

## **TERMS OF REFERENCE**

**BID NUMBER: BID02201\2024**

**BID – PROVISION OF MANAGEMENT DEVELOPMENT PROGRAMME FOR THE COMPETITION  
COMMISSION OF SOUTH AFRICA**



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### **1. BACKGROUND**

- 1.1** The Competition Commission of South Africa is a statutory body established in terms of the Competition Act 89 of 1998, in order to – amongst other things – investigate anti-competitive conduct occurring in South African markets or occurring elsewhere but having an effect within South Africa. It has four main functions: (1) investigate anti-competitive conduct; (2) evaluate exemption applications; (3) assess mergers and acquisitions; and (4) advocate for competition compliance. The Commission conducts a range of ancillary functions in order to effectively carry out the four main functions already mentioned. These are (1) legal services; (2) economic research; and business support services coming from (3) corporate services and (4) finance services.
- 1.2** Every division in the Commission comprises entry, junior, intermediate, senior and executive staff. Senior and executive staff carry management responsibility and generally have entry, junior and intermediate staff reporting to them.
- 1.3** CCSA is a public entity listed in schedule 3A of the Public Finance Management Act (PFMA) and acts in compliance with section 217 of the Constitution of South Africa and applicable Public Procurement Regulations and Prescripts.
- 1.4** Therefore, the CCSA is requiring a suitability qualified service provider for the Management Development Programme for the Competition Commission of South Africa.

### **2. SITUATION ANALYSIS**

- 2.1** The selected service provider is required to provide an accredited Leadership and Management Development Programme for the Competition Commission Middle Managers (Grade 5-6) a total 30 participants. The target group comprises technical experts, mainly lawyers and economists, across various functions of the Commission.
- 2.2** Commission staff are often promoted into management positions because of their technical expertise with little or no previous management experience or training. At the levels below they are expected to be deep specialists and no transitional process in place when they climb up the career ladder to take on the management stream. It is at these levels where individuals are required to:
  - 2.3.1. Transition from specialists to managers of people and the organization.
  - 2.3.2. manage cross functional and high-performance teams in a high-performance organization.
  - 2.3.3. Manage team cohesion and maintain discipline, professional and ethical conduct amongst the staff.
  - 2.3.4. Encourage innovation and performance excellence for a competitive environment.
  - 2.3.5. Identify and manage risk.
  - 2.3.6. Engage and maintain external stakeholder relations including public interest.



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- 2.3.7. Set and manage their division's budget.
- 2.3.8. Understand and apply government regulations that impact and regulate the Commission's operations and mandate.
- 2.3.9. Provide input into the organization's budget requirements, implementation, and monitoring.
- 2.3.10. provide input into, implement, and monitor the organization's strategy.
- 2.3.11. initiate and manage change in a high-performance organization.
- 2.3.12. Institution must have ability to customize material according to CCSA's needs
- 2.3.13. Demonstrate ability to customize content, demonstrate leadership & management development experience with corporate or commercial company's and public sector organization at least 10 years' experience as a management or executive coach.
- 2.3.14. Produce certificates for participants at the end of training.
- 2.3.15. The institution must be a recognized institution of higher learning or an extended business unit of an institution of higher learning, registered with the Department of Higher Education and training.

### **3. SCOPE OF WORK**

#### **3.1** Service provider activities will include the following:

- 3.1.1. Design a curriculum appropriate for two sets of management and leadership i.e. Executives and Middle Managers.
- 3.1.2. Develop and design training methodologies for the programme.
- 3.1.3. Develop and design assessment methods for competence.
- 3.1.4. Develop, design, and provide training material to promote continuous learning.
- 3.1.5. Deliver training to Competition staff within the agreed time frame using industry experts.
- 3.1.6. Evaluate training and make recommendations for further development.
- 3.1.7. Coaching on Performance managing virtually: Output vs Tasks.
- 3.1.8. The company will address the following key areas of leadership competencies. The Potential curriculum should cover four distinct module including 1) Self Mastery: developing self- actualization and environmental awareness, 2) Team Mastery: People Management, 3) Management Mastery: Improving operational requirements, 4) Business Mastery: Strategic Management and organizational effectiveness. It is important to note that the organization will engage the service provider in the customization of competencies based on the providers experience and outcomes of the organizational internal assessment.



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## POTENTIAL PROGRAMME STRUCTURE

**Module 1 : Self Mastery**  
developing self actualization  
and environmental awareness

- **Duration:** 3 days
- **Delivery method:**
  - Interactive group session
  - Series of assessments
- **Assessment method:** Role plays
- **Learning outcome:** recognize personal strength and weaknesses, Understand personal leadership style, recognize how personality and attitude affect organizational fit, techniques for story telling and cultivating a personal brand

\* Structure may be edited  
based on feedback from  
delivery partner

**Module 2 : Team Mastery**  
Leadership and people  
management

- **Duration:** 5 days
- **Delivery method:**
  - Interactive group session
  - Group challenges and games
  - Ted Talk
- **Assessment method:** Case study and Role plays
- **Learning outcomes:** Understand and ability to work in group and team dynamics, develop techniques to build effective teams, identify types and courses of conflict within teams, understand organizational culture and team culture and benefits of diversity, techniques for initiating and fostering change, importance of employee motivation and how to promote it, purpose of HR management and its legal constraints, encourage ethical behaviour and corporate practice.

**Module 3 : Management**  
Mastery improving  
operational requirements

- **Duration:** 5 days
- **Delivery method:**
  - Online session with scenarios
  - Case study workshop
- **Assessment method:** Case study with PoE
- **Learning outcomes:** understand project planning and organizing for effectiveness, components and considerations for strategic management, process and techniques for decision making, business communication and barriers to communication, methods and needs for control, Knowledge sharing and upskilling

**Module 4 : Business Mastery**  
strategic management and  
organizational effectiveness

- **Duration:** 5 days
- **Delivery method:**
  - Lecture with scenarios
  - Take home case study
  - Case study workshop
- **Assessment method:** Case study with PoE
- **Learning outcomes:** identify pros/cons of organizational structure, recognize poor and good leadership dimension for org effectiveness, understand ethics in business, , trends and challenges in internal and global leadership, identify and analyze stakeholder influence and level of participation, negotiation stages and purpose of negotiations, understanding persuasion



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#### 4. TIMEFRAMES

- 4.1 The duration of the program must be over a period of 12 months upon appointment.

#### 5. CONTRACTUAL OBLIGATION

- 5.1 Should the service provider be using sub-contractors, the service provider will be responsible for ensuring delivery of services from any such sub-contractors and for making any payments to such sub-contractors.
- 5.2 The bidding process is in accordance with the criteria set out in the Commission's Supply Chain Management Policy and Preferential Procurement Policy, in accordance with the provisions set out in the Preferential Policy Framework Act of 2000.
- 5.3 Bidders are also required to take all reasonable steps to protect information, in line with the provisions of the POPIA 4 of 2014.
- 5.4 The service provider will enter into a service level agreement with the Commission and end-user.
- 5.5 Service provider will avail themselves for a presentation and interview with the end-user, and the interview will determine appointment of the service provider.

#### 6. ABSENCE OF OBLIGATION & CONFIDENTIALITY

- 6.1 No legal or other obligation shall arise between the service provider and CCSA unless/until both parties have signed a formal contract or Service Level Agreement in place.
- 6.2 The Contract site is at **CCSA (as and when required)**.

#### 7. WORKMEN AND SUPERVISION ON SITE

- 7.1 The service provider shall be held responsible for the conduct of his employees and the conduct of his sub-contractor's employees for the full duration of the contract.

#### 8. ADMINISTRATIVE CRITERIA (Phase 1)

- 8.1 Proof of registration on CSD (**Central Supplier Database**)
- 8.2 **General Conditions of Contract (GCC), Standard Bid Document (SBD) 1, 3.3, 4, and SBD 6.1.**

**Note: administrative documents must fully be completed, initialled, and signed where applicable**



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## 9. MANDATORY CRITERIA

- 9.1 The institution must be a recognized institution of higher learning or an extended business unit of an institution of higher learning, registered with the Department of Higher Education and training.
- 9.2 Institution must have an accredited programme with South African Qualification Authority.
- 9.3 Proof of certificate of accreditation by relevant SETA and DoHET.

***Note: All bidders who do not comply with the items listed above will be disqualified.***

## 10. EVALUATION CRITERIA

**10.1** Responses will be evaluated using a predetermined set of evaluation criteria. The evaluation criteria is designed to reflect the Commission's requirements in terms of identifying a suitable service provider and ensure the selection process is transparent and affords all the bidders a fair opportunity for evaluation and selection.

### **10.2 Functional Evaluation threshold (Phase 2)**

10.2.1 The tender submission will be functionally evaluated out of a **minimum of 70 points** – **any bidder who scores less than 70** will not be considered for further evaluation (Phase 3) – **BBBEE, specific goals and price preference point system**

### **10.3 Functional Evaluation Criteria:**

The evaluation is based on functionality, which will be evaluated using the following criteria and points:



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Evaluation Area	Evaluation Criterion	Maximum Points
<p><b>Experience of the firm and presenters</b></p> <p>The bidder must submit the company profile detailing relevant at least 10 years' experience of the firm in leadership &amp; management training, Learning Material design and development, Programme outcomes, assessment criteria and methods. Demonstrate ability to customise content, demonstrate leadership &amp; management development experience with corporate or commercial company's and public sector organisation. Also include the organisational structure of the firm.</p> <p>Presenters must have at least 10 years' experience in leadership and management development and must have minimum NQF level 9, and above. The bidder must attach the short resume of the project team, their certified qualifications as well as relevant industry certification if applicable.</p>	<p>Proven experience and expertise in leadership and management development as well as project planning and monitoring. Also include proof of certificate of accreditation by relevant SETA and DoHET.</p> <p><b>20 years' experience</b> of the firm and presenters and in leadership &amp; management training, Learning Material design and development, Programme outcomes, assessment criteria and methods. Demonstrate ability to customise content, demonstrate leadership &amp; management development experience with corporate or commercial company's and public sector organisation. Also include the organisational structure of the firm. Training team/facilitators. <b>= 40 points</b></p> <p><b>15 years' experience</b> of the firm and in leadership &amp; management training, Learning Material design and development, Programme outcomes, assessment criteria and methods. Demonstrate ability to customise content, demonstrate leadership &amp; management development experience with corporate or commercial company's and public sector organisation. Also include the organisational structure of the firm. Training team/facilitators. <b>= 30 points</b></p> <p><b>10 years' experience</b> of the firm in leadership &amp; management training, Learning Material design and development, Programme outcomes, assessment criteria and methods. Demonstrate ability to customise content, demonstrate leadership &amp; management development experience with corporate or commercial company's and public sector organisation. Also include the organisational structure of the firm. Training team/facilitators. <b>= 20 points</b></p> <p><b>Non-compliance with minimum points = 0 points</b></p>	<p><b>40</b></p>



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<b>Methodology</b>  The bidder must include a detailed methodology demonstrating the plan to deliver on the task or assignment including timelines, team line to their task/ role, support required from the commission as well as reporting requirements reflecting the objective deliverables measurable, payment Milestone linked to deliverables, etc.	The Methodology must be detailed and demonstrate understanding of the task including a plan to execute the assignment  <b>20 points</b> for a detailed methodology demonstrating the plan to deliver on the task or assignment including timelines, team line to their task/ role, support required from the commission as well as reporting requirements reflecting the objective deliverables measurable, payment Milestone linked to deliverables  <b>Non-compliance with minimum points = 0 points</b>	<b>20</b>
<b>Reference letters of completed projects</b>	Bidder must provide reference letters that indicate completed projects.  The Bidder must submit Contactable Reference letters indicating the successful Project Completion, nature of the programme, target group, value of the contract, Period of the project, overall project outcome as well as Contact Person for Reference with Contact Numbers such as telephone and email address.  - Minimum 4 reference letters = <b>30 points</b> - Above 4 reference letters = <b>40 points</b>  <b>Non-compliance with minimum points = 0 points</b>  <b>CCSA reserves the right to conduct due diligence in terms of the reference letters submitted</b>	<b>40</b>
<b>Total</b>		<b>100</b>

10.3.1 Bidders who obtained less than the minimum threshold of **70 points** will be declared non-responsive and therefore will not be eligible for **evaluation of BBBEE Aligned to Specific Goals & Price Preference**.

### 10.4 Preference Evaluation

#### 10.4.1 BBBEE Aligned to Specific Goals & Price Preference.

As the tender **price is estimated to be between R2001 and R50 million including VAT**, the tender responses will be evaluated on the **80/20-point system**.

## 11. ADJUDICATION USING A POINT SYSTEM

**11.1** The bidder obtaining the highest number of total points will be awarded the contract unless objective criteria justify the award to another bidder.





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- 11.2** Preference points shall be calculated after process has been brought to a comparative basis taking into account all factors of non-firm prices.
- 11.3** In the event that two or more bids have scored equal points in terms of price and preference points for BBBEE & specific goals, the successful bid must be the one scoring the highest number of preference points for BBBEE - in terms of PPPFA Act 5 of 2000.
- 11.4** However, when functionality is part of the evaluation process and two or more bids have scored equal points for BBBEE & specific goals, the successful bid must be the one scoring the highest score for functionality.
- 11.5** Should two or more bids be equal in all respect, the award shall be decided by the drawing of lots.

## **12. POINTS AWARDED FOR PRICE AND BBBEE & SPECIFIC GOALS PREFERENCE POINT**

The **80/20** preference point system

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

**20 points** allocated in terms of the Commission's BBBEE & specific goals (further recognition)

$$P_s = 80 \{1 - (P_t - P_{\min})\}$$

$P_{\min}$

Where:

$P_s$	=	Points scored for comparative price of bid under Consideration
$P_t$	=	Comparative price of bid under consideration
$P_{\min}$	=	Comparative price of lowest acceptable bid



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**13. B-BBEE & SPECIFIC GOALS PREFERENTIAL POINTS WILL BE AWARDED AS FOLLOWS:**

The specific goals 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)
BBBEE LEVEL 1	5	10		
BBBEE LEVEL 2	4	9		
BBBEE LEVEL 3	3	8		
BBBEE LEVEL 4	2	6		
BBBEE LEVEL 5	1	4		
BBBEE LEVEL 6	1	3		
BBBEE LEVEL 7	1	2		
BBBEE LEVEL 8	1	1		
Non-compliant contributor	0	0		
Further recognition for EME/QSE and or Women and or Youth, and or Rural Enterprise to be determined by the specification adjudication authority	5	10		

**13.1** Bidders who qualify as EME's and QSE's in terms of the B-BBEE Act must submit a Sworn affidavit. Misrepresentation of information constitutes a criminal offence.

**13.2** Bidders other than EME's or QSE's must submit their original and valid B-BBEE status level verification certificate, substantiating their B-BBEE rating issued by SANAS.



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**13.3** Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.

### 14. PRICING SCHEDULE

**14.1** Bidder must ensure that the price quotations are inclusive of all applicable taxes **(including VAT)**. Costing must comprise to all the relevant service proposed in the bidder submission.

**14.2** Quotation must include a project plan, breakdown of cost proposal, and support function indicating roles and responsibilities.

**14.3** Quotation on company letterhead aligned the items listed below:

No.	Description of goods/services	Unit Price/ Rate	Sub Total
1	Customise and produce learning material for Management Development Programme		
2	Facilitate Programme for 30 participants over 12 months		
3	Evaluate Management Development programme		
Vat (15%)			
Total			

### 15. CONSORTIUM

**15.1** A consortium is an association of two or more individuals, companies, organisations, or governments (or any combination of these entities) with the objective of participating in a common activity or pooling their resources for achieving a common goal.

**15.2** A consortium requires that each participant retains its separate legal status and the consortium's control over each participant is generally limited to activities involving the joint endeavour, particularly the division of profits. A consortium is formed by contract, which designates the rights and obligations of each member.

**15.3** In a consortium, only the lead bidder's credentials both in terms of financial and technical qualifications are considered. Therefore, the interpretation and application to a RFQ/Bid process is such that the lead partner is identified and the following requirements are required as follows:

**a) Lead Partner**

- All administrative documents (consortium agreement between the lead partner and the partner)



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- Technical requirements (which will show in the proposal and other requirements why the need for the consortium, which for all intent and purpose fulfils the requirements of the bid through combination of skills)

### b) Partner

- Proof of CSD registration.
- Tax Pin.
- BBBEE Sworn-Affidavit.
- SBD 4

**15.4** It should be taken into cognisance that although the lead partner is the qualifying entity, the partner should prove that it can do business with state-owned entities, through CSD registration, proof that the taxes are compliant, its level of BBBEE status in order to align with the BBBEE status level required by the BID, declare interest and answer questions that it is not a disqualified entity with the National Treasury. The foregoing ensures compliance from an SCM process perspective that the consortium is in order.

**15.5** Of importance is that in a consortium, each individual team members retain their identities.

## 16 A JOINT VENTURE

A joint venture is a business entity created by two or more parties, generally characterized by shared ownership, returns and risks and shared governance.

### 16.1 Unincorporated joint venture:

**16.1.1** All SCM documents are filled in by the joint venture in the name of the joint venture, although the submission of administrative documents (partnership agreement between parties) will be completed in the name of the joint venture, and the following will be required from both parties, amongst others.

- a) SBD 4
- b) SBD 6.1
- c) Tax pin
- d) CSD registration.
- e) The JV agreement will direct which bank account of the two entities will be used.
- f) Consolidated Joint BBBEE Certificate.

### 16.2 Incorporated joint venture

**16.2.1** This aligned to a registered entity or company. A registered entity/ company with a consolidated BBBEE certificate and a bank account in the name of the Joint venture. The required compliance documents must be complete by the entity/ company the name of the joint venture, and the following will be required amongst others

- a) SBD 4
- b) SBD 6.1
- c) Tax pin



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south africa

- d) CSD registration.
- e) The JV agreement will direct which bank account of the two entities will be used.
- f) Consolidated Joint BBBEE Certificate.

**16.2.2** A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended Sub-contractor is an EME that has the capacity and the ability to execute the sub-contract.

**16.3** A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capacity and the ability to execute the sub-contract.

## **17 COMMUNICATION**

**17.1** Respondents are warned that a response will be disqualified should any attempt be made by a bidder either directly or indirectly to canvass any officer(s) or employees of CCSA in respect of BID process, between the closing date and the date of the award of the business. All enquiries relating to this BID should be emailed **three days before the closing date**.

## **18 CONDITIONS TO BE OBSERVED WHEN BIDDING**

**18.1** The Commission does not bind itself to accept the lowest or any BID, nor shall it be responsible for or pay any expenses or losses which may be incurred by the bidder in the preparation and delivery of his BID submission. The Commission also reserves the right to withdraw or cancel the BID at any stage.

**18.2** No BID shall be deemed to have been accepted unless and until a formal contract / Contract Form and letter of award or Purchase Order is prepared and executed.

**18.3** The competitive shall remain open valid by the Commission for a period of **120 days** from the closing date of the BID Enquiry.

### **CCSA reserves the right to:**

**18.4** Not evaluate and award a bid that do not comply strictly with this BID document.

**18.5** Make a selection solely on the information received in the Bid Document and Enter into negotiations with any one or more of preferred bidder(s) based on the criteria specified in the terms of reference.

**18.6** Contact any bidder during the evaluation process, in order to clarify any information, without informing any other bidders. During the evaluation process, no change in the content of the BID shall be sought, offered, or permitted.



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south africa

**18.7** Cancel this BID at any time.

**18.8** Should bidder(s) be selected for further negotiations, they will be chosen on the basis of the cost effectiveness and the principal of value for money not necessarily on the basis of the lowest costs.

## **19 COST OF BIDDING**

**19.1** The bidder shall bear all costs and expenses associated with preparation and submission of its BID submission and the CCSA shall under no circumstances be responsible or liable for any such costs, regardless of, without limitation, the conduct or outcome of the bidding, evaluation, and selection process.

## **20 NOTE TO BIDDERS:**

**20.1** Due diligence to be conducted by CCSA prior to the award of the contract.

### **END OF TERMS OF REFERENCE DOCUMENT**

#### **Annexure to this document for completion and returnable with this document:**

- ANNEXURE SBD 1 and conditions to tender.
- ANNEXURE SBD 3.3 (*pricing schedule*) and Annexure A
- ANNEXURE SBD 4
- ANNEXURE SBD 6.1
- ANNEXURE General Conditions of Contract (GCC) to be initialled on each page