

REQUEST FOR PROPOSALS



Provision of External Audit Services

ISSUED BY: Proudly South African

DATE: 13 October 2019

1. INTRODUCTION

Proudly South African, South Africa's national Buy Local Campaign, hereby invites suitably qualified service providers for the provision of External audit services for a 3-year period, subject to the approval by the Auditor-General SA, as provided for in Section 4(3) of the Public Audit Act No 25 of 2004.

2. BACKGROUND

Proudly South African was established in 2001, born out of the 1998 Presidential Jobs Summit which was convened by the late former President Nelson Mandela. Like all government initiatives, its purpose is to work to combat the triple challenges of poverty, inequality and above all, unemployment. By promoting the demand for quality, locally produced goods and services, Proudly South African stimulates new job opportunities and assists in the retention of existing jobs.

Members who are part of the campaign have to adhere to strict criteria, which are:

1. **Local content** – at least 50% of the cost of production must be incurred in South Africa and there must be “substantial transformation” of any imported materials.
2. **Quality** – the product or service must be of a proven high quality for example, it must be ISO accredited.
3. **Fair labour practice** – the company must comply with the current labour legislation and adhere to fair labour practices.
4. **Environmental standards** – the company must be environmentally responsible and adhere to production processes that are environmentally friendly, sustainable and acceptable.

Proudly SA is a registered non-profit company in terms of the Companies Act No. 71 of 2008. Its role is to work to change consumer purchase behaviour in favour of local companies and locally produced quality products and services.

Proudly SA is currently in a transition phase aimed at ensuring that the organisation eventually fully complies with the provisions of the Public Finance Management Act and related regulations, including Treasury

Regulations. The organisation will be audited in compliance with Section 4(3) of the Public Audit Act No.25 of 2004, which means that the appointment of the recommended service provider will be subject to compliance with the said Act and approval of the Auditor-General SA.

3. GLOSSARY OF TERMS

Unless the context clearly dictates otherwise, the following abbreviations and/or definitions used in this RFP shall have the meaning set forth below:

“Accord”	Local Procurement Accord
“Auditor General”	The Auditor General is an office established to report on the finances of all national, provincial and local government administrations and has the discretion to audit any institution that received money from the National Revenue Fund for a public purpose
“Bid”	A proposal to bid for the tender in response to and in accordance with this RFP
“Bidder”	The person, enterprise, consortium or joint venture submitting a bid in response to this RFP
“Bidder Members”	Persons or enterprises that have committed to participate in this tender as consortium or joint venture partners and have authorised the lead member to submit a bid
“Briefing Note”	Additional information or clarification notes that may be issued by Proudly South African regarding this RFP or any other aspect of the tender process
“Business Day”	Any day of the week other than Saturdays, Sundays or public holidays in South Africa
“Change in Control”	Any material change to the ownership or management control of a bidder, or in the identity of the lead member
“Closing Date”	The last date for submission of bids, as specified in this RFP
“Closing Time”	The last time on the closing date for submission of bids, as specified in this RFP
“Effective Date”	The date of signature of the service level agreement by the last signing party, or such other date as such parties thereto may agree
“Enterprise”	A partnership, close corporation, company, trust, voluntary association or any other form of entity recognised by law as a medium through which activities relating to the supplies may be conducted

“Evaluation Committee”	A committee constituted by Proudly South African, for the purpose of evaluating the bids, as set out in this RFP
“Evaluation Criteria”	Those criteria used by the evaluation committee for the purposes of evaluating the bids as set out in this RFP
“Lead Member” “Public Audit Act”	The person or enterprise authorised by the bidder members, to sign the bid and bind the members of that bidder The Act which gives effect to the provisions of the Constitution establishing and assigning functions to the Auditor-General, to provide for the auditing of institutions in the public sector and to provide for accountability arrangements of the Auditor General
“Public Finance Management Act”	The Act aimed at regulating financial management in national and provincial government departments, to ensure that all revenue, expenditure, assets and liabilities of those departments are managed efficiently and effectively and to provide for the responsibilities of persons entrusted with financial management in those departments, and to provide for matters connected therewith
“Preferred Bidder”	The bidder/s to be appointed as preferred bidder by Proudly South African following the evaluation of bids, and with whom Proudly South African will negotiate in good faith with a view to concluding a supply agreement
“Request for Proposal” or “RFP”	This document entitled Request for Proposal, establishing the terms upon which bids may be submitted in respect of the tender, and including all schedules or annexures hereto
“Reserve Bidder”	A bidder having submitted a bid, who is not initially selected as preferred bidder, but who may subsequently be invited to replace a preferred bidder and to enter into negotiations with Proudly South African, should the preferred bidder’s status as such be lost at any stage prior to the effective date
“Services”	Those services to be rendered by the successful bidder to Proudly South African as contemplated in Annexure A of this RFP
“Service Provider”	A service provider with the necessary experience, expertise and resources to provide Proudly South African with the services within the required timelines and in accordance with the terms of the final supply agreement
“South Africa”	The Republic of South Africa
“Successful Bidder/s”	The preferred bidder/s selected by Proudly South African as such and with whom Proudly South African has concluded a supply agreement
“Service Level Agreement”	The service level agreement intended to be concluded between Proudly South African and the successful bidder for provision of the services, the terms and conditions of which are to be agreed between the parties thereto.

4. DISCLAIMER

While all reasonable care has been taken in preparing this RFP, the information contained herein does not purport to be comprehensive or to have been verified by Proudly South African or any of its officers, employees, servants, agents, advisors or any other person. Accordingly, neither Proudly South African nor any of its advisors accept any liability or responsibility for the adequacy, accuracy or completeness of any of the information or opinions stated herein.

Except where expressly stipulated otherwise, no representation or warranty (either express or implied) is or will be given by Proudly South African or any of its officers, employees, servants, agents, advisors or any other person in respect of the information or opinions contained herein, or in relation to any subsequent correspondence or documentation issued in relation hereto.

Proudly South African reserves the right to amend, modify or withdraw this RFP or terminate any of the procedures or requirements relating to the procurement process described in respect of the issuance of the RFP at any time, without prior notice and without liability to compensate or reimburse any person in relation thereto.

The terms and conditions set out in this RFP are stipulated for the express benefit of Proudly South African, and except where expressly stated to the contrary, may be waived at Proudly South African's discretion at any time. Proudly South African reserves the right to adopt any proposal made by any person responding hereto at any time and to include such proposal in any procurement documentation without compensation.

This RFP is provided solely for the purpose set out in this document. Each person or enterprise to whom this document is made available, must make his, her or its own independent assessment of the subject matter of this RFP, taking such professional advice as it deems necessary.

No bidder shall have any claim against Proudly South African, its officers, employees, servants, agents or advisors arising out of any matter relating to the subject matter of this RFP of any nature whatsoever.

5. PURPOSE OF THIS RFP AND CRITICAL INFORMATION

- 5.1.** The purpose of this RFP is to invite bidders to submit bids for the provision of the services (which are more fully described in this RFP). The successful bidder in respect of this tender will provide the services to Proudly South African in terms of a service level agreement to be concluded with Proudly South African on terms and conditions to be agreed between Proudly South African and the successful bidder.
- 5.2.** All Bids must, in order to be considered by Proudly South African, be submitted on or before –
 - 5.2.1.** the closing time, being **15h00**,
 - 5.2.2.** the closing date, being **07 November 2019**
 - 5.2.3.** Bids must be hand-delivered to the reception area of the offices of Proudly South African, situated as follows:

Address:
Rosebank Terrace North
23 Sturdee Avenue
Rosebank
Johannesburg
For attention:
Jeanette Makhoba
Procurement Officer

which is open on business days during the hours **08h30 to 17h00**.

- 5.2.4. All bids are to be submitted in the format required, as per paragraph 8 of this RFP.
- 5.2.5. No bid sent by telegram, facsimile or e-mail will be considered. It is the bidder's sole responsibility to ensure that the bid is received by the closing time on the closing date. Postmarking by the closing date will not substitute for actual receipt. Giving the bid to a courier prior to the closing date without actual receipt by Proudly South African by the closing time on the closing date will not excuse the late delivery of a bid. Any bid received after the closing time on the closing date will be returned unopened to the bidder.
- 5.2.6. All queries regarding this tender, and requests for clarification, must be addressed to jeanette@proudlysa.co.za **by no later than 10h00 on 24 October 2019**, and in accordance with the requirements of this RFP.
- 5.2.7. **Proudly SA is on a cost containment drive and previous year expenditure should only serve as a guide by potential bidders.**

6. BID EVALUATION PROCESS AND PROCEDURES

First round of evaluations will focus on functionality and companies that get a minimum score of 70% and above will then move to second round of evaluations.

- 6.1. **First round: Understanding of the initiative and proposed solution(s) - Score out of a total of 100**
 - a. General understanding of the Proudly SA requirements – 20% weighting
 - b. Demonstrated experience in similar initiatives (at least 3 references) – 25% weighting
 - c. Outline key deliverables and conditions of the tender project plan, outline of tasks /timeframes /milestones and cost breakdown – 25% weighting
 - d. Qualifications and expertise of the team in relation to the audit services or similar initiatives – 25% weighting
 - e. Active membership of Proudly South African campaign (attach a valid and up to date certificate of membership) – 5% weighting

TOTAL = 100

The second round of evaluations will then be based on the 80/20 principle where the following will be applicable

6.2. **BEE certificate level – Score out of 20**

a. Equity ownership and participation by historically disadvantaged individuals (as supported by the BB-BEE certificate level);

6.3. **Costs and fee structure (price) - Score out of 80**

(Itemised breakdown of total costs)

TOTAL = 100

7. EVALUATION PROCESS – (Open tender)

a. Preliminary screening of bid documents – Compulsory statutory documents

1. Submission of a valid tax clearance certificate (as well as the bidder's SARS PIN to confirm their tax compliance status);
2. Submission of a valid BEE certificate;
3. The following SBD documents must be submitted, namely, SBD 1, SBD 3.1, SBD 4, SBD 6.1, SBD 8 and SBD 9;
4. Provide CSD report, if registered on National Treasury's CSD (as well as the unique code to access their CSD report);
5. **Note:** Non-submission of any of the compulsory statutory documents as prescribed above will result in the automatic disqualification of the bidder and submitted bid document.

b. First round of evaluations to shortlist bidders who obtained a minimum score 70% at the functionality stage;

c. Second round of evaluations – 80/20 preference point system;

- d. Possible presentation of proposed solutions by shortlisted companies (if deemed necessary);
- e. Scoring and allocation of points;
- f. Notification of successful bidder;

8. INFORMATION REQUIRED FROM BIDDERS

Bidders are required to submit their bids in accordance with the terms and conditions set out in this RFP.

8.1. Format of bids

- 8.1.1. The Bids must be as complete and comprehensive as possible and structured in accordance with the content requirements as set out in more detail below.
- 8.1.2. All documentation and communication must be in English.

8.2. Submission Copies

- 8.2.1 All bids are to consist of:
 - 8.2.1.1 One printed (hard) master bid, clearly marked as such plus 4 (four) printed copies; and
 - 8.2.1.2 One electronic (soft) master copy, clearly marked as such.
 - 8.2.1.3 All electronic documents are to be in Microsoft XP compatible format (e.g. Microsoft Word, Microsoft Excel, Microsoft PowerPoint, Microsoft Project and Adobe Acrobat Pdf format).
- 8.2.2 Bidders must submit their bids in a sealed envelope on which the tender details, closing date and closing time are indicated. The name and address of the bidder must be written on the reverse side of the envelope. The master (hard and soft) bid should be marked "MASTER" and submitted together in one envelope, and the additional copies (hard and soft) should be submitted together in a separate sealed envelope marked "COPIES".

8.3 Confirmation of closing date for bids

- 8.3.1 Each Bid is to be submitted as follows:
- 8.3.2. **Closing time:** 15H00
- 8.3.3. **Closing date:** 07 November 2019
- 8.3.4. Place

**Proudly South African
Rosebank Terrace North
23 Sturdee Avenue
Rosebank
Johannesburg
South Africa**

8.3.5. For attention:

Jeanette Makhoba
Procurement Officer

8.4 Terms and conditions applicable to bids

Bidders responding to this RFP are deemed to do so on the basis that they acknowledge and accept all the tender terms and conditions set out below.

8.4.1 Non-eligible persons

- 8.4.1.1. The participation of not-for-profit entities in any bid is at the discretion of the bidders and shall be at their sole invitation and risk.
- 8.4.1.2. No person (including both enterprises and natural persons), or advisor to a person may be a member of, or in any way participate in or be involved with (either directly or indirectly), more than one bidder at any stage during the procurement process, without Proudly South African's prior written consent.
- 8.4.1.3. No person (including both enterprises and natural persons) or advisor employed by either Proudly South African or any member of the funder may advise any bidder or be a member of any bidder without the prior written consent of Proudly South African. The bidder warrants by virtue of it making an RFP bid that no such person has advised the bidder or is a member of such bidder.
- 8.4.1.4. Failure to comply with the requirements of this RFP may result in the disqualification of the relevant bidder, and/or of any person involved with that bidder or the advisors of either the bidder or that person, which disqualification shall be in Proudly South African's sole discretion.

8.4.2 Preferred and reserve bidder/s

Proudly South African's objective is to select a preferred bidder that:

- 8.4.2.1. Is ideally a member of Proudly South African and is in good standing;
- 8.4.2.2. Offers the best proposal to meet Proudly South African's requirements for external audit services to be rendered;
- 8.4.2.3. Is most able to undertake the work required within the applicable timelines;
- 8.4.2.4. Offers the best commercial, financial and legal terms.

- 8.4.3 The bidder/s appointed as preferred bidder/s shall, subject to the provisions of this RFP, be invited to enter into negotiations with Proudly South African with the objective of entering into service level agreement/s in respect of the services.
- 8.4.4 Proudly South African reserves the right whenever it believes it is expedient to select, prior to appointment of preferred bidder/s, two or more bidders to submit a so-called best and final offer (“**BAFO**”) on such terms and conditions as may be prescribed by Proudly South African, in order to refine the offerings made by the bidders in a competitive environment. In that event, only those bidders who are appointed preferred bidder/s on completion of the BAFO process will be invited to enter into negotiations with Proudly South African with the objective of entering into a service level agreement.
- 8.4.5 Proudly South African reserves the right to appoint one or more reserve bidders at any time simultaneously with and/or subsequent to the announcement of the preferred bidder/s.
- 8.4.6 Bidder/s appointed by Proudly South African as reserve bidder/s shall only be required to participate in the negotiation process in the event that the service level agreement/s are not concluded with the preferred bidder/s, whether after a BAFO process or not, or the preferred bidder/s are disqualified, or the preferred bidder/s’ status is revoked; in which event one or more of the reserve bidders shall be invited to enter into negotiations with Proudly South African with the objective of entering into a service level agreement.
- 8.4.7 Proudly South African reserves the right to split the tender and to make partial appointments from different bidders.

8.4.8 Acknowledgement of the law

Each bidder is required to be fully acquainted with the procurement policies of Proudly South African, the Public Audit Act, the Public Finance Management Act, applicable Treasury regulations and the laws of South Africa (including without limitation all statutes and regulations) and the laws regulating the subject matter of this tender and the services.

8.4.9 Legal personality

- 8.4.9.1 A bidder may be an individual natural person, an enterprise or a number of individual natural persons or enterprises bidding together as a consortium or joint venture.
- 8.4.9.2 If the bidder is a consortium or joint venture made up of a number of natural persons or enterprises or both, the lead member of the bidder shall be the bidder contact person for all communication with Proudly South African, and any communication between Proudly South African and the lead member of a bidder shall be deemed to have been made between Proudly South African and all members of the bidder. Further, the lead member shall take full responsibility for fulfilment of any obligations owed to Proudly South African, for management of any supply agreement resulting from this tender, and

for losses and damages suffered by Proudly South African as the result of any actions by the bidder or any member thereof.

- 8.4.9.3 Where a bidder is a consortium or joint venture, no change will be permitted to the identity of the consortium members or joint venture partners, or to the organisational structure of the bidder, after submission of its bid, without the prior written consent of Proudly South African.
- 8.4.9.4 In the event that a bidder consortium or joint venture undergoes a change in its composition or organisational structure, or a change in control, Proudly South African reserves the right to require the relevant enterprise/s to supply such further information with regard to such change as to enable Proudly South African to fully consider the impact of such change.
- 8.4.9.5 Should the composition, organisational structure or control of a bidder change without Proudly South African's prior written consent, Proudly South African shall be entitled in its sole discretion to disqualify the bidder from continuing in the procurement process, or to permit it to continue subject to such conditions as Proudly South African determines appropriate.

8.4.10 Cost of submitting proposals

Each bidder shall bear all of its costs (of whatsoever nature) associated with the preparation or submission of its bid, of any BAFO process and of negotiating with Proudly South African regarding a possible service level agreement or executing a final service level agreement, and any other costs and expenses incurred by bidders in connection with or arising out of the procurement process.

8.4.11 Confidentiality

- 8.4.11.1 In submitting its bid, each bidder and all of its members, if a consortium or joint venture, agrees to keep its bid confidential from third parties other than Proudly South African's officials who are required to review the bid for the purposes of procurement of the services.
- 8.4.11.2 All information and data submitted by a bidder shall become the sole property of Proudly South African. Bidders, by virtue of their bid, agree to indemnify Proudly South African and hold it harmless from any loss, damage, liabilities, claims, actions, proceedings, demands, costs, charges or expenses of whatsoever nature suffered by Proudly South African for its refusal to disclose materials marked confidential, trade secret or other proprietary information to any person seeking access thereto.
- 8.4.11.3 Each bidder shall by virtue of its collection of the RFP documentation agree to keep confidential all information of a confidential nature that may be contained therein (the "Confidential Information"). The confidential information may be made available to the bidder, its employees and professional advisors who are directly involved in the appraisal of such information and who are to be made aware of the obligation of confidentiality but shall not be (in whole or in part) copied, reproduced, distributed or otherwise made available to any other party without the prior written consent of Proudly South African.

- 8.4.11.4 The provisions of this RFP relating to confidentiality shall not apply to any information which is made available as required by any law or any regulatory authority, or which is or becomes public knowledge other than by way of breach of the provisions of this RFP, or which was in the possession of such party prior to its disclosure or which is received from a third party who lawfully acquired it and is under no obligation restricting its disclosure.
- 8.4.11.5 Proudly South African undertakes to and shall ensure that its officials and its advisors shall keep confidential all information received from a bidder which is clearly identified as confidential in such bidder's bid as contemplated in this RFP and which is not excused from confidentiality as contemplated hereinabove. Any bids which contain confidential information must be marked on the outside as containing confidential information, and each page upon which confidential information appears must be marked as containing confidential information. The confidential information must be clearly identified to the reader where it appears. All copies of the bid, as well as the original, must be marked in this manner. Identification of the entire bid as confidential shall be deemed non-responsive and may disqualify the bidder.
- 8.4.11.6 A bidder's failure to request confidential treatment of material will be deemed by Proudly South African to constitute a waiver of any right to confidentiality that a bidder may have had.

8.4.12 Bids become the property of Proudly South African

All bids become the property of Proudly South African and will not be returned to the bidder unless all bids are rejected and no award is made.

8.4.13 Corrupt gifts and payments

- 8.4.13.1 Neither a bidder nor any of its members, agents or advisors shall directly or indirectly offer or give to any person in the employment of Proudly South African, any gift or consideration of any kind as an inducement or reward for permitting a bidder to participate in a BAFO process, for appointing the bidder as a preferred bidder, or for showing or omitting to show favour or disfavour to the bidder in relation to the services.
- 8.4.13.2 In the event of the contravention of the prohibited practices contemplated herein above, Proudly South African shall be entitled to disqualify such bidder and its members, agents and advisors from participating in any further part of the procurement process, or from participating in any future procurement processes initiated by Proudly South African.

8.4.14 No contract

- 8.4.14.1 This RFP does not constitute an offer to enter into a contractual relationship with any bidder but is merely a solicitation of bids to select the preferred bidder/s, which shall as such be invited to continue further on the procurement process with Proudly South African.

- 8.4.14.2 No bid shall constitute an offer to enter into any contractual relationship with Proudly South African, but each bid shall constitute an offer to be appointed as a preferred bidder in relation to the services to be rendered. A contractual agreement may be entered into between Proudly South African and one or more of the preferred bidders or, as appropriate, one or more reserve bidders.
- 8.4.14.3 In the event that Proudly South African requests the bidder to extend the period of validity of its bid, for any reason, the bidder must issue its response in writing.
- 8.4.14.4 All correspondence from the bidder regarding this tender shall be addressed to Proudly South African's Chief Financial Officer, shall be signed by the person authorised to sign the bid, and shall be legally binding on the bidder. All such correspondence must clearly indicate the name of the signatory, his or her position and the name of his or her organisation if applicable.

8.4.15 No collusion

In submitting a bid, the bidder and all its members certify that its bid does not in any way give rise to a contravention of section 4(1) of the Competition Act, No. 89 of 1998. Without in any way limiting or derogating from the foregoing, the bidder and all its members certify that:

- 8.4.15.1 Its bid has been prepared without consultation, communication or agreement with any other bidder, any member of another bidder, or any other competitor or potential competitor;
- 8.4.15.2 Its bid (or any part thereof) has not been disclosed by it, nor will it be disclosed by it to any other bidder, any member of another bidder, or any competitor or potential competitor; and
- 8.4.15.3 No attempt has been made or will be made by it to induce any other potential bidder/s not to submit a bid.

8.4.16 Compliance and completeness

- 8.4.16.1 Any material failure on the part of a bidder to comply with the terms of this RFP may result in its bid being treated as non-compliant.
- 8.4.16.2 Proudly South African reserves the right to reject any non-compliant bid without further evaluation, provided that at Proudly South African's discretion, the non-compliance is of a minor nature. In this case, it may either continue to evaluate the bid, or seek clarification thereon, or reject the bid.
- 8.4.16.3 Any bid received without all information or data requested in terms of this RFP, or with insufficient information for substantive evaluation thereof, will be marked as incomplete and may at Proudly South African's discretion be rejected.

8.4.17 Signing requirements

- 8.4.17.1 Single natural person

Where a bidder is a single natural person, that natural person must sign the original bid. A certified copy of the bidder's identity document must be provided with the bid.

8.4.17.2 Single enterprise

Where a bidder constitutes a single enterprise, those persons duly authorised to bind such enterprise must sign the original bid. As proof of authority, the persons signing the original bid shall provide a certified copy of the resolution of the board of directors, or its equivalent, of the enterprise concerned, evidencing their authority to sign the bid and thereby to bind the enterprise.

8.4.17.3 Consortium or joint venture

8.4.17.3.1 In the event that the bid is made by a consortium or joint venture, the bid is to be signed by the lead member.

8.4.17.3.2 Proof of authorisation of the lead member to act on behalf of its consortium or joint venture is to be included in the bid, by way of –

8.4.17.3.3 in the case of a consortium of natural persons, an original letter signed by each such natural person authorising the lead member to sign and submit the bid on his or her behalf; or

8.4.17.3.4 in the case of a consortium of enterprises, a certified copy of the resolution of the board of directors or its equivalent, of the enterprises concerned, conferring authority on the lead member to sign and submit the bid on their behalf and thereby to bind them to the terms of the bid.

8.4.17.3.5 The lead member shall be the only person authorised to make statements on behalf of and receive instructions for members of the bidder.

8.4.17.3.6 A copy of the agreement entered into by the consortium members or joint venture partners for the purposes of forming a consortium or joint venture shall be submitted with the bid, which agreement must clearly set out the relationship between the parties thereto and authorise one of the partners to be the lead member for that bidder.

8.4.18 Declaration

8.4.18.1 Included in each bid shall be a declaration by the signatory/signatories to the bid to the effect that –

8.4.18.2 the bidder acknowledges, accepts the applicability of and agrees to be bound by these tender terms and conditions, and the other terms of the RFP;

8.4.18.3 all documentation forming part of the bid is factually correct and true;

8.4.18.4 the bid shall remain valid for the period of validity; and

8.4.18.5 the bidder will comply with all relevant laws.

8.4.19 Proudly South African's discretion

Where it is stipulated in this RFP that Proudly South African's prior written consent shall be required, the determination by Proudly South African as to whether to grant or refuse such consent shall be at Proudly South African's sole and absolute discretion, and the decision with regard thereto shall be final and binding.

8.4.20 Tax compliance status

It is a requirement of this tender that the taxes of the bidder be in order or that suitable arrangements have been made with the South African Revenue Service in order to satisfy them. **NB: *One original up to date and valid tax clearance certificate, in respect of each natural person or enterprise that forms part of any bidder, must be submitted with each bid together the bidder's SARS PIN.***

8.4.21 Reservation of rights

Proudly South African reserves for itself the following rights, relating to the tender process:

- 8.4.21.1 the right to modify, amend or clarify the RFP requirements at any time after its initial publication, including after the closing date, in which event bidders that have submitted complete and compliant bids, as the case may be, will be notified of any such modifications, amendments or clarifications and will be given an opportunity to supplement their bids accordingly;
- 8.4.21.2 the right to enter into negotiations with one or more preferred bidder identified in the evaluation process, regarding any terms and conditions, including price, of a proposed service level agreement, without offering the same opportunity to any other bidder;
- 8.4.21.3 the right to accept part of a bid rather than the whole of a bid, including the right to accept a bid in respect of a portion of the services tendered for rather than the full quantity or range of services tendered for;
- 8.4.21.4 the right to appoint as preferred bidder a certain member or members or subcontractors of a bidder consortium rather than the bidder as a whole, subject to the consent of that member or subcontractor of the bidder consortium;
- 8.4.21.5 the right to split the award of the tender between two or more preferred bidders;
- 8.4.21.6 the right to request two or more bidders or members of bidder consortia to work together as a consortium in order to provide the services;
- 8.4.21.7 the right to cancel the tender process at any stage, including after the closing date and/or after presentations have been made, and/or after bids have been evaluated and/or after preferred bidders and reserve bidders have been notified of their status as such;
- 8.4.21.8 the right to carry out site inspections, product evaluations or explanatory meetings in order to verify the nature and quality of the services tendered for, whether before or after adjudication of the tender;

- 8.4.21.9 the right to call for and be promptly provided with additional information as specified, or supporting documentation in order to verify any of the information provided by the bidder in respect of any aspect of its bid, whether before or after adjudication of the bids;
- 8.4.21.10 the right to make the appointment of any preferred bidder or reserve bidder subject to the conclusion of a detailed service level agreement, which contract may include financial and/or other penalties for non-performance or defective performance of the services;
- 8.4.21.11 the right to award preferred bidder status to a bidder whose bid was not the lowest in price; and
- 8.4.21.12 the right, once a service level agreement has been concluded, to increase the quantity or scope of the services contracted for without inviting further bids, subject to the consent of the successful bidder, on such terms and conditions as may be agreed between the successful bidder and Proudly South African.

8.4.22 Copyright

By submitting a bid, the bidder agrees that Proudly South African may copy the bid for purposes of facilitating the evaluation of the bid or to respond to lawful requests for access to information. By submitting a bid, the bidder consents to such copying and warrants and represents that such copying will not violate the rights of the bidder or of any third party. Proudly South African will have the right to use ideas or adaptations of ideas that are presented in the bids.

8.4.23 General provisions

- 8.4.23.1 Tenders must be submitted in the format specified in this RFP and should be supplemented by the further information or documentation required by Proudly South African in terms of this RFP.
- 8.4.23.2 Bidders shall check the numbers of the pages of this RFP and any accompanying documentation and satisfy themselves that none are missing or duplicated. Proudly South African accepts no liability in regard to claims arising from the fact that pages of this RFP are missing or duplicated.
- 8.4.23.3 All prices shall be quoted in South African Rand, and Value-Added Tax must be included and shown separately.
- 8.4.23.4 If a bidder intends to subcontract any aspect of its rights or obligations arising from a service level agreement, the bidder must provide the name and contact details of its intended subcontractor/s in its bid, as well as a letter from each such subcontractor consenting to act as such and authorising the bidder (or its lead member if a consortium) to sign and submit the bid and to name the subcontractor as such therein.
- 8.4.23.5 In the event that it becomes necessary for Proudly South African to communicate with any bidder after the closing date but before the resulting supply agreement is concluded, it is specifically noted that such communication shall be deemed not to create any

expectation on the part of the bidder as to the possible appointment by Proudly South African of the bidder, to render the services tendered for, or any expectation that Proudly South African will be liable for any costs relating to further information or proposals requested by Proudly South African in the course of such communications.

ENQUIRIES:

Contact person:

Jeanette Makhoba

Procurement Officer

Email: jeanette@proudlysa.co.za

ANNEXURE “A”

Proudly South African requires the services of a suitably qualified service provider to provide external audit services for a 3-year period, subject to approval by the Auditor-General SA, as provided for in Section 4(3) of the Public Audit Act No.25 of 2004, as detailed herein below:

1. EXPECTED ACTIVITIES, DELIVERABLES AND OUTCOMES

The successful bidder will be responsible for:

1.1 AUDIT PLANS

- The development of annual audit plans and/or Audit Planning Memorandums (APM) for external audits (full scope statutory audits) to be conducted at the end of every financial year, within the approved contract period, as prescribed and approved by the Auditor-General SA;
- Present the APMs at the audit committee meeting(s) for consideration and approval by the Audit and Risk Committee;
- Preparation and development of audit plans and/or Audit Planning Memorandums for other Ad-hoc audits as requested by Proudly SA.

1.2 AUDITS

Conduct audits as approved in the Audit Planning Memorandum, including the audit of the Annual Financial Statements as compiled by Proudly SA;

- Comply with the requirements of the Auditor-General SA, based on the requirements of the Public Audit Act and other stipulated requirements from the Auditor-General SA's office;
- Conduct any other ad-hoc audit as required and approved by Proudly SA.

1.3 REPORTING

- Express an opinion on the statutory financial statements of Proudly SA;
- Issue a formal management letter that provides recommendations regarding audit findings and any weaknesses in internal controls for improvement or efficiency, based on observations made during the course of the audit(s);
- Report to the Audit and Risk Committee on major issues encountered during the audit;
- Report on any issues that have arisen during the course of the audit which could appear to have a material impact, or potential impact, on the business and/or the financial statement for each year under review.

1.4 OTHER RELATED SERVICES

- Attendance of Audit and Risk committee meetings as held during the contract period;
- Perform other related functions and duties as required for the disbursement of its duties as the appointed external auditors of Proudly SA;
- Provide expert advice or service(s) in line with its appointment and in compliance with the Auditing Profession Act No. 26, of 2005.