TERMS OF REFERENCE

APPOINTMENT OF A SERVICE PROVIDER FOR ASSESSMENT OF THE IMPACT, PRACTICE AND APPLICATION OF EQUAL PAY/REMUNERATION FOR WORK OF EQUAL VALUE FOR A PERIOD OF TWELVE (12) MONTHS

FOR THE

DEPARTMENT OF EMPLOYMENT AND LABOUR

CONFIDENTIAL

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INTRODUCTION

1. PURPOSE AND BACKGROUND

1.1. PURPOSE

To explore and measure the impact of legislation, policy and practice in relation to Equal Pay/Remuneration for Work of Equal Value whilst also exploring its application and dispute resolution.

1.2. BACKGROUND

1.2.1. International and Regional instruments on equal pay

Discrimination and inequality had also been a global challenge for years exceeding a century to date. Internationally there had been efforts directed at ensuring social justice for workers, which include discrimination in general and pay inequality in particular, championed by the United Nations' (UN) agencies like the International Labour Organization (ILO). These institutions coordinated the adoption of several standards for this purpose.

Discrimination is unethical and inhumane as it deprives people in many ways, the UN committed to address it, starting with the establishment of the ILO to deal with ethical, humane working conditions and social justice as written in the preamble of its Constitution: "universal and lasting peace can be established only if it is based on social justice." (ILO, 1919). Furthermore, in 1944, the ILO adopted a Declaration commonly known as the Declaration of Philadelphia, which affirms that "all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity." (ILO, 1944 - Declaration of Philadelphia). This Declaration was part of the ILO's Constitution.

The United Nations further showed commitment to fight injustices of discrimination and inequality by adopting the Universal Declaration for Human Rights (UDHR) in 1949, which all humanity has to observe and respect globally. While the UDHR calls to address various human rights, it covered the rights of workers and labour relation in its various articles. Specifically, the rights of workers to pay equality are clearly outlined in Article 23, which recognizes the significant right that every

worker is entitled to in terms of earning living wages that are fairly equal and free from discrimination as follows:

- ***"Article 23-***

1. *Everyone, without any discrimination, has the right to equal pay for equal work.*
2. *Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection." (UN, 1949, Article 23).*

The UDHR only elevated the already pronounced fundamental right of workers that the ILO had already started to champion for in its founding Constitution. The principle of Equal Pay for Work of Equal Value cannot be more emphasized as the ILO ensured through its many instruments/standards (Conventions and Recommendations). The ILO Instruments go as far back as 1951 and 1958 when the most fundamental instruments were adopted, viz the Equal Remuneration Convention (No.100) of 1951 and Discrimination (Employment and Occupation) Convention (No.111) of 1958, both of which ratified by South Africa in the years 2000 and 1997 respectively. These were followed by the adoption of Social Policy Convention (No. 117) of 1962. These instruments aimed to promote equality in more or less complementary ways as follows:

✓ Equal Remuneration Convention (No.100) of 1951:

Oelz, Olney & Tomei (2013) described Equal remuneration for men and women for work of equal value as a principle that is designed to achieve pay equity between men and women.

To them, Pay equity is about fairness in pay. While Equal Remuneration Convention promotes the implementation of equal remuneration, it also requires member States to promote and ensure the application to all workers, of the principle of equal remuneration for men and women workers for work of equal value. By 2013, around 90% of the ILO member states had ratified this Convention, Oelz et al (2013).

✓ Discrimination (Employment and Occupation) Convention (No.111) of 1958:

The purpose of the Discrimination (Employment and Occupation) Convention (No. 111) of 1958 is to protect all persons against discrimination at work. The Convention protects not only those who have already found employment or exercise an occupation, but also those who are preparing to work, seeking work, or risk losing their work. It covers all jobs and occupations in the public and private sectors. This instrument works in tandem with the other discrimination and equality instruments like the Convention 100 on equal pay.

✓ Social Policy Convention (No. 117) of 1962:

Through its Article 14, the Social Policy Convention further advances commitment to abolish all discrimination amongst workers on grounds of race, colour, sex, belief, tribal association or trade union affiliation in respect of "wage rates. All these shall be fixed according to the principle of equal pay for work of equal value in the same operation and undertaking". (ILO. 1962- Social Policy Convention).

Furthermore, implementation of measures to facilitate the abolition of discrimination, particularly wage discrimination, was enhanced in 1981 by the adoption of the Organization of African Unity African's Charter on Human and People's rights. The Charter made it clear in Article 15 that, "Every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for work. (Organization of African Unity, 1981 – African Charter on Human and People's Rights).

Achieving discrimination and inequality in the workplace had been on the centre stage and attracting more attention in South Africa since the dawn of democracy, also resulting in several pieces of legislation enacted to address these problems from different perspectives. For almost 25 years (since Employment Equity Act of 1998 was passed), the country had been in the trajectory of reversing the imbalance caused by apartheid in the workplace.

All the measures taken by different role players above were aimed at abolishing and preventing discrimination through unequal pay. However, progress is sluggish.

1.2.2. South African Legal Framework on discrimination in general and pay discrimination in particular

As a player in the global space, South Africa participates in multinational bodies that play a role in advancing human rights, dignity and freedom. These bodies adopted standards aimed at ensuring and protecting human rights. Because of being a member of the United Nations and the International Labour Organization, South Africa Ratified several Conventions aimed at advancing human right and equality. These influenced its legislation in many ways as seen in the country being commended for having one of the best-crafted Constitutions in the world.

Regarding South Africa's measures to abolish discrimination in general and pay inequality in particular, the supreme law of the country, the South African Constitution passed in 1996 focusing on denouncing discrimination and workplace inequality in Sections 9 and 23 respectively. Chapter of Two (Bill of Rights) of the Constitution laid a foundation to put measures through law, to abolish discrimination. The Bill of rights listed all fundamental human rights that need to be observed, including the rights to equality and labour relations.

Several other pieces of the legislation took further the matters of discrimination and equality to cement the commitment for country implementation measures. These include the Employment Equity Act No.55 of 1998, which in Chapter II focuses on elimination of unfair discrimination in employment policies and practices. The Employment Equity Amendment Act (No.47) passed in 2013, in particular, sections 6(4) and 6(5) focused on the prohibition of unfair discrimination in relation to differences in terms and conditions of employment between employees of the same employer performing the same or substantially the same work or work of equal value that is directly or indirectly based on any one or more of the grounds listed in section 6(1) of the EEA.

In an effort to ensure that Pay Equality is also achieved in the country, South Africa further passed Employment Equity Regulations in 2014, followed by the Code of Good Practice on Equal Pay/Remuneration for Work of Equal Value, which was passed in 2015. The Code of Good Practice aims to assist in the promotion and practical implementation of the Equal Pay Principle that is embedded in the EEA.

The South African government also enacted the Promotion of Equality and Prevention of Unfair Discrimination Act (No. 4) of 2000 (PEPUDA) in the midst of policy measures developed within the Employment Equity Act. This piece of legislation (PEPUDA) was aimed at facilitating the transition from apartheid era, which treated people differently based on many attributes that make people differ from each other, e.g. race, gender, creed, disability etc. PEPUDA specifically aims to ensure transformation under the guidance of the principle of equality, fairness, equity, freedom amongst other principles.

Besides all these measures put in place in making sure that discrimination is denounced, prohibited and abolished where it exists, pay inequalities persist relentlessly. This necessitated the need to continue putting these matters at the centre of national policy. The reality however, is that discrimination and inequality continues to occur and create a cause for concern.

Even though the main causes of inequality and discrimination are generally known, having put in place all measures and efforts to level the field in terms of interventions like educational level, field of study, work experience, skills, qualifications, seniority, size of the company and sectors of employment, discrimination and inequality continue to take place. Amongst main causes, race and gender discrimination is found to be the main contributing factors to pay inequality. Other causes are mainly due to stereotypes and prejudices with regard to work undertaken by women. Due to a high concentration of women in flexible work, which includes part-time work or temporary work, women find themselves in poorly paid jobs and undervalued jobs, thus making them more vulnerable to pay inequality. Equal pay/remuneration for work of equal value is a good principle that can contribute to poverty reduction and therefore there are more benefits in abolishing and preventing discrimination.

1.2.3. Problem Statement

Despite having ratified the relevant conventions (Convention 100, Convention 111) and Recommendation 90, discrimination on pay inequality continues to be relentless. Besides the promulgation of the different pieces of legislation in the Country to eradicate discrimination and pay/remuneration inequality, such as the Country's Constitution, the EEA, the PEPUDA as well as Amendments of the Employment Equity Act, enacting the Employment Regulations and subsequently passing the Code of Good Practice on Equal pay/Remuneration, pay/remuneration inequality persists.

2. SCOPE OF BID

Through this terms of reference, the Department is inviting a **service provider** with **labour market research experience** for conducting research on the "Assessment of the impact, practice and application of Equal Pay/Remuneration for Work of Equal Value" for a period of **twelve (12) months.**

2.1. SCOPE OF WORK

2.1.1. Broadly, the study should focus on:

a) Assessing progress made since enacting Amendments to the Employment Equity Act of 2013 (EEA), Regulations 2 to 7 of 2014 and Code of Good practice on Equal Pay/Remuneration.

b) Assessing impact of the dispute resolutions in terms of the amendment Employment Equity Act of 2013 (EEA), Regulations 2 to 7 of 2014 and Code of Good practice on Equal Pay/Remuneration.

c) Challenges related to practical implementation and experience thereof (e.g. in ensuring objective and transparent Job Evaluation processes and pay grading systems); existence of remuneration and benefit policies and practices/ procedures; existence of Remuneration/ pay committees/ Boards; existence of transparency & disclosure of remuneration/ pay and benefits in contracts of employment prohibiting employees to share such information/ payslips; do companies conduct pay and benefits audits if any and the frequency of these pay audits; and are the Affirmative Action (AA) measures to address pay inequalities included in the EE Plan of designated employers.

2.1.2. Some of the specific questions are:

- ✓ What is the impact of EE legislation, regulations and policies to ensure the principle of equal pay/remuneration for work of equal value?
- ✓ What are measures taken to implement the principle- are the equal pay provisions in the EEA, EE Regulations and the Equal Pay Code adequate and effective?
- ✓ What are challenges faced by employers, workers and institutions expected to set wages- in relation to equal pay/remuneration for work of equal value?
- ✓ What are the experiences observed and the lessons learnt in implementing the principle, including dispute resolution?

2.1.3. Significance of the study:

The impact of the EEA especially on pay equality would be achieved if a better understanding of the challenges preventing the implementation of the principles of equal pay/remuneration for work of equal value are established and addressed. Articles in the Commission for Employment Equity (CEE) reports show that a number of workers lose equal pay/remuneration cases when disputes are referred to the CCMA and the labour courts, particularly on arbitrary grounds.

2.1.4. Deliverables:

- Proposal and project plan for conducting the study.
- Research methodology (approach).
- Research instruments (Questionnaires or Interview guide).
- A draft report on research findings and recommendations to strengthen the implementation of Equal Pay/Remuneration for wok of equal value in South Africa.
- A final report on research findings and recommendations to strengthen the implementation of Equal Pay/Remuneration for wok of equal value in South Africa.
- Six progress meetings with the CEE/Department.
- A maximum of five presentations of the final report to the CEE/Department/ Stakeholders.

3. EVALUATION STAGES

The bid evaluation process consists of several stages that are applicable according to the nature of the bid as defined in the table below.

Stage	Description	Applicable for this bid
Stage 1	Administrative pre-qualification verification	YES
Stage 2	Mandatory requirement evaluation	YES
Stage 3A	Technical Functionality evaluation	YES
Stage 3B	Price	YES

The bidder must qualify each stage to be eligible to proceed to the next stage of the evaluation.

3.1. STAGE 1: ADMINISTRATIVE PRE-QUALIFICATION

3.1.1. ADMINISTRATIVE PRE-QUALIFICATION VERIFICATION

(1) The bidder **must comply** with ALL of the bid pre-qualification requirements in order for the bid to be accepted for evaluation.

(2) If the Bidder failed to comply with any of the administrative pre-qualification requirements, or if the DEPARTMENT is unable to verify whether the pre-qualification requirements are met, then the DEPARTMENT reserves the right to –

a) Reject the bid and not evaluate it, or

b) Accept the bid for evaluation, on condition that the Bidder must submit within 7 (seven) days any supplementary information to achieve full compliance, provided that the supplementary information is administrative and not substantive in nature.

3.1.2. ADMINISTRATIVE PRE-QUALIFICATION REQUIREMENTS

(1) **Submission of bid response**: The bidder has submitted a bid response documentation pack

a) that was delivered at the correct physical or postal address and within the stipulated date and time as specified in the "Invitation to Bid" cover page, and;

b) in the correct format as the tender document issued, one (1) original document is required to be submitted in the tender box.

(2) **Registered Supplier.** The bidder is, in terms of National Treasury Instruction Note 3 of 2016/17, registered as a Supplier on National Treasury Central Supplier Database (CSD).

(3) **Good Standing: If** required as a condition for the bid, the bidder **together with the sub-contractor** is to submit proof of good standing with the Department at the time of submission (CF), i.e. a letter that shows that the bidder is compliant with the CF

(4) The total Bidding price must be written correctly and in full failure to do so will invalidate the Bid.

(5) The price of the bid will be **firm** for the duration of the contract. As indicated on Standard Bidding Document (SBD) 3.3 and the bid pricing schedule.

(6) All Standard Bidding Documents forms submitted with the bid must be completed and signed. Failure to do so may invalidate the bid.

(7) Certified ID copies (not older than 3 months) of all team members, at the point of submission, failure to submit will result in the disqualification of the bidder.

(8) **A resolution of the Board of Directors for authority of signatory with the ID number of the appointee must be submitted with the bid.**

(9) Bidders must provide Central Supplier Database (CSD) summary report that has a compliant TAX status together with valid banking details.

(a) All company registration documents for the sub-contractor must be submitted.

(10) The COIDA certificate must be submitted and be valid at the day of closing.

(11) Bidder/s must comply with basic Labour Relations Act/s, E.g. OHS, Basic Conditions of Employment Act (BCEA), Minimum Wage, UIF and COIDA

(12) No late bids shall be accepted.

(13) Please note that any enquiries must be directed via e-mail and will only be responded to at **the compulsory briefing session**. After the briefing session, queries will only be submitted via e-mail and responses will also be via email and copied to all other bidders. The department will not take queries 5 working days before the closing date.

(14) Any proposals received in response to this bid remain the property of the Department of Employment and Labour.

(15) The bidder, by submitting their bid, acknowledges that the bid is held valid for a period 90 days from the closing date of the bid.

(16) The Department of Employment and Labour reserves the right to at any given time to request additional information for clarification purposes during the evaluation process of this bid.

Proposals should be submitted to:

Department of Employment and Labour,

Laboria House

215 Francis Baard Street,

Pretoria

0002

3.2. STAGE 2: MANDATORY REQUIREMENTS

3.2.1.INSTRUCTION

(1) The bidder **must comply with ALL the requirements by providing substantiating evidence** in the form of documentation or information, failing which it will be regarded as "NOT COMPLYING".

(2) The bidder **must provide a unique reference number** (e.g. binder/folio, chapter, section, page) to locate substantiating evidence in the bid response. During evaluation, the DEPARTMENT reserves the right to treat substantiation evidence that cannot be located in the bid response as "NOT COMPLYING".

(3) The bidder **must complete the declaration of compliance** as per section 3.2.3 below by marking with an "X" either "COMPLYING", or "NOT COMPLYING" with ALL of the mandatory requirements, failing which it will be regarded as "NOT COMPLYING".

(4) The bidder must comply with ALL the MANDATORY REQUIREMENTS in order for the bid to proceed to the next stage of the evaluation. Failure to comply with the mandatory requirements will lead to the bid being disqualified.

3.2.2. MANDATORY REQUIREMENTS

MANDATORY REQUIREMENTS	SUBSTANTIATING EVIDENCE OF COMPLIANCE (used to evaluate bid)	EVIDENCE REFERENCE (to be completed by bidder)
Project leader: A minimum of a Master's degree in either Human Resource, Finance, Business Management, Industrial relations, Economics, or related to remuneration of equal pay for equal value.	Certified certificate of degree (not older than six months).	
Team members:	Certified certificate of degree (not older than six months). Curriculum Vitaes reflecting working experience should be submitted for all team members.	

MANDATORY REQUIREMENTS	SUBSTANTIATING EVIDENCE OF COMPLIANCE (used to evaluate bid)	EVIDENCE REFERENCE (to be completed by bidder)
➢ At least one member must have a minimum of an Honours degree in Human Resource, Finance, Business Management, Industrial relations, Economics, or related to remuneration of equal pay for equal value. ➢ At least one member must have a minimum of 5 years' experience working in Remuneration.		
Minimum of three research projects conducted by the company in the field of labour legislation and or remuneration.	Three references from clients of previously completed research reports/ projects.	

The proposal must clearly indicate the project leader and the team members.

3.2.3. DECLARATION OF COMPLIANCE

The bidder declares by **indicating with an "X"** in either the "COMPLY" or "NOT COMPLY" column that –	COMPLY	NOT COMPLY
(a) The bid complies with each and every MANDATORY REQUIREMENT as specified in SECTION 3.2.2 above; AND		
(b) Each requirement specification is substantiated by evidence as proof of compliance.		

STAGE 3 A: FUNCTIONALITY EVALUATION CRITERIA

3.2.4. FUNCTIONALITY

(a) Bids invited on the basis of functionality as a criterion must be evaluated in two stages.

(b) First functionality must be assessed and then in accordance with the 80/20 preference point systems.

(c) Only bids that achieve the minimum qualifying score of 70% for functionality will be evaluated further in accordance with the 80/20 preference point systems.

NB: (Bidders should score 70/100 points or more in order to qualify to move to the second phase of evaluation)

ITEM	EVALUATION CRITERIA	POINTS
BIDDER EXPERIENCE REQUIREMENTS ON UNFAIR DISCRIMINATION IN THE WORKPLACE IN EMPLOYMENT EQUITY.	Competence and extensive experience of the service provider in relation to on unfair discrimination in the workplace (provide proof in a reference letter). The proof of the research projects should be written in an official letterhead of the contractor. **0** - Less than three (3) projects **5** - Three (3) projects **10** - At least four (4) projects **Note:** The Department reserves the right to verify the information provided.	**0 | 5 | 10**

ITEM	EVALUATION CRITERIA	POINTS
BIDDER'S KNOWLEDGE ON REMUNERATION/EQUAL PAY FOR WORK OF EQUAL VALUE.	Demonstrate in-depth knowledge with regards to remuneration in line with legislation, policy and practice in relation to the scope of work. **0** - Poor **10** - Average **20** - Good **30** - Excellent	**0 10 20 30**
UNDERSTANDING OF THE SCOPE OF THE PROJECT	**Note:** The Department reserves the right to verify the information provided. Demonstrate detailed interpretation of the requirements of the Tender and a clear understanding of the scope of the project. **0** - Poor **10** - Average **20** - Good	**0 10 20**
METHODOLOGY	Clear and comprehensive methodologies for the proposed delivery of the project. **0** - Poor **10** - Average **20** - Good **30** - Excellent	**0 10 20 30**
PROJECT PLAN	Project plan and cost breakdown analysis outlining milestones for delivery of the project. **0** - Poor	**0 5 10**

ITEM	EVALUATION CRITERIA 5 - Average 10 - Good	POINTS
	Total points	100

3.2.5.STAGE 3B: PRICE AND SPECIFIC GOAL

PRICE AND SPECIFIC GOAL 80/20 EVALUATION:

a) The evaluation of the bid shall be based on the 80/20 reference points system as per PPPFA.

b) The breakdown of points is as follows:

PRICE POINTS	**80**
SPECIFIC GOALS	**20**
Total	**100 points**

Calculation of points for Specific Goals

Points will be awarded to a bidder for attaining Specific Goals in accordance with the table below:

SPECIFIC GOALS	**NUMBER OF POINTS (20)**
Percentage owned by black women:	10
Ten (10) points will be calculated to 100%, for 50% Plus ownership by black women	
Scale	
Historically disadvantage individual:	10
Ten (10) points will be calculated to 100%, for 50% ownership by HDI's	

Specific goals for Black Women ownership

50+% = 10 points
40 – 49% = 8 points
30 – 39% = 6 points
20 – 29% = 4 points
10 – 19% = 2 points

Specific goals for Historically Disadvantaged Individuals ownership

50+% = 10 points
40 – 49% = 8 points
30 – 39% = 6 points
20 – 29% = 4 points
10 – 19% = 2 points

4. SPECIAL CONDITIONS OF CONTRACT

4.1. INSTRUCTION

(1) The successful supplier will be bound by Government Procurement: General Conditions of Contract (GCC) as well as this Special Conditions of Contract (SCC), which will form part of the signed contract with the successful Supplier. However, the Department reserves the right to include or waive the condition in the signed contract.

(2) the Department reserves the right to –

(a) Negotiate the conditions, or

(b) Automatically disqualify a bidder for not accepting these conditions.

(3) In the event that the bidder qualifies the proposal with own conditions, and does not specifically withdraw such own conditions when called upon to do so, the Department will invoke the rights reserved in accordance with subsection 4.1(2) above.

(4) The bidder must **complete the declaration of acceptance** as per section 4.9 below by marking with an **"X"** either "ACCEPT ALL" or "DO NOT ACCEPT ALL", failing which the declaration will be regarded as "DO NOT ACCEPT ALL" and the bid will be disqualified.

4.2. SPECIAL CONDITIONS OF CONTRACT

(1) **CONTRACTING CONDITIONS**

(a) **Formal Contract.** The Supplier must enter into a formal written Contract (Agreement) with the Department of Employment and Labour.

(b) **Right of Award.** The Department reserves the right to award the contract for required goods or services to multiple Suppliers including the right to not procure all or any of the items requested.

DELIVERY ADDRESS. The supplier must deliver the required services at the addresses referred to in Section 3.1.

(2) **Skills transfer.** Skills Transfer using workshops/information sessions to thirty (30) people on all phases (for example; a) literature review development, b) sampling for the study, and development of research instruments) for the project. This should also be costed as part of the project and provision for physical and online mode (hybrid).

(3) **Presentations to the department.** A maximum of five presentations should be done to the department and its stakeholders.

4.3. STANDARDS

(1) The relevant Governmental Legislations, Standards and Policies are to be adhered. Bidders are cautioned to ensure that they are fully aware of the POPI Act.

4.4. INVOICING

(1) The following procedures can be followed in order to ensure that invoicing is done correctly to the Department of Employment and Labour for services delivered on request:

(a) Invoices to be paid by the Department will be done within 30 days after the Department had received the invoice from the service provider.

(b) Where applicable S & T claims are governed by the Department of Employment and Labour's approved policy and rates.

(c) The Department of Employment and Labour will revise these costs as per Department of Treasury's instruction. Changes will be notified with supplier before the contract implementation date.

(d) The Department reserves the right to request proof for any S&T invoiced by the service provider.

4.5. LOGISTICAL CONDITIONS

(1) The Supplier must provide its own resources and responsible for all travelling cost when executing the project.

4.6. PERSONNEL SECURITY CLEARANCE

(1) The Supplier personnel who are required to work with sensitive information will be subjected to a Departmental security screening and vetting.

(2) The Supplier must ensure that the security status of all personnel involved in the Contract remains valid for the period of the contract.

4.7. CONFIDENTIALITY AND NON-DISCLOSURE CONDITIONS

(i) Neither Party shall disclose, announce or publish to any third party the fact of, or any confidential information, or any information concerning the conclusion of this Agreement or

the terms hereof without the prior written consent of the other Party, unless the confidential information:

(ii) Is required by law; or
(iii) To implement this Agreement; or
(iv) Is in the public domain; or
(v) Is information the receiving party independently developed; or
(vi) Is from a third party without restriction and without a breach of a duty of confidentiality.

4.8. INTELLECTUAL PROPERTY RIGHTS

(i) For the avoidance of doubt, it is hereby recorded that any Intellectual Property created prior to the date of this Agreement, shall vest exclusively with the Party or Parties who created same;

(ii) This Agreement does not transfer to the Receiving Party title to any Intellectual Property created prior to the date of this Agreement;

(iii) Any Intellectual Property derived, produced or developed by Service Provider expressly and exclusively for the Department shall vest in the Department;

(iv) The final research report of the study remains the property of the Department;

(v) This clause and clause 7 shall survive termination or cancellation of this Agreement.

4.9. DECLARATION OF ACCEPTANCE

	ACCEPT ALL	DO NOT ACCEPT ALL
(1) The bidder declares to ACCEPT ALL the Special Condition of Contract as specified in section 4 above by indicating with an "X" in the "ACCEPT ALL" column, OR		
(2) The bidder declares to NOT ACCEPT ALL the Special Conditions of Contract as specified in section 4 above by -		
(a) Indicating with an "X" in the "DO NOT ACCEPT ALL" column, and;		
(b) Provide reason and proposal for each of the conditions that is not accepted.		

Comments by bidder:
Provide reason and proposal for each of the conditions not accepted as per the format:
Condition Reference:
Reason:
Proposal:

5. COSTING AND PRICING

QUALIFICATION NOTICE

To safeguard the integrity of the bidding process, the technical and financial proposals should be submitted in separate sealed envelopes, as per "National Treasury: Supply Chain Management a guide for Accounting Officers / Authorities, 2004", section 5.9.4; therefore

All bid Pricing Schedules (including all the SBD Forms where price is indicated i.e. SBD 1, SBD 3.1, 3.2 and 3.3), as indicated in Section 5.4 bid pricing schedule must be submitted in a SEPARATE SEALED ENVELOPE, failing which the bid WILL BE DISQUALIFIED.

5.1. COSTING AND PRICING EVALUATION

5.1.1. ALL PRICING SCHEDULES MUST BE SUBMITTED IN A SEPARATE SEALED ENVELOPE, failing which the BID will be DISQUALIFIED.

5.1.2. In terms of Preferential Procurement Policy Framework Act (PPPFA), the following preference point system is applicable to all Bids:

a) the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); or

b) the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

5.1.3. This bid will be evaluated using the PPPFA preferential points scoring system accordingly.

5.1.4. The bidder must complete the declaration of acceptance as per section 5.3 below by marking with an "X" either "ACCEPT ALL", or "DO NOT ACCEPT ALL", failing which the declaration will be regarded as "DO NOT ACCEPT ALL" and the bid will be disqualified.

5.1.5. Bidder will be bound by the following general costing and pricing conditions and Department of Employment and Labour reserves the right to negotiate the conditions or automatically disqualify the bidder for not accepting these conditions. These conditions will form part of the Contract between Department of Employment and Labour and the bidder. However, Department of Employment and Labour reserves the right to include or waive the condition in the Contract.

5.2. COSTING AND PRICING CONDITIONS

5.2.1. The bidder must submit the Pricing Schedule(s) as prescribed in section 5.4 as well as the relevant enclosed Standard Bidding Document SBD 3.1, 3.2 or 3.3.

5.2.2. SOUTH AFRICAN PRICING. The total price must be VAT inclusive and be quoted in South African Rand (ZAR).

5.2.3. TOTAL PRICE

5.2.4. All quoted prices are the total price for the entire scope of required services and deliverables to be provided by the bidder.

5.2.5. The cost of delivery, labour, overtime, etc. must be included in this bid.

5.2.6. All additional costs must be clearly specified.

5.2.7. The pricing must be firm for the period of the proposal.

5.3. DECLARATION OF ACCEPTANCE

		ACCEPT ALL	DO NOT ACCEPT ALL
(1)	The bidder declares to ACCEPT ALL the Costing and Pricing conditions as specified in section 5.2 above by indicating with an "X" in the "ACCEPT ALL" column, or		
(2)	The bidder declares to NOT ACCEPT ALL the Costing and Pricing Conditions as specified in section 5.2 above by -		
(a)	Indicating with an "X" in the "DO NOT ACCEPT ALL" column, and;		
(b)	Provide reason and proposal for each of the condition not accepted.		

Comments by bidder:

Provide the condition reference, the reasons for not accepting the condition.

5.4. BID PRICING SCHEDULE

Note:

a) Bidder must complete the pricing as per table below (or as per the attached spreadsheet if applicable).

b) Line Prices are all VAT EXCLUDING, and TOTAL PRICE is VAT INCLUSIVE

5.4.1.SERVICE PRICING

NO	DELIVERABLE/OUTPUT DESCRIPTION	PRICE (VAT EXCL.)
1.		
2.		
3.		
4.		
5.		
6.		SUBTOTAL (VAT Excl.)
7.		VAT (15%)
8.		SUBTOTAL (VAT Incl.)
		BID TOTAL (VAT Incl.)

6. ENDORSEMENT

Endorsed by the Bid Specification Committee Chair:

Name: Mr. Thami Bikitsha

Date: 20/06/2025

EQUAL PAY FOR WORK OF EQUAL VALUE SCORING SHEET - June 2025

ITEM	EVALUATION CRITERIA	POINTS			
BIDDER EXPERIENCE REQUIREMENTS ON UNFAIR DISCRIMINATION IN THE WORKPLACE IN EMPLOYMENT EQUITY.	**Competence and extensive experience of the service provider in relation to on unfair discriminat in the workplace (provide proof in a reference letter). The proof of the research projects should written in an official letterhead of the contractor.** **0** - Less than three (3) projects **5** - Three (3) projects **10** - At least four (4) projects **Note:** The Department reserves the right to verify the information provided.	**0**	**5**	**10**	
BIDDER EXPERIENCE REQUIREMENTS IN REMUNERATION/EQUAL PAY FOR WORK OF EQUAL VALUE.	**Demonstrate in-depth knowledge with regards to remuneration in line with legislation, policy practice in relation to the scope of work.** An excellent proposal should demonstrate in-depth knowledge of the following criteria; 1) Section 6(4) and 6(5) of Employment Equity Amendment Act (EEA) of 2013. 2) Regulations 2 to 7, 3) Code of Good Practice on Equal Pay/Remuneration for Work of Equal Value, 4) Practical knowledge on Job evaluation and Remuneration, 5) Knowledge and understanding of dispute resolution and case law in terms of section 10 and 11 of the EEA. **0 -** Poor - Proposal gets 0 points if it demonstrates no knowledge of all the criteria.	**0**	**10**	**20**	**30**

	10 - Average - Proposal gets 10 points if it demonstrates knowledge of at least three of the criteria. **20 -** Good - Proposal gets 20 points if it demonstrates knowledge of at least four of the criteria. **30 -** Excellent - Proposal gets 30 points if it demonstrates in-depth knowledge of all five criteria.			
UNDERSTANDING OF THE SCOPE OF THE PROJECT	**Demonstrate detailed interpretation and a clear understanding of the scope of the project which comprises of the three main focus areas stated in section 2.1.1 of the TORs as follows:** 1) Assessing progress made since enacting Amendments to the Employment Equity Act of 2013 (EEA), Regulations 2 to 7 of 2014 and Code of Good practice on Equal Pay/Remuneration. 2) Assessing impact of the dispute resolutions in terms of the amendment Employment Equity Act of 2013 (EEA), Regulations 2 to 7 of 2014 and Code of Good practice on Equal Pay/Remuneration. 3) Challenges related to practical implementation and experience thereof. **0** - Poor - Proposal gets 0 points if it elaborates understanding of only one study focus area or part of the study focus areas; **10** - Average - Proposal gets 10 points if it elaborates understanding of at least two study focus areas; **20** - Good - Proposal gets 20 points if it provides in-depth elaboration and understanding of all three study focus areas.	**0**	**10**	**20**

METHODOLOGY	**Clear and comprehensive methodologies for the proposed delivery of the project.** **0** - Poor - Does not meet expectations of proposed methodologies for the delivery of the project. **10** - Average - Meets some but not all expectations of proposed methodologies for the delivery of the project. **20** - Good - Meets expectations of proposed methodologies for the delivery of the project. **30** - Excellent - Exceeds expectations of proposed methodologies for the delivery of the project. **Research methodology steps:** 1. **Research design/approach** can be qualitative, quantitative or combines both qualitative and quantitative designs. a) A proposal gets one (0) points if it does not mention anything about research design; b) A proposal gets 10 points if it lists one research design without explaining what it is and why it is relevant for the study; c) A proposal gets 20 points if it mentioned and elaborates on only one research design and explain its relevance to the study; d) A proposal gets 30 points if it mentioned and extensively elaborates combined designs. 2. **Identifying population and drawing the sample.** There are two sampling approaches, namely probability and non-probability, each one has several techniques within it. A good proposal will mention both sampling methods and elaborate their relevance and their relevant techniques stating how they will help answer the research questions. a) A proposal gets zero (0) points if it does not say anything about the population of the study and sampling approaches;	**0**	**10**	**20**	**30**

b) A proposal gets 10 points if it lists one sampling approach and subsequent techniques.
c) A proposal gets 20 points if it identifies the population and elaborate only one sampling approaches and its subsequent techniques.
d) A proposal gets 30 points if it identifies the population and elaborate on both sampling approaches and their subsequent techniques.

3. **Data collection:** This can be done through many techniques that fall within quantitative and qualitative designs. An excellent proposal will state these approaches and their relevant techniques, also mentioning types of data that can be used in research as **Primary and Secondary** data. Furthermore, stating how quality assurance would be done during this stage of research is an added advantage.

a) A proposal gets zero (0) points if it says nothing about data collection methods;
b) A proposal gets 10 points if it lists approaches or data collection techniques;
c) A proposal gets 20 points if it elaborates only one approach of data collection and related techniques, also discussing either primary and secondary data or quality assurance;
d) A proposal gets 30 points if it elaborates on qualitative and quantitative data collection approaches and their techniques, also discussing primary and secondary data as well quality assurance.

4. **Data analysis:** Is about how the collected data is going to be analysed to make sense out of it. An excellent proposal will state analysis of both qualitative and quantitative, as well as tools of analysing them such as software like STATA, SPSS for quantitative data analysis and for qualitative data tools like ATLAs-ti.

a) A proposal gets 0 (zero) points if it says nothing about data analysis tools it would employ.
b) A proposal gets 10 points if it elaborates on data analysis tools for one type of data, either qualitative or quantitative data.
c) A proposal gets 20 points if it lists data analysis methods and tools without elaboration;
d) A proposal gets 30 points if it extensively elaborates on data analysis tools it would employ for both qualitative and quantitative data.

	If evaluator A scores company Zebra 20 on design approach, 20 on sample, 30 on data collection and 10 on data analysis. Then this is divided by 4 and rounded.				
PROJECT PLAN	**Project plan and cost breakdown analysis outlining milestones for delivery of the project with the following as critical characteristics:** 1. Gantt Chart 2. Milestones of the project including a breakdown of the tasks leading to the milestones. 3. Costs of the project aligned to the milestones. 4. Management of risks in the project. 5. Practicality of the project in relation to the TOR timeline.				
	0	-	Poor - project plan gets zero (0) points if it has less than 2 characteristics of the project plan.	**0**	**5** **10**
	5	-	Average - project plan gets 5 points if it has 2 to 3 characteristics of the project plan.		
	10	-	Good - project plan has 10 points if it has 4 to 5 characteristics of the project plan.		
			If a project plan has less than 2 of the characteristics it gets 0 points. If plan has 2 to 3 characteristics of the project plan it gets 5, if a plan has 4 to 5 characteristics of the project plan it gets maximum points of 10.		
	Total points			**100**	