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**APPOINTMENT OF A PROFESSIONAL SERVICE PROVIDER TO PROVIDE FORENSIC INVESTIGATION SERVICES FOR A PERIOD OF 36 MONTHS.**

|                                           |                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Bid Number</b>                         | 006/2023/IA/FORENSIC/RFB                                                                                                                                                                                                                                                                                                                  |
| <b>Compulsory Briefing Session:</b>       | Yes                                                                                                                                                                                                                                                                                                                                       |
| <b>Briefing Session Date and Time:</b>    | 19 July 2023 @ 11h00                                                                                                                                                                                                                                                                                                                      |
| <b>Compulsory Briefing Session Venue:</b> | Online: Microsoft Teams<br>Send an e-mail to tenders02@tcta.co.za to preregister and receive an invite. Registration for the briefing session will end on 18 July 2023 @ 16h00.                                                                                                                                                           |
| <b>Clarification Deadline:</b>            | 31 July 2023 @ 16h00                                                                                                                                                                                                                                                                                                                      |
| <b>Closing Time &amp; Date</b>            | 07 August 2023 @ 11h00                                                                                                                                                                                                                                                                                                                    |
| <b>Submission of bids time</b>            | Bidders must submit their bids during office hours between 08:00 – 16:30                                                                                                                                                                                                                                                                  |
| <b>Bid Validity Period</b>                | 120 days                                                                                                                                                                                                                                                                                                                                  |
| <b>Bid Submission must be sent to:</b>    | Address: Trans Caledon Tunnel Authority (TCTA),<br>Building 9,<br>Byls Bridge Office Part,<br>Olievenhoutbosch Rd,<br>Centurion,<br>0157<br>Bidders to complete the request to access TCTA form attached as Appendix D to receive the entry pin.<br>Completed forms to be send to tenders02@tcta.co.za on or before 4 August 2023 @ 16h00 |
| <b>Enquiries:</b>                         | Name: Motshabi Ntemane<br>Email Address: tenders02@tcta.co.za                                                                                                                                                                                                                                                                             |

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## 1. DEFINITIONS, ACRONYMS AND ABBREVIATIONS

Table 1:

|                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|--------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>B-BBEE</b>                                    | Broad Based Black Economic Empowerment in terms of the Broad Based Black Economic Empowerment Act 53 of 2003 (B-BBEE Act).                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>        | The B-BBEE status received by a measured entity issued in terms of section 9(1) of the B-BBEE Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>BID SUBMISSION</b>                            | A bidder's written proposal in response to an Invitation for Bids (Request for Bids/Quotations/ Information etc.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>BLACK PEOPLE</b>                              | Africans, Coloureds and Indians as defined in the Broad Based Black Economic Empowerment Act 53 of 2003.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>CONSORTIUM OR JOINT VENTURE OR CONSORTIUM</b> | 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.                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>CONSULTANT</b>                                | A professional person appointed to provide technical and specialist advice or to assist with the design and implementation of projects. The legal status of this person can be an individual, a partnership, a corporation or a company.                                                                                                                                                                                                                                                                                                                                                              |
| <b>CONTRACT</b>                                  | A legal agreement or National Treasury issued Standard Bid Document Number 7 signed by TCTA and a successful bidder. This term does not refer to the actual bid process.                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>CONTRACT MANAGER</b>                          | A representative from the Requesting Department that will be responsible for monitoring the day to day activities related to the contract.                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>DESIGNATED SECTORS</b>                        | Sectors, sub-sectors or industries that have been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content.                                                                                                                                                                                                                                                       |
| <b>DIGITAL FORENSICS</b>                         | <p>Practice of identifying, acquiring, and analysing electronic evidence. An important element is the analysis of suspected cyberattacks, with the aim of identifying, mitigating, reducing and/or eliminating cyber threats. Digital Forensics is also used post an attack, to avail relevant information needed by law enforcement agencies or the impacted organisation, to implement corrective actions. Categories of Digital Forensics include:</p> <ul style="list-style-type: none"> <li>• Forensic Data Analysis</li> <li>• Computer Forensics</li> <li>• Mobile Device Forensics</li> </ul> |

|                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                            | <ul style="list-style-type: none"> <li>• Database Forensics</li> <li>• Network Forensics</li> </ul>                                                                                                                                                                                                                                                                                                                                 |
| <b>EME</b>                                 | Means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act.                                                                                                                                                                                                                                            |
| <b>FIRM PRICES</b>                         | 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 bidder and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract. |
| <b>FORENSIC INVESTIGATORS</b>              | Investigators that require scientific and technological methods, with legal proceedings in mind, in case the outcome of the matter ends up with a legal case being pursued. The word <i>forensic</i> is defined by <i>Black's Law Dictionary</i> in the Fraud Examiners Manual as "used in or suitable to courts of law or public debate".                                                                                          |
| <b>FRAUD EXAMINER</b>                      | The ACFE states that "Fraud Examinations are conducted by professionals / Fraud Examiners defined as follow: Individuals who make use of specialised skills in the prevention, detection and investigation of fraud and white-collar crimes."                                                                                                                                                                                       |
| <b>HISTORICALLY DISADVANTAGED ENTITIES</b> | Means entities that are at least:<br><br>51% black owned;<br><br>51% owned by black youth;<br><br>51% owned by black women;<br><br>51% owned by black people with disabilities;<br><br>51% owned by black people in rural areas, underdeveloped areas or townships;<br><br>a co-operative that is 51% owned by black people.<br><br>51% owned by black people who are military veterans.                                            |
| <b>LOWEST ACCEPTABLE TENDER</b>            | Means a tender that complies with all specifications and conditions of tender and that has the lowest price compared to other tenders.                                                                                                                                                                                                                                                                                              |
| <b>PROCUREMENT SPECIALIST</b>              | Any person in the Procurement Unit who is responsible for managing a bid process from start to finish.                                                                                                                                                                                                                                                                                                                              |

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PO</b>             | A Purchase Order generated by the Procurement Unit after the conclusion of a successful bid process authorizing the expenditure against an awarded contract.                                                                                                                                                                                                                                                                 |
| <b>PRICE</b>          | Means an amount of money for goods or services and includes all applicable taxes less all unconditional discounts.                                                                                                                                                                                                                                                                                                           |
| <b>QSE</b>            | means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act.                                                                                                                                                                                                                           |
| <b>RD</b>             | A requesting department withing TCTA or its representative.                                                                                                                                                                                                                                                                                                                                                                  |
| <b>SUPPLIER</b>       | A juristic person or legal entity that provides goods or services to TCTA.                                                                                                                                                                                                                                                                                                                                                   |
| <b>SPECIFIC GOALS</b> | Means specific goals as contemplated in the Preferential Procurement Regulations, 2022 which may include contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination on the basis of race, gender and disability including the implementation of programmes of the Reconstruction and Development Programme as published in Government Gazette No. 16085 dated 23 November 1994. |

## **2. PREPARATION OF BID SUBMISSIONS**

- 2.1 Bidders are required to comply fully with this Request for Bid including annexures during submission to TCTA.
- 2.2 Bid Submissions must:
  - 2.2.1 Not be late and it must be delivered to the address stated on the front page. TCTA shall not accept nor be obliged to accept Bid Submissions submitted after the stipulated closing date and time, notwithstanding that such late submission is as a result of circumstances beyond the Bidder's control;
  - 2.2.2 Clearly reflect the Bid description and bid number on the outer packaging; and
  - 2.2.3 Contain a Firm Price.
- 2.3 TCTA reserves the right to reject bids that are not prepared in terms of section 2.2 and to not evaluate them.
- 2.4 Bidders must provide original hard copy of the Bid document and electronic copy on an unencrypted USB subject to the following:
  - 2.4.1 USBs must not be password protected and must be free of any and all corruption and/or viruses.
  - 2.4.2 Bidders to ensure that the information on the hard copy and USB is the same. TCTA will not be liable for information that is not the same.
  - 2.4.3 TCTA will not be liable to accept or evaluate any file that is not readable and accessible to the relevant bid committee. Bidders will not be allowed to remedy/fix/assess such USB or file after the bid closing date and the information will be deemed as not received.
  - 2.4.4 Only pdf documents will be accepted and not word, images or any other format not specified in this bid document.
- 2.5 This Bid has --- stages of evaluation summarised in the document below. Each stage reflects the process of evaluation. Bid submissions must be neat and legible and prepared in the same order as the stages of evaluation. Each stage must be clearly marked.

## **3. BACKGROUND**

Trans Caledon Tunnel Authority seeks to appoint a suitably qualified and experienced Forensic Investigations, and Digital Forensics service provider to conduct forensic and specialised investigations, including, but not limited to digital forensic, cyber related investigations etc. over a period of 36 months.

### 3.1 **COMPANY EXPERIENCE**

Demonstrate experience and expertise of conducting, providing and managing Forensic Investigation and Digital Forensics Services, at either Private or Public Sector.

### 3.2 **KEY PERSONNEL EXPERIENCE**

The Allocated Team must collectively possess the following expertise: Forensics Investigations, Digital Forensics and IT Forensics.

## 4. **SCOPE OF WORK**

The TCTA Internal Audit Division requires assistance from the appointed Service Provider, to provide Forensic and Digital Forensics services, as and when required.

### 4.1 **SCOPE OF SERVICES**

**The scope of services includes the following:**

#### 4.1.1 **Forensic and Specialised Investigations**

Provide a Forensic Director/Lead and experienced Forensic Investigation Team to conduct forensic investigations for TCTA, as and when required. This includes Fraud examinations conducted in a legal, professional and thorough manner, with the fraud examiner's objective being to obtain complete, reliable and relevant evidence and information.

#### 4.1.2 **Digital Forensic Expertise**

The Digital Forensics process must include collecting digital evidence, examining and analysing it, and reporting the outcome. The Digital Forensics techniques must include, among others, Reverse Steganography; Stochastic Forensics; Cross-drive Analysis; Live Analysis; and Deleted File Recovery.

The most recent digital Forensics tools must be applied to conduct forensic imaging of electronic media, data recovery and data analytics. Have access to and be able to apply forensic tools and software, to assist with digital forensic investigations. The Association of Certified Fraud Examiners (ACFE) Digital Forensics Standard for Digital Forensic Practitioners in South Africa states that the Digital Forensic Expert is: "A person who is able to perform some or all of the functions in the digital forensic field with sufficient experience and qualifications in a specific area to testify and express an opinion on such field".

#### 4.1.3 **Forensic Data Analysis**

Digital forensic analysis must be applied to establish reliable facts from the evidence collected and analysed, to an extent that must the evidence be questioned, it must be able to withstand scrutiny in a court of law or similar judicial process.

Ensure that Forensic Data Analyst activities are carried out according to Forensic Data Analyst standard operating procedures. The ACFE Digital Forensics Standard for Digital Forensic Practitioners in South Africa states that the Forensic Data Analyst: “Performs Forensic Data Analyst activities with technical competence and efficiency.”

#### 4.1.4 **Liaison with law enforcement agencies including foreign agencies**

Liaise directly with relevant and applicable law enforcement agencies, where required, to obtain relevant information, expedite the investigation process or manage bottlenecks. This will be based on the nature of the forensic and/or digital forensics investigation with a criminal offence or potential criminal offence.

#### 4.1.5 **Provide support post the forensic investigation: Disciplinary process etc.**

Appear as witnesses, post the conclusion of the forensic and/or digital forensics investigation, where required, to support the outcome of the forensic and/or digital forensics investigation outcome.

Provide further assistance as may be required, and directed by TCTA to articulate applicable charges, participate in disciplinary hearings, testify in civil and criminal proceedings and liaise with law enforcement agencies to efficiently conclude the investigation process.

Advise TCTA of remedial and corrective action available.

### 4.2 **DELIVERABLES**

The Service provider must meet the following requirements and provide services in this nature:

- 4.2.1 Conduct Forensic, Digital Forensics and Specialised Investigations, in line with ACFE Standards and any other applicable rules and regulations governing Forensic and Digital Forensics investigations and other investigations. Provide a Forensic Director/Lead and an experienced Forensic Investigation Team to conduct Forensic and/or Digital Forensics investigations for TCTA, as and when required. Provide a commitment in the Service Level Agreement (SLA) that TCTA will have access to a Forensic and Digital Forensics investigators Team that will be responsible for engagements within TCTA.



- 4.2.2 Conduct Digital Forensic Investigations and Forensic Data Analytics, as and when required. Have access to and be able to apply the latest versions of forensic tools and software necessary to execute Cyber related or digital forensics investigations.
- 4.2.3 Issue an “Investigation Planning Memorandum” (IPM), outlining the scope of the investigation to be conducted in consultation with TCTA.
- 4.2.4 Apply the relevant methodology to conduct the investigation and collect relevant evidence and data, in line with the relevant legislation, e.g Protected Disclosure Act (PDA), POPIA etc.
- 4.2.5 Issue a final “Forensic Investigation” or “Investigation Report” within agreed timelines, including recommendations informing the way forward, e.g disciplinary process, criminal case to be reported to the applicable law enforcement agency etc.
- 4.2.6 The service provider **must** perform the duties required in terms of this Agreement with reasonable skill, care and diligence and in accordance with the standards of care normally expected from the service providers performing a service of a similar nature, and as outlined in the ACFE Standards and Guidelines.
- 4.2.7 The service provider **must** professionally, efficiently and efficiently deliver services in line with timelines that will be continuously agreed during the life of this contract.
- 4.2.8 Adhere to and provide input towards the periodic review of the TCTA Whistleblower Policy and Procedure, and the Fraud Risk Management Policy and Procedure.

## 5. EVALUATION PROCESS

This Bid has six (6) stages of evaluation summarised in the document below.

### 5.1 STAGE 1: ATTENDANCE OF COMPULSORY BRIEFING SESSION

TCTA will refer to the attendance register of the Briefing Session to confirm if a bidder attended the compulsory briefing session.

**Failure to attend a compulsory briefing session will result in a bidder being disqualified at this stage and not evaluated further.**

### 5.2 STAGE 2: RETURNABLES

All returnable documents are required for purposes of evaluation irrespective of whether they are designated mandatory or not.

**Table 2: Returnable documents**

| No        | Document Type | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Status        |
|-----------|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| Section 1 | Compliance    | SBD 1: Invitation to bid and terms and conditions for bidding                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Non-Mandatory |
|           | Compliance    | SBD 4: Declaration of Interest                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Mandatory     |
|           | Compliance    | SBD 6.1: Preference points claim form in terms of the Preferential Procurement Regulations 2022                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Non-Mandatory |
| Section 2 | Compliance    | Proof of registration on National Treasury Central Supplier Database                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Non-Mandatory |
| Section 3 | Compliance    | Tax Clearance certificate with tax Compliance Status Pin                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Non-Mandatory |
| Section 4 | Compliance    | BBBEE Certificate issued by a registered Auditor approved by Verification Agency approved by SANAS, or a sworn Affidavit for EME and QSE.<br>Consolidated BBBEE for Joint Venture tenderers issued by a registered Auditor approved by Verification Agency approved by SANAS, or a sworn Affidavit for EME and QSE.                                                                                                                                                                                                                                                                                                                    | Non-Mandatory |
| Section 5 | Compliance    | PROFESSIONAL AFFILIATION / MEMBERSHIP: Association for Certified Fraud Examiners (ACFE) / Institute for Commercial Fraud Practitioners (ICFP) Membership or an equivalent relevant Forensics Regulatory body. Any of the 3 options below will be acceptable: <ul style="list-style-type: none"> <li>Confirmation of the individual's membership with ACFE / ICFP, on the ACFE / ICFP letterhead, or equivalent regulatory body; <b>OR</b></li> <li>A copy of the individual's Membership Certificate from the ACFE / ICFP or equivalent; <b>OR</b></li> <li>Membership number provided in the response to the RFB document.</li> </ul> | Non-Mandatory |
| Section 6 | Functionality | COMPANY EXPERIENCE:<br>Bidders should demonstrate experience and expertise of providing and managing Forensic Investigation Services, at either Private or Public Sector, by completing <b>Appendix A Form 1</b> .<br>Bidders to provide contactable references where Forensic Investigation and Digital Forensics Services have been provided and managed in the last five (5) or more years in the Private or Public                                                                                                                                                                                                                 | Non-Mandatory |

| No        | Document Type | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Status        |
|-----------|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
|           |               | <p>Sector. At least two (2) of the references provided should be for Digital Forensics, as defined in Table 1: Definitions, Abbreviations and Acronyms.</p> <p><b>Appendix A Form 1</b> must be duly completed.</p> <p><b>Failure to complete Appendix A Form 1 will result in the bidder scoring zero points.</b></p> <p><b>TCTA reserves the right to contact the References provided to ascertain the quality of service rendered by the bidder, prior to award of this bid.</b></p> |               |
| Section 7 | Functionality | <p><b>KEY PERSONNEL EXPERIENCE:</b></p> <p>The allocated Team should collectively possess the following expertise: Forensics Investigations, Digital Forensics and IT Forensics.</p> <p><b>Appendix A Form 2</b> to be completed for points allocation.</p> <p>Copies of Qualifications (do not need to be certified), to be included in the response to this bid, for the 5 points allocated to the Qualifications criteria.</p>                                                       | Non-Mandatory |
| Section 8 | Price         | <p>Financial Proposal (Price and Preference)</p> <p>Pricing – detailed and itemised, in line with the scope of work. Refer to <b>Appendix B: Pricing Template.</b></p>                                                                                                                                                                                                                                                                                                                  | Mandatory     |

**Any bidder who fails to submit or complete a non-mandatory document will receive zero points where that document is linked to a specific functionality criterion which is scored. Any bidder who fails to submit a mandatory document will be disqualified at this stage and not evaluated further.**

### 5.3 **STAGE 3: FUNCTIONALITY**

TCTA will evaluate the submissions for functional capacity and capability. TCTA will evaluate the submissions in terms of the functional criteria set out below.

**Table 3: FUNCTIONAL EVALUATION**

| FUNCTIONALITY EVALUATION        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |           |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| SECTION                         | Evaluation criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Points    |
| <b>COMPANY EXPERIENCE</b>       | <p>Bidders to demonstrate experience and expertise of providing and managing Forensic and Digital Forensics Investigation Services, at either Private or Public Sector, by completing <b>Appendix A Form 1</b>. Bidders to provide contactable references where Forensic Investigation and Digital Forensics Services have been provided and managed in the last five (5) or more years in the Private or Public Sector. At least two (2) of the references provided should be for Digital Forensics, as defined in Table 1: Definitions, Abbreviations and Acronyms.</p> <p><b>Points will be allocated as follows:</b></p> <p>Ten (10) References = 30 points</p> <p>Nine (9) References = 25 points</p> <p>Eight (8) References = 20 points</p> <p>Seven (7) References = 15 points</p> <p><u>Six</u> (6) References = 10 points</p> <p><u>Five</u> (5) References = 5 points</p> <p>Four or less References provided, OR outdated contact details provided, OR a minimum of two references not provided for Digital Forensics services = 0 points</p> <p><b>At least 2 references should be allocated to Digital Forensic services.</b></p> <p><b>Failure to complete Appendix A Form 1 will result in the bidder scoring zero points</b></p> | <b>30</b> |
| <b>KEY PERSONNEL</b>            | <p><b>Allocated Team Composition:</b></p> <p>The allocated Team must be made up of a minimum of 5 people: The five should collectively possess the following expertise: Forensics and/or Fraud Investigations, Digital Forensics and IT Forensics. Bidders to complete <b>Appendix A Form 2</b> with experience and qualifications pertinent to required service. The 75 points are broken down per level, below.</p> <p><b>Failure to complete Appendix A Form 2 will result in the bidder scoring zero points</b></p> <p>Copies of Qualifications (do not need to be certified), to be included in the response to this bid, for the 5 points allocated to the Qualifications criteria.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>75</b> |
| <b>DIRECTOR/LEADER</b>          | <p><b>Director/Leader Qualifications</b></p> <p>Certified Fraud Examiner / Post Graduate Qualification in Forensics or Equivalent (NQF Level 8) = 5 Points.</p> <p>Copies of Qualifications (do not need to be certified), to be included in the response to this bid, for the 5 points allocated to the Qualifications criteria.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>5</b>  |
|                                 | <p>Must possess the following:</p> <p>A minimum of ten (10) years working experience in either Forensic and/or Fraud Investigations/ Digital Forensics/ IT Forensics = 5 Points.</p> <p>Additional points will be allocated for experience over and above 10 years, as follows:</p> <p>One (1) Point for every additional year of experience, from 11 to 15 years, up to a maximum of 5 points.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>10</b> |
| <b>SENIOR MANAGER/ MANAGER:</b> | <p><b>Senior Manager/Manager: Forensics Qualifications</b></p> <p>Honour's Degree (NQF Level 8): Forensics and/or Fraud related studies or Equivalent = 5 Points.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>5</b>  |

| FUNCTIONALITY EVALUATION                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |        |
|---------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| SECTION                                                             | Evaluation criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Points |
| FORENSICS                                                           | Copies of Qualifications (do not need to be certified), to be included in the response to this bid, for the 5 points allocated to the Qualifications criteria.                                                                                                                                                                                                                                                                                                                                                                                                                                        |        |
|                                                                     | <p>Must possess the following:</p> <p>A minimum of eight (8) years Forensic and/or Fraud Investigation's experience = 5 points.</p> <p>One (1) Point for every additional year of experience, from 9 to 13 years, up to a maximum of 5 points.</p>                                                                                                                                                                                                                                                                                                                                                    | 10     |
| SENIOR FORENSICS SPECIALIST/AUDITOR OR FORENSICS SPECIALIST/AUDITOR | <p><b><u>Senior Forensics Specialist/Auditor or Forensics Specialist/Auditor Qualifications</u></b></p> <p>Bachelor's degree (NQF Level 7): Forensic related studies or Equivalent = 5 Points.</p> <p>Copies of Qualifications (do not need to be certified), to be included in the response to this bid, for the 5 points allocated to the Qualifications criteria.</p>                                                                                                                                                                                                                              | 5      |
|                                                                     | <p>Must possess the following:</p> <p>A minimum of three (3) years Forensic and/or Fraud Investigation's experience = 5 points.</p> <p>One (1) Point for every additional year of experience, from 4 to 8 years, up to a maximum of 5 points.</p>                                                                                                                                                                                                                                                                                                                                                     | 10     |
| DIGITAL FORENSIC EXPERT                                             | <p><b><u>Digital Forensic Expert Qualifications</u></b></p> <p>Must possess the following:</p> <p>Bachelor's degree (NQF Level 7): Computer Science, IT, IT Engineering, Information Systems or Equivalent <b>PLUS</b></p> <ul style="list-style-type: none"> <li>• Technical certifications; OR</li> <li>• Professional certifications: ACE / ENCE / CFCE / MCSFS / SANS / GCFA / GCFA / GCIH / GCCC or Equivalent.</li> </ul> <p>Copies of Qualifications (do not need to be certified), to be included in the response to this bid, for the 5 points allocated to the Qualifications criteria.</p> | 5      |
|                                                                     | <p>Must possess the following:</p> <p>A minimum of five (5) years in Digital Forensic Expertise = 5 points.</p> <p>One (1) Point for every additional year of experience, from 6 to 10 years, up to a maximum of 5 points.</p>                                                                                                                                                                                                                                                                                                                                                                        | 10     |
| FORENSIC DATA ANALYST / IT FORENSIC SPECIALIST                      | <p><b><u>Forensic Data Analyst / IT Forensic Specialist qualifications:</u></b></p> <p>Bachelor's degree (NQF Level 7) or national diploma <b>PLUS</b></p> <ul style="list-style-type: none"> <li>• Technical certification; OR</li> <li>• Professional certifications: ACE / ENCE / CFCE / MCSFS / SANS / GCFA / GCFA / GCIH / GCCC or Equivalent.</li> </ul> <p>Copies of Qualifications (do not need to be certified), to be included in the response to this bid, for the 5 points allocated to the Qualifications criteria.</p>                                                                  | 5      |
|                                                                     | <p>Must possess the following:</p> <p>A minimum of four (4) years in relevant forensic database and data management experience, with programming experience = 5 points.</p> <p>One (1) Point for every additional year of experience, from 5 to 9 years, up to a maximum of 5 points.</p>                                                                                                                                                                                                                                                                                                             | 10     |
| PROFESSIONAL MEMBERSHIP                                             | Bidders to provide Proof of Individual Membership of Association of Certified Fraud Examiners ( <b>ACFE</b> ), the Institute of Commercial Forensics Practitioners (ICFP), or <b>Equivalent</b> relevant Forensics Regulatory body for each allocated Team Member.                                                                                                                                                                                                                                                                                                                                    | 40     |

| FUNCTIONALITY EVALUATION |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |            |
|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| SECTION                  | Evaluation criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Points     |
|                          | <ul style="list-style-type: none"> <li>Confirmation of the individual's membership with ACFE / ICFP, on the ACFE / ICFP letterhead, or equivalent regulatory body; <b>OR</b></li> <li>A copy of the individual's Membership Certificate from the ACFE / ICFP or equivalent; <b>OR</b></li> <li>Membership number provided in the response to the RFB document.</li> </ul> <p><b>Points will be allocated as follows:</b></p> <p>ACFE: Certified Fraud Examiner (CFE) Membership / ICFP: FP (SA) = 7 Points per Team Member</p> <p>Associate Membership for both ACFE and ICFP = 4 Points per Team Member</p> <p>ACFE Affiliate Membership (ICFP does not have membership at this level) = 2 Points per Team Member</p> <p>It is mandatory that at least one (1) ACFE: CFE or ICFP: FP(SA) Member should be allocated to the Team for a minimum of 7 points, with a maximum of 35 Points scored where more ACFE: CFEs or ICFP: FP(SA)s are allocated to the Team of five.</p> <p>The minimum score will be 7 Points for 1 ACFE: CFE or ICFP: FP(SA) plus 4 Affiliate Members (2 Points x 4) = 8+7 = 15 Points.</p> <p>It is in the Bidders best interest to allocate minimal Affiliates and more Associate and ACFE: CFE or ICFP: FP(SA) Members for optimal points.</p> <p><b><u>ADDITIONAL POINTS WILL BE ALLOCATED FOR MEMBERSHIP WITH THE ETHICS INSTITUTE:</u></b></p> <p>Corporate or individual accreditation or membership of any of the allocated Team members, with the Ethics Institute. = <b>5 points</b></p> <p>No Corporate or individual accreditation or membership for any of the five (5) allocated Team members, with the Ethics Institute = <b>0 points.</b></p> |            |
| <b>Total</b>             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>145</b> |

**Bidders who do not meet the threshold of 87 points (60%) out of the 145 points will be disqualified at this stage and will not be evaluated further.**

#### 5.4 **STAGE 4: SPECIFIC GOALS**

The specific goals for this bid are as follows:

##### **B-BBEE**

The following table will be used to calculate the score out of 20 for BBEE:

##### 5.4.1 B-BBEE Status Level of Contributor Number of Points for bids evaluated using 80/20.

| B-BBEE Status Level of Contributor | Number of Points |
|------------------------------------|------------------|
| 1                                  | 20               |
| 2                                  | 18               |
| 3                                  | 14               |
| 4                                  | 12               |
| 5                                  | 8                |
| 6                                  | 6                |

|                           |   |
|---------------------------|---|
| 7                         | 4 |
| 8                         | 2 |
| Non-compliant contributor | 0 |

- 5.4.2 A joint venture or consortium must submit a consolidated B-BBEE certificate in order to earn B-BBEE points.
- 5.4.3 All B-BBEE certificates must be obtained from verification agencies accredited by SANAS unless the bidder is an EME or QSE in which case they must submit a validly commissioned affidavit.

**Any bidder that does not meet the above-mentioned specific goals will not be disqualified but will be scored 0 for specific goals.**

## 5.5 STAGE 5: PRICE

- 5.5.1 TCTA will treat the bids in terms of the Preferential Procurement Policy Framework Act, No.5 of 2000 (PPPFA).
- 5.5.2 If the price offered by the highest scoring bidder is not market related, TCTA reserves the right not to award to that bidder in terms of its Procurement policies.
- 5.5.3 Price must be reflected Excluding and Including VAT.
- 5.5.4 All prices must include disbursements.
- 5.5.5 Prices must be firm.

## 5.6 PREFERENTIAL POINTS CALCULATION

- 5.6.1 The following formula must be used to calculate the points out of 80 for price in bids with a Rand value equal to or above R30 000 and up to a Rand value of R50 million, inclusive of all applicable taxes:

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

Where-

$P_s$  = Points scored for price of bid under consideration;

$P_t$  = Price of bid under consideration; and

$P_{\min}$  = Price of lowest acceptable bid.

- 5.6.2 The 80/20 preference point system may apply and that the lowest acceptable tender will be used to determine the applicable preference point system
- 5.6.3 The weighting of the Preferential points calculation is as follows:

Specific Goals = 20

Price = 80

## 5.7 **STAGE 6: SUPPLIER VETTING**

TCTA may disqualify a bidder who/whose:

- 5.7.1 Submits fraudulent information or information that they do not have to authority to submit;
- 5.7.2 Is listed on National Treasury's list of Blacklisted Suppliers or Defaulters or similar;
- 5.7.3 Poses a risk in terms of any vetting process conducted either by TCTA internally or the National Intelligence Agency;
- 5.7.4 Has a director and/or shareholder who is employed by any organ of state. This does not apply to any organ of state acting as a bidder. If a bidder has a director and/or shareholder who is employed by an organ of state, they must submit a letter from the relevant organ of state stating that they are allowed to do remunerative work outside of their employment contract and that they are not prohibited from doing business with other organs of state; and
- 5.7.5 Tax affairs are not in order at the time of award after being requested to resolve the non-compliance status with SARS within the prescribed period.



## APPENDIX A FORM 1: TEMPLATE FOR COMPANY EXPERIENCE

### Re: References for Forensic and Digital Forensic Services delivered

Table 1 serves to confirm the Bidder's Company experience in providing Forensics Investigations and Digital Forensics Investigations services to Clients for the Duration: specify number of years and/or months specified below.

**Table 1: Services rendered**

| #  | Service Provided                                                          | Contract Start Date | Contract End Date | Duration of the service | Client contact Name & Designation | Client contact Details: e-mail address or cell number | Private or Public Sector |
|----|---------------------------------------------------------------------------|---------------------|-------------------|-------------------------|-----------------------------------|-------------------------------------------------------|--------------------------|
| A. | Digital Forensic Services (Must include at least 2 Clients)               |                     |                   |                         |                                   |                                                       |                          |
| 1  |                                                                           |                     |                   |                         |                                   |                                                       |                          |
| 2  |                                                                           |                     |                   |                         |                                   |                                                       |                          |
| B. | Other Forensic Services, excluding Digital Forensic Services listed above |                     |                   |                         |                                   |                                                       |                          |
| 1  |                                                                           |                     |                   |                         |                                   |                                                       |                          |
| 2  |                                                                           |                     |                   |                         |                                   |                                                       |                          |
| 3  |                                                                           |                     |                   |                         |                                   |                                                       |                          |
| 4  |                                                                           |                     |                   |                         |                                   |                                                       |                          |
| 5  |                                                                           |                     |                   |                         |                                   |                                                       |                          |
| 6  |                                                                           |                     |                   |                         |                                   |                                                       |                          |
| 7  |                                                                           |                     |                   |                         |                                   |                                                       |                          |
| 8  |                                                                           |                     |                   |                         |                                   |                                                       |                          |
| 9  |                                                                           |                     |                   |                         |                                   |                                                       |                          |
| 10 |                                                                           |                     |                   |                         |                                   |                                                       |                          |

## APPENDIX A FORM 2: CURRICULUM VITAE (CV) TEMPLATE FOR THE ALLOCATED TEAM

It is **RECOMMENDED** that all Bidders complete the CVs for the Forensics Team in the Word editable template that TCTA will provide.

### FORENSICS INVESTIGATION SERVICES ALLOCATED TEAM

#### CURRICULUM VITAE OF **NAME & SURNAME**

#### 1. PERSONAL DETAILS

Current Designation: **XX**

Nationality: **South African etc.**

Total Number of Year's working experience, relevant to the scope of work: **XX**

#### 2. QUALIFICATIONS

Points will only be allocated where the applicant has submitted a copy of the relevant qualifications (do not need to be certified).

| # | Name of Allocated Team Member | Qualifications | Year Obtained |
|---|-------------------------------|----------------|---------------|
| 1 |                               |                |               |
| 2 |                               |                |               |
| 3 |                               |                |               |
| 4 |                               |                |               |
| 5 |                               |                |               |

#### 3. PROFESSIONAL MEMBERSHIP

Proof of Membership from the Association of Certified Fraud Examiners (ACFE) / ICFP or equivalent, should be provided, as one of the three options listed below:

- Confirmation of the individual's membership with ACFE / ICFP, on the ACFE / ICFP letterhead, or equivalent regulatory body; **OR**
- A copy of the individual's Membership Certificate from the ACFE / ICFP or equivalent; **OR**
- Membership number provided in the response to the RFB document.

#### 4. FORENSIC INVESTIGATIONS/DIGITAL FORENSICS EXPERIENCE (Start with the recent employer)

| # | Name of Employer | Designation | Forensic Investigations/Digital Forensics Experience summary (Use bullet points), including systems or electronic tools experience | Start date (dd/mm/yyyy) | End date (dd/mm/yyyy) | Total duration of the Forensics/Digital Forensics Experience (Years) | Clients serviced, if multiple clients were serviced from 1 Employer (Otherwise include "Not applicable" in this column) |
|---|------------------|-------------|------------------------------------------------------------------------------------------------------------------------------------|-------------------------|-----------------------|----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| 1 |                  |             |                                                                                                                                    |                         |                       |                                                                      |                                                                                                                         |
| 2 |                  |             |                                                                                                                                    |                         |                       |                                                                      |                                                                                                                         |
| 3 |                  |             |                                                                                                                                    |                         |                       |                                                                      |                                                                                                                         |
| 4 |                  |             |                                                                                                                                    |                         |                       |                                                                      |                                                                                                                         |
| 5 |                  |             |                                                                                                                                    |                         |                       |                                                                      |                                                                                                                         |

SIGNATURE: ..... NAME OF BIDDER.....

(of person authorised to sign on behalf of the Bidder)

## APPENDIX B: COST PROPOSAL

REFER TO THE EXCEL SPREAD SHEET

| # | ALLOCATED TEAM MEMBER LEVEL                                                                                                           | RATE PER HOUR (RANDS) |        |        |
|---|---------------------------------------------------------------------------------------------------------------------------------------|-----------------------|--------|--------|
|   |                                                                                                                                       | Year 1                | Year 2 | Year 3 |
| 1 | Director / Leader                                                                                                                     |                       |        |        |
| 2 | Senior Manager/Manager: Forensics:                                                                                                    |                       |        |        |
| 3 | Senior Forensics Specialist/Auditor or Forensics Specialist/Auditor                                                                   |                       |        |        |
| 4 | Digital Forensic Expert                                                                                                               |                       |        |        |
| 5 | Forensic Data Analyst / IT Forensic Specialist                                                                                        |                       |        |        |
|   | <b>AVERAGE RATE</b>                                                                                                                   |                       |        |        |
|   | <b>Disbursements</b>                                                                                                                  |                       |        |        |
|   | <b>Travel will be reimbursed at R4,64 per kilometre, fixed by the Minister of Finance, from 01 March 2023, for all travel claims.</b> |                       |        |        |

## APPENDIX B1: COST PROPOSAL: GUIDANCE ON APPROVED AGSA RATES

Extract from the “Circular\_01\_2023\_24\_Guide\_on\_AGSA-Charge Out Rates final” issued by the Auditor-General of South Africa for 2023/24  
(Bidders are encouraged to align their charge out rates to the AGSA rates)

### Investigations Audit Charge-Out Rates

| Investigations Charge-Out Rates –<br>2022/23 |                                                                |                                                              |                           |
|----------------------------------------------|----------------------------------------------------------------|--------------------------------------------------------------|---------------------------|
| PROFESSIONAL<br>LEVEL                        | RECOGNISED QUALIFICATION                                       | NUMBER OF<br>YEARS OF<br>EXPERIENCE<br>POST<br>QUALIFICATION | AGSA<br>Approved<br>Rates |
| Director/Partner                             | CA (SA)/LLB/ACFE/ ICFP or<br>other relevant qualifications     | >12 years                                                    | R3 375                    |
| Associate Director                           | CA (SA)/LLB/ACFE/ ICFP or<br>other relevant qualifications     | >10 years                                                    | R3 178                    |
| Senior Manager<br>(Investigations)           | CA (SA)/LLB/ACFE/ ICFP or<br>other relevant qualifications     | >8 years                                                     | R2 627                    |
| Manager<br>(Investigations)                  | CA (SA)/LLB/ACFE/ ICFP or<br>other relevant qualifications     | 7-8 years                                                    | R2 125                    |
| Assistant Manager<br>(Investigations)        | CA (SA)/LLB/ACFE/ ICFP or<br>other relevant qualifications     | 5-6 years                                                    | R1 479                    |
| Senior Associate                             | Bachelor degree with articles or<br>relevant forensic training | 4 years                                                      | R1 073                    |
| Associate                                    | Bachelor degree with articles or<br>relevant forensic training | 1-3 years                                                    | R735                      |
| Support staff                                | Bachelor degree or diploma                                     | None                                                         | R351                      |



## **6. CONDITIONS OF BID**

Any bid submission that does not meet the conditions of bid may be rejected and not evaluated at all. Such a bid submission will not be acceptable.

### **6.1 COSTS OF BIDDING**

- 6.1.1 Bidders shall bear their own costs, disbursements and expenses associated with the preparation and submission of the Bid Submissions, including submission of any additional information requested by TCTA or attending the compulsory briefing session.
- 6.1.2 TCTA shall not under any circumstances be liable nor assume liability to any Bidder for costs, disbursements and/or expenses incurred by Bidders regardless of the outcome of the Bid process or by virtue of cancellation and/or postponement of the Bid process. Where applicable a non-refundable fee for documents may be charged.

### **6.2 CLARIFICATIONS**

- 6.2.1 All questions or queries regarding the Request for Bid must be directed to the person stated on the front page of this document, stating the relevant Bid number in the subject field, at least five business days before the stipulated closing date and time of the Request for Bid. No e-mails, faxes and/or telephone calls should be directed to any other employees of TCTA.
- 6.2.2 TCTA shall not be liable nor assume liability for any failure to respond to any questions and/or queries raised by potential Bidders.
- 6.2.3 Should a Bidder fail to submit and/or complete non-mandatory annexures, TCTA will call upon the Bidder to complete and submit such annexures. TCTA reserves the right to request clarity to remove any ambiguities in the documents that have already been submitted. If a Bidder fails to submit any of the requested non-mandatory documents or schedules within 5 (five) working days of being called upon to do so, then the TCTA may disqualify the Bidder and no mandatory annexures, mandatory documents and/or mandatory schedules shall be requested after the tender closing date and time.

### **6.3 AMENDMENTS**

- 6.3.1 TCTA reserves the right, in its sole and absolute discretion, to amend any terms and conditions of the Request for Bid and/or to stipulate additional requirements, provided that such amended terms and conditions and/or additional requirements are placed on TCTA's website at least 10 (ten) business days prior to the stipulated closing date and time.

- 6.3.2 Any amended terms and conditions and/or stipulation of additional requirements by TCTA shall be deemed to form part of this Request for Bid.
- 6.3.3 TCTA shall not be liable, nor assume liability of any nature whatsoever, for the failure of a Bidder to receive information if sent to the e-mail, fax or postal address supplied.
- 6.3.4 TCTA reserves the right to stipulate additional Bid requirements as it deems appropriate in its sole and absolute discretion.
- 6.3.5 TCTA shall not be liable nor assume liability to any potential Bidder/s for any failure by such Bidder/s to receive any request for additional information.
- 6.3.6 In the event that TCTA amends its Bid requirements or requests additional information, any Bidder shall be entitled to withdraw its Bid Submission submitted by it prior to the stipulated closing date and time and re-submit a replacement Bid Submission by not later than the stipulated closing date and time.

#### **6.4 MODIFICATION, ALTERATION OR SUBSTITUTION AND/OR WITHDRAWAL OF A BID SUBMISSION**

- 6.4.1 Any Bidder shall be entitled to withdraw or modify its Bid Submission at any time prior to the stipulated closing date and time.
- 6.4.2 Any amendment or alteration to the Bid documents must be received before the closing date and time of the Bid as stipulated in the Special conditions of Bid. The words "Amendment to Bid" and the description of the Bid must be clearly reflected on the envelope containing the documents or courier packaging as referred to in Condition 8.2.
- 6.4.3 No modification, alteration or substitution of Bid Submissions will be permitted after the stipulated closing date and time.
- 6.4.4 TCTA reserves the right to request Bids for clarification needed to evaluate their Bids, however, such request for clarification shall not allow or entitle Bidders to change the substance or price of their Bids after Bid opening. Any request for clarification and the Bidder's responses will be made in writing.

#### **6.5 VALIDITY PERIOD**

- 6.5.1 All Bid Submissions must remain valid from the stipulated closing date and time of the Request for Bid for the period stated in this Bid. Each Bid Submission will constitute an irrevocable offer which remains open for acceptance by TCTA during the validity period.



- 6.5.2 In the event that TCTA issues a request to extend the validity period, failure to respond to such a request shall be deemed to be an approval to extend the bid validity period on the same terms and conditions as per your original bid submission.
- 6.5.3 In the event that a bidder rejects the extension of validity period with no further comments. The bidder's rejection shall be accepted as a withdrawal from the bid process.
- 6.5.4 In the event that a bidder rejects the extension of the validity period and requests an adjustment to their bid price. Such adjustment has to be in line with the Consumer Price Index applicable at the time of request for extension and/or a recognised industry pricing guide. Adjustments outside of these parameters or for any other reason will not be acceptable and the bidders original bid price shall be deemed to be applicable for the extended validity period.

## **6.6 CONFIDENTIALITY**

All Bid Submissions received by TCTA will remain in TCTA's possession. Save as may be required by law or by any court of competent jurisdiction or similar body having appropriate jurisdiction, no information contained in or relating to any Bid Submissions will be disclosed to any other parties.

## **6.7 RIGHT NOT TO AWARD**

TCTA reserves the right, at its sole discretion, not to award to any of the Bidders or to cancel a Bid.

- 6.7.1 Due to changed circumstances; there is no longer a need for the goods or the services specified in the invitation;
- 6.7.2 Funds are no longer available to cover the total envisaged expenditure;
- 6.7.3 No acceptable Bid is received; or
- 6.7.4 There is material irregularities in the Bid process

## **6.8 TERMS AND CONDITIONS OF CONTRACT**

- 6.8.1 Once the successful bidder is issued with a Letter of Award, a pre-liminary contract will be deemed to have been concluded between TCTA and the successful Bidder, which contract will include the following documents:

- 6.8.1.1 The contents of this Request for Bid, including all annexures hereto and any additional requirements as may have been stipulated by TCTA;

- 6.8.1.2 The relevant Bid Submissions;
- 6.8.1.3 The letter of acceptance to the successful Bidder/s; and
- 6.8.1.4 Any correspondence between TCTA and the relevant Bidder/s including all additional documents submitted by the relevant Bidder/s and accepted by TCTA for clarification purposes; and
- 6.8.1.5 The terms and conditions of any agreement/s proposed to be entered into by TCTA with the successful Bidder/s.

6.8.2 The Bidder will be deemed to have accepted the terms and conditions of an agreement and/or terms of reference attached to and issued with this Request for Bid. The terms and conditions of the attached agreement are non-negotiable.

6.8.3 In the event that TCTA and the relevant Bidder are unable to reach consensus on the terms and/or conditions of the final written agreement, then TCTA reserves the right to cancel the award of the Bid, without liability of any nature, and to conclude an agreement with any other Bidder as may be necessary to meet TCTA's requirements.

#### **6.8.4 Variations**

No variations to the contract price will be accepted within 6 months from the date of award, unless otherwise stipulated in the Letter of Award.

#### **6.8.5 Performance Management**

6.8.5.1 This contract shall be subject to performance management in line with TCTA's Contract Management Policy and Procedure as amended from time to time. Failure to provide satisfactory goods or services may result in the bidder's blacklisting within TCTA or other organs of state.

6.8.5.2 If the final signed contract between the parties does not stipulate the number of times performance management meetings shall be held, they must be held as outlined below.

|                    |                                           |
|--------------------|-------------------------------------------|
| More than 3 years  | once every month;                         |
| 1 year to 3 years  | once every 3 (three) months               |
| 6 months to 1 year | at least twice in the contract's duration |
| Less than 6 months | at least once in the contract's duration  |

#### **6.8.6 Communication**

The successful bidder must forward all communication in respect to this contract to the Contract Manager stipulated in the Letter to Award.

## **6.9 SUBCONTRACTING AFTER AWARD**

The successful bidder:

- 6.9.1 May only subcontract this scope of work no less than 6 (six) months after award;
- 6.9.2 May only subcontract with the prior written approval from the Contract Manager appointed by TCTA.
- 6.9.3 May only sub-contract more than 25% of the contract to a third party that has a B-BBEE status level that is more or equal to that of the successful bidder unless the third party is an EME capable of executing the contract.

## **6.10 CESSION OF RIGHTS**

- 6.10.1 The successful bidder may cede their rights to a third-party provided that:
  - 6.10.1.1 The cession does not take place less than 6 (six) months from the date of award;
  - 6.10.1.2 The third-party is registered on the CSD;
  - 6.10.1.3 The third-party has a BBEE status level of contributor equal to or higher than that of the successful bidder;
  - 6.10.1.4 The parties prepare a draft a cession agreement that meets all the legal requirements on a template of their own choosing and at their own legal costs; and
  - 6.10.1.5 The cession agreement is submitted for vetting by TCTA prior to signature.
- 6.10.2 TCTA may reject the cession should it not meet the requirements set out above and provide reasons to the supplier.

## **6.11 NOTIFICATION OF UNSUCCESSFUL BIDDERS**

In the event that no correspondence or communication is received from TCTA within the validity period, the relevant Bid Submissions submitted will be deemed to be unsuccessful.

## **6.12 PROHIBITION OF BRIBERY, FRAUDULENT AND CORRUPT PRACTICES**

- 6.12.1 No Bidders shall directly or indirectly commit, or attempt to commit, for the benefit of the Bidder or any other person, any of the following:
- 6.12.2 Influencing, or attempting to influence, any TCTA's employees or agents in respect of the award of a Bid or the outcome of the Bid process in relation to any contract for the provision of goods or services; and/or

- 6.12.3 Offering, or giving gratification to, and/or inducing, or attempting to induce, as defined in the Prevention and Combating of Corrupt Activities Act No. 12 of 2004, as amended from time to time, any of TCTA's employees or agents, in favour of or for the benefit of the Bidder and/or any other party; and/or
- 6.12.4 Bribing, or attempting to bribe, any TCTA's employees or agents in order to influence the outcome of a Bid process in favour of or for the benefit of the Bidder and/or any other party.
- 6.12.5 TCTA shall be entitled to disqualify any Bidder/s if it has reason to believe that any conduct relating to that set out in Condition 16.1 above has occurred.

### **6.13 FRONTING**

- 6.13.1 The TCTA supports the spirit of Broad Based Economic Empowerment and recognizes that real empowerment can only be achieved through individuals and businesses conducting themselves in accordance with the Constitution and in an honest, fair, equitable, transparent and legally compliant manner. Against this background TCTA condemns any form of fronting.
- 6.13.2 TCTA, in ensuring that Bidders conduct themselves in an honest manner will, as part of the bid evaluation process, conduct or initiate the necessary probity investigation to determine the accuracy of the representation made in the bid document. Should any of the fronting indicators as contained in the Guidelines on Complex Structures and Transactions and Fronting, issued by the Department of Trade and Industry be established during such enquiry / investigation, the onus will be on the Bidder to prove that fronting does not exist.
- 6.13.3 Failure to do so within a period of 14 days from the date of notification may invalidate the Bid/contract and may also result in the restriction of the Bidder, by National Treasury, to conduct business with the public sector for a period not exceeding ten years, in addition to any other remedies the National Treasury may have against the bidder concerned.

### **6.14 JOINT VENTURE OR CONSORTIUM**

- 6.14.1 TCTA encourages the formation of a joint venture or consortium as a condition for the award of a contract, in order to promote the participation of Black Owned Enterprises. In this case, the TCTA has both a moral obligation and a vested interest in ensuring that both the Black Owned Enterprises and its established joint venture or consortium partner are treated reasonably and equitably in terms of a sound, written agreement.
- 6.14.2 The members of a joint venture or consortium formed in response to transformation policies should share in at least the following aspects of the joint venture or consortium's activities in a meaningful and equitable manner:

6.14.2.1 Control

6.14.2.2 Management

6.14.2.3 Operations

6.14.3 The joint venture or consortium agreement:

6.14.3.1 Must clearly and comprehensively set out the contributions to be made by each member towards the activities of the joint venture or consortium in securing and executing the contract and should allocate monetary values to such contributions.

6.14.3.2 Must record the percentage participation by each member.

6.14.3.3 Must provide for meaningful input by all members to the policy making and management activities of the joint venture or consortium;

6.14.3.4 Must provide for the establishment of a management body for the joint venture or consortium;

6.14.3.5 Must provide measures to limit, as far as possible, losses to the joint venture or consortium by the default of a member;

6.14.3.6 Must promote consensus between the members whilst ensuring that the activities of the joint venture or consortium will not be unduly hindered by failure to achieve it;

6.14.3.7 Must provide for rapid, affordable and easy interim dispute resolution and for effective final dispute resolution, if required; and

6.14.3.8 Must be sufficiently flexible to allow for joint venture or consortiums which differ in nature, objectives, inputs by members, management systems, etc;

6.14.4 Right to review the joint venture or consortium agreement

TCTA reserves the right to review the joint venture or consortium agreement between the parties to ensure that the minimum conditions set out in 18.2 above are adhered to and that the Black Owned Enterprise partner is not disadvantaged by conditions of the resultant agreement.

6.14.5 Amendment of the joint venture or consortium agreement

6.14.6 The composition or the constitution of the joint venture or consortium shall not be altered without the prior consent of the Employer.

## **6.15 PAYMENT PROCESS**

- 6.15.1 Monthly invoicing and payment of fees and disbursements will take place based on the actual services rendered, and payment of invoices shall be affected within 30 days from date of receipt.
- 6.15.2 Invoices must be submitted with supporting documents, where requested. No invoice shall be accepted for goods/services that are not received unless otherwise stipulated in the contract between the parties.
- 6.15.3 No payment shall be made unless the following information has been presented to TCTA to its satisfaction:
  - 6.15.3.1 VAT registration certificate, if the successful Bidder is a VAT vendor;
  - 6.15.3.2 Without deduction of PAYE and/or SITE, if the successful Tenderer is not registered for VAT; or
  - 6.15.3.3 Statement setting out details of services rendered, accompanying invoice.
  - 6.15.3.4 Statement of account detailing cumulative costs claimed from contract inception against the contract amount.
- 6.15.4 All invoices shall contain a Purchase Order number, TCTA and successful Bidder's VAT number, if registered for VAT, successful Bidder's name, date of invoice, amount due, services rendered, due date, and any other relevant details. TCTA's VAT number is 4360104923.
- 6.15.5 Payment will only be made against original invoices which complies with the requirements of the VAT Act. Failure to remit fully compliant invoice will result in late payment, without forfeiture of any settlement discounts that may be due to TCTA.

## ANNEXURE A: SBD 1 – REQUEST FOR BID

### PART A: REQUEST FOR BID

|                                                                                                                                                                                                                     |                                                                                    |               |                                                                            |                               |                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|---------------|----------------------------------------------------------------------------|-------------------------------|-------------------------------------------------------------------------------------------------------|
| <b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>                                                                                                                    |                                                                                    |               |                                                                            |                               |                                                                                                       |
| BID NUMBER:                                                                                                                                                                                                         |                                                                                    | CLOSING DATE: |                                                                            | CLOSING TIME:                 |                                                                                                       |
| DESCRIPTION                                                                                                                                                                                                         |                                                                                    |               |                                                                            |                               |                                                                                                       |
| <b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>                                                                                                                          |                                                                                    |               |                                                                            |                               |                                                                                                       |
|                                                                                                                                                                                                                     |                                                                                    |               |                                                                            |                               |                                                                                                       |
|                                                                                                                                                                                                                     |                                                                                    |               |                                                                            |                               |                                                                                                       |
| <b>BIDDING PROCEDURE ENQUIRES MAY BE DIRECTED TO</b>                                                                                                                                                                |                                                                                    |               | <b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>                             |                               |                                                                                                       |
| CONTACT PERSON                                                                                                                                                                                                      |                                                                                    |               | CONTACT PERSON                                                             |                               |                                                                                                       |
| TELEPHONE NUMBER                                                                                                                                                                                                    |                                                                                    |               | TELEPHONE NUMBER                                                           |                               |                                                                                                       |
| FACSIMILE NUMBER                                                                                                                                                                                                    |                                                                                    |               | FACSIMILE NUMBER                                                           |                               |                                                                                                       |
| E-MAIL ADDRESS                                                                                                                                                                                                      |                                                                                    |               | E-MAIL ADDRESS                                                             |                               |                                                                                                       |
| <b>SUPPLIER INFORMATION</b>                                                                                                                                                                                         |                                                                                    |               |                                                                            |                               |                                                                                                       |
| NAME OF BIDDER                                                                                                                                                                                                      |                                                                                    |               |                                                                            |                               |                                                                                                       |
| POSTAL ADDRESS                                                                                                                                                                                                      |                                                                                    |               |                                                                            |                               |                                                                                                       |
| STREET ADDRESS                                                                                                                                                                                                      |                                                                                    |               |                                                                            |                               |                                                                                                       |
| TELEPHONE NUMBER                                                                                                                                                                                                    | CODE                                                                               |               | NUMBER                                                                     |                               |                                                                                                       |
| CELLPHONE NUMBER                                                                                                                                                                                                    |                                                                                    |               |                                                                            |                               |                                                                                                       |
| FACSIMILE NUMBER                                                                                                                                                                                                    | CODE                                                                               |               | NUMBER                                                                     |                               |                                                                                                       |
| E-MAIL ADDRESS                                                                                                                                                                                                      |                                                                                    |               |                                                                            |                               |                                                                                                       |
| VAT REGISTRATION NUMBER                                                                                                                                                                                             |                                                                                    |               |                                                                            |                               |                                                                                                       |
| SUPPLIER COMPLIANCE STATUS                                                                                                                                                                                          | TAX COMPLIANCE SYSTEM PIN:                                                         |               | OR                                                                         | CENTRAL SUPPLIER DATABASE No: | MAAA                                                                                                  |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE                                                                                                                                                                        | TICK APPLICABLE BOX]<br><input type="checkbox"/> Yes <input type="checkbox"/> No   |               | B-BBEE STATUS LEVEL SWORN AFFIDAVIT                                        |                               | TICK APPLICABLE BOX]<br><input type="checkbox"/> Yes <input type="checkbox"/> No                      |
| <b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>                                               |                                                                                    |               |                                                                            |                               |                                                                                                       |
| ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?                                                                                                                       | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES ENCLOSE PROOF] |               | 1.ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? |                               | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES, ANSWER THE QUESTIONNAIRE BELOW ] |
| <b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>                                                                                                                                                                   |                                                                                    |               |                                                                            |                               |                                                                                                       |
| IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?                                                                                                                                                     |                                                                                    |               | <input type="checkbox"/> YES <input type="checkbox"/> NO                   |                               |                                                                                                       |
| DOES THE ENTITY HAVE A BRANCH IN THE RSA?                                                                                                                                                                           |                                                                                    |               | <input type="checkbox"/> YES <input type="checkbox"/> NO                   |                               |                                                                                                       |
| DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?                                                                                                                                                          |                                                                                    |               | <input type="checkbox"/> YES <input type="checkbox"/> NO                   |                               |                                                                                                       |
| DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?                                                                                                                                                               |                                                                                    |               | <input type="checkbox"/> YES <input type="checkbox"/> NO                   |                               |                                                                                                       |
| IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?                                                                                                                                                           |                                                                                    |               | <input type="checkbox"/> YES <input type="checkbox"/> NO                   |                               |                                                                                                       |
| IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW. |                                                                                    |               |                                                                            |                               |                                                                                                       |

## PART B: TERMS AND CONDITIONS FOR BIDDING

|                                                                                                                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1. BID SUBMISSION:</b>                                                                                                                                                                                                                      |
| 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.                                                                                                                   |
| 1.2. <b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.</b>                                                                                                    |
| 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT. |
| 1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM.                                                                                                                                                       |
| <b>2. TAX COMPLIANCE REQUIREMENTS</b>                                                                                                                                                                                                          |
| 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.                                                                                                                                                                                 |
| 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.                                                              |
| 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.                                                                                                                         |
| 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.                                                                                                                                                                   |
| 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURE OR CONSORTIUMS / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.                                                                               |
| 2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.                                                                                                          |
| 2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."                        |

**NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.**

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....

(Proof of authority must be submitted e.g. company resolution)

DATE: .....



## ANNEXURE B: SBD 4 – BIDDER’S DISCLOSURE

### 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 interest<sup>1</sup> 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 interest 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**

2.2.1If so, furnish the following 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?

2.3.1If so, furnish the following particulars:

.....  
.....  
.....

<sup>1</sup> 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.

### 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 consortium<sup>2</sup> 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 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of bidder

---

<sup>2</sup> 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.

## ANNEXURE C: SBD 6.1: PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

**NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022**

---

### 1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 To be completed by the organ of state

*(delete whichever is not applicable for this tender).*

- (a) The applicable preference point system for this tender is the 80/20 preference point system.

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) Specific Goals

1.4 To be completed by the organ of state:

The maximum points for this bid are allocated as follows:

|                                           | POINTS |
|-------------------------------------------|--------|
| PRICE                                     | 80     |
| SPECIFIC GOALS                            | 20     |
| Total points for Price and SPECIFIC GOALS | 100    |

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

## 2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

## 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

### 3.1 POINTS AWARDED FOR PRICE

#### 3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

A maximum of 80 points is allocated for price on the following basis:

**80/20                      or**

$$Ps = 80 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right)$$

Where

Ps        =     Points scored for price of tender under consideration

Pt        =     Price of tender under consideration

Pmin    =     Price of lowest acceptable tender

### 3.2 FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

### 3.2.1. POINTS AWARDED FOR PRICE

A maximum of 80 points is allocated for price on the following basis:

**80/20**

$$Ps = 80 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

## 4. POINTS AWARDED FOR SPECIFIC GOALS

4.1 In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

- (a) an invitation for tender for income-generating contracts, that either the 80/20 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
- (b) any other invitation for tender, that either the 80/20 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

**Table 1: Specific goals for the tender and points claimed are indicated per the table below.**

***(Note to organs of state: Where either the 90/10 preference point system is applicable, corresponding points must also be indicated as such.***

***Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)***

| The specific goals allocated points in terms of this tender | Number of points allocated (80/20 system)<br>(To be completed by the organ of state) | Number of points claimed (80/20 system)<br>(To be completed by the tenderer) |
|-------------------------------------------------------------|--------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| BBBEE status level                                          | 20                                                                                   |                                                                              |
|                                                             |                                                                                      |                                                                              |
|                                                             |                                                                                      |                                                                              |
|                                                             |                                                                                      |                                                                              |
|                                                             |                                                                                      |                                                                              |
|                                                             |                                                                                      |                                                                              |
|                                                             |                                                                                      |                                                                              |

## 5. DECLARATION WITH REGARD TO COMPANY/FIRM

5.1. Name of company/firm.....

5.2. Company registration number: .....

5.3. TYPE OF COMPANY/ FIRM

[TICK APPLICABLE BOX]

☐ Partnership/Joint venture or consortium / Consortium

☐ One-person business/sole propriety

☐ Close corporation

☐ Public Company

☐ Personal Liability Company (Pty) Limited

☐ Non-Profit Company

☐ State Owned Company

5.4. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

i) The information furnished is true and correct;

ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;

- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
  - (a) disqualify the person from the tendering process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
  - (e) forward the matter for criminal prosecution, if deemed necessary.

**SIGNATURE(S) OF TENDERER(S)**

**SURNAME AND NAME:** .....

**DATE:**.....

**ADDRESS:**.....

.....

.....

.....

**ANNEXURE D: ACCESS REQUEST FORM MUST BE ATTACHED**

I hereby request for a pin code to access TCTA premises for the submission of the abovementioned bid.

|                                                            |                                                                                                                     |
|------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| <b>BID NUMBER:</b>                                         | 006/2023/IA/FORENSIC/RFB                                                                                            |
| <b>BID DESCRIPTION:</b>                                    | APPOINTMENT OF A PROFESSIONAL SERVICE PROVIDER TO PROVIDE FORENSIC INVESTIGATION SERVICES FOR A PERIOD OF 36 MONTHS |
| <b>CLOSING DATE:</b>                                       | 07 August 2023 @ 11h00                                                                                              |
| <b>TIME:</b>                                               | 11:00 am                                                                                                            |
| <b>NAME OF BIDDER:</b>                                     |                                                                                                                     |
| <b>FULL NAME &amp; SURNAME OF BIDDER'S REPRESENTATIVE:</b> |                                                                                                                     |
| <b>ID NUMBER OF BIDDER'S REPRESENTATIVE:</b>               |                                                                                                                     |

I hereby request for a pin code to access TCTA premises for the briefing session of the abovementioned tender.

\_\_\_\_\_  
**SIGNATURE OF BIDDER'S AUTHORISED REPRESENTATIVE**

**DATE:** \_\_\_\_\_