



REFERENCE: IEC/PPF-01/2022

CLOSING DATE: 11 AUGUST 2022

ENQUIRIES

TECHNICAL SPECIFICATIONS: Matsobane Nkoko

Tel: 012 622 5425 or **eMail:** Nkokom@elections.org.za

ADMINISTRATIVE ENQUIRIES: Mr Vincent Qwabe

Tel: (012) 622-5576 / (012) 622-5700

TENDER IEC/PPF-01/2022

SERVICE DESCRIPTION: INVESTIGATION PANEL SERVICES

Kindly furnish the Electoral Commission with a bid for the investigation panel services as per the attached documents.

The conditions contained in the Electoral Commission's supply chain management (SCM) policy documents and all other conditions stated in this tender, will apply to your submission.

This tender, as formulated, contains the relevant Electoral Commission's bid documents/forms that must be completed.

In order to minimise risks due to the Covid-19 pandemic, a virtual briefing session will take place on 27 July 2022. Detail on the briefing session will be published in the Electoral Commission's website

Kindly submit your bid by completing the relevant forms and deposit the bid in the tender box at the Electoral Commission's address before the closing date and time as specified on page two (2).

The Electoral Commission takes no responsibility for any late bids, whatever the reason may be.

Yours sincerely

MARIUS STEYN
MANAGER: SCM

Electoral Commission

Ensuring Free and Fair Elections

TENDER NUMBER: INVESTIGATION PANEL SERVICES

CLOSING TIME: 11:00

CLOSING DATE: 11 AUGUST 2022

YOU ARE HEREBY INVITED TO SUBMIT A BID TO THE ELECTORAL COMMISSION OF THE REPUBLIC OF SOUTH AFRICA.

THIS TENDER DOCUMENT MUST BE COMPLETED AND ALL APPLICABLE PAGES RETURNED AS PART OF YOUR BID SUBMISSION - DO NOT RETYPE OR SUBSTITUTE THE PAGES OF THE TENDER DOCUMENT IN ANY OTHER FORM.

ALL TENDER FORMS (**PAGE 2 THROUGH TO PAGE 45**) MUST BE COMPLETED AND SIGNED IN ORIGINAL INK. FORMS WITH PHOTOCOPIED SIGNATURES/INITIALS OR ANY OTHER SUCH REPRODUCTION OF DETAIL WILL BE REJECTED, RESULTING IN THE TENDER BEING DISQUALIFIED.

SUBMIT YOUR BID IN A SEPARATE SEALED ENVELOPE OR SUITABLE CONTAINER IF NECESSITATED AND WRITE YOUR COMPANY NAME AS WELL AS THIS TENDER REFERENCE NUMBER (**IEC/PPF-01/2022**) ON THE ENVELOPE/CONTAINER.

SERVICE PROVIDERS SHOULD ENSURE THAT BIDS ARE DELIVERED TIMEOUSLY TO THE CORRECT ADDRESS AND PLACED IN THE TENDER BOX. BID DOCUMENTS MUST ONLY BE DEPOSITED IN THE TENDER BOX(ES) WHICH ARE IDENTIFIED AS TENDER BOX(ES) OF THE ELECTORAL COMMISSION.

BID DOCUMENTS MUST BE SUBMITTED BY NO LATER THAN THE CLOSING DATE AND TIME IN THE TENDER BOX SITUATED AT:

Election House

Riverside Office Park

1303 Heuwel Avenue

CENTURION

THE TENDER BOX WILL BE OPEN DURING OFFICE HOURS.

BIDS SUBMITTED IN THE INCORRECT TENDER BOX(ES) OF THE ELECTORAL COMMISSION, AND NOT IN THE BOX STIPULATED ABOVE WILL NOT BE CONSIDERED.

BIDS, AS A WHOLE OR IN PART, RECEIVED AFTER THE CLOSING DATE AND TIME ARE LATE AND WILL NOT BE ACCEPTED FOR CONSIDERATION. LATE BIDS ARE RECORDED BUT SET ASIDE.

BIDS SUBMITTED BY TELEGRAM, FACSIMILE, POST OR BY ELECTRONIC MEANS SUCH AS eMAIL WILL NOT BE ACCEPTED FOR CONSIDERATION.

THE ELECTORAL COMMISSION WILL PUBLISH THE AWARD OF THIS TENDER IN ACCORDNACE WITH STATUTORY REQUIREMENTS AS REQUIRED. SERVICE PROVIDERS SHOULD NOTE THE AWARD OF THE TENDER AS PUBLISHED. NO GENERAL NOTICES TO UNSUCCESSFUL BIDDERS WILL BE ISSUED.

THE ELECTORAL COMMISSION GENERALLY DOES NOT ISSUE LETTERS OF APPOINTMENT. SUCCESSFUL BIDDERS WILL BE REQUIRED TO SIGN A SERVICE LEVEL AGREEMENT, AND/OR WILL BE ISSUED WITH AN OFFICIAL PURCHASE ORDER AS MAY BE APPLICABLE WHICH REPRESENTS THE 'CONTRACT' BETWEEN THE TWO PARTIES CONCERNED.

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BACKGROUND

The Electoral Commission is a permanent body established in terms of Chapter 9 of the Constitution of the Republic of South Africa and the Electoral Commission Act 51 of 1996. It is responsible for managing and administering all elections and promoting and safeguarding democracy in South Africa. Although publicly funded and accountable to Parliament, the Electoral Commission is independent of government.

In terms of Section 190 of the Constitution of the Republic of South Africa (Act 108 of 1996), the Electoral Commission must -

- Manage elections of national, provincial and municipal legislative bodies;
- Ensure that those elections are free and fair;
- Declare the results of those elections; and
- Compile and maintain a voters' roll.

Duties of the Electoral Commission as stated in Section 5 of the Electoral Commission Act require that the Electoral Commission:

- Compile and maintain a register of parties;
- Undertake and promote research into electoral matters;
- Develop and promote the development of electoral expertise and technology in all spheres of government;
- Continuously review electoral laws and proposed electoral laws, and make recommendations;
- Promote voter education;
- Declare the results of elections for national, provincial and municipal legislative bodies within seven (7) days of those elections; and
- Appoint appropriate resources in any sphere of government to conduct elections when necessary.

The Electoral Commission currently operates in approximately 270 municipal electoral offices, nine (9) provincial offices and ten (10) warehouses at national and provincial level.

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GENERAL TENDER CONDITIONS

1. These conditions form part of the tender and failure to comply with these may invalidate a bid.
2. The following definitions shall apply:
 - (a) “all applicable taxes” includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
 - (b) “B-BBEE” means broad-based black economic empowerment as defined in section 1 of the Broad Based Black Economic Empowerment Act;
 - (c) “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;
 - (d) “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;
 - (e) “Broad-Based Black Economic Empowerment Act” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
 - (f) “comparative price” means the price after the factors of a non-firm price and all unconditional discounts that can be utilised have been taken into consideration;
 - (g) “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;
 - (h) “contract” means the agreement (including a service level agreement) that results from the acceptance of a bid by the Electoral Commission;
 - (i) “EME” means any enterprise with an annual total revenue that is less than the prescribed threshold value;
 - (j) “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;
 - (k) “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;
 - (l) “non-firm prices” means all prices other than “firm” prices;
 - (m) “person” includes a juristic person;
 - (n) “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 duties and taxes;
 - (o) “state” means any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act (the PFMA), 1999 (Act No. 1 of 1999), any municipality or municipal entity, provincial legislature, National Assembly or the National Council of provinces; or Parliament;

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- (p) "Service Provider or Supplier" (used interchangeably) means any individual or entity that has the potential to be contracted by the Electoral Commission to render goods/services.
- (q) "sub-contract" means the primary bidder/contractor's assigning, leasing, making out work to, or employing, another person to support such primary bidder/contractor in the execution of part of a project in terms of the SLA/contract.

In the event that the primary contractor/bidder is purchasing or renting goods from another entity for the purposes of rendering the services required in respect of this tender the latter shall be deemed not to be a 'sub-contractor'; and

- (r) "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; and
 - (s) "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.
3. The tender forms are drafted to ensure that certain essential information is to be furnished in a specific manner. Any additional particulars shall be furnished in the enclosed questionnaire/s (where applicable) or in a separate annexure/s.
 4. The tender forms shall not be retyped or redrafted but photocopies may be prepared and used. All photocopied pages must, however, be completed and signed/initialled in original ink as stipulated.
 5. Additional offers may be made for any item in response to this tender but only on a photocopy of the applicable page/s. Additional offers made in any other manner may be disregarded.
 6. Tenders must not be qualified by the bidder's own conditions of tender. Failure to comply with this requirement shall invalidate the bid.
 7. Failure on the part of the bidder to *sign/initial all applicable pages* of this tender form and thus to acknowledge and accept the conditions in writing shall invalidate the bid submission.
 8. Failure on the part of the bidder to complete the attached forms, questionnaires and specifications document in all respects may invalidate the bid submission. Failure to complete mandatory forms/schedules shall invalidate the bid submission.
 9. All changes/alterations in the bid document should be signed/initialled. Failure on the part of the bidder to sign/initial any alterations and/or corrections made to information provided in this tender form may invalidate the tender.
 10. No correction fluid/tape or similar products will be allowed and the use thereof on any page of the tender document may invalidate your bid submission.
 11. Any changes/alterations to pricing that are not signed/initialled are considered material, and shall invalidate the bid submission. Correction fluid/tape or similar products will not be allowed to amend prices and the use thereof shall invalidate the bid submission.
 12. Information/detail provided on completed tender forms must be legible and ink must be used. Tender forms completed and signed mechanically, e.g. by means of a typewriter/computer or a signature/initial by means of a stamp are deemed to have been completed in original ink. Pencil must not be used as it shall lead to the disqualification of the bid submission.
 13. Service providers shall check the numbers of the pages and satisfy themselves that none are missing or duplicated. No liability shall be accepted with regard to claims arising from the fact that pages are missing or duplicated. Incomplete bid submissions (i.e. with missing pages) shall be disqualified.
 14. Tender prices must be all inclusive, including VAT in respect of all vendors registered for VAT purposes. Non-VAT registered bidder shall not charge nor be eligible for the payment of VAT.

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15. Tender prices for supplies in respect of which installation/erection/assembly is a requirement, shall include ALL costs inclusive of VAT on a basis of delivered on site as specified.
16. The Electoral Commission shall only accept bids at prices that are market related. In the event that a bid is deemed to not be market related the Electoral Commission reserves the right to negotiate prices in accordance with the provisions of the Preferential Procurement Regulations in order to achieve a market related price or cancel the tender altogether.
17. National Treasury has placed an obligation on all bidders that intend doing business with government to register on its Central Supplier Database (CSD). The Electoral Commission will not contract any bidder that is not registered on the CSD.
18. It is an absolute requirement that the tax affairs of the successful bidder must be in order.
19. An entity's tax compliance status is indicated on the Central Supplier Database (CSD). The Electoral Commission will only contract bidders whose tax status is compliant. This means that if a bidder has a non-compliant tax status before the award is completed the bid will be disqualified if that bidder's tax affairs remains non-compliant as per the provisions of National Treasury Instruction 9 of 2017/2018. It remains the bidder's responsibility to ensure that their taxes are in order, remain in order and that this is reflected on the CSD. The bidder must also ensure that all sub-contractors (if applicable) are tax compliant.
20. Bids must be submitted based on firm tender prices and delivery periods, unless otherwise stated in the bid specifications. Consequently, bidders must clearly state whether prices and delivery periods will remain firm for the duration of the SLA/contract or not.
21. When the SLA/contract is awarded on the basis of firm prices, contract prices may be adjusted during the contract period only if:
 - (a) customs or excise duty or any other duty, levy or tax (excluding any anti-dumping and countervailing duties or similar duties), is introduced in terms of any Act or regulation; or
 - (b) any such duty, levy or tax is legally changed or abolished; and
 - (c) the onus of proof of the effect of such events is placed upon the bidder.
22. If non-firm prices are provided for in the bid specifications, the following rules shall apply:
 - (a) In respect of any factors which demonstrably have an influence on the production cost of the supplies or the cost of rendering the services which have been tendered on the basis of non-firm prices, price adjustments which become effective during the contract period may be allowed with effect from the date of the change in cost and founded on the actual direct change in the cost as used in the calculation of the tender price, in addition to those provided for.
 - (b) Where the bidder is the manufacturer of the supplies or the provider of the service, or where he/she/they is the accredited agent of the manufacturer or the provider, evidence in support of the price adjustments claimed shall be produced on demand.
 - (c) As an alternative, the bidder may specify a formula in the bid submission for the purpose of adjusting prices in accordance with published indices.
 - (d) Where the bidder is not the provider of the service, or where he/she/they is not the accredited agent of the provider, any price adjustment shall be based on the increase or reduction to the bidder in the net cost of the supplies on which the tender price was based. When any such increase or reduction in costs occurs, the bidder shall submit copies of the quotation or price list with reference to which the tender price as calculated, as well as the revised quotation or price list on which the claim is based.
23. Where prices are subject to exchange rate fluctuations, bidders must take that factor into account when bidding and, where necessary, should ensure that they have taken the necessary forward

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cover to provide for possible price increases. When applicable, specific detail to this effect should be included in the bid submission.

24. Unconditional discounts offered by any bidder as part of their bid submission may be considered by the Electoral Commission at its sole discretion in the bid adjudication process. Any other discounts offered by any bidder will be taken into consideration for payment purposes.
25. The bid specifications form an integral part of the tender document and bidders shall indicate in the space/s provided whether the specific services offered are according to specification or not.
26. In cases where the services offered are not according to specification, the deviations from the specifications must be indicated. Specifications may not, however, be changed on the tender forms provided as that shall invalidate a bid submission.
27. Unless specifically provided for in the tender document, no bids transmitted by facsimile or email will be considered.
28. Service providers are requested to promote local content as far as possible.
29. A service level agreement (SLA/contract) shall be entered into with the successful bidder.
30. Unless otherwise stipulated, all tools/equipment needed must be supplied by the successful bidder.
31. Any bidder found to be influencing the tender adjudication process shall be automatically disqualified and not accepted for consideration.
32. In accordance with the Electoral Commission's policy, the Electoral Commission reserves the right to procure goods/services outside of the SLA/contract if, *inter alia*, an emergency arises; the bidder's point of supply is not situated at or near the place where services are required or, if the bidder's services are not readily available.
33. The Electoral Commission reserves the right to negotiate the extension of the SLA/contract at its sole discretion with due regard to any statutory provisions imposed by National Treasury at the time of considering such extension.
34. The Electoral Commission may, at its sole discretion, resolve to procure lesser or additional goods/services as provided through the tender should the need arise. Any such change in the scope of services shall be negotiated with the successful bidder if and when relevant with due regard to any statutory provisions imposed by National Treasury at the time of considering such.
35. Bid submissions received by the Electoral Commission and bid evaluation, assessment and adjudication reports that may contain sensitive information relating to any specific bids are not available for perusal by the public.
36. All information supplied by the Electoral Commission will be in the strictest confidence and will remain the proprietary information of the Electoral Commission. No bidder will be permitted to disclose any such information to any third party without the prior express consent and/or written authority and/or consent of the Electoral Commission.
37. Should the bidder fail to comply with any of the conditions of the SLA/contract, the Electoral Commission shall be entitled, without prejudice to any of its other rights, to:
 - (a) arrange for the alternative execution of the service/s not rendered or not in conformity with the specifications of the SLA/contract; and
 - (b) recover all costs, losses or damages it has incurred or suffered as a result of the bidder's conduct; or
 - (c) cancel the SLA/contract and claim any damages which it has suffered as a result of having to make less favourable arrangement due to such cancellation.
38. All acquisitions for goods/services made by the Electoral Commission are subject to the following conditions:

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- (a) No variations from the terms and conditions herein contained, and no contrary stipulation by the bidder shall be valid and binding unless confirmed by the Electoral Commission in writing.
 - (b) The Electoral Commission reserves the right to cancel any order if delivery is not made in due time and the bidder will not be entitled to any cancellation fees.
 - (c) Part deliveries will only be accepted on prior arrangement with the Electoral Commission.
 - (d) If delivery is not met as per agreement, the Electoral Commission reserves the right to cancel the outstanding delivery, and recover all costs, losses or damages it has incurred or suffered as a result of the bidder's conduct.
 - (e) No price adjustments shall be accepted unless stipulated in the bid document received and agreed to by the Electoral Commission. The bidder will be obliged to sell at tendered prices.
 - (f) The award of the tender may be subjected to the negotiation of a market-related price with a bidder in accordance with the provisions of the Preferential Procurement Regulations, 2017.
 - (g) The Electoral Commission shall not be responsible for any risk in relation to the goods before delivery.
 - (h) The Electoral Commission shall not be obliged to pay for any goods with any deviation from the agreed specification and quality.
 - (i) The Electoral Commission shall be entitled to return any goods with defects or deviations from the agreed specification without consent from the bidder.
 - (j) The service provider shall submit a valid tax invoice where the service provider is VAT registered, or a valid invoice if the service provider is not VAT registered, conforming to tax law requirements, to the Electoral Commission. The invoice amount shall correspond with the order amount and shall be VAT inclusive, where applicable.
 - (k) Details provided on invoices issued to the Electoral Commission must correspond to the details of the bidder as registered on the Central Supplier Database (CSD). It remains the bidder's responsibility to ensure that details are correct to enable the Electoral Commission to effect any payments due to the bidder.
 - (l) Payment shall be effected within 30 days of receipt of a valid invoice/s together with a statement of the Electoral Commission's account, unless a dispute arises in respect of such invoice/s. Every effort shall be made to take advantage of special discounts.
 - (m) To avoid unnecessary delays in payment, it remains the bidder's responsibility to ensure that banking details are correct and validated on the Central Supplier Database (CSD). The Electoral Commission will not be liable for interest accrued on overdue accounts where the bidder has not resolved their incorrect banking details on the CSD.
39. No damages shall be claimable by the Electoral Commission in respect of any reasonable period of delay which the bidder can prove to the satisfaction of the Electoral Commission to be directly due to unforeseen events and/or any *force majeure*.
40. If the execution of any SLA/contract entered into is likely to be delayed or is in fact being delayed on account of any reason, full particulars of the circumstances shall be immediately reported in writing to the contact person stated in the service level agreement (SLA/contract), and at the same time the bidder shall indicate the extension of the delivery/completion period which will then be required.
41. If information required in respect of any item in the tender document cannot be adequately inserted in the space provided, additional information may be provided on a separate sheet of paper with a clear and accurate reference to the item and page of the tender document.

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42. Service providers may, at the discretion of the Electoral Commission, be requested to submit samples or prototypes, make presentations and/or written submissions in order for the Electoral Commission to assess compliance with tender conditions and specifications.
43. Scoring in respect of this tender will be based on the provisions of the Preferential Procurement Policy Framework Act, 2000 (PPPFA) and Preferential Procurement Regulations, 2017. These regulations require bidders to submit valid original or certified copies of their B-BBEE Status Level Certificates from accredited verification agencies or an affidavit as applicable.
44. The following preference point systems are applicable to bids of the Electoral Commission:
- the 80/20 system for requirements with a Rand value of up to R50,000,000 (all applicable taxes included);
 - the 90/10 system for requirements with a Rand value above R50,000,000 (all applicable taxes included); and
 - if it is unclear which preference point system will be applicable, then either the 80/20 or the 90/10 preference point system will apply and the lowest acceptable bid will be used to determine the applicable preference point system.
45. **The value of this tender is estimated to not exceed R50,000,000 (all applicable taxes included) and therefore the 80/20 scoring system shall be applicable.**
46. Preference points for this bid shall be awarded for:
- Price (80 or 90 as applicable); and
 - B-BBEE status level of contribution (20 or 10 as applicable).
47. A maximum of 80 or 90 points is allocated for price on the following basis:

$$80/20 \text{ or } 90/10 \quad P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \text{ or } P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

P_s = Points scored for comparative price of bid under consideration
 P_t = Comparative price of bid under consideration
 P_{\min} = Comparative price of lowest acceptable bid

48. In terms of Regulation 5(2) and 6(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:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

49. Bidders who qualify as exempted micro enterprises (EMEs) in terms of the B-BBEE Act must submit a sworn affidavit (with the exception of sector codes).

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- (a) For sectors not repealed nor amended, a B-BBEE status level certificate issued by an Accounting Officer as contemplated in the Close Corporation Act (CCA), or a Verification Agency accredited by South African Accreditation System (SANAS) or a Registered Auditor. Registered auditors do not need to meet the prerequisite for Independent Regulatory Board of Auditors (IRBA) approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.
50. Bidders who qualify as qualifying small enterprises (QSEs) in terms of the B-BBEE Act must submit a sworn affidavit or B-BBEE status level certificate as applicable.
 - (a) QSEs with at least 51% black ownership must submit a B-BBEE QSE sworn affidavit.
 - (b) QSEs with 50% or less black ownership must submit their original and valid B-BBEE status level certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Verification Agency accredited by South African Accreditation System (SANAS).
51. Bidders other than EMEs or QSEs with at least 50% black ownership must submit their original and valid B-BBEE status level certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Verification Agency accredited by South African Accreditation System (SANAS).
52. Failure on the part of a bidder to complete and/or to sign this form and submit a sworn affidavit, or an original or a certified copy of a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
53. A trust, consortium or joint venture, will qualify for points for its B-BBEE status level as a legal entity, provided that the entity submits its B-BBEE status level certificate.
54. A trust, consortium or joint venture will qualify for points for its B-BBEE status level as an unincorporated entity, provided that the entity submits its consolidated B-BBEE status level certificate as if it were a group structure and that such a consolidated B-BBEE status level certificate is prepared for every separate bid.
55. Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialised scorecard contained in the B-BBEE Codes of Good Practice.
56. 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.
57. A person awarded a SLA/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.
58. The Electoral Commission 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 preference points, in any manner required by the Electoral Commission. In the event that no response is received from the issuer of the certificate after 48 hours no B-BBEE points will be allocated in the final scoring.
59. A successful bidder who's bid is acceptable will be awarded a contract based on lowest acceptable price, which is market related, subject to complying with all the other requirements, such as, meeting the technical specifications and satisfying the Electoral Commission's due diligence audit requirements which entails confirmation of the bidder's capacity, capability and ability to render the goods/services in accordance with the tender conditions/specifications.
60. 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.

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61. Points scored will be rounded off to the nearest 2 decimal places.
62. In the event that two or more bids have scored equal total points, the successful bid will be the one scoring the highest number of preference points for B-BBEE.
63. 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 will be the one scoring the highest score for functionality.
64. Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.
65. Any legal person may make an offer or offers in terms of this invitation to bid.
66. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or 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 bidder is employed by the state; and/or
 - (b) the legal person on whose behalf the bidding document is signed, has a relationship with persons/a 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.
67. The Public Service Administration Management Act 11 of 2014 prohibits public servants from conducting business with the state or being a director of a public or private company that conducts business with the state. This Act will take effect on a date still to be determined by the President. Should your bid be submitted on a date after such determination by the President, you may be disqualified in terms of this Act.
68. The Electoral Commission may cancel the tender in accordance with the provisions of the Preferential Procurement Regulations, 2017 for reasons that include:
 - (a) Changed circumstances – There is no longer a need for the goods/services.
 - (b) Funds are no longer available to cover the total envisaged expenditure.
 - (c) No acceptable bid is received.
 - (d) There is a material irregularity in the tender process.

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BID SUBMISSION

This standard bidding document must be completed by the bidder and forms part of all bids.

In the case of a consortium or joint venture, every member of the consortium or joint venture must complete the questionnaire.

In the case of subcontractors, where more than 25% of the work will be done by such subcontractor/s each subcontractor must complete the mandatory tender forms (pages 14 to 23).

Separate forms must be used in each case.

Failure to complete and sign/initial all pages of this document in original ink shall invalidate your bid.

Where space provided is insufficient, annexes must be submitted with the relevant information.

False documents and/or the omission of information may invalidate your bid.

The form serves as a declaration to ensure that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.

Any bid may be disregarded if the bidder or any of its directors or shareholders has:

- abused the Electoral Commission's supply chain management system;
- committed fraud or any other improper conduct in relation to such system; or
- failed to perform on any previous contract.

PROSPECTIVE BIDDERS MUST REGISTER ON THE NATIONAL TREASURY CENTRAL SUPPLIER DATABASE (CSD) PRIOR TO SUBMITTING THEIR BIDS. FAILURE TO REGISTER ON THE CSD SHALL INVALIDATE YOUR TENDER.

A BIDDER'S TAX AFFAIRS MUST BE IN ORDER TO BE CONSIDERED IN THE ADJUDICATION OF THIS TENDER. A BIDDER'S TAX COMPLIANCE STATUS IS REFLECTED ON THE NATIONAL TREASURY CENTRAL SUPPLIER DATABASE (CSD).

A BIDDER'S TAX COMPLIANCE STATUS SHALL APPLY AS IT WAS AT THE TIME OF THE AWARD OF THE TENDER. THE TENDER SHALL ONLY BE AWARDED TO A BIDDER THAT IS TAX COMPLIANT. THE ELECTORAL COMMISSION VERIFIES TAX STATUS AGAINST THE CSD. ANY BID WITH A NON-COMPLIANT TAX STATUS SHALL BE REJECTED AT THE TIME OF THE AWARD OF THE TENDER. TAX NON-COMPLIANT BIDDERS ARE, THEREFORE, ENCOURAGED TO CONTINUOUSLY MONITOR THEIR TAX COMPLIANCE STATUS ON THE CSD AND MUST ENSURE THAT THEIR STATUS REFLECTS AS TAX COMPLIANT. BIDDERS MUST RESOLVE ANY PENDING TAX ISSUES WITH SARS TIMEOUSLY AS IT TAKES TIME FOR STATUS CHANGES TO BE EFFECTED FROM THE SARS TAX COMPLIANCE SYSTEM (TCS) TO THE CSD.

ALTHOUGH NOT ALL THE INFORMATION REQUESTED HEREUNDER MIGHT BE RELEVANT TO THE SPECIFIC REQUIREMENTS OF THIS TENDER, YOU ARE REQUESTED TO COMPLETE THE DOCUMENT WITH AS MUCH RELEVANT DETAIL AS POSSIBLE.

THE INFORMATION MAY BE USED DURING THE BID EVALUATION PROCESS OF THE TENDER.

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TENDER QUESTIONNAIRE

Important note: Where more space is required for additional information please use photocopies of the applicable page/s. However, all pages **must** be completed and signed in original ink.

1. Name of business entity (bidder):
2. Company CIPC registration number (if applicable):
3. Central Supplier Database (CSD) registration number:

M	A	A	A						
---	---	---	---	--	--	--	--	--	--

Your unique registration number as provided above will be used to capture your company details as a vendor to the Electoral Commission. The Electoral Commission will draw your registration detail and tax compliant status from the National Treasury Central Supplier Database (CSD) and any changes (including banking details) you effect to your registration on the CSD will automatically update your registration as a vendor to the Electoral Commission. Detail provided on invoices issued to the Electoral Commission must correspond to the detail of your company as registered on the CSD. It remains your responsibility to ensure that details are correct to enable the Electoral Commission to effect any payments due to you.

4. Contact person (person representing bidder):
5. Contact number:
6. Cellphone number:
7. eMail address:
8. Physical address of bidder: Postal Code:

9. Type of Company/Enterprise [TICK APPLICABLE BOX]

- ☐ Partnership/Joint Venture / Consortium
- ☐ One person business/sole propriety
- ☐ Close corporation (CC)
- ☐ Company
- ☐ (Pty) Ltd

10. Describe Principal Business Activities

.....

11. Company Classification [TICK APPLICABLE BOX]

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional
- ☐ Other, e.g. transporter, *et cetera*.

12. Total number of years the company/firm has been in business:.....

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13. The names of directors / members of companies are drawn from the Central Supplier Database (CSD). Please provide the detail of any directors / trustees / shareholders / members / partners or any person having a controlling interest and their individual identity numbers that do not appear on your CSD registration in the table below.

Full Name	Identity Number

14. SMME Classification (Tick one applicable to your company):

Non-SMME		Very Small	
Medium		Micro	
Small		EME	

15. Please stipulate the B-BBEE status level of contribution as it appears on the certificate/affidavit for your entity
16. Is the entity an exempted micro enterprise (EME) for the purposes of the Preferential Procurement Regulations, 2017?
17. Has a B-BBEE status level verification certificate/affidavit been submitted?

YES		NO	
YES		NO	

18. If yes, who issued the certificate?

Commissioner of Oaths in the case of an applicable sworn affidavit	
A verification agency accredited by the South African Accreditation System (SANAS)	
An IRBA registered auditor	

All bidders must submit sworn affidavits or original or certified copies of their status level certificates together with their bid documentation in support of and confirming the B-BBEE status level indicated above. Failure to submit the affidavit or certificate will result in a bidder being deemed as a non-compliant contributor and a status level of zero (0) will be allocated.

19. Legal status of bidder (tick one box)

Principal bidder		
Subcontractor	% of work will be subcontracted*
Consortium		
Joint venture (JV)		
Other, specify		

In the case of subcontractors, where more than 25% of the work will be done by such subcontractor/s, each subcontractor must complete the tender questionnaire as well as the bidder's disclosure (SBD4).

Separate forms must be used in each case.

The tax affairs of subcontractors must also be in order on the Central Supplier Database (CSD).

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20. Employment Equity Act (EEA) (Chapter VI – General Provisions: State Contracts)

21. In terms of Section 53(1) of the EEA every employer that makes an offer to conclude an agreement with any organ of state for the furnishing of suppliers or services to that organ of state or for the hiring or letting of anything:

21.1 must-

- (i) if it is a designated employer, comply with Chapters II and III of this Act; or
- (ii) if it is not a designated employer, comply with Chapter II of this Act; and

21.2 attach to that offer either-

- (i) a certificate in terms of subsection (2) which is conclusive evidence that the employer complies with the relevant Chapters of this Act; or
- (ii) a declaration by the employer that it complies with the relevant Chapters of this Act, which, when verified by the Director-General, is conclusive evidence of compliance.

22. In terms of Section 53(2) of the EEA an employer referred to in subsection (1) may request a certificate from the Minister confirming its compliance with Chapter II, or Chapters II and III, as the case may be.
23. In terms of Section 53(3) a certificate issued in terms of subsection (2) is valid for 12 months from the date of issue or until the next date on which the employer is obliged to submit a report in terms of section 21, whichever period is the longer.
24. In terms of Section 53(4) a failure to comply with the relevant provisions of this Act is sufficient ground for rejection of any offer to conclude an agreement referred to in subsection (1) or for cancellation of the agreement*.

* Statutory regulations may require that supplies and services shall not be procured for and on behalf of the State, unless an employer has attached to its offer a certificate in terms of Section 53(l)(b)(i) or a declaration in terms of Section 53(l)(b)(ii) of the Employment Equity Act.

25. Is your company a designated employer in terms of the Employment Equity Act (EEA)? (Act 55 of 1998)

YES		NO	
-----	--	----	--

26. Does your company comply with Chapter III of the Employment Equity Act? (Act 55 of 1998)

YES		NO		EXEMPT	
-----	--	----	--	--------	--

27. In respect of the EEA requirements above, please attach either:

- 27.1 A certificate in terms of Section 53(2) of the EEA which is conclusive evidence that the employer complies with the relevant Chapters of the EEA; or

An employer may request a certificate from the Minister confirming its compliance with Chapter II, or Chapters II and III, as the case may be.

- 27.2 A declaration by the employer that it complies with the relevant Chapters of the EEA, which, when verified by the Director-General, is conclusive evidence of compliance.

28. Bidders must monitor developments around the EEA in order to be informed of any changes in the statutory requirements.
29. In the event of subcontractors being used to render the services required in terms of this tender, the principal bidder must complete the schedule below in order to clearly indicate which entities will be subcontracted as well as the percentage of work to be subcontracted to each of these entities in relation to the total value of the contract.

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Name of Company to be Subcontracted	% Value of Total Contract Allocated to Subcontractor
Total % of Work to be Sub-contracted* %

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FINANCIAL INFORMATION

30. What is the company's annual average turnover during the previous three financial years or such lesser period during which the business has been operating?

Financial Year (e.g. 2020, 2021, 2022)	Annual Turnover	Gross Asset Value	Net Asset Value
	R	R	R
	R	R	R
	R	R	R
	R	R	R

31. Please provide the following figures in respect of the most recent audited financial statements:

Figures are provided for the audited financial statement of (State Year)

- o Total current assets R.....
- o Inventory R.....
- o Prepaid expenses R.....
- o Current liabilities R.....

32. Is your company listed on the Stock Exchange?

YES		NO	
-----	--	----	--

33. Are the prices quoted firm for the full period of the contract?

YES		NO	
-----	--	----	--

If the tender prices are not firm for the full period, provide details against the appropriate category(s) below:

Non-firm prices, i.e. prices linked to statutory adjustments and other proven adjustments.

YES		NO	
-----	--	----	--

Explanation:

Prices linked to fixed period adjustments.

YES		NO	
-----	--	----	--

Prices linked to escalation formula adjustments.

YES		NO	
-----	--	----	--

Explanation: Note that for the purpose of price comparisons, the actual price inclusive of VAT that the Electoral Commission will have to pay over the contract period will be used, unless otherwise stipulated in the detailed specifications

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DELIVERABLES AND GUARANTEES

34. Is the delivery period stated in the tender firm?

YES		NO	
-----	--	----	--

35. Do you confirm that the required goods/services are guaranteed in terms of any specific guarantees that may be required in the bid specification?

YES		NO	
-----	--	----	--

36. Are you the accredited representative in the Republic of South Africa of the manufacturer of the equipment offered by you?

YES		NO	
-----	--	----	--

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BIDDER'S DISCLOSURE AND DECLARATION (SBD4)

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's Declaration

- 2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state?

YES	NO
-----	----

- 2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest¹ in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

- 2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution?

YES	NO
-----	----

- 2.2.1 If so, furnish particulars:

.....

- 2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract?

YES	NO
-----	----

- 2.3.1 If so, furnish particulars:

.....

¹ the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

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3 DECLARATION

I, the undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 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 consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.5 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.
- 3.6 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.7 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/2022 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

In addition to the above I, the undersigned, in submitting the accompanying bid in response to the invitation for the bid made by The Electoral Commission do hereby make the following statements that I certify to be true and complete in every respect.

I certify, that:

1. I have read and I understand the contents of this disclosure and declaration.
2. I certify that the information furnished in this bid submission, which includes the information stated in respect of the applicable SBD forms, is true and correct. I accept that the Electoral Commission

² 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.

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may reject the bid or act against me should this declaration be found not to be true and complete in every respect.

3. Each person whose signature appears on the accompanying bid has been authorised by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder.
4. I hereby bid to render all or any of the services described in the attached documents to the Electoral Commission on the terms and conditions and in accordance with the specifications stipulated in the tender documents (and which shall be taken as part of, and incorporated into, this tender) at the prices including VAT and on the terms regarding time for delivery and/or execution inserted therein.
5. I agree that:
 - a) the offer herein shall remain binding upon me/us and open for acceptance by the Electoral Commission during the validity period indicated and calculated from the closing time of the tender;
 - b) this tender and its acceptance shall be subject to the terms and conditions contained in the general tender conditions of the Electoral Commission with which I am/we are fully acquainted;
 - c) I/we agree that my/our bid shall be valid for a period of 180 days; and
 - d) the law of the Republic of South Africa shall govern the contract created by the acceptance of my/our bid.
6. I furthermore confirm that I/we have satisfied myself/ourselves as to the correctness and validity of my/our bid, that the price(s) and rate(s) quoted cover all the work/item(s) specified in the tender documents and that the price(s) and rate(s) cover all my/our obligations under a resulting contract/service level agreement and that I/we accept that any mistakes regarding price(s) and calculations will be at my/our risk.
7. I hereby accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me/us under this agreement as the Principal(s) liable for the due fulfilment of this contract.
8. I agree that any action arising from this contract may in all respects be instituted against me/us and I/we hereby undertake to satisfy fully any sentence of judgement which may be pronounced against me/us by a court of law as a result of such action.
9. Confirmation is granted that SARS may, on an ongoing basis during the contract term, disclose my/our (including that of subcontractors, partners and undisclosed principals) tax compliance status to the Electoral Commission for purposes of verifying my/our tax compliance status with SARS.
10. Notice has been taken of the tender document including all the relevant forms and the General Tender Conditions contained in this tender document, the content of which is understood.
11. It is confirmed that the required tender forms have been completed in full and signed.

.....
Name and Surname in Print

.....
Signature

.....
Position

.....
Name of Bidder (Bidding Entity)

Date.....

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BID EVALUATION**IMPORTANT NOTICE:**

The under-mentioned requirements form an integral part of the bid assessment and bid evaluation processes that will be followed by the Electoral Commission. Please note that bids that do not conform to the primary compliance requirements indicated in Section A will not be considered. The bid evaluation requirements below must be read together with the bid evaluation criteria that may form part of the bid specifications.

A Acceptance or Rejection of Bid (Primary Compliance Verification)**Legality of bid document:**

- Non-compliance with tender rules - The following shall lead to disqualification:
- Failure to attend a compulsory briefing session (if applicable).
- Failure to return all pages of the tender document that must be signed/initialled.
- Failure to complete tender forms in original ink.
- Failure to sign/initial all applicable pages of the tender document. Signing of the Bidder's Disclosure and Declaration is deemed equivalent to signing page 19 and/or signing the page represents signing the Bidder's Disclosure and Declaration.
- Any changes/alterations to pricing that are not signed/initialled and/or the use of correctional fluid/tape or any similar product in respect of pricing in the tender document.
- Any changes to the tender specifications (unless formally agreed to by the Electoral Commission and recorded as such before the closure of the tender).
- Failure to complete and sign all affidavits, certificates, declarations and annexures contained in the tender in original ink.
- Failure to register on the Central Supplier Database (CSD).
- Non-compliance with tender rules – In addition to (a) above, the following may lead to disqualification:
- Failure to sign/initial any other alterations and/or corrections to the information submitted by the bidder, which the Electoral Commission may consider to be material.
- No tender shall be awarded to a bidder that is not tax compliant.

Incomplete bid submission:

- The following shall lead to disqualification:
- Rates and Prices – Schedules not completed as required.
- Failure to submit obligatory written proposals/explanations/samples/prototypes/ certificates or similar requirements.
- In respect of subcontractors (>25%) or joint ventures or consortiums, failure to complete and submit the required tender forms (pages 14-23 of the tender document) or to submit evidence that your tax affairs are in order.

B Bid Evaluation**Inability to evaluate the tender:**

- Incomplete Schedule of Rates and Prices.
- Prices and information not furnished as specified and/or required.
- Incomplete written proposals/submissions where required.

Bids that qualify for bid evaluation purpose shall be subjected to the bid evaluation criteria as set out in the bid specifications.

Such bid evaluation shall include assessment and evaluation of the bidder's disclosure.

Bidders should note that ALL information requested in terms of the bid submission is required and may be used for bid evaluation purposes.

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General questionnaire to ensure compliance with tender requirements/rules/conditions/ specifications:

Question	If YES, please tick*	If NO, please tick*
Are you duly authorised to sign the tender?		
Has the <i>Bidder's Disclosure and Declaration</i> been completed and signed?		
Have separate forms (pages 14-23) been completed for each member of a consortium, joint venture or subcontractor as specified in the tender document?		
Is the tender document complete – i.e. are all pages as well as compulsory returnables included/returned with your bid submission?		
The use of pencil to complete the tender forms will invalidate your bid. Have all applicable pages of this document been completed and signed or initialled in original ink by the signatory of the tender document?		
Have all corrections/alterations to information and or prices made on this document been certified/signed/initialled by the signatory of the tender document?		
Have you noted that the use of correction fluid/tape or any such products to amend prices shall invalidate your bid submission?		
Is your company (and any potential subcontractors) registered on the Central Supplier Database (CSD)? Please include a copy of your registration form in your bid submission.		
Are your tax affairs in order and reflected as being compliant on the Central Supplier Database (CSD)? As such, have you noted that your bid may be rejected at the time of awarding this tender if your tax status is non-compliant on the CSD?		
Have the General Tender Conditions been noted?		
Have the Bid Evaluation Criteria been noted?		
Has the Scope of Services been noted?		
Have prices been quoted VAT inclusive?		
Have a comprehensive written proposal and/or samples/certificates/ <i>et cetera</i> as called for in this tender been prepared and submitted with the tender document?		

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SOUTH AFRICA

Bid Specifications

**TENDER
IEC/PPF-01/2022**

INVESTIGATION SERVICES PANEL

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BACKGROUND

The President assented to the Political Party Funding Act (PPFA) No. 6 of 2018 on 23 January 2019 and the proclamation date was set for 01 April 2021. This means that with effect from this proclamation date, the Electoral Commission is required to ensure full implementation and rollout of the Act. As outlined in its Preamble, the PPFA has the following specific objectives:

1. To provide for, and regulate, the public and private funding of political parties, in particular, the establishment and management of Funds to fund represented political parties sufficiently.
2. To prohibit certain donations made directly to political parties.
3. To regulate disclosure of donations accepted.
4. To determine the duties of political parties in respect of funding.
5. To provide for powers and duties of the Commission.
6. To provide for administrative fines.
7. To create offences and penalties.
8. To repeal the Public Funding of Represented Political Parties Act, 1997 and provide for transitional matters.
9. To provide for related matters.

In the context of the above, there will be certain investigations that the Electoral Commission will from time to time be required to undertake in order to ensure that there is always adherence to the law and that its specified intent is never compromised. Inevitably, this will result in submissions and complaints received by the Electoral Commission, or certain self-initiated investigations, on party funding related matters. Given the current institutional setup, the Electoral Commission may not possess the necessary capacity and expertise to initiate investigations or address some of the complaints that may be raised with it. In anticipation of such, it is necessary to setup a panel of investigators to assist the

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Electoral Commission with this important responsibility.

1. PURPOSE

The purpose of this document is to outline Terms of Reference for the establishment and appointment of a Panel of Investigators who will be prequalified to render specialised investigation services to the Electoral Commission, on an “as-and-when required” basis, for a period of three (3) years.

2. SCOPE OF WORK: INVESTIGATION SERVICES

The scope of the investigation services may include one or more of the following carried out on behalf of the Electoral Commission, but it is not limited to these:

- a) Assist the Electoral Commission to expedite the resolution of queries, complaints and/or allegations submitted to it on matters relating to the implementation of the Political Party Funding Act (PPFA) No. 6 of 2018;
- b) Provide assistance to the Electoral Commission in the investigation and resolution of complaints related to possible breaches of the Political Party Funding Act (PPFA) No. 6 of 2018 by registered political parties in terms of the applicable methodology, legislation and required standards. This will include investigation of complaints relating to income and expenditure of political parties;
- c) Investigate alleged and/or suspected malpractices by registered political parties in relation to the implementation of the Political Party Funding Act (PPFA) No. 6 of 2018;
- d) Undertake general tracing of transactions related to the PPFA where breach is suspected, identified, reported or alleged;
- e) Conduct general investigations on suspicious transactions, including performing accounting, commercial and related investigations;
- f) Conduct enquiry and investigation on any conduct related to the PPFA that

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- may harm the interest of the public and multi-party democracy;
- g) Gather, review and analyse information in support of the investigation;
 - h) Ensure interaction with relevant stakeholders and agencies as may be necessary to facilitate and/or support investigation and litigation;
 - i) Provide support to the justice systems and processes on matters involving the PPFA as may be necessary;
 - j) Prepare concise, accurate and constructive reports on investigations conducted, including clear actionable recommendations;
 - k) Testify in hearings related to the inquiry / investigation conducted, including hearings in any other legal proceedings related to the PPFA; and
 - l) Any other matters incidental to the accomplishment of the mandate of the Electoral Commission with regards to the implementation of the PPFA.

3. ELIGIBILITY CRITERIA

To be eligible for appointment to the panel, an individual or organisation must:

- a) Demonstrate the ability and requisite capacity to undertake the responsibilities outlined in the scope of work herein above;
- b) Be in good standing with the South African Revenue Services (SARS), and evidence thereof must be supplied.
- c) Provide proof of registration on the Central Supplier Database (CSD).
- d) In support of the above, submit a company profile as well as CV's of the relevant individual/s that will be dedicated to render assistance to the Electoral Commission in the area/s of expertise as indicated.
- e) Provide two (2) recent relevant references in the last sixty (60) months.
- f) Clearly state which province/s they have a footprint in.

Given the nature of the service required, it is a requirement that copy or copies of any of the following certification bodies confirming competency or accreditation is produced:

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- *Independent Regulatory Board for Auditors (IRBA)*
- *South African Institute of Chartered Accountants (SAICA)*
- *South African Institute of Professional Accountants (SAIPA)*
- *Institute of Internal Auditors (IIA)*
- *Institute of Commercial Forensic Practitioners (ICFP)*
- *Association of Certified Fraud Examiners (ACFE)*
- *Association of Chartered Certified Accountants (ACCA)*
- *Law Society of South Africa (LSSA)*

Prospective service providers who indicate their relevant area/s of specialisation in relation to the areas of expertise referred to above will be at an advantage. Furthermore, demonstration of prior experience in working with electoral matters will be an added advantage. Small, micro and medium enterprises (SMMEs) are encouraged to apply.

4. AREAS OF EXPERTISE

Bidders must demonstrate their level of expertise in the following areas by completing Table in Section 10 and providing the necessary relevant proof of such experience (the bidder must be able to comply with at least four (4) of the areas of expertise):

(a) *Financial Transaction Tracing*

Proven experience in the investigation and tracing of financial transaction, which includes the ability to undertake general tracing of transactions related to the PPFA or any other relevant legislation where breach is suspected, identified, reported or alleged; and undertaking general investigations on suspicious transactions; including performing accounting, commercial and related investigations.

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(b) Complaints Management and Query Resolution

Proven experience in working with whistle blowers and/or other complaints of a legal nature. The service provider would be required to fast-track, accelerate and expedite resolution of queries, complaints and/or allegations submitted to the Electoral Commission on matters relating to the implementation of the Political Party Funding Act (PPFA) No. 6 of 2018.

(c) Litigation

Proven experience in litigation processes and procedures in various forums, including but not limited to the Electoral Court, High Court or any other tribunal of a similar status or nature. This will include participating in litigation processes, which may comprise testifying in hearings related to the inquiry / investigation conducted, including hearings in any other legal proceedings related to the PPFA. It will further involve gathering, reviewing and analysing information in support of the investigation that may be used in litigation. The service provider may also be required to ensure interaction with relevant stakeholders and agencies as may be necessary to facilitate and/or support investigation and litigation, as well as testifying in hearings related to the inquiry / investigation conducted.

(d) Report writing and development of implementable recommendations

Proven experience in developing and producing concise and constructive reports, accompanied by actionable recommendations and programme of action. The successful service provider will be required to produce reports on investigations conducted, including clear actionable recommendations.

(e) General

Knowledge of South Africa's Political Party Funding regime and applicable legislation. Bidders are further expected to possess verifiable experience in

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engaging with panel of executives at different levels. Knowledge of electoral processes and associated legislation will place the bidder in a good stead.

Successful bidders will be required to interact with different levels of authority, including delivering clear high level presentations to executive panels. This will require the ability to interpret legislation and apply it to appropriate scenarios.

5. EXCLUSIVITY OF CONTRACT

Note that appointment to the panel does not guarantee that work will be allocated to any service provider. Generally, work that arises is of an urgent nature and requires specific skills. Work will therefore be allocated to the service provider based on a Request for Quotations (RFQ) from the panel members, which would take into account the nature and type of specialised skills required for the particular assignment. The choice of allocating work to a service provider will depend on the service provider's locality, availability, skill set, expertise and capacity.

In the event that no appropriate skills are identified in respect of submissions received in response to this bid requirements, the Electoral Commission reserves the right to source the required skills from alternative resources as may be necessary.

The maximum turn-around time for a response to a RFQ will be 48 hours.

6. PREFERENCE POINT SYSTEM

The provisions of the PPPFA will be applicable for the purpose of concluding the appointment process of a successful service provider through the RFQ process.

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7. RATES

The rates should be based on the DPSA hourly fee rates for consultants' guideline, as the maximum rates chargeable. Different rates may be quoted per RFQ submitted, however it will be limited to the rates quoted in the tender.

8. ENQUIRIES

Enquiries relating to the establishment of the desired panel of service providers may be directed to the Manager: Political Party Funding, Mr Matsobane Nkoko at telephone number 012 622-5425 or email at NkokoM@elections.org.za.

9. CLOSING DATE AND TIME

The closing date and time for this requirement is as stipulated in the bid document. Prospective service providers must ensure that their submissions and/or proposals are clearly marked for the attention of SCM, with the tender number written on the envelope and must be deposited in the tender box situated at:

Election House
Riverside Office Park
1303 Heuwel Avenue
Centurion
0157

NB. Proposals received after the closing date and time are late and will not be considered. Proposals and/or submissions submitted by telegram, facsimile, or by electronic means such as email will not be accepted for consideration.

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10. CHECKLIST

BIDDERS MUST COMPLETE AND SUBMIT TOGETHER WITH THE BID, THE TABLE BELOW. COMPLIANCE WITH A MINIMUM OF FOUR (4) OF THE SKILLS AND EXPERIENCE REQUIREMENTS (TO THE EXCLUSION OF GEOGRAPHICAL FOOTPRINT) BELOW IS NECESSARY TO PROCEED TO THE NEXT STAGE OF EVALUATION. ALL THE INDICATED AREAS MUST BE SUPPORTED BY PROOF AS REQUIRED. FAILURE TO PROVIDE PROOF WILL LEAD TO DISQUALIFICATION.

Table 1: Skills and Experience Requirements

AREA OF SPECIALITY	SCOPE OF WORK	SKILLS REQUIRED	INDICATE COMPLIANCE WITH AREAS OF SPECIALITY SPECIFIED BELOW BY YES/NO	SPECIFY THE NATURE AND PROVIDE PROOF OF EXPERIENCE (Letter of appointment, Testimonial or relevant report produced. In the case of geographical footprint)
1. Financial Transaction Tracing	<ul style="list-style-type: none"> Undertake general tracing of transactions related to the PPFA where breach is suspected, identified, reported or alleged. Undertake general investigations on suspicious transactions. including performing 	<ul style="list-style-type: none"> Proven experience in the investigation and tracing of transaction 		

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AREA OF SPECIALITY	SCOPE OF WORK	SKILLS REQUIRED	INDICATE COMPLIANCE WITH AREAS OF SPECIALITY SPECIFIED BELOW BY YES/NO	SPECIFY THE NATURE AND PROVIDE PROOF OF EXPERIENCE (Letter of appointment, Testimonial or relevant report produced. In the case of geographical footprint)
	accounting, commercial and related investigations.			
2. Complaints Management and Query Resolution	<ul style="list-style-type: none"> Assist the Electoral Commission to expedite the resolution of queries, complaints and/or allegations submitted to it on matters relating to the implementation of the Political Party Funding Act (PPFA) No. 6 of 2018. 	<ul style="list-style-type: none"> Proven experience working with complaints from whistle blowers and other general complaints 		

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AREA OF SPECIALITY	SCOPE OF WORK	SKILLS REQUIRED	INDICATE COMPLIANCE WITH AREAS OF SPECIALITY SPECIFIED BELOW BY YES/NO	SPECIFY THE NATURE AND PROVIDE PROOF OF EXPERIENCE <i>(Letter of appointment, Testimonial or relevant report produced. In the case of geographical footprint)</i>
3. Litigation	<ul style="list-style-type: none"> • Participate in litigation processes, which may include testifying in hearings related to the inquiry / investigation conducted, including hearings in any other legal proceedings related to the PPFA. • Gather, review and analyse information in support of the investigation that may be used in litigation. • Ensure interaction with relevant stakeholders and agencies as may be necessary to facilitate and/or support investigation and litigation. • Testify in hearings related to the inquiry / 	<ul style="list-style-type: none"> • Proven experience in litigation processes and procedures in various forums, including but not limited to the Electoral Court, High Court or any other tribunal. 		

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AREA OF SPECIALITY	SCOPE OF WORK	SKILLS REQUIRED	INDICATE COMPLIANCE WITH AREAS OF SPECIALITY SPECIFIED BELOW BY YES/NO	SPECIFY THE NATURE AND PROVIDE PROOF OF EXPERIENCE (Letter of appointment, Testimonial or relevant report produced. In the case of geographical footprint)
	investigation conducted, including hearings in any other legal proceedings related to the PPFA			
4. Report writing and development of implementable recommendations	<ul style="list-style-type: none"> Prepare concise, accurate and constructive reports on investigations conducted, including clear actionable recommendations. 	<ul style="list-style-type: none"> Proven experience in developing and producing concise and constructive reports, accompanied by actionable recommendations and programme of action. 		
5. General	<ul style="list-style-type: none"> Interact with different levels of authority, including delivering clear high level presentations to executive panels. Interpret legislation and 	<ul style="list-style-type: none"> Proven experience in engaging with panel of executives. Knowledge of South Africa's Political Party Funding regime and applicable 		

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AREA OF SPECIALITY	SCOPE OF WORK	SKILLS REQUIRED	INDICATE COMPLIANCE WITH AREAS OF SPECIALITY SPECIFIED BELOW BY YES/NO	SPECIFY THE NATURE AND PROVIDE PROOF OF EXPERIENCE (Letter of appointment, Testimonial or relevant report produced. In the case of geographical footprint)
	apply it to appropriate scenarios.	legislation; and • Knowledge of electoral processes and associated legislation.		
6. Geographical Footprint / Province	Eastern Cape			
	Free State			
	Gauteng			
	KwaZulu-Natal			
	Limpopo			
	Mpumalanga			
	Northern Cape			
	North West			
	Western Cape			

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11. EVALUATION OF BIDS

Evaluation of Bidders Disclosure

STAGE ONE (1): Assessment of the bidder's disclosure

All bids received will be evaluated and assessed in respect of the mandatory information provided in the Bidder's Disclosure (SBD4) as well as the register for the restricted suppliers and tender defaulters.

Any potential issues that may arise or transgressions that may identified will be pursued in accordance with statutory obligations and requirements.

In this regard, the following must be noted:

The Electoral Commission must, as part of its supply chain management (SCM) processes, identify and manage all potential conflicts of interest and other disclosures made by a person participating in procurement process to enable the accounting officer or delegated authority to make informed decisions about the person participating in the SCM process.

As such, the Bidders Disclosure form, issued as Standard Bidding Document (SBD) 4, attached as Annexure B, was extended to all entities which were invited to participate in the RFQ process.

As part of the evaluation of the procurement process, the information provided by a person on the SBD4 form must be evaluated.

In so doing, it must be noted that if the bid evaluation establishes that:

- (a) a person within the bidding entity is an employee of the State, the Electoral Commission's CEO must request the relevant accounting officer/accounting authority whether the person-
 - (i) Is prohibited from conducting business with the State in terms of Section 8 of the Public Administration Management Act, 2014; or
 - (ii) has permission to perform other remunerative work outside of their employment, where the PAMA does not apply to such employee;
- (b) the conduct of a person constitutes a transgression of the Prevention and Combating of Corrupt Activities Act, 2004;
- (c) the conduct of a person constitutes a transgression of the Competition Act, 1998, the conduct must be reported to the Competition Commission; and
- (d) the conduct of a person must be dealt with in terms of the prescripts applicable to the Electoral Commission.

If it is established that a person has committed a transgression in terms of the above, or any other transgression of SCM prescripts, the bid may be rejected and the person may be restricted.

The Electoral Commission's CEO must inform National Treasury of any action taken against a person within 30 days of implementing the action.

During the bid evaluation process, the Electoral Commission must in addition to other due diligence measures, establish if a person is not listed in-

- (a) the Register of Tender Defaulters; and

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(b) the list of restricted suppliers.

A bid related to a restricted bidder or tender defaulter shall be rejected.

The under-mentioned assessment criteria will be used to evaluate the elements relating to SBD4, CSD registration, tax compliance, restricted suppliers and tender defaulters:

Assessment Criteria	Bidder Requirement (YES/NO*)	Comments
Bidder is registered on the National Treasury Central Supplier Database (CSD).		
Bidder is tax compliant.**		
The bidder is not an employee of the state.		
The bidder's conduct does not constitute a transgression of the Prevention and Combating of Corrupt Activities Act.		
The bidder's conduct does not constitute a transgression of the Completion Act.		
The bidder is not a tender defaulter as per the register published on the National Treasury website.		
The bidder is not a restricted supplier as per the register published on the National Treasury website.		

* No bid shall be accepted if a supplier is not registered on the National Treasury Central Supplier Database (CSD).

** A bidder must be tax compliant before a contract is awarded. A bid will be disqualified if the bidder's tax affairs remains non-compliant as per the provisions of National Treasury Instruction No 09 of 2017/2018 Tax Compliance Status Verification.

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12. STAGE TWO (2): BID EVALUATION CRITERIA

NAME OF BIDDER:

NB. FAILURE TO COMPLY WITH ANY OF THE BELOW MENTIONED CRITERIA FOR THE PANEL WILL RESULT IN THE DISQUALIFICATION OF THE BID SUBMISSION.

STAGE 2: CRITERIA	Y	N
Bidder submitted skills requirement table (Table 1) as per section 10?		
Bidder complies with minimum 4 of the 5 skill requirements specified in table (Table 1) as per section 10? (proof of areas of expertise must be provided)		
Submission of company profile as referenced in 4 (d).		
CV's of relevant individuals rendering services to the Electoral Commission as referenced in 4 (d).		
Two (2) recent relevant references not older than sixty (60) months provided as referenced in 4 (e).		
Footprint in province/s indicated as referenced in 4 (f).		
BID QUALIFIES / DOES NOT QUALIFY		

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STAGE THREE (3): FUNCTIONALITY EVALUATION

THE ELECTORAL COMMISSION WILL USE INFORMATION SUBMITTED BY BIDDERS TO EVALUATE THEIR PROPOSALS AGAINST CRITERIA IN THE TABLE BELOW.

SERVICE PROVIDERS WILL BE EVALUATED ON FUNCTIONALITY. THE MINIMUM QUALIFYING THRESHOLD ON FUNCTIONALITY IS 75%.

ALL BIDDERS WHO SCORE LESS THAN 75% (43.5 POINTS) OUT OF 100% (58 POINTS) WILL NOT BE CONSIDERED.

GUIDELINES FOR CATEGORY CRITERIA	FUNCTIONALITY	SCORE SCALE	WEIGHT / SCORE [5]
1. Comprehensive, thorough and insightful company profile	Comprehensive, thorough and insightful company profile (<i>Comprehensively outlines details of the company and goes into the content of relevant work undertaken by the company within the last 5 years</i>).	5	
	Detailed company profile (<i>Adequately outlines details of the company and relevant work undertaken by the company, without going into content</i>).	4	
	Basic company profile (<i>Basic company profile that outlines only the basics about the company without details of relevant work undertaken by the company</i>).	3	
	Limited information provided on the company's profile (<i>Company profile that does not locate the company into the relevant work for this project</i>).	2	
	Task not well understood (<i>Company profile that very clearly places the company outside of the relevant work for this project</i>).	1	

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GUIDELINES FOR CATEGORY CRITERIA	FUNCTIONALITY <i>(Years of membership)</i>	SCALE	SCORE	FUNCTIONALITY <i>Qualifications of the proposed Team Leader / Project Leader / Manager.</i>	SCALE	SCORE	WEIGHT / SCORE [10]
Level of experience and expertise: Professional membership and Qualifications <i>(Membership of professional investigative body of the proposed team. e.g., IRBA, SAICA, SAIPA, IIA, ICFP, ACFE, ACCA, LSSA)</i>	+5 years' membership	5		Doctorate (PHD)	5		
	4 years' membership	4		Master's Degree (MA)	4		
	3 years' membership	3		Degree (D2)	3		
	2 years' membership	2		Diploma (D1)	2		
	1 years' membership	1		Certificate (C)	1		

GUIDELINES FOR CATEGORY CRITERIA	FUNCTIONALITY <i>(Years of experience)</i>	SCALE	SCORE	FUNCTIONALITY <i>Number of similar or relevant projects / cases worked on</i>	SCALE	SCORE	WEIGHT / SCORE [10]
Level of experience and expertise: Financial Transaction Tracing <i>(Undertake general tracing of transactions related to the PPFA where breach is suspected, identified, reported or alleged).</i>	+5 years' experience in the investigation and tracing of transactions	5		+10 projects / cases	5		
	4 years' experience in the investigation and tracing of transactions	4		6 - 9 projects / cases	4		
	3 years' experience in the investigation and tracing of transactions	3		4 - 5 projects / cases	3		
	2 years' experience in the investigation and tracing of transactions	2		2 - 3 projects / cases	2		
	1 years' experience in the investigation and tracing of transactions	1		0 - 1 projects / cases	1		

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GUIDELINES FOR CATEGORY CRITERIA	FUNCTIONALITY (Years of experience)	SCALE	SCORE	FUNCTIONALITY (Number of projects)	SCALE	SCORE	WEIGHT / SCORE [10]
Level of experience and expertise: Complaints Management and Query Resolution <i>(Assist the electoral commission to expedite the resolution of queries, complaints and/or allegations submitted to it on matters relating to the implementation of the Political Party Funding Act (PPFA) no. 6 of 2018)</i>	+5 years' experience working with complaints from whistle blowers and other general complaints	5		+10 projects / cases	5		
	4 years' experience working with complaints from whistle blowers and other general complaints	4		6 - 9 projects/cases	4		
	3 years' experience working with complaints from whistle blowers and other general complaints	3		4 – 5 projects/cases	3		
	2 years' experience working with complaints from whistle blowers and other general complaints	2		2 – 3 projects & cases	2		
	1 years' experience working with complaints from whistle blowers and other general complaints	1		0 – 1 projects/cases	1		

GUIDELINES FOR CATEGORY CRITERIA	FUNCTIONALITY	SCALE	SCORE	FUNCTIONALITY	SCALE	SCORE	WEIGHT / SCORE [10]
Level of experience and expertise: Litigation <i>(Participate in litigation processes, which may include testifying in</i>	+5 years' experience in the litigation processes and procedures in various forums.	5		+10 projects/cases	5		
	4 years' experience in the litigation processes and procedures in various forums.	4		6 - 8 projects/cases	4		

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GUIDELINES FOR CATEGORY CRITERIA	FUNCTIONALITY	SCALE	SCORE	FUNCTIONALITY	SCALE	SCORE	WEIGHT / SCORE [10]
<i>hearings related to the inquiry / investigation conducted, including hearings in any other legal proceedings related to the PPFA; Gather, review and analyse information in support of the investigation that may be used in litigation).</i>	3 years' experience in the litigation processes and procedures in various forums.	3		4 – 5 projects/cases	3		
	2 years' experience in the litigation processes and procedures in various forums.	2		2 – 3 projects & cases	2		
	1 years' experience in the litigation processes and procedures in various forums.	1		0 – 1 projects/cases	1		

GUIDELINES FOR CATEGORY CRITERIA	FUNCTIONALITY (Years of experience)	SCALE	SCORE	FUNCTIONALITY Number of similar or relevant projects / cases worked on	SCALE	SCORE	WEIGHT / SCORE [10]
Level of experience and expertise: Report writing and development of implementable recommendations (Prepare concise, accurate and constructive reports on investigations conducted, including clear actionable recommendation)	+5 years' experience in developing and producing concise and constructive reports.	5		+10 projects / cases	5		
	4 years' experience in developing and producing concise and constructive reports.	4		6 - 9 projects / cases	4		
	3 years' experience in developing and producing concise and constructive reports.	3		4 - 5 projects / cases	3		
	2 years' experience in developing and producing concise and constructive reports	2		2 - 3 projects / cases	2		
	1 years' experience in developing and producing concise and constructive reports.	1		0 - 1 projects / cases	1		

GUIDELINES FOR CATEGORY CRITERIA	FUNCTIONALITY	SCALE	WEIGHT / SCORE [3]
General <i>Knowledge of South Africa's</i>	More than 5 years involvement or working with electoral matters along with verifiable experience in engaging with panel of executives at different levels.	3	

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GUIDELINES FOR CATEGORY CRITERIA	FUNCTIONALITY	SCALE	WEIGHT / SCORE [3]
<i>Political Party Funding regime and applicable legislation. Bidders are further expected to possess verifiable experience in engaging with panel of executives at different levels. Knowledge of electoral processes and associated legislation will place the bidder in a good stead.</i>	3-5 years involvement or working with electoral matters along with verifiable experience in engaging with panel of executives at different levels.	2	
	Less than 3 years involvement or working with electoral matters along with verifiable experience in engaging with panel of executives at different levels.	1	
			____/58

OUTCOME:

BID QUALIFIES

BID DOES NOT QUALIFY

Stage 4 – Adjudication of Bids

Only bids that comply with the requirements and conditions of the tender and that meet the minimum criteria in the bid evaluation process as stipulated above will be considered for bid adjudication purposes.

Only market related bids will be acceptable.

Adjudication of qualifying bids will be done in accordance with the 80/20 preference point system provided for in the Preferential Procurement Regulations, 2017.

Bid Evaluation Team Member	Sign Off	
	Signature	Date
1.		
2.		
3.		
4.		

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