

TERMS OF REFERENCE TO SERVE AS AN INDEPENDENT PRESIDING OFFICER FOR THE DISCIPLINARY HEARING.

1. OBJECTIVE

The National Consumer Commission (NCC) requires a qualified and experienced individual to serve as an independent presiding officer for the disciplinary hearing.

2. BACKGROUND

2.1. The National Consumer Commission is a juristic person established as an organ of the state within the public administration in terms of section 85 of the Consumer Protection Act; No 68 of 2008 ("Act"). The NCC is listed as a schedule 3A entity in terms of the Public Finance Management Act, 1999 (PFMA) and officially started its operations with effect from 1 April 2011.

3. REASONS FOR THE NEED

It is the intention of the National Consumer Commission to follow a procedurally and substantive fair process when conducting a disciplinary hearing, and the recommendations were made to acquire an independent presiding officer to preside over the Disciplinary Hearing to ensure fairness and objectivity.

4. SCOPE OF WORK

The Commission hereby invites proposals from qualified and experienced individuals to serve as an independent presiding officer for a disciplinary hearing.

4.1 Service required:

Chairing the Disciplinary Hearing

The person/service provider will be required to provide services, including but not limited to the following:

- a) Chairing and managing the proceedings of the disciplinary hearing.
- b) Consider and analyse evidence.

- c) Ensure a fair disciplinary hearing.
- d) Determine sanctions in terms of the Labour Relations Act (LRA), the NCC disciplinary code and procedure, and other relevant legislations, and
- e) Provide a written report on the findings and outcome of the disciplinary hearing within 10 days of the hearing.
- f) Should the matter be referred to the CCMA, the chairperson must assist in terms of the preparation of the record.
- g) Provide a secretariat to keep and maintain an accurate record of the hearing.

4.2 Mandatory Compliance

- a) A qualified individual with a minimum of 3 years qualification in Human Resources Management/Employee Relations/Industrial Psychology/ or B. proc/ B Juris/LLB
- b) A minimum of 5 years' experience in presiding over disciplinary hearings within Private or Public Service. (Attach detailed Curriculum Vitae detailing experience)

4.3 Evaluation Criteria

- a) Reference Letters/confirmation letters which chairing of disciplinary hearings have been successfully rendered:
- b) Service providers should obtain a minimum 60% to advance to the next evaluation phase.

Functional Criteria	Scoring	Weight
Reference letters/confirmation letters for which chairing of disciplinary hearing have been rendered during the past five (5) years. They shall include the following information for the disciplinary hearing presided over: <ul style="list-style-type: none"> a) Client name; b) Contact name and telephone number; 	<ul style="list-style-type: none"> • 5 letters – 50 points • 4 letters = 40 points • 3 letters = 30 points • 2 letters = 20 points • 1 letter = 10 points • No letters = 0 points 	50

c) Date when the disciplinary hearing was held. d) Description of service. Reference Letters must be submitted on the letterhead of the client and contain the name of the Presiding Officer.		
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4.4 Pricing Evaluation

Evaluation of price will be based on rate per day. For the purposes of evaluation, please submit pricing for 10 days.

5. EVALUATION CRITERIA

In terms of regulation 6 of the Preferential Procurement Regulations pertaining to the Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000), responsive bids will be adjudicated on the 80/20-preference point system in terms of which points are awarded to bidders on the basis of:

- The bid price (maximum 80 points)
- Specific Goals (maximum 20 points)

Stage 1 - Price Evaluation (80 Points)

Criteria	Points
Price Evaluation $P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$	80

The following formula will be used to calculate the points for price:

Where

P_s = Points scored for comparative price of bid under consideration

Pt = Comparative price of bid under consideration

Pmin = Comparative price of lowest acceptable bid

Stage 2 – Specific Goals Evaluation (20 Points)

Specific Goals Points allocation

A maximum of 20 points may be allocated to a bidder for attaining the specific goals in accordance with the table below:

Specific Goals	Number of Points
100% Black owned	6
51-99% Black owned	4
100% women owned	6
51% to 99% women owned	4
5% Youth Ownership	2
2% Owned by persons with disabilities	1
Exempt Micro Enterprise (EME)	5
Qualifying Small Enterprise (QSE)	3
Large Enterprise	0

Specific Goal points may be allocated to bidders on submission of the following documentation or evidence:

- A duly completed Preference Point Claim Form: Standard Bidding Document (SBD 6.1)
- B-BBEE Certificate
- CSD Report

6. GENERAL CONDITIONS OF CONTRACT

6.1 Any award made to a bidder(s) under this bid is conditional upon

6.1.1 The bidder(s) accepting the terms and conditions contained in the General Conditions of Contract as the minimum terms and conditions upon which National

Consumer Commission is prepared to enter into a contract with the successful Bidder(s).

7. CONDITIONS OF CONTRACT

The NCC reserves the right to refuse the lowest quote and elements outlined in the evaluation criteria above will play a major role when evaluating the requested proposals. Similarly, the NCC is not bound to select any of the entities or individuals submitting proposals.

Service providers that are not registered on the Central Supplier Database (CSD) will be required to do so before award.

8. PAYMENT STRUCTURE

Payment will be made upon submission of an invoice(s), accompanied by an itemised statement of account, covering all services rendered. Such payment will be effected within thirty (30) days from the date of receipt of the undisputed invoice.

9. CONFIDENTIALITY

The NCC will treat all relevant and available data and/or information provided by the Service Provider with confidentiality. The Service Provider is not allowed to discuss or make any information available to any member of the public, press or other service provider/consultant or any other unauthorized person(s) except as authorized by the Commissioner or his delegate.

10. SUBMISSION OF QUOTATIONS

Quotations must be sent to the address as stated below or via the following email: quotations@thencc.org.za

11. ENQUIRIES

For Technical Enquiries:

Mr. Itani Ndou

Telephone number: 012 428 7732

Email address: I.Ndou@thencc.org.za

For SCM enquiries:

Ms. Margery Mouton

Telephone: 012 428 7730

E-mail: M.Mouton@thencc.org.za