



TERMS OF REFERENCE FOR:

**APPOINTMENT OF AN INDEPENDENT INTERNAL AUDIT SERVICE PROVIDER TO CONDUCT
AUDIT ON PERFORMANCE INFORMATION**

REFERENCE NUMBER: GTA/RFQ/2024/113

Released Date : 13 February 2024

Submissions Close : 26 February 2024

Closing Time : 16H00PM

Queries be directed to:

Ms. Phakama Majola
Supply Chain Management
Bids@gauteng.net

Submissions must be e-mailed to:

Ms. Phakama Majola
Supply Chain Management
Bids@gauteng.net

1. INTRODUCTION

1.1. The purpose of the Terms of Reference

1.1.1. Appointment of a service provider to assist GTA in auditing its performance information.

1.2. The Aim of the audit project

1.2.1. The aim of the **audit** project is to obtain an independent opinion on the following areas:

1.2.1.1. Annual financial statement,

1.2.1.2. Supply chain management (SCM) report (Quarter 4),

1.2.1.3. Performance report on pre-determined objectives (Quarter 4, and annual)

1.2.1.4. Compliance (Annual) including risks - review of an organization's procedures and operations mainly focusing on whether an entity is complying with internal rules, regulations, policies, decisions, and procedures.

1.2.1.5. Strategic advice on 2024/25 FY Annual Performance Plan.

2. RATIONALE

2.1 The Gauteng Tourism Authority

2.1.1 The Gauteng Tourism Act (No. 10 of 2001), Section 3 provides for the establishment of the Gauteng Tourism Authority (GTA). Section 4 of the same Act provides for powers and duties of the Authority. The Act aims to provide for the promotion and sustainable development of tourism in Gauteng. The Authority derived its legislative mandate from the Gauteng Tourism Act, as amended by Act No. 3 of 2006. The rationale for revising this Act is to reflect the specific marketing role of the GTA, which was a newly adopted mandate, to include other developments, such as the implications of the National Tourism Act, No. 3 of 2014.

2.1.2 GTA is an implementing agency of the Gauteng Department of Economic Development (GDED). GDED approves the mandate and provides clarity on the roles and responsibilities of GTA. The Authority operates within the parameters of certain regulations. The declaration of government policies is derived from the Constitution of the country. The Constitution of the Republic of South Africa (Act No. 108 of 1996) outlines the roles and responsibilities of national, provincial and local governments, providing the basis on which these are regulated in all spheres of activities. GTA was established in terms of the Gauteng

Tourism Act, No. 18 of 1998. The Act aims to provide for the promotion and sustainable development of tourism in Gauteng. Thus, the Authority derived its legislative mandate from the Act above.

2.1.3 Government legislative framework on strategic planning, monitoring and evaluation provides guidelines for government to report their performance information to relevant oversight bodies.

2.1.4 Treasury Regulations 29.3.1 and 30.2.1 assert that the accounting authority of a public entity must establish procedures for quarterly reporting to the executive authority in line with government reporting procedures. This is aimed at improving transparency and enhancing oversight over the financial and non-financial performance of constitutional institutions and public entities.

3. PROBLEM STATEMENT

3.1. GTA's Tourism programmes are outward looking, where the Authority implements projects in support of the sector for Inclusive and Sustainable Tourism Growth. The objectives of GTA's core programmes are to develop and promote, co-ordinate and facilitate responsible and sustainable tourism in Gauteng and other related functions.

3.2. The Authority implements projects in line with the government-wide priorities, i.e., reduction of unemployment, inclusive growth, establishment of effective partnerships across society, shapes South Africa's foreign policies through diplomatic and economic implementation of effective tourism programmes at national, regional, and continental platforms, and becoming central to global economic competition for tourism market share. These demonstrate the importance of the indicators above to the province the country in general.

3.3. Gauteng Tourism measures are aligned to government-wide models and even the world is taking into consideration South Africa's affiliation to the UNDP on SDGs which are a central focus of the UNWTO. UNWTO is the front-runner and the custodian in measuring world-world tourism by the World. Countries and regions. Reporting performance against these focal areas requires data collection and analysis methodology, which were submitted to AGSA. As reported to AGSA, performance reporting of the sector's indicators depended on the conclusion of the process of verifying the country's performance which is managed by the SAT. This means that GTA reports Gauteng's final performance using the SAT's final report.

3.4. As the GTA's approved practice in performance reporting, the various business units prepare their quarterly performance reports, which are tabled with the Strategy and Business Intelligence business unit. The Strategy and Business Intelligence business unit

analyse the reports using government frameworks on performance information. The Unit deliberates on the accuracy, validity, and completeness of the data, guided by the legislation requirements and framework, i.e., PFMA, FMPPI, FSPAPP, Circulars and guides issued by the Treasury, DPSA and DPME. The method takes into consideration the necessity of certified and/or any qualifications on the accuracy, validity, and completeness of evidence. This process ensures that the data used to review performance internally is accurate, valid, complete, and reliable. After this process, Strategy and Business Intelligence prepares a Quarterly Performance Information Report and submits it to Internal Audit.

- 3.5. Internal Audit examines the information in order to determine the reliability of the reports to the relevant strategic objectives and provides feedback in the form of a formal report to Management, the Audit and Risk Committee, and the Board of Directors. GTA also reports internally at its Exco, to the GDED at its SMT and EMT and Legislature.

4. FORMAL PRICE QUOTATION

- 4.1 The formal all-inclusive quotation (inclusive of VAT) should indicate the total costs that will be charged for the execution of the project.
- 4.2 The payment process will be in accordance with the GTA's procurement process, and its conditions will be discussed with the Service provider and provided in the SLA to be signed between the Service provider and the GTA.

5. DELIVERABLES/SPECIFICATION

5.1 Audit reports on the following areas:

5.1.1 **Strategic Plan and Annual Performance Plan audit (2024/25)** – (a) compliance with relevant planning legislative framework; (b) integrated planning; (c) and Technical Indicator Descriptors (TIDs).

5.1.2 **Management Audit** – audit processes and systems used in planning and implementation and reporting of projects;

5.1.3 **GTA's FY20023/24 performance reports on pre-determined objectives (Quarter 4, and Annual), procurement (Quarter 4) and Annual Financial Statement** this must include the following areas:

5.1.3.1 **The usefulness of information** by focusing on the consistency, relevance, measurability and presentation of reported information;

5.1.3.2 **Reliability of information** – by focusing on the validity, accuracy & completeness of reported information;

5.1.3.3 **Compliance with laws and regulations** – by focusing on the non-compliance matters in relation to the financial and non-financial management and risk management.

5.2 **Deliverables Submission**

5.2.1 A draft report will be submitted to Head: Strategy and Business Intelligence and Chief Financial Officer.

5.2.2 The final reports will be submitted to Head: Strategy and Business Intelligence, Chief Financial Officer, Chief Executive Officer, and the Audit and Risk Committee.

6. **TIMEFRAME**

6.1. The Audit for the Annual Performance Plan (2024/25) and Risks must be completed by the 29th of February 2024.

6.2. The Audit process for performance (Quarter 4) on pre-determined objectives must be completed by the 15th of April 2024.

6.3. The Audit process for performance (Annual) and pre-determined objectives must be completed by the 30th of April 2024.

6.4. The Audit process for the procurement must be completed by the 25th of April 2024.

6.5. The Audit process for the Annual financial statement must be completed by the 15th of May 2024.

6.6. The audit process for the other areas must be completed by the 30th of April 2024.

7. **PROPOSAL SUBMISSION**

7.1 Formal quotations (**inclusive of VAT**) should be accompanied by the following documents:

MANDATORY ADMINISTRATIVE COMPLIANCE DOCUMENTS (NB: FAILURE TO SUBMIT THE FOLLOWING DOCUMENTS WILL RESULT IN DISQUALIFICATION)

- SBD 4 - Declaration of Interest Form

NON - MANDATORY ADMINISTRATIVE COMPLIANCE DOCUMENTS (NB: FAILURE TO SUBMIT THE FOLLOWING DOCUMENTS WILL NOT RESULT IN DISQUALIFICATION)

- SBD 1 – Invitation to Bid
- SBD 6.1 - Preferential Procurement Regulations 2022
- SARS PIN

- BBEE Certificate / Sworn Affidavit signed by the deponent and stamped by the Commissioner of oath
- CSD Report
- Business Profile
- Identity Document
- Medical Certificate

8. FUNCTIONALITY CRITERIA

8.1 The proposals will be assessed according to the following functionality criteria.

8.2 The service provider must ensure that the proposal addresses each aspect of the listed criteria below:

FUNCTIONALITY CRITERIA	TOTAL POINTS
<p>Important notes to the bidder:</p> <ul style="list-style-type: none"> • The proposal will be evaluated in three (3) sections. • Each of the three sections has an individual score. • The three sections give a total of 100 • The three sections are as follows: <ul style="list-style-type: none"> ○ Section 1: Public sector experience of the service provider with a total score of 10 ○ Section 2: Experience of key personnel who form part of the team with a total score of 30 ○ Section 3: Methodology with a total score of 60 	
<p>SECTION 1: PUBLIC SECTOR EXPERIENCE</p> <p>Important notes to the bidder:</p> <ul style="list-style-type: none"> • Public sector experience must be aligned to similar work, which have been successfully concluded in the last six years. • A section in the proposal must outline the public sector experience, including the date and the scope of work that was conducted, as well as the entity/ client for which the work was undertaken. (Failure to outline this will result in no points being awarded). • The maximum points a bidder can score in this section is 10 points and the lowest score a bidder can score in this section is zero points. 	10
<p>PUBLIC SECTOR EXPERIENCE</p> <ul style="list-style-type: none"> ○ 1- 3 years' experience is 3 points ○ 4 – 5 years' experience is 5 points ○ > 6 years' experience is 10 points 	10

SECTION 2: EXPERIENCE OF KEY PERSONNEL WHO FORM PART OF THE TEAM		
<p>Important notes to the bidder:</p> <p>This section will be scored as follows:</p> <p>For the project team, the points in the section will be scored as follows:</p> <ul style="list-style-type: none"> • A section in the proposal must outline the area of expertise of the project team within the field of Project Management, Strategic Planning and Monitoring, Reporting and Evaluation and related model development, and Audit for both financials and non-financial information. This must be clearly outlined in the proposal. • Number of years in the fields identified above must be clearly indicated. • The maximum points a bidder can score in this section is 30 points 	30	
<ul style="list-style-type: none"> • Project Management <ul style="list-style-type: none"> ○ >3< 6 years' experience, is 5 points ○ > 7 < 10 years' experience, is 6 points ○ > 10 years' experience, is 10 points 	10	30
<ul style="list-style-type: none"> • Strategic Planning, Monitoring, Reporting and Evaluation and relevant models <ul style="list-style-type: none"> ○ >3< 6 years' experience, is 3 points ○ > 7 < 10 years' experience, is 6 points ○ > 10 years' experience, is 10 points 	10	
<ul style="list-style-type: none"> • Audit management/ processes <ul style="list-style-type: none"> ○ >3< 6 years' experience, is 3 points ○ > 7 < 10 years' experience, is 6 points ○ > 10 years' experience, is 10 points 	10	
SECTION 3: METHODOLOGY		
<p>Important notes to the bidder:</p> <ol style="list-style-type: none"> 1. This sub-section will focus on how the bidder will approach the scope of work, that is, who will do what by when? How will the proposed methodology achieve the scope of work and the expected deliverables and outputs? 2. The bid submission must include a clear and detailed methodology that presents: <ol style="list-style-type: none"> 2.1. Well-defined chronological sequence of methodology techniques and their activities involved in executing the scope of work outlined in this TORs document. 2.2. All these activities must be completed within the prescribed timelines. 	60	60

2.3.	These activities must translate to the required deliverables as detailed this TORs document.		
3.	This aspect of the methodology carries a total of 60 points. If a bidder meets all three requirements as set out in the bullet points above (2.1. – 2.3) a full score will be given. 2.1. worth 40 points, 2.2. worth 10 points, and 2.3 worth 10 points.		
4.	The maximum points a bidder can score in this sub-section is 60 points		

8.3 EXPECTED SCORES

8.3.1 A bidder that fails to obtain at least **75** points will not be considered for further evaluation in stage 2 (Price and Specific Goals).

9. CRITERIA FOR EVALUATION OF PROPOSALS

9.1 Criteria for evaluation are as follows:

- a) The service provider will be appointed in terms of the Preferential Procurement Regulations (2022).
- b) The proposal will be evaluated using the 80/20 preferential system wherein 80 represents price and 20 for specific goals.

SPECIFIC GOAL/S	EVIDENCE REQUIRED TO EARN POINTS	TOTAL POINTS ALLOCATION
Historically Disadvantaged individuals: <ul style="list-style-type: none"> • Race – Black = 5 • Youth = 5 	Identity document / Valid B-BBEE certificate / CSD Report	10
Persons living with Disability	Medical Certificate	10
TOTAL POINTS =		20

- c) **FAILURE ON THE PART OF A TENDERER TO SUBMIT SBD 6.1 AND 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.**
- d) This RFQ is subject to the National Treasury General Conditions of Contract.

10. INVOICES

- a. Payments will be made against the delivered goods / services.
- b. Invoices must indicate the task and/or output and should include a short description of goods delivered.
- c. The GTA pays for work completed to the satisfaction of the agency. No upfront payments are made for work not yet done.
- d. All invoices must be addressed to Alecia@gauteng.net

11. RULES OF BIDDING

11.1 The rules of bidding for this assignment are as follows:

- a) The GTA reserves the right to withdraw or amend these terms of reference by notice in writing to all parties who have received the terms of reference before the closing date.
- b) The GTA reserves the right to negotiate prices with the preferred / recommended bidder.
- c) The GTA reserves the right not to appoint any service provider if the received proposals do not match its requirements.
- d) Service providers may ask for clarification via email on these terms of reference or any of its annexures up to 48 hours before the deadline for the submission of the bids.
- e) Any request for clarification must be submitted by email at Bids@gauteng.net and answers will be emailed to all service providers that require any clarity.
- f) The GTA reserves the right **NOT** to make an appointment for this project.
- g) The cost of preparing and submitting bids by prospective suppliers will be at the cost of the prospective supplier.
- h) The validity of the received bids shall be ninety (90) days.
- i) A service level agreement will be signed between the service provider and the GTA.
- j) The recommended bidder must be registered on the National Treasury Central Supplier Database before appointment
- k) **N.B: NO LATE SUBMISSIONS WILL BE CONSIDERED AFTER THE CLOSING DATE AND TIME.**

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	GTA/RFQ/2024/113	CLOSING DATE:	26-Feb-2024	CLOSING TIME:	16H00PM
DESCRIPTION	INTERNAL AUDIT FOR Q4				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
bids@gauteng.net					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	PHAKAMA		CONTACT PERSON	PHAKAMA	
TELEPHONE NUMBER	011 085 2138		TELEPHONE NUMBER	011 085 2138	
FACSIMILE NUMBER	-		FACSIMILE NUMBER	-	
E-MAIL ADDRESS	bids@gauteng.net		E-MAIL ADDRESS	bids@gauteng.net	
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
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.					

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:

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

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

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

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state? **YES/NO**

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

Full Name	Identity Number	Name of State institution

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

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

2.2.1 If so, furnish particulars:

.....
.....

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

2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

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

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

² Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN

TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON

PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN

MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE

FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

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

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

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

1. GENERAL CONDITIONS

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

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

1.2 To be completed by the organ of state

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

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

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

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

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

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

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

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \mathbf{Ps} = \mathbf{80} \left(\mathbf{1} - \frac{\mathbf{Pt} - \mathbf{Pmin}}{\mathbf{Pmin}} \right) & \mathbf{or} & \mathbf{Ps} = \mathbf{90} \left(\mathbf{1} - \frac{\mathbf{Pt} - \mathbf{Pmin}}{\mathbf{Pmin}} \right) \end{array}$$

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:

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

Where

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

4. **POINTS AWARDED FOR SPECIFIC GOALS**

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) 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
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
- then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Historically Disadvantaged individuals: <ul style="list-style-type: none"> • Race – Black = 5 • Youth = 5 	10	
Persons living with Disability	10	
TOTAL POINTS =	20	

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name _____ of company/firm.....

4.4. Company _____ registration _____ number: _____

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

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

acknowledge that:

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

..... SIGNATURE(S) OF TENDERER(S)	
SURNAME AND NAME:
DATE:
ADDRESS:

