



MOTOR INDUSTRY  
FUND ADMINISTRATORS (Pty) Ltd

## REQUEST FOR PROPOSAL/TENDER (RFP/T)

### TENDER NUMBER

RFP/T05-2022

### TENDER CLOSING DATE AND TIME

9 August 2022

### TENDER DESCRIPTION

**POPIA** (Protection of Personal Information Act (POPIA) compliance gap assessment and assurance services

Request for proposal to to be a service provider for the POPIA compliance assessment.

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## SECTION A: TENDER INSTRUCTIONS & REQUIREMENTS

### 1. INVITATION TO TENDER

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE  
MOTOR INDUSTRY FUND ADMINISTRATORS

<b>TENDER NUMBER</b>	RFP/T04-2022
<b>TENDER CLOSING DATE AND TIME</b>	<b>9 August 2022 16:30 PM</b>
<b>TENDER DESCRIPTION</b>	<b>POPIA</b> (Protection of Personal Information Act (POPIA) compliance gap assessment and assurance services.
<b>FOR PERIOD</b>	For the duration of the assessment to completion

TENDER VALIDITY: 90 Days from date of closure of this tender.

#### **BID DOCUMENTS MUST BE EMAILED TO: [Procurement@mifa.org.za](mailto:Procurement@mifa.org.za)**

Bidders should ensure that bids are emailed timeously to the correct email address.

If the bid submission is late, it will not be accepted for consideration.

Proposals must be electronically generated and signed by the individual(s) legally authorised to bind the respondent. The electronic copies of the RFP proposal and/or examples of work must be provided in Adobe Reader Portable Document Format (PDF), free of any viruses or malicious ware.

**ANY ENQUIRIES RELATING TO THE PROJECT AND/ OR BIDDING PROCEDURES,  
MAY BE DIRECTED TO:**

Contact Person	Jabu Nene
Tel	010 561 9300
Email Address	<a href="mailto:Jabu.Nene@mifa.org.za">Jabu.Nene@mifa.org.za</a>

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## BIDDER INFORMATION REQUIRED TO BE COMPLETED

The following particulars must be furnished.  
Failure to do so may result in the bid being disqualified

<b>Name of Bidder</b>	
<b>Name of contact person</b>	
<b>Telephone Number</b>	
<b>Email address</b>	
<b>VAT registration</b>	
<b>Physical address</b>	
<b>BEE Status Level</b>	

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## 1. GENERAL CONDITIONS OF TENDER

- 1.1 Bids must be submitted with all official Bid Forms duly completed which are contained within this tender document.
- 1.2 Bids received after the closing date and time will not be considered. Bidders are therefore strongly advised to ensure that their bids be dispatched timeously allowing enough time for any unforeseen events that may delay the delivery of the bid.
- 1.3 This Bid is subject to MIFA's Procurement Policies and Procedures if applicable, any other special conditions of contract.
- 1.4 The Standard Bidding Documents (SBD) contained in this RFP/T are compulsory documents and must be completed, signed and returned with this bid proposal. Failure to submit completed and signed SBD documents may invalidate the tender proposal.
- 1.5 Should the bidder desire to make any departures from, or modifications to this tender/ bid or to qualify its bid in any way, it shall clearly set out its tender departure/ modification as an Annexure, or alternatively state the content in a covering letter attached to the tender proposal referred to herein. Unless otherwise specified and stipulated in writing, any part of the Bidder's bid which deviates from any terms and conditions stated within the tender document, shall be of no force or effect.
- 1.6 This tender document, together with associated compulsory forms and annexures, may NOT be retyped or re-drafted, but photocopies or reprints may be prepared and used.
- 1.7 This tender document, together with compulsory forms should be filled in with black ink.
- 1.8 Bidders should check the numbers of the pages of the tender document and satisfy themselves that none are missing or duplicated. No liability shall be accepted in regard to claims arising from the fact that pages are missing or duplicated.
- 1.9 The tender price must be valid for acceptance for a period of 90 calendar days after the closing date of the tender.
- 1.10 During the validity period of the bid, the proposed team members proposed (if applicable), must be confirmed as being available.
- 1.11 Only firm prices will be accepted for the full duration of the contract.
- 1.12 Failure to have the Price Declaration of this tender document completed and signed, or signed by a duly authorized person, will constitute non-commitment by the Bidder, and the bid may be invalidated.
- 1.13 All prices must be quoted in South African Rands and be inclusive of all costs and applicable taxes (inclusive of Value Added Tax (VAT) etc.).
- 1.14 MIFA reserves the right to only accept part of the submitted bid by a Bidder.
- 1.15 MIFA reserves the right to withdraw this tender.
- 1.16 MIFA reserves the right to accept or reject any tender proposal.

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- 1.17 The Bidder's company letterhead must be used for the proposal's cover letter and reflect the company name, address, contact details and company registration number.
- 1.18 The correct Tender Reference Number (See the front page of this RFP/T for the Tender Number) and the bidding company's name must appear on all pages of the proposal.
- 1.19 All pages of the proposal must be initialed by the responsible person.
- 1.20 Bids must be emailed to the correct email address, which is indicated in the tender document, and must be emailed timeously, as late bid submissions will NOT be accepted for consideration.
- 1.21 The award of the bid may be subjected to price negotiations with the preferred Bidder(s).
- 1.22 The successful bidder will be required to sign a written contract.
- 1.23 Sub-Contracting

If sub-contractors are used, the supplier/vendor utilising the services of a sub-contractor needs to provide a clear management plan in terms of:

- the roles and responsibilities of that sub-contractor.
- party responsible for work effort integration between the prime contractor and the sub-contractor.
- quality assurance.
- compliance with labour laws as well as health and safety requirements
- sub-contractors will be subject to all of MIFAs procurement policies including MIFAs B-BBEE policy.

## 2. TAX COMPLIANCE REQUIREMENTS

- 2.1 Bidders must ensure compliance with their tax obligations.

## SECTION B: COMPULSORY TENDER FORMS FOR COMPLETION BY THE BIDDER

### PRICE DECLARATION BY THE BIDDER

I/ We have examined the information provided in your tender document and offer to undertake the work prescribed in accordance with the requirements as set out in the tender document. The tender price quoted in this tender is valid for the stipulated period of **90 days** from date of closure of this bid. I/We confirm that this tender will remain binding upon me/ us and may be accepted by MIFA at any time before the expiry date.

Name and Surname: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Are you duly authorized to commit this tender? YES  NO

Capacity under which this tender is signed: \_\_\_\_\_

(Attach proof of authority to sign this bid e.g., resolution of directors, etc.)

#### TOTAL TENDER PRICE IN SA RANDS

(Inclusive of VAT, Discounts, etc.)

R \_\_\_\_\_

Description	Amount
Bid price	
VAT	
<b>Total Bid price inclusive of VAT</b>	

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## DECLARATION OF INTEREST

1. Under no circumstances are MIFA employees allow to tender for MIFA business.
2. MIFA Procurement policies and related procedures provides for any legal persons or role player, or any close family member “close family member “means, with respect to an individual:
  - (i) the individual's spouse;
  - (ii) the individual's and the spouse's grandparents, parents, siblings, children, nieces, nephews, aunts, uncles and first cousins;
  - (iii) the spouse of any persons listed in subcategories (i) and (ii); and
  - (iv) any other individual who shares the same household with the individual, partner or associate of such person or role player who has any private or business interest in any contract to be awarded, that person or role player must:
    - a. Disclose such interest
    - b. May withdraw from participating in any manner whatsoever in the process relating to that contract

In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- a. The legal person on whose behalf the bidding document is signed, has a relationship with persons/person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

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

2.1 Full Name of bidder or his or her representative: \_\_\_\_\_

\_\_\_\_\_

2.2 Identity Number: \_\_\_\_\_

2.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>): \_\_\_\_\_

\_\_\_\_\_

2.4 Company Registration Number: \_\_\_\_\_

2.5 Tax Reference Number: \_\_\_\_\_

2.6 VAT Registration Number: \_\_\_\_\_

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / personnel numbers must be indicated in paragraph 3 below.

"Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

2.7 Are you or any person connected with the bidder presently employed by the MIFA?

YES

NO

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name of the institution at which you or the person connected to the bidder is employed:

\_\_\_\_\_

\_\_\_\_\_

Position occupied at MIFA: \_\_\_\_\_

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**Other particulars:**

2.8 Did you or your spouse, or any of the company's directors trustees / shareholders / members or their spouses conduct business with MIFA in the previous twelve months?

YES  NO

2.8.1 If so, furnish particulars:

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2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by MIFA and who may be involved with the evaluation and or adjudication of this bid

YES  NO

2.9.1 If so, furnish particulars.

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2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by MIFA who may be involved with the evaluation and or adjudication of this bid?

YES  NO

2.10.1 If so, furnish particulars.

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2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract?

YES  NO

2.11.1 If so, furnish particulars.

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**3. Full details of directors / trustees / members / shareholders.**

Full Name	Identity Number	Personal Tax Reference Number	State Employee Number / Peral Number

**1. DECLARATION**

I, THE UNDERSIGNED (NAME) \_\_\_\_\_  
CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT MIFA MAY REJECT THE BID OR ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Position

\_\_\_\_\_  
Name of bidder

## DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

1. This Standard Bidding Document must form part of all bids submitted.
2. This document serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
3. The bid of any bidder may be disregarded if that bidder, or any of its directors have-
  - a. abused the institution's supply chain management system.
  - b. committed fraud or any other improper conduct in relation to such system; or
  - c. failed to perform on any previous contract.

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

\_\_\_\_\_  
Signature      Date

\_\_\_\_\_  
Position      Name of bidder

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## CERTIFICATE OF INDEPENDENT BID DETERMINATION

1. This Standard Bidding Document (SBD) must form part of all bids invited/ submitted.
2. Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging). Collusive bidding is a pe se prohibition meaning that it cannot be justified under any grounds.
3. Accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system they are also authorised to:
  - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
  - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract
4. This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
5. In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

**Includes price quotations, advertised competitive bids, limited bids and proposals.**

**Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.**

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## CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

\_\_\_\_\_

(Bid Number and Description)

in response to the invitation for the bid made by:

\_\_\_\_\_

(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of that:

\_\_\_\_\_

(Name of Bidder)

1. I have read and I understand the contents of this Certificate.
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - (a) has been requested to submit a bid in response to this bid invitation;
  - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder.

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## CERTIFICATE OF INDEPENDENT BID DETERMINATION

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation);
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit, or not to submit a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or bidding with the intention not to win the bid
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

**Joint venture or Consortium 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**



## BANKING DETAILS

I/We hereby request and authorize you to pay any amounts which accrue to me/us to the credit of my/our bank account with the below-mentioned bank. I/we understand that the credit transfer hereby authorized will be processed by computer through a system known as **Electronic Funds Transfer and** I/we also understand that no additional advice of payment will be provided by my/our bank, but details of each payment will be printed on my/our bank statement or any accompanying voucher.

<b>Bank Account Name:</b>	
<b>Name of Bank:</b>	
<b>Branch Code &amp; Name:</b>	
<b>Account Number:</b>	

Type of Account:

Cheque

Savings

Transmission

Please provide proof of banking details in the form of a letter from the bank not older than 3 months

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## SECTION C: STRUCTURE OF RESPONSES

1. Legibility, clarity and completeness are essential.
2. Responses must be prepared as simply as possible, providing a straightforward, concise description of the interested parties and the capabilities available to satisfy the requirements of the RFP.
3. The RFP response must be presented in the following format:

Section	Title
1	Executive Summary Proposal
2	Company background and track record
3	Proposed team members for delivery and their track record
4	Proposed services
5	Key Deliverables
6	Pricing Structure
7	References (three written references to be included)
8	Professional Indemnity
9	Data Security Confirmation of breach procedure Measures and processes in place to safeguard special, personal, and confidential information. Confirmation of Protection of Personal Information Act compliance
10	B-BBEE
11	Supporting documentation

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## SECTION D: VALUATION CRITERIA

### STAGE 1 - PREQUALIFICATION PROCESS

MIFA follows a bidder prequalification process, a set of activities that will assess the bidder's eligibility to supply MIFA with goods and/or services.

As part of the prequalification process, bidders are required to demonstrate:

1. Financial competence
  - Financial capability to fund contract start up and sustain delivery to MIFA.
  - Evidence of financial soundness.
2. Human resource capability
  - Adequate human resources to perform service.
  - Adequately skilled staff to execute service.
3. Delivery
  - Delivery of service to meet requirements in RFT.
4. Technical competence
  - Compliance to MIFAs specifications and industry standards.
  - Evidence of technical ability to render service i.e. proposal on how service will be rendered.
  - Employs up to date technology in the effective execution of the service.
  - Maintains industry standard certifications.
5. Track record and experience
  - Proven track record of excellence - 3 formally written references.
6. POPIA Compliance

### STAGE 2 – EVALUATION

Bidders will be evaluated according to the extent to which they are able to fulfil MIFA requirements. Evaluation criteria will place emphasis on the following areas:

Balanced Scorecard	Weighting	Points	Definition
Cost	60%	60	Ability to provide total least cost to MIFA
Transformation	30%	30	Compliance and alignment with MIFA B-BBEE policy
B-BBEE Level	10%	10	Review of overall B-BBEE Level
<b>Total</b>	<b>100%</b>	<b>100</b>	

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## SECTION E: SCOPE OF REQUIREMENTS

### 1. INTRODUCTION

Motor Industry Fund Administrators (MIFA) is a retirement fund administration service provider to the Motor Industry Retirement Funds (MIRF). MIRF houses five funds namely the;

Auto Workers' Provident Fund  
Motor Industry Provident Fund  
Motor Industry Pension Fund (2005)  
Motor Industry Beneficiary Fund  
Copartes Pension Fund

The Autoworkers Provident Fund and Motor Industry Provident Fund (the Funds) are multiple participating employers, defined contributions retirement funds, serving approximately 250 000 active contributing members. There are 14 000 participating employers.

Located in Randburg, Johannesburg the above funds are established and governed by the Pension Funds Act 24 of 1956 and regulated by the Financial Sector Conduct Authority (FSCA).

### 2. REQUEST FOR PROPOSAL

MIFA herewith invites proposal from interested and suitably qualified audit firm(s) (Bidders) who specialize in conducting POPIA compliance audits and assurance services in line with applicable laws.

### 3. PURPOSE OF THE DOCUMENT

The purpose of this RFP document is to provide broad details relevant to the services required.

### 4. BACKGROUND

MIFA being a business operating within South Africa just like all other businesses large or small needs to comply with the POPI Act.

This compliance gap assessment will deal with MIFA's controls in processing of personal information; how the organisation collects the information, what we do with the information, how it is stored securely and ultimately when and how it is destroyed after use.

Review and design the positioning of the POPIA function and interaction with other areas of the business, the roles, teams and committees required to deliver successful POPIA outcomes.

Conduct Personal Information Impact Assessments on business processes to determine relevant POPIA compliance requirements.

Perform a review of the design and operating effectiveness of our privacy measures.



The report should include but not be limited to the following.

1. The Gap Assessment Opinion to provide MIFA with an independent view of our privacy capabilities and gaps. The report should include recommendations for gaps identified, prioritisation and provide guidance on the remedial activities.
2. A written assertion to be provided by MIFA
3. A detailed description of internal controls and control objectives and effectiveness of MIFA's privacy measures.
4. Information to be provided by the auditor including tests of compliance effectiveness of testing results
5. Any other relevant information as deemed by the assessor.

## 5. STATEMENT OF REQUIRED SERVICES

### 5.1 REQUIRED SERVICES

Comprehensive readiness assessment covering but not limited to the below aspects

- a) Regulatory environment
- b) IT environment
- c) Review, assessing of operational privacy and security documents, policies and procedures
- d) Data Handling
- e) Business process compliance
- f) Operator compliance
- g) Risk assessment
- h) Enterprise POPIA status

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## SECTION F: B-BBEE

MIFA commits to the B-BBEE codes and endeavours to address the economic imbalances of the past by making its contribution towards accelerating the participation of black people to become meaningful players in the economy through the application of B-BBEE codes.

Bidders must provide details of their B-BBEE credentials, supported by a copy of a rating certificate from a South African National Accreditation System (SANAS) accredited rating institution or an affidavit wherever applicable, with details of the relevant company profile must be provided

As a minimum, specific reference must be made to:

- Ownership structure and shareholding.
- Board representation
- Executive / Operational Management structure
- Representation of Black people and women in the proposed team.
- Secondary B-BBEE initiatives, such as procurement from B-BBEE suppliers and other initiatives.

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## SECTION G: SUBMISSION QUALITY CHECK

These details must be clearly stated in the order requested and with the headings as above.

A checklist below which is not mutually exclusive has been provided in order to highlight some of the important documents which must be included/ submitted with the Request for Proposal/ Tender (RFP/T):

1	Covering letter
2	Tender Document fully completed and signed where applicable
3	Bid submission in response (responsive) to requirements stated in the Tender Terms of Reference and Evaluation Criteria
4	Bank Details and proof of financial competence
5	Company Profile illustrating core business
6	Valid B-BBEE Status Level Certificate / Sworn Affidavit, where all copies provided MUST be authenticated as true copies of the original document/s by a registered Commissioner of Oaths
7	Declaration of Interest duly completed
8	Declaration of Bidder's Past Supply Chain Management Practices duly completed
9	Certificate of Independent Bid Determination duly completed

**NOTE:**

Ensure that all document attachments are clearly marked, and the tender proposal is submitted in a clear, logical and well-marked sequence together with an index of documents.