

NATIONAL ECONOMIC DEVELOPMENT AND LABOUR COUNCIL

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REQUEST FOR PROPOSALS

TERMS OF REFERENCE FOR THE APPOINTMENT OF AN EXPERT TO FACILITATE A CAPACITY BUILDING WORKSHOP ON THE AMENDMENTS TO THE REGULATIONS RELATING TO MINIMUM UNIFORM NORMS AND STANDARDS FOR PUBLIC SCHOOL INFRASTRUCTURE

RFQ NUMBER:	RFQ10543
RFQ ISSUE DATE:	07 OCTOBER 2022
CLOSING DATE AND TIME:	18 OCTOBER 2022 at 11h00
RFQ VALIDITY PERIOD	N/A
DESCRIPTION OF SERVICES	Appointment of an expert to facilitate a capacity building workshop on the amendments to regulations relating to norms & standards for education NB :TORs are attached from pg 13
SUBMISSION ADDRESS	Submissions to be sent electronically

PROCUREMENT ENQUIRIES	Name: JOYCE TONGWANE 060 771 0485 Email: joyce@nedlac.org.za
TECHNICAL ENQUIRIES	Name : Priscilla Mashabane 060 771 1033 Email : priscilla@nedlac.org.za

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COMPANY REGISTRATION NUMBER:.....

CSD NUMBER :.....

ADDRESS:
.....
.....

CONTACT PERSON :

TEL:

FAX:

E-Mail :

Mobile:

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TOTAL RFQ PRICE R(VAT Incl.)

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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 interest¹ 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**

¹ 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.

2.2.1 If so, furnish particulars:

.....
.....

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 consortium² 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

² 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.

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 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

SBD 6.1

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:

	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 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:

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	<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:

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

.....
.....
.....
.....

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:

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- 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:



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1. PURPOSE

- 1.1. The purpose of this Request for Proposal (RFP) is to seek a suitable service provider to facilitate a capacity building workshop on the Amendments to the Regulations Relating to Minimum Uniform Norms and Standards for Public School Infrastructure.
- 1.2. The services will be required for a day workshop and to present a workshop report to the six-a-side task team, as per details set out below.

2. BACKGROUND

- 2.1. On 29 November 2013, The Minister of Basic Education (DBE) promulgated the Regulations relating to Minimum Uniform Norms and Standards for Public School Infrastructure under Regulation Gazette No. 10067, in terms of the South African Schools Act, 1996.
- 2.2. Section 19 (1) of the Regulations required the DBE to periodically review the Norms and

Standards as contained in the regulations in order to ensure that they remained current and serve the needs of the teaching and learning process. As well as reviewing the provisions of the Sub Regulations as ordered in the High Court judgement in the matter between Equal Education and the Minister of Basic Education and others (Case No 276/2016).

- 2.3. In addressing the provisions of Section 19 (1) of the Regulations and implementing the High Court orders. Government established the task team with the Legal Services, developed the guide for the task team and consulted widely internally and further convened stakeholder consultation.
- 2.4. On 21 September 2022, Government presented the revised Regulations relating to Minimum Uniform Norms and Standards for Public School Infrastructure for input by the Nedlac social partners prior to it being finalized and gazetted by the Minister of Basic Education.

3. SCOPE OF WORK

- 3.1. The service provide will be required to facilitate the capacity building workshop that will be attended by 30 delegates representing members from Business, Labour, Community and Government Constituencies.
 - 3.1.1. Facilitate a one-day workshop; and ensure that the following deliverables are achieved:
 - i. Provide an analysis of the Draft Norms and Standards;
 - ii. Explain and provide the presentation on the impact of the reviewed Regulations to learners, parents and teachers in all spheres of Government; and
 - iii. Undertake an investigation on whether the revised Regulations addresses the Hight Court orders on sections that were previously found to be unconstitutional and invalid.
 - 3.1.2. Arising from the capacity building workshop, a service provider will be required to develop, and present a report of the workshop to the six-a-side task team

3. REQUIREMENTS

- 3.1. The successful service provider must demonstrate that they individually and as a company/organisation have:
- a) More than seven years of experience.
 - b) In-depth knowledge and skills on issues of education, data gathering and analysis.
 - c) Appropriate academic qualifications in Public Administration and Public Policy and Development or any related field.

4. TIMELINES

- 4.1. A one-day online workshop, is planned to be convened in November 2022. Please note that the dates are subject to being confirmed in due course.
- 4.2. Attend the first meeting of the six-a-side task team to present the workshop report. Please note that the dates are subject to being confirmed in due course.
- 4.3. A report on deliberations of the workshop should be submitted to Nedlac within 14 days post the convening of the workshop.

5. SUBMISSION OF DOCUMENTS

- 5.1. Bidders must submit the following documents:
- 5.1.1. A proposal on how they will respond to the brief above with a project plan which must be aligned to a pricing schedule, which fully and 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.
 - 5.1.2. CV's and qualifications of the relevant individual/s which must clearly demonstrate the individual's necessary skills and experience.
 - 5.1.3. The facilitator must have at least 5 years of experience in respect of facilitating similar projects (including capacity building on legislative and policy matters).

5.1.4. 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

5.2. The following statutory documents:

5.2.1. Submission of the BBBEE certificate or sworn affidavit;

5.2.2. Submission of print out of CSD Summary Report; and

5.2.3. Submission of completed SBD forms.

6. BID SUBMISSION AND ENQUIRIES

6.1. Proposals should be submitted to joyce@nedlac.org.za and copy procurement@nedlac.org.za on the 18 October 2022 by 11h00.

6.2. Any technical questions regarding the RFP should be emailed to priscilla@nedlac.org.za

6.3. Note that no late proposals will be considered.

6.4. Nedlac reserves the right to cancel this bid should such be deemed necessary.

6.5. NB: Nedlac process its invoices within 30 days from date of submission of invoice.

7. SELECTION AND EVALUATION CRITERIA

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

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

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

7.3. Bidders need to score a minimum of 75% for functionality before BBEE and price are considered.

Functionality Criteria	Guide to scoring	Weight
A. Approach and methodology in managing this project which should include:		
Interpretation of Terms of Reference to demonstrate understanding of what is required		
Excellent understanding of what is required in the terms of reference; high quality and innovative project proposal and project plan.	5 = Excellent	30%
Good understanding of what is required in the terms of reference; quality project proposal and project plan.	4 = Good	

Satisfactory understanding of what is required and satisfactory project proposal and project plan.	3 = Satisfactory	
Poor understanding of what is required in the terms of reference and poor project proposal and project plan.	2 = Poor	
No project proposal and plan.	0= Not Acceptable	
B. Relevant Experience	Guide to scoring	Weight
The facilitator has more than 7 years of experience in respect of facilitating similar projects	5 = Excellent	20%
The facilitator has at least 6-7 years of experience in respect of facilitating similar projects	4 = Good	
The facilitator has at least 5-6 years of experience in respect of facilitating similar projects	3 = Satisfactory	
The facilitator has below 5 years of experience in respect of facilitating similar projects	2 = Poor	
The facilitator has below 5 years of experience in respect of facilitating similar project	1=Not acceptable	

C. Relevant Qualifications	Guide to scoring	Weight
Master's Degree and above in Public Policy and Development or a Public Administration or related qualification.	5 = Excellent	
Honours or Post Graduate Certificate in; Public Policy and Development or a Public Administration or related qualification.	4 = Good	
Bachelor's degree in; Policy Development or a Development Studies degree or related qualification.	3 = Satisfactory	

Diploma in; Policy Development or a Development Studies diploma or related qualification.	2 = Poor	20%
Certificates in; Policy Development or a Development Studies certificate or related qualification.	1 = Very Poor	
D. Similar Projects Completed	Guide to scoring	Weight
5 or More reference letters – depicting similar projects completed.	5 = Excellent	30%
4 reference letters - depicting similar projects completed.	4 = Good	
3 reference letters – depicting similar projects completed.	3 = Satisfactory	
2 reference letters – depicting similar projects completed.	2 = Poor	

1 reference letters – depicting similar projects completed.	1 = Not Acceptable	
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