

**REQUEST FOR PROPOSAL TERMS OF REFERENCE:
AFRAC FEASIBILITY STUDY INTO THE INCORPORATION OF
AFRAC**

RFP Ref No. AFRAC 2019-01

Date: 28/02/2019

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1. PURPOSE

The purpose of this document is to invite suitably qualified service providers to submit their tenders to conduct a Feasibility Study into the incorporation of AFRAC as a legal entity.

2. BACKGROUND

The African Accreditation Cooperation (AFRAC) is a cooperation of accreditation bodies in Africa and other qualifying organisations interested in conformity assessments, established in terms of the AFRAC Governing Documents and was launched in Cairo, Egypt on 29 September 2010.

AFRAC obtained its international recognition as a Regional Accreditation Cooperation, through the International Laboratory Accreditation Cooperation (ILAC) and the International Accreditation Forum (IAF) in May 2018.

The objectives of AFRAC are to:

- a) Establish, manage and maintain an MRA between Accreditation Bodies in the region within the framework of, and consistent with the global MRA's;
- b) Encourage and facilitate effective collaboration, cooperation and mutual assistance among Members;
- c) Raise the awareness of Members and potential members on matters relating to accreditation;
- d) Harmonise the criteria for the operation of member Accreditation Bodies, based on the relevant international standards and/or guides, AFRAC, IAF and ILAC mandatory documents and other applicable regional accreditation cooperation's' guidance documents;
- e) Develop and maintain mutual confidence amongst Accreditation Bodies in Africa and internationally;
- f) Achieve and maintain uniformity of accreditation activities in Africa and internationally;
- g) Promote and facilitate the use of accreditation as a tool in the removal of technical barriers to trade and the protection of health, safety and the environment;
- h) Ensure the provision of services which are independent, impartial, transparent, non-discriminatory and achieve and maintain a high level of integrity and confidentiality whilst ensuring ethical operations;
- i) Facilitate access to current databases of recognised Accreditation Bodies within Africa and internationally;
- j) Coordinate AFRAC projects on accreditation;
- k) Participate in activities of and liaise with regional, continental and international bodies with interest in accreditation;
- l) Promote cooperation and exchanges with other bodies with similar objectives to accreditation;

- m) Build the capacity of AFRAC and facilitate capacity development of its Members;
 - a. Establish linkages with relevant regional and international organisations;
 - b. Promote the international acceptance of certificates and results issued by duly accredited Conformity Assessment Bodies (CABs);
 - c. Encourage and facilitate the adoption and implementation of accreditation standards, guidelines and application of documents developed by relevant international bodies;
 - d. Encourage and support the development of accreditation bodies in Africa towards the achievement of international recognition;
 - e. Seek ways and means of making AFRAC financially sustainable; and
 - f. Be the voice of Africa in matters of accreditation in the international fora.

AFRAC currently has 20 members, which includes 6 Arrangement Members, 3 Full Members, 1 Associate Member and 10 Stakeholder members. Details of the AFRAC membership, including any other information related to the operation and processes of AFRAC can be found on the AFRAC website at www.intra-frac.com.

The AFRAC Secretariat is situated at:

AFRAC Secretariat
Libertas Office Park,
Cnr Libertas and Highway Streets,
Equestria, Pretoria, 0184
South Africa
Tel: +27 12 740 8539

3. OBJECTIVES AND OBLIGATIONS

3.1 Objectives of the Feasibility Study

The objectives of the Feasibility Study are to:

- a) Determine the most suitable AFRAC member state for the legal incorporation of AFRAC. Suitability of a country for incorporation is defined by various factors such as: the requirements for registration, the laws of the country pertaining to incorporation, flexibility of annual financial reporting, cost and tax efficiency, legal compliance, etc. as may be required. A written report containing the merits and demerits of the registration/incorporation in each of the potential member states, and a recommendation, should be tabled to AFRAC for decision making within two (2) weeks of completion of the study.
- b) Clearly determine the preferred mode of registration, whether as an association, corporation, company, etc.

- c) Develop and present a Memorandum and Articles of Association/Constitution in-line with the relevant authority / country requirements for incorporation and recommend changes to the AFRAC Bylaws to ensure compliance.
- d) Clearly state the total fixed cost of registration/incorporation including any incidental costs.
- e) Give estimated time or duration that it will take to fully register/incorporate AFRAC.
- f) Ensure availability to orally present the feasibility report to the AFRAC Executive Committee, as needed.

Any proposals submitted pursuant to this Request for Proposal (RFP) shall not be an offer to contract for the provision of any of the services outlined herein but shall only be used to identify a Preferred Bidder.

3.2 Service Provider's Obligations

- a) The study will be “desk-top” based and not require any travel as part of the study.
- b) The feasibility study shall address all the objectives of the study as outlined in section 3.1 and shall encompass all AFRAC Accreditation Body member countries, i.e. South Africa, Botswana, Kenya, Ethiopia, Egypt, Tunisia, Mauritius, Nigeria and Côte d'Ivoire.
- c) The Service Provider will be required to supply AFRAC with the following:
 - Within 1 month of commencement of the assignment: Clarify any questions and expected outcomes for the study with the AFRAC Secretariat.
 - Within 3 months of the commencement of the assignment: Document findings in a comprehensive report, in PowerPoint format that can easily be interpreted by AFRAC.
 - Within 6 months of commencement of the assignment: Submit a draft Memorandum and Articles of Association/Constitution based on the relevant country of incorporations laws and the latest version of the AFRAC Bylaws.
 - Present the findings and recommendations to the AFRAC Executive Committee at a meeting of the Executive Committee, the date and time of which will be confirmed.
 - Finalise the registration/incorporation of AFRAC as a legal entity by December 2020.

3.3 AFRAC's Obligations

AFRAC will submit all information required by the Service Provider in order to conduct a successful study. The AFRAC Bylaws, policies, procedures are available on the AFRAC website at www.intra-afrac.com . Any other information will be submitted on request.

4. DURATION

The Feasibility Study shall commence in June 2019 and be complete by 30 December 2019. AFRAC's registration as a Legal Entity shall be complete by December 2020.

5. REQUIRED SUBMISSION CONTENT

Bidders are expected to structure their proposals in line with the following format:

5.1 Proposal Submission Format

Please submit each copy of your proposal in the following format:

- a) **Title Page:** Showing RFP title, Service Provider's name and address, closing date and time, and contact person and telephone number.
- b) **Proposal:** Include ALL information as requested in the RFP.
- c) **Appendices:** Company Profile with proven experience in the conduct of feasibility studies in the registration/incorporation of legal entities.

5.2 Information to be submitted

Please provide the following information:

- a) **Name and Address of Bidder**
The corporate name, street address, mailing address, telephone number and e-mail address of the Service provider's company, and any branch locations or affiliates that may be applicable.
- b) **Bidder's Overview**
An overview of the Bidder's company including its size, years in existence, and an outline of the firm's experience in the area listed in this RFP.
- c) **Associates, Employees, Contractors of Firm**
A list of partners, associates, other employees and any anticipated contractors who might be assigned or engaged to provide services to AFRAC, the types of services that they might be involved in, and their specific qualifications and experience as they relate to those services.
- d) **References**

Provide references on a company letterhead of clients to whom similar services have been rendered to as listed in section 3, and who may be contacted as references including contact name and telephone number for each of the references.

6. BID EVALUATION COMMITTEE

6.1 Evaluation Committee

Proposals will be reviewed and evaluated by the AFRAC Executive Committee. Bidders may be invited to give written or oral presentations and/or to participate in interviews with the committee. Bidders may be requested to submit any additional information required by AFRAC.

6.2 Evaluation Criteria

Proposals will be evaluated based upon, but not limited to, in no particular order:

- a) Compliance with the RFP document, including provision of all information requested in sections 3 and 5 the RFP;
- b) Demonstrated ability to provide services and expertise as listed in this RFP;
- c) Qualifications, experience, and professional development of the Bidder, including any staff proposed to be handling the contract;
- d) Reference checks.

7. NOTES TO BIDDERS

- a) Bid documents should be presented to the AFRAC marked **"Bid for AFRAC Feasibility Study"**
- b) AFRAC will not be liable to reimburse any costs incurred by the bidder during the bidding process.
- c) The Bid Evaluation Committee will carry out evaluation of bidders. The evaluators will, if necessary, contact bidders to seek clarification of any aspect of the bid.
- d) The Bidder acknowledges that the responsibility for a working solution lies solely with them, not with the AFRAC, and that any additional costs over and above the RFP amount required to arrive at a working solution (i.e. a non-compliant or incomplete solution was offered) will be for the account of the bidder.
- e) Bidder commits to implement and follow all contract conditions and specifications as agreed to in the contract. This includes all technical and solution requirements listed in the bid document, including up-to-date specifications.
- f) All services, features must be included in the price and must be the minimum RFQ requirements in the bid specification.

- g) Service providers should disclose subcontractors partaking in this contract and submit evidence of the relevant expertise. The subcontractors partaking in the actual implementation must be the same as in the tender proposal.

8. VALIDITY OF PROPOSALS

The Bidder is required to confirm that it will hold its proposal valid for 120 days from the closing date of the submission of proposals without signification changes that will affect the provision of the service.

9. QUALITY ASSURANCE REVIEWS OF WORK

The successful bidder shall ensure that all work conforms to the signed agreement.

10. AUTHORISED DELEGATE(S)

Nothing as stipulated in these terms of reference may be amended without the written confirmation of AFRAC.

11. DISCLAIMER

AFRAC reserves the right not to appoint a service provider and is not obliged to provide reasons for the rejection of any proposal. AFRAC reserves the right to:

- a) Reject all bids;
- b) Decline to consider any bids that do not conform to any aspect of the bidding process;
- c) Request further information from any service provider after the closing date, for clarity purposes; and
- d) Cancel this RFP or any part thereof at any time.

12. EVALUATION PROCESS OF BIDS RECEIVED

- a) All proposals received will be examined to determine compliance with RFP requirements and conditions (completion and attachment of compulsory documents). Proposal with obvious deviations from the requirements/conditions will be disqualified from stage 1 (one) of the evaluation process.
- b) AFRAC's Executive Committee will review all the responses received.
- c) Proposals received must be submitted with 2 separate sections clearly marked as 1) Technical Proposal and 2) Financial Proposal.
- d) Bidders who obtain a minimum of 80% in stage 1 (Technical) will qualify to proceed to stage 2 (Financial) evaluation.

Evaluation Criteria is as Follows:

Stage 1: Technical

CRITERION	MAXIMUM POINTS
1) Technical Proposal (Threshold = 80%)	100
a) The overall quality of the submission: <ul style="list-style-type: none"> • The ways and means of registering/incorporating AFRAC in any one the member countries as a not for profit organization • The estimated time to complete the project including the duration that it will take to fully register/incorporate AFRAC. 	70
b) Experience & Past Performance: Proven experience for conducting similar studies. Minimum of three contactable references with good reputation on official client's letter head: <ul style="list-style-type: none"> • 1 = 10 points • 2 = 20 points • 3 = 30 points 	30

Stage 2: Financial

Note: Bidders who fail to meet the minimum score of 80% in stage 1 will not be considered for evaluation in terms of Stage 2 (Price):

Please provide costs in USD, inclusive of VAT.

Lowest costs will have the highest consideration.

Breakdown of Costs:	
Total cost (incl VAT)	

13. CLOSING DATE AND TIMES

Proposals clearly stating the name of this RFP and bid reference number (**AFRAC 2019-01**) must be submitted to the AFRAC Secretariat at yolandav@sanas.co.za with a copy to the AFRAC Chair at ronj@sanas.co.za by **11:00 am on 1 April 2019**.

14. RESPONSE FORMAT (SUBMISSION OF PROPOSAL)

- a) The proposals must be submitted in the prescribed format.
- b) The proposal must be submitted by email to the AFRAC Secretariat, with a copy to the AFRAC Chair.
- c) Cover Page: The cover page must clearly indicate the bid reference number, description and the service provider's name.
- d) The documents/information below must be completed and submitted with the bid (Failure to comply with this requirement will result in your bid being disqualified):

Stage 1 (Technical Proposal)	Stage 2 (Financial Proposal)
<p>Technical Proposal: Including all relevant information per scope of services, including but not limited to:</p> <ol style="list-style-type: none"> a) Comprehensive Company Profile and Executive Summary. b) Comprehensive experience and past experience in providing similar services and references of at least 3 contactable clients that are provided with similar services. c) Comprehensive managed solutions proposed as per AFRAC requirements and meeting all the objectives of the feasibility study. d) Declaration of Interest: AFRAC F006 signed 	<p>Bidding documents, as follows:</p> <ol style="list-style-type: none"> a) Pricing Schedule including proposed total cost of the contract (for each option). b) Copies of Company registration documents c) Certified ID Copies of Company Directors/ Partners / Trustees (whichever is applicable).

15. ENQUIRIES

All communication and attempts to solicit information of any kind relative to this Request for Proposal (RFP) should be channelled in writing to the AFRAC Secretary at:

Tel: +27 12 740 8539

Email: yolandav@AFRAC.co.za