

Public Procurement & Insider Info

Are you playing with fire?

Every seasoned bidder wants an edge in the tender game. But when does smart strategy cross the line into dangerous territory?

In South Africa, public procurement is a legal minefield, and stepping on the wrong side can cost you more than just a lost bid—it could cost you your reputation, your business, or even your freedom.

The rules are clear. Break them at your own risk.

South Africa's Public Procurement Act (2024), the PFMA, the MFMA, and the Prevention and Combating of Corrupt Activities Act (PCCAA, 2004) all exist for one reason: to keep the playing field fair.

If you're thinking about bending the rules, here's what you need to know:

ALLOWED

Engaging with a government entity before an RFP is issued through official RFIs, industry consultations, or general business discussions is perfectly legal. Smart bidders do this all the time to shape future tenders (legally).

NOT ALLOWED

Once the RFP drops, direct contact is off-limits. No calls, no "casual chats," no backdoor inquiries. If you're caught influencing a decision-maker, expect disqualification, blacklisting, or worse.



Inside intel: When 'Good Info' becomes a bad idea

Wouldn't it be great to know the exact budget of an RFP? Or get a heads-up on the evaluation criteria before anyone else? Sure, but if the information isn't publicly available, you shouldn't have it. Here's why:

- If it's shared with all bidders through official channels (clarification sessions, Treasury portals, etc.), it's fair game.
- If you got it through a "friendly" insider, leaked documents, or any source that isn't public, you're playing with fire.
- Bribing or influencing an official for inside information is corruption. The PCCAA makes it clear that both the person giving and the person receiving the intel can face criminal charges.

The price of cheating the system

Bid disqualification

Found with unauthorised intel?
Your bid is toast.

Reputational damage

Your company's name in the headlines for the wrong reasons?
Good luck winning future work.

Blacklisting

The Restricted Suppliers Database can bar you from bidding on any government work for years.

Criminal charges

Fraud, bribery, collusion.
These aren't just scary words.
Jail time is on the table.

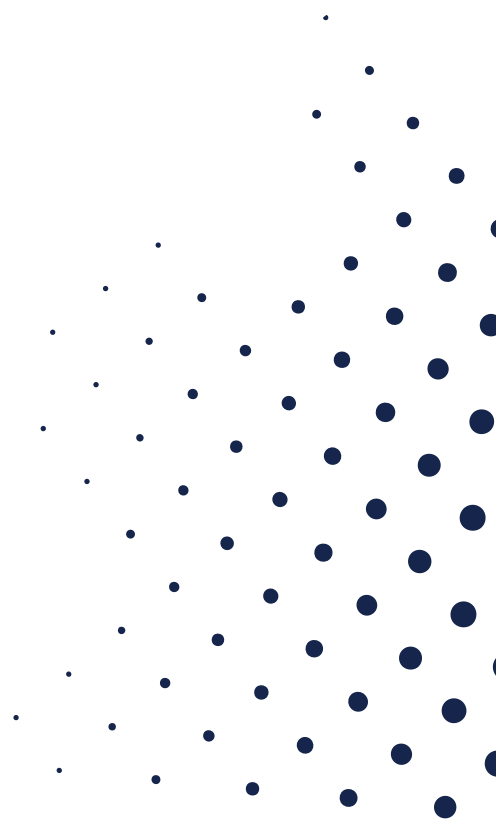
Database of Restricted Suppliers

The hall of shame you want to avoid

If you think procurement violations go unnoticed, think again.

South Africa's Database of Restricted Suppliers, maintained by the National Treasury, is a public record of companies and individuals blacklisted from government contracts. Entries often stem from fraud, corruption, misrepresentation, or failure to deliver on contracts.

Once your name is on this list, you're prohibited from doing business with the state. This database includes the names of restricted suppliers and directors, the reasons for blacklisting, and the duration of the ban.



How to get an edge - legally

If you're serious about winning bids without breaking the rules, here's what to do:

Leverage public data

Past tenders, financial reports, and procurement plans offer valuable insights.

Use official channels

Clarification sessions and public Q&A platforms exist for a reason.

Engage early

Pre-RFP consultations and RFIs help you shape tenders the right way.

Train your team

One unethical decision by an employee can sink your business.

Final thought: Is it worth the risk?

Public procurement in South Africa is a high-stakes business, but cutting corners isn't a strategy - it's a liability. If your competitors are playing dirty, let them. They'll get caught eventually. The real winners? The bidders who play smart stay compliant and build lasting businesses.

Need guidance on navigating the legal side of bidding?

Talk to nFold. We know how to win the right way.



Make every decision count.

Contact us today and let us turn your pitch into a game-changer.

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