

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	LPT 004/2024	CLOSING DATE:	19 AUGUST 2024	CLOSING TIME:	11H00
DESCRIPTION	PROCUREMENT FOR FORMULATION OF A PANEL FOR PROVISION OF FORENSIC INVESTIGATION FOR A PERIOD OF 36 MONTHS				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
LIMPOPO PROVINCIAL TREASURY					
46 HANS VAN RENSBURG STREET					
POLOKWANE					
0699					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	MAPHANGA TH		CONTACT PERSON	MOGOFE ME	
TELEPHONE NUMBER	015 298 7055		TELEPHONE NUMBER	082 813 8689	
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	MaphangaTH@treasury.limpopo.gov.za		E-MAIL ADDRESS	MogofeME@treasury.limpopo.gov.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
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]	
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
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.					

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**PART B
TERMS AND CONDITIONS FOR BIDDING**

1. BID SUBMISSION:
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED (NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.
1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 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 (SBD7).
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 BID.
2.5 IN BIDS 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 BID INVALID.

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:
(Proof of authority must be submitted e.g. company resolution)

DATE:

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**PRICING SCHEDULE – FIRM PRICES
(PURCHASES)**

NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED

IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of bidder.....	Bid number: LPT 004/2024
Closing Time 11H00	Closing date: 19 AUGUST 2024

OFFER TO BE VALID FOR **120** DAYS FROM THE CLOSING DATE OF BID.

ITEM NO.	QUANTITY	DESCRIPTION	BID PRICE IN RSA CURRENCY ** (ALL APPLICABLE TAXES INCLUDED)
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-
- Required by:
 - At:
 - Brand and model
 - Country of origin
 - Does the offer comply with the specification(s)? *YES/NO
 - If not to specification, indicate deviation(s)
 - Period required for delivery
 - *Delivery: Firm/not firm
 - Delivery basis

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination.

** "all applicable taxes" includes value- added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

*Delete if not applicable

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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

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.

with any person who is employed by the procuring institution? YES/NO

2.2.1 If so, furnish 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? YES/NO

2.3.1 If so, furnish particulars:

.....
.....

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

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.

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.

.....
Signature	Date
.....
Position	Name of bidder



LIMPOPO
PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

PROVINCIAL TREASURY

CONFIDENTIAL

**TERMS OF REFERENCE FOR THE FORMULATION OF A PANEL FOR PROVISION
OF FORENSIC INVESTIGATION SERVICES IN THE LIMPOPO PROVINCIAL
GOVERNMENT FOR A PERIOD OF THREE YEARS (36 MONTHS)**

CONFIDENTIAL

Ismini Towers, 46 Hans Van Rensburg Street, POLOKWANE, 0700, Private Bag X9486, POLOKWANE, 0700
Tel: (015) 298 7000, Fax: (015) 295 7010 Website: <http://www.limpopo.gov.za>

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1. LIST OF ACRONYMS

CIPC	Companies & Intellectual Property Commission
CSD	Centralized Supplier Database
HOD	Head of Department
LPT	Limpopo Provincial Treasury
MEC	Member of Executive Council
MFMA	Municipal Finance Management Act
MISS	Minimum Information Security Standard
OTP	Office of the Premier
PFMA	Public Finance Management Act
PPPFA	Preferential Procurement Policy Framework Act
PSC	Project Steering Committee
PSIRA	Private Security Industrial Regulatory Authority
SARS	South African Revenue Services
SCM	Supply Chain Management
SLA	Service Level Agreement
TOR	Terms of References
PAIA	Promotion of Access to Information Act
ACFE	Association of Certified Fraud Examiners.

2. INTRODUCTION

- 2.1. The Limpopo Provincial Treasury (LPT) has been established in terms of section 17 of the Public Finance Management Act (PFMA) 1 of 1999 (as amended by Act 29 of 1999). Its functions and powers are provided in the Act under section 18 (1) and (2). LPT is directly responsible for implementing, managing, and overseeing the following legislations and the relevant regulations:
- a) Public Finance Management Act (PFMA) 1 of 1999 (as amended by Act 29 of 1999);
 - b) Treasury Regulations as Amended
 - c) Municipal Finance Management Act (MFMA) 56 of 2003;
 - d) Annual Division of Revenue Act (DoRA);
 - e) Preferential Procurement Policy Framework Act (PPPFA), and
 - f) PAIA
- 2.2. LPT is also responsible for assisting the National Treasury in enforcing compliance with the measures established in terms of section 216 (1) of the Constitution.
- 2.3. As a result, LPT requires qualified professional firms to be sourced within Office of the Provincial Accountant General (Governance, Monitoring and Compliance) to provide forensic investigation services in all spheres of the Limpopo provincial government (Departments, Public Entities and Municipalities).
- 2.4. The Provincial Treasury intends to carry out a procurement exercise to solicit proposals from experienced and professional forensic investigation firms. The firms selected will be required to provide their services through a dedicated team of qualified forensic investigators and any other specific expertise that will be required based on the nature of the assignment to be investigated at that point in time.

3. OBJECTIVES AND SCOPE

- 3.1. The **Forensic Investigation Firm** will among others perform the following activities:
- a) Conduct forensic investigations to uncover specific issues or incidents such as fraud, misconduct, or violations of policies or institutional regulations and provide a conclusive and decisive report;
 - b) Conduct in-depth scrutiny and critical examination of a specific fact to learn the whole truth about the matter and issue a comprehensive report;
 - c) Conduct forensic investigation on a given case/scenario and provide a report regarding the facts and circumstances surrounding the illegal act in accordance with the rule of law;
 - d) Conduct forensic investigation by analyzing and determining whether there were criminality elements and assess the likelihood of criminal intent. This may include issues such as employee theft, forgery (i.e. invoice forgery), falsification of financial information, collusion between staff and stakeholders/suppliers, theft, bribery etc;
 - e) Conduct forensic investigation with intent to establish the character of the fraud, the level of breach, the amount of the loss and the source of the fraud, etc.
 - f) The forensic investigator will be expected to conduct comprehensive searching, research, observations by the investigator, inquiries, inspections etc. and produce comprehensive reports to LPT;
 - g) Conduct forensic investigations on matters relating to unauthorized, fruitless and wasteful and irregular expenditures within Limpopo Province;
 - h) Referring criminal allegations of fraud, corruption and any other irregularities to the relevant law enforcement agencies or other appropriate agencies/bodies. In this regard the Office of the Provincial Accountant General will pursue a formal arrangement through its participation in the Anti-Corruption Task Team, to ensure that the support of the relevant law enforcement agency is guaranteed; and

- i) Initiating and supporting criminal proceedings and giving expert testimony against State officials, service providers and other parties involved in fraud and corruption incidents not limited to Public Procurement (the expert testimony in criminal proceedings will include periods beyond the contractual agreement).

3.2 In addition to the above activities, the successful firms or consortium of firm(s) will be expected to conduct the fraud investigation in all spheres of Limpopo Provincial government in the public sector institutions (Government Departments and Public Entities).

3.3 **Diagnostic tool:** carrying general reviews of activities to highlight risks arising either out of fraud or from any other source with the purpose of initiating focused reviews of areas, targeting specific threats to the Limpopo provincial government.

3.4 Depending on the circumstances, the forensic investigators will focus on one or more of the following aspects:

- a) broad investigation on the use of State funds in all spheres of government on public procurement;
- b) procedural (e.g. Supply Chain Management processes, regulations, etc.);
- c) systems (e.g. internal control system, National Treasury transversal systems, etc.); and
- d) performance (e.g. economic acquiring of resources, efficiency and effectiveness in the utilisation of State resources) and, or the role of staff and employees.

4. CODE OF PROFESSIONAL ETHICS

4.1. The forensic investigation firm and the members of the investigation team are expected to apply and uphold the following principles of ethics:

- a) **Integrity** – to be straight forward and honest in all professional and business relationships.
- b) **Objectivity** – to exercise professional or business judgement without being compromised by:
 - i. Biasness;
 - ii. Conflict of interest; or

iii. Undue influence of, or undue reliance on, individuals, organisations, technology or other factors.

c) Professional Competence and Due Care – to:

- i) maintain professional knowledge and skill at the level required to ensure that a client or employing organisation receives competent professional service, based on current technical and professional standards and relevant legislation; and
- ii) Act diligently and in accordance with applicable technical and professional standards.

d) Confidentiality – to respect the confidentiality of information acquired as a result of professional and business relationships and should not be used for any other purpose.

e) Professional Behaviour – to:

- i. Comply with relevant laws and regulations; and
- ii. Behave in a manner consistent with the profession's responsibility to act in the public interest in all professional activities and business relationships.

5. FORENSIC INVESTIGATION PROCESS

5.1. The forensic investigation assignment will be structured around phases based on consultation and agreement with the Provincial Treasury Project Management Team, which will be responsible for co-ordination of each assignment.

5.2. The Project Management Team will be controlled and directed by the Provincial Accountant-General and this will be the Firm's main point of contact in the Provincial Treasury.

6. QUALIFICATIONS AND EXPERIENCE REQUIRED

6.1. The qualifications and experience required from the firms must be aligned to the forensic investigation assignment requested by Provincial Treasury.

6.2. The following are minimum expertise and capacity requirements:

- a) Have the necessary skill, knowledge, capacity and resources to meet the needs of Provincial Treasury and to carry out the obligations;
- b) Have knowledge and a comprehensive understanding of the public sector; and demonstrate an understanding of public sector legislations and related regulations (e.g. financial and supply chain management);
- c) Have a minimum of the category of personnel as listed under paragraph 6.3 of this ToRs. The engagement partner must be directly involved in every engagement review undertaken;
- d) Have a quality control unit responsible for ensuring that the reports are of appropriate quality;
- e) Demonstrate a clear forensic investigation approach and methodology; and
- f) Possess or have available appropriate IT solutions for forensic investigation.

6.3. Generally, three categories of experts will be considered as follows:

a) **Category 1 – Partner**

Highly qualified experts, possessing relevant university/university of technology qualifications and assuming or having assumed important responsibilities in their area of specialisation. They must have at least **10-15 years** of professional experience of which 10 years professional experience must include leading a multidisciplinary forensic investigation team. The partner should be authorized to certify the accounts by the law of the country in which the service provider has its registered place of business.

b) **Category 2 – Forensic Investigation Manager**

Qualified experts, possessing relevant university/university of technology qualifications and a good knowledge of the sector(s) concerned. They must have at least **6-10 years** professional experience, including experience of leading a multidisciplinary forensic investigation team.

c) **Category 3 – Senior Forensic Investigation**

Qualified experts possessing relevant university/university of technology qualifications and at least **3-5 years** professional experience in the sector concerned by the forensic investigator.

- 6.4. The service provider must provide curriculum vitae for team members proposed to participate on assignments to be allocated by Provincial Treasury for the purpose of evaluation for inclusion in the panel. If and when special expertise in a specific area of the assignment is required, this will be indicated in the specific terms of reference for the phase of the assignment concerned.

7. EVALUATION PROCESS

- 7.1. Bids will be evaluated in accordance with the prescripts of the Preferential Procurement Policy Framework Act 5 of 2000 (PPPFA) and Provincial Treasury Supply Chain Management policies.
- 7.2. Responsive bids will be evaluated on administrative requirement and functionality criteria.
- 7.3. Evaluation of bids will be conducted in two (02) phases as follows:

a) Phase 1 – Administrative Requirements

Bidders will be evaluated according to administrative requirements which include the submission of mandatory information or documentation. Bidders who fail to meet the administrative requirements of the bid will not be considered further for evaluation on functionality requirements i.e. Phase 2.

Failure to comply with the following conditions may invalidate your offer.

- Bidders are urged to read and understand the contents of SBD 4 form and give special attention on 2.3, failure to disclose ALL the companies under the directors on CSD will lead to disqualification.

b) Phase 2 – Functionality Requirements

The minimum qualifying score for functionality is 70%. All bids that fail to achieve the minimum qualifying score on functionality shall not be considered for inclusion into the panel.

Eligibility/Functionality requirements
The bidder must have the necessary skill, knowledge, capacity, and resources to meet the needs of Provincial Treasury and to carry out the obligations;
The bidder must have knowledge and a comprehensive understanding of the public sector; and demonstrate an understanding of public sector legislations and related regulations (e.g. financial and supply chain management);
The bidder must have as a minimum the category of personnel as listed under paragraph 6.3 of this ToRs. The engagement partner must be directly involved in every engagement review undertaken.
The bidder must have a quality control unit responsible for ensuring that the reports are of appropriate quality;
The bidder must demonstrate a clear forensic investigation approach and methodology;
The bidder must possess or have available appropriate IT solutions for forensic investigation

The below matrix will be used in scoring the proposals:

Technical/Functional Evaluation Criteria	Means of verification	Weight score	Scoring Criteria
Evaluation Criteria			
<p><u>Functionality:</u></p> <p>1. Implementation Plan:</p> <p>a) Forensic investigation approach and methodology</p> <p>i. Demonstrate the understanding of the public sector legislations, and related regulations e.g. Financial and Supply Chain Management.</p> <p>ii. Outline key activities for the project implementation e.g., scheduling and reporting.</p> <p>iii. The bidder must demonstrate a clear forensic investigation approach and methodology.</p> <p>iv. The bidder must have a quality control unit responsible for ensuring that the reports are of appropriate quality.</p>	<p>Approach and methodology document</p>	<p>20</p>	<p>20 points- Meets all of the requirements.</p> <p>15 points- Meets any of the 3 requirements.</p> <p>10 points- meets any of the 2 requirements.</p> <p>5 points- meets any 1 of the requirements.</p> <p>0 points- meets none of the requirements.</p>
<p>2. Previous experience in forensic investigation within the Public Sector.</p> <p>a) Provide nature of investigation; and</p>	<p>Company profile, Previous contract appointment letters/Purchase orders (PO)/</p>	<p>30</p>	<p>30 points- 10 years' and above</p> <p>20 points- 7 - 9 years'</p> <p>10 points- 3 - 6 years'</p> <p>0 points- 0 – 2 years'</p>

Technical/Functional Evaluation Criteria	Means of verification	Weight score	Scoring Criteria
Evaluation Criteria			
the duration of the bid/contract/allegations investigated on such projects.	Service Level Agreement (SLA)		
b) Provide contactable references	Contactable reference letters with company letterheads and signatures	10	10 points- 3 and more letters 5 points- 1 - 2, letters 0 points- no letters
<p>3. (a)Qualifications of all personnel that will be directly engaged in the execution of the project (refer to paragraph 6.3 of this ToRs).</p> <ul style="list-style-type: none"> • Partner • Forensic Investigation Manager • Senior Forensic Investigation 	<p>Copies of all relevant qualifications of the team</p> <p>(Certified copies will be required upon appointment)</p>	15	<p><u>Partner</u></p> <p>5 points- Masters Degree 4 points- Honours Degree 3 points- Degree 2 points- National Diploma 1 point- National Higher Certificate</p> <p><u>Forensic Investigation Manager</u></p> <p>5 points- Masters Degree 4 points- Honours Degree 3 points- Degree 2 points- National Diploma 1 point- National Higher Certificate</p> <p><u>Senior Forensic Investigation</u></p>

Technical/Functional Evaluation Criteria	Means of verification	Weight score	Scoring Criteria
Evaluation Criteria			
			5 points- Masters Degree 4 points- Honours Degree 3 points- Degree 2 points- National Diploma 1 point- National Higher Certificate
<p>(b) Experience of all personnel that will be directly engaged in the execution of the project (refer to paragraph 6.3 of this ToRs).</p> <ul style="list-style-type: none"> • Partner • Forensic Investigation Manager • Senior Forensic Investigation 	Curriculum Vitae (CV) of all the team members	15	<p><u>Partner</u></p> 5 points- 10 years and above 3 points- 6-9 years 2 points- 1-5 years 0 points- below 1 year
<p>(c) At least two of the team members should be members of Association of</p>	Valid ACFE certificates	5	5 points- 2 ACFE members 3 points- 1 ACFE member

Technical/Functional Evaluation Criteria	Means of verification	Weight score	Scoring Criteria
Evaluation Criteria			
Certified Fraud Examiners (ACFE) in good standing.			0 points- no member
(d) Demonstration of availability of multiple teams at a given time to perform multiple investigations	Company profile inclusive of all the team members involved	5	Number of team members: 5 points- 10 team members and more 3 points- 5-9 team members 1 points- 3- 4 team member 0 points- 2 team member and less
Total		100	
Threshold		70%	Bidders who fail to obtain 70% on technical or functionality will be no considered for inclusion in the panel

8. ACCEPTANCE OF BID(S)

8.1 Methodology

- a) The recommended bidder will be required to provide a methodology on forensic investigation assignment.
- b) The methodology should cover various phases in a forensic investigation including the following:
 - The profiles of the Firm's project team to execute an assignment;
 - Reporting requirements and process to other law enforcement agencies.

8.2 Professional Registration

Where applicable, proof of professional registration of the service provider must be submitted in the form of certified copies of the relevant registration documents.

8.3 Screening and Vetting

Acceptance of bid is subject to the condition that both the contracting firm and its personnel providing the service must be cleared by the appropriate authorities to the level of CONFIDENTIALITY/SECRET/TOP SECRET. Obtaining a positive recommendation is the responsibility of the Provincial Treasury. If the principal contractor appoints a subcontractor, the same provisions and measures will apply to the subcontractor.

8.4 Central Supplier Database registration

The service provider/companies to be included on the database, should be registered on the central supplier database on National Treasury.

8.5 Appointment

Should the bid be accepted, a written letter of acceptance will be issued by Provincial Treasury and in addition a formal agreement will be entered between Provincial Treasury and the appointed firm(s) on the basis of an approved implementation plan for each phase of the assignment.

8.6 Price

- a) The price proposal will be noted, but not be evaluated.
- b) The financial proposal must be based on the fees stated in the framework contract for each category of the investigating team, the proposed fees should be compatible with the professional rates, as published by the office of the Auditor General of South Africa.
- c) The travel costs by air will be reimbursed on the basis of the most economic tariff (economy class).
- d) The Service provider should retain evidence of travel and accommodation expenses and other travel documents (for example boarding passes). Such documents may have to be presented to the Provincial Treasury for inspection.
- e) Other transport costs are reimbursed in accordance with the rules applicable for service contracts.
- f) The financial proposal must be submitted in South African Rand.

g) Provincial Treasury reserves the right to negotiate hourly charge-out rates submitted by bidders.

9. SPECIAL CONDITIONS OF CONTRACT

9.1 Reservation of Rights

9.1.1 LPT reserves the right to –

- (a) Request further information or document (s) from any bidder after closing date;
- (b) Communicate only with the shortlisted bidders as and when necessary;
- (c) Verify information and documentation of respective bidder from the National Treasury's Centralized Supplier Database (CSD) system, South African Revenue Services (SARS), Private Security Industry Regulatory Authority (PSIRA), Companies & Intellectual Property Commission (CIPC), National Treasury or any other relevant entity or visit the premises of the bidder at any time without notice.
- (d) Any information received which does not correspond with the one provided in the bid document will render the bid null and void;
- (e) Non-adherence to specified timelines may result in penalties being imposed.
- (f) LPT reserves the right to withdraw the contract before appointment.

10. TERMINATION OF CONTRACT

10.1 LPT reserves the right to disregard a bid or cancel the contract with the winning bidder if the bidder, –

- a) has failed to comply with any legal or policy requirement that the bidder must comply with in order to enter into a valid contract with LPT, including but not limited to any public servant constituting or in the employ of the winning bidder not having the necessary permissions or authorization in terms of the Public Service Act, or not having made the necessary financial disclosures to the employer or not having declared any or all interests in the bid documents;
- b) has acted in a fraudulent manner or in bad faith or in any other unsatisfactory manner in obtaining any other contract with any other state institution, government department, provincial administration or public entity;

c) after notification of bid acceptance ,either fails ,refuses or neglect or causes delays in signing of the contract or service level agreement;

10.2 LPT may immediately terminate the contract without any notice if any of the following circumstances occur or exist:

If the bidder –

- a) commits an act of misconduct or technical incompetence.
- b) commits or participates in any unlawful, dishonest, or unethical act in the performance of its obligations under this contract; or
- c) breaches this contract.

10.3 LPT may cancel the contract, if it is satisfied that any person (being an employee, partner, director or shareholder of the bidder or a person acting on behalf of the bidder), firm or company (The expression “person, firm or company” shall include an authorized employee or agent of such a person, firm, or company):

- a) is executing a contract with the government unsatisfactorily.
- b) has offered, promised, or given a bribe or other gift or remuneration to any officer or employee in the Public Service in connection with obtaining or executing a contract.
- c) has acted in a fraudulent manner or in bad faith or in any other unsatisfactory manner in obtaining a contract with any government department, provincial administration, public body, company or person, or that he/she has managed his/her affairs in such a way that he/she has in consequence there-of been found guilty of a criminal offence.
- d) has approached an officer or employee in the Public Service before or after bids have been called for, to influence the award of the contract in his/her favor;
- e) has withdrawn or amended his/her bid after the time set for the receipt and opening of bids.
- f) when advised that his/her bid has been conditionally accepted, has given notice of his/her inability to execute or sign the contract or to furnish any security required.

g) has disclosed to any other person, firm or company the exact or approximate amount of his/her proposed bid except where disclosure, in confidence, was necessary to obtain insurance premium quotations for the preparation of the bid;

h) LPT may, in addition to any other legal recourse which it may have, cancel the contract between LPT and such person, firm or company and /or resolve that no bid from such a person, firm or company will be favorably considered for a specific period.

10.4 Conflict of Interests

Bidders must not have or undertake duties or interests that create or might reasonably be anticipated to create an actual or perceived conflict with its duties and interests in executing the contract. Bidders must have internal control measures in place to identify potential conflicts and to bring them to the attention of LPT.

10.5 Costs incurred by bidder

LPT will not be responsible for or pay any expenses or losses which may be incurred by the bidder in the preparation and submission of its bid.

10.6 Bid binding

All written information, warranties and representations made by or on behalf of the bidder before conclusion of the contract are binding upon the bidder and are deemed to have induced LPT to enter into this contract.

10.7 Liability

The bidder is responsible and liable for-

- (a) the conduct, acts and omissions of the bidder and/or agents or representatives.
- (b) injury to any person, theft, loss, or damage suffered by LPT, which is occasioned by any unauthorized act, omission, negligence, breach of this contract or breach of any statutory duty by the bidder or its employees, agents or representatives of the bidder. Under such circumstances, the bidder must, at its own expense, make good the loss or damage on demand and on the terms of LPT.

10.8 Intellectual Property Rights

Copyright to all inventions and innovations developed using the products and methodologies offered by the bidder shall be vested in the Limpopo Provincial Administration and in the State in general. Copyright, patent rights and all similar rights in any works or products created as a result of the execution of this bid and its assignments shall vest in and are hereby transferred to the LPT, unless the contrary is agreed to in the form of individual written agreements signed by the bidder and the Accounting Officer of LPT or his/her delegate. For this purpose, all works created in terms of this bid and its assignments shall be deemed to have been created under the direction and control of LPT.

10.9 Bidder conduct

Bidders must –

- (a) use and adopt reasonable professional techniques and standards in providing the service;
- (b) provide services with all due care, skill and diligence.
- (c) comply with all industry best practices and standards issued or published by any provincial or national governing body, council or organization;
- (d) not in the process of fulfilling its obligations in terms of this contract, use any labour or intellectual capacity of any employee of the state, including employees of the LPT, for remunerative purposes, unless such employee has the necessary written authorization.
- (e) By bidding, the Service Provider is deemed to have satisfied itself regarding all conditions affecting this contract and must at all times comply with the manifest intent and obligations of this contract.

11. EVALUATION CRITERIA

This bid will be evaluated on administration and functionality.

11.1 Failure to comply with the following conditions may invalidate your offer:

- Bidders must not change/amend the specification or come up with their own terms and conditions.
- Bids from persons in the service of the state.
- Bidders not completing the SBD4 form in full (Bidders are urged to read and understand the contents of SBD 4 form and special attention on clause 2.3, please ensure that all companies related to the bidder and its directors are disclosed, failure to disclose the information will lead to disqualification).

12. ACCEPTANCE OF BID

12.1 Central Supplier Database registration

The company should be registered on the National Treasury central supplier database.

12.2 Appointment

Should the bid be accepted, LPT will issue a written letter of acceptance and in addition, a formal agreement will be entered between LPT and the appointed service provider.

13. COSTING OF THE PROJECT

13.1 Service provider to estimate the total number of hours and cost (VAT inclusive) to perform the work as per the terms of reference herewith.

13.2 A breakdown of the hourly tariff, (VAT inclusive) per resource (e.g. Director, Manager and other relevant level of expertise) as required for service rendered and an estimated percentage of disbursements (VAT inclusive) for the duration of the project.

13.3 Any additional expenditure incurred by the service provider without prior approval of LPT will not be reimbursed.

13.4 An analysis of costs must be given to cover the full contractual amount and where possible, costs should be linked with specific tasks to be undertaken. All other incidental costs/ disbursements (VAT inclusive) should be included in the budget breakdown.

13.5 Where possible, the hourly rates as laid down by the Auditor-General for any audit / forensic audit performed on behalf of government must be used as a guideline and should not be exceeded.

13.6 LPT shall not pay for any unproductive or duplicated time spent by the service provider on any assignment as a result of staff changes or redrafting of reports due to incorrect findings.

13.7 The contract price must remain fixed for the duration of the contract, and the Service Provider may under no circumstances approach or request the LPT for an increase in the contract price.

14. TIMEFRAME AND REPORTING OF THE PROGRESS / WORK DONE

14.1 The appointed service provider must be in a position to commence work within seven (7) working days from date of appointment,

14.2 Weekly progress reports to be submitted to Provincial Steering Committee to assess progress on the project,

14.3 The Provincial Steering Committee unit will introduce the appointed service provider to the relevant stakeholders and provide them with documents pertaining to the request for investigation into the alleged matters of money laundering, fraud and corruption.

15. REPORTING LINES DURING THE DURATION OF THE PROJECT

15.1 The Provincial Steering Committee shall be the project leader and shall monitor the effective implementation of the project.

15.2 The appointed service provider shall communicate directly with the Provincial Steering Committee unit for any challenges experienced.

15.3 The service provider is expected to maintain a standard of professionalism and maintain its independence during the term of the project.

16. DURATION OF THE PROJECT / CONTRACT

16.1 The duration of the contract will run for a period not exceeding three (3) months

and will commence as agreed in the service level agreement signed between LPT and the appointed service provider.

16.2 No extension of the contract will be carried out without approval of LPT and any scope deviation should also be discussed with the Project Steering Committee.

16.3 Work will be carried out as per the agreed work plan.

17. CONTINUITY, PRESENCE AND PROFILES OF SENIOR STAFF IN THE PROJECT

17.1 The service provider must submit the profiles/CVs of the selected team members and specialists for the project together with the bid documents.

17.2 The service provider must guarantee the presence of the senior in charge of fieldwork throughout the duration of the investigations.

17.3 If there are any changes in the appointed project team, proper hand over should be done to another well experienced team member, in consultation with LPT.

17.4 Any changes to the project team must not have any negative impact on the project.

17.5 LPT reserves the right to reject the proposed replacement and should an agreement not be reached the bidder must agree to the review of the contract.

18. PAYMENT CONDITIONS

18.1 Invoices and payments

18.1.1 LPT will not make payment to the Service Provider in the event the Service Provider fails to satisfactorily perform any of its obligations in terms of this contract; The Service Provider must submit an invoice for payment to be processed.

18.1.2 The Limpopo Provincial Treasury shall be responsible for effecting payments within thirty (30) days upon submission of invoice by the service provider and only after confirmation of the services rendered by the relevant Directorate.

18.1.3 No interest shall be payable in the event of a dispute nor accrue on any payments due during a period of dispute.

18.1.4 No advance payments will be made for the execution of this project.

18.1.5 Payments will be made by an electronic transfer, into the Service Provider's Bank Account as appeared on the verified CSD report of that service provider and invoice.

19. PROTECTION OF GOVERNMENT INFORMATION

19.1 The bidder hereby agrees and undertakes to abide by and to adhere to government legislation, regulations and directives dealing with the protection of government information as if such legislation, regulations and directives are applicable to the bidder,

19.2 The reasonable steps shall be taken to ensure that persons under the management of the bidder who will be engaged in the fulfilment of the bidder's contractual obligations are aware of these statutory requirements,

19.3 The statutory stipulations will continue to apply to them even after termination of the contract or agreement or termination of their services with the bidder.

19.4 The entity will be vetted as well as its staff, contractors, agents and their associates, and the cooperation and facilitation of the bidder in this regard is a condition of this bid.

20. CONFLICT OF INTEREST, FRAUD AND CORRUPTION

The LPT may disqualify any bidder which –

(a) engage in any collusive tendering, anti-competitive conduct, or any other similar conduct, including but not limited to any collusion with any other bidder in respect of the subject matter of this bid;

(b) seeks assistance, other than assistance officially provided by a Government Institution, from any employee, advisor or other representative of a Government Institution in order to obtain any unlawful advantage in relation to procurement of services provided or to be provided to a Government Institution;

(c) makes or offer any gift, gratuity, anything of value or other inducement, to any of Limpopo Provincial Administration officials, directors, employees, advisors or other stakeholders;

- (d) makes or offers any gift, gratuity, anything of any value or other inducement, to any Limpopo Provincial Administration, directors, employees, advisors, or other representatives in order to obtain any unlawful advantage in relation to procurement or services provided or to be provided to a Limpopo Provincial Administration;
- (e) accept anything of value or an inducement that would or may provide financial gain, advantage or benefit in relation to procurement of services provided or to be provided to a Limpopo Provincial Administration;
- (f) pays or agrees to pay to any person any fee, commission, percentage, brokerage fee, gift or any other consideration, that is contingent upon or result from, the award of any tender, contract, right or entitlement which is in any way related to procurement or the rendering of any services to a Limpopo Provincial Administration.
- (g) has in the past engaged in any matter referred to above; or
- (h) has been found guilty in court of law on charges of fraud and /or forgery, regardless of whether or not a prison term was imposed and despite such bidder, member of director's name not specifically appearing on the list of Tender Defaulters kept at National Treasury.

21. BID VALIDITY PERIOD

The bid will be valid for a period of 120 days.

22. COMPLETION OF BID DOCUMENTS

The following are minimum requirements for completion of the bid documents: -

- 22.1 Bidders are required to complete the entire bid document in terms of the requirements contained herein.
- 22.2 Bid documents, certificates, and all forms required by this bid must be completed in black ink and signed by the authorized signatory.
- 22.3 Bidder to sequentially number, index all pages submitted in the bid document and attachments.
- 22.4 Bidders shall ensure that there are no missing or duplicated pages. LPT shall not

accept liability regarding claims by bidders that pages are missing or duplicated.

22.5 Use of correction fluid is not allowed and any cancellation, alteration or amendment on the bid document must be signed for by the authorized signatory.

22.6 Completed bid document with supporting documents shall be packaged, sealed, marked and submitted strictly as stipulated in this bid document.

23. TAX COMPLIANCE

No bid shall be awarded to a bidder who is not tax compliant. LPT reserves the right to withdraw an award made, or cancel a contract concluded with a successful bidder in the event that it is established that such bidder was in fact not tax compliant at the time of award or whose verification against the CSD proves non-compliant. LPT further reserves the right to cancel a contract with successful bidder in the event that such bidder does not remain tax compliant for the full term of the contract.

24. GENERAL

All documents, including binders, submitted in response to this bid will become the property of the Limpopo Provincial Treasury, unless a bidder expressly indicates otherwise.

25. SUBMISSION OF DOCUMENTS, BRIEFING SESSION, AND CLOSING DATE

- Please note, it is mandatory that bid documents must be submitted, completed, and signed.
- **No briefing session will be held.**
- Closing date of the bid is on the **19 August 2024 at 11h00**