GOVERNMENT TECHNICAL ADVISORY CENTRE
Analyse, Adjust & Activate
National Treasury - Republic of South Africa

TERMS OF REFERENCE
APPOINTMENT OF A SERVICE PROVIDER TO ASSIST THE GTAC TO CONDUCT DUE DILIGENCE SEARCHES OVER A PERIOD OF THREE (3) YEARS.

Name of Project	**APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT DUE DILIGENCE SEARCHES FOR A PERIOD OF 3 YEARS**
Contracting Authority	Government Technical Advisory Centre (GTAC)
Accountable Officer	Ronette Engela
Project Purpose	GTAC requires access to a system where various verifications / searches can be performed on a pay-per-use-basis.

Contents

1. Background Information 3

2. Purpose 3

3. Requirements 3

3.1 Level of Effort: Pricing Requirement 4

4. EVALUATION CRITERIA 4

4.1 Stage 1A: Administrative Compliance (Non-Disqualification) 5

4.1.1 Tax Clearance Status 6

4.1.2 Conducting business with the state 6

4.2 Stage 1B: Mandatory Requirements (Disqualification) 6

4.3 Phase 2: Evaluation Criteria 7

4.4 Phase 3: Price and Specific Goals Evaluations 8

5. Financial Implications 10

6. Contracting Authority 10

7. RFQ Validity 11

8. LEGAL IMPLICATIONS 11

9. CLARIFICATIONS 11

10. COMMUNICATION 11

11. COUNTER CONDITIONS 12

12. PROHIBITION OF RESTRICTIVE PRACTICES 12

13. BENEFICIAL OWNERSHIP 12

14. SUBMISSION DETAILS 13

15. CONTACT DETAILS 13

16. Annexure 1: Service and Price Offering (Pay-per-use Service) 15

1. Background Information

GTAC is a government entity promulgated through a Legal Notice (35194) published in the Government Gazette on 30 March 2012. It is an agency of the National Treasury, established to assist Organs of State in building their capacity for efficient, effective and transparent financial management.

The functions of GTAC are:

- To render technical consulting services to the Centre of Government Departments and Organs of State;
- To provide specialised procurement support for high–impact government initiatives;
- To render advice on the feasibility of infrastructure projects;
- To provide knowledge management for projects undertaken; and

GTAC's Founding Notice indicates that it provides services to its clients through agreements with the National Treasury, centre–of–government departments and organs of state. GTAC implements its mandate through a client–focused and predominantly project–based approach and collaborates with partners inside and outside government in the development and delivery of its services. More information on the organisation and its work may be found on the GTAC website (www.gtac.gov.za).

2. Purpose

The purpose of this Terms of Reference (ToR) is to provide the due diligence requirements and in doing so, attract relevant service providers. GTAC requires access to an online portal where queries / searches can be conducted, and the results of the said searches can be documented. A service provider will be appointed for a period of three (3) years from the commencement of the contract.

Due diligence is conducted to identify risks, verify information, and ensure informed decision-making before finalising a procurement process. It ensures that suppliers are credible, financially stable, operationally capable, and compliant with legal, ethical, and regulatory requirements, reducing risks to the organisation and safeguarding supply chain integrity.

3. Requirements

- GTAC has identified the following areas where background checks are necessary during the due diligence process: Individual / Institution / Property Information Verification.
    - Directorship Search – Confirm the business interest of an individual.
    - Company Search – Confirmation of company registration, directorship and Trusts.
    - Fraud listing – Ensure that potential stakeholders are not listed as fraudulent.
    - Financial History – Confirm financial position and that they do not have a judgment against their name/ has been sequestrated/ undergoing debt review.
    - Employment History - To establish if potential stakeholders are not employed by the government.
- Politically Exposed Person Search – Identification of PEP's and organisations with known risk
- Qualification Verification – Confirms individuals stated qualifications.

- Criminal Records Search – Confirms that individuals have not been involved in criminal activities.

3.1 Level of Effort: Pricing Requirement

Bidders are required to provide a unit price per bid transaction, including all applicable taxes. For evaluation and budgeting purposes, the estimates should be based on the anticipated number of bid transactions to be completed per year.

Bidders should clearly indicate: their unit price per bid transaction; whether VAT is applicable; and the applicable VAT amount, where relevant.

The total estimated annual cost will be calculated using the quoted unit price and the estimated annual number of bid transactions. The estimated annual quantity is provided solely for pricing evaluation and does not guarantee the number of transactions that will be awarded or processed during the contract period. The level of effort required will vary based on GTAC's changing business volume and the number of project assignments issued. The specific number of days to be contracted will be defined in the applicable Instruction to Perform Work.

4. EVALUATION CRITERIA

GTAC has set minimum standards that bidders must meet to be selected as successful bidders.

The successful bidder will be awarded the contract for the above duration of the service requirements and will be selected based on the following three-phase process. It should be noted that the stages are considered to be separate processes. These three phases are mutually exclusive and will be treated as such in the appraisal.

Table 1: Evaluation Phases/Methodology

Evaluation Stage	Description
Phase 1	**Stage 1A: Administrative Compliance.** A bidder is required to submit the administrative compliance documents as referred to in paragraph 4.1.
	Stage 1B: Mandatory Compliance – Disqualification/ Pre-Qualification Failure to submit any of the required mandatory documents will lead to disqualification. Refer to paragraph 4.2.
Phase 2	**Evaluation criteria** Bidders must be fully compliant with the required service (apart from the Bank Account Verification as outlined under section 3.

Phase 3	**Price and Specific Goals** Preference points in the 80/20 formula will be awarded to biddersfor attaining a score for elements as indicated in paragraph 4.4.Bidders must provide the required information for evaluation purposes.

4.1 Stage 1A: Administrative Compliance (Non-Disqualification)

During this phase, bid documents will be reviewed to determine compliance with tax matters and Central Supplier Database (CSD) at closing date and time of bid. Bidders must submit all returnable documents as outlined in the table below using the designated electronic e-procurement system.

Table 2: Administrative Requirements

No	Administrative Requirements	Requirements
1.	SBD 1- Invitation to bid	Complete the supplied pro forma document on e-procurement system.
2.	Central Supplier Database (CSD) Registration Report, or CSD registration number, and Valid Tax Compliance Status Verification.	Bidders must be registered on the Central Database System (CSD) at the closing date and time of the bid. **NB:** The bidder must submit, in the case of a Joint Venture, Consortium, Trust, or Partnership a Valid Tax Clearance Verification and/or SARS-issued pin code for both companies must be submitted (which will be verified).
3.	SBD 4 – Bidder's Disclosure	Complete the supplied pro forma document on the e-procurement system.
Note: *Bidder's must submit the attached SBD 4 document. A bid may be disqualified if this disclosure is found not to be true and complete in every respect. The following definitions should be considered when completing the form:* *- ''Person'' means a bidder or supplier or shareholder, director, trustee, partner, member of a bidder or supplier having the controlling interest in the bidder or supplier.* *- ''State'' means a national or provincial department, national or provincial public entity or constitutional institution, a municipality or municipal entity, a provincial legislature or parliament.*		
4.	SBD 6.1 – Preferential Point Claim form in terms of the Preferential Procurement Regulation (PPR) 2022.	Complete the supplied pro forma document on e-procurement system i.e. SBD 6.1 and Specific Goals tab as provided on the e-procurement system. Bidders must complete the Specific Goals and claim their preference points on SBD 6.1– (complete the table) and in the Specific Goals tab as provided on the e-procurement system. Failure to complete or claim on SBD 6.1 will result in a score of zero being allocated for Specific Goals, a bidder forfeiting points for specific goals.

4.1.1 Tax Clearance Status

A valid tax PIN / Central Supplier Database (CSD) number must be provided for purposes of verifying that the tax matters of the bidder are in order. Bidder's tax matters must be compliant at the time of award. In the case where a bidder's tax matters are non-compliant, a bidder will be given a maximum of seven (7) working days to remedy their tax matters. Failure to address this matter shall result in the invalidation of the bid.

GTAC reserves the right to withdraw an award made or cancel a contract concluded with a successful bidder if it is established that such bidder was not tax compliant at the time of the award.

4.1.2 Conducting business with the state

Any bidder representative (Director/Shareholder/Proposed Resource) who is employed by the state will not be considered; i.e. if a bidder representative is in the employ of the state, such a bid will not be considered.

- Conducting business means engaging in business, trade, occupation, profession, calling, industry, or undertaking of any kind, or any activity carried on for gain or profit by any person within the Republic or elsewhere.
- An employee includes persons appointed on a temporary or permanent basis and includes interns.
- An employee is regarded as **'conducting business with an organ of state'** when an employee or an employee acting as a director of a private or public company-
    - concludes, or intends to conclude, a written or oral agreement, irrespective of the process followed with an organ of state;
    - such agreement is not associated with that employee's employment with his or her department (i.e. it is not the employee's duty to interact with suppliers on behalf of the department) ; and
    - through such agreement provides goods or services to any organ of state for any personal benefit, financial or otherwise.

4.2 Stage 1B: Mandatory Requirements (Disqualification)

Bidders must submit a responsive proposal in accordance with these Terms of Reference and the below minimum prequalification. Failure to adhere to any of the following requirements will result in disqualification.

Bidders are advised that bid proposals must be submitted strictly in accordance with the e-

Procurement (online) submission requirements. All required information must be completed and submitted in the designated tabs and fields on the e-Procurement system. This requirement applies to all information and supporting documentation and SBD forms.

i. Bidders must be registered on the Central Supplier Database (CSD) on the closing date of the RFQ.
ii. Any bidder representative (Director/Shareholder/Proposed Resource) who is employed by the state will not be considered. i.e., if a bidder representative is in the employment of the state, such a bid proposal will not be considered.
iii. Each service provider responding to this ToR must indicate their service offering as outlined in paragraph 3 of the Terms of Reference as well as indicate the unit price of each component on **Annexure 1**.
iv. Submission of a pricing schedule/financial proposal is required as per SBD 3.3 and must be fully completed as indicated in the e-procurement portal. Non-submission of the pricing schedule will invalidate the bid.
v. Submission of a technical proposal required.

4.3 Phase 2: Evaluation Criteria

- The bids will be evaluated strictly in accordance with the evaluation criteria as tabulated in **Table 3 and Annexure 1**.
- Bidders must submit a functionality / technical proposal as part of the bid proposal indicating services required as per paragraph 3 and table 3 below. The bidder is required to provide supporting documents which serves as evidence/proof that the bidder can provide the required services as requested in this TOR.
- The committee must evaluate all proposals based on the information submitted by the bidders. Bidders will not rate themselves but must ensure that all information is supplied as required.
- The committee responsible for assessing and evaluating the respective bidders based on the information provided.

Table 3: Functionality/Technical evaluation Criteria

No	Search to be conducted	Description	Bidders provide supporting document for each search description (Reference Page number in submission document)
1	Directorship Search	Confirm the business interest of an individual	

No	Search to be conducted	Description	Bidders provide supporting document for each search description (Reference Page number in submission document)
2	Company Search	Confirmation of company registration, directorship and Trusts	
3	Fraud listing	ensure that potential stakeholders are not listed as fraudulent	
4	Financial History	Confirm financial position and that they do not have a judgment against their name/ has been sequestrated/ undergoing debt review	
5	Employment History	To establish if potential stakeholders are not employed by the government	
6	Politically Exposed Person Search	Identification of PEPs and organisations with known risk	
7	Qualification Verification	Confirms individuals stated qualifications	
8	Criminal Records Search	Confirms that individuals have not been involved in criminal activities	
9	Track record: A minimum of 3 reference letters where similar services were provided.	The bidder must submit a minimum of three (3) valid reference letters from clients for whom the bidder has provided services similar in nature and scope to those specified in this RFQ. Each reference letter must clearly indicate the client/organisation name, nature of services provided, period of service, and contact details of a person who can be contacted for verification.	

Only bidders who are fully comply with requirements of criteria above will be further evaluated in terms of Preferential Procurement Regulation, 2022 (PPR) i.e. Price and Specific goals.

4.4 Phase 3: Price and Specific Goals Evaluations

Preferential Procurement Evaluation Based on the 80/20 Principal. Price/financial proposals must be submitted in South African Rand (VAT inclusive for VAT vendors and VAT exclusive for Non-VAT Vendors), the firm price shall be applicable for the duration of the contract.

a) The applicable formula (80/20) will be utilised to evaluate the bid, of which eighty (80) points are allocated for the price as allocated in the enclosed form SBD 6.1. which must be completed, and the remaining twenty (20) points are allocated for the specific goals as indicated in Table 3 below.

b) Submission of a price proposal is required in the proforma format as provided and indicated on the e-procurement system pricing schedule-SBD 3.3.

   NB: A bidder is required to indicate if they are VAT registered or not; and complete the SBD 3.3 form as provided on the SBD 3.3 e-procurement system.

c) The CSD will be used for verification of specific goals claimed and confirmation of the final scores. Additional proof of compliance with specific goals may be submitted as part of the price proposal. In the case of an incomplete SBD 6.1 form (no points claimed), a bidder will obtain a score of zero for specific goals.

d) GTAC reserves the right to negotiate the price offer or rates with the recommended bidder(s).

Table 4: Specific Goals

Price	**80**
The specific goals in terms of this tender	**20**
Above 30% ownership for Historically Disadvantaged Individuals who had no franchise in national elections before the 1983 or 1993 Constitutions.	10
Women percentage of ownership: 30% and above	10
Overall Total score	**100**

Table 5: Defining Terminology

Terminology	Definition
Black People	As per the Broad-Based Black Economic Empowerment Act 53 of 2003 as Amended by Act No 46 of 2013 “Black People” is a generic term which means Africans, Coloureds and Indians – (a) who are citizens of the Republic of South Africa by birth or descent;or (b) who became citizens of the Republic of South Africa by naturalisation before 27 April 1994; or II. on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalisation prior to that date.
“Specific goals”	means specific goals as contemplated in section 2(1)*(d)* of the Actwhich may include contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination on thebasis of race, gender and disability including the implementation of programmes of the Reconstruction and Development Programme as published in *Government Gazette* No. 16085 dated

	23 November 1994.
Historically Disadvantaged Individual (HDI)	means a South African citizen: 1. who, due to the Apartheid policy that had been in place, had nofranchise in national elections prior to the introduction of the Constitution of the Republic of South Africa, 1983 (Act No 110 of 1983) or the Constitution of the Republic of South Africa, 1993 (Act No 200 of 1993) ("the interim Constitution); and/or 2. who is a female; and/or 3. who has a disability. provided that a person who obtained South African citizenship on or after the coming to effect of the Interim Constitution, is deemednot to be an HDI.

5. Financial Implications

Bidders are required to take into consideration the following points when responding to this ToR:

- No retainer will be paid monthly, and the full use of the allocated budget is not guaranteed.
- Bidders should indicate the price per search and the period of validity if not valid for a period of 12 months.

6. Contracting Authority

- The Contracting Authority will be the Government Technical Advisory Centre (GTAC).
- Prior to the appointment, the recommended service provider may be required to submit additional supporting documentation.
- GTAC reserves the right to negotiate the final offer with the recommended bidder before the award.
- GTAC reserves the right to terminate the Agreement/award or temporarily defer the provisioning of the Services, or any part thereof, at any phase with immediate effect on written notice to the Service Provider, should the GTAC in its sole and absolute discretion, decide not to proceed with the Services.
- 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.

Additional Compliance Requirements:

- All bidders or individuals forming part of this project are hereby notified that valid documentation, including but not limited to a valid passport, visa, and work permit issued in accordance with the Immigration Act, must be presented with bids for the employment of a foreign national within the Republic of South Africa.
- Furthermore, the successful bidder and the proposed resources shall be subject to screening by the State Security Agency (SSA). Therefore, the ID copies must form part of the bid proposal.
- Failure to comply with these requirements may result in disqualification or termination of the contract at any stage of implementation.

7. RFQ Validity

The RFQ will be valid for a period of sixty (60) calendar days from the closing date of the RFQ.

8. LEGAL IMPLICATIONS

The successful service provider must be prepared to enter into a service-level agreement with GTAC.

9. CLARIFICATIONS

Requests for clarification must be made in writing by e-mail. Telephonic enquiries for clarification will not be accepted.

Requests for clarification will be accepted by GTAC as specified in the bid document. The submission reference must be included in the subject line of the email.

10. COMMUNICATION

GTAC's Professional Services Procurement (PSP) unit will only communicate with bidders by email where bid clarity is sought, to obtain information or to extend the validity period. For any enquiries, email: psp@gtac.gov.za.The submission reference must be included in the subject line of the email. GTAC will only respond to email communication during business hours.

Alternatively, contact the e-procurement portal support desk at: **https://vendorportal.gtac.gov.za/Contact**

Any communication by the bidder (either by facsimile, letter, electronic mail or any other form of correspondence) to any government official, representative, or a person acting in an advisory capacity for GTAC in respect of this bid between the closing date and the award of the bid is prohibited.

11. COUNTER CONDITIONS

Bidders' attention is drawn to the fact that amendments to any of the Information to bid by bidders will result in invalidation of such bids.

12. PROHIBITION OF RESTRICTIVE PRACTICES

In terms of section 4(1) of the Competition Act No. 89 of 1998, as amended, an agreement between, or concerted practice by, firms, or a decision by an association of firms, is prohibited if it is between parties in a horizontal relationship and if a bidder(s) is/ are or a contractor(s) was/were involved in:

a. Directly or indirectly fixing a purchase or selling price or any other trading condition.
b. Dividing markets by allocating customers, suppliers, territories or specific types of goods or services; or
c. Collusive bidding.
d. If a bidder(s) or contractor(s), in the judgment of the purchaser, has/have engaged in any of the restrictive practices referred to above, the purchaser may, without prejudice to any other remedy provided for, invalidate the bid(s) for such item(s) offered or terminate the contract in whole or in part and refer the matter to the Competition Commission for investigation and possible imposition of administrative penalties as contemplated in the Competition Act No. 89 of 1998.

13. BENEFICIAL OWNERSHIP

The bidder/s are required to provide the information below for transparency.

a. A beneficial owner of a company is an individual who, directly or indirectly, ultimately owns that company or exercises effective control over that company.
b. Companies are required to keep a register of their beneficial owners and to provide this information to the Companies and Intellectual Property Commission (CIPC). The CIPC maintains a central register of beneficial ownership information.
c. The beneficial ownership regime in South Africa is intended to improve transparency and accountability in the corporate sector. It is also intended to help prevent money laundering and terrorist financing.
d. Companies are required to keep a register of their beneficial owners and must disclose in their bids the following information, as provided for in their register for the information of each beneficial owner:
    - Name
    - Date of birth
    - Identity number or passport number

- Residential address
- Occupation
- Nature and extent of control over the company

14. SUBMISSION DETAILS

To respond to this tender, bidders are required to register on the GTAC e-procurement system, using the following link: **https://vendorportal.gtac.gov.za/**

The registration process involves the following steps:

a) Register as a portal user. This is the process of creating a user account on the vendor portal/e-procurement system. This will allow the user to view and respond to tenders.
b) Capture the supplier details. Registering the company details allows the bidder to enter information and upload documents.

To respond to this tender:

c) Log in to the portal https://vendorportal.gtac.gov.za/
d) Navigate to the tender menu.
e) Select “Formal” and click on “Current”.
f) A list of available tenders/RFQ will be available, and the bidder to select the tender number (e.g. TENxxxxx) to start the submission process.

Detailed instructions on how to register on the e-procurement system are available at (https://docs.corelab.co.za/Home/ViewContent?productid=1&sectionid=2&contentid=1165)

The capturing process is in the form of a wizard, with the system guiding you through each step. Once all the required information is completed, remember to submit your bid. Only submitted bids will be eligible for the award.

NB: Only electronic submission of bids on the GTAC e-procurement system is allowed. Do not submit hard copy bids to GTAC, as these will not be considered.

NB: Submissions received after the closing date and time will not be accepted.

For any enquiries, email: psp@gtac.gov.za or contact the vendor support desk at: https://vendorportal.gtac.gov.za/Contact.

15. CONTACT DETAILS

For further information regarding this Terms of Reference or the application process, please contact the GTAC Professional Services Procurement (PSP) Unit at the details provided in the

accompanying procurement documentation.

GTAC reserves the right to amend, cancel, or re-issue this Terms of Reference at any time without prior notice and without obligation to any applicant.

Professional Services Procurement,
Riverwalk Office Park- Block A, GTAC 1st Foor
41 Matroosberg Rd,
Ashlea Gardens,
Pretoria, 0081
Private Bag X 115
For any enquiries, email: RFQ@gtac.gov.za

16. Annexure 1: Service and Price Offering (Pay-per-use Service)

No	Search to be conducted	Description	Limitations to Service if any
1	Directorship Search	Confirm the business interest of an individual	
2	Company Search	Confirmation of company registration, directorship and Trusts	
3	Fraud listing	ensure that potential stakeholders are not listed as fraudulent	
4	Financial History	Confirm financial position and that they do not have a judgment against their name/ has been sequestrated/ undergoing debt review	
5	Employment History	To establish if potential stakeholders are not employed by the government	
6	Politically Exposed Person Search	Identification of PEPs and organisations with known risk	
7	Qualification Verification	Confirms individuals stated qualifications	
8	Criminal Records Search	Confirms that individuals have not been involved in criminal activities	