

NATIONAL ECONOMIC DEVELOPMENT AND LABOUR COUNCIL

P.O.BOX 1775, SAXONWOLD, 2132 – 14A JELICOE AVENUE, ROSEBANK 2196
TELEPHONE +27(0) 11 328 4200 WEBSITE: WWW.NEDLAC.ORG.ZA

REQUEST FOR PROPOSALS	
TERMS OF REFERENCE FOR THE APPOINTMENT OF A QUALIFIED STRUCTURAL ENGINEER	
RFQ NUMBER:	RFQ10590
RFQ ISSUE DATE:	02 November 2022
CLOSING DATE AND TIME:	15 November 2022 at 11h00
RFQ VALIDITY PERIOD	N/A
DESCRIPTION OF SERVICES	Appointment of a qualified structural engineer NB: TORs are attached from pg 14
SUBMISSION ADDRESS	Submissions to be sent electronically
PROCUREMENT ENQUIRIES	Name: JOYCE TONGWANE 060 771 0485 Email: joyce@nedlac.org.za

TECHNICAL ENQUIRIES

Name : Sharlotte van Royen

060 771 2029

Email : sharlotte@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 SouthAfrica 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

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 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:

.....

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

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.

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 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
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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;

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

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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.

WITNESSES

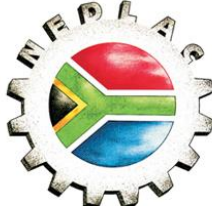
1.

2.

.....

SIGNATURE(S) OF BIDDERS(S)

DATE:



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REQUESTS FOR QUOTATIONS

APPOINTMENT OF A QUALIFIED STRUCTURAL ENGINEER

1. INTRODUCTION

1.1 The National Economic Development and Labour Council (Nedlac) is a statutory body that was established through the Nedlac Act No. 35 of 1994 and operates under the terms of the Nedlac Constitution. Nedlac's vision is to promote growth, equity and participation through social dialogue.

2. PURPOSE

- 2.1 Nedlac requires services of a reputable and experienced structural engineer to evaluate the Nedlac building structure to determine and confirm if and where the additional entrance/exit from the chamber room can be erected.
- 2.2 The objective of this exercise is to ensure fire safety and emergency evacuation compliance of the chamber room.

3. BACKGROUND

3.1 Nedlac has one office nationally with an employee compliment of +-50 staff members and

external stakeholders/social partners. Before the Covid-19 pandemic, an average of 60 people would use the facilities on a daily basis. The office is situated at 14A Jellicoe Avenue in Rosebank, Johannesburg.

4. SCOPE OF WORK

- 4.1 Nedlac requires services of a reputable and experienced structural engineer to investigate and evaluate the Nedlac building structure and based on the outcome of the evaluation, confirm the area in the chamber boardroom where an additional entrance/exit should be erected and identify how the expansion of the current entrance/exit from the boardroom should be carried out, to ensure full compliance with fire safety and evacuation requirements for the Nedlac building.
- 4.2 The study should take into consideration the site layout, structural building design, structural calculations including foundation, gravity and lateral analysis.
- 4.3 The structural engineer should also provide cost estimations and specifications for work required per their recommendations, acquisition of relevant permits from the council, construction support and ensure that all items meet applicable codes and standards.
- 4.4 Ensure to confirm compliance of the Nedlac building structure in accordance with SANS 10400.
- 4.5 Service provider to conduct a site visit prior to quoting. Site visit details are as follows:

Date: Wednesday 09 November 2022

Time: 12h00-13h00 and 14h00-15h00

Venue: Nedlac House, 14A Jellicoe Avenue, Rosebank

Contact Person/s: Sharlotte or Sam

5. REQUIREMENTS OF THE SERVICE PROVIDER

- 5.1 The successful service provider must meet the following mandatory requirements:
 - 5.1.1 Provide CVs of project team which must clearly demonstrate the necessary skills and experience in the area of expertise required for this project.
 - 5.1.2 Be a registered structural engineer/s.

- 5.1.3 Provide certified proof of qualifications.
- 5.1.4 Have a minimum of five (5) years relevant work experience in the field.
- 5.1.5 Ensure to have a competent team that will be dedicated to this project.
- 5.1.6 Provide a project plan outlining the project deliverables, timelines and projected costs.
- 5.1.7 Provide a list of similar projects completed in the last five (5) years, with signed reference letters.
- 5.1.8 Provide a company profile.

6. SUBMISSION OF DOCUMENTS

6.1 Service providers must submit the following documents:

- 6.1.1 BBBEE certificate or affidavit.
- 6.1.2 Company registration.
- 6.1.3 Proof of CSD registration.
- 6.1.4 Completed SBD forms.

7. SELECTION AND EVALUATION CRITERIA

7.1. The following evaluation criteria will be utilised:

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

The below matrix will be used in scoring the submissions:

A. Competence and expertise of the service provider measured in years of experience
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What is required	Application of evaluation criteria	% Allocation
<p>Availability of appropriate skills and resources to undertake the project.</p> <p>CVs of the assigned project staff to demonstrate skills and capabilities by showing current and previous work done, as well as number of years in the fields set out above.</p> <p>Proof of accreditation.</p>	<p>5= five and above years' experience</p> <p>4=four years' experience</p> <p>3=three years' experience</p> <p>2= two years' experience</p> <p>1 = one years' experience</p>	50%
B. Similar projects completed		
What is required	Application of evaluation criteria	% allocation
<p>Work performance on previous assignments (service providers to specify area of speciality) successfully completed in the areas set out above (supported by signed reference letters).</p>	<p>5= five and above successfully Completed projects</p> <p>4= four successfully completed projects</p> <p>3= three successfully completed projects</p> <p>2= two successfully completed projects</p> <p>1= one successfully completed project</p>	20%
C. Project plan		
What is required	Application of evaluation criteria	% allocation
<p>Project plan demonstrates good understanding of the scope of work.</p>	<p>5 = excellent understanding of scope of work, elements of innovation.</p> <p>4 = good understanding of the</p>	30%

	<p>scope of work, good quality proposal/project plan.</p> <p>3= adequate understanding of the project, competent proposal.</p> <p>2 = inadequate proposal.</p> <p>0 = no proposal submitted</p>	
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7.2 Selection Criteria

7.2.1 Bidders that attain a minimum score of 70% on functionality will be evaluated further for price and BBBEE.

7.2.2 The final decision and successful appointment will be made by Nedlac and no correspondence will be entered into thereafter.

7.2.3 Nedlac reserves the right to cancel this bid or ultimately decide not to appoint any service provider in terms of this call for quotations.

7.2.4 Bidders must be ready and available to commence work immediately after appointment.

8. BID SUBMISSION AND ENQUIRIES

8.1 Bidders should send their completed quotations and accompanying relevant documentation to SCM unit at joyce@nedlac.org.za and copy procurement@nedlac.org.za by **15 November 2022 at 11h00**.

8.2 Note that no late proposals will be considered.

8.3 Technical enquiries regarding this Terms of Reference should be emailed to Ms Charlotte Kopano van Rooyen at sharlotte@nedlac.org.za.

8.4 Procurement enquiries regarding these terms of reference should be emailed to

joyce@nedlac.org.za and copy procurement@nedlac.org.za.

9. PAYMENT TERMS

Payments will be made within 30 days from receipt of invoice and against presentation of satisfactory deliverables as will be agreed upon on appointment of the successful bidder/service provider.