



MIBCO Tender Documentation

REQUEST FOR PROPOSAL (RFP)

The Motor Industry Bargaining Council (MIBCO) is seeking proposals to
APPOINT A PANEL OF FORENSIC INVESTIGATION SERVICES FIRMS
(AS AND WHEN REQUIRED)

RFP Number: 2024\04

Date issued: Tuesday, **30** April 2024

Deadline for Brief Session/Questions: Thursday, **09** May 2024

Closing date for submission of bids: Tuesday, **21** May 2024

Inquiries: Mary.Mmatladi@mibco.org.za



Good to Great Together

MIBCO Tender Documentation

CONTENTS

1. INTRODUCTION AND BACKGROUND.....	3
2. STATEMENT OF WORK.....	3-4
3. EXPECTED DELIVERABLES.....	4
4. PANEL UTILISATION GUIDELINE.....	4
5. PROPOSAL SUBMISSION REQUIREMENTS.....	4-5
6. CLOSING DATE.....	5
7. REJECTION OF PROPOSALS.....	5
8. EVALUATION PROCESS.....	5-7
9. SUB-CONTRACTING.....	7
10. VALIDITY PERIOD OF PROPOSAL.....	7
11. AWARD OF CONTRACT.....	8
12. QUERIES AND CLARIFICATIONS.....	8
13. TERMS AND CONDITIONS.....	8
14. DISCLAIMER.....	8-9

ANNEXURE A: PRICING SCHEDULE



Good to Great Together

MIBCO Tender Documentation

1. INTRODUCTION AND BACKGROUND

MIBCO is a bargaining council envisaged in the Labour Relations Act, whose mission is to create and maintain industrial peace and stability in the South African motor industry.

MIBCO provides services to approximately 21,000 employers and 300,000 employees in the motor industry throughout South Africa. The services provided by MIBCO include a forum and facilities for collective bargaining, settlement of labour disputes, and provision of social benefits to persons falling within the motor industry, i.e., Pension, Provident, Medical, Sick, Accident, Maternity, and Holiday Pay Funds.

MIBCO employs over 360 employees nationally with 7 main centres and 14 satellite offices. 78% of our employees are office bound while 22% are mobile.

MIBCO internal audit services (IAS) are mandated to investigate reported cases of alleged fraud, corruption, maladministration, and any other irregularities within MIBCO. The IAS also has the discretion to seek the services of external consultants to conduct investigations and data analytics, lifestyle audits, and mirror imaging of electronic devices services on its behalf.

2. STATEMENT OF WORK (SCOPE OF WORK)

MIBCO internal audit services seek to appoint a panel of forensic investigation firms to investigate alleged fraud, corruption, maladministration, and any other irregularities within MIBCO received through the MIBCO Fraud & Ethics Hotline. Forensic investigation firms should also provide the service of conducting forensic data analytics (FDA), lifestyle audits, and mirror imaging of computers and laptops.

The successful panel of firms will be expected to:

- 2.1 Conduct a full investigation into the allegations.
 - 2.2.1 Collect evidence by interviewing relevant witnesses, taking statements, and analysing documents.
 - 2.2.2 Liaising with MIBCO and related stakeholders to obtain relevant information and documents.
- 2.2 Provide legal opinion and interpretation of statutes relevant to the investigations.
- 2.3 Compile a comprehensive final investigation report and issue it to MIBCO IAS.
 - 2.3.1 Provide a final report with findings outlining contravened legislation and MIBCO policies and make recommendations for corrective action.
 - 2.3.2 Identify gaps in the internal controls and process and recommend improvements where applicable.
- 2.4 Avail themselves to present findings or provide evidence during hearings/prosecution.
 - 2.4.1 Avail themselves to present the report to management and various Board committees of MIBCO.
 - 2.4.2 Avail themselves as witnesses if the matter goes for a disciplinary hearing.
 - 2.4.3 Avail themselves as witnesses if the matter goes to a criminal trial.
 - 2.4.4 Avail themselves as witnesses if the matter goes for external arbitration, e.g. CCMA and Labour Court.
- 2.5 Conduct a mirror image of computers and laptops where necessary:

- 2.5.1 Provide the MIBCO IAS with portable drives for the mirrored computers and laptops.
- 2.5.2 Conduct a search of evidence in the form of information, communication, and documents from the imaged laptop.
- 2.5.3 Conduct analysis of evidence extracted from the computers and laptops.
- 2.6 Conduct forensic data analytics to assist management in detecting anomalies and/or red flags and trends within MIBCO that are traditionally indicative of fraud.
- 2.7 Conduct a lifestyle audit to detect corrupt activities to ensure that there is no benefit from other undeclared financial interests, such as directorships in vendor businesses, and there are no records of any fraud committed.

3. EXPECTED DELIVERABLES

- 3.1 Progress report on the investigation – weekly from the date of initiating an investigation.
- 3.2 Conduct a mirror image of computers and laptops and deliver the imaged results on a portable external drive.
- 3.3 Conduct forensic data Analytics on MIBCO data.
- 3.4 Final Investigation report – within the agreed timelines; and
- 3.5 Be available as witnesses in a disciplinary hearing and criminal cases – as and when required (post-investigation).

4. PANEL UTILISATION GUIDELINE

- 4.1 Once the panel is selected and appointed, formal requests for quotations will be sourced from the panel. To source quotations, MIBCO will develop service and/or project requirements with clear deliverables.
- 4.2 Quotations will be sourced from the panel and evaluated according to the Preferential Procurement Regulations; preference points system as outlined in 8.6 to 8.9.
- 4.3 The selection of service providers from the panel for the Request for Quotations (RFQ) will be on a rotational basis where possible and/applicable but is subject to the points system functionality evaluation as outlined in 8.5.
- 4.4 There is no guarantee that a service provider on the panel will be contracted for a specific work assignment/project during the duration of the contract.
- 4.5 Service providers that have been appointed to the panel for the respective type of service will be approached and requested to provide a quotation at the time that the service is required.
- 4.6 Assignments/projects will be clearly defined in terms of the scope of work and/or deliverables, duration amongst others.

5. PROPOSAL SUBMISSION REQUIREMENTS

- 5.1 The **bid price (i.e., pricing schedule)** must be completed and indicated as part of the proposal for the service required as per section 2 of this RFP. (*Please complete the pricing schedule marked **ANNEXURE A** on page 10*).
- 5.2 The following **mandatory** documentation must be submitted with your proposal:
 - 5.2.1 Copy of company registration certificate.

- 5.2.2 Original valid Tax Clearance Certificate or Letter of Good Standing from SARS.
- 5.2.3 Evidence to support BEE status. For *Large Enterprises*¹ and *Qualifying Small Enterprises (QSE)*,² this shall be in the form of a valid BEE Certificate produced by a SANAS-approved verification agency. For an *Exempted Micro Enterprise (EME)*³ sufficient evidence of qualification is an auditor's certificate or similar certificate issued by an accounting officer or verification agency.

Failure to provide the above may result in the automatic disqualification of the proposal based on non-responsiveness.

6. CLOSING DATE

- 6.1 Proposal can be submitted in an electronic format with a clear subject line: “*Request for Proposal to Appoint a panel of forensic investigation services firm (as and when required)*” by emailing Mary.Mmatladi@mibco.org.za by no later than **21 May 2024**.
- 6.2 The size limit for MIBCO Email is **20 MB**. Bidders may submit more than one E-mail.

7. REJECTION OF PROPOSAL

- 7.1 Proposals submitted after the deadline will be rejected.
- 7.2 No application will be considered unless it complies with the conditions set out in this RFP.
- 7.3 MIBCO reserves the right to accept or reject any application received.

8. EVALUATION PROCESS

- 8.1 All proposals will be evaluated by an evaluation team for functionality, price, and B-BBEE.
- 8.2 Based on the results of the evaluation process, MIBCO will approve the awarding of the contract to the successful service provider.
- 8.3 Pricing proposal will only be considered after functionality has been adjudicated and accepted.
- 8.4 Target firms will be evaluated out of **100 points** in respect of their expertise in the relevant field and any target firm that scores less than **70 points** out of **100** on functionality shall **not** be considered for price and B-BBEE evaluation.
- 8.5 The functionality evaluation criteria will be based on the following:

ITEM	CRITERIA FOR THE EVALUATION OF FUNCTIONALITY	POINTS ALLOCATION	
1	<p>Experience/Track Record</p> <p>Potential service providers should have eight (8) or more years' of investigation experience, which must be proven through client references spanning the past five (5) years where the client's name and contact details are provided for verification purposes.</p>		75%

¹ A Large Enterprise means, any enterprise with annual revenue of above R35 million.

² Qualifying Small Enterprise (QSE) means any enterprise with annual total revenue of between R5 million and R35 million.

³ Exempted Micro Enterprise (EME) means any enterprise with annual total revenue of R5 million or less.



Good to Great Together

MIBCO Tender Documentation

ITEM	CRITERIA FOR THE EVALUATION OF FUNCTIONALITY	POINTS ALLOCATION	
	<p>Potential service providers are requested to provide complete information for the RFP/t Document to verify and evaluate this criterion. <i>(Please note that disclosure of this information will be treated with strict confidentiality)</i></p> <ul style="list-style-type: none"> • Client reference (from different companies) where an investigation; lifestyle audits; and FDA were conducted (Date of investigation should be specified). <ul style="list-style-type: none"> ○ Eight (8) + references with contact details (25) ○ Six to seven (6-7) references with contact details (15) ○ Four to five (4-5) references with contact details (10) ○ Less than four (4) references (0) • Experience <ul style="list-style-type: none"> ○ Eight (8) or more year's experience (50) ○ Five to seven (5-7) year's experience (35) ○ One to four (1-4) year's experience (25) ○ Less than one (1) year (0) 	25	
2	<p>Technical Capability and Capacity</p> <p>The Service Provider must provide the Curriculum Vitae (CVs) of relevant staff assigned to the project. CVs of team members in the project must contain the following minimum years of working experience and qualifications, which must be proven by providing relevant qualifications and professional certificates [three (3) year National Diploma/Degree in Forensic Investigations/Auditing/Commercial Forensic Practitioners (CFP) certified by the Institute Commercial Forensic Practitioners (ICFP) /Law/CFE], attached to the CVs. The applicable minimum skills and qualifications comprise:</p> <ul style="list-style-type: none"> • The nine (9) + years of working experience in forensic investigations (provide company experience) • The seven (7) + years of conducting forensic data analytics (provide company experience) • The potential service provider should also have someone with five (5) or more years of legal experience (provide company experience) • The five (5) + years of working experience in forensic mirror imaging 	7.5 7.5 5 5	25%
	TOTAL		100



Good to Great Together

MIBCO Tender Documentation

- 8.6 The 80/20 preference point system will be used where 80 points will be dedicated to pricing and 20 points to B-BBEE status.
- 8.7 In terms of activities in the Preferential Procurement element of the scorecard, MIBCO will calculate its score based on code series 500 of the ICT Sector Code.
- 8.8 Only enterprises with a B-BBEE status level four and below will be considered.
- 8.9 Based on the overall performance of an enterprise using the scorecard, it receives one of the following B-BBEE statuses:

RECOGNITION LEVEL PER BEE CONTRIBUTOR		
B-BBEE Status	Qualification	B-BBEE recognition level
Level One	100 points or more	135%
Level Two	95 points or more but less than 100 points	125%
Level Three	90 points or more but less than 95 points	110%
Level Four	80 points or more but less than 90 points	100%
Level Five	75 points or more but less than 80 points	80%
Level Six	70 points or more but less than 75 points	60%
Level Seven	55 points or more but less than 70 points	50%
Level Eight	40 points or more but less than 55 points	10%
Non-Complaint	Less than 40 points	0%

9. SUB-CONTRACTING

- 9.1 A service provider will not be awarded points for the B-BBEE status level if it is indicated in the proposal that such a service provider intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a service provider qualifies for unless the intended sub-contractor is an exempted micro-enterprise that has the capability and ability to execute the sub-contract.
- 9.2 A service provider awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned unless the contract is sub-contracted to an exempted micro-enterprise that has the capability and ability to execute the sub-contract.

10. VALIDITY PERIOD OF PROPOSAL

- 10.1 Each proposal shall be valid for a minimum period of three (3) months calculated from the closing date.



Good to Great Together

MIBCO Tender Documentation

11. AWARD OF CONTRACT

- 11.1 The contract will be awarded to a firm that scores the highest total number of points during the evaluation process, except where the law permits otherwise.
- 11.2 Appointment as a successful service provider shall be subject to the parties agreeing to mutually acceptable contractual terms and conditions. In the event of the parties failing to reach such an agreement within a mutually agreed date after a provisional appointment date, MIBCO reserves the right to appoint, or not appoint, the service provider who was rated second, and so on.

12. BRIEF SESSIONS AND QUESTIONS REGARDING THE RFP

- 12.1 A brief session can be arranged via virtual on request to gain a better understanding of the scope. This meeting will be scheduled for **09 May 2024** at 12pm and an invite will be forwarded to interested Bidders.
- 12.2 Prospective Bidders may submit any questions or requests for further information/clarification on this RFP to Ms. Mary Mmatladi at Mary.Mmatladi@mibco.org.za with “Request to Appoint a Panel of Forensic Investigation Services Firms (as and when required)” submitted no later than **09 May 2024**. Questions received after this date will not be entertained.

13. TERMS AND CONDITIONS

- 13.1 MIBCO RESERVES THE RIGHT TO.
 - 13.1.1 Amend any RFP conditions, validity period, or specifications, or extend the closing date and/or time of RFPs before the closing date. All respondents, to whom the RFP documents have been issued, will be advised in writing of such amendments on time.
 - 13.1.2 Verify any information contained in a proposal.
 - 13.1.3 Request documentary proof regarding any tendering issue.
 - 13.1.4 Vary, alter, and/or amend the terms of this RFP, at any time before the finalization of its adjudication hereof.
 - 13.1.5 Award the contract to an enterprise that has strong B-BBEE credentials in terms of current B-BBEE legislation.
 - 13.1.6 Award the tender to an enterprise that is a joint venture with a black-empowered company.
 - 13.1.7 Appoint one or more service providers, separately or jointly (where they submitted a joint proposal).
 - 13.1.8 Award the contract as a whole or in part.
 - 13.1.9 Cancel or withdraw this RFP as a whole or in part without furnishing reasons and without attracting any liability.

14. DISCLAIMER

- 14.1 MIBCO has produced this RFP in good faith, however we do not warrant its accuracy or completeness. To the extent that MIBCO is permitted by law, MIBCO will not be liable for any claim whatsoever and howsoever arising (including, without limitation, any claim in contract, negligence or otherwise) for any incorrect or misleading information contained in this RFP due to any misinterpretation of this RFP. This RFP is a request for proposals only and not an offer document; answers to it must not be construed as acceptance of an offer or imply the existence of a contract between the parties. By submission of a proposal, tenderers shall be deemed to have satisfied themselves with and to have accepted all Terms & Conditions of this RFP. MIBCO makes no



Good to Great Together

MIBCO Tender Documentation

representation, warranty, assurance, guarantee, or endorsement to a tenderer concerning the RFP, whether about its accuracy, completeness, or otherwise and MIBCO shall have no liability towards the tenderer or any other party in connection therewith.

ANNEXURE A

Pricing Schedule

This serves as a guide for pricing. Please note that the total price, including VAT and disbursement (if any) should be completed.

No.	Investigation Services per hourly rate/item cost (Scope of Work)	Average Rate per HR
1.	Conducting a full investigation into the allegations <ul style="list-style-type: none"> List the resource with the level and rate per level 	XXXX
2.	Providing legal opinion and interpretation of statutes relevant to the investigations.	XXXX
3.	Compiling and issuing a comprehensive final investigation report.	XXXX
4.	Presentation of the report and availing Investigators to provide evidence during hearings/prosecution.	XXXX
5.	Conducting mirror image of computer (s) and laptop(s) where necessary (per computer/laptop)	XXXX
6.	Forensics Data Analytics (incl. extraction of data from the source)	XXXX
7.	Conduct lifestyle audits	XXXX