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TERMS OF REFERENCE

TENDER NO	RFP SANAC 06/001/2022
DESCRIPTION	The Appointment of Service provider for the Internal Audit Services for a period of three (3) Years
PUBLICATION DATE	24 JUNE 2022
CLOSING DATE AND TIME	18 JULY 2022 @ 11:00 A.M
BID VALIDITY PERIOD	120 DAYS FROM CLOSING DATE
DELIVERY OF BID RESPONSES	SANAC TRUST (ATTENTION: PROCUREMENT OFFICER): 333 GROSVENOR STREET; BLOCK E; 2 ND FLOOR HATFIELD GARDENS HATFIELD 0028

TERMS OF REFERENCE & PROJECT BRIEF: THE APPOINTMENT OF INTERNAL AUDIT SERVICES FOR A PERIOD OF 3 YEARS.

Background

The SANAC Trust (SANAC TRUST) was formed in 2002 and operates as the Secretariat for the South African National AIDS Council (SANAC) and was established with the following objectives:

- To advise government on HIV, STIs and TB policy and strategy;
- To create and strengthen innovative multi-sectoral partnerships to accelerate the national response to HIV, STIs and TB; and
- To drive implementation and oversee monitoring and evaluation of all aspects of the five-year National Strategic Plans on HIV, STIs and TB (NSP).

SANAC is chaired by the Deputy President and brings together government, civil society, business and labour to achieve the objectives outlined above. Its actions are guided by South Africa's National Strategic Plan (NSP) for HIV, STIs and TB (NSP).

The external audit of SANAC TRUST is performed in accordance with International Financial Reporting Standards (IFRS) and the Trust Property Control Act, 1988.

Objectives of the Internal Audit Function

The objective is to appoint a suitable independent Internal Audit Service Provider that can maintain and support an appropriate Internal Audit Service to the management, and Audit and Risk Committee of SANAC TRUST.

The Internal Audit function should assist the SANAC TRUST to accomplish its objectives by bringing a systematic and disciplined approach to evaluating and improving the effectiveness of risk management control and governance processes.

The risk management strategy including the fraud prevention plan must be used to direct the internal effort.

Some of these objectives of the internal audit function are to review:

- Internal control processes
- The information systems environment
- The reliability and integrity of financial and operational information
- The effectiveness of operations
- Compliance with policies and regulations and contracts
- The safeguarding of assets
- The economical and efficient use of resources
- Achievement of established operational goals and objectives
- Compliance with laws, regulations and controls

The internal auditors are required to prepare an annual internal audit project plan. All audits are to be carried out according to the Internal Audit Plan approved by the Audit and Risk Committee.

Assist the SANAC TRUST management and the Audit and Risk Committee in the effective discharge of their responsibilities, furnishing them with analyses, appraisals, recommendations, counsel and information concerning the activities reviewed. In conjunction with SANAC TRUST, compile and regularly update the SANAC TRUST's risk register.

Scope of work

The Internal Audit function must, in consultation with the CFO, CEO and Audit & Risk Committee prepare:

- A rolling three-year strategic Internal Audit Plan based on its assessment of the key areas of risk for SANAC TRUST having regard to its current operations.
- An annual Internal Audit Plan.
- Plans indicating the scope, cost and timelines of each audit in the Annual Internal audit Plan.
- Audit reports directed to the Audit and Risk Management Committee detailing its performance against the plan, to allow effective monitoring and intervention when necessary.

The audit should be carried out in accordance with the International Auditing Standards and will include such tests and controls as the auditor may consider necessary. The auditors in their duties shall comply with the duties imposed upon them by the Audits Professions Act.

In conducting the audit, special attention should be paid on the following:

- All funds provided by funders such as, but not limited to, The Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ), Centres for Disease Control and Preventions (CDC), Department of Social Development (DSD), Global Fund (GF), National Lotteries Commission (NLC), Networking Aids Community of South Africa (NACOSA), Western Cape Government: Health (WCGH) & Kwazulu-Natal Provincial Treasury (KZN)Treasury, AIDS Foundation South Africa (AFSA) for specific projects and core funds provided by Department of Social Development (DSD) and National Department Of Health (NDoH) have been used in accordance with the conditions specified in the legal agreements, with due attention to economy and efficiency, and only for the purposes for which the funding is provided.
- The bidder must ensure that they obtain the necessary license to do audit for the above international funders at an adhoc basis
- For Special International Donor Audit SANAC Trust will request an estimate as in when required from the successful bidder.

The Internal Audit function must co-ordinate with the external auditors of SANAC TRUST to ensure proper coverage and to minimise duplication of effort by following the combined audit assurance methodology.

The Internal Audit function must assist the SANAC TRUST management in maintaining effective controls by evaluation those controls and by developing recommendations for enhancement or improvement.

The following audits will need to be conducted at SANAC TRUST:

- Governance, compliance and risk.
- Financial review.
- Supply Chain Management.
- Human resources management.
- Information technology.

- Performance management.
- Grants management (outgoing grants) and review of grant recipient's management of funds.
- External audit review of recommendations to management.

Fraud and irregularities

In planning and conducting its work, the internal auditor should seek to identify serious defects in the internal controls, which might result in possible malpractices. Any such defects must be reported immediately to the CFO and the CEO, without disclosing these to any other staff. This also applies to instances where serious fraud and irregularities is uncovered.

Expected outcomes and deliverables

Performing audit assignments each assignment should at least consist of the following:

- Pre-audit survey
- Audit planning memorandum
- Risk assessment document
- System descriptions
- Audit programmes and Sampling methodology
- Mechanisms for follow up on matters previously reported and feedback to the CFO, CEO and Audit and Risk Committee
- Mechanism to ensure that working papers are reviewed at the appropriate level.
- Record of work performed
- Audit of work performed
- Audit finding and recommendations
- Reporting (draft internal audit report and final internal audit report)
- Follow up of previous audit findings

Reporting requirements

The structure of the report is to be as follows:

- Introduction
- Audit objective and scope
- Background

- Executive summary highlighting significant findings
- Findings, recommendations and management response (including implementation dates)
- Conclusion

Quality assurance reviews of the work

The auditor shall ensure that all work conforms to the Standards for the Professional Practice of the Institute of Internal Audit (IIA). Such work may further be subject to an external quality assurance as may be considered necessary.

Monitoring progress of assignments

On completion of each assignment, the auditor shall distribute the reports to the CEO and CFO as well as the Audit and Risk Committee (ARC).

On quarterly basis a report to the CEO, CFO and ARC on progress against the plan, significant findings and administrative matters will be presented.

Independence and objectivity of staff

In carrying out the work, the auditor must ensure that their staffs maintain their objectivity by remaining independent of the activities they audit.

The Internal auditors shall:

- Have no executive or managerial powers, functions or duties except those relating to Internal Audit.
- Not be involved in the day to day operation of SANAC TRUST,
- Not be responsible for the detailed development or implementation of new systems and procedures.

If a bidder is submitting an internal audit proposal for a 2nd consecutive period, i.e. at the end of this proposed contracted period a total of five (5) years or more would be executed by the bidder, a written statement must be submitted confirming that their independence is not impair. The written statement must include clarification on how the independence risk has been mitigated by the bidder.

Duration of contract

The duration of the contract is anticipated to run for a period of three (3) years commencing on the date of signing the Service Level Agreement. The 2nd and 3rd year will be subject to an evaluation of the 1st year's targets that were achieved.

1. INSTRUCTION TO BIDDERS

- 1.1 SANAC TRUST hereby invites interested parties who are able to satisfy the requirements stipulated in the RFP to bid for the internal audit services for an appointment period of three (3) years.
- 1.2 Bidders are required to complete the RFP, initialling each page and signing the document where required. Bidders are also required to submit the original completed, initialled and signed RFP, together with the mandatory documents required ("**the complete bid**"), i.e. a hard copy of the complete bid, in a lever arch filed by the closing date and time stipulated on the cover page to the RFP. In addition, bidders are to include a compact disk containing an electronic version of the complete bid in an envelope inside of the lever arch file.
- 1.3 No faxed or emailed bids will be accepted, only hard copies of the bid and the compact disk containing the bid, will be accepted.
- 1.4 Bids can be delivered to SANAC TRUST at the address stipulated on the cover page to the RFP, between 9h00 and 16h00, Mondays to Fridays until the closing date and time of the tender.
- 1.5 Bids delivered after the closing date and time stipulated on the cover page will not be accepted for consideration.
- 1.6 Bidders are required to sign the register at the reception of SANAC TRUST and if the bid is being couriered, please advise the courier to sign the register.
- 1.7 Bidders may submit requests for clarification to Beullah Mthombeni at beullah@sanac.org.za. Please note that all requests and responses will be made available to all bidders by email.
- 1.8 SANAC TRUST will formally notify the successful and unsuccessful bidders after the evaluation process has been completed.
- 1.9 Bidders are requested not to contact SANAC TRUST seeking any information, other than requests for clarity on the RFP.
- 1.10 Detailed evaluation results and bidder ratings will not be published.

- 1.11 Bidders are required to provide full information as requested in this RFP.
- 1.12 Bidders whose bids score a minimum of 70% for the technical functionality criteria may be required to make a further oral presentation to the Tender Evaluation Committee, at a time to be advised by the panel.
- 1.13 The contract will be awarded to a bidder who scores the highest points although SANAC TRUST reserves the right to award a contract to another bidder who does not score the highest points on the basis of objective criteria.
- 1.14 The contract will be awarded on condition and subject to successful negotiations and the signing of a written contract. In the event that a contract cannot be successfully negotiated and signed, SANAC TRUST reserves the right to withdraw the awarded tender and to award the tender to the next highest scoring bidder without the need to repeat the tender process.

RFP PROCESS SCHEDULE

ACTIVITY	DATE AND TIME	ADDRESS/ CONTACT DETAILS
Availability of the RFP	24 June 2022	www.sanac.org.za
Requests for clarity	27 June 2022- 22 July 2022	Please email requests for clarity to beullah@sanac.org.za . Only emailed requests will be addressed.
Closing date and time	25 July 2022 @ 11:00 A.M	Deliver the complete original bid, plus a copy on USB, in a lever arch file to: SANAC TRUST 2 nd Floor – Block E, Hatfield Gardens, 333 Grosvenor Street Hatfield 002

2. **PRE-QUALIFICATION CRITERIA**

- 2.1 SANAC TRUST has defined minimum mandatory pre-qualification criteria that a bidder's bid is required to satisfy in order for its bid to be a compliant bid. The pre-qualification criteria are detailed below.

2.2 SANAC TRUST will evaluate each bid to see whether it complies with the pre-qualification criteria. Bids which fail to comply with all of the pre-qualification criteria will be disqualified and excluded from the RFP process. Compliant bids, namely those which satisfy all of the pre-qualification criteria set out below, will proceed to be evaluated against the technical specifications set out in the next section.

2.3 The required minimum mandatory pre-qualification criteria are listed below. Bidders must provide all the documents listed under each criteria in one section of the RFP entitled "**Mandatory pre-qualification criteria documents**":

Complete bid documents	✓
Completed, initialled and signed original bid, plus one electronic copy on a compact disk, all in one lever arch file	
Legal status of bidder	✓
Ownership registration certificate if a business	
South African ownership of the business or South African citizenship if an individual	
Where the bidder is a consortium or joint venture, collaborative, the entities forming such a consortium should each provide their own documentation proving that they have met all of the mandatory requirements. Should an individual entity's submission not comply with the requirements, the consortium will be disqualified from the process. a) a copy of the agreement (constituting agreement) entered into between the consortium members	
Financial strength and viability	✓
Audited financial statements for the past two (2) financial years (if the Bidder is a subsidiary of a holding company, the holding company's financial statements must also be submitted) if the bidder is a business.	
Proof of bank account and related details (stamped, not older than three (3) months from date of submission)	
Tax compliance pin (compliant on the CSD Summary report)	
Valid VAT registration certificate or valid exemption confirmation if applicable.	

Valid references	√
Minimum of three (3) references of current and previous contracts or purchase orders where work of a similar nature was supplied successfully	
Curriculum Vitae (CV)	√
CVs of all the auditor/s that will be executing the work	
CVs must show qualifications including any relevant training and experience	
Price	√
Complete pricing schedule of all services offered.	
General	√
Contract implementation plan	
The names of the subcontractors or team members if applicable.	
Letter or written resolution confirming authority of the signatory to sign the bid on behalf of the bidder or team if a consortium is applying.	
National Treasury : Central Supplier Database Summary report	

2.4 Requirements for Holding Company / Group / Consortiums

2.4.1 All documents submitted in support of this tender must be documents of the entity tendering for the provision of the internal audit services, except where the bidder is a subsidiary, the financial statements of its holding company must be submitted as part of the bid.

2.4.2 A consortium will be required to nominate, appoint and authorise two to three members to sign on behalf of all the other members as part of the consortium agreement.

2.4.3 The lead members shall be the only authorized parties to make legal statements and receive instructions for and on behalf of any and all of the members of the consortium including communication there from.

2.4.4 The contract, if awarded to a consortium, shall be signed by all the members in order for it to be legally binding.

3. **EVALUATION PROCESS AND CRITERIA**

3.1 Below are the minimum technical specification criteria that bidders must satisfy for the provision of internal audit services to SANAC TRUST.

3.2 Bidders are required to study the criteria carefully before responding to the RFP.

3.3 Please note that the evaluation process will take place in two (2) stages immediately after the conclusion of prequalification evaluation. The first stage of the evaluation process will be based on a technical functionality test where Bidders are expected to score a minimum of 70% in order to qualify for the second stage of evaluation process. In stage two of the evaluation process only those bids that scored a minimum of 70% on the technical functionality test will proceed to be evaluated for price.

3.4 In addition to the verification of information provided by the bidders, SANAC TRUST may conduct a due diligence on any bidder at its own time and cost. This due diligence may include visiting the offices of team member's/business offices, interviewing the customer who provided references and interviewing the bidder itself on the conduct of its business activities.

3.5 Bidders whose bids satisfy the 70% threshold for technical functionality may also be requested to formally present their proposals.

3.6 **Prequalification Criteria**

3.6.1 The following Qualifying Criteria will be applied in the initial stage of the evaluation. Bidders who do not meet all of the Qualifying Criteria will not be considered for award of the tender.

3.6.2 Bidders are required to complete the table below by indicating whether they comply with the requirement by marking the appropriate column with an 'X' below. Bidders are required to submit supporting documentation evidencing their compliance with each requirement, where applicable.

Requirement	Compliant	Not compliant
Registration		
Bidders and each member of the proposed audit team must be registered with the Institute of Internal Auditors (IIA). This requirement applies to all members of consortia or joint ventures which submit joint Bids.		
Audit Partner		
The audit partner responsible for managing the audit (and signing off on the audit) must have at least five (5) years of experience as a partner.		
Experience of the Bidder		
The Bidder must have a technical department to refer complex audit & other technical matters to. This requirement will be satisfied when met by the joint venture or consortium as a whole, in circumstances where joint Bids are submitted.		
Independence		
The Bidder (and any entity forming part of the Bidder's consortium) may not have served as auditor for the SANAC TRUST for five (5) consecutive years immediately preceding the year to which this RFP pertains.		
The Bidder must have 10 or more partners, who are auditors registered with the IRBA.		
The Bidder must declare the monetary value of the non-audit work that the Bidder has performed or is performing for any direct services to the SANAC TRUST or for any other entity at the instance of the SANAC TRUST in the current financial year (2021/2022) and in the two (2) previous financial years (the relevant financial years being those of the SANAC TRUST). The monetary value of the non-audit work performed by the Bidder in any one financial year may not exceed 50% of the Bidder's submitted price.		

3.6.3 Bidders whose bids are compliant in that they satisfy the pre-qualification criteria set out above will be evaluated further based on technical functionality. In this evaluation the Bidders are required to score a minimum of 70% in order to advance to the final stage of evaluation, which is based on price.

3.6.4 The Functional Criteria that will be used to test the capability of Bidders are as follows:

Evaluations Stage 1: Pre-qualification/ initial Screening process

In terms of National Treasury Instruction No.4A of 2016/2017 regarding the Central Supplier Database (CSD) all bidders must register on CSD to provide the following information to be verified through CSD:

- a) Business registration, including details of directorship and membership
- b) Bank Account holder information
- c) In the service of the state
- d) Tax Compliance Status
- e) Identity Number
- f) Tender Default and restriction status and
- g) Any additional and supplementary verification information for this bid as may require by SANAC TRUST.

Evaluations Stage 2: Technical Evaluation

- a) Firstly, the proposals will be evaluated on functionality. An evaluation panel will allocate points (scale of 1 - 5) in respect of functionality according to the criteria set out on the functionality table.
- b) SANAC TRUST reserve the right to invite bidders for presentations: Verbal presentation will form part of the second stage; it will be expected of all the qualifying bidders to give verbal presentations on their proposals.
- c) Bidders must obtain the Minimum point of 70 out of 100 to be shortlisted for Presentations.
- d) Bidders who obtained a minimum point of 70 out of 100 on functionality will be evaluated on Price & BEE (refer to SBD 6.1 for Adjudication process on Price & BEE)

Proposals will be evaluated on a scale of 1–5 in accordance with the criteria below:

- 1 = Very Poor
- 2 = Average
- 3 = Good
- 4 = Very Good
- 5= Excellent

Functional evaluation criteria – Written proposal

Weight	Evaluation Criteria	Weight outline	Points Scored
10 Points	<p>Bidder Track Record and Experience</p> <p>Bidder must indicate its demonstrable audit and other experience in the NGO and public entity sector (preference for greater than 5 years)</p> <p>The Bidder must provide three (3) relevant contactable references of audits done in the past five (5) years.</p> <p>The references should contain: client name; project description; project costs; project period (start and end dates); description of services performed and extent of the Bidder's responsibilities and name, title and telephone contact of client. (These may, if applicable, be the same references as provided in the item above.)</p>	<p>1=<1 year 2= 1-2 years 3=3-4 years 4= 5 years 5= 6-10 years</p>	
Weight	Evaluation Criteria	Weight outline	Points Scored
10 Points	<p>Track Record and Experience of Partners</p> <p>Bidders are to indicate the years of demonstrable experience of the audit partner responsible for signing off on the audit's experience in the NGO and public entity Sector.</p> <p>Audit partner responsible for signing off on the audit should ideally have in excess of five (5) years of experience in the NGO and public entity sector.</p>	<p>1=<1 year 2= 1-2 years 3=3-4 years 4= 5 years 5= 6-10 years</p>	

Weight	Evaluation Criteria	Weight outline	Points Scored
20 Points	<p>Depth and Expertise of Bidders/Staff</p> <p>Bidders must show knowledge of and experience in the specialisation areas listed in the column "Weight" immediately to the right.</p> <p>To do so, Bidders are required identify the most experienced member of the audit team in relation to each area of specialisation and indicate the level of experience of that person.</p>	<p>Specialisation areas</p> <ul style="list-style-type: none"> • Financial Controls • Procurement • Tax • Risk • IT General Controls <p>Each area of specialisation is assigned a maximum of 4 points.</p> <p>Experience of Bidder's staff per specialisation:</p> <p><3yrs – 1 point</p> <p>3 – 4 yrs - 3 points</p> <p>>=5 yrs – 4 points</p>	Financial Controls
			Procurement
			Tax
			Risk
			IT: General Controls

Weight	Evaluation Criteria	Weight outline	Points Scored
10 Points	<p>Bidder's Experience in relations to SA Legislation</p> <p>Bidders must show demonstrable quality knowledge on the PFMA, PPPFA, Income Tax Act, Trust Property Control Act</p> <p>In order to do so, Bidders are required to indicate which member of the audit team has the most years of experience in dealing with the legislation identified in the column immediately to the right, and how many years of experience that person has.</p>	<p>0= <8 year</p> <p>10> 8 years</p>	
Weight	Evaluation Criteria	Weight outline	Points Scored
25 points	<p>Technical proposal</p> <p>A proposed plan of action specific to SANAC Trust to achieve the objectives of the outsourced internal audit function must be submitted.</p>	<p>0 points = No Project Plan proposed</p> <p>10 points = Project Plan proposed however no clear deliverables or understanding of the SANAC Trust sector and its mandate.</p> <p>25 points = Detailed Project Plan and an indication of understanding of the SANAC Trust sector and mandate.</p>	

<p>25 points</p>	<p>Audit Plan A proposed plan of action to achieve the objectives of the outsourced internal audit function must be included. The plan should cover short, medium and long term objectives.</p>	<p>0 points = no audit plan proposed</p> <p>10 points = audit plan proposed, however no clear deliverables on cost analysis, methodology to be implemented, the implementation procedure on deliverables within agreed timeframes and within budget, and a credible methodology to be implemented. Some outcomes and deliverables were adequately addressed.</p> <p>25 points = audit plan proposed with clear deliverables on cost analysis, methodology to be implemented, the implementation procedure on deliverables within agreed timeframes and within budget, and a credible methodology to be implemented. All outcomes and deliverables adequately addressed.</p>	
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Presentations Evaluations

Bidders will not be permitted to supplement the content of the Bids they have submitted in a substantive manner and any new, material information which was not contained in the written Bid submission will not be considered.

Weight	Evaluation Criteria	Weight	Points Scored
10 points	<p>SANAC Trust's environment</p> <p>Presenter/s understanding of the Internal Audit Industry, SANAC Trust's environment/industry and Technical Scope of Work for SANAC Trust</p>	<p>0 points = demonstrates poor or inadequate knowledge</p> <p>5 points = demonstrates adequate knowledge</p> <p>10 points = demonstrates extensive knowledge</p>	
25 points	<p>Audit Capacity</p> <p>The qualifications and competence of the personnel proposed to provide the service (key personnel proposed to provide the service, including the relationship team management escalation levels and related professional affiliations) must be documented to indicate the bidder's capacity to deliver on the expected outcomes.</p> <p>The team profile must be accompanied by documented experience of individual team members (Attach CV's and certified copies of qualifications/affiliations)</p>	<p>0 points = No Qualifications indicated.</p> <p>10 points = Qualifications & experience sufficient (Certified copies of Bachelor's Degrees with no Honours and 0 to 5 years audit experience, and professional affiliation with the relevant bodies)</p> <p>25 points = Qualifications & experience more than sufficient (Certified copies of Bachelor's Degrees with Honours and more than 5 years audit experience, and professional affiliation)</p>	

Weight	Evaluation Criteria	Weight	Points Scored
40 points	<p>Methodology and Project Approach</p> <p>The bidder’s ability to demonstrate its proposed methodology and project approach. The following factors will be taken into account:</p> <ul style="list-style-type: none"> • Demonstration of in-depth understanding in risk based audits • Adequacy of outcomes and deliverables incorporated in project approach and plan • Process of dealing with issues where management does not agree with audit findings • Bidders process of reporting to the Audit and Risk Committee, and instances where the Committee does not agree with the audit findings • Possible challenges that may deter delivery and how these could be addressed • Use of electronic internal audit software, tools, techniques & dashboards to perform audits (CAATS, ACL etc) • Description of ways to bring innovation, best practices to the function to assist in enhancing performance and ensuring continuous improvement, influence and value add to the SANAC Trust • Transition/Hand-Over plan and process from current service provider 	<p>Five (5) points per factor demonstrated</p> <p>1 point = Addressed poorly</p> <p>2 points = Addressed but with limitations</p> <p>3 points = Addressed adequately</p> <p>4 points = Adequately addressed with advanced understanding in some areas</p> <p>5 points = Extensively addressed</p>	

Weight	Evaluation Criteria	Weight	Points Scored
10 points	Staff Continuity The bidder needs to provide level of assurance that staff continuity can be ensured	0 points = Staff continuity not demonstrated 10 points = Staff continuity demonstrated	
15 points	Supplier's ability to quickly respond to questions/scenarios posed verbally during the presentation	0 points = Incorrect answers were provided 5 points = Correct answers were provided but only after discussion amongst the team 10 points = Correct answers were provided but there was a delay and hesitation 15 points = Correct answers were provided quickly with hesitation and without having to confer to others	

3.7 Stage 2: Price

3.7.1 Bidders whose bids achieve a minimum of 70% on technical functionality will proceed to be evaluated on price. Bids that do not meet the 70% threshold will be excluded from the process.

Criteria	Number of Points
Price	80
BEE	20
Total Points	100

3.8 Price points calculation formula

3.8.1 The calculation for price points will be conducted as follow:

$$PS = 80 \left[1 - \frac{(Pt - Pmin)}{P} \right]$$

Pmin

Where:

PS = Points scored for comparative price of tender/offer under consideration

P = Maximum points

Pt = Comparative price of tender/offer under consideration

Pmin = Comparative price of lowest acceptable tender/offer

Points scored will be rounded-off to the nearest 2 decimal places

4. **PRICING**

Prices proposed should be INCLUSIVE OF VALUE ADDED TAX (VAT). It is an express requirement of this RFP that Bidders provide transparency in respect of their pricing approach. In this regard, Bidders must indicate the basis upon which they have calculated their pricing by completing all aspects of the Pricing Schedule There must be no hidden costs.

5. **GENERAL**

Bid Validity Period

Bid submissions will be valid and open for acceptance for a period of 120 calendar days from the closing date of the tender.

In cases where a Bidder withdraws its tender within the bid validity period, or fails to fulfil the contract when called upon to do so, SANAC TRUST may be compelled withdraw the tender or cancel the contract as part of other optional remedies at its disposal.

Acceptance of Bids

The Bidder accepts SANAC TRUST's interpretation of any requirement in the RFP should there be a difference of interpretation between the Bidder and SANAC TRUST.

SANAC TRUST reserves the right to evaluate and consider bids that do not comply strictly to this RFP.

SANAC TRUST further reserves the right and discretion to cancel the RFP, not to accept any bids, and to accept one or more Bids for further negotiation, including a Bidder chosen not necessarily on the basis of having scored the highest points for price and B-BBEE.

SANAC TRUST also, without any limitation to any of its rights, reserves the right to request clarification on any aspect of bids received, provided that the Bidder's response does not amount to a material amendment to its bid. Such a request and related responses shall both be in writing and will be shared with all the other Bidders.

SANAC TRUST reserves the right to visit the building/premises where the consultant/s office space is located.

Rights or Claims

Please note that no rights shall vest in any Bidder as a result of this RFP or any bid submitted in response to the RFP. SANAC TRUST reserves the right in its exercise of its sole discretion to withdraw by notice to the Bidders the entire RFP or any services or combination of services from the RFP.

Neither SANAC TRUST nor any of its representative/s will assume any liability for any costs or expenses incurred by any party in or associated with any exercise conducted in relation to this RFP.

Confidentiality Commitment

The Bidder agrees that this RFP and its contents, including but not limited to technical, commercial and scientific information; processes, designs and technical specifications; copyrights; and data in any form ("the confidential information"), are confidential and are intended only for the sole purpose of this RFP in its entirety and its related purposes and processes.

The confidential information shall only be divulged on a "need to know" basis with written approval by SANAC TRUST.

Information Accuracy

Neither SANAC TRUST nor any of its employees, make any representation or warranty or give any undertaking, express or implied, or accept any responsibility or liability whatsoever, as to the contents, accuracy or completeness of the information contained in the invitation to tender or any other written or oral information made available in connection with the tender. Nothing contained herein is, or shall be relied upon, as a promise or representation in this regard, whether as to the past or the future.

SANAC TRUST prepared the data and information contained in the RFP in good faith. SANAC TRUST does not accept liability in any capacity whatsoever for any consequence which occurs as a result of the inaccuracy of the information contained in the invitation to tender, the tender document and related supporting information.

Competition

Bidders and their respective officers, employees and agents are prohibited from engaging in any collusive actions in respect to this tendering process with the ultimate motive of limiting competition amongst themselves to their advantage. Section 4(1) (iii) of the Competition Act, 1998 prohibits collusive tendering practices.

Bidders are advised to and encouraged to discuss with the competition authorities anything that arises as regards the tender document process which they believe might be in violation of the Competition Act. Any correspondence or process in response to this invitation of any kind between Bidders and the competition authorities must be in writing and be documented in their responses to this invitation to tender, tender document and related required information.

Pre-Contract Requirements

The successful Bidder shall be appointed only after the following has occurred:
the successful negotiation and signature of the contract and service level agreement;
The approval by SANAC TRUST of the bidder's contract implementation plan.

Service Level Agreement

SANAC TRUST and appointed bidder will enter into a written service level agreement setting out additional quality and standards requirements relating to the provision of office space and related services and attendant performance measurements. These requirements and performance measurements may be varied by agreement by the parties from time to time, provided that this does not entail a material alteration of the terms and conditions of the contract.

Special conditions

- a) SANAC Trust reserves that right to award work to one or more service providers.
- b) SANAC Trust reserves the right not to award the contract should it deem fit not to award.
- c) The successful service provider must further acquaint themselves with the relevant programmes, policies and legislation at their own cost.
- d) SANAC Trust reserves the right to contact any applicants to seek clarity on any matter included in the proposal documents.
- e) SANAC Trust reserves the right to appoint an independent auditor for financial auditing purposes.
- f) It will be expected of the successful service provider to sign a contract with SANAC Trust prior to the commencement of any work.
- g) The contract shall initially be valid from the date of signing of the service level agreement by both parties.
- h) The successful organisation will be paid upon the completion of phases or milestones set out in the project plan or as mutually agreed by SANAC Trust.
- i) Payment of invoices will be effected within 30 days after receipt of an invoice and a satisfactory detailed report (to be approved by SANAC Trust) from the service provider.