

**ADDENDUM**

**REQUEST FOR QUOTATION (RFQ)**

**Request for legal consulting services in developing the scope of work for investigations and advisory services on the Public Finance Management Act (PFMA) Compliance for INSETA Accounting Authority's ad hoc subcommittee.**

RFQ	RFQ/INS/2024/25/0044
RFQ ISSUE DATE	30 August 2024
BRIEFING SESSION	N/A
RFQ DESCRIPTION	Request for legal consulting services in developing the scope of work for investigations and advisory services on the Public Finance Management Act (PFMA) Compliance for INSETA Accounting Authority's ad hoc subcommittee.
CLOSING DATE & TIME	<b>6 September 2024 @ 16:00</b>
LOCATION FOR SUBMISSIONS	<a href="mailto:rfqs@inseta.org.za">rfqs@inseta.org.za</a>

Bidders must submit responses via e-mail at: [rfqs@inseta.org.za](mailto:rfqs@inseta.org.za)

For any queries or questions, please use above mentioned email address.

The INSETA requests your quotation on the services listed above. Please furnish us with all the information as requested and return your quotation on the date and time stipulated above. **Late and incomplete submissions will invalidate the quote submitted.**

SUPPLIER NAME: \_\_\_\_\_

POSTAL ADDRESS: \_\_\_\_\_

TELEPHONE NO: \_\_\_\_\_

FAX NO: \_\_\_\_\_

E MAIL ADDRESS: \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_

CELL NO: \_\_\_\_\_

SIGNATURE OF BIDDER: \_\_\_\_\_

## 1. BACKGROUND

**1.1** The Insurance Sector Education and Training Authority (INSETA) is a public entity listed in schedule 3A of the PFMA and was established in March 2000. The INSETA must, in accordance with any prescribed requirements to perform in accordance with the Skills Development Act (SDA), the Skills Development Levies Act (SDLA), the Public Finance Management Act (PFMA), any other relevant legislation and the Constitution.

**1.2** INSETA is a Schedule 3A Public Entity in terms of the Public Finance Management Act No 1 of 1999, as amended (PFMA). This therefore implies that the INSETA must fully comply with all the requirements of the PFMA as well as the Irregular Expenditure Framework.

## 2. PURPOSE

INSETA would like to appoint a reputable service provider to render legal consulting and advisory services to INSETA Accounting Authority's ad hoc subcommittee.

## 3. OBJECTIVE

The overall objectives of the services are to provide for legal consulting services in developing the scope of work and terms of reference for investigations as well as advisory services on the Public Finance Management Act (PFMA) Compliance for INSETA Accounting Authority's ad hoc subcommittee for a period of six months.

## 4. DETAILED SCOPE OF WORK

- The appointed service provider is expected to offer legal advisory services in developing the scope of work for investigations as well as advisory services on the Public Finance Management Act (PFMA) Compliance for INSETA Accounting Authority's ad hoc subcommittee for a period of six months.
- The appointed service provider must provide the required legal resources for advisory services for the duration of the period.
- In terms of the above the appointed service provider will draft recommendation reports to the INSETA Accounting Authority ad hoc subcommittee.

## 5. TECHNICAL EVALUATION

The evaluation criteria and the maximum possible score for each criterion is shown in the table below:

TECHNICAL EVALUATION CRITERIA	SCORING	WEIGHT
<b>A. Relevant Qualifications of the project leader</b>		
Relevant qualification – Law Graduate  <b>(Attach certified proof of qualifications , failure to do so will lead to disqualification)</b>	Advocate/ Admitted Attorney (Adv) = (30)	30%
	Bachelor of Law (LLB) = (20)	
	B Com (Law) = (15)	
	BA (Law) = (10)	
<b>B. Relevant Professional Experience</b>		
<b>B1: Number of years of experience in field of law (Project Leader)</b>		
At least a practicing attorney and a right of appearance in the High Court.  The candidate must reflect the following experience in their CV's: <ul style="list-style-type: none"> <li>- Experience intelligence gathering techniques.</li> <li>- Accounting and communication skills, to investigate and provide evidence of crime of a financial or commercial nature.</li> <li>- Exposure in Supreme Court and Constitutional Court</li> <li>- Exposure to Alternative Dispute Resolution and High Court litigation in Insurance related matters</li> </ul> <b>(Attach a detailed CV with the above requirements, failure to do so will lead to disqualification)</b>	4 = 10+ years of relevant experience (50)	50%
	3 = 7 - 8 years of relevant experience (40)	
	2 = 3 - 6 years of relevant experience (30)	
	1 = 1 - 2 years of relevant experience (20)	

## Track record of the Bidder

<p>Bidders experience in rendering similar services:</p> <p>Service providers are requested to attach to their RFQ response at least (3) three reference letters/testimonial and appointment letters where similar services were rendered within the public sector in the past five (5) years.</p> <p>Service providers must make sure that the reference letter/testimonial and appointment is signed and entails the following but is not limited to:</p> <p>The name of the entity who is providing reference letters/testimonials and appointment letters.</p> <p>The full contact details of the entity who is the reference letters/testimonials and appointment letters.</p> <p>The reference letters/testimonials must be signed by the recipient of the services and appointment letters.</p> <p>The reference letters must indicate a brief description of the project which was completed by the services provider, detailing the following:</p> <ol style="list-style-type: none"> <li>1) nature if service rendered;</li> <li>2) period of the project and</li> <li>3) if they met the deliverables within in the project time lines.</li> </ol> <p><b>Points allocation matrix:</b></p> <p>No reference letter/testimonial and purchase order or appointment letters submitted=0 Point</p> <p>One reference letters/testimonial and purchase order or appointment letters submitted = 05 Points</p> <p>Two reference letters/testimonials and purchase order or appointment letters submitted = 10 Points</p> <p>Three reference letters/testimonials and purchase order or appointment letters submitted = 20 Points</p>	<p>Only appointment letters submitted=0 Point</p> <hr/> <p>One reference letters/testimonial and purchase order or appointment letters submitted = 05 Points</p> <hr/> <p>Two reference letters/testimonials and purchase order or appointment letters submitted = 10 Points</p> <hr/> <p>Three reference letters/testimonials and purchase order or appointment letters submitted = 20 Points</p>	<p>20%</p>
<p><b>Total Technical Threshold</b></p>	<p><b>100%</b></p>	
<p><b>Maximum Score</b></p>	<p><b>100%</b></p>	

**NB: The bidder will be required to score a minimum of 70 on functional evaluation, failure to meet the minimum requirement will lead to disqualification.**

### PRICING SCHEDULE

Person	Position (Director)	Hourly rate	Daily rate

### ADMINISTRATIVE DOCUMENTS REQUIRED

- CSD
- BBBEE Certificate
- Company profile
- SBD 6.1
- Fully Signed SBD documents
- Initialled GGC
- Detailed price quotation with all applicable VAT and Taxes.

### ON SPECIFIC AND PRICE

The evaluation on Price and Specific Goals shall be based on the 80 on Price and 20 on specific goals as per PPR2022 criteria are as follows:

Evaluation Criteria		Points
1	<b>Price:</b>	80
2	<b>Specific Points as per PPR 2022 :</b> Black Owned companies	20
<b>Total</b>		<b>100</b>

## 6. ABSENCE OF OBLIGATION & CONFIDENTIALITY

6.1 No legal or other obligation shall arise between the service provider and INSETA unless/until both parties have signed a formal contract or Service Level Agreement in place.

6.2 The Contract site is at **INSETA**.

## 7. WORKMEN AND SUPERVISION ON SITE

7.1 The service provider shall be held responsible for the conduct of his employees and the conduct of his sub-contractor's employees for the full duration of the contract.

## 8. PREQUALIFICATION CRITERIA

8.1 Proof of registration on CSD (**Central Supplier Database**)

8.2 Bidder must provide sign SBD 4, SDB 6.1, GCC and proof of **BBBEE certificate or Affidavit- BBBEE certificate or affidavit clearly indicating Specific Goals**

## 9. POINTS AWARDED FOR PRICE AND SPECIFIC GOALS

The **80/20** preference point system

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

$$P_s = 80 \{1 - (P_t - P_{\min})\}$$

P min

Where:

P<sub>s</sub> = Points scored for comparative price of bid under Consideration

P<sub>t</sub> = Comparative price of bid under consideration

P<sub>min</sub> = Comparative price of lowest acceptable bid

## 10. SPECIFIC GOALS:

Points to be awarded on a specific goal	Number of points 80/20 system
Black owned	20
Non-compliant contributor	0

10.1 Bidders who qualify as EME's and QSE's in terms of the B-BBEE Act must submit a Sworn affidavit. Misrepresentation of information constitutes a criminal offence.

10.2 Bidders other than EME's or QSE's must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by SANAS.

10.3 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.

### 10.4 Consortium

10.4.1. A consortium is an association of two or more individuals, companies, organisations or governments (or any combination of these entities) with the objective of participating in a common activity or pooling their resources for achieving a common goal.

10.4.2. A consortium requires that each participant retains its separate legal status and the consortium's control over each participant is generally limited to activities involving the joint endeavour, particularly the division of profits. A consortium is formed by contract, which designates the rights and obligations of each member.

10.4.3. In a consortium, only the lead bidder's credentials both in terms of financial and technical qualifications are considered. Therefore, the interpretation and application to a RFQ/Bid process is such that the lead partner is identified and the following requirements are required as follows:

#### a) **Lead Partner**

- All administrative documents (consortium agreement between the lead partner and the partner)
- Technical requirements (which will show in the proposal and other requirements why the need for the consortium, which for all intent and purpose fulfils the requirements of the bid through combination of skills)

**b) Partner**

- Proof of CSD registration.
- Tax Pin.
- BBBEE Sworn-Affidavit.
- SBD 4

10.4.4. It should be taken into cognisance that although the lead partner is the qualifying entity, the partner should prove that it can do business with state-owned entities, through CSD registration, proof that the taxes are compliant, its level of BBBEE status in order to align with the BBBEE status level required by the BID, declare interest and answer questions that it is not a disqualified entity with the National Treasury. The foregoing ensures compliance from an SCM process perspective that the consortium is in order.

10.4.5. Of importance is that in a consortium, each individual team members retain their identities.

## **10.5. A joint venture**

10.5.1. A joint venture is a business entity created by two or more parties, generally characterized by shared ownership, returns and risks and shared governance.

## **10.6. Unincorporated joint venture:**

10.6.1. All SCM documents are filled in by the joint venture in the name of the joint venture, although the submission of administrative documents (partnership agreement between parties) will be completed in the name of the joint venture, and the following will be required from both parties, amongst others.

- a) SBD 4
- b) SBD 6.1
- c) Tax pin
- d) CSD registration.
- e) The JV agreement will direct which bank account of the two entities will be used.
- f) Consolidated Joint BBBEE Certificate.

## **10.7. Incorporated joint venture**

10.7.1. This aligned to a registered entity or company. A registered entity/ company with a consolidated BBBEE certificate and a bank account in the name of the Joint venture. The required compliance documents must be complete by the entity/ company the name of the joint venture, and the following will be required amongst others

- a) SBD 4



- b) SBD 6
- c) Tax pin
- d) CSD registration.
- e) The JV agreement will direct which bank account of the two entities will be used.
- f) Consolidated Joint BBBEE Certificate.

10.7.2. A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder 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 bidder qualifies for, unless the intended Sub-contractor is an EME that has the capacity and the ability to execute the sub-contract.

14.7.3. A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capacity and the ability to execute the sub-contract.

## 11. COMMUNICATION

- 11.1. Respondents are warned that a response will be disqualified should any attempt be made by a bidder either directly or indirectly to canvass any officer(s) or employees of INSETA in respect of BID process, between the closing date and the date of the award of the business.

All enquiries relating to this BID/RFQ should be emailed **three days before the closing date at** [rfqs@inseta.org.za](mailto:rfqs@inseta.org.za)

## 12. CONDITIONS TO BE OBSERVED WHEN BIDDING

- 12.1. The organization does not bind itself to accept the lowest or any BID, nor shall it be responsible for or pay any expenses or losses which may be incurred by the bidder in the preparation and delivery of his BID submission. The organization also reserves the right to withdraw or cancel the BID at any stage.

No BID shall be deemed to have been accepted unless and until a formal contract / letter of award is prepared and executed.

The competitive shall remain open for acceptance by the Organization for a period of **90 days** from the closing date of the BID Enquiry.

### **INSETA reserves the right to:**

- 12.2. Not evaluate and award a bid that do not comply strictly with this BID document.
- 12.3. Make a selection solely on the information received in the Bid Document and Enter into negotiations with any one or more of preferred bidder(s) based on the criteria specified in the terms of reference.
- 12.4. Contact any bidder during the evaluation process, in order to clarify any information, without informing any other bidders. During the evaluation process, no change in the content of the BID shall be sought, offered or permitted.

*EMPOWERED TO INFLUENCE AND INSPIRE!*

**12.5.** Cancel this BID at any time as prescribed in the PPPFA.

**12.6.** Should bidder(s) be selected for further negotiations, they will be chosen on the basis of the cost effectiveness and the principal of value for money not necessarily on the basis of the lowest costs.

### **13. Cost of Bidding**

**13.1.** The bidder shall bear all costs and expenses associated with preparation and submission of its BID submission and the INSETA shall under no circumstances be responsible or liable for any such costs, regardless of, without limitation, the conduct or outcome of the bidding, evaluation, and selection process.

### **14. Note to Bidders:**

**14.1.** Due diligence to be conducted by INSETA prior to the award of the contract.

## **END OF TERMS OF REFERENCE DOCUMENT**

**Annexed to this document for completion and return with the document:**

- SBD 4 (Bidders Disclosure)
- SBD 6.1
- General Conditions of Contract (GCC) initialled
- BBBEE Certificate
- An update CSD

**END OF DOCUMENT**