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INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR PROFESSIONAL SERVICES

TENDER ADVERT DATE: **21 JANUARY 2021**

CLOSING DATE: **04 FEBRUARY 2021**

CLOSING TIME: **12H00**

COMPULSORY BRIEFING: **NONE**

BID DESCRIPTION: **RFP - FORENSIC AUDIT SERVICES**

CONTRACT NUMBER: **JDAIA/F-AUDIT/001/2021**

BID DOCUMENTS MUST BE DEPOSITED IN THE BID BOX SITUATED AT:

Offices of the Johannesburg Development Agency, 3 Helen Joseph Street (formerly known as President street), The Bus Factory, Newtown, Johannesburg, 2000

Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.

NB: NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE (see definition below)

¹ * MSCM 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) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:

Department: Procurement
Tel: 011 688 7851

Contact Person:
E-mail:

Ms Claudia Mahlaule
cmahlaule@jda.org.za

ANY REQUIRIES REGARDING THE PROJECT MAY BE DIRECTED TO:

Department: Internal Audit
Tel: 011 688 7851

Contact Person:
E-mail:

Mr Matimba Sibiya
msibiya@jda.org.za

Technical queries or queries relating to the project may be addressed to Mr Matimba Sibiya on e-mail: msibiya@jda.org.za
.All questions must be in writing. No questions will be answered telephonically.

PLEASE NOTE: TENDERS MUST BE SUBMITTED ON THE TENDER DOCUMENTATION ISSUED. TENDER DOCUMENTATION MUST NOT BE REPRODUCED OR REARRANGED. ANY ADDITIONAL INFORMATION MUST BE SUBMITTED AS A SEPARATE ATTACHMENT TO THE TENDER DOCUMENT FAILURE TO DO SO WILL RESULT IN YOUR BID BEING DISQUALIFIED.

OFFER
CATEGORY A OF THE SCOPE OF WORK

THE FOLLOWING PARTICULARS MUST BE FURNISHED
(FAILURE TO DO SO WILL RESULT IN YOUR BID BEING DISQUALIFIED)

NAME OF BIDDER

BID NUMBER.....

POSTAL ADDRESS.....

STREET ADDRESS

CONTACT PERSON.....

TELEPHONE NUMBER CODE..... NUMBER.....

CELLPHONE NUMBER

FACSIMILE NUMBER CODE..... NUMBER.....

E-MAIL ADDRESS.....

COMPANY REGISTRATION NUMBER.....

NATIONAL CENTRAL SUPPLIER DATABASE NUMBER.....

VAT REGISTRATION NUMBER.....

TAX VERIFICATION PIN NUMBER.....

TOTAL BID PRICE (**CATEGORY A**)..... Excluding Value Added Tax

TOTAL BID PRICE (in words)

.....

.....

..... Excluding Value Added Tax

SIGNATURE OF BIDDER.....

CAPACITY UNDER WHICH THIS BID IS SIGNED.....

DATE.....

OFFER
CATEGORY B OF THE SCOPE OF WORK

THE FOLLOWING PARTICULARS MUST BE FURNISHED
(FAILURE TO DO SO WILL RESULT IN YOUR BID BEING DISQUALIFIED)

NAME OF BIDDER

BID NUMBER.....

POSTAL ADDRESS.....

STREET ADDRESS

CONTACT PERSON.....

TELEPHONE NUMBER CODE..... NUMBER.....

CELLPHONE NUMBER

FACSIMILE NUMBER CODE..... NUMBER.....

E-MAIL ADDRESS.....

COMPANY REGISTRATION NUMBER.....

NATIONAL CENTRAL SUPPLIER DATABASE NUMBER.....

VAT REGISTRATION NUMBER.....

TAX VERIFICATION PIN NUMBER.....

TOTAL BID PRICE (**CATEGORY B**)..... Excluding Value Added Tax

TOTAL BID PRICE (in words)

.....

.....

..... Excluding Value Added Tax

SIGNATURE OF BIDDER.....

CAPACITY UNDER WHICH THIS BID IS SIGNED.....

DATE.....

To all our stakeholder

RE: The channels of reporting fraudulent and Corrupt Activities

The City of Johannesburg has a **zero-tolerance approach to Fraud, Theft, Corruption, Maladministration, and Collusion** by suppliers with employees. To reinforce this commitment, more channels have been added to report any Fraudulent and Corrupt activities.

Instances of corporate fraud and misconduct remain a constant threat to service delivery. The City of Johannesburg took a resolution to adopt strategic interventions aimed at combatting fraud and corruption. The City took a decision to centralized the reporting of fraudulent and corrupt activities through the establishment of an independent fraud hotline which is managed by independent service providers.

All people doing business with the Johannesburg Development Agency are encouraged to report any corrupt or illegal practice.

Employees are encouraged to report fraud, waste or other concerns suggestive of dishonest or illegal activities.

Anyone can report fraudulent and corrupt activities through one of the following channels:

- Toll free number.....0800 002 587
- Toll free Fax0800 007 788
- SMS (charged @ R1.50).....32840
- Email Address:.....anticorruption@tip-offs.com
- Web site:.....www.tip-off.com
- Free post:.....Free post, KZN 138, Umhlanga, 4320



Let's join hands to take up the Fight against Fraud and Corruption in our society.

Forensic Audit Investigation

REQUEST FOR PROPOSAL FOR:

BID DESCRIPTION: RFP - FORENSIC AUDIT INVESTIGATION SERVICES

CONTRACT NUMBER: JDAIA/F-AUDIT/001/2021

January 2021

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ANNEXURES

- A : Business Declaration
- B : Declaration of Interest
- C : Declaration of Past SCM Practices
- D : Particulars of Contracts Awarded by an Organ of State
- E : MBD9 Certificate of Independent Bid Determination
- F : Standard Form of Agreement (For information only)
- G : Declaration of Municipal account

Tender Notice and Invitation to Tender

Bid Description: RFP - FORENSIC AUDIT SERVICES
Contract Number: JDAIA/F-AUDIT/001/2021

The JDA is requesting proposals from suitably qualified and experienced services providers to render forensic audit services for the JDA.

Queries relating to procurement matters may be addressed to Siyambonga Gcobo at tell: (011) 688 7851; fax (011) 688 7899; or e-mail: sgcobo@jda.org.za.

Technical queries or queries relating to the project may be addressed to Mr Matimba Sibiya on e-mail: msibiya@jda.org.za. All questions must be in writing. **No questions will be answered telephonically.**

No compulsory briefing session will be held.

Documents may be downloaded from the JDA's website as follows: www.jda.org.za as well as on www.etenders.gov.za from **21 January 2021**. Tenders must only be submitted on the tender document that is downloaded from the stipulated websites only. The retyping of the tender document is not permitted.

The closing time for receipt of tenders is 12:00pm on **04 February 2021**. Telegraphic, telephonic; telex, facsimile; e-mail and late tenders will not be accepted.

The physical address for the delivery of tender documents is Johannesburg Development Agency, Ground Floor Reception Area, The Bus Factory, 3 Helen Joseph Street (formerly President Street), Newtown 2000

Requirements for sealing, addressing, delivery, opening and assessment of tenders are stated in the Tender Data.

The JDA's selection of qualifying tenders will be at the JDA's sole discretion and will be final. The JDA does not bind itself to accept any particular tender and correspondence will be entered into with successful tenderer.

"WE ENCOURAGE ALL PEOPLE DOING BUSINESS WITH US TO REPORT ANY CORRUPT OR ILLEGAL PRACTICE, USING THE ANTI-FRAUD HOTLINE NUMBER: 0800 002 587"

1. LOCATION

JDA Offices, Newton, Johannesburg.

2. SCOPE OF WORK

The critical aspects are as follows but not necessarily limited to:

- 2.1 Conduct a forensic investigation to test the findings of the preliminary investigation relating to non-compliance with procurement legislative, prescripts, policies, processes and procedure of the JDA.
- 2.2 Gathering evidence and analysis to identify and establish any non-compliance to procurement legislative prescripts, policies, processes and procedure of the JDA.
- 2.3 Issue a final report on the findings of the forensic investigation, identity of perpetrators, if any; and provide recommendations of the way forward.
- 2.4 Present final report to the board of directors and any other governance structure as may be deemed necessary.
- 2.5 Provide support for any disciplinary hearing process resulting from the forensic investigation, if any such as assisting with debriefing prosecutors, the preparation of charge sheets, preparing detailed evidence files, testifying as expert witnesses and presenting reports.

2.6 DETAILS AROUND THE AREAS FOR INVESTIGATION

The following are the areas of investigation in accordance with point 2.1 to 2.5 above

2.6.1 Category A

- i. Investigate the frequent and abnormal appointment of certain service providers.
- ii. Conduct further investigation on the misuse of a state vehicle.
- iii. Conduct further investigation on the process that was followed expense claims.
- iv. Conduct further investigation relating to procurement processes towards the venue hire services.

2.6.2 Category B

- i. Investigate the process followed in the appointment of a contractor for a construction project.
- ii. Investigate the validity of expenditure incurred to date on a construction project.

The JDA reserves the right to award based on entire scope of work to a single or multiple companies.

3. DURATION

The investigation is expected to be completed and a report generated within 2 Months from the date of appointment.

4. THE DELIVERABLES

- 4.1 Comprehensive report which contains findings, recommendations and conclusions.
- 4.2 Evidence attached to report with clear references to all supporting documents.
- 4.3 Present final report to the Board of Directors of the JDA,
- 4.4 Availability for all consultative support as may be required for the disciplinary hearing until its finalization.

5. The professional services required are outlined under item 2 above. This is followed by item 5.1 which ALL applicants are required to take careful note of.

5.1 Notes

- 5.1.1 Applicants are to ensure that they have adequate resources to undertake the work under stringent timeframes.
- 5.1.2 Bidders are required to ensure that project team leaders have the leadership capacity and capability to independently handle and manage project challenges (if any) in order to ensure successful completion of the project.
- 5.1.3 The JDA reserves the right to ask tenderers to replace any member/s of the proposed team if they do not meet the JDA requirements.
- 5.1.4 Successful tenderers will be required to sign the JDA's Standard Form Agreement and appendices.
- 5.1.5 Bidders must note that they will be required to present final report to the JDA Board and the Audit and Risk Committee or any other governance structure as may be deemed necessary.
- 5.1.6 Bidders must note that they will be required to provide weekly project progress reports to the CAE (Chief Audit Executive).
- 5.1.7 Bidders must also note that all documents and information gathered are to remain the property of JDA and should not be used or shared with any external party without prior consent by the JDA Board.
- 5.1.8 The JDA reserves the right to award based on entire scope of work to a single or multiple companies.

6. Pricing

- 6.1 The bidder is to indicate the resources and corresponding cost that he/she proposes for the delivery on the project requirements.
- 6.2 The bidder is expected to price separately for each category of the scope of work as indicated on item 2.6.1 and 2.6.2. **NB: TWO SEPARATE OFFER PAGES SHOULD BE COMPLETED.**
- 6.3 The bidder is expected to include on the pricing for all the reasonable meetings and presentations, and disbursements fee etc, in order to deliver all stages of the project. This is a fixed priced project. No additional costs will be paid outside the offer price.

6.4 Pricing schedule should be completed according to the pricing template outlined below:

Category A

Resources	Rate per hour	Total Hours	Total
Consultant 1 <i>(insert name of person)</i>	R	R	R
Consultant 2 <i>(insert name of person)</i>	R	R	R
Consultant 3 <i>(insert name of person)</i>	R	R	R
Consultant 4 <i>(insert name of person)</i>	R	R	R
		Total Fee R	R
		Add: Disbursements R	R
Total Cost Excl VAT <i>(Final Offer Price Excluding VAT)</i>			R

Category B

Resources	Rate per hour	Total Hours	Total
Consultant 1 <i>(insert name of person)</i>	R	R	R
Consultant 2 <i>(insert name of person)</i>	R	R	R
Consultant 3 <i>(insert name of person)</i>	R	R	R
Consultant 4 <i>(insert name of person)</i>	R	R	R
		Total Fee R	R
		Add: Disbursements R	R
Total Cost Excl VAT <i>(Final Offer Price Excluding VAT)</i>			R

Bidders are required to estimate the number of total hours which they will need to complete the project. Bidders to also note that this is a fixed priced project. No additional costs will be paid outside the final offer price.

A bidder who fails to complete the Offer Page in full will be disqualified.

6.5 Notes

6.5.1 Any fee proposals must include for anticipated and standard disbursements which are to include typing, reproduction, copying, binding of documents, telephonic/electronic and facsimile communication, courier, local travel and any other cost for the client costs.

- 6.5.2 The payment of fees will not exceed the apportionment amount per appointment letter.
- 6.5.3 Tenderers must ensure that the final fee proposals are correctly carried over to the “OFFER” page.
- 6.5.4 The amounts recorded on the offer page will be deemed to be the tendered amounts.
- 6.5.5 Disputes shall be settled in good faith between parties in an effort to resolve the dispute. If the dispute is not resolved at that meeting, the Parties will attempt to settle it by mediation.
- 6.5.6 Payment will be made upon completion of following stages of the project as outlined in item 2 above.

Stage	Description	Payment Percentage
Stage 1: Project Planning and Project Execution	Planning, gathering all the necessary evidence and analysing the information	30%
Stage 2: Reporting	Preparation of draft and Final report	15%
Stage 3: Presentation of the final report	Final report presented to all necessary governance structures as may be required.	10%
Stage 4: Final File	<ul style="list-style-type: none"> • Preparation of detailed evidence file. • Meetings with prosecutors • Assisting with the preparation of charges, if any 	15%
Stage 5: Disciplinary hearing	<ul style="list-style-type: none"> • Attending hearings if required • Testifying as expert witness • Delivery of all necessary steps as maybe required unit finalisation of disciplinary hearing. 	30%
Total		100%

7. PROPOSAL CONTENT

The bidder’s submission must provide the JDA with sufficient information to enable the JDA to make a sound and fair evaluation of the proposal. It must clearly indicate the **relevant** previous experience, capability, and capacity of the bidding entity to undertake the project.

The proposal should use the same item numbering as below when compiling the proposal. i.e. The proposal must be clearly marked and indexed.

The following minimum documentation must be provided:

7.1 BOTH THE “OFFER” PAGES MUST BE COMPLETED IN FULL AND SIGNED. Any bidder who fails to do so will be disqualified.

7.1.1 Bidders are required to complete TWO (2) SEPARATE OFFER PAGES for the scope of work as set out on item 2.6.1 (Category A) and item 2.6.2 (Category B).

7.1.2 **Bidders are required to submit a detailed fee proposals based on the requirements set out in item 2 above and to ensure that the final TOTAL FEE IS CORRECTLY TRANSFERRED TO THE “OFFER” PAGE. Any bidder who fails to do so will be disqualified.**

7.2 Company registration documents.

7.3 A certified valid BBBEE status level verification certificate, substantiating the bidding entities BBBEE rating. Only certificates issued by verification agencies accredited by the South African Accreditation System (SANAS), or by registered auditors approved by the Independent Regulatory Board of Auditors (IRBA) will be accepted. **FAILURE TO SUBMIT AS REQUIRED WILL RESULT IN THE BIDDER SCORING ZERO (0) POINTS FOR BBBEE.**

OR

7.4 **An EME must submit a sworn affidavit confirming the following:**

7.4.1 **Annual turnover revenue of R10 million or less; and**

7.4.2 **Level of black ownership**

7.4.3 **Any misrepresentation in terms of the above constitutes a criminal offence as set out in the B-BBEE Act as amended.**

7.5 Latest copy of the bidding entity's municipal rates account in the name of the bidding entity or alternatively in the names of the directors / partners of the bidding entity.

7.6 Details of directors / partners / members and shareholders.

7.7 Certificates of membership/s to industry bodies.(If applicable)

7.8 A corporate brochure. Alternatively a brief summary of the entity's background.

7.9 A schedule of completed contracts of a **similar** nature to this project. The following details **must** be included on the schedule :

- Description of the project
- Service rendered
- Name of employer / client and their representative's contact details
- Cost of the works (project construction value)
- Fee obtained for services
- Date of completion

7.10 Provide information on the individuals who will be assigned to **this project (NOT the entire company)**. The following **must** be addressed :

- Organogram of the project team
- role/s and responsibility/ies on this project
- relevant qualifications
- number of years of relevant experience in the industry and in the proposed role

- a percentage estimate of the time planned to be dedicated to this project by each person
- detailed CV's for each member of the team noting their specific relevant project experience [project description, role and responsibilities, project value].

7.11 A detailed approach and methodology statement wherein the approach to be followed in each stage of the process should be outlined with clear identification of the deliverables in each stage. This section should show the bidder's understanding of the process and input required towards the completion of the required services.

7.12 The forms A to G annexed, must be scrutinized, completed in full and submitted together with your quotation.

7.13 Provide references for previous work conducted on a signed company letterhead.

7.14 Tenderers are to submit 1 original proposal.

Failure to comply with the requirements in item 7 above will result in tenderers being negatively scored for responsiveness or disqualified for non-compliance.

Note for consortium and joint ventures

- The items above are to be addressed and completed by **EACH** member of the consortium or joint venture.
- An agreement between all parties of the consortium or joint venture is to accompany the tender submission
- A lead consultant is to be appointed and noted in the submission
- A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate tender.

FAILURE TO COMPLY WITH THE REQUIREMENTS LISTED IN ITEM 7 ABOVE WILL RESULT IN YOUR PROPOSAL BEING NEGATIVELY SCORED FOR RESPONSIVENESS OR DISQUALIFIED FOR NON-COMPLIANCE.

8. ASSESSMENT CRITERIA

Submissions will be evaluated on the criteria to follow:

- Compliance
- Technical
- Price / BBBEE
- Risk Tolerance

8.1 Compliance

Bidders will be disqualified for the following cases:

- If any of its directors are listed on the register of defaulters;
- A bidder who during the last five years has failed to perform satisfactorily on previous contracts with the JDA or any other organ of state after written notice was given to that bidder that performance was unsatisfactory;
- Who did not complete, in full, the tender offer page (ie. priced, all registration numbers provided and signed);
- Who's tender document has been completed in pencil;
- Who's tender document has been faxed;
- Who's tender document has been received after the closing time;
- Who's tender document has not been deposited in the tender box at the time of closing;
- Who failed to price as required i.e. as stipulated in item 6 herein;
- Who failed to attend the compulsory tender briefing session;
- Who is in the employment of the state.

8.2 Technical

The technical assessment is based on the criteria set-out below namely:

- (i) key returnable documents,
- (ii) capability of the proposed key team members (i.e. experience, qualifications, and memberships to professional associations per Item 7.10 above) and
- (iii) the experience of the company (i.e. forensic investigation projects, and references per Item 6.14 above).

Note that duplication of resources/personnel on the designations indicated in the criteria will result in zero points being awarded for one criteria.

Tenderers will have to submit compliant documents and score a minimum number of points in the technical evaluation in order to be considered further in the evaluation process.

Service providers require a minimum of 70%, which is 266 points [out of a possible 380]

The responsiveness criteria will be assessed on as per the table below for all the disciplines.

First Stage: Functional Criteria

Only those Bidders that score 266 points or higher (out of a possible 380) during the functional evaluation will be evaluated during the second stage of the Bid. Bidders are required to submit supporting documentation evidencing their compliance with each requirement.

Tenderers will have to submit compliant documents and score a minimum number of points in the technical evaluation in order to be considered further in the evaluation process.

Total points 380, Minimum points required 266.

No	Evaluation Criteria	Points (Double Figures)
1	NB: All individuals assigned to the project will be expected to work on the project and be actively involved in successful delivering of the project.	
	Qualifications of individuals (maximum 4 individuals) allocated to the Project.	150
	a. A maximum of 4 individuals are required to undertake the project.	
	b. Collectively the individuals on the project must have the following experience.	
	i. Qualification in fraud examination/ Fraud Investigation (e.g. CFE)	30
	ii. Legal qualifications	30
	iii. Qualification in Quantity Survey	30
	iv. Qualification in Civil Engineering or Construction Project Management	30
	v. Qualification in data analytics	30
	b) Experience of individuals allocated to the Project (Maximum Points)	130
	a. Collectively the individuals on the project must have the following experience	
	i. 12+ years conducting forensic investigations in the public sector	30
	ii. 5+ years conducting SCM related internal or forensic investigations/auditing projects in the public sector	20
	iii. 8+ years conducting legal services relating to forensic investigations	30
	iv. 8+ years executing infrastructure construction related projects	30
	v. 5+ years performing data analytics	20
	3 Company Previous Experience – Relevant to forensic investigations	100
	i. 15+ years Company Experience	100
	ii. 9 - 14 years Company Experience	80
	iii. 5 - 8 years Company Experience	60
	iv. 2-4 years Company Experience	40
	Total	380

8.3 Price and Empowerment

Having completed a technical evaluation, the procedure for the evaluation of technically qualifying tenders is Method 2 (Price and Preferences). The Preference Point System assigns a score to each tenderer based on the tender price and on the tenderer's BBEE status. These scores are combined to determine an overall score for the tender. The tender with the highest score will be considered for acceptance.

The Preference Point System will be applied as follows:

- For tenders up to R50 million
 - 80 points are assigned to price
 - Up to 20 points are assigned to BBEE status per the table under item 7.3.1
- Points scored will be rounded off to the nearest 2 decimal places

8.3.1 Points awarded for BBEE status level

Points will be awarded for empowerment (BBEE), in accordance with the Preferential Procurement Regulations 2017 published in Government Gazette No. 40553 dated 20 January 2017. The table overleaf is applicable in this regard:

B-BBEE Status Level Of Contributor	Number of Points
	Tenders up to R50 million
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-Compliant contributor	0

Notes:

- 8.3.1.1 "B-BBEE status level of contributor" means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act (Act No.53 of 2003).
- 8.3.1.2 Tenderers must submit their original and valid B-BBEE status level verification certificate substantiating their B-BBEE rating. Certificates issued by either verification agencies accredited by the South African Accreditation System (SANAS) or by registered auditors approved by the Independent Regulatory Board for Auditors (IRBA) are acceptable.
FAILURE TO SUBMIT A BBEE STATUS LEVEL CERTIFICATE WILL RESULT IN THE BIDDER SCORING ZERO (0) POINTS FOR BBEE.

- 8.3.1.3 An EME must submit a sworn affidavit confirming the following:
- Annual Turnover Revenue of R10 million or less; and
 - Level of Black ownership
 - Any misrepresentation in terms of bullet point above constitutes a criminal offence as set out in the B-BBEE Act as amended.
- 8.3.1.4 The submission of such certificates must comply with the requirements of instructions and guidelines issued by the National Treasury and are in accordance with notices published by the Department of Trade and Industry in the Government Gazette.
- 8.3.1.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 8.3.1.6 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate tender.
- 8.3.1.7 A person will not be awarded points for B-BBEE status level if it is indicated in the tender documents that such a tenderer intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a tenderer qualifies for.
- 8.3.1.8 A person awarded a contract will not be permitted to sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned.
- 8.3.1.9 No tender will be awarded to a bidder whose tax matters are not in order with SARS.
- 8.3.1.10 No tender will be awarded to a bidder who is not registered on CSD.

8.3.2 Formula for scoring tender price

The following formula will be used to calculate the points for price.

$$P_s = X \left[1 - \frac{(P_t - P_{min})}{P_{min}} \right]$$

Where

P_s = Points scored for comparative price of tender under consideration

P_t = Comparative price of tender under consideration

P_{min} = Comparative price of lowest acceptable tender

X = **Points** assigned to price

8.3.3 The total preference points for a tender are calculated with the formula

$$PP = P_s + P_{bee} \text{ Where}$$

PP is the total number of preference points scored by the tenderer

P_s is the points scored for the comparative price of the tenderer, and

P_{bee} is the number of points awarded to the tenderer based on his certified B-BBEE status level

8.4 Risk Tolerance

The JDA has adopted a Risk Tolerance Framework (RTF) which enjoins the JDA to consider its risk exposure to contractors / service providers in terms of the number of contracts awarded to a single contractor / service provider in a particular year.

In terms of the Risk Tolerance Framework, the JDA determine the risk exposure as excessive in instances where the value of the contracts for individual **Professional Service providers e.g. Project manager, Engineers, Quantity Surveyor and Consultants**) is either:

- 1) The greater of **R8 million** or four contracts/ projects in the current financial year
or
 - 2) The greater of **R12 million** or six contracts/projects over two financial years
(current year and previous financial year).
- and for **multi-disciplinary professional teams** in instances where the value of the contracts awarded is (e.g. more than one discipline being provided by the same bidder) is either:
- 3) The greater of **R12 million** or six contracts/ projects in the current financial year
or
 - 4) The greater of **R20 million** or nine contracts/projects over two financial years
(current year and previous financial year).

A risk analysis shall be undertaken on the bidder with the highest number of points obtained, to determine whether the tenderer does not exceed the JDA's risk framework criteria as stated above, in other words whether it falls within the ambit of the Risk Tolerance Framework as acceptable. JDA reserves the right to award a contract to a bidder who has exceeded the threshold as stated above.

Bidders may be required to attend interviews should there be a need for clarity.

Unsuccessful bidders will have the opportunity to query the award within 21 working days of the publication of the successful bidder on the JDA website.

8. CLOSING DATE, TIME AND VENUE FOR SUBMISSIONS

The completed tender document shall be placed in a sealed envelope. The words:

RFP - FORENSIC AUDIT SERVICES AND JDAIA/F-AUDIT/001/2021

Must be written / typed clearly on the envelope.

The envelope must be deposited in the tender box at the **Johannesburg Development Agency, Ground Floor, The Bus Factory, 3 Helen Joseph (formerly known as President Street) Newtown** only between the hours of 08H00 and 17H00.

The tender closes at 12H00 on the 4th of February 2021.

Envelopes will be stamped on receipt. There will be a public opening of tenders.

NO LATE / E-MAILED/ TELEPHONIC / FAXED / POSTAL TENDERS WILL BE ACCEPTED OR CONSIDERED.

The Johannesburg Development Agency's selection of qualifying tenders shall be in the Johannesburg Development Agency's sole discretion and shall be final. The Johannesburg Development Agency does not bind itself to accept any particular tender and no correspondence will be entered into.

Unsuccessful bidders will have the opportunity to query the award within 14 working days of the publication of the successful bidder on the JDA website.

The tender offer validity period for this tender is 120 days.

Queries can be addressed in writing to:

Matimba Sibiyi at the following e-mail address: **msibiyi@jda.org.za**

ANNEXURE A: BUSINESS DECLARATION

Tender/RFP Number :

Tender/RFP Description :

Name of Company :

Contact Person :

Postal Address :

.....

Physical Address :

.....

Telephone Number :

Fax Number :

Cell Number :

E-mail Address :

Company/enterprise Income

Tax Reference Number :

(Insert personal income tax number if a one person business and personal income tax numbers of all partners if a partnership)

VAT Registration Number :

Company Registration Number :

1. Type of firm

- Partnership
- One person business/sole trader
- Close corporation
- Public company
- Private company

(Tick one box)

2. Principal business activities

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

3. Total number of years company has been in business:

4. Detail all trade associations/professional bodies in which you have membership

.....
.....

5. Did the firm exist under a previous name?

- Yes
- No

(Tick one box)

If yes, what was its previous name?

6. How many permanent staff members are employed by the firm:

Full Time :

Part Time :

7. In the case of a firm which renders services for different disciplines, how many permanent staff members are employed by the firm in the discipline for which you are tendering:

Full Time :

Part Time :

8. What is the enterprise's annual turnover for the last two years and what is the estimated turnover of current commitments from 1 July 2018 to 30 June 2020 (excl. VAT):

R Year

R Year

R Year

9. List all contracts which your company is engaged in and have not yet completed:

CONTRACT DESCRIPTION (INCLUDE TYPE OF SERVICE)	LOCATION	COMPANY/ EMPLOYER	PROJECT VALUE	ESTIMATED FEES	EXPECTED COMPLETION (MONTH & YEAR)

10. Banking details

I/We hereby request and authorise you to pay any amounts which may accrue to me/us to the credit of my/our account with the mentioned bank.

I/We understand that the credit transfers hereby authorised will be processed by computer through a system known as the “ACB Electronic Fund Transfer Service” and

I/We also understand that no additional advice of payment will be provided by my/our bank, but details of each payment will be printed on my/our bank statement or any accompanying voucher.

This authority may be cancelled by me/us giving **30 days** notice in writing.

BANK :

BRANCH :

BRANCH CODE :

ACCOUNT NUMBER :

ACCOUNT HOLDER :

TYPE OF ACCOUNT :

CONTACT PERSON :

CONTACT NUMBER :

PLEASE INCLUDE ORIGINAL SIGNED AND STAMPED LETTER FROM THE BANK CONFIRMING THE COMPANY’S BANKING DETAILS, PHOTOSTAT COPIES AND LETTERS BEARING ELECTRONIC SIGNATURES WILL NOT BE ACCEPTABLE.

The undersigned, who warrants that he/she is duly authorised to do so on behalf of the company, affirms that the information furnished in response to this request for proposal is true and correct:

SIGNATURE :

NAME IN FULL :

CAPACITY :

DULY AUTHORIZED TO SIGN ON BEHALF OF:

DATE :

COMPANY STAMP

ANNEXURE B: DECLARATION OF INTEREST

- 1. No bid will be accepted from persons in the service of the state*.

- 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:

3.2 Identity Number:

3.3 Position occupied in the company (director, trustees, shareholder**)

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**

If yes, furnish particulars

.....
.....

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

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**

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**

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**

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**

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 businesses whether or not they are bidding for this contract? **YES / NO**

If yes, furnish particulars

.....
.....

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

FULL NAME	IDENTITY NUMBER	STATE EMPLOYEE NUMBER

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME)

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

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

.....
Signature

.....
Position

.....
Name of Bidder

.....
Date

- * MSCM 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) a member of the accounting authority of any national or provincial public entity; or
 - (f) an employee of Parliament or a provincial legislature.

** "Stakeholder" 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.

ANNEXURE C: DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Municipal Bidding Document must form part of all bids 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 Tender 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 as a company or person 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 National Treasury after the <i>audi alteram partem</i> rule was applied).	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 Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? (To access this Register enter the National Treasury’s website, www.treasury.gov.za, click on the icon “Register for Tender Defaulters” or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		

Item	Question	Yes	No
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:		
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 IS TRUE AND CORRECT.

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

.....
Signature

.....
Position

.....
Name of Bidder

.....
Date

ANNEXURE D : PARTICULARS OF CONTRACTS AWARDED BY AN ORGAN OF STATE*** DURING THE LAST 5 YEARS cont. – PG30

EMPLOYER	NATURE OF WORK	VALUE OF WORK	YEAR COMPLETED

*** Organ of State means-

- ◆ a) a national or provincial department;
- ◆ b) a municipality;
- ◆ c) a constitutional institution defined in the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- ◆ d) Parliament;
- ◆ e) a provincial legislature;
- ◆ f) any other institution or category of institutions included in the definition of “organ of state” in section 239 of the Constitution and recognised by the [Minister](#) by notice in the *Government Gazette* as an institution or category of institutions to which [this Act](#) applies

.....
 Signature
 (of person authorised to sign on behalf of the organisation)

.....
 Position

.....
 Name of Bidder

.....
 Date

ANNEXURE E: CERTIFICATE OF INDEPENDENT BID DETERMINATION **PG 31**

I, the undersigned, in submitting the accompanying bid:

FORENSIC AUDIT SERVICES

in response to the invitation for the bid made by:

Johannesburg Development Agency

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

I certify, on behalf of:

(Name of Bidder) _____ that:

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

- (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
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 products or services to which this bid invitation relates.
 9. 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.
 10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No. 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No. 12 of 2004 or any other applicable legislation.

.....
Signature

.....
Position

.....
Name of Bidder

.....
Date

ANNEXURE F: DECLARATION ON STATE OF MUNICIPAL ACCOUNTS

A Any bid will be rejected if:

Any municipal rates and taxes or municipal service charges owed by the bidder or any of the directors to the municipality or a municipal entity, or to any other municipality or municipal entity, are in arrears for more than three months.

B Bid Information

- i. Name of bidder:
- ii. Registration Number:
- iii. Municipality where business is situated
- iv. Municipal account number for rates:
- v. Municipal account number for water and electricity:
- vi. Names of all directors, their ID numbers and municipal account number.
 - 1.
 - 2.
 - 3.
 - 4.
 - 5.
 - 6.
 - 7.

C Documents to be attached.

- i. A copy of municipal account mentioned in B (iv) & (v) (Not older than 3 months)
- ii. A copy of municipal accounts of all directors mentioned in B(vi) (Not older than 3 months)
- iii. Proof of directors

I/We declare that the abovementioned information is true and correct and that the following documents are attached to this form:

Signature

Date