



THE NATIONAL ECONOMIC DEVELOPMENT & LABOUR COUNCIL
14A Jellicoe Avenue,
NEDLAC House,
Rosebank PO Box 1775,
Saxonwold, 2132

INVITATION TO TENDER

**REQUEST FOR PROPOSALS FOR APPOINTMENT OF SERVICE PROVIDER OR
INDIVIDUAL CONTRACTOR TO PROVIDE TECHNICAL SUPPORT TO THE LABOUR AND
DEVELOPMENT UNIT AT NEDLAC**

BID NUMBER:	Nedlac 2023/24/06
BID ISSUE DATE:	08 December 2023
CLOSING DATE AND TIME:	26 January 2024 at 11am
BID VALIDITY PERIOD	90 days (COMMENCING FROM THE BID CLOSING DATE)
COMPULSORY CLARIFICATION MEETING	N/A
DESCRIPTION OF SERVICE/GOODS	Appointment of service provider or individual contractor to provide technical support to the Labour and Development unit at Nedlac
SUBMISSION OF BID	<u>DEPOSITED IN THE TENDER BOX SITUATED AT:</u> Nedlac offices (Reception Area) 14A Jellicoe Avenue, Rosebank
PROCUREMENT ENQUIRY	Name: Mrs Sibongile Pheeha Email: Sibongile@nedlac.org.za
TECHNICAL ENQUIRY	Name: Ms Nolwazi Mthembu Makaula Email: nolwazi@nedlac.org.za

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PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	NEDLAC 23/24/06	CLOSING DATE:	26 January 2024	CLOSING TIME:	11h00 AM
APPOINTMENT OF SERVICE PROVIDER OR INDIVIDUAL CONTRACTOR TO PROVIDE TECHNICAL SUPPORT TO THE LABOUR AND DEVELOPMENT UNIT AT NEDLAC					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT:					
NEDLAC HOUSE, 14A JELLCOE AVENUE, ROSEBANK (RECEPTION TENDER BOX)					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Sibongile Pheeha		CONTACT PERSON	Nolwazi Mthembu Makaula	
TELEPHONE NUMBER	060 771 0835		TELEPHONE NUMBER	011 328 4200	
E-MAIL ADDRESS	sibongile@nedlac.org.za		E-MAIL ADDRESS	nolwazi@nedlac.org.za	
SUPPLIER INFORMATION					
NAME OF BIDDER					
NAME OF REPRESENTATIVE					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]	
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A BRANCH IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.					

TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.
1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).
2. TAX COMPLIANCE REQUIREMENTS
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

TOTAL BID PRICE (ALL INCLUSIVE)

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:
(Proof of authority must be submitted e.g. company resolution)

DATE:

PRICING SCHEDULE
(Professional Services)

NAME OF BIDDER:	BID NO.:
CLOSING TIME	CLOSING DATE:

OFFER TO BE VALID FOR **90** DAYS FROM THE CLOSING DATE OF BID.

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)
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1. The accompanying information must be used for the formulation of proposals.
2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project, (including VAT and all disbursements).
R.....

PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)

4.	PERSON AND POSITION	HOURLY RATE	DAILY RATE
	-----	R-----	-----
	-----	R-----	-----
	-----	R-----	-----
	-----	R-----	-----

5.	PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT		
	-----	R-----	-----days
	-----	R-----	----- days
	-----	R-----	----- days
	-----	R-----	----- days

5.1 Travel expenses (specify, for example rate/km and total km, class of air travel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
.....	R.....
.....	R.....
.....	R.....
.....	R.....

TOTAL:

**"all applicable taxes" includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

5.2 Other expenses, for example accommodation (specify, e.g. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
.....	R.....
.....	R.....
.....	R.....
.....	R.....

TOTAL: R.....

6. Period required for commencement with project after Acceptance of bid

7. Estimated man-days for completion of project

8. Are the rates quoted firm for the full period of contract? *YES/NO

9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index.

.....

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**

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 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

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.

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 2022**

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- 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 **To be completed by the organ of state**

(delete whichever is not applicable for this tender).

- a) The applicable preference point system for this tender is the 90/10 preference point system.
- b) The applicable preference point system for this tender is the 80/20 preference point system.
- c) Either the 90/10 or 80/20 preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) BBBEE

1.4 **To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
BBBEE	20
Total points for Price and BBBEE	100

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \\
 \mathbf{P_s = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)} & \mathbf{or} & \mathbf{P_s = 90 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)}
 \end{array}$$

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{min} = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

A maximum of 80 or 90 points is allocated for price on the following basis:

$$P_s = 80 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right) \text{ or } P_s = 90 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right)$$

Where

- P_s = Points scored for price of tender under consideration
 P_t = Price of tender under consideration
 P_{max} = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
- then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The BBEE allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Level 1	10	20		
Level 2	8	16		
Level 3	5	10		
Level 4	4	8		
Level 5	3	6		
Level 6-8	0	0		

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One-person business/sole propriety
- Close corporation
- Public Company
- Personal Liability Company
- (Pty) Limited
- Non-Profit Company
- State Owned Company

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I 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 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering 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 tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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, if deemed necessary.

 SIGNATURE(S) OF TENDERER(S)
SURNAME AND NAME:
DATE:
ADDRESS:

CERTIFICATE FOR JOINT VENTURES

This Returnable Schedule is to be completed by EACH member of a joint venture submitting a proposal.

We, the undersigned, are submitting this proposal offer in Joint Venture and hereby authorize

Mr/Ms.....

,

Authorized signatory of the
Company.....

Acting in the capacity of lead JV partner, to sign all documents in connection with the proposal offer and any contract resulting from it on our behalf as a joint venture.

NAME OF JV
ORGANISATION.....

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

.....
.....

.....
.....

DULY AUTHORISED SIGNATORY NAME
.....

DESIGNATION:.....
.....

SIGNATURE.....
.....

DATE:.....



TERMS OF REFERENCE (TOR) FOR SERVICE PROVIDER OR INDIVIDUAL CONTRACTOR TO PROVIDE TECHNICAL SUPPORT TO THE LABOUR AND DEVELOPMENT UNIT AT NEDLAC

1. INTRODUCTION

- 1.1. The National Economic Development and Labour Council (Nedlac) is seeking the services of service provider or individual contractor to deliver technical support services to the Labour and Development Unit of the Programmes Department
- 1.2. The purpose of this ToR is to outline the scope of work, requirements and other relevant details for potential service provider.
- 1.3. The contract will be for a period of two years subject to satisfactory performance and budget availability in respect of the second year.

2. BACKGROUND

- 2.1. The National Economic Development and Labour Council (Nedlac) was established by statute in 1995. The legislated objects, powers, and functions of Nedlac are to:
 - (a) Strive to reach consensus and conclude agreements on matters of social and economic policy;
 - (b) Consider all proposed labour legislation relating to labour market policy before it is introduced in Parliament;
 - (c) Consider all significant changes to the social and economic policy before they are implemented or introduced in Parliament.
 - (d) Encourage and promote the formulation of coordinated policy on social and economic matters, including the implementation of the economic recovery action plan, such as measures to address the impact of food and fuel

increases.

2.2. Key delivery areas for Nedlac include:

- (a) **The convening of dialogue sessions** that seek to enhance the capacity of social partners to make meaningful contributions during engagements on socio-economic matters, as well as to encourage information sharing among social partners and other relevant stakeholders.
- (b) **Facilitation of engagements on policy and legislation** with the view of
- (c) adding value to these issues through well-informed inputs from social partners. Arising from the engagements, the Nedlac Report is developed and submitted to the relevant Parliamentary Portfolio Committee and relevant Minister who would have tabled policy or legislation for deliberation by Nedlac social partners.
- (d) **Facilitation of deliberations which lead to social partners reaching agreement or social compacts** on the identified socio-economic issues.
- (e) **Engagements on matters to promote trade** in the country, and provide inputs on trade policy and trade agreements.

2.3. Nedlac conducts its core work through two Units, namely: The Economic Unit, and the Labour and Development Unit.

2.4. The Economic Unit focuses on issues related to economic growth, trade, SMME development, industrial policy, energy, freight and public transport and fiscal and monetary policy.

2.5. The Labour and Development Unit is responsible for the work pertaining to the labour market, skills development, employment creation, social protection and broader development issues as well as emerging issues (which deals with urgent crisis issues such as Covid-19).

2.6. The Nedlac Strategic Plan 2020-25, Annual Performance Plan 2023/24; Annual Report 2022/23 and Protocol for Tabling and Considering Issues at Nedlac can be accessed on www.nedlac.org.za, for more information about Nedlac, its current activities and processes.

2.7. Suitably qualified service provider or individual contractor in terms of this TORs is required to provide technical support to the work of the Labour and Development unit as set out in the scope below.

3. SCOPE OF WORK

- 3.1. The service provider or individual contractor will need to agree to an inception phase encompassing of the following:
 - 3.1.1. **Inception Meeting:** To discuss working modalities, communication mechanism, timelines, etc.
 - 3.1.2. **Inception Report:** To document revised and agreed upon project deliverables timelines, communication plan, working modalities, etc.
- 3.2. The service provider or individual contractor will be responsible for the following tasks which will be determined by the Executive Manager: Programmes:
 - 3.2.1. Support social dialogue sessions, research projects, engagements on policy and legislation, and realisation of agreements in respect of the labour and development matters to ensure that the above outputs meet quality standards.
 - 3.2.2. Regularly scan the labour law, social development and emerging issues environment and do briefing notes as and when requested for the Unit Managers and Executive Manager.
 - 3.2.3. Facilitate and chair meetings with social partners and dialogue sessions where requested.
 - 3.2.4. Develop reports arising from Nedlac engagements and processes where requested.
- 3.3. The individual contractor or service provider will be required to have a legal background and provide support relating to labour law, decent work, social protection, emerging issues and social development matters broadly. The work shall include support on legislation and policy engagements as and when required.
- 3.4. It is envisaged that the above tasks will require approximately 100 hours per month. The number of hours may vary depending on the work that needs to be done.
- 3.5. The individual contractor will be required to report monthly on the tasks implemented.

4. REQUIREMENTS

- 4.1. The successful individual contractor must possess the following qualifications and experience:
 - 4.1.1. An LLB degree or related qualification with 10 years' experience in labour law, with technical understanding of labour market policy issues, as well as social development policy issues.
 - 4.1.2. Stakeholder consultation, Management and maintenance with an experience requirement of five (5) years.
 - 4.1.3. Demonstrable experience in reporting and report writing, through publications, etc.
 - 4.1.4. Experience in labour court and/ labour market policy issues, will be advantageous.
 - 4.1.5. A qualification or experience in Project Management would be advantageous.

5. SUBMISSION OF DOCUMENTS

- 5.1. Bidders must submit the following:
 - 5.1.1. Proposals which should include the following:
 - (a) Proposed approach for executing the work in line with the above-mentioned requirements. Cost proposal clearly setting out a total estimate of 100 hours per month for 24 months, and include the hourly rate, daily rate and the total value of the contract.
 - 5.1.2. Curriculum Vitae (CV) of the individual contractor which must clearly demonstrate the individual's necessary skills and experience in relation to the above-mentioned role.
 - 5.1.3. Entity ownership type and BBBEE certificate.
 - 5.1.4. Proof of company registration on Centralised Supplier Database (CSD).
 - 5.1.5. Fully completed SBD forms
 - 5.1.6. At least three (3) examples of previous projects/cases relevant to the above-mentioned scope, including the following information per project/case:
 - Project/case name;
 - Project/case objectives;

- Role on the project/case;
- Number of years worked on the project/case; and
- Reference Letters, with contactable references.

6. BID SUBMISSION AND ENQUIRIES

- 6.1. Bidders should send their completed bids and accompanying relevant documentation **physically** at Nedlac House, 14a Jellicoe Avenue, Rosebank, Johannesburg, 2196, by **26 January 2024 @ 11h00**. Although submissions are physical, service providers will upon request by Nedlac after the closing date and time, be expected to submit a soft copy of their submissions electronically.
- 6.2. Any questions regarding the RFP should be emailed to sibongile@nedlac.org.za and cc procurement@nedlac.org.za and any technical queries are to be directed to nolwazi@nedlac.org.za .
- 6.3. No late proposals will be considered.
- 6.4. Nedlac reserves the right to cancel this bid should such be deemed necessary.

NB: Service providers are required to have in place a soft copy of their tender submission which will be requested by Nedlac after the closing date and time, following the submitted hard copies.

7. SELECTION AND EVALUATION CRITERIA

- 7.1. Evaluation criteria to be followed is outlined below:
- 7.1.1. The minimum functionality points of seventy (70) are required to qualify to be evaluated for pricing and specific goals in phase two. Bids will be scored per the following criteria:
5= Excellent; 4 = Good, 3 = Satisfactory, 2 = Poor, 1= Very Poor, 0= Not acceptable
- 7.1.2. As this procurement is expected not to exceed a maximum of R50 million, the 80/20 preferential procurement measure is applicable. In order to achieve specific goals, a maximum of 20 points will be awarded to a bidder for broad-based black economic empowerment as follows:
- B-BBEE status Level 1 contributor: 20 points
 - B-BBEE status Level 2 contributor: 16 points
 - B-BBEE status Level 3 contributor: 10 points

- B-BBEE status Level 4 contributor: 8 points
- B-BBEE status Level 5 contributor: 6 points
- B-BBEE status Level 6 - 8 contributor: 0 points

7.1.3. The below matrix will be used in scoring the proposals:

The below matrix will be used in scoring the proposals	Scoring	Weight
Total Functionality	Total Score	100%
A. Approach and methodology (Proposal)		
Proposal shows excellent understanding of what is required in the terms of reference and the scope of work and shows innovation in the approach.	5 = Excellent	30%
Proposal shows good understanding of what is required in the terms of reference and the scope of work and shows practicality in the approach.	4 = Good	
Proposal shows satisfactory understanding of what is required in the terms of reference and the scope of work.	3 = Satisfactory	
Proposal shows poor understanding of what is required in the terms of reference, and is missing some of the critical components required in the scope of work.	2 = Poor	
Proposal shows wrong interpretation of what is required in the terms of reference, and is missing some of the critical components required in the scope of work.	1 = Very Poor	
No proposal submitted.	0 = Not Acceptable	
B. Relevant Expertise		
Availability of appropriate skills and resources to provide technical support. CVs of the assigned personnel to demonstrate skills and capabilities by showing current and previous work done as well as the number of years in the fields set out above.		
Excellent academic qualifications in LLD or Labour Law related Post-Doctoral qualification (Possesses a PHD/Doctorate in the required fields).	5 = Excellent	
Good academic qualifications in LLM or Labour Law related Masters-level qualification (Possesses a Masters Degree in the required fields).	4 = Good	

Satisfactory academic qualifications in LLB or Labour Law related qualification. (Possess a Post graduate Diploma or Honours Degree in the required field).	3 = Satisfactory	25%
Inadequate academic qualifications in relation to the required LLB or a Labour Law related qualification per the TORs (Possess a Degree in the required fields).	2 = Poor	
Very inadequate academic qualifications in relation to the required LLB or a Labour Law related qualification per the TORs. (Possesses a Diploma in the required fields).	1 = Very Poor	
No academic qualifications in LLB or a Labour Law related qualification (Possesses a Certificate or no qualification in the required fields).	0 = Not Acceptable	
C. Relevant experience		
To evaluate each of the above components, the following criteria will apply:		
14 years or more relevant experience = Excellent	5 = Excellent	25%
12 years relevant experience = Good	4 = Good	
10 years relevant experience = Satisfactory	3 = Satisfactory	
6 years' experience = Poor	2 = Poor	
5 years of less experience = Very Poor	1 = Very Poor	
4 years or less experience = Not Acceptable	0 = Not Acceptable	
D. Similar Projects Completed		
Number of Completed Similar Projects: Work performance on previous assignments (bidders to specify area of specialisation); successfully completed in the areas set out above, with contactable references. On the job assignments with previous employers will be accepted.		
5 or more completed similar projects = Excellent	5 = Excellent	20%
4 Completed similar projects = Good	4 = Good	
3 Completed similar projects = Satisfactory	3 = Satisfactory	
2 Completed similar projects = Poor	2 = Poor	
1 Completed Similar Projects = Very Poor	1 = Very Poor	
No Completed Similar Projects = Not Acceptable	0 = Not Acceptable	