



CONFIDENTIAL

RFQ NUMBER	PPSA/REQ0000001837
RFQ DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE LEGAL, FORENSIC, ECONOMIC, FINANCIAL & ANALYTICAL SERVICES
RFQ ISSUE DATE	17 May 2026
BRIEFING SESSION	NONE
CLOSING DATE & TIME	22 May 2026 @ 11:00 AM, RFQ SUBMITTED AFTER THE STIPULATED CLOSING DATE AND TIME WILL NOT BE CONSIDERED.
RFQ DOCUMENTS TO BE SUBMITTED ONLY THROUGH	PPSAQUOTATIONS07@pprotect.org
NO: OF DOCUMENTS	1 SOFT COPY

CONSULTATION PRIOR TO SUBMISSION OF THE BID DOCUMENTS

Bidders shall consult, **in writing**, with the PPSA's officials indicated below should there appear to be any discrepancy, ambiguity or uncertainty pertaining to the meaning or effect of any description, dimension, quality, quantity or any other information contained in this bid. PPSA undertakes to provide clarification in writing to all Bidders, provided that the request is received prior to the closing date and time for clarifications.

Officials	Location	Contact Details
Tiyani Thuketane	Public Protector South Africa	Tel: 012 366 7252
Cleopar Mahlangu	174 Lunnon Street	TiyaniT@pprotect.org
	Hillcrest Office Park	CleoparM@pprotect.org
	Hillcrest	Tel: 012 366 7214
	0083	

The Public Protector South Africa (PPSA) requests your quotation on the service listed above. Please furnish us with all the information as requested and return your quotation on the date and time stipulated above. **Late and incomplete submissions will invalidate the quote submitted.**

SUPPLIER INFORMATION

SUPPLIER NAME: _____

NATIONAL TREASURY (CSD) SUPPLIER NUMBER: _____

POSTAL ADDRESS: _____

TELEPHONE NO: _____

E-MAIL ADDRESS: _____

CONTACT PERSON: _____

CELL NO: _____

SIGNATURE OF BIDDER: _____



Prospective suppliers must be registered on the PPSA Database for the Panel of Service Providers for Specialist Investigations and digital forensic services

RETURNABLE DOCUMENTS CHECKLIST

The quotation invitation document must be completed, signed and submitted as a whole by the authorised Company representative. All forms must be properly completed; list below serves as a checklist of your RFQ submission.

(Tick in the relevant block below)

DESCRIPTION	YES	NO
Pricing Schedule		
SBD 6.1		
Mandatory documents attached (Qualifications)		

Note: This RFQ must be completed and signed by the authorised company representative

1. QUOTATION CONDITIONS

NOTE: Quotation for the supply of goods or services described in this document are invited in accordance with the provision of Government Procurement: General Conditions of Contract available for download from <http://www.treasury.gov.za/divisions/ocpo/sc/GeneralConditions/>

- a. The PPSA does not bind itself to accept the lowest or any RFQ, nor shall it be responsible for or pay any expenses or losses which may be incurred by the bidder in the preparation and delivery of the RFQ.
- b. No RFQ shall be deemed to have been accepted unless and until a formal contract/letter of intent is prepared and executed.

1.1 The PPSA reserves the right to:

- a. Not evaluate and award RFQ that do not comply strictly with the requirements of this RFQ.
- b. Make a selection solely on the information received in the RFQs and enter into negotiations with any one or more of the preferred bidder(s) based on the criteria specified in the evaluation of this RFQ.
- c. Contact any bidder during the evaluation process, to clarify any information, without informing any other bidders, and no change in the content of the RFQ shall be sought, offered, or permitted.
- d. Award a contract to one or more bidder(s).
- e. Withdraw the RFQ at any stage.
- f. Accept a separate RFQ or any RFQ in part or in full at its own discretion.
- g. Cancel this RFQ or any part thereof at any stage as prescribed in the PPPFA regulation.
- h. Select the bidder(s) for further negotiations based on the greatest benefit to the PPSA and not necessarily on the basis of the lowest costs

2. COST OF BIDDING

The bidder shall bear all costs and expenses associated with the preparation and submission of its RFQ or RFQ, and the PPSA shall under no circumstances be responsible or liable for any such costs, regardless of, without limitation, the conduct or outcome of the bidding, evaluation, and selection processes.

TERMS OF REFERENCE

1. INTRODUCTION

- 1.1. The Public Protector South Africa (PPSA) is a Chapter 9 institution constituted under Section 182 of the Constitution of the Republic of South Africa, in which the PPSA has the power to:
 - a) Investigate any conduct in state affairs or in the public administration in any sphere of government that is alleged or suspected to be improper or that will result in impropriety or prejudice;
 - b) Report on that conduct; and
 - c) Take appropriate remedial action.
- 1.2. In addition, the Public Protector may investigate any improper or dishonest act or omission or offences referred to in certain sections of the Preventing and Combating of Corrupt Activities Act.

2. PURPOSE

- 2.1. PPSA is conducting an Investigation into allegations of Maladministration against the National Energy Regulator of South Africa (NERSA):
- 2.2. NERSA announced its decision on the Sixth Multi-Year Price Determination (MTPD6) in January 2025, following an application made by Eskom Holdings SOC Ltd (Eskom) and after having undertaken the legally prescribed public hearings and stakeholder engagements.
- 2.3. Eskom launched a judicial review of NERSA's decision in July 2025, citing a R107 billion revenue shortfall in the MYPD6 determination.
- 2.4. NERSA admitted to errors made in the calculation of depreciation and the Regulatory Asset Base (RAB) and did not oppose the application, which caused the South African consumers to cover the "mistake" as tariffs hikes in electricity of up to 8% is expected.
- 2.5. NERSA reached a settlement agreement "behind closed doors" with Eskom, without obtaining public input and consultation, in direct opposition to their role as guardian of South African energy prices.

- 2.6. The error made by NERSA in the MYPD6 could be grossly negligent and may constitute maladministration within the entity.
- 2.7. PPSA now seeks an external specialist service provider in the Energy field to provide Forensic, Economic and Financial analytical skills, with knowledge of the National Energy Regulator Act, 2004 and the Electricity Regulation Act, 2006, as well as the MYPD methodology and approval process field, **to conduct an analysis of the evidence, report drafting and assurance services.**

3. BACKGROUND AND LEGISLATIVE CONTEXT

3.1 Key Allegations

- 3.1.1. Whether there are systemic deficiencies in the financial modelling, quality assurance and internal control mechanisms at NERSA; if so, whether such conduct is improper as envisaged in section 182(1)(a) of the Constitution and amounts to maladministration in terms of section 6(5)(a) Public Protector Act; and
- 3.1.2. Whether by entering into a settlement agreement with Eskom, NERSA has evaded public input and consultation, contrary to its duty as the guardian of South African energy prices; if so, whether such conduct is improper as envisaged in section 182(1) of the Constitution and amounts to maladministration in terms of section 6(5)(a) of the Public Protector Act.

3.2 Applicable Statutes & Legal Framework

Statute / Instrument	Investigative Relevance
Constitution	PPSA constitutional mandate
Public Protector Act, 1994	Investigative mandate, subpoena, search & seizure powers
National Energy Regulator Act, 40 of 2004	Legislative mandate of NERSA

Electricity Regulation Act, 4 of 2006	Established NERSA as custodian of the electricity regulatory framework
Promotion of Administrative Justice Act, 2000 and its Regulations	Prescribes the public participation process to be followed by NERSA

4. SCOPE OF WORK

4.1. Key objectives

- 4.1.1. **Economic, Financial, and Forensic Analysis** – conducting an analysis into the financial modelling, MYPD determination processes, quality control and internal control mechanisms at NERSA considering the regulatory framework
- 4.1.2. **Legal research** – conducting legal research into the legal prescripts governing the areas covered by the investigation and analysing areas of possible non-compliance therewith; and
- 4.1.3. **Legal assurance** - to quality assure and review the interim and the Public Protector's final report into the investigation to ensure that they are sufficiently legally reasoned and that once the final report is issued it would be able to withstand the scrutiny of the courts should it be taken on judicial review.

5. DELIVERABLES

5.1. Deliverables & Milestones

#	Deliverable	Format	Due-Date (Provisional)	Acceptance Criteria
	Subject matter expert to review and economic, Financial, Analysis into the financial modelling, MYPD determination processes, quality control and internal control mechanisms at NERSA	PDF + Word	Day 30	Approved by PPSA Investigations Executive
1	Subject matter expert to produce Legal Analysis Report	PDF + Word	Day 50	Approved by PPSA Investigations Executive
4	Legal assurance opinion	PDF + Word	Day 70	Approved by PPSA Investigations Executive
3	Review Draft Investigation Report	PDF + Word	Day 100	Approved by PPSA Investigations Executive

5.2. A copy of the final Report should be presented to PPSA by the Lead Investigator.

5.3. The service provider must:

- a) Sign PPSA non-disclosure agreement.
- b) Comply with POPIA, Protection of State Information Act.
- c) Segregate PPSA data on encrypted drives (AES-256).
- d) Restrict access on need-to-know basis; maintain audit logs.

6. Mandatory Requirements

6.1. Failure to submit copies of the minimum qualifications will result in automatic disqualification – only bidders who meet and submit proof of minimum qualifications requirements will be evaluated for pricing and specific goals

Item	Role	Minimum Qualification	Proof of qualifications submitted (Y/N)
1.	Energy expert with economic, financial and forensic skills	NQF level 8 qualifications in Economics, Finance, Engineering, Accounting, or Energy Studies (NQF level 6 or equivalent with experience in energy market analysis, policy, sustainable practices, and economic forecasting; ideal for energy economics.	
2.	Legal Analyst/ Advisor	NQF level 8 legal qualification + Legal/ Forensic/ Drafting Experience	

PRICING SCHEDULE

Name of bidder _____ RFQ number: _____

Closing date _____

RFQ submission shall remain valid for acceptance for a period of **90 days** counted from the closing date.

Item	Requirement Description Role	Minimum Qualification	Estimated person days	Unit Cost	Total Cost (Incl. VAT)
1.	Energy expert with economic, financial and forensic skills	NQF level 8 Qualification in Economics, Finance, Engineering, Accounting, or Energy Studies (NQF level 6 or equivalent with experience in energy market analysis, policy, sustainable practices, and economic forecasting; ideal for energy economics.		R	R
2.	Legal Analyst/ Advisor/drafter	NQF level 8 legal qualification + Legal/ Forensic/ Drafting Experience		R	R
4.	Other additional			R	R
Sub-Total					
VAT@15%					
TOTAL PRICE (INCLUDING VAT)					

**** Bidders are requested to submit a separate cost breakdown that covers the entire scope of work.**

1. Is the price(s) fixed? **Yes/No**
2. Is the quote strictly to specification? **Yes/No**

PRICE CONFIRMATION

I/We, the undersigned, agree that this bidding price shall remain binding on me/us and open for acceptance for the period stipulated above.

Authorised Company Representative:

Capacity under which this quote is signed.....

Signature:.....

Date:

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

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

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

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

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

1.2 **To be completed by the organ of state**

(a) The applicable preference point system for this tender is the **80/20** preference point system
(To be used only if the lowest quotation is equal to or above R30 000)

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

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

1.4 **To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

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

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

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

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

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

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{min} = Price of lowest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

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

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

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

Bidder must submit proof as supporting documents for the point's claimed. None submission may render the points not been awarded to the bidder.

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Historically Disadvantaged individual (HDI)		
Enterprises with ownership of 51% or more by person/s who are black person/s.	10	
Enterprises with ownership of 51% or more by person/s who are women	5	
Enterprises with ownership of 51% or more by person/s who are youth	3	
Enterprise with ownership of 51% or more by person/s with disability	2	
Enterprises with ownership of less than 51% by person/s who are black or less than 51% by person/s who are women or less than 51% by person/s who are youth or less than 51% by person/s with disability	0	
Total	20	

DECLARATION WITH REGARD TO COMPANY/FIRM

4.2. Name of company/firm.....

4.3. Company registration number:

4.4. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety
- ☐ Close corporation
- ☐ Public Company
- ☐ Personal Liability Company

- ☐ (Pty) Limited
☐ Non-Profit Company
☐ State Owned Company
 [TICK APPLICABLE BOX]

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

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

.....

SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

.....

.....

.....

Documents Requirement for verification or proof to be submitted for points claimed:

Procurement Requirement	Required Proof Documents
Enterprises with ownership of 51% or more by person/s who are black person/s.	• CIPC registration documents , • B-BBEE certificate/sworn affidavit , • South African Identification Document
Enterprises with ownership of 51% or more by person/s who are women	• CIPC registration documents , • B-BBEE certificate/sworn affidavit , • South African Identification Document
Enterprises with ownership of 51% or more by person/s who are youth	• CIPC registration documents , • B-BBEE certificate/sworn affidavit • South African Identification Document
Enterprise with ownership of 51% or more by person/s with disability	• Letter from the Doctor confirming Disability and, • South African Identification Document