

SPECIFICATION: SAMSA WHISTLE-BLOWING SERVICE

The approved SAMSA Whistleblowing Policy requires SAMSA to establish a platform where SAMSA staff, stakeholders and members of public can report allegations of fraud and corruption anonymously.

In line with the requirements of the Public Finance Management Act No. 1 of 1999 ("PFMA") and National Treasury Regulations, SAMSA seeks to engage the services of a duly qualified service provider to provide and manage a whistleblowing hotline service.

SCOPE

1. SAMSA invite suitably qualified and experienced service providers to quote to provide and manage whistleblowing hotline services to SAMSA for a period of three (3) years.
2. The service provider is to provide and manage, 24 hours per day, 7 days a week and 365 days a year (24/7/365) a whistleblowing hotline for SAMSA.
3. The whistleblowing hotline will provide staff, beneficiaries, and other stakeholders with an alternative reporting mechanism for allegations of fraud and corruption.
4. The data trends received from the hotline will assist SAMSA in determining and addressing root causes and where necessary, change the strategy to address identified issues.
5. Provide the technological infrastructure for the operation of a whistleblowing hotline.
6. Take over the current whistleblowing hotline telephone number, short message service (SMS) number, and facsimile number (switching and related cost to be borne by the service provider).
7. Provide other means of reporting allegations of fraud and corruption, other than the above.
8. Demonstrate the ability to monitor and operate the call centre 24/7/365.
9. Have multi-lingual capabilities, preferably in all eleven (11) languages.
10. Ensure protection and confidentiality of information and the whistle-blowers.
11. Analyse and categorise the reported allegations accordingly; and
12. Provide monthly reports to SAMSA for Management's use.

The service provider will report to the Office of the Company Secretary.

The expected duration of the project is three (3) years after the signing of a Service Level Agreement (SLA).

CRITERIA	SUB-WEIGHT	WEIGHT
1) Equity Ownership of exercisable voting rights a) 100% Black Owned b) 50%+1 Black Owned c) Completely Non-Black Owned (Provided that the company has a BBBEE certificate) NB: A shareholder certificate should be attached for verification	15% 10% 5%	15%
2) Company experience and expertise The bidder is required to provide three (3) contactable client references where its services can be verified. References should be presented in a form of a written letter on an official letterhead from clients where similar services have been provided and may not be longer than two (2) years. No appointment letters from clients will be accepted as reference letters. The company profile must also contain the entity's organizational structure, a staff organogram, as well as a profile of core staff, their experience and achievements		20%
3) Reliability of a bidder Assessment will be made on turn-around time to deliver the services required on technical and professional ability.		20%
4) Capacity and ability to provide and manage whistleblowing hotline The bidder is required to demonstrate their company's suitability with respect to its capacity/ ability to execute and deliver on the project, based on the supplier's track record, of same/similar (previous) work having been undertaken within the scope and scale of this work. Statements made in the demonstration must be verifiable. Attention should be given to the right skills, knowledge and availability to deliver the whistleblowing hotline.		25%
5) Project plan/ Methodology The bidder is required to provide a detailed plan depicting how the services will be delivered to the SAMSA. Attention should be given to the following: a) How the work will be managed; b) Process and work flows within the firm; and c) How the firm will deal with crisis management.		20%
TOTAL		100%

INVITATION TO QUOTE (RFQ)

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE SOUTH AFRICAN MARITIME SAFETY AUTHORITY

REQ NUMBER:	RFQ HO: 902.2	CLOSING DATE: 17 TH April 2023	CLOSING TIME:	11h00
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REQUEST FOR: WHISTLEBLOWING HOTLINE FOR A PERIOD OF THREE (3) YEARS

1.	Assignment	The South African Maritime Safety Authority requires suitable service providers to submit proposals for the provision and maintenance of whistleblowing hotline for a period of three (3) years
2.	Address for submitting proposals & other correspondence	Attention: SCM South African Maritime Safety Authority 146 Lunnon Road Hatfield, Pretoria, 0083 Email: tngqolowa@samsa.org.za or nmji@samsa.org.za Attention Mr. Tuletu Ngqolowa
3.	Closing date & time for submission of bid proposals	10 th March 2023 @ 13h00
4.	Compulsory briefing session	None
5.	Bid description	Provision and management of whistleblowing hotline
6.	Reference Number	RFQ HO 902

1. BACKGROUND

The South African Maritime Safety Authority (SAMSA) is a public entity established by SAMSA Act No. 5 of 1998 to regulate the South African Maritime Space and Industry.

The approved SAMSA Whistleblowing Policy requires SAMSA to establish a platform where staff, stakeholders and members of public can report allegations of fraud and corruption anonymously. In line with the requirements of the Public Finance Management Act No. 1 of 1999 ("PFMA") and Treasury Regulations, SAMSA seeks to engage the services of a duly qualified service provider to provide and manage whistleblowing hotline.

2. PURPOSE OF THE TERMS OF REFERENCE (ToR)

- The purpose of the ToR is to invite suitably qualified and experienced service providers to provide and manage whistleblowing hotline services for SAMSA for a period of three (3) years.

3. OBJECTIVES

- The primary objective of the ToR is to appoint a suitably qualified and experienced service provider to provide and manage, 24 hours per day, 7 days a week and 365 days a year (24/7/365)

whistleblowing hotline for the SAMSA. The whistleblowing hotline will provide staff, beneficiaries, and other stakeholders with an alternative reporting mechanism for allegations of fraud and corruption. The data trends received from the hotline will assist SAMSA in determining and addressing root causes and where necessary, change the strategy to address identified issues.

4. SCOPE OF WORK

The scope of work entails the following:

- ☐ Providing the technological infrastructure for the operation of the whistleblowing hotline.
- ☐ Take over the current whistleblowing hotline telephone number, short message service (SMS) number, and facsimile number (switching and related cost to be borne by the service provider);
- ☐ Provide other means of reporting allegations of fraud and corruption, other than the above.
- ☐ Ability to operate the call centre 24/7/365;
- ☐ Have multilingual capabilities, preferably in all eleven (11) languages.
- ☐ Ensure protection and confidentiality of information and the whistle-blowers.
- ☐ Analyse and categorise the reported allegations; accordingly, and
- ☐ Provide reports to the SAMSA for management use.

5. DELIVERABLES

The service provider should provide whistleblowing hotline technological infrastructure and reports on allegations of fraud and corruption at a frequency determined by the SAMSA.

6. REPORTING REQUIREMENTS

The service provider will report to the Office of the Company Secretary.

8. DURATION OF THE PROJECT

The expected duration of the project is three (3) years after the signing of a Service Level Agreement (SLA).

9. BRIEFING SESSION

No compulsory information session for this bid.

10. EVALUATION CRITERIA

SAMSA will evaluate all proposals in terms of the Preferential Procurement Regulation of 2001 and Preferential Procurement Policy Framework Act. No. 5 of 2000 (PPPFA). Three (3) phase evaluation criteria will be considered in evaluating the proposals, being:

10.1 Phase 1: Pre - Qualification Criteria (Mandatory Requirements)

Bidders must submit all the mentioned below requirements. The following mandatory requirements must be met to qualify for this bid:

10.1.1 Company registration certificates (CK):

- ☐ In the case of the bidder being in partnership, close corporation or a company, company certificates reflecting the names, identity numbers and address of the partners, members or directors must be submitted with proposal.
- ☐ In the event of the bidder being a consortium organisation, relevant shareholding certificates must be submitted.
- ☐ Joint Venture agreements must be submitted in a case of a bidder being in a joint venture.

10.1.2 Current and valid original SARS Clearance Certificate. The original Tax Clearance Certificate must be submitted together with the RFQ on the closing date. Failure to submit the original and valid Tax Clearance Certificate will

result in the invalidation of the RFQ. Certified copies of the Tax Clearance Certificate will not be acceptable.

10.1.3 The bidder must be in existence and operational for at least the last two (2) years or more and have demonstrated expertise in providing and managing whistleblowing hotline.

10.1.4 Certified copies of proof of affiliation with relevant professional body such as Ethics Institute of South Africa etc. must be submitted.

10.2 Phase 2: Functional/Technical Evaluation

Only bidders that have met the pre-qualification criteria will be evaluated for functional evaluation. In this phase the evaluation will be based on the bidders' responses in respect of the bid proposal (evaluated on the minimum functional specifications). Prospective bidders who score a minimum of 70% points or more will be considered for the next phase 3 (Price and B-BBEE status level contributor).

CRITERIA	SUB-WEIGHT	WEIGHT
1. Equity Ownership*		
100% Black Owned	15%	15%
50% + 1 Black Owned NB: Exercisable voting rights	10%	
Completely Non-Black Owned	5%	
NB: A shareholder certificate should be attached for verification		
2. Company experience and expertise		
The bidder is required to provide three (3) contactable client references where its services can be verified. References should be presented in a form of a written letter on an official letterhead from clients where similar services have been provided and may not be longer than two (2) years. No appointment letters from clients will be accepted as reference letters. The company profile must also contain the entity’s organizational structure, a staff organogram, as well as a profile of core staff, their experience and achievements.		20%
3. Reliability of a bidder		
Assessment will be made on turn-around time to deliver the services required on technical and professional ability.		20%
4. Capacity and ability to provide and manage whistleblowing hotline		

The bidder is required to demonstrate their company's suitability with respect to its capacity/ ability to execute and deliver on the project, based on the supplier's track record, of same/similar (previous) work having been undertaken within the scope and scale of this work. Statements made in the demonstration must be verifiable. Attention should be given to the right skills, knowledge and availability to deliver the whistleblowing hotline.	25%	
5. Project plan/ Methodology		
The bidder is required to provide a detailed plan depicting how the services will be delivered to the SAMSA. Attention should be given to the following : • How the work will be managed; • Process and work flows within the firm; and • How the firm will deal with crisis management.	20%	
Total:	100%	

* Black = African, Coloured and Indian South African Citizens

Black individuals has the meaning defined in the Act qualified as including only natural persons who are citizens of the Republic of South Africa by naturalization:

- Occurring before the commencement date of the constitution of the Republic of South Africa Act of 1993; and/or
- Occurring after the commencement date of the Constitution of the Republic of South Africa Act of 1993, but who, without the Apartheid policy would have qualified for naturalization before then.

QUOTE OR PROPOSAL DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS) OR EMAIL TO

146 Lunnon Road Cnr Lunnon RD and Jan Shoba Avenue Hillcrest Pretoria OR tnggolowa@samsa.org.za

QUOTATION PROCEDURE ENQUIRIES MAY BE DIRECTED TO

CONTACT PERSON	Mr Tuletu Nggolowa	CONTACT PERSON	Ms Shelorne Muller
TELEPHONE NUMBER	012 366 2600	TELEPHONE NUMBER	083 318 1310
FACSIMILE NUMBER		FACSIMILE NUMBER	
E-MAIL ADDRESS	tnggolowa@samsa.org.za	E-MAIL ADDRESS	smuller@samsa.org.za

SUPPLIER INFORMATION

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 ☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX] ☐ Yes ☐ No
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?		☐ Yes ☐ No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO DOES THE ENTITY HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ NO IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? ☐ YES ☐ 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 QUOTING/BIDDING

1. QUOTE SUBMISSION:

- 1.1. QUOTES MUST BE DELIVERED OR EMAILED BY THE STIPULATED TIME TO THE CORRECT ADDRESS AND EMAIL ADDRESS. LATE QUOTES WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL QUOTES MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED– OR IN THE MANNER PRESCRIBED IN THE RFQ DOCUMENT.**
- 1.3. THE RFQ MAY SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, IF THE AMOUNT IS ABOVE R30, 000 OR THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
- 1.4. **THE SUCCESSFUL BIDDER MAY BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7) FOR LONG TERM PROJECT OR SERVICE.**

2. TAX COMPLIANCE REQUIREMENTS

- 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 QUOTE.
- 2.5 IN PROPOSAL OR QUOTE WHERE CONSORTIA / JOINT VENTURES / 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 QUOTE INVALID.

SIGNATURE OF BIDDER: _____

CAPACITY UNDER WHICH THIS BID IS SIGNED: _____

DATE: _____

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 interest¹ 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**

2.2.1 If so, furnish particulars:

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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? **YES/NO**

2.3.1 If so, furnish particulars:

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¹ 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 consortium² 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.
- 3.4 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.
- 3.5 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.
- 3.6 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.

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Signature

.....
Date

.....
Position

.....
Name of bidder

² 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 .