



**employment & labour**

Department:  
Employment and Labour  
REPUBLIC OF SOUTH AFRICA

**DEPARTMENT OF EMPLOYMENT AND LABOUR**  
**TERMS OF REFERENCE TO ESTABLISH**  
**A PANEL OF SERVICE PROVIDERS**  
**TO PROVIDE THE DIRECTORATE: RISK MANGEMENT**  
**WITH CO-SOURCED FORENSIC AND INVESTIGATION**  
**SERVICES FOR A PERIOD OF 36 MONTHS (3 YEARS)**

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## SECTION A

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### TERMINOLOGY AND ACRONYMS

Terminology	Explanation
Department	Department of Employment and Labour which is inclusive of 9 provincial offices, 126 Labour Centres, 36 Satellite Offices and 490 Visiting points across the 9 provinces.
UIF	Unemployment Insurance Fund
CF	Compensation Fund
DEL	Department of Employment and Labour inclusive of Head Office and the provincial offices
EXCO	Executive Committee of the Department of Labour (Oversight structure)
AC	Audit Committee (Oversight structure)
SCM	Supply Chain Management
ICT	Information and Communication Technology
ER	The Department of Employment and Labour's Employment Relations
SAPS	South African Police Service
Dir	Director
CRO	Chief Risk Officer
ACFE	Association of certified fraud examiners
ICFP	Institute of Commercial Forensic Practitioners
CRO	Chief Risk Officer
Backlog	Cases that are currently on the Department of Employment labour Case registers
RMC	Risk Management Committee of the Department of Labour (Oversight structure)
Scope of Work	What the Department of Employment Labour Risk Management Directorate expects service providers to do.
Deliverables	What the Department of Employment Labour Risk Management Directorate Expects from the proposed Terms of Reference

## TERMS OF REFERENCE

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### 1. PURPOSE

To appoint individual Forensic and Investigation service providers to formulate a panel which can provide the Department of Employment and Labour (DEL) with Forensic and Investigation services. The service providers will be expected to investigate and finalize previously identified cases as well as new cases that may come to the attention of DEL which requires scarce skills and special tools of trade for the duration of the service agreement.

### 2. BACKGROUND

The Department of Employment and Labour (DEL) Risk Management has a mandate and authority from the Director General to investigate in terms of Public Service Regulation, 2016.

2.1 The Public Service Regulation, 2016 Chapter 2, Part 3 (a) to (e) states that the Anti-corruption and ethics functions: A head of department shall-

- (a) *"Analyse ethics and corruption risk as part of the department's system of risk management;*
- (b) *Develop and implement an ethics management strategy that prevents and deters unethical conduct and acts of corruption;*
- (c) *Establish a system that encourages and allows employees and citizens to report allegations of corruption and other unethical conduct, and such system shall provide for-*
  - (i) *Confidentiality of reporting; and*
  - (ii) *The recording of all allegations of corruption and unethical conduct received through the system or systems.*
- (d) *Establish an information system that-*
  - (i) *Records all allegations of corruption and unethical conduct;*
  - (ii) *Monitors the management of the allegations of corruption and unethical conduct*
  - (iii) *Identifies any systemic weakness and recurring risks; and*
  - (iv) *Maintains records of the outcomes of the allegations of corruption and unethical conduct; and*
- (e) *Refer allegations of corruptions to the relevant law enforcement agency and investigate whether disciplinary steps must be taken against any employee of the department and if so, institute such disciplinary action."*

**2.2** The DEL Risk Management has a mandate to oversee the:

- (a) Prevention** of Fraud by proactively conducting awareness campaigns pertaining to economic crimes and maladministration to enable the business units to effectively prevent, detect and report on the same;
- (b) Detection** of Fraud; Corruption, Theft and any irregularities
- (c) Investigation** of alleged economic (fraudulent activities, theft, corrupt activities, maladministration, unethical conduct, nepotism, bribery and kickback, abuse of state resources, cyber and computer related investigations) and any other irregularities effectively; and
- (d) Reporting** to all relevant authorities and the oversight structures of DEL.

**2.2.1** This infers that Directorate Risk Management is obliged to respond to all reported allegations within reasonable time upon receipt of the allegation/s, by conducting the preliminary investigations to ascertain the seriousness of the allegation and determine whether the allegation requires further investigation.

**2.2.2** Directorate Risk Management is responsible for ensuring that all cases that require various forensic and investigation services inclusive of the cases necessitating scarce skills and special tools of trade are attended to as a matter of urgency to secure and protect all the evidence from being tampered with, and to minimize the fraud risks the organization might be exposed to.

**2.2.3** In fulfilling the legislative responsibilities and mandate, the Directorate: Risk Management experienced challenges in relation to investigating and finalizing cases within the required duration. Such challenges include quantity and quality of personnel with scarce skills, specialized expertise and special tools of trade.

**2.2.4** This identified problem has and still is creating a backlog of cases to be investigated. To address this problem the Executive committee (EXCO) of the Department of Employment and Labour then took a resolution that the Directorate Risk Management should seek assistance by appointing relevant service providers to both assist with identified priority cases (backlog) as well as cases that may come to the attention of the Department during the duration of the project.

**2.2.5** The cases predominantly emanates from the backlog from Head Office, the nine Provinces, and Labour Centres. At the discretion of the Department there will also be cases that are not part of the backlog but complex in nature and would therefore require special skills and tools to be provided by the service providers. These cases are broken down into different categories based on the nature of the allegation.

The table below is the categories of cases that are currently on the case registers of the respective offices.

### **2.3 CATAGORIES OF CASES**

<b>Category of cases</b>
Nepotism
Maladministration
Bribery and Kickbacks
ICT and Cyber and computer related
Theft
Abuse of State resources
Unethical Conduct
Fraudulent and Corrupt Activities

## **SECTION B**

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### **3. SCOPE OF WORK**

**3.1** The panel of service providers to be appointed by the Department must demonstrate the capability to perform forensic and investigation services in accordance with the Association of Certified Fraud Examiners (ACFE) and the Institute of Commercial Forensic Practitioners (ICFP) code of Ethics and Standards.

**3.2** The successful bidders (panel of service providers) will be required to perform but not limited to the following types of Directorate: Risk Management investigations and reporting on an as and when required basis:

- a. Nepotism
- b. Bribery and kickbacks
- c. Theft
- d. Abuse of State Resources
- e. Cyber and Computer related
- f. Unethical conduct
- g. Fraudulent activities
- h. Maladministration
- i. Corrupt activities

### **4. DELIVERABLES**

**4.1** The approved panel of service providers will be required to perform the following duties in regard to forensic and investigations on an as and when required basis:

- (a) Provide planning memorandums and scope of work for each case referred for investigation.
- (b) Produce preliminary investigation reports on cases referred for investigation.
- (c) Produce Final reports on all investigations conducted which should include inter detailed findings, conclusions, recommendations and impact which should include: Recovery/actual loss/potential loss prospects, the report should have exhibits and/or other forms of evidence to substantiate the findings reflected in the report.

- (d) Provide cyber services and relevant reports which should include inter alia but not limited to( computer/laptop imaging, surveillance cameras, cell phone imaging, server, USB/camera and search engines)
  - (e) Conduct fraud risk assessment and produce the fraud risk register and provide actionable recommendations to mitigate such risks.
  - (f) Produce monthly project status update reports. **(Refer to section C, paragraph 9 Reporting)**
  - (g) Provide and present reports to oversight structures on fraud related matters allocated as and when required.
  - (h) Review and input on the drafting of the charges.
  - (i) Compile A1 statements or affidavits on all cases referred for criminal and civil proceedings.
  - (j) Analyse and / or detect declaration of financial and business interest, conflict of interest and compliance or non-compliance to remuneration outside work.
- Provide skills transfer plan and monthly reports on skills transferred and quarterly assessment reports for each individual. **(Refer to section B, Paragraph 8 training and transfer of knowledge and skills)**

## **4.2 Processes Involved in The Investigation**

The service providers will be expected to provide support in criminal, civil and where applicable disciplinary procedure through the gathering and preparation of evidence and drafting of applications and charge sheets to ensure successful outcomes.

### **4.2.1 Criminal Process:**

- (a) Gathering and collating of evidence in a manner that is presentable to the South African Police services ("SAPS") in a final docket format;
- (b) Assisting the SAPS with the application for Section 205 subpoenas and search warrants;
- (c) Briefing law enforcement agencies on forensic report prior to commencement of the criminal case investigation and prosecution;
- (d) Compilation of evidence in support of sentencing procedures; and
- (e) Testifying with regards to investigation conducted.

### **4.2.2 Civil Process:**

- (a) Gathering and collation of evidence in a manner that can be presented to legal counsel;
  - (b) Briefing of counsel to ensure a clear understanding of the pertinent facts of the case;
- and



- (c) Quantification of financial losses suffered
- (d) Financial recoveries done in consultation with Legal Services Directorate.

#### **4.2.3 Disciplinary Process:**

- (a) Handover of investigation reports and annexures to Employee Relation for disciplinary process.
- (b) Meeting with Employee Relations for disciplinary hearings to address requirements as and when required.
- (c) Testify at the disciplinary hearing.
- (d) Testify at arbitrations and labour courts.

#### **4.3 Commencement of Duty**

All appointed service providers will be required to start immediately after signing the contract by both parties and be available to provide the services, on an as-needed basis, for a period of three (3) years subject to annual review of service provider's performance. (The appointed service providers will be engaged on an as and when required basis.)

### **5. INDEPENDENCE AND OBJECTIVITY OF SERVICE PROVIDERS AND STAFF**

In carrying out the work, the Bidders must ensure that their staff maintains their objectivity by remaining independent of the activities/ cases they are investigating. The Bidders shall;

- (a) Have no Executive or Managerial powers, functions;
- (b) Not be involved in the day to day operations of the Department of Employment and Labour and the Funds or have any relationship with any staff member belonging to the Department of Employment and Labour and its Funds;
- (c) Not be responsible for the detailed development or implementation of the new systems or procedures;
- (d) Report directly to the Director Risk Management Head Office.

### **6. CODE OF PROFESSIONAL ETHICS**

The successful service providers are expected to apply the following guiding principles:

- (a) **Professionalism and Diligence:** A service provider(s) shall, at all times, demonstrate a commitment to professionalism and diligence in the performance of its duties;
- (b) **Legal and Ethical:** A service provider (s) shall not engage in any illegal or unethical conduct, or any activity which would constitute conflict of interest;

- (c) **Integrity:** A service provider (s) shall, at all times, exhibit the highest level of integrity in the performance of all professional assignments and will accept only assignments for which there is reasonable expectation that the assignment will be completed with due professional care and competence;
- (d) **Objectivity:** A service provider (s) will comply with lawful orders of the courts and will testify to matters truthfully and without bias or prejudice.

## **7. KNOWLEDGE, SKILLS AND EXPERTISE OF SERVICE PROVIDER**

### **7.1 The Service Provider**

- (a) Must have a proven track record and extensive experience in performing forensic and investigations, fraud prevention and detection, data analytics, cybercrime and computer/cell phone imaging.
- (b) The Service provider must have extensive knowledge and be able to implement the legislation and regulations governing the Public Service.
- (c) The service provider is required to have good Project Management skills relating to forensic and investigation services.
- (d) The service provider should have a balanced mix of qualifications and professional certifications to be able to fulfil the Scope of Work outlined in paragraph 3.
- (e) The service provider is expected to have valid and up to date membership with the Association of fraud examiner (ACFE) and Institute of commercial forensic practitioners (ICFP).

### **7.2 Service Provider Staff**

Kindly provide:

- (a) A professional CV of each person on the team that will provide services to the Department in terms of this tender.
- (b) The service provider staff must have a proven track record and extensive experience in performing forensic investigations, fraud prevention and detection, data analytics, cybercrime and computer/cell phone imaging.
- (c) The Service provider staff must have extensive knowledge and be able to implement the legislation and regulations governing the Public service.
- (d) Each team member as recommended by the service provider must have a minimum of five (5) years or more' experience in the outlined categories above in order to perform this assignment. Team members must also have experience in different

advanced tools and techniques to assist in fraud prevention, detection, investigation and reporting related to the identified case categories.

(e) The engagement Project manager/ Director should be a certified fraud examiner.

## **8. TRAINING AND TRAFER OF KNOWLEDGE AND SKILLS**

**8.1** The primary objective of the transfer of skills plan is to ensure that the Department's Directorate: Risk Management staff is enabled to deal with all types of forensic and investigation cases within the Department.

**8.2** The following should be noted by all prospective bidders:

- (a) The service provider should submit a schedule and proposed plan of action covering the scope as mentioned above which cover strategies in transferring skills and knowledge to the in-house Anti - fraud and corruption officials.
- (b) The skills transfer should involve the current establishment which includes employees of the Department's Directorate: Risk Management and any other Departmental official/s that could be appointed during the contractual period.

**Note: If a bidder is a Consortium, Joint Venture or Prime Contractor with Subcontractor(s), the requirements, qualifications and experience listed above must be satisfied by each Consortium/ Joint Venture member or Prime Contractor and Subcontractor(s).**

## SECTION C

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### 9. ADMINISTRATIVE REQUIREMENTS FOR THE BID

- (a) All Standard Bidding Documents forms submitted with the bid must be completed and signed. Failure to do so may invalidate the bid.
- (b) Certified ID copies of Company Members and Shareholders, at the point of submission, failure to submit will result in the disqualification of the bidder. (not older than 3 Months)
- (c) A resolution of the Board of Directors for authority of signatory with the ID number of the appointee must be submitted with the bid.
- (d) Sub-contracting, if applicable: The contract will be concluded between the main contractor and the institution, therefore the main contractor and not the subcontractor would be held liable for performance in terms of its contractual obligations.
- (e) All company registration documents for the sub-contractor must be submitted
- (f) COIDA certificates must be submitted and be valid at the day of closing.
- (g) Bidders must be registered on the Central Supplier Database (CSD) and provide summary report that has a **compliant TAX status** and a valid SARS PIN for verification.
- (h) A Summary report with succeeded banking details must be submitted.
- (i) Bidder/s must comply with Labour Relations Act/s, E.g. OHS, Basic Conditions of Employment Act and Minimum Wage.
- (j) The Briefing session attendance register must be signed and failure to do so will invalidate your submission.
- (k) No late submissions shall be accepted.
- (l) Please note that any enquiries must be directed via e-mail or telephone and will only be responded to at the **compulsory briefing session** and thereafter only by e-mail of which the response will be copied to all other bidders up to **5 days** before the closing date.
- (m) Any proposals/documents received in response to this request remain the property of the DEL
- (n) Bids should be held valid for a period of **90 days**.
- (o) The DEL reserves the right to at any given time request additional information for clarification purposes during the evaluation process of this bid.
- (p) Site inspections will be conducted by the representatives of DEL on Bidder/s who have proceeded for evaluation: Phase 2 if required for the bid.
- (q) Attendance of the briefing is compulsory and bids of prospective bidders who do not attend the briefing will be disqualified in the evaluation of the bid. The compulsory briefing session will be held as follows:

## **10. REPORTING**

The service providers will report progress through progress reports to the Director Risk Management (Head Office) as per the project plan.

The service providers will be expected to compile quarterly reports to the relevant Departmental oversight structures (EXCO, RMC and Audit Committee). The quarterly reports will be reviewed by the Director Risk Management (Head Office) prior being submitted to the oversight structures as mentioned above.

## **11. SPECIAL CONDITIONS OF CONTRACT**

**11.1** The successful supplier will be bound by Government Procurement: General Conditions of Contract (GCC) as well as this Special Conditions of Contract (SCC), which will form part of the signed contract with the successful Supplier. However, the Department reserves the right to include or waive the condition in the signed contract.

**11.2** The Department reserves the right to –

- (a) Negotiate the conditions, or
- (b) Automatically disqualify a bidder for not accepting these conditions.

**11.3** In the event that the bidder qualifies the proposal with own conditions, and does not specifically withdraw such own conditions when called upon to do so

**11.4 Contracting conditions:**

- (a) Right of Award. DEL reserves the right to award the contract for required goods or services to one or multiple Suppliers including the right not to procure all or any of the items requested.
- (b) Right to Audit. DEL reserves the right, before entering into a contract, to conduct or commission an external service provider to conduct a financial audit or probity to ascertain whether a qualifying bidder has the financial wherewithal or technical capability to provide the goods and services as required by this tender.
- (c) Sub-Contracting. In the event that the winning bidder decides to subcontract the work in full or partially, such subcontracting must be declared to the Department of Labour. DEL reserves the right to agree or disagree with the request to appoint the subcontractor.

- (d) Any proposals received in response to this bid remain the (intellectual) property of DEL

- 11.5 Hours of work.** Work is expected to be delivered to DEL between 7:30 and 16:00, Monday to Friday. (excluding public holidays). Any work to be performed outside of the normal business hours will be on arrangement and permission should be granted by the representative of the Department before such work can commence.
- 11.6 Policies & Processes:** In the event that the Department grants the Supplier permission to access DEL's Environment, the Supplier must adhere to Department's relevant policies and procedures (which policy and procedures are available to the Supplier on request) or in the absence of such policy and procedures, in terms of, best industry practice.
- 11.7** The Supplier personnel who are required to work with information related to **National Security** must have a valid South African security clearance or must apply within 30 days of the signed contract for a security clearance to the level of **Confidential** at the expense of the Supplier from the South African State Security Agency or duly authorized Personnel Security Vetting entity of SA Government.
- 11.8** The Supplier personnel who are required to work with **Government Classified** information or access government **restricted** areas must be a South African Citizen and at the expense of the Supplier be security vetted (pre-employment screening, criminal record screening and credit screening). The Department reserves a right to do its own screening of the personnel of the winning bidder/ approved panel of suppliers.
- 11.9** The Supplier must ensure that the security clearances of all personnel involved in the Contract remains valid for the period of the contract.
- 11.10** The Supplier, including its management and staff, must before commencement of the Contract, sign a **non-disclosure agreement** regarding Confidential Information.
- 11.11 Confidential Information** means any information or data, irrespective of the form or medium in which it may be stored, which is not in the public domain and which becomes available or accessible to a Party as a consequence of this Contract, including information or data which is prohibited from disclosure by virtue of the Promotion of Access to Information Act, 2000 (Act no. 2 of 2000);
- 11.12 Department of Labour retains all Intellectual Property Rights** in and to DEL's Intellectual Property. As of the Effective Date, the Supplier is granted a non-exclusive license, for the continued duration of this Contract, to perform any lawful act including

the right to use, copy, maintain, modify, enhance and create derivative works of Department of Labour's Intellectual Property for the sole purpose of providing the Products or Services to Department of Labour pursuant to this Contract; provided that the Supplier must not be permitted to use Department of Labour's Intellectual Property for the benefit of any entities other than Department of Labour without the written consent of Department of Labour, which consent may be withheld in Department of Labour's sole and absolute discretion. Except as otherwise requested or approved by Department of Labour, which approval is in Department of Labour's sole and absolute discretion, the Supplier must cease all use of Department of Labour's Intellectual Property, at of the earliest of:

- (a) termination or expiration date of this Contract;
- (b) the date of completion of the Services; and
- (c) the date of rendering of the last of the Deliverables.

**11.13** If so required by DEL, the Supplier must certify in writing to DEL that it has either returned all DEL Intellectual Property to Department of Labour or destroyed or deleted all other DEL Intellectual Property in its possession or under its control.

## **12. DISBURSEMENTS**

**12.1** Service providers must note that:

- (a) They are required to comply with the department travel policy when performing their duties in support of the departmental mandate.
- (b) Disbursement costs will be paid according to the departmental policy, where actual business travel is required. NB! These disbursement costs will NOT apply with the daily travel to and from normal place of work, i.e. Department of Employment and Labour's local sites in Pretoria.
- (c) The km's travelled will be charged based on our Departmental cost containment policy and guidelines.
- (d) The flights, accommodation, toll gates and car hires will be covered by DEL as and when there is a need to travel outside the normal place.
- (e) All printing relating to the contract in question will be done at DEL's premises.

## **13. PROJECT MANAGEMENT AND BILLING**

The service provider is required to develop a comprehensive project plan in consultation with Director Risk Management. The plan should be costed with specific time frames and milestones in terms of completion associated to deliverables.

Financial proposals must provide a detailed breakdown of all costs per activity and indicate the hourly rate of each member of the team and their time allocation.

**13.1** This serves as a guideline for pricing. Please note that the hourly contract price, including VAT should also be completed on the bid price form.

**13.2** All proposals must contain:

- (a) A fee structure for the person(s) allocated to the task / investigation and his/her capacity.
- (b) All hourly fees quoted in the proposal must be VAT inclusive.

**13.3** The quoted hourly prices should be in line with the following:

- (a) National Treasury Guidelines and / or
- (b) relevant professional bodies (e.g. IIA, ISACA, SAICA, etc.).

**Bidders must complete the Pricing Schedule below which must be submitted with the bid response as part of Returnable Schedule 1:**

The bidder must indicate their standard rates:

No.	Name of Resource/ Expert	Designation	Years of Experience	Hourly Rate (VAT incl.)
1				
2				
3				
4				
5				

**Note:**

- The bidders must note that DEL qualifies for rates as prescribed by the Auditor General.
- Bidders are required to provide their rate for each of the fee structures listed. These rates must be firm for year 1 of the contract. Provided rates will be used for information purposes only and not to evaluate bidders.



## SECTION D

### **14. Mandatory Technical Requirements Applicable To Small, Medium and Large Sized Entities**

#### **14.1 Technical Requirements**

The bidder must indicate its compliance / non-compliance to the requirements and should substantiate its response in the space provided below. If more space is required to justify compliance, please ensure that the substantiation is clearly cross-referenced to the relevant requirement.

**Note: The Department of Employment and Labour (DEL) will consider bids which best meet its technical requirements and bidders are required to provide relevant and comprehensive information to indicate its compliance with the stated technical requirements.**

<b>14.1.1 RELEVANT BIDDER'S / TEAM'S EXPERIENCE</b>	<b>Comply</b>	<b>Not Comply</b>
<p>The bidder and/or key personnel of the proposed team must demonstrate relevant experience in forensic investigation services by submitting, as part of the proposal, the following:</p> <ul style="list-style-type: none"><li>a. Recent projects the bidder has worked on in the past five (5) years. The Department reserves the right to consider experiences of service providers that have done work for the Department of Employment and Labour (DEL) in the past 5 years irrespective of whether the DEL is put forward as a reference.</li><li>b. The number of personnel required is six (6). The composition of the team will be as follows:<ul style="list-style-type: none"><li>• Two (2) must be senior staff and four (4) must be support staff.</li><li>• One (1) Senior Manager with an LLB plus admission as an attorney/ advocate, with at least five (5) years' experience in conducting forensic investigations in the Public sector.</li><li>• One (1) Senior Manager who is a NQF level 7 Forensic Investigation/Accounting, with at least five (5) years'</li></ul></li></ul>		

experience in conducting forensic investigations in the Public sector.

- At least one (1) of the Senior Managers must have a certification as a Fraud Examiner (CFE) or be a Member of the Institute for Commercial Forensic Practitioners (ICFP);
- Proof of Good Standing with the relevant professional bodies must be attached.
- Four (4) support staff with each having any of the following qualifications and experience: BComm Accounting, and Auditing/ Degree in Law/ BComm Forensic Accounting with at least three (3) years' experience in conducting forensic investigations in the Public sector.
- The project team should have a good understanding of the South African Constitution, Sector Public Services regulations, knowledge of the PFMA, a sound knowledge of the National Treasury Regulations and Practice Notes, Supply Chain Management Processes and regulations governing SCM in the Public Services and all other relevant legislation used in the Public service not mentioned herewith.

- c. CVs of the team members must clearly highlight qualifications, areas of experience/ competence relevant to their area of specialisation.

**Requirements:**

- d. The service provider staff must have a proven track record and extensive experience in performing forensic investigations, fraud prevention and detection, data analytics, cybercrime and computer/cell phone imaging.

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| <p>a. The Service provider staff must have extensive knowledge and be able to implement the legislation and regulations governing the Public service.</p> <p>b. Each team member as recommended by the service provider must have a minimum of five (5) years or more' experience in the outlined categories above in order to perform this assignment. Team members must also have experience in different advanced tools and techniques to assist in fraud prevention, detection, investigation and reporting related to the identified case categories.</p> <p>e. The Project leader should additionally submit proof of professional affiliations such as Association of Certified Fraud Examiners (ACFE) and Institute of Commercial Forensic Practitioners (ICFP).</p> |  |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|

**Substantiate / Comments**

14.1.2 RECOMMENDATION/ REFERENCE LETTERS	Comply	Not Comply
<p>The bidder must provide at a minimum three (3) reference/ recommendation letter(s) from the client(s) where the bidder recently provided forensic investigation services. The bidder must also furnish the DEL with relevant contact details of its key clients for reference check purposes.</p> <p>Note: The reference letters must be on the clients' letterheads.</p>		
<b>Substantiate / Comments</b>		

	Comply	Not Comply
<b>14.1.3 BIDDER'S METHODOLOGY</b>		
<p>The bidder must demonstrate a thorough understanding of the objectives and deliverables of this tender.</p> <p>The bidder must submit the following:</p> <p>3.1 Detailed approach/methodology on how the bidder will conduct the investigations on the category of cases listed above (Par. 2.3).</p> <p>3.2 Details on the systems, processes, and tools in place to execute the deliverables.</p>		
<b>Substantiate / Comments</b>		

	Comply	Not Comply
<b>14.1.4 VALUE PROPOSITION</b>		
<p>Please indicate your entity's unique service offering to DEL and indicate what sets you apart. The following and other aspects of the value proposition must be covered:</p> <p>a. Matters concerning the quality of your in-depth investigations;</p> <p>b. Matters concerning effective and efficient communication with the client;</p> <p>c. The use of technology as part of your investigation tools;</p> <p>d. Efficient time management and delivery of investigation reports.</p> <p>The creativity and innovativeness of your recommendations.</p>		
<b>Substantiate / Comments</b>		

	Comply	Not Comply
<b>14.1.5 CONFLICT MANAGEMENT AND CONFIDENTIALITY CONTROL</b>		
<p>Please describe if your firm's Conflict Management system and processes in assessing new assignments to ensure objectivity on assignments is effective.</p> <p>Bidders should also indicate relevant controls that are in place to deal with confidential matters.</p>		
<b>Substantiate / Comments</b>		

## **15. BID SUBMISSION REQUIREMENTS**

Prospective service providers are expected to submit two envelopes separate envelopes. One of them must contain a Technical proposal and another must contain a Price proposal.

**15.1** Proposals should be packaged as follows:

- (a) An original Technical proposal plus, 4 exact copies of the original.
- (b) An original Price proposal plus, 4 exact copies of the original and
- (c) A USB containing a true copy of the technical proposal with price proposal.

Bid Proposals must be indexed, packaged and submitted in the following format:

## **16. MANDATORY REQUIREMENTS**

- (a) The Service providers must be registered with the Central Supplier Database (please attach proof with the company's unique number and MAAA number);
- (b) Compliant Tax Status on CSD
- (c) Original, Valid COID Letter of Good Standing.
- (d) Bidder should be compliant with the Department of Labour Legislations
- (e) Fully Completed and Signed Standard Bidding Documents (SBD forms)

**Please note that failure to provide any of the mandatory documents/requirements will lead to automatic disqualification of the service provider's bid.**

## **17. BID EVALUATION PROCESS**

The following method of evaluation will be used:

- (a) An evaluation panel will be established by the DEL, made up of members of the Evaluation Committee.
- (b) Bid proposals will be evaluated in accordance with the administrative and technical mandatory requirements.

## **18. RULES OF BIDDING**

- (a) The DEL will enter into a contract with a company that scored highest points during the Request for quotation (RFQ) process for the delivery of the work set out in these Terms of Reference
- (b) Original and valid Tax clearance certificates must be submitted by all South African companies submitting bids as part of a consortium or joint venture.

- (c) Foreign company providing proposals must become familiar with local conditions and laws, and take them into account in preparing their proposals.
- (d) Bids must be submitted in South African Rands, on a fixed price basis, escalation may be allowed on an annual basis as per CPI.
- (e) The cost of preparing bids and of negotiating the contract will not be reimbursed.
- (f) The DEL is not bound to accept any of the bids submitted.
- (g) The DEL reserves the right to withdraw or amend these terms of reference by notice in writing to all parties who have received the terms of reference.
- (h) The DEL reserves the right to call interviews with short-listed service provider before final selection.
- (i) The DEL reserves the right to negotiate price with the preferred Service provider.  
Company may ask for clarification on these terms of reference up to close of business 48 hours before the deadline for the submission of bids. Any request for clarification must be submitted in writing by email and will be replied to in writing by email: [HQtenders@labour.gov.za](mailto:HQtenders@labour.gov.za)
- (j) The DEL reserves the right to return late bid submissions unopened.
- (k) The DEL reserves the right not to evaluate bids that are not submitted in the format specified in these terms of reference. Failure to submit the bids in the specified format will invalidate your bid.
- (l) A company may not contact the DEL or any member of the bid committees, on any matter pertaining to their bid from the time when bids are submitted to the time the contract is awarded.
- (m) Any effort by a Service provider to influence bid evaluation, bid comparisons or bid award decisions in any matter, may result in rejection of the bid concerned.
- (n) The deadline for submission of bids is
- (o) The required service must commence one week after the official order has been placed and contract signed.
- (p) No incomplete bid, late bidder and bidders received telegraphically or per facsimile shall be accepted.
- (q) The personnel of the Fraud Investigation Company shall adhere to security regulations or requirements of the DEL.
- (r) Bids must be submitted by email: [HQtenders@labour.gov.za](mailto:HQtenders@labour.gov.za)

**NB: Bids must be clearly marked: the relevant RFQ number as per the RFQ request**

Various forensic Investigations Services

Department of Employment and Labour Supply Chain Management

Attention: Demand Management

#### **19. GENERAL CONDITIONS OF CONTRACT**

The general conditions of contract as enclosed in the standard bidding documents apply.

#### **20. BRIEFING SESSION**

Prospective service providers will be expected to attend a compulsory briefing session.

#### **21. ENQUIRIES**

Enquiries should be forwarded to: [HQtenders@labour.gov.za](mailto:HQtenders@labour.gov.za)

Approved By: The Chairperson of the Bid Specification Committee



**SIGNATURE**

**NAME: SYLVIA RANGONGO**

**DATE: 12 DECEMBER 2022**