



TERMS OF REFERENCE TO SOURCE A PANEL OF SERVICE PROVIDERS TO UNDERTAKE FORENSIC INVESTIGATIONS FOR THE MINING QUALIFICATIONS AUTHORITY (MQA) UNTIL 31 MARCH 2027

1. INTROUDCTION AND BACKGROUND

The Mining Qualification Authority (MQA) is a public entity regarded as a Sector Education and Training Authority (SETA) in terms of item 4A to the second schedule of the Skills Development Act, Act no. 97 of 1998 (SDA). The MQA is listed as a schedule 3(a) public entity in terms of the Public Finance Management, Act no. 1 of 1999 (PFMA) and has an Accounting Authority (the Board) that is constituted in terms of the MHSA, the SDA and its constitution.

The purpose of these terms of reference is to appoint a reputable service provider to conduct investigations into allegations of fraud, corruption, financial misconduct and maladministration and general malfeasance in the MQA.

The allegations and/or instructions to investigate such could come from several sources including, *inter alia* (i) express instructions from the MQA accounting officer and/or his duly delegated official ; (ii) anonymous tip-off reports received through the fraud hotline; (iii) internal preliminary reports ; (iv) allegations of fraud , corruption and maladministration from stakeholders .

Service providers will be required to have expertise and knowledge on all material aspects of the MQA's business and be able to conduct investigations, write and present reports of such investigations, and recommend appropriate remedial actions and steps to be taken by MQA officials.

2. SCOPE OF WORK

Service providers will be required, *inter alia* , perform the following activities depending on the scope of works: Conducting investigations, including but not limited to, forensic investigations into allegations of fraud and corruption which includes, *inter alia*, the following:

2.1 Categorization and Planning

Identify and classify allegations (fraud, corruption, non-compliance) and draft a detailed investigation plan to define the scope, approach, and timelines for each investigation.

2.2 Investigation Execution

Conduct investigations following forensic methodologies, ensuring adherence to legal and regulatory standards, including reviewing and verifying documentation, interviewing relevant parties, and using forensic tools and data analytics.

2.3 Internal Control and Compliance Assessment

Assess internal control weaknesses, compliance with MQA policies and standards, and potential fraud risks. This includes examining grant allocation, procurement processes, and any deviations from established protocols.

2.4 Relationship and Conduct Review

Investigate potential collusion, conflicts of interest, and improper relationships between MQA officials and external parties, focusing on interactions with stakeholders and possible interference with MQA processes.

2.5 Specialized Forensic Analysis

Use advanced forensic techniques and experts as needed, including digital forensics, data analytics, and specialized technologies like machine learning to identify patterns and predict fraudulent activities.

2.6 Comprehensive Reporting and Recommendations

Compile detailed forensic reports with evidence-backed findings, recommendations, and remediation steps, along with support in developing charge sheets if necessary.

2.7 Policy and Regulatory Compliance Review

Examine MQA's compliance with relevant regulatory frameworks, internal policies, and best practices, ensuring investigative findings align with the organization's standards and guidelines.

3. EXPECTED OUTCOMES AND DELIVERABLES

Clear outcomes and deliverables in line with scope of work, specifically:

3.1 Categorization and Planning

- Define the scope and authority of each investigation and create an investigative plan
- Forensically acquire electronic data when necessary
- Commence investigations within 3 working days after receiving instruction, ensuring timely access to MQA officials and documentation

3.2 Investigation Execution

- Conduct forensic analysis of acquired data and interrogate relevant stakeholders
- Ensure confidentiality and lawful processing of personal information as per privacy laws
- Submit draft and final forensic reports to the CEO within specified timelines and provide final project close-out documentation.
- Properly manage records, including case files and evidence, and maintain electronic and hard copies for documentation integrity.

3.3 Internal Control and Compliance Assessment

- Produce findings and recommendations on compliance with MQA processes and procedures
- Assess handling of fraud and corruption allegations, reviewing hotline submissions and other claims
- Investigate and make recommendations on irregular, fruitless, and wasteful expenditure per the PFMA and Treasury guidelines.

3.4 Relationship and Conduct Review

- Provide findings on improper conduct, misconduct, and collusion between officials and stakeholders, including lifestyle audits.
- Assess if the implicated individuals' conduct constitutes grounds for disciplinary, civil, or criminal action.
- Offer guidance on disciplinary measures, civil or criminal proceedings, and necessary procedures.

3.5 Specialized Forensic Analysis

- Utilize forensic tools and techniques to conduct analysis and identify patterns or risks

3.6 Comprehensive Reporting and Recommendations

- Deliver investigation reports with conclusions, supporting evidence, and recommendations for remedial actions.
- Provide a final detailed report with all findings, recommendations, and necessary documentation upon completion.
- Offer recommendations for consequence management and corrective measures

3.7 Policy and Regulatory Compliance Review

- Advise on steps for MQA based on findings, including specific procedures for compliance with MQA's policies and regulatory standards
- Initiate and support disciplinary actions and prepare documentation for referrals to law enforcement as needed

3.8 Skill Transfer and Knowledge Sharing

- Ensure skills transfer to designated MQA officials for handling future cases, promoting sustainable internal capability.

4. DURATION

The successful service providers are expected to render the services should provide the services from the date of signature until 31 March 2027.

5. PROJECT PRICING

- 5.1 The amount quoted must be denominated in South African Rand, and should include VAT.
- 5.2 The quoted price should be for Investigation services as per the scope work.
- 5.3 The pricing at this stage is merely for demonstrative purposes and shall not be a binding price on the MQA or the bidder.
- 5.4 The MQA may subject the award of the project to price negotiation with the preferred bidder. This will however be exercised subject to the following principles:
 - Negotiation may not allow any preferred bidder a second or unfair opportunity.
 - Is not detriment of any other bidder; and
 - Does not lead to higher price than the bid as submitted.

PRICE TABLE:

PERSON & POSITION	HOURLY RATE
1. Project Leader	
2. Senior Investigator	
3. Investigator	

DISBURSMENTS

Travelling per kilometer	
Flights	
Landline call per minute	
Cellphone call per minute	
Copy per page	
Other related costs:	

6. EXPECTED PANEL OF FORENSIC INVESTIGATORS OUTCOMES AND DELIVERABLES

Deliverables include the following:

- 6.1 Actively engage in the collaborative development of the MQA's Forensic Investigators plan.
- 6.2 Develop a forensic concept on each forensic investigation.
- 6.3 For each assigned forensic investigation:
 - 6.3.1 Develop a project execution plan (project inception report)
 - 6.3.2 Develop a cost plan included in the project plan.
 - 6.3.3 Conduct pre-liminary assessment.
 - 6.3.4 Collect and analyse data.
 - 6.3.5 Develop forensic investigation reports encompassing the following.
 - 6.3.6 Preliminary findings
 - 6.3.7 Draft Report inclusive of all findings and recommendations
 - 6.3.8 Final Report inclusive of all findings, conclusions and recommendations

The Forensic Investigator Project Leader will operate under the leadership and supervision of the MQA's Chief Executive Officer (CEO) and any other official/s, if any, who are duly delegated and authorised by the CEO. This means that will work closely with, and be accountable to, the Chief Executive Officer for matters related to the Forensic Investigations, ensuring alignment with the organisation's goals and objectives. The CEO may delegate and authorise other MQA official/s to provide direction, oversight, and support to the Forensic Investigation.

7. EVALUATION CRITERIA

- 7.1.1 Proposals for the appointment of the service provider will be evaluated in three (3) phases. The first phase will be compliance requirements, the second phase will be functionality, and the third phase will be on specific goals and pricing in accordance with the Supply Chain Management Procurement policies. **PHASE ONE (1): COMPLIANCE**
- 7.1.2 **RETURNABLE DOCUMENTS TO BE SUBMITTED**
 - i. Proof of registration on Central Supplier Database System (CSD)
 - ii. Valid Tax Clearance Certificate (Refer to SBD 2: Tax Clearance Certificate Requirements) or Tax PIN.
 - iii. B-BBEE Certificate of Measured Entity (if no certificate is received, a score of zero will be allocated for evaluation purposes).

- iv. SBD 1: Invitation to Bid fully completed and appropriately signed.
- v. SBD 3.3: Pricing Schedule fully completed and appropriately signed.
- vi. SBD 4: Declaration of Interests Form fully completed and appropriately signed.
- vii. SBD 6.1: Preference Points Claim Form fully completed and appropriately signed.

NB: Bidders who fail to submit the above documents will be disqualified and will not be evaluated further, however, to the extent that the applicable laws and regulations permit, bidders will be contacted to address outstanding information within a reasonable timeline as determined by the MQA. The request of such outstanding information will not be information that affects the substance of the bid or give a bidder unfair advantage to the other bidders.

7.2. PHASE TWO (2) FUNCTIONALITY

The proposal will be evaluated on a five-point scale as follows:

- 0 = Required documents not submitted.
- 1 = Poor, does not meet criteria.
- 2 = Fair, less than acceptable. Not sufficient for performance requirements.
- 3 = Satisfactory, adequate for the performance requirements.
- 4 = Very good, above the average compliance to the requirement.
- 5 = Excellent, exceptional mastery of the requirement

The MQA requires certified copies of any qualifications and memberships as set out below for any team members.

The certifying date stamp must be valid for 6 months prior to the closing date of this request for proposal.

Project Team members who submit qualifications obtained from institutions outside South Africa must for each qualification submit certificate of evaluation from SAQA.

The MQA requires certified valid membership of the relevant professional bodies to the scope of work and this includes membership to bodies such as:

- South African Institute of Professional Investigators (SAIPI),
- South African Institute of Chartered Accountants (SAICA),
- Institute of Internal Auditors South Africa (IIASA),
- Association of Certified Fraud Examiners (ACFE),
- Legal Practice Council (LPC), Institute of Commercial Forensic Practitioners (ICFP),

TERMS OF REFERENCE TO SOURCE A PANEL OF SERVICE PROVIDERS TO UNDERTAKE FORENSIC INVESTIGATIONS FOR THE MINING QUALIFICATIONS AUTHORITY (MQA) UNTIL 31 MARCH 2027

- Certified Internal Auditor (CIA),
- Certified Information Systems Auditor (CISA).

KPA	ELEMENT	WEIGHT	Scoring Matrix
	FUNCTIONAL	100	
1. Institutional or Organisational experience in forensic investigations	<p>Provide a minimum of 3 reference letters.</p> <p>For the reference letter to comply it must have the following:</p> <ul style="list-style-type: none"> ➤ Be on the client’s letter head, signed by relevant officials, dated, with contactable details (email/phone numbers), work done within 5 (five) years prior to closing date of request for proposal. ➤ Explaining the forensic investigation work that was done. • Confirming that the work was executed successfully within timeframes and/or the client is happy to recommend the service provider. ➤ Indicating the start and end date of the project. <p>NB: The MQA reserves the right to contact the provided reference clients via their provided contact details and should such reference clients not confirm the work and services as in the reference letter the MQA shall consider such a provided letter non-compliant.</p>	35	<p>0=No compliant reference letters submitted</p> <p>1=1 compliant reference letter provided</p> <p>2=2 compliant reference letters provided</p> <p>3=3 compliant reference letters provided.</p> <p>4=4 compliant reference letters provided.</p> <p>5=5 or more compliant reference letters provided</p>

2. Capacity by having expertise to undertake Forensic Investigation			
<p>a. Forensic Investigation (Project Lead)</p> <p>NB: The proposal must indicate the name of the person to be individually evaluated as the Forensic Investigation Project Leader, failure to which will result in a score of zero (0) being awarded.</p>	<p>2.1. (a). Qualification and membership</p> <p>Provide certified copies of qualifications of the person serving as the Forensic Investigation Project Lead who at least has a qualification pitched at NQF level 7 (in a relevant and/or related field) and membership to a relevant professional body</p>	15	<p>0= No qualification provided and no relevant professional membership</p> <p>1 = Qualification pitched at NQF level 5 or less</p> <p>2 = Qualification pitched at NQF level 6</p> <p>3= Qualification pitched at NQF level 7 and membership to a one relevant professional body</p> <p>4 = Qualification pitched at NQF level 8 with membership to one relevant professional body</p> <p>5 = Qualification pitched at NQF level 9 with membership to one relevant professional body</p>
	<p>2.1. (b). Work Experience</p> <p>Provide one (1) CV of the person serving as the Forensic Investigation Project Lead who has a minimum of fifteen (15) years' experience in leading forensic investigations.</p> <p>NB: The proposal must indicate the name of the persons to be individually evaluated as Project Leader with years' experience in conducting investigations, failure to which will result in a score of zero (0) being awarded.</p>	15	<p>0= No compliant CV submitted</p> <p>1 = A compliant CV provided of a qualified person with less than 60 months' relevant experience.</p> <p>2 = A compliant CV provided of qualified person with 60 months 1 day – to less than 180 months' relevant experience.</p> <p>3= A compliant CV provided of qualified personnel with 180 months' relevant experience.</p> <p>4 = A compliant CV provided of qualified personnel with 180 months and 1 day – to less than 240 months' relevant experience.</p>

TERMS OF REFERENCE TO SOURCE A PANEL OF SERVICE PROVIDERS TO UNDERTAKE FORENSIC INVESTIGATIONS FOR THE MINING QUALIFICATIONS AUTHORITY (MQA) UNTIL 31 MARCH 2027

	CV must also indicate the company, position held and duration of where the experience was acquired.		5 = A compliant CV provided of a qualified person with more than 240 months relevant experience.
b. Senior Forensic Investigator	2.2. (a). Qualifications Provide qualifications of one (1) prospective forensic investigator member serving as Senior Forensic Investigator with qualifications pitched at least at NQF level 7 (in a relevant and/or related field)	5	0= No qualification provided and 1 = Qualification pitched at NQF level 5 or less 2 = The Qualification pitched at NQF level 6 3= Qualification pitched at NQF level 7 4 = Qualification pitched at NQF level 8 with membership to one relevant professional body 5 = Qualification pitched at NQF level 8 with membership to two relevant professional bodies
	2.2. (b). Work Experience Provide one (1) CV of prospective Forensic Investigators serving as Senior Forensic Investigators and individually possessing 10 years' experience in conducting Forensic Investigations. NB: The proposal must indicate the name of the persons to be individually evaluated as Senior Forensic Investigators with years' experience in conducting investigations, failure to which will result in a score of zero (0) being awarded.	10	0= No compliant CV submitted 1 = A compliant CV provided of a qualified person with less than 36 months' relevant experience. 2 = A compliant CV provided of qualified person with 36 months 1 day – to less than 120 months' relevant experience. 3= A compliant CV provided of qualified personnel with 120 months' relevant experience. 4 = A compliant CV provided of qualified personnel with 120 months and 1 day – to less than 180 months' relevant experience.

TERMS OF REFERENCE TO SOURCE A PANEL OF SERVICE PROVIDERS TO UNDERTAKE FORENSIC INVESTIGATIONS FOR THE MINING QUALIFICATIONS AUTHORITY (MQA) UNTIL 31 MARCH 2027

	CV must also indicate the company and duration of where the experience was acquired.		5 = A compliant CV provided of a qualified person with more than 180 months relevant experience.
c. Forensic Investigators	<p>2.3. (a). Qualifications</p> <p>Provide qualifications of one (1) prospective project team member with qualifications pitched at least at NQF level 6 (in a related and/or relevant field) serving as Forensic Investigator.</p>	5	<p>0= No qualification provided</p> <p>1 = Qualification pitched at NQF level 4 or less.</p> <p>2 = The Qualification pitched at NQF level 5</p> <p>3= Qualification pitched at NQF level 6</p> <p>4 = Qualification pitched at NQF level 7 with membership to one relevant professional body</p> <p>5 = Qualification pitched at NQF level 7 with membership to two relevant professional bodies</p>
	<p>Work Experience</p> <p>Provide at least one (1) CV of prospective project team members serving as the Forensic Investigator with at least individual 5 years' experience in conducting Forensic Investigations.</p> <p>NB: The proposal must indicate the name of the persons to be individually evaluated as Forensic Investigators with years' experience in conducting investigations, failure to which will result in a score of zero (0) being awarded.</p> <p>CV must also indicate the company and duration of where the experience was acquired.</p>	5	<p>0= No compliant CV submitted</p> <p>1 = A compliant CV provided of a qualified person with less than 24 months' relevant experience.</p> <p>2 = A compliant CV provided of qualified person with 24 months 1 day – less than 60 months' relevant experience.</p> <p>3= A compliant CV provided of qualified personnel with 60 months' relevant experience.</p> <p>4 = A compliant CV provided of qualified personnel with 60 months 1 day – less than 84 months' relevant experience.</p>

			5 = A compliant CV provided of a qualified person with more than 84 months relevant experience.
3. Defining and documented Investigation process			
Methodology	<p>Bidders are required to submit a methodology (project plan) demonstrating their ability to conduct various types of investigations</p> <p>Requirements to include:</p> <ol style="list-style-type: none"> 1. Tasks 2. Tools 3. Time lines 4. Resource allocation <p>Aligned with the scope of work in section 2.</p>	10	<p>0= No methodology submitted</p> <p>1 = The methodology (project plan) is not in line with the scope of work</p> <p>2 = The methodology is present but lacks structure and detail. Not including any of the requirements as listed</p> <p>3= Defined and documented Investigation Methodology outlining management of the project and include all 4 listed requirements</p> <p>4 = The methodology is detailed, covering all essential aspects of investigative processes with a structured approach to managing the project. Include all 4 listed requirements. Specific investigative tools are listed, with a clear explanation of their application.</p>

			5 = Defined and documented investigation including a detailed project plan include all 4 listed requirements. Specific investigative tools are listed, with a clear explanation of their application. Risk register including identification and mitigation included
Total		100	

The minimum threshold is 70 points.

7.3 PHASE THREE (3): PRICE AND SPECIFIC GOALS

During the third phase proposals will be evaluated using the 80/20 preference points system in accordance with the PPPFA guidelines. Based on this system the points will be allocated as follows:

Criteria	Points
Price	80
Specific goals	20

The shortlisted or appointed bidders will only be evaluated on price and specific goals as and when they are requested to submit proposals/quotations for services. They will be evaluated using 80/20 points principle, where 80 points will be allocated price and 20 points for specific goals.

7.3.1 Specific goals Points will be awarded to a bidder in accordance with the table below:

PREFERENCE GOAL	80/20	Documents for verification
GOAL 1 – B-BBEE Status Level of Contributor Maximum Points	20	B-BBEE Certificate/Sworn Affidavit
1	15	B-BBEE Certificate/Sworn Affidavit
2	14	B-BBEE Certificate/Sworn Affidavit
3	10	B-BBEE Certificate/Sworn Affidavit

TERMS OF REFERENCE TO SOURCE A PANEL OF SERVICE PROVIDERS TO UNDERTAKE FORENSIC INVESTIGATIONS FOR THE MINING QUALIFICATIONS AUTHORITY (MQA) UNTIL 31 MARCH 2027

4	8	B-BBEE Certificate/Sworn Affidavit
5	6	B-BBEE Certificate/Sworn Affidavit
6	5	B-BBEE Certificate/Sworn Affidavit
7	4	B-BBEE Certificate/Sworn Affidavit
8	2	B-BBEE Certificate/Sworn Affidavit
Non-compliant contributor	0	

GOAL 2 – Promotion of Black Woman/Youth/Disable/Rural Area Maximum Points	5	Documents for verification
Business owned by equal to or more than 50% black people who are woman	2	B-BBEE Certificate/Sworn Affidavit
Business owned by equal to or more than 50% black people who are youth	1	B-BBEE Certificate/Sworn Affidavit
Business owned by equal to or more than 50% black people with disability	1	B-BBEE Certificate/Sworn Affidavit
Business owned by equal to or more than 50% black people living in rural areas	1	B-BBEE Certificate/Sworn Affidavit

Service Providers must submit original and valid B-BBEE Status Level Verification Certificate or certified copies thereof, issued by accredited Verification Agencies by SANAS or Registered Auditor approved by Independent Regulatory Board of Auditors (IRBA) or Sworn Affidavit, together with their bids, to substantiate their specific goals claims.

Service Providers who do not submit B-BBEE Status Level Verification Certificate or Sworn Affidavit are non-compliant contributors to be B-BBEE and do not qualify for preference points for specific goals.

The Mining Qualifications Authority (MQA) is an equal opportunity, affirmative action employer. It shows the same commitment to those who wish to provide services to the Mining Qualifications Authority (MQA) via the procurement process. It should be noted that regard will be given to those

proposals from persons or companies which were previously disadvantaged, or which show evidence of ability to do skills transfer and representativeness. This does not preclude the formation of consortia or the inclusion of proposals on how this project can be used to further the aims of transformation.

8. TERMS AND CONDITIONS OF THE BID

- a. Awarding of this contract will be subject to the service provider's acceptance of the Supply Chain Management's general conditions of contract.
- b. The appointed service provider will enter into a service level agreement with the MQA, which will include:
 - i. Period of agreement.
 - ii. Project objectives and scope.
 - iii. Method of communication.
 - iv. Disputes.
 - v. Termination of contract and other specific matters that will be agreed upon to form part of the service level agreement.
- c. The MQA reserves the right to terminate the contract in the event that there is clear evidence of non-performance.
- d. The MQA reserves a right to appoint one bidder or more than one.
- e. The basis of engaging bidders will be on an assignment basis.
- f. In the event where there is more than one bidder accredited on the bid, and they have the necessary skills that are required to render a specific service, the MQA will issue out the Terms of Reference/Specifications to call for bids and award the work accordingly.
- g. The MQA reserves the right to interview bidder(s) that are short listed for a specific assignment (meaning that bidders will be requested to do a presentation for a specific project / assignment).
- h. The MQA may at its sole discretion, award an assignment or any part thereof to more than one bidder (s).
- i. Payments will only be made for acceptable work completed and delivered.
- j. Any deviation from the project plan should be put in writing and signed by the project manager.
- k. Any suggestions during the progress meetings, once accepted by both parties, shall form part of the contract.

9. CONTACT PERSON FOR ENQUIRIES

All enquiries related to this bid call must be forwarded to:

Supply Chain Management Enquiries

Ms Tsholo Dilape

(011) 547 2628

E-mail Address: TsholoD@mqa.org.za

AND

Technical enquiries related to this bid must be forwarded to:

Ms. Sonwabile Xaba

Tel: (011) 547 2639

Email Address: sonwabilex@mqa.org.za

