

## APPOINTMENT OF A PANEL OF EXTERNAL INVESTIGATORS FOR INVESTIGATION SERVICES

**BID NO.:** IRBA003/2023/RFT

**CLOSING DATE:** 26 April 2023 at 12h00

**OBLIGATORY VIRTUAL BRIEFING:** 27 March 2023 at 10h00

**BID DESCRIPTION:** Bidders are hereby invited to submit their proposals for the supply of the abovementioned services, per the attached Terms of Reference and conditions, as outlined in this tender document. The panel will provide investigation services to the Independent Regulatory Board for Auditors, as required, for a period of five years.

- This bid is subject to the General Conditions of Contract and, where applicable, any other special conditions of contract.
- Kindly note that the bid offers should be submitted as follows:
  - **Via hand delivery** and be deposited in the tender box on the Ground Floor of Building 2, Greenstone Hill Office Park, Emerald Boulevard, Modderfontein, 1609.
- Failure by the bidder to attend the compulsory briefing session will result in their bid response not being considered.
- No bids forwarded via email, fax or a similar medium will be considered.
- Late bids will not be accepted.



**DIRECTOR: OPERATIONS**

**DATE: 13/03/2023**

## TABLE OF CONTENTS

<b>SECTION A: GENERAL CONDITIONS OF THE BID</b> .....	<b>3</b>
Propriety Information .....	3
Enquiries .....	3
Bid Validity Period .....	4
Background .....	4
Minimum Requirements for a Valid Bid.....	4
Instructions on the Submission of Bids .....	5
Preparation of the Bid Response.....	6
Requirement to Conclude a Contract.....	7
Contract Period .....	7
Assignment of Obligations, Independence and Conflict of Interest .....	7
Reporting .....	8
Cancellation of the Contract .....	8
Supplier Performance Management .....	9
Panel Utilisation .....	9
Disclaimer .....	10
Absence of Obligations .....	10
Evaluation Criteria and Points Allocation .....	10
<b>SECTION B: FUNCTIONAL REQUIREMENTS SPECIFICATIONS</b> .....	<b>14</b>
Background to the RFT .....	14
Scope of the Work.....	14
Project Timelines.....	15
Mandatory Technical Requirements .....	15
Non-mandatory Technical Requirements .....	16
Evaluation Criteria.....	18
<b>ANNEXURE A: SUPPORTIVE INFORMATION</b> .....	<b>23</b>
Table A: Details of the Suitably Qualified Investigator Nominated by the Bidder .....	23
Table B: Detailed Description of the Accounting/Financial/Auditing Investigations Performed	24
<b>ANNEXURE B: SBD 3.3 FORM – FINANCIAL PROPOSAL</b> .....	<b>25</b>
Pricing Proposal .....	25
<b>COMPLIANCE WITH PERSONAL INFORMATION PROCESSING LAWS</b> .....	<b>26</b>

## SECTION A: GENERAL CONDITIONS OF THE BID

The Independent Regulatory Board for Auditors (IRBA) invites suitably qualified bidders to apply for an appointment onto the IRBA panel of external investigators, for the purpose of providing investigation services to the organisation, as required, for a period of five (5) years. The panel will comprise entities that have nominated suitably qualified investigators.

### 1. PROPRIETARY INFORMATION

The IRBA considers this Request for Tender (RFT) and all related information, either written or verbal, which is provided to the bidder, to be proprietary to the IRBA. Such information shall be kept confidential by the bidder and its officers, employees, agents and representatives. The bidder shall not disclose, publish or advertise this RFT, or the related information, to any third party, without the prior written consent of the IRBA.

### 2. ENQUIRIES

2.1 All communication and attempts to solicit information of any kind relative to this RFT should be channelled **in writing** to:

#### **Technical Enquiries**

Jillian Bailey

Email address: [jbailey@irba.co.za](mailto:jbailey@irba.co.za)

#### **RFT Enquiries**

Phyllis Mualusi

Email address: [pmualusi@irba.co.za](mailto:pmualusi@irba.co.za)

2.2 All bidders must attend a compulsory virtual briefing session scheduled for 27 March 2023 at 10h00. **Failure to attend the session will result in their bid response not being considered. The briefing, to be hosted by the IRBA, will be held via Microsoft Teams. Bidders to please email [pmualusi@irba.co.za](mailto:pmualusi@irba.co.za) for the briefing session link. Bidders that wish to attend the session should indicate their intention via email by latest 14h00 on 24 March 2023.**

2.3 Enquiries concerning this RFT will be consolidated and the IRBA will issue one response that will be posted on 29 March 2023 on the IRBA website ([www.irba.co.za](http://www.irba.co.za)) under the section on tenders.

2.4 The IRBA may, in its absolute discretion, respond to any enquiry; and the bidder acknowledges that it will have no claim against the IRBA on the basis that its bid was disadvantaged by lack of information or the inability to resolve ambiguities.

### 3. BID VALIDITY PERIOD

Responses to this RFT that are received from bidders will be valid for a period of 145 days, from the bid closing date.

### 4. BACKGROUND

The IRBA was established in terms of Section 3 of the Auditing Profession Act, No. 26 of 2005, as amended (the Act), which had an effective date of 1 April 2006. The objectives of the Act, as set out in Section 2, are as follows:

- a) To protect the public in the Republic by regulating audits performed by registered auditors;
- b) To provide for the establishment of an Independent Regulatory Board for Auditors;
- c) To improve the development and maintenance of internationally comparable ethical standards and auditing standards for auditors that promote investment and as a consequence employment in the Republic;
- d) To set out measures to advance the implementation of appropriate standards of competence and good ethics in the auditing profession; and
- e) To provide for procedures for disciplinary action in respect of improper conduct.

### 5. MINIMUM REQUIREMENTS FOR A VALID BID

5.1 Interested bidders must comply with the minimum conditions indicated below, for their proposals to be evaluated on functionality. Failure to submit or comply will render the bid non-compliant.

5.2 Independence: Interested bidders are required to submit an affidavit confirming that they and their nominated suitably qualified investigators are independent of the auditing profession in that:

- They are not employed/contracted, directly or indirectly, by an audit firm and/or a network firm;
- They do not share, directly or indirectly, in any profits or interests of a registered auditor and/or an audit firm, or any person related to a registered auditor and/or an audit firm; and

- They have not acted against the IRBA, in the five-year period prior to this RFT, on behalf of a registered auditor.
- 5.3 Interested bidders are required to complete and submit the following **appropriately signed** (by authorised signatories) Standard Bid Documents (SBDs), **failing which their bid responses will be disqualified**:
- SBD 1: Invitation to Bid.
  - SBD 3.3: Financial Proposal.
  - SBD 4: Declaration of Interests Form.
  - SBD 6.1: Preference Points Claim Form in terms of PPPFA, 2022.
- 5.4 **National Treasury – Central Supplier Database (CSD)**: Interested bidders must submit a confirmation of the company or individual registration on the CSD and be tax compliant. The IRBA will not award any contract to a service provider that is not registered as a supplier on the CSD, as required in terms of National Treasury Circular No. 3 of 2015/2016 and National Treasury SCM Instruction Note 9 of 2017/2018. The CSD registration requirement applies to all companies/individuals. Interested bidders may register on the CSD register through the National Treasury website ([www.csd.gov.za](http://www.csd.gov.za)).
6. INSTRUCTIONS ON THE SUBMISSION OF BIDS
- 6.1 The IRBA requires two (2) printed copies – one (1) hard copy original and one (1) additional copy – of the complete bid documentation that supports the criteria, as stated in section B of this document.
- 6.2 The SBD 3.3, Financial Proposal, must be submitted in a separate sealed envelope, within the envelope containing the printed copies of the bids, as a Returnable Schedule.
- 6.3 Interested bidders that wish to nominate more than one suitably qualified investigator to participate in the bidding process, should submit **a separate bid for each individual**. Each bid will be evaluated separately.
- 6.4 The tender envelope containing the copies of the completed bid documentation, as well as the sealed financial proposal, must be hand-delivered and placed in the tender box on the Ground Floor of Building 2, Greenstone Hill Office Park, Emerald Boulevard, Modderfontein, 1609, by no later than 12h00, South African time, on 26 April 2023.
- 6.5 The bid register, which is located where the tender box is, must be signed by the person making the delivery.

- 6.6 The bid closing date, bidder's name and the return address must also be reflected on the envelopes.
- 6.7 No bid response received by email, fax or similar medium will be considered.
- 6.8 Any bid response that is not in the bid box at the bid closing date and time will be regarded as a late bid. It is the IRBA's policy not to consider late bids for tender evaluations.
- 6.9 Amended bids may be sent in an envelope marked "Amendment to the bid" and should be placed in the bid box before the closing date and time.

## 7. PREPARATION OF THE BID RESPONSE

- 7.1 All documentation submitted in response to this RFT must be in English.
- 7.2 The bidder is responsible for all costs that it shall incur related to the preparation and submission of the bid document.
- 7.3 Bids submitted by bidders that are comprised of companies must be signed by a person or persons duly authorised thereto by a resolution of the applicable board of directors, a copy of which resolution, duly certified, must be submitted with the bid.
- 7.4 The bidder should check the numbering of the pages of its bid, to satisfy itself that none are missing or duplicated. The IRBA will accept no liability regarding anything arising from the fact that pages of a bid are missing or duplicated.
- 7.5 The information required in paragraphs 5.2-5.4 above must be included in the bid response.
- 7.6 A letter of good standing, not older than three (3) months, and a certificate of discharge – both from the South African Institute of Chartered Accountants (SAICA) – must be included in the bid response for each nominated suitably qualified investigator.
- 7.7 A detailed and current curriculum vitae (CV) of each nominated suitably qualified investigator, including their respective areas of expertise, must be included in the bid response.
- 7.8 Reference letters, as per the Functional Evaluation Criteria set out in section B of this RFT, must be included in the bid response.
- 7.9 Details, as indicated in Tables A and B of Annexure A, must be included for each nominated suitably qualified investigator.
- 7.10 The financial proposal, as set out in Annexure B, must be included in the bid response.

## 8. REQUIREMENT TO CONCLUDE A CONTRACT

This bid document, all the appended documentation and the proposal in response thereto, together with the General Conditions of Contract issued in accordance with Chapter 16A of the Treasury Regulations, shall form the basis for formal contracts to be negotiated and concluded between the IRBA and the successful bidders who are awarded the bid.

## 9. CONTRACT PERIOD

9.1 The contract shall be for a period of five (5) years from the date on which panel members are appointed; and it will be on an “as and when required basis”, subject to a periodic review of the service providers’ performance.

9.2 Notwithstanding the expiry of the contract period set out in 9.1 above, any of the appointed bidders that might already be investigating certain matters will be required to see those matters to finality, subject to a prior written approval by the IRBA’s Director Investigations. Therefore, the contract expiry date in such circumstances will be the date on which such matters are finalised, unless the IRBA elects to terminate the bidder’s mandate in respect of such matters.

9.3 The successful bidder shall, upon receipt of a written notification of an award, be required to conclude a contract, inclusive of a Service Level Agreement (SLA) with the IRBA, and this will form an integral part of the contract. The SLA will serve as a tool to measure, monitor and assess the service provider’s performance and ensure an effective delivery of service, quality and value-add to the IRBA’s business.

9.4 Notwithstanding the appointment and subsequent conclusion of a contract and the supporting SLA, the bidders shall not perform any work nor render any services to the regulator, unless they are in receipt of a written instruction to that effect from the IRBA.

## 10. ASSIGNMENT OF OBLIGATIONS, INDEPENDENCE AND CONFLICT OF INTEREST

10.1 The successful bidders:

10.1.1 May not assign their own obligations.

10.1.2 Shall conduct their business from the Republic of South Africa.

10.1.3 Shall, in rendering services to the IRBA, maintain independence and must not have any conflicts of interest in respect of the allocated investigation.

10.1.4 Shall follow the IRBA Investigations Department’s methodology in conducting an investigation. Subsequent to the appointment of the panel, the IRBA will provide training on the methodology.

- 10.1.5 Must immediately advise, in writing, the IRBA's Director Investigations when it seems like unforeseeable circumstances will adversely affect their execution of the contract. Full particulars of such circumstances, as well as the period of delay, must be furnished to the Director Investigations.
- 10.1.6 Shall restrict the use of the IRBA information and documentation for the purpose for which such information and documentation were disclosed to the bidders by the IRBA.
- 10.1.7 Must secure items and documentation during the course of an investigation; and, on completion, return all those items and documentation acquired and/or produced during an investigation, and also clear all devices of any IRBA investigation information and documentation.

## 11. REPORTING

The successful bidders shall meet with the IRBA team to discuss reporting and account queries, as and when requested by the IRBA.

## 12. CANCELLATION OF THE CONTRACT

12.1 The IRBA may, in its sole discretion and without limitation to any of its other rights elsewhere in law, cancel the contract, if it is satisfied that any person (including an employee, partner, director or shareholder of the interested company or a person acting on behalf of or with the knowledge of the interested person or entity):

- Is executing a contract with the IRBA unsatisfactorily;
- Has breached independence requirements;
- Has, in any manner, been involved in a corrupt act or offered a gift or remuneration to any officer or employee of the IRBA in connection with obtaining or executing a contract;
- Has acted in bad faith, in a fraudulent manner or committed an offence in obtaining or executing a contract;
- Has, in any manner, influenced or attempted to influence the awarding of the IRBA's bid process;
- Has, when advised that their proposal has been accepted, given notice of their inability to execute or sign the contract;
- Has engaged in any anti-competitive behaviour, including having entered into any agreement or arrangement, whether legally binding or not, with any other person, entity



or company to refrain from quoting for this contract, or relating to the bid to be submitted by either party; and/or

- Has disclosed to any other person any information relating to this bid, except where disclosure in confidence was necessary to obtain information that is required for the preparation of the bid.

12.2 The IRBA may, in its sole discretion, resolve that for a specified period it will not consider a bid from a bidder whose contract has been cancelled for fraud, dishonesty or contravention of supply chain management legislation. If the IRBA is satisfied that any person is or was a shareholder or a director of an entity or company, which in terms of paragraph 12.1 is one from which no bid will be favourably considered for a specified period, it may also decide that no bid from such a person, entity or company shall be favourably considered for a specified period.

12.3 Any restriction imposed upon any person/entity shall apply to any other person/entity with which such a person/entity is associated.

12.4 The IRBA reserves the right to unilaterally terminate the contract with the successful bidder on three (3) months' notice, in the event of circumstances beyond the IRBA's control and those that render continuation with the contract undesirable or unnecessary.

### 13. SUPPLIER PERFORMANCE MANAGEMENT

The IRBA views supplier performance management as a critical component in ensuring quality, in as far as the acquisition of services and the maintenance of good relations between the IRBA and all its service providers are concerned.

### 14. PANEL UTILISATION

14.1 The panel of service providers will be used to provide support to the IRBA for specific tasks on an "as and when required" basis. Inclusion on the panel will not imply a guaranteed contract for work.

14.2 The Director Investigations will manage the task allocation to each service provider, and this will be on a rotational basis. The service providers will be selected based on an alphabetical order listing, subject to independence and expertise considerations.

14.3 Upon referral of a matter by the Director Investigations to the service provider for investigation, the service provider shall confirm that the suitably qualified investigator has no conflicts of interest; and that they have the necessary expertise and capacity to perform the investigation. Thereafter, they should submit a detailed project plan, the anticipated

project completion period and a comprehensive budget, utilising the applicable specified hourly tariff.

15. DISCLAIMER

15.1 Interested bidders must make and rely on their own investigations and satisfy themselves as to the correctness of any and all aspects of the bid. The IRBA will not be liable for any incorrect or potentially misleading information in relation to any part of this document and any accompanying bid documents.

15.2 The IRBA reserves the right to not appoint any bidder that does not comply with the conditions of this bid, or if it obtains information about the bidder that could put the IRBA at risk.

15.3 The IRBA reserves the right to cancel this bid, should the budget to cover its full costs not be available at the time of awarding the contract, or if the need no longer exists or the specifications have changed.

16. ABSENCE OF OBLIGATIONS

16.1 No legal or other obligation shall arise between the bidder and the IRBA, unless and until the formal appointment, contract and SLA have been signed.

16.2 The IRBA is not obliged to proceed with any submitted bids.

17. EVALUATION CRITERIA AND POINTS ALLOCATION

Bids shall be evaluated in terms of the processes and conditions that are detailed below.

**17.1 Phase 1 – Initial Screening**

During this phase, bid responses will be reviewed for the purposes of assessing compliance with the RFT requirements, including the general bid conditions that require the following:

- An affidavit confirming that the bidder and the nominated suitably qualified investigator are independent of the auditing profession, as described in paragraph 5.2 above.
- Proof of registration on the National Treasury's CSD, with a tax compliant status, as referenced in paragraph 5.4.
- Completion of all Standard Bidding Documents and other requirements, as reflected in paragraph 5.3 above, including the following:
  - Section B: Functional Requirements Specifications; and

- Various annexures.

Failure to comply with the requirements assessed under Phase 1 (compliance) will lead to the disqualification of a bid.

## 17.2 Phase 2 – Technical/Functionality Evaluation

Bid responses will be evaluated in accordance with the functional criteria indicated below.

### 17.2.1 *Mandatory Technical Requirements*

All bid responses that do not meet the Mandatory Technical Requirements will be disqualified and not considered for further evaluation under the Non-mandatory Technical Requirements. The Mandatory Technical Requirements are stated in paragraph 4 of section B in this RFT document.

Failure to comply with the Mandatory Technical Requirements will lead to the disqualification of a bid.

### 17.2.2 *Non-mandatory Technical Requirements*

With regard to the Non-mandatory Technical Requirements, the criteria (more detailed in section B) is as specified in the table below, and the associated points are also indicated.

Element	Points
Number of accounting/financial/auditing investigations performed by the suitably qualified investigator nominated by the bidder	25
Number of proceedings that the nominated suitably qualified investigator has testified in, relating to accounting/financial/auditing investigations performed	25
Detailed description of the accounting/financial/auditing investigations performed by the nominated suitably qualified investigator	50
<b>Total Points</b>	<b>100</b>

**Bidders are required to achieve a minimum score of 80 points, out of the 100, to progress to the next phase. Also, they will be evaluated in accordance with the weight scoring set out in paragraph 6.3 of section B.**

## 17.3 Phase 3 – Specific Goals and Pricing

All bids that achieve the minimum qualifying scores for functionality (acceptable bids) and are shortlisted under Phase 2 will be evaluated further in terms of the Specific Goals and Pricing, as follows:

Criteria	Points
Specific Goals	20
Pricing	80
<b>Total Points</b>	<b>100</b>

A maximum of 20 points will be awarded to a bidder for the specific goals of people who were historically disadvantaged by unfair discrimination based on being an:

Specific goals allocated points in terms of this tender	Points allocated
A. Enterprise with ownership of 51% or more by person/s who are Black	10
B. Enterprise with ownership of 51% or more by person/s who are women	5
C. Enterprise with ownership of 51% or more by person/s who are youth	3
D. Enterprise with ownership of 51% or more by person/s with a disability	2
<b>TOTAL</b>	<b>20</b>

The documents that are required to verify the points allocation are set out below.

No.	Procurement Requirement	Proof Documents
A.	Black people/Ownership	CSD Report/BEE Certificate/Sworn Affidavit
B.	Women	CSD Report/BEE Certificate
C.	Disabled (living with a disability)	CSD Report; Medical Certificate/Report
D.	Youth	CSD Report
<i>The CSD Report will be used for the verification of the ownership percentage</i>		

**Note: Please refer to the SBD 3.3 form, annexed to this document, for the format in which the required proposal must be provided.**

All bids that achieve the minimum qualifying score for functionality (acceptable bids) and are shortlisted, per above, will be evaluated further in terms of pricing.

The rates applicable to this tender will be in terms of the Cost Containment Regulations, as set out in the National Treasury Instruction Note No. 3 of 2017/2018.

The financial proposal must be based on the guidance on fees, overhead expenses and hourly rates for consultants that is contained in Circular 1/2022/23 – Guideline on Fees for Audits Performed by Private Firms on behalf of the Auditor-General of South Africa (AGSA) detailed in the table below.

*Note: Only bidders evaluated for pricing and specific goals and whose bids are at or below AGSA rates are eligible for appointment to the IRBA panel of external investigators.*

<b>Professional Level</b>	<b>Recognised Qualification</b>	<b>Number of Years of Investigative Experience Post Qualification</b>	<b>AGSA Rates (Excluding VAT)</b>
<b>Director/Partner</b>	CA (SA)	>12 years	R3 201
<b>Associate Director</b>	CA (SA)	>10 years	R3 104
<b>Senior Manager Investigations</b>	CA (SA)	>8 years	R2 527
<b>Manager Investigations</b>	CA (SA)	>6 years	R2 062

As and when the above rates are amended, this bid will comply with the amendments of the said rates, as stipulated by the guidelines at that time.

## SECTION B: FUNCTIONAL REQUIREMENTS SPECIFICATIONS

### 1. BACKGROUND TO THE RFT

The IRBA's Investigations Department is responsible for performing investigations and taking appropriate action against registered auditors in respect of improper conduct. From time to time, a need arises for the department to engage independent external investigators to assist it in carrying out its functions. Therefore, the purpose of this RFT is to appoint a **panel of external investigators** that shall be engaged on an *"as and when required basis"*, to conduct investigations on behalf of the IRBA.

### 2. SCOPE OF THE WORK

2.1 The IRBA seeks to appoint a panel of external investigators to investigate complaints lodged with the IRBA against registered auditors. This will include:

- Preparing reports for the Investigating Committee that provide an analysis of the alleged improper conduct.
- Preparing proposed charge sheets on matters for the Investigating Committee, where improper conduct has occurred.
- Liaising closely with the IRBA's senior investigators on matters being investigated.
- Preparing draft responses to queries arising from complainants/respondents on matters being investigated.
- Presenting evidence as a witness at disciplinary hearings on matters being investigated.

2.2 The bidder's nominated suitably qualified investigator must be a qualified chartered accountant – with the CA (SA) designation – who is trained in public practice and has a minimum of six (6) years' investigative post-qualification experience.

2.3 The bidder's nominated suitably qualified investigator must be able to demonstrate the following attributes:

- Extensive investigation experience, including testifying as a witness on matters being investigated.
- Excellent technical knowledge and experience in auditing and financial reporting standards, and the IRBA's Code of Professional Conduct for Registered Auditors.
- An understanding and appreciation of the IRBA's role in protecting the investing public.
- Unquestionable integrity and objectivity.
- An ability to absorb volumes of documents, identify the crux of the issues and then

summarise these succinctly.

- Excellent analytical skills and attention to detail.
- Excellent verbal and written communication skills in English.
- Emotionally mature.
- Professional attitude.
- Deadline driven, with high levels of accuracy.

### 3. PROJECT TIMELINES

The appointed service provider will be required to start immediately after signing the contract and provide the services for a period of five (5) years, on an “*as and when required basis*”, subject to a favourable review of their performance.

### 4. MANDATORY TECHNICAL REQUIREMENTS (FOR A SUITABLY QUALIFIED INVESTIGATOR NOMINATED BY THE BIDDER)

The bidder must indicate its compliance/non-compliance to the requirements and should substantiate its response in the space provided below. If more space is required to justify compliance, please ensure that the substantiation is clearly cross-referenced to the relevant requirement.

4.1 For the suitably qualified investigator that has been nominated by the bidder, the criteria set out below must be indicated.

4.1.1 Registration and Good Standing with SAICA	Comply	Not Comply
The suitably qualified investigator nominated by the bidder must be registered as a CA (SA) that is in good standing with SAICA and must have trained in public practice.  <i>A letter of good standing not older than three (3) months and a certificate of discharge from SAICA must be provided.</i>		

<b>Substantiate/Comments:</b>		
<b>4.1.2 Post-Qualification Experience in Performing Investigations</b>	<b>Comply</b>	<b>Not Comply</b>
<p>The suitably qualified investigator nominated by the bidder should have at least six (6) years of post-qualification experience in performing investigations.</p> <p><i>The bidder must provide a detailed CV of the nominated suitably qualified investigator, and also specify their areas of expertise.</i></p>		
<b>Substantiate/Comments:</b>		

**5. NON-MANDATORY TECHNICAL REQUIREMENTS**

The bidder must indicate its compliance/non-compliance with the requirements and should substantiate its response in the space provided below. If more space is required to justify compliance, please ensure that the substantiation is clearly cross-referenced to the relevant requirement.



5.1 Investigative Experience of the Nominated Suitably Qualified Investigator	Comply	Partially Comply	Not Comply
<p>The bidder must submit, as part of the proposal, the following:</p> <ul style="list-style-type: none"> <li>• Name, surname, position, qualifications and relevant experience of the nominated suitably qualified investigator. <i>Please refer to <b>Table A in Annexure A</b> for the format in which the required information must be provided.</i></li> <li>• CV of the nominated suitably qualified investigator, which must clearly highlight the accounting/financial/auditing investigations performed, areas of expertise, years of investigative experience as well as experience in testifying in proceedings related to accounting/financial/auditing investigations performed, and all professional qualifications.</li> <li>• A minimum of three (3) positive contactable references, as per reference letters from clients, for the nominated suitably qualified investigator, where they performed an accounting/financial/auditing investigation.</li> <li>• A minimum of two (2) positive contactable references, as per reference letters from clients, for the nominated suitably qualified investigator, where they testified in at least two (2) proceedings related to the accounting/financial/auditing investigations performed.</li> </ul>			
<p><b>Substantiate/Comments, if any:</b></p>			
5.2 Nature of the Investigative Experience of the Nominated Suitably Qualified Investigator	Comply	Partially Comply	Not Comply

<p>The bidder must provide detailed descriptions of each accounting/financial/auditing investigation performed by the nominated suitably qualified investigator, as follows:</p> <ul style="list-style-type: none"> <li>- Name of the client (as far as is possible, given confidentiality constraints);</li> <li>- Nature of the investigation;</li> <li>- Investigation period/duration;</li> <li>- Detailed description of the investigation performed and the extent of the nominated suitably qualified investigator’s responsibilities; and</li> <li>- Outcome of the investigation.</li> </ul> <p><i>Please refer to <b>Table B</b> in <b>Annexure A</b> for the format in which the required information must be provided.</i></p>			
<p><b>Substantiate/Comments, if any:</b></p>			

**6. EVALUATION CRITERIA**

**6.1 Pre-qualification Criterion**

A proposal that fails to meet the pre-qualifying criterion, as set out in paragraph 17.1 under section A above, will be deemed unacceptable and not be further evaluated in terms of functionality.

**6.2 Mandatory Functional Requirements**

Proposals will be subjected to the responsiveness criteria to determine which responses are compliant or non-compliant with the mandatory requirements, as stipulated by the IRBA in this section in paragraph 4 above.

<b>Mandatory Requirement</b>	<b>Comply</b>	<b>Not Comply</b>
Registration as a CA (SA) in good standing with SAICA and must have trained in public practice		
At least six (6) years' post-qualification investigative experience		

**Note: Failure to comply with the Mandatory Functional Requirements assessed in this phase will lead to the automatic disqualification of a bidder.**

### 6.3 Non-mandatory Requirements – Evaluation of Technical/Functional Requirements

Proposals will be evaluated, in accordance with the requirements listed in paragraph 5 above under this section, against the criteria and points for functionality, as depicted in the tables below. The total points are 100.

**Note: Companies that wish to nominate more than one investigator should submit a separate bid for each suitably qualified investigator, and each bid will be evaluated separately.**

6.3.1 Evaluation Criteria – Investigations	Scoring Points
<b>Number of accounting/financial/auditing investigations performed by the suitably qualified investigator nominated by the bidder</b>	<b>Maximum of 25</b>
Number of accounting/financial/auditing investigations performed by the nominated suitably qualified investigator	<p>The nominated suitably qualified investigator performed at least five (5) accounting/financial/auditing investigations, and this must be proven through contactable client references. A separate reference letter should be furnished for each investigation performed. The evidence required for an evaluation is:</p> <ul style="list-style-type: none"> <li>- A minimum of three (3) reference letters on the clients' letterheads, signed by the clients, indicating the nature of each investigation, the period to conclude the investigation and the outcome of the investigation. Each reference letter will be taken as one (1) investigation assignment performed. An extension of an investigation assignment will not be considered as a new assignment.</li> </ul> <p><b>(Please note that disclosure of this information will be treated with strict</b></p>

	<p><b>confidentiality.)</b></p> <p><b>Weight scoring</b></p> <ul style="list-style-type: none"> <li>- More than three (3) reference letters from clients = <b>25</b></li> <li>- Three (3) reference letters from clients = <b>15</b></li> <li>- Less than three (3) reference letters from clients = <b>0</b></li> </ul>
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6.3.2 Evaluation Criteria – Proceedings	Scoring Points
<p><b>Number of proceedings that the suitably qualified investigator nominated by the bidder has testified in, relating to accounting/ financial/auditing investigations performed</b></p>	<p><b>Maximum of 25</b></p>
<p>Number of proceedings that the nominated suitably qualified investigator has testified in, relating to accounting/financial/auditing investigations performed.</p> <p><b>Note: Proceedings refers to disciplinary hearings, trials, commissions, etc.</b></p>	<ul style="list-style-type: none"> <li>- The nominated suitably qualified investigator must have testified in at least two (2) proceedings relating to accounting/financial/auditing investigations performed, which must be proven through contactable client references.</li> <li>- The evidence required for an evaluation is two (2) reference letters on the clients' letterheads, signed by the clients. The reference letter must indicate the nature of the proceedings; in which forum (trial, disciplinary hearing, etc) the testimony was given; the nature of evidence provided by the nominated suitably qualified investigator; the period when the testimony took place; and a contact person with his/her contact details. Each reference letter will be taken as one (1) hearing in which the nominated suitably qualified investigator testified.</li> </ul> <p><b>(Please note that disclosure of this information will be treated with strict confidentiality.)</b></p>

	<p><b>Weight scoring</b></p> <ul style="list-style-type: none"> <li>- More than two (2) reference letters = <b>25</b></li> <li>- Two (2) reference letters = <b>15</b></li> <li>- Less than two (2) reference letters = <b>0</b></li> </ul>
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6.3.3 Evaluation Criteria – Description of an Investigation	Scoring Points
<b>Detailed description of the accounting/ financial/auditing investigations performed by the suitably qualified investigator nominated by the bidder</b>	<b>Maximum of 50</b>
Detailed description of the accounting/ financial/auditing investigations performed by the nominated suitably qualified investigator	<p>The bidder must provide at least five (5) detailed descriptions of the accounting/ financial/auditing investigations performed by the nominated suitably qualified investigator. The following information for each description of an investigation must be provided:</p> <ul style="list-style-type: none"> <li>- Name of the client (as far as is possible, given confidentiality constraints);</li> <li>- Nature of the investigation;</li> <li>- Investigation period/duration;</li> <li>- Detailed description of the investigation performed and the extent of the nominated suitably qualified investigator’s responsibilities; and</li> <li>- Outcome of the investigation.</li> </ul> <p><i>Please refer to <b>Table B</b> in <b>Annexure A</b> for the format in which the required information must be provided.</i></p> <p><b>Weight scoring</b></p> <ul style="list-style-type: none"> <li>- Detailed description on five (5) accounting/financial/auditing investigations performed = <b>50</b></li> <li>- Detailed description of three (3) to four (4) accounting/financial/auditing investigations</li> </ul>

	<p>performed = <b>30</b></p> <ul style="list-style-type: none"><li>- Less than three (3) detailed descriptions of accounting/financial/auditing investigations performed = <b>0</b></li></ul>
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**SUPPORTIVE INFORMATION**

The information provided underneath must support the bidder’s bid. The forms provided herein below may be reproduced and the information typed in.

**Table A: Details of the Suitably Qualified Investigator Nominated by the Bidder (please refer to paragraphs 5.1, 6.3.1 and 6.3.2 of section B)**

Name and surname	Position/Designation	Qualifications	Relevant Experience		
			Nature of the investigation performed, i.e. accounting, financial or auditing	Details of instance where the nominated suitably qualified investigator testified in a proceeding related to an accounting/financial/ auditing investigation performed	Number of years of post-qualification investigative experience

**Table B: Detailed Description of the Accounting/Financial/Auditing Investigations Performed by the Suitably Qualified Investigator Nominated by the Bidder (please refer to paragraphs 5.2 and 6.3.3 of section B of this RFT document)**

Name of client (as far as is possible, given confidentiality constraints)	Nature of the investigation performed, i.e. accounting, financial or auditing	Investigation period/ duration (start and end dates)	Detailed description of the investigation performed and the extent of the nominated suitably qualified investigator's responsibilities	Outcome of the investigation

***Note: The IRBA undertakes to keep the information provided confidential; and to use it solely for the purpose of evaluating the bidder's proposal in respect of the provision of investigation services to the IRBA.***



**SBD 3.3 FORM – FINANCIAL PROPOSAL**

The bidder must provide its pricing proposal in line with the SBD 3.3 form that is attached to this RFT.

Note: Only bidders evaluated for pricing and specific goals and whose bids are at or below AGSA rates are eligible for appointment to the IRBA panel of external investigators.

**Pricing Proposal**

The bidder must complete the Pricing Proposal Sheet below, which must then be submitted in a separate sealed envelope at the time of submitting the bid response, as a Returnable Schedule.

The rates that are applicable to this tender will be in terms of the Cost Containment Regulations: National Treasury Instruction Note No. 3 of 2017/2018.

The successful bidders will be required to charge as per, or less than, the applicable AGSA rates.

Description	Pricing Proposal for the Panel of External Investigators – Select the Applicable Professional Level and Mark the Other Three as Not Applicable
<i>Professional Level</i>	<i>Proposed hourly rate (VAT included)</i>
Partner/Director	R
Associate Director	R
Senior Manager	R
Manager	R

**Notes on pricing:**

- **Disbursements (incidental expenses other than professional fees, e.g. travel, printing costs, etc.) must be clearly defined, outlining all assumptions. It is of utmost importance to submit clear and comprehensive cost proposals, to allow the IRBA to fairly compare bid prices/cost proposals.**
- **If there is no additional fee envisaged for disbursements, then the bidder must clearly indicate this with a “No Charge” or “Free of Charge”. Failure to clearly indicate this will be considered as depicting “Free of Charge”.**
- **Bidders are therefore requested to respond clearly and comprehensively on this aspect of their bid response. The bidder must provide a detailed breakdown of the disbursements as follows:**

Cost Element	Cost (VAT included)
	R
	R

	R
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## COMPLIANCE WITH PERSONAL INFORMATION PROCESSING LAWS

The Protection of Personal Information Act 4 of 2013 (POPIA) restricts the processing of personal information to circumstances that are lawful, legitimate, responsible and comply with the provisions of POPIA.

The IRBA will have to process certain personal information, which is owned or held by Bidders; and thus, in order to comply with POPIA, the IRBA must provide Bidders, whose personal information is processed, with a number of details pertaining to such processing, prior to the information being processed, which details are housed under the IRBA Procurement Processing Notice found on the IRBA website: <https://www.irba.co.za/library/popi-act>. You are requested to download and read the Notice. Please note that most of your personal information, which we will be processing, is required for lawful purposes and, as a result, your consent to process will not be required. Where we do, however, require your consent, which is indicated in the Notice, the handing over of such personal information to the IRBA will be viewed as consent to the IRBA's processing of such personal information.

Where the IRBA's personal information is provided for processing, the IRBA consents to the processing thereof, provided that you or any other recipient who processes it undertakes to process all and any such personal information strictly in compliance with POPIA, and subject further that where the IRBA's personal information is not processed in accordance with POPIA, then the person handing such information indemnifies and holds the IRBA and/or any third parties who may be or will be affected by such non-compliance harmless against all and any liabilities, loss or damages, including pecuniary, non-pecuniary and/or aggravated damages, which the IRBA or any data subject or other person may incur in consequence of such non-compliance, such person (who is processing the personal information) agreeing to pay to the IRBA and/or any affected data subject/s or third party/ies all and any such damages which they may have incurred as a result of such non-compliance, on demand, and NO LIMITATION OF LIABILITY CLAUSES housed under this document or elsewhere WILL UNDER ANY CIRCUMSTANCES LIMIT THE ABOVEMENTIONED DAMAGES.

Where the IRBA provides personal information to you in terms of this document and you are tasked with processing it on behalf of the IRBA in your capacity as an "Operator", as defined under POPIA, then in such case, the provisions set out under the IRBA standard "Operator Agreement/Addendum" found on the IRBA website will apply to such processing, which terms will be incorporated into and read together with this document.