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**BID NUMBER: TENDER-INS/2024/25/003**

**BID DESCRIPTION – APPOINTMENT OF A PANEL OF INVESTIGATION SERVICE PROVIDERS, INCLUDING FORENSIC INVESTIGATIONS FOR A PERIOD OF THREE (3) YEARS**

Tender documents are obtainable from **04 June 2024** from the following websites:

- **ETender Portal**
- **INSETA Website**

**Closing Date: 27 June 2024 at 11:00 am**

**Delivery: INSETA Office, 18 Fricker Road, Illovo, Sandton.**

For enquiries contact the INSETA Supply Chain Management at [bids@inseta.org.za](mailto:bids@inseta.org.za)

## TERMS OF REFERENCE

### DESCRIPTION

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## 1. BACKGROUND

The Insurance Sector Education and Training Authority (INSETA) is a public entity listed in schedule 3A of the PFMA and was established in March 2000. The INSETA must, in accordance with any prescribed requirements to perform in accordance with the Skills Development Act (SDA), the Skills Development Levies Act (SDLA), the Public Finance Management Act (PFMA), any other relevant legislation and the Constitution.

## 2. PURPOSE

The purpose of this proposal is to appoint a reputable service provider to conduct investigations into allegations of fraud, corruption financial misconduct and maladministration resulting from, inter alia, the following:

- a. Anonymous tip-off reports received through the fraud hotline;
- b. Board requests;
- c. Requests from Management; and
- d. Emails, telephone calls, etc.

## 3. DETAILED SCOPE OF WORK

Service providers will be required, to among others, perform the following activities depending on the scope of works:

- a. Conducting investigations, including but not limited to forensic investigations into allegations of fraud and corruption which includes, inter alia, the following:
  - Determination of investigation scope and authority of an assignment.
  - Creation of an investigative plan.
  - Forensic acquisition of electronic data, where necessary.
  - Interrogate relevant stakeholders.
  - Forensic analysis of all data acquired.
  - Prepare reports on investigations conducted; and
  - Potential follow-up on findings.
  - Outcome of preliminary investigations.
  - Recommend the implementation of appropriate remedial measures where deficiencies are identified.
- b. Conduct investigations on possible or confirmed irregular, fruitless and wasteful expenditure incurred with recommendations thereof in accordance with the PFMA and the National Treasury Framework.
- c. Initiating and supporting disciplinary actions against officials involved in fraudulent and corrupt activities. This includes testifying at disciplinary proceedings that may be in a period beyond the term of contract.
- d. Referring cases of fraud and corruption to the relevant law enforcement agency or any other appropriate agencies/bodies and preparing the necessary documentation for such referrals; and

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- e. Initiating and supporting criminal and/or civil proceedings and proving expert testimony against INSETA officials, service providers and other parties involved in fraud and corruption incidents at INSETA.
- f. Service providers appointed onto the panel must be able to commence with an investigation within 3 working days from receiving an instruction from INSETA. Successful service providers will have access to all INSETA officials and documentation whilst conducting the forensic investigation as per the scope of works.
- g. A final investigation report must be submitted to the Chief Executive Officer within 30 calendar days after having been instructed to commence with an assignment, unless otherwise agreed upon in writing as per the requirements of PFMA.
- h. Confidentiality. Investigations conducted should be treated as confidentially in order to protect the integrity of the investigations and the privacy of the parties involved, furthermore investigations must adhere to the conditions for lawful processing of personal information as stipulated by POPIA.

#### 4. PROPOSAL

All bidders must provide detail of their company in a form of a company profile, the company's experience in forensic investigation services and the expertise of the team to be assigned to forensic assignments. The proposal documentation must address each of the categories in the same order as indicated below.

##### 4.1. **Company profile**

Bidders must provide a company profile not exceeding 15 pages. As a minimum, the company profile must include a brief background on the history of the company and its experience, the areas of expertise, organisational structure, with names of resources, and the geographical footprint.

##### 4.2. **Client base**

Bidders must provide appointment letters and reference letters whom they rendered investigation services during the past five years. The reference letters must be on the clients' letter head with contact details of the project owner detailing the level of service rendered starting with the most recent investigations first and indicate the nature of the work that was done.

##### 4.3. The reference letter accompanied by the Purchase Order or Appointment Letter must have the following:

- **Organisation** (Name of the organization/client to whom investigation services were rendered to);
- **Nature of work** (Brief description of the investigation services that were rendered to the organisation e.g. investigation of alleged procurement fraud, financial related fraud, asset misappropriation etc. include the following
- **Commencement date** (When investigation services were rendered to the organisation);
- **Investigation status** (Indicate whether the investigation is completed or still ongoing);
- **Contact person** (Name of the contact person at the organization/client where investigation services were rendered); and
- Contact number (Contact number for the organization/client where investigation services were rendered).

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## 5. PROJECT TEAM

Curriculum Vitae (CVs) must be submitted for proposed team members that will conduct and/or assist with forensic investigations at the INSETA. Specific reference needs to be made to their educational background (qualifications), professional background (areas of expertise) and the number of relevant years' experience. The CVs must be submitted together with a summary of the team's experience in table format.

Team members should be categorised into one of the following four categories

- **Category 1 (Partner/Director)**

Experts that are highly qualified, hold the relevant university qualifications and who perform important responsibilities in the area of specialization. Category 1 team member should have at least 10 years professional experience in their area of specialization and be authorised to certify the accounts and sign off on investigative and forensic reports.

- **Category 2 (Manager/Senior Forensic Investigator)**

Experts that are qualified, hold the relevant university qualifications and have good knowledge of Public Finance. Category 2 team members should have at least six years professional experience. This includes experience in leading a forensic team.

- **Category 3 (Forensic Investigators/Consultants)**

Experts that are qualified and hold the relevant university qualifications. Category 3 team members should have at least three years on investigative and forensic investigations.

- **Category 4 (Forensic Assistants/ Junior Consultants)**

Individuals that hold the relevant tertiary qualifications and working towards becoming a forensic investigator with at least one-year forensic investigation experience.

- **Category 5 (Specialists)**

Experts that are highly qualified, hold the relevant qualifications and who perform specialist services that may be required during an investigation. This can include, inter alia, the following:

- Legal expert
- Digital forensic specialist
- Handwriting specialist
- Polygrapher
- IT Forensic specialist, etc.

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The following fields should be completed in the table format below, and be included in the proposal document:

- Name and surname.
- Designation.
- Category.
- Qualification.
- Area of expertise.
- Years' experience; and
- Certified Fraud Examiner (CFE) and/or Commercial Forensic Practitioner (CFP) certificates

Proposed team members for [Insert Bidder name]							
No.	Name and surname	Designation	Category	Qualifications	Area of expertise	Years' experience	CFE and /or CFP
1							Yes/No
2							Yes/No
3							Yes/No
4							Yes/No
5							Yes/No
6							Yes/No
7							Yes/No
8							Yes/No
9							Yes/No
10							Yes/No
11							Yes/No
12							Yes/No

▪ **Field of expertise**

Bidders must indicate the specialist field(s) of investigative and forensic investigation services rendered. This must be supported by reference letters, not older than three years, from clients, on the client's letterhead.

In addition to the above, bidders need to indicate that they have knowledge and experience relating to legislation applicable to SETA'S. This can include copies of qualifications, attendance certificates for workshops/courses/seminars and/or letters from client(s) on the client's letterhead.

▪ **Certification**

Certified copies of certificates for proposed team members that obtained the Certified Fraud Examiner (CFE) and/or Commercial Forensic Practitioner (CFP) credential.

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## **6. TIMEFRAMES**

- 6.1. The duration of the contract will be for a period of three (3) years. The appointed service provider will be required to sign a service level agreement.

## **7. CONTRACTUAL OBLIGATION**

- 7.1. In the case of the service provider using sub-contractors, the former will be responsible for ensuring delivery of services from any such sub-contractors and for making any payments to such sub-contractors.
- 7.2. The bidders are required to provide a dedicated Account Manager upon contracting.
- 7.3. Bidder will be subjected to annual review in terms of measuring satisfactory performance, unsatisfactory performance can result in INSETA invoking its right to terminate the contract.
- 7.4. The successful bidder will be required to have adequate professional indemnity as well as liability insurance in place (upon parties contracting).
- 7.5. Bidders are required to fully comply with the relevant SCM Legislative Framework as well as application of regulatory and prescripts. Bidders are also required to take all reasonable steps to protect information, in line with the provisions of the POPIA 4 of 2014.

## **8. ABSENCE OF OBLIGATION & CONFIDENTIALITY**

- 8.1. No legal or other obligation shall arise between the service provider and INSETA unless/until both parties have signed a formal contract or Service Level Agreement in place.
- 8.2. The Contract site is at INSETA (as and when required).

## **9. WORKMEN AND SUPERVISION ON SITE**

- 9.1. The service provider shall be held responsible for the conduct of his employees and the conduct of his sub-contractor's employees for the full duration of the contract.

## **10. EVALUATION CRITERIA**

- 10.1. Responses will be evaluated using a predetermined set of evaluation criteria. The evaluation criteria are designed to reflect the INSETA's requirements in terms of identifying a suitable service provider and ensure the selection process is transparent and affords all the bidders a fair opportunity for evaluation and selection.

### **10.2. The evaluation criteria will be based on the following phases/requirements:**

- Phase 0: Administrative requirements
- Phase 1: Technical/Functional Evaluation

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## 11. ADMINISTRATIVE REQUIREMENTS (Phase 0)

- 11.1 Bidder must submit proof of registration on CSD (**Central Supplier Database**).
- 11.2 Bidder must complete, sign and submit a Standard Bidding Document (SBD 1) Procurement Invitation.
- 11.3 **Standard Bidding Document (SBD 4) Bidder's Disclosure.**
- 11.4 Standard Bidding Document (SBD 6.1) Preference Points Claim form.

## 12. FUNCTIONAL EVALUATION CRITERIA (Phase 1)

- 12.1 The tender submission will be functionally evaluated out of a **minimum of 100 points on Phase 1 – any bidder who scores less than 70** will not be considered for the panel.

**NB:** Proposals will be deemed non-responsive if bidders fail to obtain at least 70 points during the functionality scoring. Points will be awarded based on the quality criteria below:

No	Description	Maximum Points
1	<b>Company experience in investigating allegations of fraud and Corruption.</b>	<b>30</b>
<p>The bidder provides proof that the company has been in existence as per request below, and that they have conducted at least 5 investigative and 5 forensic investigations prior to the submission of this tender. Bidder must submit company profile together with CIPC document to prove years of experience.</p> <ul style="list-style-type: none"> <li>• 5 years and more= 30 Points</li> <li>• 4 years and more= 20 Points</li> <li>• 3 years and more= 10 Points</li> <li>• No proof submitted =0 points</li> </ul>		
2	<b>Knowledge and expertise of the team that will be conducting the investigations Knowledge and expertise of the team that will be conducting the investigations. Bidder must submit CVs of team of forensic experts.</b>	<b>30</b>
<p>The bidder completed the qualification and attached copies of curriculum vitae to indicate the following:</p> <ul style="list-style-type: none"> <li>• Category 1 Combined expert experience has at least 30 years' professional experience in their area of specialization = 30 Points</li> <li>• Category 2 Combined expert experience has at least 20 years' professional experience in their area of specialization = 20 Points</li> <li>• Category 3 Combined expert experience has at least 2 years' professional experience in their area of specialization = 10 Points</li> <li>• The bidder did not submit any CV of team of investigative experts= 0 Points</li> </ul>		

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<b>3</b>	<b>Track record of previous investigations including forensic</b>	<b>30</b>
<p>The bidder submitted reference letters from clients, on the client's letterhead. The bidder must have provided investigations including forensic services, similar to the type of investigations required in the scope of works and the reference letters cannot be older than three years.</p> <ul style="list-style-type: none"> <li>• Five or more reference letters accompanied by purchase order or appointment letters = 30 Points</li> <li>• Three to four reference letters accompanied by purchase order or appointment letters = 10 Points</li> <li>• One to two reference letters accompanied by purchase order or appointment letters = 05 Points</li> <li>• No reference letter accompanied by purchase order or appointment letters submitted = 0 Points</li> </ul>		
<b>4</b>	<b>Certified Fraud Examiner (CFE) and/or Commercial Forensic Practitioner (CFP) included in the team.</b>	<b>10</b>
<ul style="list-style-type: none"> <li>• The bidder provided certified copies of valid CFE and/or CFP certificates for at least one member of the team = 10 Points</li> <li>• The bidder did not provide certified copies of valid CFE and/or CFP certificates for at least one member of the team = 0 Points</li> </ul>		
<b>Total</b>		<b>100</b>

Note:

- All bidders who score a minimum of 70 points on functionality automatically form part of the panel.
- An RFQ will be issued to appointed panel as and when there need arises.
- 80/20 preference point system will be applicable for the utilisation of the panel.

### 13. PRICE AND SPECIFIC POINTS EVALUATION

#### 13.1. Preference Points Applied Against Specific Goals

The tender responses will be evaluated on the **80/20 preference point system for acquisition of goods or services with Rand value equal to or below R50 million.**

13.1.1. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

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

- Price; and
- Specific Goals.

The maximum points for this tender are allocated as follows:

	<b>POINTS</b>
<b>PRICE</b>	<b>80</b>
<b>SPECIFIC GOALS</b>	<b>20</b>
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

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## 14. When bidding as the following:

### 14.1. Consortium

- 14.1.1. A consortium is an association of two or more individuals, companies, organisations or governments (or any combination of these entities) with the objective of participating in a common activity or pooling their resources for achieving a common goal.
- 14.1.2. A consortium requires that each participant retains its separate legal status and the consortium's control over each participant is generally limited to activities involving the joint endeavour, particularly the division of profits. A consortium is formed by contract, which designates the rights and obligations of each member.
- 14.1.3. In a consortium, only the lead bidder's credentials both in terms of financial and technical qualifications are considered. Therefore, the interpretation and application to an RFQ/Bid process is such that the lead partner is identified and the following requirements are required as follows:
- a) Lead Partner**
- All administrative documents (consortium agreement between the lead partner and the partner)
  - Technical requirements (which will show in the proposal and other requirements why the need for the consortium, which for all intent and purpose fulfils the requirements of the bid through combination of skills)
- b) Partner**
- Proof of CSD registration.
  - Tax Pin.
  - BBBEE Sworn-Affidavit.
  - SBD 4
- 14.1.4. It should be taken into cognisance that although the lead partner is the qualifying entity, the partner should prove that it can do business with state-owned entities, through CSD registration, proof that the taxes are compliant, its level of BBBEE status in order to align with the BBBEE status level required by the BID, declare interest and answer questions that it is not a disqualified entity with the National Treasury. The foregoing ensures compliance from an SCM process perspective that the consortium is in order.
- 14.1.5. Of importance is that in a consortium, each individual team members retain their identities.

### 14.2. A joint venture

- 14.2.1. A joint venture is a business entity created by two or more parties, generally characterized by shared ownership, returns and risks and shared governance.

### 14.3. Unincorporated joint venture:

- 14.3.1. All SCM documents are filled in by the joint venture in the name of the joint venture, although the submission of administrative documents (partnership agreement between parties) will be

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completed in the name of the joint venture, and the following will be required from both parties, amongst others

- a) SBD 4
- b) SBD 6
- c) Tax pin
- d) CSD registration.
- e) The JV agreement will direct which bank account of the two entities will be used.
- f) Consolidated Joint BBBEE Certificate.

#### 14.4. Incorporated joint venture:

14.4.1. This aligned to a registered entity or company. A registered entity/ company with a consolidated BBBEE certificate and a bank account in the name of the Joint venture. The required compliance documents must be complete by the entity/ company the name of the joint venture, and the following will be required amongst others

- a) SBD 4
- b) SBD 6
- c) Tax pin
- d) CSD registration.
- e) The JV agreement will direct which bank account of the two entities will be used.
- f) Consolidated Joint BBBEE Certificate.

#### 15. COMMUNICATION

Respondents are warned that a response will be disqualified should any attempt be made by a bidder either directly or indirectly to canvass any officer(s) or employees of INSETA in respect of BID process, between the closing date and the date of the award of the business.

All enquiries relating to this BID should be emailed **three days before the closing date.**

#### 16. CONDITIONS TO BE OBSERVED WHEN BIDDING

16.1. The organization does not bind itself to accept the lowest or any BID, 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 his BID submission. The organization also reserves the right to withdraw or cancel the BID at any stage. No BID shall be deemed to have been accepted unless and until a formal contract / letter of award is prepared and executed. The competitive shall remain open for acceptance by the Organization for a period of **120 days** from the closing date of the BID Enquiry.

##### **INSETA reserves the right to:**

- 16.2. Not evaluate and award a bid that do not comply strictly with this BID document.
- 16.3. Make a selection solely on the information received in the Bid Document and Enter into negotiations with any one or more of preferred bidder(s) based on the criteria specified in the terms of reference.
- 16.4. Contact any bidder during the evaluation process, in order to clarify any information, without informing any other bidders. During the evaluation process, no change in the content of the BID shall be sought, offered or permitted.

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- 16.5. Cancel this BID at any time as prescribed in the PPPFA.
- 16.6. Should bidder(s) be selected for further negotiations, they will be chosen on the basis of the cost effectiveness and the principal of value for money not necessarily on the basis of the lowest costs.

**17. COST OF BIDDING**

- 17.1. The bidder shall bear all costs and expenses associated with preparation and submission of its BID submission and the INSETA 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 process.

**18. NOTE TO BIDDERS:**

- 18.1. Due diligence to be conducted by INSETA prior to the award of the contract.

**END OF TERMS OF REFERENCE DOCUMENT**

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