



## SPECIAL CONDITIONS OF CONTRACT 19/1/9/1/123TP (22)

### 3. SCOPE

The South African Police Service requires prospective suppliers to submit bids for the period of two (2) years for the Appointment of a Panel of Chartered Accountants, in accordance with Specification 2874/2022 and shall commence on the date of signature of the contract by both parties.

### 4. SECTION A

#### 4.1 LEGISLATIVE AND REGULATORY FRAMEWORK

This bid and all contracts emanating there from will be subject to the General Conditions of Contract issued in accordance with Treasury Regulation 16A published in terms of the Public Finance Management Act, 1999 (Act 1 of 1999). The Special Conditions of Contract (SCC) are supplementary to that of the General Conditions of Contract (GCC). Where, however, the Special Conditions of Contract are in conflict with the General Conditions of Contract, the Special Conditions of Contract prevail.

#### 4.2 BID INFORMATION/BRIEFING SESSION

A compulsory briefing session will be held at Division Supply Chain Management.

#### 4.3 EVALUATION CRITERIA

The evaluation process will be conducted in phases as follows:

Phase 1	Phase 2	Phase 3	Phase 4
<b>Administrative and Mandatory Bid Requirements</b>	<b>Technical Compliance</b>	<b>Functionality</b>	<b>Price and B-BBEE</b>
Compliance with Mandatory and Administrative Bid requirements. SBD forms must be completed and signed.	Compliance to specification.	The quality or stated of being functional eg capabilities working correctly as expected	Bids evaluated in terms of the 80/20 preference system, where points will only be awarded for the 20 criterion as no pricing is allocated to this bid.



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### 4.3.1 PHASE 1: ADMINISTRATIVE AND MANDATORY BID REQUIREMENTS

#### 4.3.1.1 ADMINISTRATIVE BID REQUIREMENTS

Bidders' must submit all requirements indicated hereunder with the bid documents at the closing date and time of the bid. During this evaluation phase, bidder's responses will be evaluated based on the documents submitted. Bidders who fail to comply with any of administrative requirements may be disqualified.

ADMINISTRATIVE DOCUMENTS - NAME OF THE DOCUMENT THAT MUST BE SUBMITTED	
Invitation to Bid – SBD 1	YES – Please complete and sign the supplied form
Declaration of Interest – SBD 4	YES – Please complete and sign the supplied form.
Preference Point Claim Form SBD 6.1	YES – Generally, non-submission will lead to a zero score preference points.
General Conditions of Contract	NO – Bidders <u>must only familiarise</u> themselves with the content of the document
Special Conditions of Contract	YES - Bidders must sign acknowledgement that they <u>familiarise</u> themselves with the content of the document
Cost components	YES – Please submit the completed cost component breakdown as per example in the Special Conditions of Contract.

#### 4.3.1.2 MANDATORY REQUIREMENTS

Bidders' must submit all requirements indicated hereunder with the bid documents at the closing date and time of the bid. During this evaluation phase, bidder's responses will be evaluated based on the documents submitted under mandatory requirements.

**Bidders who fail to comply with any of the mandatory and other requirements will be disqualified.**

Pricing Schedule	YES – Please complete the price schedule with the bid at the closing date and time. <u>Please take note that lead times (Delivery period) should be completed. Please do not leave any blank spaced on the required fields.</u>
Tax Clearance Requirements	YES – The <u>CSD</u> and the <u>tax status pin</u> are the approved method that will be utilized to verify tax compliance.
Central Supplier Database registration	YES – Please submit CSD report to prove registration and preference points.



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Authorisation Declaration	<b>YES</b> – Bidders sourcing products from a third party must submit the authorisation declaration letter of the third party. <b>(Lead time must be indicated)</b>
Reference Letters: A minimum of three reference letters of previous work done should be included on the bid document.	<b>YES</b> – Proof to be submitted together with the bid document.
Qualifications: Level of experience and suitable qualification of each individual should be submitted together with the bid document.	<b>YES</b> – Proof to be submitted together with the bid document.
Company Registration: all registration to regulatory bodies like SAICA, ICFP, ACFE, IIASA or any other relevant regulatory bodies should be included with the bid document.	<b>YES</b> – Proof to be submitted together with the bid document.
Certification of Members: members of the professional bodies who are certified should attach the certificate to confirm their certification.	<b>YES</b> – Proof to be submitted together with the bid document.

- 4.3.2. In instances where the service provider is requested to testify in court, the payment of those services will still be considered consulting fees that will be based on the Auditor General South Africa (AGSA) published rates at the time of the consultation with the time of testifying being the actual time the service provider spent in court. A maximum of forty (40) hours will be allowed for the service provider to familiarise themselves with the case where there was a time lapse of more than a year between the finalisation of the report and the court date.

### 4.3.3 PHASE 2: TECHNICAL COMPLIANCE

This phase entails the evaluation of bids for technical compliance.

#### **South African National Standards and/or Private Specifications**

- a) Items must comply with standards and/or specifications as per South African Police Service **Spec 2874/2022** included in the bid document.



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- b) Bidders must enquire at the following institutions for the relevant standards. A list of accredited institutions is available on the SANAS website <http://www.sanas.co.za> or <http://www.sanas.co.za/contact.php>

### STANDARDS:

SANS, SABS, ISO AND CKS specifications are available from South African Bureau of Standards Office's countrywide. Obtaining of such standards will be the responsibility of and for the account of the prospective bidder. To purchase standards, obtain quotes or enquire about the availability of e-Standards, please contact Standards Sales at: Email: Postal Address: Private Bag X191, Pretoria, 0001; Physical Address: 1 Dr Lategan Road, Groenkloof, Pretoria. Tel: (012) 428 6883, Fax: (012) 428 6928, E-mail: [sales@sabs.co.za](mailto:sales@sabs.co.za) Website: [www.sabs.co.za](http://www.sabs.co.za) and follow the "Search/Buy Standards" link

### South African National Accreditation System (SANAS):

The contact details of SANAS are as follows: Postal Address: Private Bag x 23, Sunnyside, Pretoria, 0132; Physical Address: The DTI Campus, 77 Meintjies Street, Sunnyside, Pretoria, 0002, Tel: 012- 394 3760, Fax: 012-3940526.

### 4.3.4 PHASE 3: FUNCTIONALITY

Functionality will consist of four categories (4) in a form of questions which will be asked to test the bidders' capability in providing the service. The categories will be scored out of a total of 100 points, each consisting of twenty five (25) points. Bidders are requested to give a detailed response to the four (4) categories. All four (4) categories will be added together and bidders are required to obtain a minimum of (75) points out of one hundred (100). Bidders obtaining less than the 75 points (out of 100) will be disqualified from further evaluation and only bidders' obtaining 75 points and more will be evaluated in terms of the preference points system.

No.	Functionality	Weight
1.	<u>Experience of the bidder in providing similar projects</u> →Supply full particulars of contact persons →The extent of services rendered must be explained in full →List of current clients and contact details on similar projects	25
2.	<u>Infrastructure</u>	25



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	→Type , level of experience and suitable qualifications of each team member →Foreign Partners or Business Agreement with Foreign Forensic Accounting firms →Adequate security systems to secure the evidential material during the forensic accounting process	
3.	<u>Financial Ability</u> →The bidders ability to finance this project over the two(2) year contract period and the following must be included in the bid document: -The bidder must submit proof of current and previous financial year statements -A letter of good standing from the banking institutions	25
4.	<u>Contract Management</u> →The bidder must discuss the full operational plan on how they intend to execute this project/service should they be successful, with specific reference to project management skills in their company	25
	<b>TOTAL</b>	<b>100</b>

The score for functionality will be calculated as follows:

Each panel member will rate each individual criterion on the score sheet using the following value scale:

Performance	Description	Score
Very Good	Answer <u>meets and exceeds</u> the functionality requirements	3
Compliant	Answer <u>meets</u> all functionality requirements	2
Inadequate	Answer <u>partially meets</u> the functionality requirements	1
Poor	Answer <u>fails to meet</u> the functionality requirements	0





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The value scored for each criterion will be multiplied with the specified weighting for the relevant criterion to obtain the marks scored for each criterion. These marks will be added and expressed as a fraction of the best possible score for all criteria.

Only bidders that have met or exceeded the minimum threshold of 75 points for functionality will be evaluated further.

Please note that site visits will be conducted to inspect and verify the bidders' functional requirements as discussed under functionality and any other relevant aspects which may be deemed necessary for the provision of the service.

**Bidders who score less than 75 points will be disqualified.**

Bidders will as a last evaluation step be scored in terms of PHASE 5: preference points and price evaluation.

### 4.3.5 PHASE 4: PREFERENCE POINT SYSTEM AND PRICE

#### i. Preference points system 80/20

- a) In terms of regulation 6 of the Preferential Procurement Regulations pertaining to the Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000), responsive bids will be adjudicated by the South African Police Service on the **80/20-preference** point system in terms of which points are awarded to bidders on the basis of:  
The bid price (maximum 80 points) – Specific goals (maximum 20 points)
- b) The following formula will be used to calculate the points for price:

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

Where

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

$P_t$  = Price of tender under consideration; and

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



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- c) A bidder (supplier) may claim a maximum of 20 points for specific goals, if such bidder supplier is;

Persons historically disadvantaged on the basis of race with at least 51% ownership	5 points
Persons historically disadvantaged on the basis of gender with at least 51% ownership by woman	5 points
Persons with at least 51% ownership who are youth	5 points
Persons historically disadvantaged by unfair discrimination on the basis of disability with at least 51% ownership	5 points

- d) Bidders are required to complete the preference claim form (SBD 6.1).
- e) The points scored by a bidder in respect of the specific goals will be added to the points scored for price.
- f) Only bidders who have completed and signed the declaration part of the preference claim form will be considered for specific goals points.
- g) Failure on the part of the bidder to comply with the paragraphs above will be deemed that specific goal points are not claimed and will therefore be allocated a zero (0).
- h) The South African Police Service may, before a bid is adjudicated or at any time, require a bidder to substantiate claims it has made with regard to preference.
- i) The points scored will be rounded off to the nearest 2 decimals.
- j) In the event that two or more bids have scored equal total points, the contract will be awarded to the bidder scoring the highest number of specific goal points.
- k) However, when functionality is part of the evaluation process and two or more bidders have scored equal points including equal specific goal points, the contract will be awarded to the bidder scoring the highest for functionality.
- l) Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.
- m) A contract may, on reasonable and justifiable grounds, be awarded to a bid that did not score the highest number of points.
- n) In terms of this bid specifically the bidder will be evaluated purely on the criteria attached in the table above as no pricing is required for this bid.

### 5. VALUE ADDED TAX

All bid prices must be inclusive of 15% Value-Added Tax. In case a bidder's price is not VAT inclusive, total price quoted will be regarded as final.



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### 6. PRICING STRUCTURE AND SCHEDULE

- a) One price is required per item and prices quoted must be furnished on the basis of supply and delivery including Value Added Tax.
- b) The yearly prices **MUST** be all inclusive. This means, all direct and indirect related costs must be included in the prices and be firm for the period of one year.
- c) The pricing schedule will be accessible from the bid document. All prices must be submitted with the bid document.
- d) Conditional discounts offered will not be used for evaluation purposes.
- e) Pricing provided for term contracts must remain firm for the first year after signing of the contract. Contract price adjustments must be applied for

### 7. OTHER LEGISLATIVE AND REGULATORY REQUIREMENTS SPECIFIC TO THIS BID

#### 7.1 AUTHORISATION DECLARATION/ LETTER FROM THE MANUFACTURER

Any bidder the actual manufacturer and will be sourcing goods or services from another company must submit an unconditional letter from the company(ies) or supplier(s) confirming firm supply arrangement(s) in this regard, which has to accompany the bid at the closing date and time of bid. The said company or supplier must:

- confirm that it has familiarised itself with the item description, specifications and bid conditions
- If the bid consist of more than one item, it should be clearly indicated in respect of which item(s) the supportive letter has been issued.
- It must be indicated in the above-mentioned letter **that firm supply arrangements have been made and all financial arrangements with regard to payment between the prospective bidder and manufacturer, company or supplier issuing such a letter has been finalized and terms and conditions mutually agreed upon.**

Non-compliance with the above-mentioned special conditions would automatically invalidate the bid for such products offered."

The South African Police Service reserves the right to verify any information supplied by the bidder in the Authorisation Declaration and should the information be found to be false or incorrect, the South African Police Service will exercise any of the remedies available to it in the bid documents.





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No agreement between the bidder and the third party will be binding on the South African Police Service.

An authorisation declaration with conditional arrangements will not be accepted. Bidders must ensure that all arrangements are agreed to before submitting a bid.

### 8. RESPONSIVE BIDS

Bidders are required to submit responsive bids by completing all the prices, mandatory response fields and item questionnaires on the provided pricing schedule for the individual items. In this regard bidder's attention is drawn to the response field and price structure explanations and examples supplied in the bid document. Bidders must complete all the official SAPS documentation as issued for completion.

**Non-compliance with this condition will invalidate the bid for the item(s) concerned.**

### 9. TAX COMPLIANCE REQUIREMENTS

It is a condition of this bid that the tax matters of a successful bidder be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations. The Tax Compliance status requirements are also applicable to foreign bidders / individuals who wish to submit bids.

It is a requirement that bidders grant a written confirmation when submitting this bid that SARS may on an ongoing basis during the tenure of the contract disclose the bidder's tax compliance status and by submitting this bid such confirmation is deemed to have been granted. Bidders are required to be registered on the Central Supplier Database and the South African Police Service shall verify the bidder's tax compliance status through the Central Supplier Database.

Where Consortia / Joint Ventures / Sub-contractors are involved, each party must be registered on the Central Supplier Database and their tax compliance status will be verified through the Central Supplier Database. The South African Police Service will not award a bid to any bidder whose tax matters are not in order.

### 10. FORMAT AND SUBMISSION OF BIDS

In order to simplify the evaluation process, Bidders are required to submit their bids hard copy in the following manner: -(Take note of Paragraph 8, Supra)



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SECTION	REQUIRED DOCUMENTS
Section 1	Standard bidding documents (SBD 1, SBD 3.1 or 3.2 or 3.3, SBD 4, SBD 6.1 and CSD report
Section 2	Authorisation Declaration and item list
Section 3	Test reports
Section 4	Any other information (e.g. Company profile, Local economic development submission etc.)

### 11. LATE BIDS

Bids received after the closing date and time, at the address indicated in the bid documents, will not be accepted for consideration and where practicable, will be returned unopened to the bidder.

### 12. COUNTER CONDITIONS

Bidders' attention is drawn to the fact that amendments to any of the Bid Conditions or setting of counter conditions by bidders may result in the invalidation of such bids.

### 13. FRONTING

The SAPS supports the spirit of broad based black 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 the South African Police Service condemn any form of fronting.

The South African Police Service, in ensuring that bidders conduct themselves in an honest manner will, as part of the bid evaluation processes, conduct or initiate the necessary enquiries/investigations to determine the accuracy of the representation made in bid documents.

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 / contractor to prove that fronting does not exist.

Failure to do so within a period of 14 days from date of notification may invalidate the bid / contract and may also result in the restriction of the bidder /contractor to conduct business with



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the public sector for a period not exceeding ten years, in addition to any other remedies the South African Police Service may have against the bidder / contractor concerned.

### 14. SUPPLIER DUE DILIGENCE

The South African Police Service reserves the right to conduct supplier due diligence prior to award or at any time during the evaluation process. During the due diligence process the information submitted by the bidder will be verified and any misrepresentation thereof will disqualify the bid.

The South African Police Service also reserves a right to conduct supplier due diligence during the contract period. Information submitted by the contractor will be verified and any misrepresentation thereof the South African Police Service reserves a right to institute remedial actions available. Due diligence may include preannounced or no-announce site visits.

#### Specific Due diligence requirements pertaining to this bid:

- Identified physical official premises indicating established company with provision for services Requested.
- Confirmation of physical address as per SBD1.
- Verification of systems to conduct required services, in place and sufficient staff compliment.

### 15. COMMUNICATION

SAPS: Procurement and Contract Management with permission of the BAC may communicate in writing with bidders where clarity is sought after the closing date of the bid and prior to the award of the contract, or to extend the validity period of the bid, if necessary.

Any communication to any other government official or a person acting in an advisory capacity for the South African Police Service in respect of this bid between the closing date and the award of the bid by the bidder is discouraged.

All communication between the bidder and the SAPS: Procurement Management MGP & Services must be done in writing.



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### 16. CONTACT DETAILS

#### BID & SAMPLE ENQUIRIES

Procurement Management MGP & Services

Address : 117 Cresswell Street, Weavind Park, Pretoria.

Tel: (012) 841 7745

E-mail: [Lallamli@saps.gov.za](mailto:Lallamli@saps.gov.za)

### 17. SECTION B

#### 17.1 CONTRACT PERIOD

The contract period shall be for a period of two (02) years.

#### 17.2 RIGHT OF AWARD

The South African Police Service reserves its following rights:-

- To award the bid in part or in full;
- Not to make any award in this bid;
- Award the bid to more than one bidder for the same line item;
- Clarify further technical information from any bidder after the closing date;
- Verify information and documentation of the respective bidder;
- Not to accept any of the bids submitted;
- To withdraw or amend any of the bid conditions by notice in writing to all bidders prior to closing of the bid and post award
- To carry out site inspections, product evaluations or explanatory meetings in order to verify the nature and quality of the services offered by the bidder(s), whether before or after adjudication of the bid
- In the event that an incorrect award has been made to remedy the matter in any manner it may deem fit.
- To award a bid based on which bidder is offering the best value for money, even if such bid is not the lowest price.
- In the event that an incorrect award has been made or an error occurred during evaluation and adjudication phase, the South African Police Service reserves the right to remedy the matter in any manner it may deem fit.



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### 17.3 MULTIPLE AWARD

The South African Police Service reserves the right to award the same item to more than one supplier to address product availability and compatibility. Due diligence will be applied to ensure that pricing is affordable, market related and aligned to end-user requirements.

The following will be taken into consideration when awarding through a multiple award:

- a) Capacity to meet volume demand as per bid requirements
- b) Estimated volume to be supplied
- c) Risk to departments if the item is not available
- d) Source of the finished product, raw material and manufacturing site
- e) Previous performance of the bidder

### 17.4 NEGOTIATIONS

The South African Police Service reserves the right to negotiate with the bidders prior to award and with the successful bidder(s) post award.

### 17.5 QUALITY

Where specific specifications and/ or standards are applicable on materials and supplies, the quality of products shall not be less than the requirements of the latest edition of such specifications and/or standards.

### 17.6 DELIVERY AND QUANTITIES

#### 17.6.1 DELIVERY BASIS

Firm lead times for delivery must be quoted for the duration of the contract period. Transit and storage conditions applicable to the relevant products must be adhered to.

#### 17.6.2 QUANTITIES

Quantities cannot be guaranteed.





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### 18. SECTION C

#### 18.1 ROLES AND RESPONSIBILITIES

##### 18.1.1 CONTRACT ADMINISTRATION

The administration and facilitation of the contract will be the responsibility of SAPS Contract Management and all correspondence in this regard must be directed to the following address:

The Head: Procurement and Contract Management Supply Chain Management

Private bag x 254, Pretoria, 0001,

Contractors must advise the SAPS Contract Management immediately when unforeseeable circumstances will adversely affect the execution of the contract.

Full particulars of such circumstances as well as the period of delay must be furnished to the Section Head Bid Management: Supply Chain Management: SAPS – email: [SmitJ3@saps.gov.za](mailto:SmitJ3@saps.gov.za) and Tel: 012-841 7119

##### 18.1.2 SUPPLIER PERFORMANCE MANAGEMENT

Supplier performance management will be the responsibility of end-users of SAPS and where supplier performance disputes cannot be resolved between the contractor and the relevant purchasing institution, SAPS Contract Management must be informed for corrective action.

#### 18.2 ORDERS AND DELIVERY

##### 18.2.1 ORDERS

Contractors should note that the order(s) will be placed as and when required during the contract period and delivery points will be specified by the South African Police Service.

The instructions appearing on the official order form regarding the supply, dispatch and submission of invoices must be strictly adhered to and under no circumstances should the contractor deviate from the orders issued.

The South African Police Service may request that a contractor to submit a sample for approval before mass production related to that order is finalised. The cost of this sample is for the contractor.

The South African Police Service is under no obligation to accept any quantity which is in excess of the ordered quantity.