

NATIONAL ECONOMIC DEVELOPMENT AND LABOUR COUNCIL

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REQUEST FOR PROPOSALS	
TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO FACILITATE A CAPACITY-BUILDING WORKSHOP ON THE VICTIMS SUPPORT SERVICE (VSS) BILL	
RFQ NUMBER:	RFQ10546
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 a service provider to facilitate a capacity building workshop on the victims support service bill TORs are attached from pg 12
SUBMISSION ADDRESS	Submissions to be sent electronically
PROCUREMENT ENQUIRIES	Name: JOYCE TONGWANE 060 771 0485 Email: joyce@nedlac.org.za

TECHNICAL ENQUIRIES

Name : Busi Milisi Mngese

060 771 1427

Email : busisiwe@nedlac.org.za

.....

COMPANY REGISTRATION NUMBER:.....

CSD NUMBER :.....

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

CONTACT PERSON :

TEL:

FAX:

E-Mail :

Mobile:

TOTAL RFQ PRICE R(VAT Incl.)

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 institution	State

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:

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.

.....
.....

2.3 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 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

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.

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

**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

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

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:

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

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:

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:

- 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>



NATIONAL ECONOMIC DEVELOPMENT AND LABOUR COUNCIL

REQUEST FOR PROPOSALS

TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO FACILITATE A CAPACITY-BUILDING WORKSHOP ON THE VICTIMS SUPPORT SERVICE (VSS) BILL

1. BACKGROUND

- 1.1. As part of Nedlac's mandate, the Nedlac Development Chamber (DC) is scheduled to engage on the Victims Support Service (VSS) Bill before it is tabled in Parliament.
- 1.2. The Department of Social Development presented the Social Service Practitioners (SSP) Draft Bill & Victims Support Service (VSS) Bill to the Development Chamber meeting held on 22 September 2020. However, at the time, the Department still needed to incorporate the public comments and formally table the Bills to Nedlac for engagement. Therefore, it was agreed that once the Department had incorporated the public comments, it would revert to Nedlac for formal tabling and a task team would be established to take this process forward.
- 1.3. In September 2022, the Department of Social Development confirmed its readiness to formally table the VSS Bill at Nedlac for consideration by social partners, and stated that the SSP Bill was still under consideration by the Office of the Chief State Law Advisor.
- 1.4. On 21 September 2022, the Development Chamber agreed to establish a six-a-side task team to first convene the capacity-building workshop to equip the social partners before commencing with a detailed process of engagement.
- 1.5. The Purpose of the VSS Bill is to:
 - 1.5.1. The proposed Bill seeks to provide a framework to guide and inform the

provision of integrated and multi-disciplinary services aimed at addressing the needs of victims of violent crimes. It also seeks to co-ordinate all activities and services by various Government Departments in the Justice, Crime Prevention and Security Cluster and the Social Cluster in order to provide more efficient and effective services.

1.5.2. The legislation will address the gaps identified in all the existing victim support services related legislations such as the Domestic Violence Act which is silent on the role of DSD and the management and registration of shelter services for victims of violent crimes.

1.5.3. It will also assist with monitoring the quality of services rendered within the VSS sector and in addressing the scourge of violent crimes and improves referrals thereof.

1.6. The Chamber envisages convening a one-day workshop to build the capacity of social partners to realise meaningful and successful engagements on the Bill. In this regard, the Chamber seeks the expertise of a suitable Service Provider to facilitate a workshop on the Bill. The workshop will include about 25 participants consisting of representatives from organised Business, Community, organised Labour, Government, and Nedlac officials.

2. SCOPE OF WORK

2.1. Nedlac seeks the expertise of a suitable service provider to facilitate a capacity-building workshop on the VSS Bill with Nedlac Social Partners.

2.2. The expert will be required to:

2.2.1. Facilitate a one-day workshop and ensure the following deliverables are achieved:

- i. Provide an analysis of the key concepts set out in the VSS Bill;
- ii. To tease out the issues in the Bill highlighted which may affect/ of importance to the Constituencies (See the Bill attached as **Annexure A**); and
- iii. Explain the Socio-Economic Impact of the Bill, as articulated in the Socio-Economic Impact Assessment Report provided by Government.

2.2.2. Arising from the capacity building workshop, the service provider will be required to provide and present the report emanating from the workshop for consideration

at the six-aside 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 and should have in-depth knowledge and skills on issues of social development.
 - b) Appropriate academic qualifications in Policy Development or Development Studies degree or any related field

4. TIMELINES

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

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; and
 - 5.2.2. Submission of print out of CSD Summary Report;
 - 5.2.3. Completed SBD Forms

6. BID SUBMISSION AND ENQUIRIES

- 6.1. Proposals should be submitted to joyce@nedlac.org.za and cc procurement@nedlac.org.za on 18 October 2022 by 11h00.
- 6.2. Any technical questions regarding the RFP should be emailed to busisiwe@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 BBBEE 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	
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	30%
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 individual and the organisation has more than 7 years of experience in respect of facilitating similar projects	5 = Excellent	20%
The individual or the organisation has at least 6-7 years of experience in respect of facilitating similar projects	4 = Good	
The individual or the organisation has at least 5-6 years of experience in respect of facilitating similar projects	3 = Satisfactory	

The individual or the organisation has below 5 years of experience in respect of facilitating similar projects	2 = Poor	
The individual or the organisation has below 5 years of experience in respect of facilitating similar projects	1=Not acceptable	
C. Relevant Qualifications	Guide to scoring	Weight
The individual has a Masters degree and above in; Public Policy and Development or a Development Studies degree or related qualification.	5 = Excellent	20%
The individual has a Honours degree or Post graduate Diploma in; Public Policy and Development or a Development Studies or related qualification.	4 = Good	
The individual has a Bachelor's degree in; Public Policy and Development or a Development Studies or related qualification.	3 = Satisfactory	
The individual has a Diploma in; Public Policy and Development or a Development Studies or related qualification.	2 = Poor	

The individual has a Certificates in; Public Policy and Development or a Development Studies or related qualification.	1 = Very Poor	
C. Similar Projects Completed	Guide to scoring	Weight
5 or More signed reference letters – depicting similar projects completed.	5 = Excellent	30%
4 signed reference letters - – depicting similar projects completed.	4 = Good	
3 signed reference letters – depicting similar projects completed.	3 = Satisfactory	
2 signed reference letters – depicting similar projects completed.	2 = Poor	
1 signed reference letter – depicting similar projects completed.	1 = Not Acceptable	