

APPOINTMENT OF THREE (3) PANEL OF FORENSIC INVESTIGATION SERVICE PROVIDERS TO CONDUCT AN INVESTIGATION ON FRAUD AND CORRUPTION OR ANY OTHER MATTER FOR A PERIOD OF THREE (3) YEARS

1. PURPOSE OF THE SUBMISSION

- 1.1 The purpose of this memo is to request Bid Adjudicating Committee (BAC) to approve the terms of reference to appoint the panel of forensic investigators to conduct investigations into the allegation of fraud and corruption or any other matter as and when such incidents are reported.

2. BACKGROUND

- 2.1 The Independent Communications Authority of South Africa ("Authority/ICASA") is a constitutional entity as listed in the Public Finance Management Act (PFMA).
- 2.2 The Authority also, amongst others, issues licenses to electronic communications network services, electronic communications services and broadcasting services and type approves electronic communications equipment and registers unreserved postal services, enforces compliance with rules and regulations, protects consumers from unfair business practices and poor quality of services,

hears and decides on disputes and complaints brought against licensees and controls and manages the effective use of radio frequency spectrum.

- 2.3 ICASA must ensure that, in executing its mandate, it does so in compliance with applicable laws.
- 2.4 To this end, ICASA seeks to appoint a panel of forensic investigators to conduct investigations into the allegation of fraud and corruption as and when such incidents are reported, using various forensic techniques.
 - 2.4.1
 - 2.4.2 2.5 support the Authority, as an expert witness, in relation to any proceedings instituted against any person found to have committed fraud against the Authority.
- 2.5 The findings report developed by the forensic investigation service provider will assist the Authority to take the appropriate cause of action, including instituting disciplinary, civil and/or criminal proceedings against anyone (including staff members) found to have defrauded (including the intention to defraud the Authority) or acted negligently in exercise of their duties for the Authority.

3. SCOPE OF WORK & OUTPUTS

The panel of forensic investigation service provider/s appointed will be required to, inter alia

- 3.1 Conduct interviews with ICASA staff to understand the ICASA systems and processes and procedures;
- 3.2 Utilize the latest available technology or specialized systems to image relevant computers, interrogate ICASA system, download and analyse the relevant electronic data;
- 3.3 Identify systems and internal control deficiencies (if any) giving rise to reported outcomes;

- 3.4 Engage with the relevant person/s as determined by investigations; and
- 3.5 Compile evidence file/s supporting the investigation reports.

4. PROCUREMENT POLICIES AND PROCEDURES

- 4.1 The general conditions of tender, contract and order will be applicable to this tender. ICASA reserves the right to cancel the bid at its sole discretion.

5. MINIMUM REQUIREMENTS/MANDATORY REQUIREMENTS

- 5.1 The prospective bidder must be registered on Central Supplier Database (CSD) prior to submitting bids.
- 5.2 The prospective bidder must be Tax compliance
- 5.3 The prospective bidder must have Completed and signed Standard Bidding Document (SBD) forms 1, 3.3, 4, 6.1, 8 and 9.

Bidders who do not meet the minimum/mandatory requirements will not be considered for evaluation.

6. EVALUATION CRITERIA

- 6.1 Only bidder/s that meet the minimum required percentage or minimum points, will be evaluated in terms of price and preference as per the PPPFA Act, 2000 (Act No.5 of 2000) and the associated Regulations issued by the National Treasury.
- 6.2 Bidders will also be evaluated on:
 - (a) submission of all the required documents;
 - (b) Functionality; and
 - (c) Price /BB-BEE.

- 6.3 A bidder/s that score less than 70 points out of 100 in respect of overall functionality will be regarded as having submitted a non-responsive bid and will be disqualified.
- 6.4 In order to ensure a meaningful evaluation, bidders must submit detailed information in substantiation of compliance to the mentioned evaluation criteria (e.g., details of relevant previous work undertaken, original letters from previous /current clients, etc.) for reference purpose.

7. TRANSFER OF SKILLS

- 7.1 The successful service provider/s shall commit to the transfer of skills to the Risk Management Unit staff based on a jointly developed, adopted, and implemented programme.

8. TIMING AND ALLOCATION OF ASSIGNMENT

- 8.1 The appointment, of suitable service provider/s shall be for a period of three (3) years.
- 8.2 Work will be carried out as and when required and in accordance with the investigation project plan agreed with ICASA.
- 8.3 The allocation of cases/work will be on RFQ (Request for Quotations) basis.
- 8.4 In addition to the main appointment letter the investigation firm will be given an acceptance letter which will confirm the details or the description of the investigation or assignment before executing any investigation.
- 8.5 The appointed service provider must not execute any investigation before receiving acceptance letter.
- 8.6 The availability and ability of the firm to commence with the project immediately upon appointment is critical as this nature of projects are required on urgent basis.

9. DELIVERABLES AND REPORTING

9.1 The Service Provider will submit monthly progress reports, in line with the deliverables as agreed upon in the comprehensive investigation plan for duration of the project.

9.2 The service provider appointed for the work must issue an electronic final report and a hardcopy (with supporting documents) based on the work completed and the factual findings, with recommendations, per investigation conducted.

10. CONTINUITY AND PROFILE OF SENIOR PERSONNEL ON THE PROJECT

10.1 The service provider must guarantee the presence of project leader who will oversee each team tasked with investigations throughout the duration of each assignment/ investigation.

10.2 If the project leader has to leave the project, the service provider would be expected to give ICASA notice and replace the project leader with approximately similar expertise and relevant years of experience..

10.3 When the team members leave the project, a service provider should give notice and replace the members with the members with similar expertise and years of relevant experience.

11. FUNCTIONALITY CRITERIA

NO	FUNCTIONALITY CRITERIA	SCORE	WEIGHT
1.	Experience: Contactable references (in company letter heads) as proof	Rating of 5 = four and above reference letters	60

	of having conducted forensic investigations. ICASA is entitled to validate the provided reference letters.	Rating of 4 = three reference letters Rating of 3 = two reference letters Rating of 2 = one reference letter Rating of 1 = no reference letters	
2.	Team Qualifications & Skills: CV's for: Project Leader, Manager and team members detailing the qualifications, skills, and membership to professional bodies for each of the members listed.	Rating of 5 • Project Leader is a Certified Fraud Examiner (CFE) or Chartered Accountant CA (SA) or Admitted attorney or Advocate with more than 10 years of investigative experience. • 100% skills mix within the assigned team should include Certified Information Systems Auditor (CISA) or CA (SA), or Certified Internal Auditor (CIA), or legal practitioner or Risk Management. • 100% of the staff members possess forensic investigation or, financial or, risk management, or law or auditing related skills. Rating of 4 • Project Leader is a CFE or CA (SA) or Admitted attorney or Advocate with experience of	40

		between 7-9 years of investigative experience • 75% Skills mix within the assigned team should include: CISA or CA (SA) or CIA or legal practitioner or Risk Management. • 75% of the staff members possess forensic investigation or financial or risk management or law or auditing related skills. Rating of 3 • Project Leader is a CFE or CA (SA) or Admitted attorney or Advocate with experience of between 4-6 years of investigative experience. • 50% skills mix within the assigned team should include: CISA or CA (SA) or CIA or legal practitioner or Risk Management • 50% of the staff members possess forensic investigation or financial or risk management or law or auditing related skills. Rating of 2 • Project Leader is a CFE or CA (SA) or Admitted attorney or Advocate with an experience	
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		of between 1-3 years of investigative experience • 30% Skills mix within the assigned team should include: CISA or CA (SA) or CIA or legal practitioner or Risk Management • 30% of the staff members possess forensic investigation or financial or risk management or law or auditing related skills. Rating of 1 • Project Leader is not a CFE or CA (SA) or Admitted attorney or Advocate with no experience of investigative experience. • There are no skills mix within the assigned team which that includes CISA, or CA (SA) or CIA or legal practioner or risk management. • None of the staff members possess forensic investigation or financial or risk management or law or auditing related skills.	
5.	Total		100
6.	Minimum Threshold		70