South African industry. | 0-3 | 5 | |
| | | 1.2.1.2. Bidder provided a list with at least five clients and the list is for either risk management or ORSA experience in the South African insurance industry. | 4-5 | | |
| 2. Team Experience | 2.1.1. Bidder's must submit profiles of proposed team members that will be conducting the review. It must state identified area of specialisation, years of experience and qualifications. Relevant experience, specifically around: | 2.1.2. Bidder has not submitted profiles of proposed team members that will be conducting the review | 0 | 20 | 20 |
| | | 2.1.3. Bidder submitted profiles of proposed team members that will be conducting the review, but they don't have the relevant experience. | 1-3 | | |

REQUEST FOR PROPOSAL: PERFORM AN INDEPENDENT REVIEW OF ORSA FOR A PERIOD OF THREE YEARS

Terms of Reference

| EVALUATION CRITERIA | DESCRIPTION | FURTHER DETAIL | SUB | | POINTS |
|-------------------------|--|---|--------|--------|------------|
| | | | FACTOR | POINTS | |
| | <ul style="list-style-type: none"> Implementing / Reviewing Prudential Authority's Governance and Operational Standards for Insurers. Conducting ORSAs and performing independent ORSA reviews. Relevant qualifications (e.g. actuarial or risk management related qualifications). | 2.1.4. Bidder submitted profiles of proposed team members who will be conducting the review including relevant experience, specifically around: <ul style="list-style-type: none"> Implementing / Reviewing Prudential Authority's Governance and Operational Standards for Insurers. Conducting ORSAs or performing independent ORSA reviews. Relevant qualifications | 4-5 | | |
| 3. Methodology/approach | 3.1. The bidder must demonstrate the approach and methodology on how the ORSA independent review will be undertaken, reflecting an understanding of the requirements. The methodology/approach must address proposed project plan with estimated milestones. | 3.1.1. Bidder failed to demonstrate the relevant methodology or approach as required. | 0 | 50 | 50 |
| | | 3.1.2. Bidder provided insufficient relevant methodology or approach as required. | 1-2 | | |
| | | 3.1.3. Bidder provided sufficient relevant methodology or approach as required. The methodology/approach address proposed project plan with estimated milestones. | 3-5 | | |
| Total | | | | | 100 |

10.2 The total points achieved under this evaluation criteria will be rounded to the nearest two decimal places.

10.3 The Proof of Concept will be conducted online using Microsoft Teams.

10.4 Bidders who achieve minimum points of 80.00 out of 100 will be invited for presentation of their proposal to ECIC. The presentation will be on or before the week ending 7 July 2023 for bidders that have passed the functional evaluation. Dates and times will be communicated to the bidders who have passed functional evaluation stage on or before the week ending 23 June 2023.

REQUEST FOR PROPOSAL: PERFORM AN INDEPENDENT REVIEW OF ORSA FOR A PERIOD OF THREE YEARS

Terms of Reference

11. Evaluation Phase Three: Proof of concept (Presentation)

11.1 The proposal submitted by the bidder will be evaluated by the ECIC based on the following criteria and be rated as the factor score over 5 multiplied by the applicable points:

Factor scores: 0=Poor, 1=Below average, 2=Average, 3=Good, 4=Very Good, 5=Excellent

Table 3

| Criteria | Points |
|--|------------|
| Demonstrated capability of the company's experience as set out in Table 2 under "Capacity of the bidder". Bidder must provide its corporate information which details its service offerings to the South African insurance industry. The Bidder must demonstrate other relevant services provided to South African insurers, understanding of the South African short-term insurance regulations, and experience of the company in providing similar engagements. | 20 |
| Demonstrated capability and experience of the team as set out in Table 2 under "Team experience". Bidder's must demonstrate the experience of the proposed team members in the South African short-term insurance industry, and the team members' experience in providing similar engagements. | 25 |
| Demonstrated sound methodology in delivering the services as set out in Table 2 under "Methodology/approach". Bidder must demonstrate the approach and methodology on how the ORSA independent review will be undertaken, reflecting an understanding of the requirements provided in the Scope of Works. The methodology/approach must detail a project plan with milestones. | 25 |
| Overall quality of the presentation and presenters. | 15 |
| Satisfactory response to questions. | 15 |
| Total | 100 |

11.2 The total points achieved under this evaluation criteria will be rounded to the nearest two decimal places.

REQUEST FOR PROPOSAL: PERFORM AN INDEPENDENT REVIEW OF ORSA FOR A PERIOD OF THREE YEARS

Terms of Reference

12. Evaluation Phase Four: Preference point system

12.1 The formula below will be used to calculate the preference procurement points for price:

$$Ps = 80 \left(1 - \frac{Pt - Pmin}{Pmin} \right)$$

Where

Ps = Points scored for comparative price of bid under consideration

Pt = Comparative price of bid or offer under consideration

Pmin = Comparative price of lowest acceptable bid

12.2 Depending on the bidder’s level of Specific Goals, a maximum of 20 points may be allocated to a bidder. The points scored by a bidder for Specific Goals will be added to the points allocated for price.

12.3 The table below reflects the number of points to be allocated to a bidder for Specific Goals:

Table 4

| Specific Goals | Number of points (80/20 system) |
|--|---------------------------------|
| B-BBEE Procurement Recognition Level of 135% | 20 |
| B-BBEE Procurement Recognition Level of 125% | 10 |
| B-BBEE Procurement Recognition Level of 110% | 5 |
| Any other B-BBEE Procurement Recognition Level | 0 |

[BIDDERS ARE REQUIRED TO INDICATE, IN ONE BLOCK, THE NUMBER OF POINTS THEY ARE CLAIMING FOR SPECIFIC GOALS IN THE TABLE IN PAGE 32 (PARAGRAPH 4.1). IN THE EVENT WHERE A BIDDER MAKES A MARK (ONE MARK), ECIC WILL CONSIDER THE CORRESPONDING POINTS TO BE THE ONE WHICH THE BIDDER IS CLAIMING FOR. WHERE A BIDDER MAKES MULTIPLE MARKS OR DOES NOT MAKE ANY MARK OR INDICATION AT ALL IN THE TABLE, THE BIDDER WILL BE ALLOCATED ZERO (0) POINTS FOR SPECIFIC GOALS.]

12.4 The total points achieved under this evaluation criteria will be rounded to the nearest two decimal places.

13. Document(s) required to substantiate claims for Specific Goal

13.1 For this bid, bidders are requested to provide the following documents in substantiation for their claim of Specific Goals in line with the 2022 Preferential Procurement Regulations:

Table 5

| Specific Goals | Document required to substantiate the Specific Goals claim |
|--------------------------------------|---|
| B-BBEE Procurement Recognition Level | Copy of a valid B-BBEE Certificate or Copy of valid Sworn Affidavit |

REQUEST FOR PROPOSAL: PERFORM AN INDEPENDENT REVIEW OF ORSA FOR A PERIOD OF THREE YEARS

Terms of Reference

13.2 Any bid received from a bidder who did not provide the document requested in this paragraph 13 shall be awarded zero points for Specific Goals.

13.3 Points for Specific Goals will be allocated as indicated in paragraph 12.3 of this RFQ and in the SBD 6.1 Form. **Bidders are required to indicate how they claim points for each preference points on the SBD6.1 Form, in the table on page 32 (paragraph 4.1). In the event that a bidder does not indicate the preference points they are claiming, the bidder will be awarded zero (0) points for Specific Goals.**

14. Phase Five: Objective criteria

14.1 In this evaluation stage, ECIC will check if the bidder has a person who meet the following criteria in awarding the bid:

14.1.1 The bidder has a significant shareholder or owner (or equivalent) (directly or indirectly) who is classified or can be classified as a Prominent Influential Person (PIP) in accordance with Financial Intelligence Centre Act, 38 of 2001 (FICA).

14.1.2 The bidder has a shareholder or member or owner or director (or equivalent) who has questionable integrity status.

14.1.3 The bidder has a director or equivalent who is classified or can be classified as a PIP in accordance with FICA.

14.2 Should it be found during this evaluation stage, that the bidder who has attained the highest points under Evaluation Stage Four (Preference Point System) has persons listed in paragraphs 14.1.1 to 14.1.3, ECIC reserves the right to conduct further due diligence on the person(s). Should the outcome of a further due diligence not be satisfactory to ECIC or such a person(s) poses an unacceptable high risk reputation and/or integrity of the person(s) be questionable, ECIC reserves the right not to award the bid to that bidder. This process may be repeated to the next bidder if so required.

15. Instructions to respondents

15.1 Correspondence

15.1.1 No telephonic or any other form of communication with any other ECIC member of staff other than the named individual below, relating to this RFP will be permitted. All enquiries must be in writing only.

15.1.2 All questions relating to the contents of the tender (conditions, rules, terms of reference etc.) must be forwarded in writing via email to procurement@ecic.co.za by not later than 2 June 2023. Questions received after this date will not be entertained.

15.1.3 All questions must reference specific paragraph numbers, where applicable.

REQUEST FOR PROPOSAL: PERFORM AN INDEPENDENT REVIEW OF ORSA FOR A PERIOD OF THREE YEARS

Terms of Reference

- 15.1.4 All enquiries (received on or before the closing date for enquiries) will be consolidated and ECIC will publish one response document on the ECIC website (www.ecic.co.za) within two working days after the date in indicated in paragraph 15.1.2, on 5 June 2023.
- 15.1.5 No requests for information shall be made to any other person or place and in particular not to the existing provider of this service.

15.2 **Submission of the proposals**

- 15.2.1 Bid documents must be clearly marked for ease of reference.
- 15.2.2 Bid documents must be submitted on PDF format on/or before the closing date and time to the following email address:

procurement@ecic.co.za
- 15.2.3 The following email submission procedures or protocols must be adhered to ensure safe and secure submission of the tender documents and supporting documents:
- 15.2.3.1 The tender document, including the supporting or returnable documents should be submitted via email in PDF format.
- 15.2.3.2 If the PDF tender document, including the supporting or returnable documents is less than 20 Megabytes (MB), it should be submitted as one document. If the electronic bid document is more than 20MB, the electronic tender document should be split in order to adhere to the 20MB email capacity.
- 15.2.3.3 Bidders are also encouraged to submit a USB detailing their tender proposals.
- 15.2.4 Only if bidders are experiencing challenges with emailing documents, tenders can be delivered at the ECIC Offices on/or before the closing date and time at Block C7 Eco Origins Office Park, 349 Witch Hazel Avenue, Highveld Ext 79, Centurion, 0157, South Africa.
- 15.2.5 **Notwithstanding the method of submission, any bid received after the closing date and time will not be accepted.**
- 15.2.6 All bids and all subsequent information received from respondents will not be returned. The proposals should be addressed to the Head of Procurement of ECIC.

REQUEST FOR PROPOSAL: PERFORM AN INDEPENDENT REVIEW OF ORSA FOR A PERIOD OF THREE YEARS

Terms of Reference

16. Timeline of the bid process

16.1 The period of validity of the tender and the withdrawal of offers, after the closing date and time are 120 days, expiring on 12 October 2023. The project timeframes of this bid are set out below:

Table 6

| STAGE | DESCRIPTION OF STAGE | ESTIMATED COMPLETION DATE (OR WORK WEEK ENDING) |
|-------|---|---|
| 1. | Advertisement of bid on Government e-tender portal / ECIC Website | 23 May 2023 |
| 2. | Questions relating to bid from bidder(s) | 2 June 2023 |
| 3. | Bid closing | 14 June 2023 |
| 4. | Compliance | 23 June 2023 |
| 5. | Functional Evaluation | 23 June 2023 |
| 6. | Proof of Concept | 7 July 2023 |
| 7. | Preference Points | 14 July 2023 |
| 8. | Bid Adjudication | 14 July 2023 |

16.2 All dates and times in this bid are in South African Standard Time.

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

16.4 ECIC will notify all bidders of the outcome of the bid within 10 days from the date of acceptance of bid by the identified bidder.

REQUEST FOR PROPOSAL: PERFORM AN INDEPENDENT REVIEW OF ORSA FOR A PERIOD OF THREE YEARS

Terms of Reference

17. Bid rules

17.1 Awarding a bid

17.1.1 ECIC will not award a bid to a bidder:

17.1.1.1 Who is or the bidder's director(s), trustee(s), shareholder(s), member(s), partners(s) or any person(s) having controlling interest in the bidder are restricted to conduct business with the State.

17.1.1.2 Who is in the employ of the State or has a director(s), trustee(s), shareholder(s), member(s), partners(s) or any person(s) having controlling interest in the bidder who is in the employ of the State as contemplated in the Public Administration Management Act, 11 of 2014 and is prohibited from conducting business with the State in terms of section of PAMA.

17.1.1.3 Who is in the service of the State or has a director(s), trustee(s), shareholder(s), member(s), partners(s) or any person(s) having controlling interest in the bidder and has not declared their business interest as required in the applicable SBD4 form.

17.1.1.4 Has been found to have transgressed Prevention and Combating of Corrupt Activities Act, 12 of 2004 (as amended).

17.1.1.5 Has been found to have transgressed or is transgressing the Competition Act, 89 of 1998 (as amended).

17.1.2 ECIC shall not award a bid or contract or order to a bidder whose tax affairs are not compliant, except to foreign bidders with no tax obligations in South Africa.

17.1.3 For a bidder or the bidder's director(s), trustee(s), shareholder(s), member(s), partners(s) or any person(s) having controlling interest in the bidder who have declared their business interest as required in the applicable SBD4 form, ECIC will not award a bid to a bidder who has declared their interest and:

17.1.3.1 Is prohibited from conducting business with the State; or

17.1.3.2 Does not have permission to conduct remunerative work outside their employment.

17.1.4 ECIC will verify with the relevant Organ of State to determine if paragraphs 17.1.3.1 and 17.1.3.2 are not applicable.

17.1.5 ECIC will assume that, the person contemplated in paragraph 17.1.3 is prohibited from conducting business with the State or the person does not have permission to conduct remunerative work outside their employment if it does not receive any

REQUEST FOR PROPOSAL: PERFORM AN INDEPENDENT REVIEW OF ORSA FOR A PERIOD OF THREE YEARS

Terms of Reference

response within 14 days from such verification request to an Organ of State or any date ECIC may deem necessary.

17.1.6 ECIC will then recommend to award the bid to the bidder who achieved the second highest preference points, and should it be established that, the bidder who achieved the second highest preference points have a person contemplated in paragraph 17.1.3, ECIC will conduct verification as contemplated in paragraphs 17.1.4 and 17.1.5. This step can be performed to up to the bidder who achieved the third highest preference points.

17.2 Documents/information required as a condition of award

17.2.1 Proof of registration valid registration on the National Treasury Central Supplier Database (CSD).

17.2.2 Completed and signed Standard Bidding Forms as follows:

Table 7

| Details | Form No. |
|---|-----------------|
| Invitation to bid (all bidders must ensure that this Form is duly completed and signed) | SBD 1 |
| Declaration of Interest | SBD 4 |
| Preference Points Claim Form | SBD 6.1 |

17.3 B-BBEE Joint Ventures or Consortiums

17.3.1 Bidders who would wish to respond to this bid as a Joint Venture [JV] or consortium with B-BBEE entities, must state their intention to do so in their bid submission. Such Respondents must also submit a signed JV or consortium agreement between the parties clearly stating the percentage [%] split of business and the associated responsibilities of each party.

17.3.2 If such a JV or consortium agreement is unavailable, the partners must submit confirmation in writing of their intention to enter into a JV or consortium agreement should they be awarded business by ECIC through this bid process. This written confirmation must clearly indicate the percentage [%] split of business and the responsibilities of each party. In such cases, award of business will only take place once a signed copy of a JV or consortium agreement is submitted to ECIC.

17.3.3 Bidders are to note the requirements for B-BBEE compliance of JVs or consortiums as stipulated in the bidding form in order to obtain preference points for Specific Goals and submit it together with proof of their Specific Goals claim.

REQUEST FOR PROPOSAL: PERFORM AN INDEPENDENT REVIEW OF ORSA FOR A PERIOD OF THREE YEARS

Terms of Reference

17.4 Sub-contracting

- 17.4.1 ECIC fully endorses the South African Government's transformation and empowerment objectives and in awarding the tender or contract, preference may be given to bidders (Generics) who are willing to subcontract not less than 30% of the contract to a company which is Black Owned, Black Women Owned, Black Youth Owned, owned by Black People with Disabilities, an EMEs and QSE. EME's and QSE's are allowed to bid without subcontracting.
- 17.4.2 If contemplating subcontracting, please note that a bidder will not be awarded points for Specific Goals if it is indicated in its Proposal that such bidder intends subcontracting more than 30% (thirty percent) of the value of the contract to an entity/entity that do not qualify for at least the same points that the bidder qualifies for, unless the intended subcontractor is a company which is Black Owned, Black Women Owned, Black Youth Owned, owned by Black People with Disabilities, an EME and QSE , with the capability to execute the subcontract.
- 17.4.3 A person awarded a contract may not subcontract more than 25% (twenty five) of the value of the contract to any other enterprise that does not have an equal or higher Specific Goals than the person concerned, unless the contract is subcontracted to an EME that has the capability and ability to execute the subcontract.

17.5 ECIC's rights

- 17.5.1 ECIC reserves the right to:
- 17.5.1.1 Amend any bid conditions, bid validity period, bid specifications, or extend the bid closing date, all before the bid closing date. Such amendments will be posted on the ECIC's website under the relevant tender information. All prospective bidders must therefore ensure that they visit the website of ECIC (www.ecic.co.za) regularly before they submit their bid response to ensure that they are kept updated on any amendments in this regard.
 - 17.5.1.2 Cancel or withdraw this bid at any time, as a whole or in part without reasons and without attracting any liability.
 - 17.5.1.3 Award this bid to more than one bidder.
 - 17.5.1.4 Negotiate with all or some of the shortlisted bidders.
 - 17.5.1.5 Not accept the lowest priced bid or award the bid to a bidder other than the highest scoring bidder.
 - 17.5.1.6 Conduct site visits at bidder's offices and / or at client sites if so required.

REQUEST FOR PROPOSAL: PERFORM AN INDEPENDENT REVIEW OF ORSA FOR A PERIOD OF THREE YEARS

Terms of Reference

- 17.5.1.7 Request any relevant information and/ or documents to verify or clarify information supplied in the bid response in relation, but not limited, to the structure of the bidding entity, bidder's capacity, proposed solution, proposed timelines etc.

17.6 Contract fees

- 17.6.1 Where a bidder indicates that its prices are subject to confirmation, or are in any way conditional, such pricing will not be considered.

17.7 Confidentiality

- 17.7.1 Any information relating to the submissions, through the process or otherwise shall be treated in strict confidence. In submitting a response, a Service provider agrees that it shall not be entitled to any information disclosed by another respondent to ECIC, which ECIC has determined to be of a confidential nature. The content and details of the evaluation of submissions will remain confidential to ECIC.

17.8 Other matters

- 17.8.1 If the ECIC does not accept any proposal, it will declare this bid process closed and may then elect to:
 - 17.8.1.1 Proceed on a completely different basis; and/or
 - 17.8.1.2 Not to appoint any respondent (in the event it deems all or any of the proposals not appropriate).
- 17.8.2 The ECIC reserves the right to engage in any processes required to validate all claims made in the proposal.
- 17.8.3 The ECIC has the right to enter into negotiation with a prospective Service provider regarding any terms and conditions, including fees, of a proposed contract.
- 17.8.4 Bidders are allowed to submit joint proposals to allow different companies/entities to undertake different components of the work under one single proposal. In such event however, each bidder is required to provide a B-BBEE certificate.

17.9 Disclaimer

- 17.9.1 The ECIC has produced this bid in good faith. However, the ECIC, its agents and its employees and associates, do not warrant its accuracy or completeness. The ECIC will not be liable for any claim whatsoever and howsoever arising (including, without limitation, any claim in contract, negligence or otherwise) for any incorrect or misleading information contained in this bid due to any misinterpretation of this bid.

REQUEST FOR PROPOSAL: PERFORM AN INDEPENDENT REVIEW OF ORSA FOR A PERIOD OF THREE YEARS

Terms of Reference

17.9.2 This bid is a request for proposals only and not an offer document; answers to it must not be construed as acceptance of an offer or imply the existence of a contract between the ECIC and the bidder.

17.10 **Terms of engagement**

17.10.1 The ECIC's engagement of the service provider will be documented in a contract between the ECIC and the appointed bidder.

REQUEST FOR PROPOSAL: PERFORM AN INDEPENDENT REVIEW OF ORSA FOR A PERIOD OF THREE YEARS

Terms of Reference

Annexures

Annexure A: Format for fee proposal

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Refer to the attached document titled Annexure A: Format for fee proposal

REQUEST FOR PROPOSAL: PERFORM AN INDEPENDENT REVIEW OF ORSA FOR A PERIOD OF THREE YEARS

Terms of Reference

Annexure C: Protection of personal information

1. ECIC recognises that when the Bidder submits its proposal in response to this bid, it will provide personal information, which ECIC will process for the sole purpose of evaluating the Bidder's proposal. By submitting its proposal in responding to this Request for Quotations, the Bidder hereby provide its consent to the processing of its Personal Information by ECIC.
2. The following terms shall have the meaning ascribed to them:
 - 2.1. **"Personal Information"** shall bear the same meaning as ascribed to it under POPI;
 - 2.2. **"POPI"** means Protection of Personal Information Act, No. 4 of 2013;
 - 2.3. **"Responsible Party"** shall bear the same meaning as ascribed to it under POPI; and
 - 2.4. **"bid"** means this Request for Quotations.
3. ECIC as the Responsible Party undertakes to:
 - 3.1. comply with the provisions of POPI as well as all applicable legislation as amended or substituted from time to time;
 - 3.2. treat all Personal Information strictly as defined within the parameters of POPI;
 - 3.3. process Personal Information only in accordance with the consent it was obtained for, for the purpose agreed, as permitted by law;
 - 3.4. secure the integrity and confidentiality of any Personal Information in its possession or under its control by taking appropriate, reasonable technical and organisational measures to prevent loss, damage, unauthorised destruction, access, use, disclosure or any other unlawful processing of Personal Information;
 - 3.5. not transfer any Personal Information to any third party in a foreign country unless such transfer complies with the relevant provisions of POPI regarding trans-border information flows; and
 - 3.6. not retain any Personal Information for longer than is necessary for achieving the purpose in terms of bid or in fulfilment of any other lawful requirement.

REQUEST FOR PROPOSAL: PERFORM AN INDEPENDENT REVIEW OF ORSA FOR A PERIOD OF THREE YEARS

Terms of Reference

4. ECIC will ensure that all reasonable measures are taken to:
 - 4.1. identify reasonably foreseeable internal and external risks to the Personal Information in its possession or under its control;
 - 4.2. establish and maintain appropriate security safeguards against the identified risks;
 - 4.3. regularly verify that the security safeguards are effectively implemented;
 - 4.4. ensure that the security safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards;
 - 4.5. provide immediate notification to the Bidder if a breach in information security or any other applicable security safeguard occurs; provide immediate notification to the Bidder where there are reasonable grounds to believe that the Personal Information has been accessed or acquired by any unauthorised person;
 - 4.6. remedy any breach of a security safeguard in the shortest reasonable time and provide the Bidder with the details of the breach and, if applicable, the reasonable measures implemented to address the security safeguard breach;
 - 4.7. provide immediate notification to the Bidder where the Bidder has, or reasonably suspects that, Personal Information has been processed outside of the purpose agreed to or consented to;
 - 4.8. provide the Bidder, upon request, with all information of any nature whatsoever relating to the processing of the Personal Information for the purpose of the bid and any applicable law; and
 - 4.9. notify the Bidder, if lawful, of receipt of any request for access to Personal Information, in its possession and relating to the Bidder.
5. The Bidder has the right to inspect the Personal Information processing operations, as well as the technical and organisational information security measures employed by the ECIC to ensure compliance with the provisions of this Annexure.

REQUEST FOR PROPOSAL: PERFORM AN INDEPENDENT REVIEW OF ORSA FOR A PERIOD OF THREE YEARS

Terms of Reference

Annexure D: Applicable Standard Bidding Documents

SBD 1

PART A INVITATION TO BID

| YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE OF THE EXPORT CREDIT INSURANCE CORPORATION OF SOUTH AFRICA | | | | | |
|---|--|---------------|---|--|-------|
| BID NUMBER: | ECIC02P-2023/24 | CLOSING DATE: | 14 June 2023 | CLOSING TIME: | 11:00 |
| DESCRIPTION | PERFORM AN INDEPENDENT REVIEW OF ORSA FOR A PERIOD OF THREE YEARS | | | | |
| BID RESPONSE DOCUMENTS MUST BE SENT TO THE FOLLOWING EMAIL ADDRESS: | | | | | |
| Preferably via email: procurement@ecic.co.za | | | | | |
| BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO | | | TECHNICAL ENQUIRIES MAY BE DIRECTED TO: | | |
| CONTACT PERSON | Mehnaaz Omar | | CONTACT PERSON | Mehnaaz Omar | |
| E-MAIL ADDRESS | procurement@ecic.co.za | | E-MAIL ADDRESS | procurement@ecic.co.za | |
| SUPPLIER INFORMATION | | | | | |
| NAME OF BIDDER | | | | | |
| POSTAL ADDRESS | | | | | |
| STREET ADDRESS | | | | | |
| TELEPHONE NUMBER | CODE | | NUMBER | | |
| CELL PHONE NUMBER | | | | | |
| FACSIMILE NUMBER | CODE | | NUMBER | | |
| E-MAIL ADDRESS | | | | | |
| VAT REGISTRATION NUMBER | | | | | |
| SUPPLIER COMPLIANCE STATUS | TAX COMPLIANCE SYSTEM PIN: | | OR | CENTRAL SUPPLIER DATABASE No: | MAAA |
| ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED? | <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF] | | ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED? | <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW] | |
| QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS | | | | | |
| IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? | | | <input type="checkbox"/> YES | <input type="checkbox"/> NO | |
| DOES THE ENTITY HAVE A BRANCH IN THE RSA? | | | <input type="checkbox"/> YES | <input type="checkbox"/> NO | |
| DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? | | | <input type="checkbox"/> YES | <input type="checkbox"/> NO | |
| DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? | | | <input type="checkbox"/> YES | <input type="checkbox"/> NO | |
| IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? | | | <input type="checkbox"/> YES | <input type="checkbox"/> 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. | | | | | |

REQUEST FOR PROPOSAL: PERFORM AN INDEPENDENT REVIEW OF ORSA FOR A PERIOD OF THREE YEARS

Terms of Reference

**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, 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 PIN 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:

REQUEST FOR PROPOSAL: PERFORM AN INDEPENDENT REVIEW OF ORSA FOR A PERIOD OF THREE YEARS

Terms of Reference

SBD 4

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

- 1.1. 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.
- 1.2. 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 interest² in the enterprise, **YES/NO** employed by the state?
- 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 |
|------------------|------------------------|----------------------------------|
| | | |
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| | | |
| | | |
| | | |

² 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.

REQUEST FOR PROPOSAL: PERFORM AN INDEPENDENT REVIEW OF ORSA FOR A PERIOD OF THREE YEARS

Terms of Reference

3. DECLARATION

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

- 3.1. I have read and I understand the contents of this disclosure.
- 3.2. I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect.
- 3.3. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
- 3.4. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.5. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.6. There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.7. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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.

REQUEST FOR PROPOSAL: PERFORM AN INDEPENDENT REVIEW OF ORSA FOR A PERIOD OF THREE YEARS

Terms of Reference

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

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

| | | | |
|----------------------------|--|-------------------|--|
| Name of declarer | | | |
| Position/Title of declarer | | | |
| Name of bidder | | | |
| Signature of declarer | | Date of signature | |

REQUEST FOR PROPOSAL: PERFORM AN INDEPENDENT REVIEW OF ORSA FOR A PERIOD OF THREE YEARS

Terms of Reference

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:

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

1.1.2 the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 **To be completed by the organ of state**
(delete whichever is not applicable for this tender).

~~1.2.1 The applicable preference point system for this tender is the 90/10 preference point system.~~

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

~~1.2.3 Either the 90/10 or 80/20 preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.~~

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

1.3.1 Price; and

1.3.2 Specific Goals.

REQUEST FOR PROPOSAL: PERFORM AN INDEPENDENT REVIEW OF ORSA FOR A PERIOD OF THREE YEARS

Terms of Reference

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 | 100.00 |

- 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

- 2.1 **“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;
- 2.2 **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- 2.3 **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- 2.4 **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- 2.5 **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

REQUEST FOR PROPOSAL: PERFORM AN INDEPENDENT REVIEW OF ORSA FOR A PERIOD OF THREE YEARS

Terms of Reference

3 FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1 POINTS AWARDED FOR PRICE

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

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

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

3.2.1 POINTS AWARDED FOR PRICE

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

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

REQUEST FOR PROPOSAL: PERFORM AN INDEPENDENT REVIEW OF ORSA FOR A PERIOD OF THREE YEARS

Terms of Reference

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 organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such. Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

| The specific goals allocated points in terms of this tender | Number of points allocated (90/10 system) (To be completed by the organ of state) | Number of points allocated (80/20 system) (To be completed by the organ of state) | Number of points claimed (90/10 system) (To be completed by the tenderer) | Number of points claimed (80/20 system) (To be completed by the tenderer) |
|---|---|---|---|---|
| B-BBEE Procurement Recognition Level of 135% | N/A | 20 | N/A | |
| B-BBEE Procurement Recognition Level of 125% | N/A | 10 | N/A | |
| B-BBEE Procurement Recognition Level of 110% | N/A | 5 | N/A | |
| Any other B-BBEE Procurement Recognition Level | N/A | 0 | N/A | |

[BIDDERS ARE REQUIRED TO INDICATE, IN ONE BLOCK, THE NUMBER OF POINTS THEY ARE CLAIMING FOR SPECIFIC GOALS IN THE TABLE ABOVE. IN THE EVENT WHERE A BIDDER MAKES A MARK (ONE MARK), ECIC WILL CONSIDER THE CORRESPONDING POINTS TO BE THE ONE WHICH THE BIDDER IS CLAIMING FOR. WHERE A BIDDER MAKES MULTIPLE MARKS OR DOES NOT MAKE ANY MARK OR INDICATION AT ALL IN THE TABLE, THE BIDDER WILL BE ALLOCATED ZERO (0) POINTS FOR SPECIFIC GOALS.]

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

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

4.2.2 any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

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

REQUEST FOR PROPOSAL: PERFORM AN INDEPENDENT REVIEW OF ORSA FOR A PERIOD OF THREE YEARS

Terms of Reference

DECLARATION WITH REGARD TO COMPANY/FIRM

| | | | |
|--|--------------------------|----------------------------|--------------------------|
| NAME OF COMPANY/FIRM | | | |
| COMPANY REGISTRATION NUMBER (ID NUMBER) | | | |
| TYPE OF COMPANY/ FIRM [TICK APPLICABLE BOX] | | | |
| Partnership/Joint Venture / Consortium | <input type="checkbox"/> | Personal Liability Company | <input type="checkbox"/> |
| One-person business/sole propriety | <input type="checkbox"/> | (Pty) Limited | <input type="checkbox"/> |
| Close corporation | <input type="checkbox"/> | Non-Profit Company | <input type="checkbox"/> |
| Public Company | <input type="checkbox"/> | State Owned Company | <input type="checkbox"/> |

4.3 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:

4.4 The information furnished is true and correct;

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

4.4.2 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;

4.4.3 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 –

4.4.3.1 disqualify the person from the tendering process;

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

4.4.3.3 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;

4.4.3.4 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

REQUEST FOR PROPOSAL: PERFORM AN INDEPENDENT REVIEW OF ORSA FOR A PERIOD OF THREE YEARS

Terms of Reference

4.4.3.5 forward the matter for criminal prosecution, if deemed necessary.

| | |
|--|--|
| SIGNATURE(S) OF TENDERER(S) | |
| NAME AND SURNAME (AUTHORISED SIGNATORY) | |
| SIGNATURE | |
| | |
| | |
| ADDRESS | |
| | |
| | |
| DATE OF SIGNATURE | |