

REQUEST FOR QUOTATION (RFQ) AUTHORISATION FORM FOR GOODS/SERVICES

MBDA05891 SPUU AUDITING SERVICES 2024	
DEPARTMENT	Finance
DETAILED DESCRIPTION AND / SPECIFICATIONS	<p>1. Background</p> <p>The Mandela Bay Development Agency (MBDA) is a municipal entity that was established in 2004 by the Nelson Mandela Bay Municipality (NMBM) to introduce urban renewal projects and initiatives into the inner cities and various emerging and developing nodes of the Nelson Mandela Bay (which comprises Port Elizabeth, Uitenhage and Despatch).</p> <p>As part of its mandate, it is also the Project Execution Agency for the NMBM in respect of the Helenvale Safety and Peace through Urban Upgrading (SPUU) programme, a foreign donor funded project of KfW Bank in Germany and which forms part of a government-to-government financial cooperation agreement between Germany and South Africa.</p> <p>The MBDA hereby wishes to invite suitably qualified and experienced service providers in the auditing field to undertake the scope of work outlined below.</p> <p>2. Objectives of the audit</p> <ol style="list-style-type: none"> 1. The objective of the audit of the Disposition Fund(s), including the Special Account, is to permit the auditor to express an opinion on the financial reports and statements of expenditures based on the withdrawal applications for the Disposition Fund(s). Such expenditures have been made under the financial position of the loan/ financing agreement for financing the Helenvale SPUU Programme of Projects. 2. The auditor must state the total disbursements that was transferred to the Disposition.

3. Scope

It is important to note that the Audit Period will be from 19 July 2023 up until 18 July 2024.

1. The audit will be conducted in accordance with International Standards on Auditing as published by the International Auditing and Assurance Standards Board of the International Federation of Accountants, with special reference to ISA 800 (Auditor's Report on Special Purpose Audit Engagements) and will include such tests and controls as the auditor considers necessary as well as on-site visits if also deemed necessary. The auditor must bear in mind that, for the establishment of the audit opinion, a compliance audit must be carried out and not a normal statutory audit.

The preparation of the financial reports and statements of expenditures on the cash receipts and disbursements basis of accounting is the responsibility of the Project Executing Agency. The financial information has to be established in accordance with consistently applied accounting standards and the underlying Loan / Financing Agreement including the corresponding Separate Agreement.

The auditor's opinion, established in the audit report, will explicitly state whether:

- a) The payments out of the Disposition Fund(s) have been made on accordance with the conditions of the relevant (Loan/Financing) Agreement(s) and the corresponding Separate Agreement. Where ineligible expenditures are identified, these should be noted separately.
- b) The Disposition Fund(s) has (have) been maintained in accordance with the provisions of the (Loan/Financing) Agreement and Separate Agreement (including the Supplementary Conditions of kfW for payments under the Disposition Fund procedure). This also comprises interest earned from balances.
- c) Expenditures are supported by relevant and reliable evidence. All supporting documents and records with respect to the statements of expenditure submitted as basis for withdrawal applications have been made available.
- d) The audited statements of expenditures can be relied upon to support the related withdrawal applications. Clear linkage should exist between the statements of expenditures, the withdrawal applications presented to kfW and accounting records.
- e) Goods and services financed have been procured in accordance with the relevant (Loan/Financing) Agreement and Separate Agreement.

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f) Specific deficiencies and areas of weakness have been identified in the internal systems and controls of the Project Executing Agency. Where deficiencies are identified, these should be noted separately.

The auditor would need to provide the final report to the MBDA by 06 December 2024.

4. Reports

1. The audit report(s) will

- a) be issued by the auditor in English
- b) include all aspects specified in the preceding paragraph ("Scope")
- c) contain these Terms of Reference as integral part
- d) provide a schedule showing receipts and disbursements during the Audit Period
- e) include the balance of the Special Account(s) and all sub-accounts (if any) at the beginning and the end of the Audit Period.
- f) comprise the auditor's statement to appraise and quantify the consequences of specific deficiencies, if any.

2. If considered pertinent, the auditor will also prepare a "management letter" in which the auditor will:

- a) give comments and observations on the accounting records, systems and controls examined during the course of the audit (as far as necessary for the understanding of the financial reports and the statement of expenditures);
- b) identify specific deficiencies and areas of weakness in systems and controls of the MBDA that have come to the auditor's attention, especially with regard to withdrawal, procurement, storage and payment transactions, and make recommendations for their improvement;
- c) report on actions taken by the management of the Project Executing Agency to make improvements with respect to deficiencies and areas of weakness reported in the past;
- d) bring to the Project Executing Agency's attention any other matters that the auditor considers pertinent.

5. Pricing Proposal

1. A comprehensive pricing proposal must be submitted comprising of:

- a) Planning- a desk study of relevant agreements and documents, and briefing by MBDA in order to gain an understanding of the project and scope of work
- b) Execution of the audit engagement by the auditor (assume a transaction volume of 200 entries in the Disposition Fund account for the Audit Period)
- c) Finalization of the Audit Report and Statement on Internal Control

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	<p>d) Audit team composition (including charge out rate per team member)</p> <p>6. Compliance Requirements</p> <p>a) Applicants must be registered with IRBA. b) All applicants must take note of Annexure A – Functionality Criteria and submit documents / information where required. c) Applicants must obtain a minimum score of 44 points out of a total of 60 points d) Two contactable references must also be provided in the proposal where similar audit work has been done.</p>
EVALUATION CRITERIA	<p>The quotes will be evaluated on the 80/20 preferential point system and functionality. A minimum functionality score of 44/60 must be obtained by service providers in order to go through the 80/20 stage of evaluation.</p>
PAYMENT FOR SERVICES	<p>Payment will be issued after the goods have been delivered or the service has been rendered and deemed to be satisfactory. Payments will be made within 30 days from receipt of a valid invoice, accompanied by a statement of account.</p>
GENERAL CONDITIONS	<p>1.1. All prices shall be must exclusive of Value Added Tax (VAT). 1.2. All prices will be evaluated exclusive of VAT. 1.3. It is compulsory for all potential suppliers to be registered on the Central Supplier Database. 1.4. It is compulsory for all potential suppliers to be registered on the Nelson Mandela Bay Municipality Supplier Database or meet the listing criteria of the MBDA SCM policy of 2017.</p> <p>SCM Listing Criteria</p> <ul style="list-style-type: none"> ✓ Tax Clearance Certificate ✓ Declaration for service of the state ✓ Municipal Billing clearance certificate or Municipal Statement of account or a lease agreement. <p>1.5. The MBDA reserves the right not to accept the lowest or any quotation and no reason to accept or rejection of quotation will be furnished. 1.6. Quotations to be valid for 60 days from closing date</p> <p>The MBDA SCM policy will apply.</p>
CONTACT PERSON	<p>Unati Peter 041 811 8200 Department: Finance</p>

ANY ADDITIONAL REQUESTS/ COMMENTS	Quotations to be submitted emailed to formal.quotes@mbda.co.za

ANNEXURE “A”
FUNCTIONALITY CRITERIA SCORE SHEET

Criteria	Points
1. Relevant experience The applicant must demonstrate having relevant experience in respect of similar assurance engagements: a) Greater than 6 projects b) 3– 6 projects c) 1-3 project Proof or name(s) of 2 (two) traceable reference (s); CV’s, company profiles and contact details must be provided failing which this functionality criteria will not be considered and zero points scored.	30 30 20 10
2. Proposal submitted is in line with Scope of Works points (a-f) maximum 5 points each will be allocated a) Comprehensive b) Acceptable c) Poor / Not acceptable or no proposal submitted a) The payments out of the Disposition Fund(s) have been made on accordance with the conditions of the relevant (Loan/Financing) Agreement(s) and the corresponding Separate Agreement. Where ineligible expenditures are identified, these should be noted separately. b) The Disposition Fund(s) has (have) been maintained in accordance with the provisions of the (Loan/Financing) Agreement and Separate Agreement (including the Supplementary Conditions of kfW for payments under the Disposition Fund procedure). This also comprises interest earned from balances. c) Expenditures are supported by relevant and reliable evidence. All supporting documents and records with respect to the statements of expenditure submitted as basis for withdrawal applications have been made available. d) The audited statements of expenditures can be relied upon to support the related withdrawal applications. Clear linkage should exist between the statements of expenditures, the withdrawal applications presented to kfW and accounting records. e) Goods and services financed have been procured in accordance with the relevant (Loan/Financing) Agreement and Separate Agreement. f) Specific deficiencies and areas of weakness have been identified in the internal systems and controls of the Project Executing Agency. Where deficiencies are identified, these should be noted separately.	30 30 20 10
TOTAL	60

Pass 44/60

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state¹.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.

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

3.1 Full Name of bidder or his or her representative:.....

3.2 Identity Number:

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

3.4 Company Registration Number:

3.5 Tax Reference Number:.....

3.6 VAT Registration Number:

3.7 The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.

3.8 Are you presently in the service of the state? **YES / NO**

3.8.1 If yes, furnish particulars.

.....

¹MSCM Regulations: "in the service of the state" means to be –

(a) a member of –

- (i) any municipal council;
- (ii) any provincial legislature; or
- (iii) the national Assembly or the national Council of provinces;

(b) a member of the board of directors of any municipal entity;

(c) an official of any municipality or municipal entity;

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

(e) an executive member of the accounting authority of any national or provincial public entity; or

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(f) an employee of Parliament or a provincial legislature.

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

3.9 Have you been in the service of the state for the past twelve months?**YES / NO**

3.9.1 If yes, furnish particulars.....

.....

3.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

3.10.1 If yes, furnish particulars.

.....

.....

3.11 Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

3.11.1 If yes, furnish particulars

.....

.....

3.12 Are any of the company’s directors, trustees, managers, principle shareholders or stakeholders in service of the state? **YES / NO**

3.12.1 If yes, furnish particulars.

.....

.....

3.13 Are any spouse, child or parent of the company’s directors trustees, managers, principle shareholders or stakeholders in service of the state? **YES / NO**

3.13.1 If yes, furnish particulars.

.....

.....

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract.

YES / NO

3.14.1 If yes, furnish particulars:

.....

4. Full details of directors / trustees / members / shareholders.

Full Name	Identity Number	State Employee Number

.....
Signature

.....
Date

.....
Capacity

.....
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) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

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

Where

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

B-BBEE Status Level of Contributor	Number of Points
1	10
2	9
3	7
4	6
5	4
6	4
7	2
8	1
Non-compliant Contributor	0

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 **table 1 below**:

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)	Required proof for specific goals claimed
B-BBEE status contributor	10		B-BBEE certificate confirming B-BBEE level status contribution
Enterprise located within the Nelson Mandela Bay municipal area	5		Detailed CSD registration report demonstrating supplier address information together with municipal statement of account or lease agreement or billing clearance certificate
Enterprise owned by black women	3		Detailed CSD registration report / detailed B-BBEE certificate demonstrating black women ownership
Enterprise owned by black youth	2		Detailed CSD registration report / detailed B-BBEE certificate demonstrating black youth ownership
TOTAL POINTS	20		

DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.3. Company registration number:

4.4. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

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

- i) The information furnished is true and correct;

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- 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:

.....

.....

CERTIFICATE OF INDEPENDENT BID DETERMINATION (MBD9)

I, the undersigned, in submitting the accompanying Proposal in relation to **MBDA 05876 PROVISION OF EVENTS MANAGEMENT AND AD-HOC BRAND ACTIVATION PROJECTS** hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: _____ that:
(Name of Applicant)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying Proposal will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the Applicant to sign this Certificate, and to submit the accompanying proposal, on behalf of the Applicant;
4. Each person whose signature appears on the accompanying Proposal has been authorized by the Applicant to determine the terms of, and to sign, the Proposal, on behalf of the Applicant;
5. For the purposes of this Certificate and the accompanying Proposal, I understand that the word "competitor" shall include any individual or organization, other than the Applicant, whether or not affiliated with the Applicant, who:
 - (a) has been requested to submit a Proposal in response to this RFP;
 - (b) could potentially submit a proposal in response to this RFP, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the Applicant and/or is in the same line of business as the Applicant.
6. The Applicant has arrived at the accompanying Proposal independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) methods, factors or formulas used to calculate prices;
 - (c) the intention or decision to submit or not to submit, a Proposal;
 - (d) the submission of a Proposal which does not meet the specifications and conditions of the Proposal; or
 - (e) submitting a Proposal with the intention not to win the award.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the improvements to which this Proposal relates.
9. The terms of the accompanying Proposal have not been, and will not be, disclosed by the Applicant, directly or indirectly, to any competitor, prior to the date and time of the official opening of proposals or the awarding of the contract.
10. The Applicant (including any individual Applicant), and no member of the Applicant (if the Applicant is a Close Corporation), and no director and/or shareholder of the Applicant (if the Applicant is a Company), and no Trustee and/or beneficiary of the Applicant (if the Applicant is a Trust), and no person, including juristic persons (and including such juristic person's members, directors and/or shareholders, trustees and/or beneficiaries) having an interest in any Joint Venture Vehicle or Consortium constituting the Applicant has any interest in any competitor.
11. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids, proposals and contracts, proposals that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No. 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No. 12 of 2004 or any other applicable legislation.

Signature

Date

Name of Applicant

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES (MBD 8)

- 1 This Municipal Bid Document must form part of all Bid invited.
- 2 It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The Bid of any Bidder may be rejected if that Bidder, or any of its directors have:
 - a. abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
 - b. been convicted for fraud or corruption during the past five years;
 - c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - d. been listed in the Register for Bid Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the Bid.**

Item	Question	Yes	No
4.1	Is the Bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the Bidder or any of its directors listed on the Register for Bid Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Bid Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		

4.3	Was the Bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	Does the Bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the Bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME)

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder