



MICT SETA Head Office
Supply Chain Management
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E-mail: rfqs@mict.org.za

RFQ NUMBER	RFQ/MICT/120/2022
RFQ DESCRIPTION	THE APPOINTMENT OF AN INDEPENDENT INVESTIGATOR
RFQ ISSUE DATE	03 MARCH 2023
BRIEFING SESSION	N/A
CLOSING DATE & TIME	13 MARCH 2023 @ 11:00 AM RFQ submitted after the stipulated closing date and time will not be considered.
LOCATION FOR SUBMISSIONS	rfqs@mict.org.za
NO: OF DOCUMENTS	1 SOFT COPY

For queries, please contact rfqs@mict.org.za before the closing date of this RFQ.

The MICT SETA requests your quotation on the services 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 NAME: _____

NATIONAL TREASURY (CSD) SUPPLIER NUMBER: _____

POSTAL ADDRESS: _____

TELEPHONE NO: _____

E MAIL ADDRESS: _____

CONTACT PERSON: _____

CELL NO: _____

SIGNATURE OF BIDDER: _____

SUPPLIER REGISTRATION ON CSD

Prospective suppliers must register on the National Treasury Central Supplier database in terms of National Treasury circular no 4A of 2016/17. The bidder shall register prior submitting a proposal/bid.



RETURNABLE DOCUMENTS CHECKLIST

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 serve as a checklist of your RFQ submission.

(Tick in the relevant block below)

DESCRIPTION	YES	NO
CSD Central Supplier Database (CSD) Registration Report		
Pricing Schedule		
Valid Tax Clearance Certificate (S) and or proof of application endorsed by SARS and/or SARS-issued verification pin		
SBD 4 – Bidder’s Disclosure		
SBD 6.1 - Preferential Procurement Claim Form		
Certified Copy of director(s) ID(s) not older than 3 months		
CIPC DocumentS		

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

MICT SETA –QUOTATION CONDITIONS

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. **MICT SETA** 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 **MICT SETA** 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, in order 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 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 MICT SETA 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 MICT SETA 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

The Media, Information and Communication Technologies Sector Education and Training Authority (MICT SETA) is a public entity established in terms of Section 9(1) of the Skills Development Act (Act No. 97 of 1998). The MICT SETA plays a pivotal role in achieving South Africa's skills development and economic growth within the 5 distinct sub-sectors it operates in, i.e., Advertising, Film and Electronic Media, Electronics, Information Technology, and Telecommunications.

2. PURPOSE

The MICT SETA is seeking an independent investigator for allegations of collusion and breach of MICT SETA's the code of conduct.

3. SCOPE OF WORK

- 3.1. The Forensic Investigator must perform the following activities in order to deliver on the required deliverables or outputs:
 - 3.1.1. Conduct investigations;
 - 3.1.2. Analyse the available information and conduct subsequent investigations;
 - 3.1.3. To apply the PFMA and the regulations applicable to it, and the regulations applicable to it, Public Sector Acts, Treasury Regulations, Circulars, MICT SETA Constitution , Instruction Notes as well as relevant policy documents and practice notes during the relevant investigations.
 - 3.1.4. Utilizing a multi-disciplinary approach during the investigation with regard to the field of investigation.

Expected Deliverables

1. To prepare reports reflecting the investigations conducted as well as subsequent findings;
2. To prepare affidavits when requested, to be submitted during criminal and civil proceedings as well as for disciplinary purposes;
3. To provide expert testimony during the proceedings referred to in paragraph (b) above; and
4. To prepare a legal opinion based on the outcome of the investigation which sets out how to implement the proposed recommendations.

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	Quantity	Unit Cost	Total Cost (Incl. VAT)
THE APPOINTMENT OF AN INDEPENDENT INVESTIGATOR				
1.	Conducting investigations	1	R	R
2.	Preparing reports	1	R	R
3.	Preparing affidavits	1	R	R
4.	Providing expert testimony during the proceedings	1	R	R
5.	Preparing legal opinion based on the outcome of the investigation	1	R	R
6.	Other additional costs		R	R
			Sub-Total	
			VAT@15%	
			TOTAL PRICE (INCLUDING VAT)	

Complete below:

1. Delivery Address: **MICT SETA Head office**
Level 3 West wing, Gallagher House
19 Richards Drive, Halfway House
Midrand
2. Indicate Delivery period after order receipt.....
3. Is delivery period fixed? **Yes/No**
4. Is the price(s) fixed? **Yes/No**
5. Is the quote strictly to specification? **Yes/No**

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:

EVALUATION CRITERIA

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RFQs received will be evaluated on functional Criteria, and Price & specific goals comparison.

FUNCTIONAL EVALUATION CRITERIA

RFQ proposals submitted will be evaluated on technical functionality out of a maximum of **100 points**. A threshold of **75 points** out of **100 points** has been set.

Only bidders that have met or exceeded the qualification threshold on technical functionality of **75 points** will form part of the panel.

Note: All bidders achieving less than the set threshold of **75 points** will be declared non-responsive.

Assessment of evaluation of the functional/ technical criteria will be based on the table below:

FUNCTIONAL CRITERIA		
Category	Description	Maximum Points
Reference Letters	<p>Bidders are required to provide contactable reference letters, related to the bidder's experience in conducting forensic investigations on matters of Governance, misconduct and unethical behaviour in the public sector within RSA not older than 3 years.</p> <p>Contactable reference letters must be on the letterhead of the client including the name of the company, contact details, project description, and project period.</p> <p>Points will be allocated as follows:</p> <ul style="list-style-type: none"> • Three (03) or more signed reference letters from different clients in the last 3 years = 15 points • Two (02) signed reference letters from different clients in the last 3 years = 10 points • One (01) signed reference letter = 05 points • No reference letters submitted, or letters are over 3 years = 0 points <p><i>MICT SETA reserves the right to contact references prior to the award.</i></p>	15
Methodology	<p>Bidders are required to provide a detailed methodology and approach.</p> <p>Methodology and project plan should include the process for conducting investigations on matters of Governance, misconduct, and unethical behaviour. further demonstrating an understanding of the requirements and expectations.</p> <p>Points will be allocated as follows:</p> <ul style="list-style-type: none"> • Provided detailed methodology, excellent understanding of scope, project plan to be completed within 30 days= 25 Points 	25

	<ul style="list-style-type: none"> • Provided detailed methodology, excellent understanding of scope, project plan to be completed within 40 days= 15 Points • Provided detailed methodology, excellent understanding of scope, project plan to be completed within 60 days= 10 Points • No methodology and approach included = 0 Points 	
Project Team	<p>Bidder to provide Profiles and CVs of key project team members. (Project Manager, Technical Lead)</p> <p>1. Composition of the project team (Total Points = 5)</p> <p>Structure of the Project Team responsible for the project with clearly articulated roles and responsibilities for each member.</p> <p>Points will be allocated as follows:</p> <ul style="list-style-type: none"> • Structure presented with roles and responsibilities of each member = 5 Points • No structure presented = 0 Points <p>2. Project leader (Total Points = 30)</p> <p>Project leader must have Bachelor of Laws (LLB) degree, (Admitted Attorney) Certified Fraud Examiner (CFE), Governance Specialist and Ethics Specialist with more than 10 years of investigative experience on issues of Corporate Governance and Ethics.</p> <p>Points will be allocated as follows:</p> <ul style="list-style-type: none"> • CV outlining experience of more than 10 years investigative experience on issues of Corporate Governance and Ethics, copies of certified qualifications not older than 3 months (LLB qualification and admission as an attorney certificates) - 30 points. • Copy of Certification as a CFE, certified not older than 3 months – 15 points. • A certified copy membership in the CSSA or a certified copy of a post graduate qualification in Governance - 5 Points • No cv and qualifications submitted – 0 points. <p>3. Supporting Team (Total Points = 15)</p> <p>Skills mix within the assigned team should include: legal practitioner, Governance and Risk Management specialist.</p> <p>Points will be allocated as follows:</p> <ul style="list-style-type: none"> • CVs and certified copies of qualifications in the area above of 5 years and above experience in the relevant field above = 15 Points • CV and certified copies of qualifications in the area above of 3 – 4 years' experience in the relevant field = 10 Points • CV and certified copies of qualifications in the area above of 1 – 2 years' experience in the relevant field = 5 Points • No experience = 0 Points 	50

Company Experience	<p>Bidder must submit a detailed company profile showcasing 7 years of experience with a list of previous projects completed on investigating Corporate Governance and Ethics matters with public entities in RSA.</p> <p>Points will be allocated as follows:</p> <ul style="list-style-type: none"> • Bidder has 7 years and above in conducting independent investigations with public entities on Corporate Governance and Ethics matters. = 10 Points • Bidder has 5 years in conducting independent investigations on Corporate Governance and Ethics matters with public entities = 7 Points • Bidder has 3 years in conducting independent investigations with public entities on governance and ethics matters = 5 Points • Bidder has less than 3 years and above in conducting independent investigations with public entities on governance and ethics matters = 03 Points <p>No list of projects completed indicated on the company profile = 0 Points</p>	10
TOTAL		100

N.B: Only bidders who meet the threshold of A threshold of 75 points out of 100 points on functional criteria will be further evaluated for price & specific goals.

PRICE AND SPECIFIC GOALS EVALUATION

Evaluation of the quotations received id based on the 80/20 preference point system as per PFMA regulation of 2022.

Specific Goals to be evaluated out of **20 Points**:

Criteria	Points
Enterprise owned by historically disadvantaged persons.	10
Enterprise owned by historically disadvantaged women.	5
Enterprise owned by historically disadvantaged youth.	5
Total	20

**** Enterprises that are not owned by historically disadvantaged persons will be allocated 5 points.**

Bidder must submit the following documents:

- Certified ID copies of the company's directors as per the CIPC documents. (Certified copies must not be older than 3 months)
- CIPC Documents

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

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

2.1.2. Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

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.

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 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

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.

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

PREFERENCE PROCUREMENT CLAIM FORM

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.
- b) the **80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

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 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

$$Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right) \quad \text{or} \quad Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$$

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmin = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

A maximum of 80 or 90 points is allocated for price on the following basis:

$$Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right) \quad \text{or} \quad Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)$$

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmax = Price of highest 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:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
 - (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
 then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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.)

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)
Enterprise owned by historically disadvantaged persons.	10	
Enterprise owned by historically disadvantaged women.	5	
Enterprise owned by historically disadvantaged youth.	5	

DECLARATION WITH REGARD TO COMPANY/FIRM

- 4.3. Name of company/firm.....
- 4.4. Company registration number:
- 4.5. 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]

4.6. 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.

<p>.....</p> <p>SIGNATURE(S) OF TENDERER(S)</p> <p>SURNAME AND NAME:</p> <p>DATE:</p> <p>ADDRESS:</p> <p>.....</p> <p>.....</p> <p>.....</p>
