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REQUEST FOR QUOTATION (RFQ)

PROVISION OF DIRECTORS AND PRESCRIBED OFFICERS' LIABILITY INSURANCE FOR A PERIOD OF TWELVE (12) MONTHS FOR THE PORTS REGULATOR OF SOUTH AFRICA

RFQ	RFQ/2023/24/90
RFQ ISSUE DATE	18 MARCH 2024
BRIEFING SESSION	N/A
RFQ DESCRIPTION	PROVISION OF DIRECTORS AND PRESCRIBED OFFICERS' LIABILITY INSURANCE FOR A PERIOD OF TWELVE (12) MONTHS FOR THE PORTS REGULATOR OF SOUTH AFRICA
CLOSING DATE & TIME	02 APRIL 2024 12H00 (Midday)
LOCATION FOR SUBMISSIONS	quotations@portsregulator.org

Service providers must submit their responses via e-mail at: quotations@portsregulator.org before or on the stipulated date and time. For any queries or questions, please use above mentioned email address.

Ports Regulator of South Africa requests your quotation on the services listed above. Please furnish us with all the information as requested and return your RFI on or before the date and time stipulated above.

SUPPLIER NAME: _____

POSTAL ADDRESS: _____

MAAA NUMBER (CSD NO): _____

TELEPHONE NO: _____

FAX NO: _____

E MAIL ADDRESS: _____

CONTACT PERSON: _____

CELL NO: _____

SIGNATURE OF SERVICE PROVIDER: _____

DETAILED RFQ

PROVISION OF DIRECTORS AND PRESCRIBED OFFICERS' LIABILITY INSURANCE FOR A PERIOD OF TWELVE (12) MONTHS FOR THE PORTS REGULATOR OF SOUTH AFRICA

1. BACKGROUND

- 1.1 Ports Regulator of South Africa ("the Ports Regulator") is a Schedule 3A public entity in terms of the Public Finance Management Act, Act No.1 of 1999, as amended (PFMA). The Port Regulator must fully comply with all the requirements of the PFMA and all other relevant and applicable legislation.
- 1.2 The Ports Regulator is an independent ports regulatory body, governed by the National Ports Act, Act No. 12 of 2005, ("the Act").

In terms of section 30 (1) and (2) of the National Ports Act, the main functions of the Regulator are to:

- Exercise economic regulation for the ports system in line with government's strategic objectives.
- Promote equity of access of ports and facilities and service provider by ports.
- Monitor the activities of the National Ports Authority to ensure that it performs its functions in accordance with the Act; and
- Hear appeals and complaints contemplated in terms of Sections 46 and 47 of the Act, respectively.

2. PURPOSE

The purpose of this Request for Quotation (RFQ) is to request suitably qualified and experienced service providers to submit their proposals for the provision of directors' and prescribed officers' liability insurance for a period of twelve (12) months for the Ports Regulator. The primary purpose of this RFQ is to obtain proposals for the Ports Regulator Board Members, Chief Executive Officer, and the prescribed officers.

3. MOTIVATION

The Ports Regulator is required to comply with all relevant and applicable regulatory prescripts and is required to protect the personal assets of corporate directors and officers, in the event they are personally sued by employees, vendors, competitors, investors, customers, or other parties, for actual or alleged wrongful acts in managing the organisation.

4. SCOPE OF WORK

- 4.1** The cover for members and or prescribed/ key officers of the Regulator should include the following:
- indemnity against claims for damages for breach of professional duty, should Directors and or prescribed/key officers be personally sued in respect of claims emanating from error or omission and or negligent actions of directors and or prescribed/key officers whilst executing their official duties for the Regulator.
 - Cost of defending actions against directors and costs of personal awards against directors and or prescribed officers, where directors are held personally liable on proviso the liability does not emanate from recklessness, acting without authority, insolvent trading, wilful misconduct, breach of trust, contravention of legislation, and acting to defraud creditors employees, and or shareholders.
 - protects the personal assets of the Ports Regulator's directors and officers, as well as that of the organisation itself.
 - provides reimbursement to the Ports Regulator when indemnifying its directors and officers.
 - insurance to pay for legal defence costs, settlements and awards when defending directors and officers from a valid claim.
 - The scope for this RFQ is to request for different options on the Provision of Liability insurance to enable policyholder's risk to be transferred to appointed insurance service provider and ensure compliance to insurance regulatory requirements. The support period would be for a period of twelve (12) months.

5. EVALUATION CRITERIA

5.1 Phase 1: SCM Administrative

- 5.1.1 The bidder must submit proof of registration on Central Supplier Database (CSD).
- 5.1.2 The SBD forms must be completed, signed by the authorised company representative.
- 5.1.3 The bidder must submit completed POPIA consent form

5.2 Phase 2: Mandatory Requirements

- 5.2.1 The service provider must submit their company profile
- 5.2.2 The service provider must submit their Financial Sector Conduct Authority (FSCA) accreditation certificate.
- 5.2.3 The service provider must submit their recent reference letter for providing similar service from at least one (1) client served either in the current calendar year or the past two calendar years.

5.3 Phase 3: Price consideration and Specific goals

- 5.3.1 Bidders' price quotations must be inclusive of all applicable taxes (including VAT).
- 5.3.2 Bidders total price proposal weighs 80 points.

	Option 1	Option 2	Option 3
Limit on indemnity	20 000 000	30 000 000	40 000 000
Excess/deductible	R	R	R
Total Premium (12 months)	R	R	R

The price must include the following items:

- i) Defense costs and expenses for Employees Liability
- ii) General Counsel Liability
- iii) Non-Executive Director's Protection

The proposal must also indicate the jurisdiction covered by the policy as well as territorial limits. The cover must also be explicit in the items excluded by the policy.

5.4 BBBEE

- 5.4.1 The bidder must submit SBD 6.1 preference points claim form.
- 5.4.2 The bidder must submit a B-BBEE Certificate / sworn Affidavit.
- 5.4.3 **Specific goal:** BBBEE status level as per SBD 6.1. Weighs 20 points.

Evaluation will be based on price and specific goals in line with the provisions of the Preferential Procurement Regulations 2022. RFQ responses will be evaluated on the 80/20 Price & specific goals. Completed SBD 6.1. Preference Points Claim Form in terms of The Preferential Procurement Regulations 2022 must be completed and be submitted together with a copy of Sworn Affidavit or BBBEE Certificate to claim specific goals points. Failing to submit both will result in your company scoring zero (0) points for specific goals.

NB: Tax matter for the recommended bidder will be verified on Central Supplier Database (CSD) or SARS eFiling prior to awarding. If the bidders' tax matters are non-compliant in terms of clause 4.2 & 4.3 will be exercised from National Treasury Instruction No. 09 of 2017/2018 (Tax Compliance Status Verification).

6. CONDITIONS TO BE OBSERVED

No RFQ shall be deemed to have been accepted unless and until a formal contract / letter of award / order form is prepared and executed. Quotation shall remain open for acceptance by the Ports Regulator for a period of ninety (90) days from the closing date of the RFQ Enquiry.

7. COMMUNICATION

All enquiries relating to this RFQ should be sent via email: quotations@portsregulator.org

8. COST OF PROVIDING WITH RFQ

The service provider shall bear all costs and expenses associated with preparation and submission of its RFQ, and the Ports Regulator of South Africa shall under no circumstances be responsible or liable for any such costs, regardless of, without limitation, the conduct or outcome of the bidding, evaluation, and selection process.

END OF RFQ DOCUMENT

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

- Quotation on a company letterhead
- Declaration of Interest (SBD 4)
- B-BBEE Certificate / Sworn Affidavit
- Preference points claim form. (SBD 6.1)
- CSD Report (National Treasury)
- POPIA consent form
- One (1) Reference letter