



## **NATIONAL ECONOMIC DEVELOPMENT AND LABOUR COUNCIL**

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<b>REQUEST FOR PROPOSALS</b>	
<b>TERMS OF REFERENCE FOR THE APPOINTMENT OF AN ACCREDITED TRAINING INSTITUTION TO PROVIDE MINUTE &amp; REPORT WRITING TRAINING FOR ADMINISTRATORS AT NEDLAC</b>	
<b>RFQ NUMBER:</b>	<b>RFQ10542</b>
<b>RFQ ISSUE DATE:</b>	<b>10 October 2022</b>
<b>CLOSING DATE AND TIME:</b>	<b>20 October 2022 at 13h00</b>
<b>RFQ VALIDITY PERIOD</b>	<b>N/A</b>
<b>DESCRIPTION OF SERVICES</b>	<b>Appointment of accredited training institution to provide minute &amp; report writing training for administrators</b>  <b>NB: TORs attached from page</b>
<b>SUBMISSION ADDRESS</b>	<b>Submissions to be sent electronically</b>

<b>PROCUREMENT ENQUIRIES</b>	<b>Name: JOYCE TONGWANE</b> <b>060 771 0485</b> <b>Email: <a href="mailto:joyce@nedlac.org.za">joyce@nedlac.org.za</a></b>
<b>TECHNICAL ENQUIRIES</b>	<b>Name : Nthabiseng Koopedi</b> <b>060 771 1894</b> <b>Email : <a href="mailto:nthabiseng@nedlac.org.za">nthabiseng@nedlac.org.za</a></b>

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**COMPANY REGISTRATION NUMBER:**.....

**CSD NUMBER :**.....

**ADDRESS:** .....

.....

.....

**CONTACT PERSON :** .....

**TEL:** .....

**FAX:** .....

**E-Mail :** .....

**Mobile:** .....

<b>TOTAL RFQ PRICE R .....(VAT Incl.)</b>
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## BIDDER'S DISCLOSURE

### 1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

### 2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> in the enterprise, employed by the state? **YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:  
.....

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<sup>1</sup> the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

.....  
2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

2.3.1 If so, furnish particulars:  
.....  
.....

### 3 DECLARATION

I, \_\_\_\_\_ the \_\_\_\_\_ undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 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 consortium<sup>2</sup> will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 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.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 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

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<sup>2</sup> 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.

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.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM 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/quotations:

- 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/quotations is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable; or

1.3 Points for this bid/quotation 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:

1.5

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

1.6 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.

- 1.7 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 certificate issued by an authorized body or person;
  - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (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:

<b>80/20</b>	<b>or</b>	<b>90/10</b>
$P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$	or	$P_s = 90 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmin = 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	<input type="checkbox"/>	NO	<input type="checkbox"/>
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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	<input type="checkbox"/>	NO	<input type="checkbox"/>
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- v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

<b>Designated Group: An EME or QSE which is at last 51% owned by:</b>	<b>EME</b>	<b>QSE</b>
	<b>√</b>	<b>√</b>
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		
<b>OR</b>		
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

.....

.....

.....

.....

.....

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.

<p>WITNESSES</p> <p>1. ....</p> <p>2. ....</p>
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<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE: .....</p>
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## NATIONAL ECONOMIC DEVELOPMENT AND LABOUR COUNCIL

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### REQUEST FOR PROPOSALS

#### TERMS OF REFERENCE FOR THE APPOINTMENT OF AN ACCREDITED TRAINING INSTITUTION TO PROVIDE TRAINING FOR ADMINISTRATORS AT NEDLAC

## 1. BACKGROUND

- 1.1. The National Economic Development and Labour Council (Nedlac) mandate seeks to **reach consensus** and conclude agreements on matters pertaining to social and economic policy; consider all proposed labour legislation relating to labour market policy before it is introduced in Parliament; consider all significant changes to social and economic policy before they are implemented or introduced in Parliament. Mechanisms for the implementation of the economic recovery action plan and engagements on measures to address the impact of Covid-19 are included in this programme.
- 1.2. Performance of this programme requires that Nedlac becomes effective and efficient in planning and organization of social partners meetings to ensure that the dialogues, agreements, and processes it initiates run smoothly without any administrative glitches.
- 1.3. Nedlac has three main departments, namely Corporate Services, Finance and Programmes Department. The work of each department is supported by Administrators, who provide project coordination, administrative and secretarial support to managers, executive management and external stakeholders.
- 1.4. It is against this background that the Nedlac seeks the services of a suitable

training institution to provide training on Minutes and Report writing for 9 Nedlac administrators.

## **2. SCOPE OF WORK**

- 2.1. Nedlac seeks the expertise of a suitably training institution to provide a training on Minute and Report writing for Nedlac administrators.
- 2.2. An appropriate competency certificate to be issued upon completion of the trainings.
- 2.3. The training should not be more than a week.
- 2.4. Training venue: Physically at Nedlac Offices, 14A Jellicoe Avenue during ordinary working hours.
- 2.5. Course content: The final course content should be developed after engagement with Nedlac management, but should equip participants in the following skills areas:
  - i. Identifying the intended audience for the communication
  - ii. Identifying the purpose of a text
  - iii. Selecting the appropriate text type, format and layout for the purpose
  - iv. Organising and structuring a technical text appropriately
  - v. Using appropriate grammar conventions
  - vi. Drafting and editing a technical text
  - vii. Recognising errors and checking for accuracy
  - viii. Presenting the same information in different ways
  - ix. Using plain language in business
  - x. Relating the purpose, content, form, frequency and recipients of a range of reports to the information needs of a selected business
  - xi. Identifying information sources and organisational procedures for obtaining and distributing information relevant to a selected business function
  - xii. Compiling reports related to a selected business function, ensuring content and format are appropriate to information requirements and that reporting deadlines are met

## **3. TIMELINES**

- 3.1. The service provider is requested to provide a detailed project plan with clear time frames for the programme. The programme is expected to commence in November 2022.

#### **4. SUBMISSION OF DOCUMENTS**

- 4.1. Bidders must submit the following documents:
  - 4.1.1. A proposal on how they will respond to the brief above with a project plan aligned to a pricing schedule, which clearly sets out the breakdown of costs in respect of all items to be charged. The quotation should include all costs for this work inclusive of VAT where applicable.
  - 4.1.2. Module outline for each of the above-mentioned modules. Refer to point 2.4.
  - 4.1.3. CV's and qualifications of the relevant individual/s which clearly demonstrate the individual's necessary skills and experience in skills development/training facilitation.
  - 4.1.4. The service provider must have at least over 5 years of experience in respect of providing similar programmes.
  - 4.1.5. Provide reference letters from clients confirming projects of a similar nature had been completed, including the following information per project:
    - i. Project name;
    - ii. Project objectives; and
    - iii. Duration of the project;
    - iv. Contactable numbers
- 4.2. The following statutory documents:
  - 4.2.1. Submission of the BBBEE certificate or sworn affidavit;
  - 4.2.2. Submission of printout of CSD Summary Report; and
  - 4.2.3. Submission of completed SBD forms

#### **5. BID SUBMISSION AND ENQUIRIES**

- 5.1. Proposals should be submitted to [joyce@nedlac.org.za](mailto:joyce@nedlac.org.za) by the 20<sup>th</sup> October 2022 at 13h00
- 5.2. Any technical questions regarding the Request for Proposal (RFP) should be emailed to [nthabiseng@nedlac.org.za](mailto:nthabiseng@nedlac.org.za)
- 5.3. Note that no late proposals will be considered.
- 5.4. Nedlac reserves the right to cancel this bid should such be deemed necessary.

## 6. SELECTION AND EVALUATION CRITERIA

6.1. The evaluation criteria for functionality are set out in the table below.

6.2. The scoring to evaluate the criteria will be as follows:

- **5= Excellent, 4 = Good, 3 = Satisfactory, 2 = Poor, 1= Unacceptable**

6.3. Bidders need to score a minimum of 70% for functionality before BBEE and price are considered.

Description of Quality Criteria	Scoring	Weight
	Total Score	100%
<p><b>Approach, methodology and project plan</b></p> <p>Understanding of what is required in the terms of reference.</p>	<p>5=Excellent understanding, elements of innovation, with clear timeframes and project plan.</p> <p>4 = Good understanding, good quality proposal, with clear timeframes and project plan.</p> <p>3=Adequate understanding of the assignment, competent proposal, with clear timeframes and project plan</p> <p>2 = Inadequate proposal, with two modules accredited</p> <p>0 = No proposal submitted</p>	40%
<p><b>Years of Experience:</b></p> <p>Availability of appropriate skills and resources to manage the contract. CV's and qualifications of the relevant individual/s which clearly demonstrate the individual's necessary skills and experience in skills training facilitation, assessing, and moderating.</p>	<p>5= nine and above years' experience.</p> <p>4= Seven to eight years' experience</p> <p>3 = Six years' experience.</p> <p>2=Two to five years'</p>	35%

Description of Quality Criteria	Scoring	Weight
	Total Score	100%
	experience. 1 = One or less no information provided	
<p><b>Similar projects completed</b></p> <p>Work performance on previous assignments (bidders to specify area of specialization); successfully completed in the areas set out above</p>	<p>Number of Completed Similar Projects:</p> <p>5=eight and above successfully completed projects</p> <p>4=six to seven successfully completed projects</p> <p>3= five successfully completed projects</p> <p>2=three to four successfully completed projects</p> <p>1=one to two successfully completed projects</p>	25%