

REQUEST FOR QUOTATION (RFQ)

INDEPENDENT FORENSIC INVESTIGATION INTO HR RELATED MISCONDUCT

RFQ NUMBER	RFQ/2022/23-88
RFQ ISSUE DATE	Tuesday, 7 March 2023
COMPULSORY BRIEFING SESSION DATE & TIME	Monday, 13 March 2023, from 9:00 – 11:00 via Microsoft Teams
RFQ DESCRIPTION	Independent Forensic Investigation into HR Related Misconduct
CLOSING DATE & TIME FOR QUOTATIONS	Friday, 17 March 2023 @ 12:00
LOCATION FOR SUBMISSIONS	prsacosec@portsregulator.org

Bidders must submit responses via e-mail at: prsacosec@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 attend the compulsory briefing session scheduled as follows:

Date : Monday, 13 March 2023.
Time : 09h00 – 11:00
Venue : Virtual, via Microsoft Teams

Prospective suppliers wishing to attend the compulsory briefing session must complete the attached RSVP form and Non-Disclosure Agreement and return it to prsacosec@portsregulator.org by 12:00 on Friday, 10 March 2023, in order to be sent the link to the briefing session.

Prospective suppliers must submit quotations to prsacosec@portsregulator.org by 12:00 on Friday, 17 March 2023.

Late and incomplete submissions will invalidate the quote submitted.

SUPPLIER NAME: _____

POSTAL ADDRESS: _____

MAAA NUMBER (CSD NO): _____

TELEPHONE NO: _____

FAX NO: _____

E MAIL ADDRESS: _____

CONTACT PERSON: _____

CELL NO: _____

SIGNATURE OF BIDDER: _____

DETAILED SPECIFICATION

INDEPENDENT FORENSIC INVESTIGATION INTO HR RELATED MISCONDUCT

1. BACKGROUND

- 1.1 Ports Regulator of South Africa (“the Regulator”) is a Schedule 3A public entity in terms of the Public Finance Management Act, 1 of 1999 (PFMA). Port Regulator South Africa must fully comply with all the requirements of the PFMA.
- 1.2 The Ports Regulator is the independent National Regulator for the South African ports, governed by the National Ports Act, 2005 (Act No. 12 of 2005). In terms of section 30 (1) and (2) of the National Ports Act, the main function of the Regulator is 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 Section 48 of the Act
- 1.3 The Board as the custodian of corporate governance and being responsible for ensuring that the Ports Regulator of South Africa (PRSA) is conducted along sound corporate governance principles, by approving key policies and ensuring that the obligations to Shareholder and other stakeholders are met, resolved to procure the services of an independent investigator to conduct an Independent Forensic Investigation into HR Related Misconduct.

2. PURPOSE

- 2.1 The Ports Regulator requires an experienced and reputable service provider to conduct an Independent Forensic Investigation into HR Related Misconduct.

3. SCOPE OF WORK

- 3.1 Whilst the Forensic Investigator is expected to use its own approach and methodology that has produced desired results in the past, it is however, expected to include:
 - a) Review and follow-up on the statements submitted;
 - b) Obtain and review all such documents/records/recordings as may be obtained from whatever source including the Ports Regulator in pursuit of getting to the root of the allegations;
 - c) Interview any other person the Forensic Investigator may deem necessary for the integrity of the investigation, which may include former employees; and
 - d) In the event the Forensic Investigator is experiencing challenges with obtaining documents/records/ recordings or persons for the purposes of the investigation, including delayed response, must, without delay, inform the Chairperson of the Board in writing, providing sufficient detail for him to intervene.
- 3.2 The investigation report must be completed and submitted to the Chairperson of the Board by no later than eight (8) weeks from the date following the receipt of appointment notification and finalisation of the service level agreement. The report must reflect all the activities undertaken as well as all the relevant aspects as broadly provided in this RFQ. The report should include factual findings, including supporting evidence, resulting from its investigation as well as specific recommendations. The recommendations should also determine measures for the remediation of control weaknesses identified during the investigation process.

4. COMPETENCIES REQUIRED

4.1 The service provider must have the following competencies to be eligible for appointment as a Forensic Investigator:

- a) Extensive knowledge and experience of the legislative and governance framework of state-owned entities in South Africa;
- b) Experience of not less than 5 (five) years in conducting forensic investigations;
- c) Experience on communication protocols applicable in the public sector between the executive authority, the head of administration of a national government department, the Board as well as the executive management of a state-owned entity;
- d) Ability to write an investigation report that is user friendly with less legalese;
- e) Respondents shall indicate the experience of the resources that will be providing the service to PRSA as well as their comprehensive CV(s);
- f) The successful service provider shall have a proven track record in dealing with forensic investigations;
- g) Respondents shall provide a list of assignments where similar services were provided in the past five years; and
- h) Respondents shall provide the names and contact details of at least three clients the public for whom a similar service was provided during the past five years.

5. RIGHTS OF THE PRSA BOARD

5.1 The PRSA Board is entitled to:

- a) Request forensic investigations, as it deems fit;
- b) After completion of a matter, receive evidence back in the condition it was uplifted or confiscated;
- c) Progress meetings which will be held between the Forensic Investigator and the PRSA Board to:
 - i. Seek clarity relating to the scope of work of this investigation through meetings with the PRSA Board;
 - ii. Discuss feedback on forensic report issued;
 - iii. Monitor the implementation of recommendations made in the forensic report issued;
 - iv. Collate data on disciplinary action to be taken as a result of a forensic investigation; and
 - v. Discuss any other agreed upon matter.

5.2 All intellectual property including the investigation reports, supporting documentation and working papers will become the property of the Regulator.

6. COMMENCEMENT AND DURATION

6.1 The project will commence on the date of signature of the service level agreement/contract by both parties and will continue until terminated/concluded by the parties to the agreement. The project shall take no more than eight (8) weeks (320 hours) to conclude.

7. EVALUATION CRITERIA

7.1 SCM Administrative (Phase 1)

7.1.1 The bidder must submit proof of registration on CSD (Central Supplier Database).

7.1.2 The SBD forms must be completed, signed by the authorised company representative.

7.2 Functionality (Phase 2)

7.2.1 The evaluation criteria and weights for functionality as indicated in the table in below, will apply.

Functional Criteria	Maximum Points awarded
<ul style="list-style-type: none">• Project Leader qualification<ul style="list-style-type: none">○ Certified Fraud Examiner – 25 Points○ Appropriate Post graduate Degree in Commercial Law, Risk Management, Auditing, or a Forensic Investigating related degree – 20 Points○ Appropriate undergraduate graduate Degree in Commercial Law, Risk Management, Auditing, or a Forensic Investigating related degree – 15 Points○ No related qualifications submitted - 0 points	25
<ul style="list-style-type: none">• Experience of the Bidder<ul style="list-style-type: none">○ 5 years or more – 10 points○ Less than 5 years – 5 points○ Less than 3 years – 2 points○ Zero experience – 0 points	10
<ul style="list-style-type: none">• Experience of the core team working with the public sector in conducting Forensic Investigations<ul style="list-style-type: none">○ More than 20 years combined – 20 points○ Less than 20 years combined – 15 points○ Less than 10 years combined – 10 points○ Less than 5 years combined – 0 points	20
<ul style="list-style-type: none">• The team leader has experience of leading individual or proposed project team working on projects of a similar nature<ul style="list-style-type: none">○ More than 10 years – 30 points○ Less than 10 years – 20 points○ Less than 5 years – 10 points	30
<ul style="list-style-type: none">• Contactable references<ul style="list-style-type: none">○ 3 or more references – 15 points○ Less than 3 references – 10 points○ Less than 2 references – 5 points○ Zero references – 0 points	15
Maximum total for functionality 100	Maximum total functionality 100

7.2.2 The evaluator shall award values for each individual criterion on a score sheet. The value scored for each criterion shall be multiplied with the specified weighting for the relevant criterion to obtain the marks scored for the various criteria. These marks should be added to obtain the total score for functionality.

7.3 Price (Phase 3)

7.3.1 The RFQ price is estimated to be between R 30 000.00 and R 1 000 000.00.

Template for pricing				
No.	Description	Quantity	Unit Price	Total
1	Project Leader	1	Rate per hour	
2	Team Leader	1	Rate per hour	
3	Investigator	1	Rate per hour	
4	Mobile Forensics	1	Rate per hour	
5	Computer Forensics	1	Rate per hour	
6	Handwriting Analysis	1	Rate per hour	
7	Photocopying		Rate per page	
8	Scanning		Rate per page	
9	Data costs		Rate per	
10	Calls		Rate per minute	
11	Travelling Costs (Car)		AA Rate per KM	
12	Flights		Economy	
13	Accommodation		3-star Hotel	
Total				
VAT @15%				
Grand Total				

7.3.2 Pricing schedule/disbursement breakdown to be included/attached to the RFQ.

7.4 Pricing Considerations

7.4.1 Bidders' price quotations must be inclusive of all applicable taxes and include all supplementary/additional expenses to be incurred in relation to the project **(including VAT)**.

7.4.2 **NB:** Tax matter for the recommended bidder will be verified on Central Supplier Database (CSD) or SARS eFiling prior to awarding. Tax Compliance Status Verification will be conducted.

8. ADJUDICATION USING A POINT SYSTEM

8.1 The bidder obtaining the highest number of total points will be awarded the contract unless objective criteria justify the award to another bidder.

8.2 Preference points shall be calculated after process has been brought to a comparative basis taking into account all factors of non-firm prices.

9. COMMUNICATION

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

10. CONDITIONS TO BE OBSERVED WHEN SUBMITTING A QUOTATION

10.1 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 **90 days** from the closing date of the RFQ Enquiry.

11. COST OF BIDDING

11.1 The bidder 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.

12. PAYMENTS

- 12.1 PRSA will pay the supplier the fees set out in the final contract upon completion of the project. No additional amounts will be payable by PRSA to the Supplier.

13. MANDATORY DOCUMENTS TO BE SUBMITTED

- 13.1 Quotation on a company letterhead
- 13.2 Declaration of Interest (SBD 4),
- 13.3 Preference Points Claim Form (SBD 6.1),
- 13.4 Declaration of Bidder's Past Supply Chain Practices (SBD 8) and
- 13.5 Certificate of Independent Bid Determination (SBD 9)
- 13.6 BBBEE Certificate or Sworn Affidavit
- 13.7 National Treasury CSD Report
- 13.8 Tax Clearance Certificate

14. ANNEXED TO THIS DOCUMENT FOR COMPLETION AND RETURN BY 12:00 ON FRIDAY, 10 MARCH 2023, IN ORDER TO RECEIVE THE LINK TO THE COMPULSORY BRIEFING SESSION

- 14.1 RSVP form, and
- 14.2 Non-Disclosure Agreement

END OF RFQ DOCUMENT

RSVP FORM

COMPULSORY BRIEFING SESSION

Date : Monday, 13 March 2023.

Time : 09h00 – 11:00

Venue : Virtual, via Microsoft Teams

SUPPLIER NAME: _____

POSTAL ADDRESS: _____

MAAA NUMBER (CSD NO): _____

TELEPHONE NO: _____

FAX NO: _____

E MAIL ADDRESS: _____

CONTACT PERSON: _____

CELL NO: _____

SIGNATURE OF BIDDER: _____

ANNEXURE B

NON-DISCLOSURE AGREEMENT AND CONFIDENTIALITY AGREEMENT

BETWEEN

THE PORTS REGULATOR OF SOUTH AFRICA

A state owned entity established by the National Ports Act No. 12 of 2005 and listed under Schedule 3A of the Public Finance Management Act No.1 of 1999 (as amended)

(Represented by ... in their capacity as the ..., duly authorised)
(Hereinafter referred to as "the Ports Regulator")

and

.....
A private company duly incorporated in terms of the laws of South Africa, having its main place of business atwith registration number
....., and represented herein by in his capacity as (Hereinafter referred to as the "Service Provider")

I hereby agree that the information provided to me during this Compulsory Briefing Session, which may contain private information of an individual and/or individuals, shall remain private and confidential and shall not be disclosed by me to any third party unless strictly required to do so by law. I also hereby agree to attend the session alone and will switch on my camera when required to do so during the briefing session to confirm that the invitation was not extended to other parties.

SIGNATURES

ON BEHALF OF THE PORTS REGULATOR OF SOUTH AFRICA

SIGNED at _____ on this ____ day of _____

Signed on behalf of the Ports Regulator of South Africa
Ms. Nosisa Andile Luthando Ubemuhle Mhlongo ACG(CS)
Company/Regulator Secretary

ON BEHALF OF THE SERVICE PROVIDER

SIGNED at _____ on this ____ day of _____

Full names and
Surname:.....