

SBD1
PART A
INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE)

BID NUMBER:	SANBI: Q7032/2020	CLOSING DATE:	04 December 2020	CLOSING TIME:	11:00 AM
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APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT AN INDEPENDENT FORENSIC INVESTIGATION INTO A POSSIBLE FRAUD AT NATIONAL ZOOLOGICAL GARDEN (NZG)

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)

Submission of proposals: proposals must be emailed to S.SCM-Quotations@sanbi.org.za, with a copy Mr. L Madayi at L.Madayi@sanbi.org.za

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO	TECHNICAL ENQUIRIES MAY BE DIRECTED TO:
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CONTACT PERSON	Mr. Ludwe Madayi	CONTACT PERSON	Shaun Nkumane
TELEPHONE NUMBER	(012) 843 5130	TELEPHONE NUMBER	012 843 5247
FACSIMILE NUMBER	N/A	FACSIMILE NUMBER	n/a
E-MAIL ADDRESS	l.madayi@sanbi.org.za	E-MAIL ADDRESS	S.Nkumane@sanbi.org.za

SUPPLIER INFORMATION

NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] ☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		TICK APPLICABLE BOX] ☐ Yes ☐ No

[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]

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ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
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QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO

DOES THE ENTITY HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?
☐ YES ☐ NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? ☐ YES ☐ NO

IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.

PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.
1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).
2. TAX COMPLIANCE REQUIREMENTS
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA .
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

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

DATE:

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

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DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes an advertised competitive bid, a limited bid, a proposal or written price quotation). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

2.1 Full Name of bidder or his or her representative:

.....

2.2 Identity

Number:.....

2.3 Position occupied in the Company (director, trustee, shareholder², member):

.....

2.4 Registration number of company, enterprise, close corporation, partnership agreement or trust:

.....

2.5 Tax Reference Number:

.....

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2.6 VAT Registration Number:

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / PERSAL numbers must be indicated in paragraph 3 below.

¹"State" means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

²"Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

2.7 Are you or any person connected with the bidder presently employed by the state? **YES / NO**

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:

.....
 Name of state institution at which you or the person connected to the bidder is employed :

.....
 Position occupied in the state institution:

Any other particulars:

.....

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

2.7.2.1 If yes, did you attach proof of such authority to the bid document? **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:

.....

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:

.....

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

2.9.1 If so, furnish particulars.

.....

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid? **YES/NO**

2.10.1 If so, furnish particulars.

.....

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract? **YES/NO**

2.11.1 If so, furnish particulars:

.....

3 Full details of directors / trustees / members / shareholders.

Full Name	Identity Number	Personal Tax Number	Income Reference Number	State Number	Employee / Persal Number

4 DECLARATION

I, _____ THE _____ UNDERSIGNED
 (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
 Signature Date

.....
 Position Name of bidder

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- 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

- a) The value of this bid is estimated to **not exceed** R500 000 (all applicable taxes included) and therefore the **80/20** preference point system shall be applicable; or
- b) The 80/20 preference point system will be applicable to this tender.

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

1.4 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE must not exceed	100

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

- 1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:

1)	B-BBEE Status level
2)	A sworn affidavit as
3)	Any other requirement
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

3.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

80/20

or

90/10

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

$P_{\min}$ = Price of lowest acceptable bid

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5. BID DECLARATION

- 5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

- 6.1 B-BBEE Status Level of Contributor: . =(maximum of 10 or 20 points)
 (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.)

7. SUB-CONTRACTING

- 7.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

YES		NO	
-----	--	----	--

7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

YES		NO	
-----	--	----	--

- v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations, 2017:

Designated Group: An EME or QSE which is at last 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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.....

8.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
 - ☐ Supplier
 - ☐ Professional service provider
 - ☐ Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]

8.7 Total number of years the company/firm has been in business:.....

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we 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 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding 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 bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury 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.

WITNESSES

1.
2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....

.....

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
 - a. abused the institution's supply chain management system;
 - b. committed fraud or any other improper conduct in relation to such system; or
 - c. failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's database as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).	Yes ☐	No ☐
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? As this Register enter the National Treasury's website, www.treasury.gov.za, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445.	Yes ☐	No ☐
4.2.1	If so, furnish particulars:		

4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes ☐	No ☐
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes ☐	No ☐
4.4.1	If so, furnish particulars:		

SBD 8

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME).....
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder
 Js365bW

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CERTIFICATE OF INDEPENDENT QUOTATION DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all quotations¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *per se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

SANBI: Q7032/2020 APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT AN INDEPENDENT FORENSIC INVESTIGATION INTO A POSSIBLE FRAUD AT NATIONAL ZOOLOGICAL GARDEN (NZG)
(Quotation Number and Description)

in response to the invitation for the quote made by:

SANBI (Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of:

_____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

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6. 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 consortium³ will not be construed as collusive bidding.

³ 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.

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:

- (a) prices;
- (b) geographical area where product or service will be rendered (market allocation)
- (c) methods, factors or formulas used to calculate prices;
- (d) the intention or decision to submit or not to submit, a bid;
- (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
- (f) bidding with the intention not to win the bid.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.

9. 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.

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....

.....

SANBI

Biodiversity for Life

South African National Biodiversity Institute



Signature

Date

.....

Position

.....

Name of Bidder

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TERMS OF REFERENCE

APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT AN INDEPENDENT FORENSIC INVESTIGATION

1. INTRODUCTION

SANBI seeks to appoint a professional service provider to conduct an independent forensic investigation into a possible fraud at National Zoological Garden (NZG) in line with the scope outlined in these Terms of Reference. This emanated from external audit process that had just been concluded; which highlighted deficiencies on number of internal controls.

These Terms of Reference describe the objectives, scope of work, requirements deliverables, roles and responsibilities, and time frame for this project.

2. BACKGROUND

SANBI received an unqualified audit opinion from the audit conducted by the Office of the Auditor General, South Africa (AGSA) for the 2019/20 financial year. During the audit, deficiencies on number of internal controls were identified whereby either the internal controls are not in place, were not properly designed, were not implemented or were not operating effectively.

3. PURPOSE AND OBJECTIVE

The purpose and objective of this assignment is to appoint a service provider to undertake an independent forensic investigation into the matters covered in the scope of these terms of reference, and to recommend appropriate action to address the weaknesses identified.

4. APPROACH AND METHODOLOGY

Bidders will be expected to outline and explain the methodology, including forensic or data analytics tools that they will be utilising in conducting the forensic investigations. Reference should be made to the requirements below.

5. TECHNICAL REQUIREMENTS

Service providers interested in bidding for this tender should be those that:

- 5.1. Will be able to deliver on their obligation in respect of investigation services as required in terms of the scope
- 5.2. Will have the necessary capacity, skill and experience to perform quality work (Partner/Engagement Director should at least have an NQF 7 level qualification, and preference will be given to team members including the Partner/Engagement Director who are certified Fraud Examiners by the Association of Certified Fraud Examiners (ACFE) and, or certified as Commercial Forensic Practitioners by the Institute Commercial Forensic Practitioners (ICFP)
- 5.3. Have a quick turn-around time in terms of project completion

- 5.4. Have knowledge of the environment and conservation sector
- 5.5. Demonstrate the knowledge and understanding of the Public Service Regulatory Framework such as, but not limited to the Public Finance Management Act (PFMA) and its Regulations, Treasury Regulations, Public Services Procurement Policies and the South African Constitution
- 5.6. Forensic capacity, skills and expertise of the bidder for the requirements of the bid. This should include details of the investigation team that will be involved in the assignment including number and level/ ranks of team member/s to be involved in the assignment; and the curriculum vitae for each team member.
- 5.7. The successful bidder shall ensure that the team presented to the Institute is in line with the proposal submitted, and team members who exit the employment of the successful bidder, are substituted with team members with similar experience and qualifications or higher (Project Manager/Engagement Director exiting the project should serve at least a period of 30 days to ensure continuity, parallel to the next lead that will be appointed. Junior investigation resources, who will be part of the team, must possess appropriate skills, experience and qualifications.)

6. TASK DIRECTIVE

The functions to be performed by the service provider appointed with regard to the independent Forensic Investigation will, inter alia include the following:

- 6.1. Conduct Forensic Investigations and the scope should amongst others cover the following:
 - 6.1.1. Determine whether the daily cash-up reports for income generated at NZG were safe guarded.
 - 6.1.2. Perform a reconciliation of daily cash-up reports and system generated reports from the service provider.
 - 6.1.3. Determine whether the daily cash received is accounted for and recorded properly.
 - 6.1.4. Determine whether cash receipted per category (e.g credit card vs cash) is in agreement with daily cash up reports submitted by cashiers.
 - 6.1.5. Whether check and balances are performed as per prescripts.
 - 6.1.6. How the golf carts rates are being determined and the process of those rates being implemented in line with the existing agreements,
 - 6.1.7. Determine whether daily cash-up reconciliations are appropriately performed, reviewed and signed off as approved by the relevant managers/supervisors at Business Development Unit
 - 6.1.8. Determine whether the pricing of items at the kiosk are in line with the approved policy,
 - 6.1.9. Processes relating to payment made to Boundless Trade is in accordance with the signed agreement.
 Determine and identify if there are any officials of the SANBI and, or other external parties that are involved in fraudulent, corruption and other criminal activities relating to revenue collection at NZG; and
 - 6.1.10. Recommend appropriate course of action to be instituted by the SANBI where fraud, corruption and other criminal activities have been confirmed.
- 6.2. Write and present comprehensive report(s) to the SANBI Management
- 6.3. Assist in the development of charge sheets where disciplinary actions have been recommended and; lead evidence during the process.
- 6.4. Lead evidence in criminal court if so required.

- 6.5. Attend planned meetings with the Audit and Risk Committee and Board Chairpersons and relevant Management in the Institute during the duration of the contract and subsequent to the period where relevant, i.e. leading evidence in disciplinary processes or court matters as relevant.

The above scope should be carried out at NZG Pretoria campus to determine if there is any misappropriation of funds from the revenue generating activities in the last two financial years 2017/2018 and 2018/2019.

Coordination of work with the Office of the Auditor General, internal audit and other assurance/investigation service providers will be expected where relevant.

7. EVALUATION PROCESS

Bids will be evaluated in accordance with the prescripts of the Preferential Procurement Policy Framework Act (PPPFA, Act 5 of 2000) as amended; aligned with the aims of the Broad Based Black Economic Empowerment Act and its Codes of Good Practice. In accordance with this Act, submissions will be adjudicated in two stages:

- 7.1. Firstly, on functionality wherein bidders will be evaluated for functionality and should attain a minimum threshold of 70 points, as referred to below in order to advance to the second stage. Bids that fail to meet the minimum threshold as per the bid invitation for functionality will be disqualified.
- 7.2. Secondly, only the qualifying bids (those that would have attained the minimum threshold) will be evaluated in terms of the 90/10 preference points systems, where the 90 points will be used for price only and the 10 points will be awarded in terms of the of the B-BBEE Contributor level as per the B-BBEE Verification Certificate submitted by service providers.

Functionality scoring values:

Criteria for measuring functionality	Weight
Capability The service provider should demonstrate the ability to carry out the work required in this project. The team must possess the qualification, expertise and competencies relevant to this project. Curriculum Vitae of staff who will be available for the duration of the contract should be included.	50
Appropriate previous Forensic Investigation experience of a minimum of 5 years in the Public Sector.	10
Types of investigations performed and success rate of the investigations conducted.	10
Forensic Investigation expertise in the form of qualifications and other relevant specialized expertise of the team that will be directly involved in the project. These should include: number of years of experience of individual team members in forensic/fraud investigations, Leadership, Supervision, Exceptional report writing, Analytical thinking, Interviewing skills, Ability to assess and analyse information and make relevant findings, Problem solving skills and Ability to influence others, Project Management, Knowledge of Case Management, Legal interpretation skills	5

Demonstration of Knowledge and understanding of the Public Service Regulatory Framework such as, but not limited to: the Public Finance Management Act (PFMA) and its Regulations Treasury Regulations, Public Services Procurement Policies, South African Constitution, Criminal Procedures Act, Promotion of Access to Information Act, Protection of Personal Information (POPI) Act.	5
Bidders to demonstrate the knowledge/understanding of the above by including forensic investigation cases conducted where in the above applied and also information of references (minimum three (3) cases and maximum of five (5)).	10
A Proposed plan/Methodology of action to achieve the objectives – the approach/methodology to be employed	10
<u>Capacity</u> The service provider should demonstrate the ability to carry out the work required in this project. Adequate resources should be assigned for the timeous completion of the project.	30
Company Profile. The bidder(s) must include a company profile detailing: Company registration documents (Proof of ownership/shareholding certificate)	10
Audited financial statements of the company to assess financial viability to have sufficient working capital for the project.	10
List of all available resources to be assigned to the project.	10
<u>Past experience</u> This refers to the previous experience of the service provider to provide services of a similar nature. The service provider is required to provide the following:	
Scope of work and scale of current and/or past projects undertaken in providing similar services within the Public Sector.	20
Sample reports that has been produced in a similar current and/or previous assignment	5
References of traceable current and/or previous Public Sector organizations serviced in providing similar services. Minimum of five (5) should be provided.	10
	5

8. DESCRIPTION AND EXTENT OF WORK

8.1. Performance of Investigation Assignments are to be performed using the appointed firm's investigation approach/methodology which should be in line with the Public Service Code of Conduct; the Professional Standards set by Association of Certified Fraud Examiners (ACFE)/Institute of Commercial Forensic Practitioners (ICFP) and other related Legislation, Regulations, and best practice applicable to forensic/fraud investigations. The above includes investigation reports.

8.2. Declaration of Conflict of Interest [Independence and Objectivity of Investigation Teams]

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Anytime

In carrying out investigation work, the successful bidder must ensure that its staff maintains individual objectivity by remaining independent of the activities they perform. The service provider shall:

- a. Have no executive or managerial powers, functions or duties except those relating to the project.
- b. Not be involved in the day-to-day operations of the Institute.
- c. Staff of the service provider will be expected to declare any conflict of interest on the investigation assignment; and make formal written disclosure(s) to Management should they have potential impairments to independence or objectivity relating to their responsibilities.

8.3 Reports on Investigation Results

The appointed service provider(s) must:

- a. Ensure that all investigation reports developed are in line with the ACFE/ICFP and other relevant best practice;
- b. Ensure that reports including inter-alia investigation findings and recommendations are communicated to Management for implementation of recommendations.

8.4 Investigation Evidence File/Working Papers

All investigation report(s) must be accompanied by an evidence file/ working papers and must be made available within three working days after completion of the investigation assignment to the Institute.

9. COSTING

A cost analysis must be given to cover the full proposed amount. A breakdown of the hourly tariff per resource category (e.g. Engagement Director/Project Manager, Investigation Manager and other relevant levels of expertise) as required for services to be rendered, an estimated percentage of disbursements, and other incidental costs should be provided for the contract period(inclusive of VAT). Incidental costs shall be in line with the National Treasury Instruction Note 1 of 2013/14. Expenditure incurred without the prior approval of the SANBI will not be reimbursed.

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

The pricing tariffs quoted shall be firm/fixed for the contract period (including any inflation adjustment).

Indicative pricing/costing tariffs (financial proposal), which must be submitted separately in line with Practice Note 1 of 2013/14 [paragraph 4.2 (a)

10. DURATION OF THE CONTRACT

The duration of the assignment will be 3 weeks as per the agreed Service Level Agreement to be signed. Finalisation of the preliminary results must be within the first 2 weeks of beginning of the assignment. The finalisation of the fully fledged independent forensic investigation, where necessary, must not exceed 3 weeks from the start of the assignment.

11. PROJECT MANAGEMENT AND PROJECT MONITORING

The appointed service provider will be responsible for co-ordinating investigation activities for reporting purposes. The Chief Operations Officer (COO) will be Project Manager for the Institute.

The appointed service provider must submit to COO the following:

- 11.1. Periodic Progress Reports on the service provider's activities and progress of the investigation work should be done on a weekly basis.
- 11.2. Draft and final report(s) with clear findings and recommendations prior to tabling to Chief Executive Officer.

12. CONFIDENTIALITY

Ownership and copyright of all documentation developed during the period of the contract will be vested in the SANBI. No information or documentation may be used for any other purpose other than for providing a proposal to the SANBI, and no copies of any document may be made, except with prior written approval from the SANBI. The bidders must formally indicate any objection they may have in making available, on request by the Institute, all evidence/working papers/data, collected or prepared during the execution and reporting on investigation assignments/projects.

13. INTELLECTUAL PROPERTY AND OWNERSHIP OF MATERIAL

All intellectual property rights relating to any work produced by the service provider in relation to the performance of this Contract shall belong to the SANBI and may not be used for any other purpose by the service provider. The service provider shall give SANBI every assistance in protecting such intellectual property rights. All material, in paper, electronic or any recorded format produced by the service provider in the performance of this Contract shall remain the property of SANBI and must be handed over to SANBI on termination of the contract.

All service providers undertake not to infringe the intellectual property of third parties. Should any action or claim be instituted against the SANBI emanating from an infringement of intellectual property or an alleged infringement of intellectual property, the service providers hereby indemnify the SANBI against such claims or actions as well as all costs (including legal costs on an attorney and client scale).

14. SCM DOCUMENTATION REQUIRED

- a) SBD 1(Part A and B) 4, 6.1, 8 and 9
- b) The equity status of the interested party per the attached form SBD 6.1.
- c) A copy of the company Central Supplier Database (CSD) registration report.
- d) A valid B-BBEE Status Level Certificate / sworn affidavit. (Please note that failure to submit a valid original or certified B-BBEE certificate / sworn affidavit mentioned above will result in the tender not being scored on equity.

15. PROPOSAL SUBMISSIONS

Closing date for submission of proposals: 04 December 2020

Submission of proposals: Proposals must be emailed to S.SCM-Quotations@sanbi.org.za and copy Mr Ludwe Madayi L.Madayi@sanbi.org.za

Requests for further information on this Terms of Reference (ToR) must be directed to Shaun Nkumane at S.Nkumane@sanbi.org.za or 012 843 5247.

Mailed applications must not be more than 5MB in size.
