



Johannesburg Social Housing Company

137 Sivewright Ave
1st Floor
New Doornfontein
2094

PO Box 16021
New Doornfontein
2028

Tel 0861 JOSHCO
Tel +27 (0) 11 406 7300
Fax +27 (0) 11 404 3001
E-mail info@joshco.co.za
www.joshco.co.za

Issued: 14/08/2019

RFQ: EFFECTIVE CORPORATE GOVERNANCE TRAINING FOR JOSHCO'S ACCOUNTING AUTHORITY AND COMMITTEES.

The Johannesburg Social Housing Company Pty Ltd (JOSHCO) Reg. No. 2003/008063/07 invites all suitable service providers that specialise in the following area of expertise:

CONTACT PERSON	DESCRIPTION	CLOSING DATE AND TIME
NAME: Nthabiseng Sebate TEL: 011 406 7354 EMAIL: nthabisengSe@joshco.co.za	Effective Corporate Governance Training For JOSHCO's Accounting Authority and Committees.	Closing Date: 23/08/2019 Closing Time: 10:00 a.m.

1. INTRODUCTION

Johannesburg Social Housing Company hereafter referred to as **JOSHCO** invites submissions from reputable training provider to offer a two day training to the Governance Structure members at the JOSHCO head office. The training should summarily comprise:

- Introduction and context of Governance regulatory framework
- Duties, responsibilities, functions and liabilities of directors as per King IV™ / Companies Act 2008
- Role of the Chairman, Chief Executive Officer, Board Secretary and Executive Management
- Key boardroom issues and conflict resolution

2. SCOPE OF WORK

2.1. Key learning areas that should be covered:

- Explain the responsibilities of the different role players and the principles of governance and accountability with reference to JOSHCO's Board as a Municipal Entity;
- Provide practical examples to demonstrate various governance related concepts understood against the Municipal Finance Management Act and the Regulations and Municipal Systems Act

2.2. Demonstrable outcome for the training:

- Purpose and tasks of the board.
- Duties, legal status and potential liabilities of directors.
- Board constitution and composition.
- The difference between directing and managing.
- The role of the Chairman and CEO.
- The role of the Company Secretary
- Committees of the board.

Directors: Mr. Tumelo Mpho Mlangeni (Chairperson), Mr. Victor Rambau (CEO & ED), Ms. Nontobeko Ndimande (CFO & ED), Prof. Wellington Twala (NED), Mr. Thabo Motloung (NED), Mr. Nyambeleni Tshindane (NED), Prof. Kevin Wall (NED), Mr. Thami Bolani (NED), Mr. Tumisho Makofane (NED), Mr. Mzamani Saxon Kubayi (NED), Mr. Dinkwanyane Kgalema Mohuba (NED), Ms. Xolisile Njapha (Company Secretary)

Registration Number: 2003/008/063/07

- Understanding the Boards mandate
- Effective meetings or boardroom
- How can management support the Board
- Conflict resolution
- Reputation management in the boardroom and diversity of the boardroom
- Board assessment, performance and Board remuneration;
- **Social And Ethics:**
 - The social role/responsibility of business in the South African context.
 - The governance of ethics in King IV.
 - The mandate of the Social & Ethics Committee.
 - Strategies and processes for an effective Social & Ethics Committee.
 - Social and ethics committee considerations with an emphasis on health and safety;
 - Ethics in practice and in the Boardroom
- **Audit And Risk Committee:**
 - Establishment of an audit committee.
 - Composition and skills required.
 - Audit Committee ToR, meetings, planning of agendas and annual work plan.
 - Key role and responsibilities of the audit committee.
 - Role of the audit committee chair.
 - Role of audit committee in combined assurance.
 - Oversight of risk.
 - Challenges to effectiveness.
 - Reporting and disclosures.
- **The workshop should be scheduled over two days. JOSHCO has a total of 14 members to be trained**

3. FUNCTIONAL RESOURCES

- **The Training Provider should provide:**
 - (a) Resource packs to be provided to the Governance Structure Members, i.e.:
 - Board of directors,
 - Audit and Risk Committee,
 - Social and Ethics and Human Resource Committee,
 - JOSHCO will arrange a Training venue and lunch to accommodate all Governance Structure members
 - (b) Qualified Facilitator(s): Only reputable and qualified facilitators will be considered.
 - (c) Certificates of attendance to be issued to all attendees

4. BID EVALUATION PROCEDURE

4.1. Stage One: Administrative Compliance

- Prospective training providers **must** submit the following documents with their bids:
 - Profile of the organization
 - Valid Original SARS Tax Clearance Certificate
 - Company Registration Documents.
 - Up to date municipal account/statement for both the company (not older than 3 months). In case where a bidder is a lessee, a certified copy of a valid lease agreement must be supplied.
 - Proof of banking - Cancelled Cheque or a valid letter from the Bank (not older than 3 months).
 - B-BBEE Certificate (You will forfeit points allocated to B-BBEE if the B-BBEE certificate is not supplied).
 - CSD Registration Documents.

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- Completed JOSHCO Supplier database form



4.2. Stage Two: Functionality Evaluation

In this stage, the evaluation of bid shall include functionality whereby the bids will be evaluated in terms of the evaluation criteria embodied in the bid document.

- The minimum qualifying score for functionality will be 70 points and bids that fail to achieve the minimum qualifying score will be eliminated.
- Only bids that achieved the minimum qualifying score for functionality will be evaluated further in accordance with the 80/20 preference point systems prescribed in Preferential Procurement Regulations.

The evaluation criteria for functionality will be as below:

NO	QUALIFYING CRITERIA FOR SHORT LISTING	Points
1.	<p>The Organization's experience in conducting similar training on corporate governance in organizations of a similar nature (municipalities, public entity sector, etc.)</p> <ol style="list-style-type: none"> 5 years Plus = 20 3 - 4yrs = 15 1 – 2yrs = 5 	20
2.	<p>Experience of the facilitator in training on corporate governance and training of members of Boards/ Governance structure members (attach CV and Qualifications)</p> <ol style="list-style-type: none"> 5 years Plus = 20 3 - 4yrs = 15 1 – 2yrs = 5 	20
3.	<p>A minimum of three contactable references.</p> <ul style="list-style-type: none"> Contactable reference =10 	10
4.	<p>Project plan and the implementation of the training;</p> <ul style="list-style-type: none"> Method and delivery <ul style="list-style-type: none"> ✓ Methodology of the training = 10 ✓ Content, Modules/ Session duration = 10 ✓ The training materials to contain aspects relating to : 30 <ul style="list-style-type: none"> - King IV - Municipal Finance Management Act, 5 of 2000, etc. 	50
TOTAL		100

-  **Bidders must provide documents to justify awarding the above points, and such proof should include details of contactable references to validate the information submitted. Points will be awarded on a sliding scale.**
-  **Only acceptable bidders may be contacted to make a presentation of their proposal to the accounting officer.**

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4.3. Evaluation in terms of PPPFA 2017:

This bid will be evaluated and adjudicated according to the 80/20 preference point system, in terms of which a maximum of 80 points will be awarded for price and 20 points will be allocated based on the B-BBEE status level certificate. Breakdown of points:

80/20 Preference Point Components	Points
Price	80
B-BBEE level contribution	20
Total	100

Joshco seek to provide an effective and efficient procurement service to its stakeholders through procurement best practices and optimal resource management, in compliance with the JOSHCO's Supply Chain Management Policy and relevant procurement regulatory framework. JOSHCO is committed to affirmative procurement consistent with the South African Constitution and the approved DTI Codes of Good Practice issued in terms of the BBBEE Act No. 53 of 2003 (as amended).

4.4. Pricing

- All prices must be **VAT inclusive and include all other related costs.**
- Submissions must be hand delivered to JOSHCO head office (137 Sivewright Avenue, 1st Floor, New Doornfontein, 2094) in a sealed envelope – **BOARDTRAINING/008/2019**
- Should you not hear from us within 10 working days after closing date, please consider your proposal unsuccessful.

A complete document with MBD forms is downloadable from JOSHCO website: www.joshco.co.za

“Speak up against fraud and corruption; Blow the whistle”

National Anti-fraud Hotline: 0800 002 587 or SMS 32840

Tip-offs are anonymous




SUPPLY CHAIN MANAGER
JOHANNESBURG SOCIAL HOUSING COMPANY

Date: 14/08/2019

Directors: Mr. Tumelo Mpho Mlangeni (Chairperson), Mr. Victor Rambau (CEO & ED), Ms. Nontobeko Ndimande (CFO & ED), Prof. Wellington Twala (NED), Mr. Thabo Motloung (NED), Mr. Nyambeleni Tshindane (NED), Prof. Kevin Wall (NED), Mr. Thami Bolani (NED), Mr. Tumisho Makofane (NED), Mr. Mzamani Saxon Kubayi (NED), Mr. Dinkwanyane Kgalema Mohuba (NED), Ms. Xolisile Njapha (Company Secretary)

Registration Number: 2003/008/063/07

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state*.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest.

3 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

3.1 Full Name:

3.2 Identity Number:

3.3 Company Registration Number:

3.4 Tax Reference Number:

3.5 VAT Registration Number:

3.6 Are you presently in the service of the state* YES / NO

3.6.1 If so, furnish particulars.

.....

.....

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

3.7.1 If so, furnish particulars.

.....

.....

* MSCM Regulations: "in the service of the state" means to be –

- (a) a member of –
 - (i) any municipal council;
 - (ii) any provincial legislature; or
 - (iii) the national Assembly or the national Council of provinces;
- (b) a member of the board of directors of any municipal entity;
- (c) an official of any municipality or municipal entity;
- (d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);
- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

3.8 Do you, have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid?

YES / NO

3.8.1 If so, furnish particulars.

.....

3.9 Are you, aware of any relationship (family, friend, other) between a bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid?

YES / NO

3.9.1 If so, furnish particulars

.....

3.10 Are any of the company's directors, managers, principal shareholders or stakeholders in service of the state?

YES / NO

3.10.1 If so, furnish particulars.

.....

3.11 Are any spouse, child or parent of the company's directors, managers, principal shareholders or stakeholders in service of the state?

YES / NO

3.11.1 If so, furnish particulars.

.....

CERTIFICATION

I, THE UNDERSIGNED (NAME)

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

I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

MBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 **The value of this bid is estimated not to exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 system shall be applicable.**

1.3 Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contribution.

1.3.1 The maximum points for this bid are allocated as follows:

	POINTS
1.3.1.1 PRICE	80
1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION	20
Total points for Price and B-BBEE must not exceed	100

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.5 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

- 2.1 **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- 2.2 **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 2.3 **“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.4 **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 **“comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 **“consortium or joint venture”** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract;
- 2.8 **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- 2.10 **“Firm price”** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 **“functionality”** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 **“non-firm prices”** means all prices other than “firm” prices;
- 2.13 **“person”** includes a juristic person;
- 2.14 **“rand value”** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;

- 2.15 **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.16 **“total revenue”** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- 2.17 **“trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.18 **“trustee”** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.
- 2.19 **“proof of B-BBEE status level of contributor”** means B-BBEE Status level certificate issued by an authorized body or person; OR A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; OR Any other requirement prescribed in terms of the B-BBEE Act.
- 2.20 **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act.

3. ADJUDICATION USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

4.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \\ P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) & \text{or} & P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \end{array}$$

Where

P_s = Points scored for price of bid under consideration

P_t = Rand value of bid under consideration

P_{\min} = Rand value of lowest acceptable bid

5. Points awarded for B-BBEE Status Level of Contribution

- 5.1 In terms of Regulation 5 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

80/20 System

B-BBEE Status Level of Contributor	Number of Points
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-Compliant Contributor	0

- 5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.
- 5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6 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.
- 5.7 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 capability and ability to execute the sub-contract.
- 5.8 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 an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

6. BID DECLARATION

- 6.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

- 7.1 B-BBEE Status Level of Contribution: = (maximum of 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

8. SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 If yes, indicate:

(i) what percentage of the contract will be subcontracted?

..... %

(ii) the name of the sub-contractor?

.....

(iii) the B-BBEE status level of the sub-contractor?

.....

(iv) whether the sub-contractor is an EME OR QSE? YES / NO (delete which is not applicable)

(v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations, 2017:

Designated Group: An EME or QSE which is at least 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

9 DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of firm :

.....

9.2 VAT registration number :

.....

9.3 Company registration number

.....

9.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One person business/sole propriety
- ☐ Close corporation
- ☐ Company

☐ (Pty) Limited

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

9.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
☐ Supplier
☐ Professional service provider
☐ Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

9.7 MUNICIPAL INFORMATION

Municipality where business is situated

.....

Registered Account Number

Stand Number

9.8 TOTAL NUMBER OF YEARS THE COMPANY/FIRM HAS BEEN IN BUSINESS?

.....

9.9 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- (i) The information furnished is true and correct;
- (ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.
- (iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- (iv) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

(a) disqualify the person from the bidding process;

(b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;

(c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;

(d) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been

applied; and
(e) forward the matter for criminal prosecution

SIGNATURE(S) OF BIDDER(S)

1. 2.

DATE:

ADDRESS:
.....
.....
.....

WITNESSES

1. 2.