



TERMS OF REFERENCE

INVITATION TO SUBMIT PROPOSALS SERVICE PROVIDER TO PROVIDE TECHNICAL SUPPORT TO THE LABOUR AND DEVELOPMENT UNIT AT NEDLAC

1. INTRODUCTION

The National Economic Development and Labour Council (Nedlac) was established by statute in 1995. The legislated objects, powers, and functions of Nedlac are to:

- Strive to reach consensus and conclude agreements on matters of social and economic policy;
- Consider all proposed labour legislation relating to labour market policy before it is introduced in Parliament;
- Consider all significant changes to the social and economic policy before they are implemented or introduced in Parliament.
- 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. PURPOSE

Nedlac is seeking the services of service provider to deliver technical support services to the Labour and Development Unit of the Programmes Department. The purpose of this terms of reference is to outline the scope of work, requirements and other relevant details for a potential service provider.

3. SCOPE OF WORK

3.1 Key tasks include, but are not limited to:

- a) Provide technical support with specialised advisory, research, facilitation, policy, legislative, and stakeholder engagement support to enable Nedlac social partners to participate effectively in social dialogue processes 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. Further, to ensure effective dialogue, promote and continuously enhance the capability of social partners to engage and negotiate. These could be successfully achieved through the provision of the necessary resources, technical assistance, and training to ensure a "level playing field" for all participants in Nedlac processes.

- b) Support for facilitation of engagements on policy and legislation with the view of 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 the relevant Minister, who would have tabled policy or legislation for deliberation by Nedlac social partners.
- c) Provision of facilitation of the labour market, social development, public employment, community development, public sector infrastructure programmes, and emerging socio-economic issues, to support social partners to reach agreements, social compacts, and coordinated policy positions. This includes matters relating to employment creation, poverty alleviation, social protection, skills development, public infrastructure delivery, social facilitation, local economic development, and inclusive growth.
- d) Coordinating Knowledge Management and Collaborative Action, identified by the Nedlac social partners, which seeks to encourage the formulation of coordinated policy on social and economic matters. Beyond dialogue, a key goal is to facilitate collaborative action and partnerships on critical issues such as water, infrastructure, food security and cost of living mitigation, changing world of work, labour law reform and decent work, employment creation and retention mechanisms, skills alignment for just transition and comprehensive social security. The list is not conclusive with a view to building on the collective strengths of all social partners. Furthermore, the service provider is to assist with facilitating partnerships between government, business, labour, community organisations, and other stakeholders to promote sustainable development and social cohesion.

3.2 The Nedlac Strategic Plan 2025-29, Annual Performance Plan 2025/26, Annual Report 2025/26 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.

- 3.3 A suitably qualified service provider in terms of these TORs is required to provide technical support to the work of the Labour and Development Unit as set out in the scope below.

4. KEY DELIVERABLES

4.1 The service provider will be responsible for the following tasks:

- a) Support social dialogue sessions, research projects, policy and legislative, rapporteur services, stakeholder engagements, public sector development initiatives, social facilitation processes, and the implementation of agreements in respect of labour, social development, public employment, infrastructure development, and emerging socio-economic matters.
- b) Regularly scan the labour law, social and development, and emerging issues environment and do briefing notes as and when requested.
- c) The service provider is required to possess expertise in labour law, labour market policy, social development policy, public sector project management, social facilitation, stakeholder engagement, social protection, public employment programmes, and development policy. The contractor must be capable of supporting policy and legislative engagements, social dialogue processes, and development initiatives within the Labour and Development Unit.
- d) Facilitate and chair meetings with social partners and dialogue sessions where requested.
- e) Develop reports arising from Nedlac engagements and processes where requested.

- 4.2 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.

- 4.3 The service provider will be required to report as and when requested on the tasks implemented.



5. REQUIREMENTS

The successful service provider must possess one of the following qualifications and experience:

- An LLB degree or related qualification in Law/ Public Policy/ Development Studies/ Public Administration/ Social Development/ Project Management, or a related field, coupled with a minimum of ten (10) years' experience in labour law, labour market policy, social development policy, public sector governance, and socio-economic development matters. Experience supporting multi-stakeholder policy processes and social dialogue forums will be advantageous. A recognised and/or demonstrable experience in public sector project management, programme management, infrastructure-related development initiatives, social facilitation, community engagement, or social development programmes would be advantageous.
- Demonstrable experience in reporting and report writing, through publications, etc., e.g., peer-reviewed articles and any form of publication

6. DURATION OF THE CONTRACT

The contract will be concluded for a period of three (3) years.

7. EVALUATION PROCESS

NEDLAC has set minimum standards (phases) that a bidder needs to meet in order to be evaluated and selected as a successful bidder.

The minimum standards consist of the following:

- **Pre-Qualification Criteria - (Phase 1)**

Bidder(s) are required to submit all documents stipulated on the RFP document.

- Fully completed and signed SBD 1 (Invitation to Bid)
- Fully completed and signed SBD 4 (Declaration of Interest)
- Fully completed and signed SBD 6.1 (Preference Points Claim Form)
- Valid certified BBBEE certificate / Sworn Affidavit



- Proof of registration on the Central Supplier Database (CSD)

Failure to comply with the above requirements may result into disqualification.

- **Technical Evaluation Criteria (Phase 2)**

Proposals will be evaluated on functionality to assess bidder competence.

Bidder(s) are required to achieve a minimum of 70 points out of 100 points to proceed to phase 3 (Price and Specific Goals).

The matrix below will be used in scoring the proposals	Scoring	Weight
Total Functionality	Total Score	100%
A. Approach and methodology (Proposal)		
The proposal shows excellent understanding of what is required in terms of the reference and the scope of work and shows innovation in the approach.	5 = Excellent	40%
The proposal shows a good understanding of what is required in terms of reference and the scope of work and shows practicality in the approach.	4 = Good	
The proposal shows a satisfactory understanding of what is required in terms of reference and the scope of work.	3 = Satisfactory	
The proposal shows a 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	
The proposal shows a 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		
The team lead should possess qualifications and demonstrable years of experience as stipulated above. Availability of appropriate skills and resources to provide technical support.		



Qualifications and CV of the team lead assigned personnel demonstrate skills and capabilities by showing current and previous work done, as well as the number of years in the fields set out above.

Doctoral Degree (PhD/LLD) in Law, PhD in the fields of Public Administration, Public Policy, and Social Development Studies and CV.	5 = Excellent	20%
LLM or Labour Law-related, Master's Degree in the fields of Public Administration, Public Policy, Social Development Studies, Governance or related field.	4 = Good	
LLB Degree/ or Honours Degree in the fields of Public Administration, Public Policy, Social Development Studies	3= Satisfactory	
Diploma in the fields of Public Policy/, Development Studies/, Public Administration, Social Development	2 = Poor	
Diploma and a degree in the following fields: Public Policy/ Development Studies/ Public Administration, Social Development	1 – Not acceptable	

C. Concluded similar projects

Indication of similar projects relevant to the above-mentioned required services. Bidder must submit signed reference letters bearing the letterhead of the organisation that was the recipient of its services and contact details of that organisation's representative.

Similar projects complete	5= five relevant letters 4= four relevant letters 3= three relevant letters 2- two letters 1- one letter	40%
----------------------------------	--	-----



- **Price and Specific Goals**

In accordance with the provisions of the Preferential Procurement Policy Framework Act (PPPFA) and its Regulations, all responsive bids will be evaluated using the 80/20 preference point system, where constitutes 80 points and Specific Goals constitute 20 points.

The points obtained from Pricing and Specific Goals will be consolidated and rounded off to two decimals will be used to rank the bidders.

- a) **Price Evaluation**

Price proposals must be submitted in South African Rand.

All prices must be inclusive of VAT.

NEDLAC has issued a pricing model that bidders must use to complete their financial proposal. The rates provided must be all inclusive, accurate and complete.

Points scored will be rounded off to the nearest 2 decimals.

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

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

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

- b) **Specific Goals Evaluation**

The B-BBEE certificate or sworn affidavit should be submitted in the name of the bidding entity. If the proposal is submitted by an incorporated joint venture, the incorporated joint venture must submit their B-BBEE status level verification certificate or sworn affidavit. If the proposal is submitted by an unincorporated joint venture arrangement, the unincorporated joint venture must submit a consolidated B-BBEE certificate or sworn affidavit as if they were a group structure, and that such consolidated B-BBEE certificate or sworn affidavit is prepared for every separate proposal.

Bidders who do not claim preference points on the SBD 6.1 will be scored zero for



Specific Goals.

Failure of a bidder to submit a B-BBEE certificate from a verification agency accredited by the South African Accreditation System (SANAS), a Companies and Intellectual Property Commission (CIPC) B-BBEE Certificate for Exempted Micro Enterprise (EME), or a sworn affidavit confirming annual turnover and level of black ownership in the case of an Exempted Micro Enterprise (EME) and Qualifying Small Enterprise (QSE) together with the proposal, will be interpreted to mean that preference points for B-BBEE are not claimed.

Points scored will be rounded off to the nearest 2 decimals.

The Specific Goals points will be allocated as outlined below:

B B-B EE Levels	Number of points allocated (80/20 system)
BBEE Level 1	20
BBEE Level 2	16
BBEE Level 3	10
BBEE Level 4	8
BBEE Level 5	6
BBEE Level 6 - 8	0

8. CONDITIONS OF THE RFP

NEDLAC is not obliged to appoint any bidder

NEDLAC reserves the right to withdraw or amend this RFP

No bid will be awarded to a bidder who is listed on the National Treasury National Treasury's Register for Tender Defaulters or the National Treasury's Database of Restricted Suppliers.

Bidders must declare any conflict of interest.

NEDLAC will disqualify a bidder who engages in the following:

- Bidder who submitted information that is fraudulent, factually untrue or inaccurate, for example memberships that do not exist, BEE credentials,



experience, etc.

- Bidder who received information not available to other vendors through fraudulent means; and/or
- Bidder who does not comply with any other requirements as stipulated in this bid document.
- A bidder who engages in any collusive tendering, anti-competitive conduct, or any other similar conduct, including but not limited to any collusion with any other bidder
- A bidder who makes or offers any gift, gratuity, anything of value or other inducement, whether lawful or unlawful, to any of NEDLAC's officers, directors, employees, advisors or other representatives and any government entity's officers

9. TAX COMPLIANCE

The Bidder(s) must be compliant when submitting a bid to NEDLAC and remain compliant for the entire contract term with all applicable tax legislation, including but not limited to the income Tax Act, 1962 (Act No. 58 of 1962) and Value Added Tax Act, 1991 (Act No. 89 of 1991), where applicable.

Bids received from bidders with a non-compliant tax status may be disqualified with failure to update the Tax Status within 7 days.

No bid will be awarded to a bidder who is not tax compliant.

10. SUBMISSION REQUIREMENTS

The bid proposals must be submitted in two separate sealed envelopes in the below format:

File 1	• Standard Bidding Documents (SBDs) • CSD Report • Functionality/Technical Evaluation Responses • Any other related document
File 2	• B-BBEE Certificate/Sworn Affidavit • Pricing Proposal

11. ENQUIRIES

All enquiries must be in writing and directed to:

SCM ENQUIRY

Contact Person : Sibongile Pheeha



Tel no : 060 771 0835
Email : Sibongile@nedlac.org.za

TECHNICAL ENQUIRY

Contact Person : Priscilla Mashabane
Tel no : 060 771 1033
Email : Priscilla@nedlac.org.za

Bidders are strictly prohibited from communicating with any NEDLAC personnel or third parties involved in the preparation, evaluation or adjudication of this RFP, except through the official contact person specified in this document.

Any direct or indirect communication with other NEDLAC employees or representatives concerning this RFP outside the designated communication channels may result into disqualification of the bidder at the sole discretion of NEDLAC.

12. BID PREPARATION COST

All costs and expenses incurred by the bidder in preparing and submitting a proposal shall be borne entirely by the bidder.

NEDLAC will not be liable for any costs, losses or expenses incurred by any bidder whether the proposal is successful or not.

Bidders are therefore advised to prepare their proposals on the understanding that no reimbursement or compensation will be made by NEDLAC for any bid-related cost.

13. CHECKLIST OF RETURNABLE DOCUMENTS

No.	Document	Submitted (Yes/No)
1	SBD 1 - Invitation to bid form has been completed and signed.	
2	SBD 4 - Bidder's Declaration of Interest has been completed and signed.	
3	SBD 6.1 - Preference points claim form has been completed and signed	
4	CSD Report	
5	Functionality/Technical Evaluation Responses	
7	B-BBEE Certificate/ Sworn Affidavit	
8	Pricing Proposal	