

BID NUMBER: BID0000012/2025-2026

BID DESCRIPTION: APPOINTMENT OF A PANEL OF SERVICE PROVIDERS FOR DIGITAL AND / OR TECHNICAL AND/OR IT FORENSIC SERVICES TO THE COMPETITION COMMISSION FOR A PERIOD OF (36) THIRTY SIX MONTHS



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1. BACKGROUND

- 1.1** The Competition Commission (Commission) is a statutory body constituted in terms of the Competition Act, No. 89 of 1998 (the Act). It is one of three, independent competition regulatory authorities established in terms of the Act, with the other two being the Competition Tribunal and the Competition Appeal Court. The Commission is empowered by the Competition Act to investigate, control and evaluate restrictive business practices, abuse of dominant positions, mergers, undertake market inquiries and advocacy in order to achieve equity and efficiency in the South African economy.
- 1.2** The Commission is a public entity listed in schedule 3A of the Public Finance Management Act (PFMA), and acts in compliance with section 217 of the Constitution of South Africa and applicable Public Procurement Regulations and Prescripts.
- 1.3** The Commission hereby invites, suitably qualified and experienced prospective service providers to respond to this bid.

2. OBJECTIVE

- 2.1** The objective of the bid is for the establishment of a panel of professional experts in the Digital and / or Technical and/or IT Forensic field with suitable experience to render specialized services, on an “as-and-when required” basis for a period of 36 months.

3. SCOPE OF WORK

- 3.1** To provide Digital and/or Technical and/or IT Forensic Services, including the use of eDiscovery platform and related best practices.
- 3.2** To image the electronic storage devices and conduct electronic searches on all electronic storage devices of any targeted firm. This shall include:
 - 3.2.1** Servers, desktops and laptops hard drive .
 - 3.2.2** iPads, Palm tops, GPS devices, mobile devices, printers, external hard disk drives and other ICT storage media and Cloud server storage
 - 3.2.3** Social media intel mining and investigation.
 - 3.2.4** Recovery of critical data and vital records.
 - 3.2.5** Preservation of the seized information.
 - 3.2.6** Keyword search and retrieval.



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- 3.3 To process and prepare the data in a forensically sound format to be analysed and searched on various platforms and software,
- 3.4 To upload the data to the Commission Forensic Lab and generate and present forensic investigation reports,
- 3.5 To support prosecution team with forensic expert evidence at the Competition Tribunal and Higher Courts,
- 3.6 To use a platform and/or software that allows collaborative discovery for the identification, preservation, collection, review and production of data as part of an investigation.
- 3.7 To provide any general Digital and/or Technical and/or IT Forensic Services to the Commission.

4. SOURCING PROCESS FROM THE PANEL

- 4.1 The Commission will firstly identify a need and secure resources for the required services.
- 4.2 When the Commission is in need of a specific professional service to be rendered, a Request for Quotation ("RFQ") will be issued to those service providers on the panel who indicated expertise in that specific area of work. Prices/quotations will be used for evaluation on the specific assignment.
- 4.3 Price on the quotations for a specific assignment will be utilized in the evaluation process to determine the successful service provider.
- 4.4 For evaluation purposes, the proposed service provider(s) must meet the criteria of having resources that have at least the required qualifications and experience.
- 4.5 Service providers will have to respond to the RFQ, indicating their availability and their hourly rate (if it is less than the hourly rate quoted on the bid). The hourly rates must be equal or less than the fees stated in the framework contract.
- 4.6 RFQ's received will be evaluated based on the 80/20 (Price and preference points (B-BBEE)).
- 4.7 The Commission reserves the right to negotiate hourly charge-out rates/quotes submitted by bidders
- 4.8 A purchase order is then issued to the successful bidder(s) from the panel and a contract concluded.

5. TIMEFRAMES

- 5.1 The duration of the contract will be for a period of **(36) thirty six months**.



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6. CONTRACTUAL OBLIGATION AND CONDITIONS OF PANEL

- 6.1** In the case of the service provider using sub-contractors, the former will be responsible for ensuring delivery of services from any such sub-contractors and for making any payments to such sub-contractors.
- 6.2** Unsatisfactory performance can result in CCSA invoking its right to terminate the contract. Bidder will be subjected to review at least twice a year - in terms of measuring satisfactory performance.
- 6.3** Bidder must adhere to Protection of Personal Information (POPI) Act.
- 6.4** Only service providers that reach the minimum threshold as set out the in functional evaluation criteria, will be eligible to participate Panel on an as and when required basis. As and when services are required by the Commission panel members will be requested to submit proposals including quotation on specific cases.
- 6.5** In requesting quotations and adjudicating the proposals on specific cases and projects, due consideration may be given to some or all of the following factors: B-BBEE , Specific Goals, price, level of relevant experience in the sector or section of the Act particular to a case, conflicts of interest, and specific expertise and skills.
- 6.6** Service providers on the panel are not guaranteed any specific work assignments during the tenure of this contract – work will be allocated on a competitive basis (RFQ) against the appointed Service Provider Panel Members

7. ADMINISTRATIVE CRITERIA (Phase 1)

- 7.1** Proof of registration on CSD (Central Supplier Database)
- 7.2** General Conditions of Contract - initialled each page.
- 7.3** Standard Bid Document 1 fully completed and signed – proof of authority must be attached and submitted e.g., company resolution
- 7.4** Standard Bid Document SBD 4 - completed and signed
- 7.5** Standard Bid Document and SBD 6.1 - completed and signed
- 7.6** Bidders are required to submit valid B-BBEE certificate or a sworn affidavit in order to substantiate their rating claims. If bidders do not submit certificates or are non-compliant contributors to B-BBEE they do not qualify for preference points for B-BBEE but will not be disqualified from the process.
- 7.7** Bidders are required to submit their unique personal identification number (PIN) issued by SARS to enable the organ of state to view the taxpayer's profile and tax status. Bidders must also submit a printed TCS together with the bid.

NOTE: All bidders who do not submit the above-mentioned documents, will be disqualified.

8. FUNCTIONALITY EVALUATION CRITERIA (Phase 2)

- 8.1** Responses will be evaluated using a predetermined set of evaluation criteria. The evaluation criteria is designed to reflect the Commission's requirements in terms of identifying a suitable service provider and ensure the selection process is transparent and affords all the bidders a fair opportunity for evaluation and selection.
- 8.2** The tender submission will be functionally evaluated out of a **minimum of 70 points – any bidder who scores less than 70** will not be considered for further evaluation, **maximum score is 100.**
- 8.3** Bidders who comply with the Phase 2 will be evaluated in terms of Price and B-BBEE Preference Point system (*during participation in the panel – as and when required*).
- 8.4** The Reference Template issued along with the Bid, must reflect information and standard services in line with this Bid, as stated in the evaluation criteria. Non-Compliance will equal automatic disqualification.
- 8.5** The Competition Commission reserves the right to validate the above information with each client organisation as part of due diligence.
- 8.6** Bidders must make copies of the reference template, only one copy will be issued with the bid.



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Evaluation Area	Functional Criteria	Min Points	Max Points
Methodology and Project Approach:	<p>Bidders are required to unpack the systematic and scientific approach taken in the following areas in terms of the requirements and deliverables outlined in the TOR:</p> <ul style="list-style-type: none"> • collection, • preservation, • securing, • data protection in transit and storage, • analysis, • presentation of digital evidence in line with forensic standards, <p>Compliant with all of the above = 30 points. Non-compliance with any and all of the above = 0 points</p>	30	30
Past Relevant Experience of the Entity (Submission of Completed Reference Template)	<p>The Bidder must demonstrate capacity, capability and competency for the required services. Bidder must have a minimum of two (2) contactable reference templates of completed contracts. Bidders are required to submit a template for each reference. No reference letters will be accepted, only Reference Templates.</p> <ul style="list-style-type: none"> • contactable email address, contact person and contact number • duration of the contract – (<i>start and end date</i>) • total value of the contract including VAT <p>Required Standard Services of Digital and / or Technical and/or IT Forensic must be in the reference template as confirmation of services previously provided by the bidder.</p> <ul style="list-style-type: none"> • Minimum of 2 reference templates of completed contracts =20 points • 3 and above reference templates of completed contracts = 40 points <p>Non-compliance with the above requirement = 0 points</p>	20	40
EXPERIENCE OF FORENSIC TEAM	<p>Bidder must demonstrate the experience of the IT Forensic Team by submitting a Resume with qualifications and certifications. If more than one Resume is provided and the roles are not clearly defined or indicated, no Resume will be evaluated.</p> <p>Digital and/or Technical and/or IT Forensic Team Leader</p> <ul style="list-style-type: none"> • CV detailing minimum of five (5) years' experience in the Digital and/or IT Forensics field with relevant qualification in Information Digital and/or Technical and/or IT Forensics Services Degree (or equivalent) • Proof of current and valid Digital and/or Technical and/or IT Forensics industry certificate (example: CFE, ENCE, ACE, CHFI, CEDS or any other Vendor Based IT Forensic industry certificate). <p>Digital and/or Technical and/or IT Forensic Team Specialist</p> <ul style="list-style-type: none"> • CV detailing minimum of two (2) years' experience in the Digital and/or IT Forensics field with relevant qualification in Information Digital and/or Technical and/or IT Forensics Services Degree (or equivalent) • Proof of current and valid Digital and/or Technical and/or IT Forensics industry certificate (example: CFE, ENCE, ACE, CHFI, CEDS or any other Vendor Based IT Forensic industry certificate). <p>Non-compliance with any and all of the above = 0 points</p>	20	30
TOTAL		70	100

8.7 Bidders who obtained less than the minimum threshold of **70 points** will be declared non-responsive and therefore will not be eligible to participate in the panel.

9. PREFERENCE POINT SYSTEM OF EVALUATION

9.1 B-BBEE, Specific Goals and Price

As the tender **price is estimated to be between R2001 and R50 million including VAT**, the tender responses will be evaluated on the **80/20**-point system. *(to be applied during panel participation)*

10. ADJUDICATION USING A POINT SYSTEM

- 10.1.** The bidder obtaining the highest number of total points will be awarded the contract unless objective criteria justify the award to another bidder Preference points shall be calculated after process has been brought to a comparative basis taking into account all factors of non-firm prices.
- 10.2.** In the event that two or more bids have scored equal points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 10.3.** However, when functionality is part of the evaluation process and two or more bids have scored equal points for B-BBEE, the successful bid must be the one scoring the highest score for functionality
- 10.4.** Should two or more bids be equal in all respect, the award shall be decided by the drawing of lots.

11. POINTS AWARDED FOR PRICE AND B-BBEE & SPECIFIC GOALS PREFERENCE POINT

The **80/20** Preference Point System:

A maximum of **80** points is allocated for price on the following basis: **20** points allocated in terms of the Commissions specific goals *(further recognition)*:

$$P_s = 80 \{1 - (P_t - P_{min})\}$$

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



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12. B-BBEE & SPECIFIC GOALS PREFERENTIAL POINTS WILL BE AWARDED AS FOLLOWS:

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
B-BBEE LEVEL 1	10	
B-BBEE LEVEL 2	9	
B-BBEE LEVEL 3	8	
B-BBEE LEVEL 4	6	
B-BBEE LEVEL 5	4	
B-BBEE LEVEL 6	3	
B-BBEE LEVEL 7	2	
B-BBEE LEVEL 8	1	
Non-compliant contributor	0	
Further recognition for EME/QSE and or Women and or Youth, and or Rural Enterprise to be determined by the specification adjudication authority	10	

12.1 Bidders who qualify as EME's and QSE's in terms of the B-BBEE Act must submit a Sworn affidavit. Misrepresentation of information constitutes a criminal offence.

12.2 Bidders other than EME's or QSE's must submit their original and valid B-BBEE status level verification certificate, substantiating their B-BBEE rating issued by SANAS.

12.3 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.

13. CONSORTIUM

13.1 A consortium is an association of two or more individuals, companies, organisations or governments (or any combination of these entities) with the objective of participating in a common activity or pooling their resources for achieving a common goal.



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- 13.2** A consortium requires that each participant retains its separate legal status and the consortium's control over each participant is generally limited to activities involving the joint endeavour, particularly the division of profits. A consortium is formed by contract, which designates the rights and obligations of each member.
- 13.3** In a consortium, only the lead bidder's credentials both in terms of financial and technical qualifications are considered.
- 13.4** Therefore, the interpretation and application to a Bid process is such that the lead partner is identified and the following requirements are required as follows:
- a) **Lead Partner**
 - All administrative documents (consortium agreement between the lead partner and the partner)
 - Technical requirements (which will show in the proposal and other requirements why the need for the consortium, which for all intent and purpose fulfils the requirements of the bid through combination of skills)
 - b) **Partner**
 - Proof of CSD registration.
 - Tax Pin.
 - B-BBEE Sworn-Affidavit.
 - SBD 4
- 13.5** It should be taken into cognisance that although the lead partner is the qualifying entity, the partner should prove that it can do business with state-owned entities, through CSD registration, proof that the taxes are compliant, its level of B-BBEE status in order to align with the B-BBEE status level required by the BID, declare interest and answer questions that it is not a disqualified entity with the National Treasury. The foregoing ensures compliance from an SCM process perspective that the consortium is in order. Of importance is that in a consortium, each individual team members retain their identities.

14. A JOINT VENTURE

A joint venture is a business entity created by two or more parties, generally characterized by shared ownership, returns and risks and shared governance.

14.1 Unincorporated joint venture:

- 14.1.1** All SCM documents are filled in by the joint venture in the name of the joint venture, although the submission of administrative documents (partnership agreement between parties) will be completed in the name of the joint venture, and the following will be required from both parties, amongst others



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- a) SBD 4
- b) SBD 6.1
- c) Tax pin
- d) CSD registration.
- e) The JV agreement will direct which bank account of the two entities will be used.
- f) Consolidated Joint B-BBEE Certificate.

14.2 Incorporated joint venture

14.2.1 This aligned to a registered entity or company. A registered entity/ company with a consolidated B-BBEE certificate and a bank account in the name of the Joint venture. The required compliance documents must be complete by the entity/ company the name of the joint venture, and the following will be required amongst others:

- a) SBD 4
- b) SBD 6.1
- c) Tax pin
- d) CSD registration.
- e) The JV agreement will direct which bank account of the two entities will be used.
- f) Consolidated Joint B-BBEE Certificate.

14.4.2 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 capacity and the ability to execute the sub-contract.

14.4.3 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capacity and the ability to execute the sub-contract.



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15. COMMUNICATION

- 15.1** Respondents are warned that a response will be disqualified should any attempt be made by a bidder either directly or indirectly to canvass any officer(s) or employees of THE COMMISSION in respect of BID process, between the closing date and the date of the award of the business.
- 15.2** All enquiries relating to this BID should be emailed **three (3) days before the closing date of the bid.**

16. CONDITIONS TO BE OBSERVED WHEN BIDDING

- 16.1** The Commission does not bind itself to accept the lowest or any BID, nor shall it be responsible for or pay any expenses or losses which may be incurred by the bidder in the preparation and delivery of his BID submission.
- 16.2** The Commission also reserves the right to withdraw or cancel the BID at any stage.
- 16.3** No BID shall be deemed to have been accepted unless and until a formal contract / Contract Form and letter of award or Purchase Order is prepared and executed.
- 16.4** The competitive shall remain open valid by the Commission for a period of **120 days** from the closing date of the BID Enquiry.
- 16.5 The Commission reserves the right to:**
- 16.5.1 Not evaluate and award a bid that do not comply strictly with this BID document.
 - 16.5.2 Make a selection solely on the information received in the Bid Document and Enter into negotiations with any one or more of preferred bidder(s) based on the criteria specified in the terms of reference.
 - 16.5.3 Contact any bidder during the evaluation process, in order to clarify any information, without informing any other bidders. During the evaluation process, no change in the content of the BID shall be sought, offered or permitted.
 - 16.5.4 Cancel this BID at any time.
 - 16.5.5 Should bidder(s) be selected for further negotiations, they will be chosen on the basis of the cost effectiveness and the principal of value for money not necessarily on the basis of the lowest costs.



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17. Cost of Bidding

17.1 The bidder shall bear all costs and expenses associated with preparation and submission of its bid submission and the commission 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.

18. Note to Bidders:

18.1 Due diligence to be conducted by The Commission prior to the award of the contract.

END OF TERMS OF REFERENCE DOCUMENT



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ANNEXED TO THIS DOCUMENT FOR COMPLETION AND RETURN WITH THE DOCUMENT:

- ANNEXURE SBD 1 and conditions to tender. – must be fully completed and signed including evidence of proof of authority must be submitted: i.e. company resolution)
- ANNEXURE SBD 4 – must be fully completed and signed.
- ANNEXURE SBD 6.1 – must be fully completed and signed.
- ANNEXURE General Conditions of Contract (GCC) – must be initialled on each page.
- ANNEXURE A – Reference Template (Bidder must complete one template per reference. The template must be completed and signed by the bidder's previous clients)